

**YARRA CITY COUNCIL**

**Internal Development Approvals Committee**

**Agenda**

**to be held on Wednesday 16 October 2019 at 6.30pm  
in Meeting Rooms 1 & 2 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Amanda Stone  
Councillor Jackie Fristacky  
Councillor Danae Bosler (substitute for Cr Mi-Lin Chen Yi Mei)

- I. ATTENDANCE**  
Sarah Griffiths (Senior Co-ordinator Statutory Planning)  
Chris Stathis (Senior Statutory 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 Woi-wurrung 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."***



### **Internal Development Approvals Committee Submissions**

“Prior to the consideration of any Committee Business Report at a meeting of the Internal Development Approvals Committee, members of the public shall be invited by the Chairperson to make a verbal submission. In determining the order of submissions, the Chairperson shall first invite the applicant or their representatives to submit, followed by formal objectors and finally any other interested persons.

All submitters accepting the invitation to address the meeting shall make submissions in accordance with these guidelines (or a variation of these guidelines as determined by the Chairperson at their sole discretion).

- Speak for a maximum of five minutes;
- Direct their submission to the Chairperson;
- Confine their submission to the planning permit under consideration;
- If possible, explain their preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions.
- Avoid repetition and restating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how the submitter is able to speak on their behalf.

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

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

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

*Extract from the Council Meeting Operations Policy, September 2019*



## 1. Committee business reports

Item		Page	Rec. Page
1.1	PLN16/1082.03 - 366 Johnston St, Abbotsford - Section 72 Amendment to Planning Permit PLN16/1082 for buildings and works, the sale and consumption of liquor (on premises licence) and a reduction in the car parking requirements associated with the use of the land as a Bar (no permit required for Bar use).	5	32
1.2	PLN19/0025 - 9 Kingston Street Richmond - Construction of a six-storey office building and a reduction in the car parking requirements.	158	195
1.3	PLN19/0145 - 106 Queens Parade, Fitzroy North - Partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations.	407	429



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- 1.1 PLN16/1082.03 - 366 Johnston St, Abbotsford - Section 72 Amendment to Planning Permit PLN16/1082 for buildings and works, the sale and consumption of liquor (on premises licence) and a reduction in the car parking requirements associated with the use of the land as a Bar (no permit required for Bar use).**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application to amend Planning Permit PLN16/1082 and recommends approval subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
- (a) clause 13.05-S – Noise Abatement;
  - (b) clause 22.05 – Interface Uses;
  - (c) clause 22.09 – Licensed Premises; and
  - (d) clause 52.06 – Car Parking.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Noise impacts; and
  - (b) Sale and consumption of liquor.

### **Submissions Received**

4. Fourteen objections were received to the application, these can be summarised as:
- (a) Noise impacts (poor noise attenuation associated with current buildings on the land, noise generation from the proposed licence, the venue's history with unauthorised live music events, noise impacts associated with the waste area and noise impacts associated with patrons using the toilet area);
  - (b) Excessive licensed hours;
  - (c) Previous non-compliances at the site;
  - (d) Anti-social behaviour;
  - (e) No need for another licensed premises in the area;
  - (f) Cumulative Impact report does not reflect the Planning Permit for the sale and consumption of liquor at No. 370 Johnston Street;
  - (g) Appropriateness of use classification as a Bar;
  - (h) Bar will conflict with use of adjacent commercial premises;
  - (i) The proposed amendment is a transformation of the permit;
  - (j) Concerns regarding the proposed car parking reduction; and
  - (k) Impacts to property value.
5. Eight letters of support were received to the application, the grounds of which can be summarised as follows:
- (a) The vibrancy that the proposal will bring to the immediate vicinity;
  - (b) The net community benefit associated the proposal, and;
  - (c) The venue's history of supporting not-for-profit organisations.

### **Conclusion**

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



- (a) Increase the scale of proposed noise attenuation upgrades across the site as recommended by the independent acoustic peer review;
- (b) A condition requiring music to be played at a background level only after 10pm on any night;
- (c) Limit hours of operation to 1am (the following day) on Friday and Saturday only; and
- (d) The submitted Noise and Amenity Action Plan updated to provide further clarification and detail on management practices and strategies for the proposal.

**CONTACT OFFICER:** Chris Stathis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5352



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**1.1 PLN16/1082.03 - 366 Johnston St, Abbotsford - Section 72 Amendment to Planning Permit PLN16/1082 for buildings and works, the sale and consumption of liquor (on premises licence) and a reduction in the car parking requirements associated with the use of the land as a Bar (no permit required for Bar use).**

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Reference: D19/168162

Authoriser: Senior Coordinator Statutory Planning

**Proposal:** Section 72 Amendment to Planning Permit PLN16/1082 for buildings and works, the sale and consumption of liquor (on premises licence) and a reduction in the car parking requirements associated with the use of the land a Bar (no permit required for Bar use).

**Existing use:** Plant Nursery

**Applicant:** Ewan Harding

**Zoning / Overlays:** Commercial 1 Zone (C1Z)  
Design and Development Overlay (Schedule 15) (DDO15)

**Date of Application:** 16 April 2019

**Application Number:** PLN16/1082.03

### Planning History

1. Planning Permit PLN16/1082 was issued by Council on 20 December 2016 for *buildings and work and waiver of loading bay requirements associated with the as-of-right use of the land a plant nursery*. The delegate report associated with this permit also stated that the proposal included a café component, which was found to be ancillary to the plant nursery use, as well as also being as-of-right under the land zoning.
2. Planning Permit PLN16/1082 was further amended by Council on 21 April 2017 to include toilets, storage buildings and gates to the rear of the site, introduction of a pergola structure towards the front of the site and reconfiguration to the layout of garden beds and display tables.
3. A second application to amend Planning Permit PLN16/1082 was lodged in August 2017 to allow for the sale and consumption of liquor. The application was lapsed in February 2019 due to the required information not being provided to Council within the prescribed timeframes.

### Background

#### Acoustic reports and peer reviews

4. The applicant submitted an acoustic report (dated 04 March 2019) with the application. This document was peer-reviewed by an external acoustic consult. The Council peer review (dated 07 August 2019) found a number of issues that needed to be addressed by way of a revised acoustic report.
5. A revised acoustic report (dated 28 August 2019) was provided to Council. This provides a greater level of detail on acoustic assessment and more conservative recommendations for appropriate noise attenuation and management. The subsequent peer review is dated 19 September 2019 and provides a number of recommendations that are discussed throughout this report. Similarly, the recommendations and commitments made within the updated acoustic report (dated 28 August 2019) are discussed throughout this report.



### Use Term Change

6. Planning Scheme Amendment VC159 was gazetted on 08 August 2019, which, amongst other things changed the land use term *Tavern* to *Bar*. The change is simply a name change and does not make any changes to the definition of the use. The amendment took place during the application process, which is why the advertised documentation refers to the use associated with the application as a *Tavern*. The report will refer to the use as a *Bar* as now defined under the Yarra Planning Scheme.

### **The Proposal**

7. The application proposes to amend Planning Permit PLN16/1082 in the following ways:

#### Liquor

- (a) Provide for the sale and consumption of liquor (under an On-premises licence) with operational details as follows:
- (i) A maximum of 115 patrons on the land at any one time, distributed as follows:
    - A maximum of 50 patrons in the internal bar area;
    - A maximum of 50 patrons in the rear external area;
    - A maximum of 15 patrons in the front external area.
  - (ii) Licensed hours (internally) as follows:
    - Monday to Wednesday 12noon to 11pm
    - Thursday to Saturday 12noon to 1am (the following day)
    - Sunday 12noon to 10pm
  - (iii) Licensed hours in the external areas of the site until 10pm on any day.
  - (iv) Provision of live music (the application material does not provide any further information on the proposed live music, other than recommendations made in the applicant's acoustic report, which will be discussed in later in this report).
  - (v) The extent of the proposed license's red line area includes the entire site except the rear car parking area, storage area and toilet facilities.

#### Buildings and works

- (b) The application seeks retrospective approval for an extension to the existing pergola structure on the land. The extension to the pergola stretches across the width of the subject site and has a height less than the existing pergola. These works have been carried out. Whilst the plans lack dimensions, the highest built form proposed would be the acoustic walls which are proposed to be 3.6m high.
- (c) The application also proposes additional buildings and works in the form of acoustic barriers located along the eastern section of the of the rear external area and along the northern extent of the red line area, to the west of the existing toilets. The northern acoustic barrier is also proposed to function as a gate. These additional items have not been shown on the submitted elevations, however this omission will be discussed within the report. These additional items are as follows:
- (i) Northern façade of the building upgraded to enhance its noise attenuation, with the required specifications to achieve a minimum acoustic performance as detailed in the acoustic report through the installation of weatherboards to the northern façade to be caulked with a durable flexible sealant or with non-setting mastic;
  - (ii) Acoustic gate along the northern boundary of the proposed red line area to have a minimum surface density of 12kg / sqm; and
  - (iii) External doors fitted with self-closing mechanisms.



- (d) The application also proposes the following internal works, which do not require a planning permit but are required for the purposes of noise attenuation:
  - (i) Installation of a ceiling to the entire roof system of the building on site, achieving a minimum surface density of 12kg/sqm.

Use

- (e) The application proposes to use the land as a Bar, however the use does not require a planning permit under the Commercial 1 Zone. The business name for the bar would be called Native Home, House of Plants with the Bar providing a theme based on native plants. The applicant's acoustic report indicates that a portion of the rear external area (to the west of the footpath) would be used for the purposes of a *Plant Nursery* (currently shown as tables and chairs).

**Legislative Provisions**

- 8. 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.*
- 9. The original Planning Permit was issued on 20 December 2016 and was not issued at the direction of the Tribunal or under Division 6 of the Act. The approved works commenced within two years of the date of the permit, as evidenced by Council GIS aerial image dated August 2017. The permit is still valid.
- 10. Section 73 of the Act states that Section 47 to 62 of the Act apply to the amendment application. This allows the Responsible Authority to apply the abovementioned section of the Act to the amendment application as if it were an application for a permit. Accordingly, the relevant sections will be addressed in this report.

**Existing Conditions**

Subject Site

- 11. The subject site is located on the northern side of the 'T' intersection between Johnston and Nicholson Streets in Abbotsford. The lot itself is rectangular with a frontage to Johnston Street of 6.2m and a depth of 40.23m, comprising an area of approximately 249sqm. The lot is largely vacant, excluding the structures on the land now, which include a pitched-roof structure with a rear, flat-roofed extension as well as an open pergola to the front of the site above an in-built seating area. A garden bed and accessibility ramp are also located towards the front of the lot.





**Figure 1:** The subject site as viewed from Johnston Street, showing the front external area (Planning Officer photo, September 2019)

12. The subject site is currently used as a Plant Nursery (with a subservient part of the land being used as a café), both of which are as-of-right uses under the Commercial 1 Zone. As previously outlined, the original planning permit allowed for buildings and works and a waiver of the car parking and loading bay requirements associated with the Plant Nursery use.



**Figure 2:** The subject site viewed from Johnston Street, with the commercial properties on either side, and apartments shown to the right. (Planning Officer photo, September 2019)





**Figure 3:** The subject site (centre) as viewed from Little Turner Street (Planning Officer photo, September 2019)

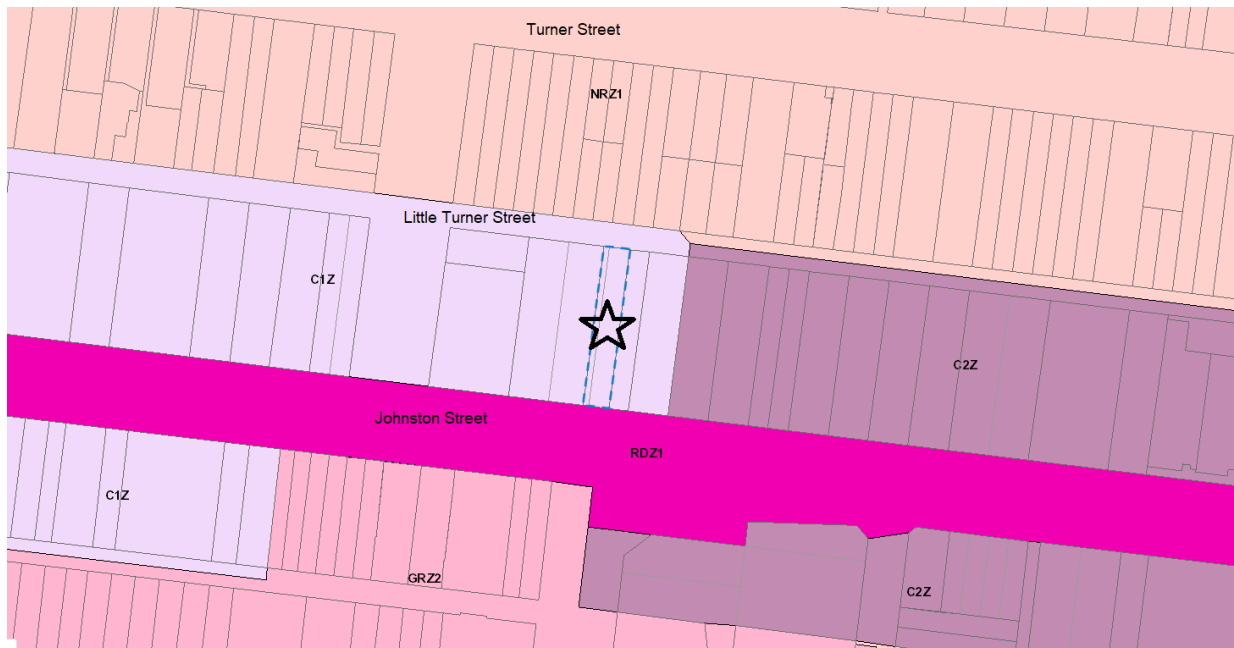
Surrounding Land

13. The surrounding land is mixed both in terms of land use and built form. To the north, the land is largely zoned Neighbourhood Residential Zone (NRZ). To the west and east, the land is zoned C1Z and to the south, the land is a mix of the General Residential Zone (GRZ) towards the southwest and the Commercial 2 Zone (C2Z) towards the southeast.
14. The Abbotsford section of Johnston Street forms a largely commercial strip which is listed as a Neighbourhood Activity Centre (NAC) and includes:
  - (a) older, fine-grain shop buildings of the Victorian, Edwardian and Interwar eras, typically single or double-storey. Closer to Victoria Park Railway Station, these buildings house small scale hospitality and retail businesses;
  - (b) larger-scale commercial buildings of the post-war era which typically house showrooms, offices or warehouses;
  - (c) contemporary, multi-storey apartment developments, a number of which are currently under construction, and;
  - (d) a small number of older dwellings from the Victorian and Edwardian eras. These dwellings are anomalous across the activity centre, however there is a row of them to the southwest of the subject site, which is zoned General Residential.
15. Whilst the subject site is located within the C1Z of the NAC, further east, this transitions to the C2Z, where office and warehouse buildings dominate.





**Figure 4:** Aerial image of the subject site and surrounding area (Council GIS, December 2018)



**Figure 5:** The land zoning context of the surrounding land.

16. To the north of the subject site is Little Turner Street which forms the border between the C1Z and the NRZ further north which is a residential area composed largely of single and double-storey Victorian and Edwardian-era dwellings. A number of contemporary in-fill developments also front Little Turner Street; these dwellings are the closest residentially-zoned interface with the subject site.

*West*

17. To the west of the subject site is No. 358 Johnston Street, a single-storey commercial building that is currently being used as an office and warehouse for a leather retailer. The building takes up the entire lot and presents high boundary walls along the boundary with the subject site.
18. Further west, on the corner of Johnston and Rich Streets, is a similar warehouse building at No. 350 Johnston Street which is used as an art supplies shop. The lot of this site does not



extend all the way to Little Turner Street. A single-storey, Edwardian-era dwelling (No. 2 Rich Street) is located at the corner of Rich and Little Turner Streets. This dwelling fronts Rich Street and is separated from the subject site by the warehouse building at No. 358 Johnston Street.

*North*

19. To the north of the site is Little Turner Street, which has a width of approximately 5.5m. The northern side of the street has a 'back-of-house' context with rear fencing and roller doors associated with dwellings fronting Turner Street taking up the majority of the street frontage.
20. On the northern side of Little Turner Street, opposite the subject site is No. 61 Turner Street, a single-storey Victorian-era dwelling fronting Turner Street to the north. The dwelling features a garage which fronts Little Turner Street, the dwelling's secluded area of private open space (SPOS) is located to the north of the garage. To the east of this dwelling is No. 63 Turner Street which is also a single-storey, Victorian-era dwelling fronting Turner Street to the north. A roller door and rear fencing presents to Little Turner Street. The dwelling's area of SPOS is located at the rear of the site (i.e. towards Little Turner Street).
21. To the northeast of the subject site are three contemporary, double-storey dwellings (Nos. 68 – 72 Little Turner Street) which front Little Turner Street. These dwellings each have pedestrian and vehicle entry via Little Turner Street and each have windows and a balcony fronting Little Turner Street. The primary area of SPOS for each of these dwellings is at ground floor to the north (i.e. away from the subject site).
22. To the northwest of the subject site are two contemporary, double-storey dwellings (Nos 60 and 62 Little Turner Street) which front Little Turner Street. Both dwellings have pedestrian and vehicle entry via Little Turner Street and both have windows facing Little Turner Street at first floor.



**Figure 6:** Little Turner Street, looking northeast with the dwellings at Nos. 60 and 62 Little Turner Street shown in the foreground (Planning Officer photo, September 2019)





**Figure 7:** Little Turner Street, looking northwest to the dwellings at Nos. 68 - 72 Little Turner Street (Planning Officer photo, September 2019)



**Figure 8:** Little Turner Street, looking northwest with the rear interfaces of the dwellings at Nos. 61 and 63 Turner Street shown in the centre ground (Planning Officer, September 2019)

#### *South*

23. To the south of the subject site is Johnston Street, which is an arterial road with a width of approximately 15m. Further south, and directly opposite the subject site is Nicholson Street, a north-south road that continues south to Victoria Street in Richmond. To the southwest corner of Johnston and Nicholson Streets is No. 323 - 325 Johnston Street, a double-storey, Victorian-era shop building with a café taking up the eastern half of the ground floor of the building. The western half of the ground floor is currently vacant. The first floor of the building is used as a shop-top dwelling. This site is located in the General Residential Zone.
24. To the southeast corner of Johnston and Nicholson Streets is No. 329 Johnston Street which includes a largely a vacant site excluding a single-storey building to the southeast of the site (associated with a former car dealership). The site has planning approval for an eight-storey, mixed-use building (comprising apartment dwellings, office, child care centre, shops and cafes) under Planning Permit PLN16/1188 which was issued at the direction of VCAT on 01 February 2018. Construction has not yet commenced, further the plans for endorsement have not yet been submitted to Council.

### **Planning Scheme Provisions**

#### Zoning

##### *Commercial 1 Zone*



25. Pursuant to Clause 34.01-1 of the Yarra Planning Scheme, a planning permit is not required to use the land for a Bar.
26. Pursuant to Clause 34.01-4 of the Yarra Planning Scheme, a planning permit is required to construct and carry out works.

#### Overlays

##### *Design and Development Overlay (Schedule 15)*

27. Pursuant to Clause 43.02-2, a planning permit is required to construct a building or carry out works.

#### Particular Provisions

##### *Clause 52.06 – Car parking*

28. Clause 52.06 prescribes that that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table below outlines the car parking requirements for the proposed office use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Bar	98sq.m. leasable floor area*	3.5 car parking spaces per 100sq.m. of leasable floor area	3 (rounded down)	2	1

\*leasable floor is based on the red line plans provided and includes the internal floor area as well as the toilet facilities towards the rear of the lot.

29. As shown in the table above, the proposed as-of-right use requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of one space is sought.

##### *Clause 52.27 – Licensed Premises*

30. Pursuant to Clause 52.27 of the Scheme, a planning permit is required to use land to sell or consume liquor if a *licence is required under the Liquor Control Reform Act 1998*.

##### *Clause 52.34 – Bicycle Facilities*

31. The purpose of this provision is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces. A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. The table below (continued overleaf) outlines the bicycle parking requirements for the proposed use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought?
Retail premises	98sq.m. leasable floor area	<i>Employee spaces</i> 1 space to each 300m <sup>2</sup> leasable floor area	0	0	No
		<i>Visitor spaces</i> 1 space to each 500m <sup>2</sup> leasable floor area	0	0	No
		<i>Showers / Change Rooms</i> 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	0	0	No

32. As demonstrated in the table above, a planning permit is not required for a reduction in the bicycle space requirements.

#### General Provisions



33. 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 Framework, Local Planning Policy Framework and any local policy, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is provided later in this report.

Planning Policy Framework (PPF)

34. The following provision of the Scheme are relevant:

*Clause 13.05-1S – Noise abatement*

35. The relevant objective of this clause is:
- (a) *To assist the control of noise effects on sensitive land uses.*
36. The relevant strategy is to:
- (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 17.02-1S – Business*

37. The relevant objective of this clause is:
- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
38. The relevant strategy of this clause is:
- (a) *Locate commercial facilities in existing or planned activity centres.*

Local Planning Policy Framework (LPPF)

39. The following provisions of the Scheme are relevant:

*Relevant Local Policies*

*Clause 22.05 – Interface Uses Policy*

40. This policy applies to applications for use and development within a Residential Zone and within 30 metres of an existing business. The policy comprises various considerations and decision guidelines for non-residential use and development located near residential properties relating to overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the amenity of nearby residential properties. With regard to the subject application, the proposed *Bar* use is as-of-right under the land zoning and therefore only the development component of the policy is relevant.

*Clause 22.07 – Development abutting laneways*

41. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

*Clause 22.09 – Licensed Premises*



42. The following objectives of this clause are relevant:
- (a) *To protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises;*
  - (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues, and;*
  - (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
43. The following relevant policies are outlined and categorised below:

*Location and Access*

- (a) *Licensed premises should be located where:*
  - (i) *The land is not zoned Residential (excluding the Mixed Use Zone);*
  - (ii) *Potential amenity impacts from (but not limited to) patron noise, ingress and egress of patrons, queuing of patrons, smoking areas for patrons, and dispersal of patrons from the site can be appropriately managed or buffered;*
  - (iii) *There is opportunity for a high level of public safety and surveillance of patrons as they enter and leave the premises, and;*
  - (iv) *The premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.*

*Venue Design*

- (b) *The entry and exit points of a licensed premise and the areas for queuing of patrons are located away from sensitive land uses.*
- (c) *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*

*Hours of Operation*

- (d) *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.*
- (e) *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
- (f) *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.*
- (g) *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.*
- (h) *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;*
- (i) *An assessment of the impact of the hours of operation on the amenity of nearby properties and the surrounding area must consider:*
  - (i) *The proposed use and licence type.*
  - (ii) *The zoning of surrounding land.*
  - (iii) *The location of the premises, location of car parking and availability of public transport, taxi ranks and ride sharing.*
  - (iv) *The nature of surrounding uses and hours of operation.*
  - (v) *Potential noise emissions from the premises.*
  - (vi) *The impact of patrons arriving and leaving the premises, including:*



- *for venues operating after 10pm, whether access from the licensed premises to public transport is likely to be through a residential area; and*
- *any cumulative impact on the amenity of the area.*

#### *Patron Numbers*

- (j) *The number of patrons should not exceed the safe and amenable operating capacity of the premises. An assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016).*
- (k) *The number of patrons reflects the strategic and physical context of the site and will not adversely affect the amenity of nearby properties and the surrounding area, including by any unreasonable cumulative impact.*

#### *Noise*

- (l) *Noise from the operation of the licensed premises should not have an unreasonable impact on the amenity of the area.*
- (m) *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.*
- (n) *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.*
- (o) *Where required, a licensed premise must be designed and managed in accordance with an acoustic report approved by the responsible authority.*

#### *Noise and Amenity Action Plan*

- (p) *Where required, licensed premises are managed in accordance with a Noise and Amenity Action Plan (NAAP).*

### **Advertising**

44. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 80 letters sent to surrounding owners and occupiers and by two signs displayed on site (one at the Johnston Street boundary and one at the Little Turner Street boundary). Council received 14 objections and 8 letters of support. The grounds of the objections can be summarised as follows:

- (a) Noise impacts (poor noise attenuation associated with the current buildings on the land, noise generation from the proposed licence, the venue's history with unauthorised live music events, noise impacts associated with the waste area and noise impacts associated with patrons using the toilet area);
- (b) Excessive proposed licensed hours;
- (c) Previous non-compliances at the site;
- (d) Anti-social behaviour;
- (e) No need for another licensed premises in the area;
- (f) Cumulative Impact report does not reflect the Planning Permit for the sale and consumption of liquor at No. 370 Johnston Street;
- (g) Appropriateness of use classification as a Bar;
- (h) Bar will conflict with use of adjacent commercial premises;
- (i) The proposed amendment is a transformation of the permit;
- (j) Concerns regarding the proposed car parking reduction; and
- (k) Impacts to property value.

45. The grounds of the letters of support can be summarised as follows:



- (a) The vibrancy that the proposal will bring to the immediate vicinity;
  - (b) The net community benefit associated the proposal, and;
  - (c) The venue's history of supporting not-for-profit organisations.
46. A planning consultation meeting was held on 23 July 2019 and attended by seven objectors, four supporters, the applicant and Council Planning Officers to discuss all issues and concerns raised in the letters of objection. There was no specific resolution made at the meeting, however following the meeting, the applicant provided a revised acoustic report (with more conservative noise attenuation commitments) in accordance with the recommendations made by the first external acoustic peer review.

## Referrals

### External Referrals

47. The application was referred externally to SLR Consulting for peer review of the applicant's submitted acoustic report. Referral comments (dated 07 August 2019 and 19 September 2019) have been included as attachments to this report.

### Internal Referrals

48. The application was referred to the following units within Council:
- (a) Council's Social Planning Unit;
  - (b) Council's Compliance Unit; and
  - (c) Council's Engineering Services Unit.
49. Referral comments have been included as attachments to this report.

## OFFICER ASSESSMENT

50. The primary considerations for this application are as follows:
- (a) Policy and strategic support;
  - (b) Buildings and works;
  - (c) Sale and consumption of liquor;
  - (d) Car parking;
  - (e) Objector concerns, and;
  - (f) Other Matters.

### Policy and Strategic Support

51. The planning policy framework encourages the sustainability of commercial uses. These policies encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.
52. 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).
53. The subject site is located within the C1Z, under which a permit is not required to use land for a Bar, indicating strong strategic support. A key purpose of the zone is to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The proposal will introduce a new licensed premises to the area, thus providing a new hospitality-based retail offering to the area in accordance with the purpose of the zone. The subject site is also located within a NAC, and is thus a strategic location for a commercial premises as encouraged by planning policy at Clauses 17.02-1S and 21.04-2.



54. Whilst the proposal has strong strategic support from the Scheme, local policy at Clause 22.09 also directs that for liquor applications, amenity impacts to nearby sensitive uses must be considered. As will be discussed throughout this report, a number of changes have been recommended through a peer review of the applicant's acoustic report as well as from advice from internal Council departments. These will ensure amenity impacts are controlled and are of minimal detriment to dwellings nearby.
55. The proposal is consistent with relevant provisions of the State and local planning policy frameworks in relation to economic development, and will not impact on the orderly planning of the area, subject to the recommendations discussed in more detail later in this report.

#### Buildings and Works

56. The proposed buildings and works are low in scale (with a maximum building height of 3.6m) and will generally not be visible from the public realm. As such, they are of no consequence when assessed against the provision of the Design and Development Overlay (Schedule 15), which, for the most part, provides urban-design-based guidance on larger-scale developments. The schedule to the Design and Development Overlay also provides the following relevant design objective:

*To activate the street edge, provide passive surveillance opportunities and accommodate commercial activity at the lower levels of new development and enhance the public realm through high quality buildings public spaces on the southern side of Johnston Street from loss of amenity from overshadowing.*

57. The proposed buildings and works will facilitate the site being used as a Bar, which provide commercial activity at ground floor and will allow the existing in-built seating within the front setback to be used by patrons, providing passive surveillance to Johnston Street. The limited scale of the works will ensure no overshadowing of the southern side of Johnston Street. The proposed buildings and works are thus considered to satisfy the Design and Development Overlay.
58. The limited scale of the proposed works are modest being single storey extensions to the existing pergola and new acoustic walls / gates. Given the commercial zoning of the east and west-adjoining properties (which are built to both boundaries of the subject site), the proposed works will not generate any visual bulk, overshadowing or overlooking impacts to the adjacent residential uses, thereby satisfying the objectives of Clause 22.05 and Clause 22.09 which pertain to off-site amenity. Similarly, the limited scale of the proposed works (and their generous setback from the northern boundary of approximately 7.2m) will ensure that there is no visual bulk, overshadowing or overlooking impacts to the dwellings located in the NRZ to the north of Little Turner Street.
59. The proposed buildings and works will also assist with noise attenuation, minimising noise impacts to nearby residential uses. This will be discussed in greater detail within the following section of the report. However, clear dimensions, elevations and details are missing from the decision plans which will be required by conditions. A roof plan and lighting details will also be required to ensure minimal impacts.
60. For the above reasons, the proposed buildings and works are supported. Some of the proposed works have not been shown consistently across the application package. This will be resolved via condition.

#### Sale and consumption of liquor

61. Clause 22.09 (Licensed Premises Policy) and Clause 52.27 (Licensed Premises) provide the relevant guidance in relation to considerations of the proposed sale and consumption of liquor on off-site amenity impacts, including cumulative impacts. Clause 22.09 of the Scheme is a local policy which guides the assessment of new or extended licensed premises within the municipality. It contains six key elements that will be considered in the following



section. The decision guidelines under Clause 52.27 also provide critical items for assessment. These include impact on amenity (including impacts associated with the operating hours and patron numbers) as well as the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. These considerations can be assessed within the framework of the six key elements of Clause 22.09, excluding that of cumulative impacts, which will be discussed separately.

#### *Location and Access*

62. The subject site is located in the C1Z and in a Neighbourhood Activity Centre. This is in accordance with local policy at Clause 22.09 which discourages new licensed premises in residential zones. The proposed number of patrons is less than 200, and as such, the location in a NAC (as opposed to a Major Activity Centre (MAC)) is supported by Clause 22.09.
63. The venue will be accessed by patrons from Johnston Street only (i.e. there will be no patron access via Little Turner Street – this will be limited to staff). As such, impacts associated with patron ingress and egress will not unreasonably impact the residential interface along Little Turner Street and beyond. Council's Social Planning Unit was also supportive of the proposed access.
64. Patron queueing is not anticipated to pose a risk to amenity given the moderate number of patrons proposed and that the site has a front setback area that can accommodate queues. Should the proposed licence result in queues spilling out on to Johnston Street, this would be acceptable given the background noise on Johnston Street which is a busy arterial road and the commercial zoning. Council's Social Planning Unit, however, recommended that details on queue management should be clarified by the applicant. This recommendation is considered reasonable and will further ensure effective management of the premises. This clarification will be required by way of condition for an updated NAAP.
65. With respect to public safety, it is anticipated that a majority of patrons would leave the venue in a westerly direction on Johnston Street towards other hospitality offerings and Victoria Park Railway Station. The immediate access to bus stops along Johnston Street also facilitate patron egress and dispersal from the site. Given the commercial nature of Johnston Street it is considered that there will be an appropriate level of patron surveillance, facilitating a high level of public safety. Further, the outdoor licensed area towards the front of the site will provide added surveillance for patrons leaving the premises. Council's Social Planning Unit concurred with these considerations, stating that *patrons arriving and leaving the premises [will be likely to] concentrate on Johnston Street (away from adjoining residential zoned land) and with reasonable access to public transport.*

#### *Venue design*

66. Clause 22.09 directs that licensed premises should be designed to be in accordance with the *Design Guidelines for Licensed Premises* (VCGLR, 2017), which encourages new venues to consider access, passive surveillance opportunities, patron management and acoustic attenuation
67. The site currently has a main, pitched roof structure and a flat-roofed section to the rear. These structures are relatively lightweight and do not currently have any acoustic attenuation. Otherwise the site is open. The application proposes an acoustic barrier to the northern and eastern extents of the rear external area which will assist in mitigating noise. The applicant's acoustic report recommends a number of additional acoustic attenuation measures. Beyond this, the independent acoustic peer review recommends further treatments. All of these items are discussed in greater detail under the *Noise* section of this report.
68. The location of the two external areas to the front and rear of the land are considered to be appropriately located given that the adjoining properties to the east and west are commercial



sites. Further, the red line area shows that patrons will not be able to access the rear parking area, which is most proximate to dwellings along Little Turner Street to the north. As previously outlined, the application proposes to close the external areas by 10pm on any night. Council's Social Planning Unit confirmed that this is in accordance with local planning policy at Clause 22.09 and was thus supportive of the operation of the external areas.

69. Notwithstanding the above, patrons will need to walk through the rear external area to use the toilet facilities after 10pm. The NAAP should thus be updated to clarify how these patrons will be managed and their noise impacts minimised. Additionally, a condition is recommended for details on lighting to ensure patron safety as they walk from the internal bar area to the toilet. This lighting should be designed in a way that minimises light impacts to the nearby residential uses.
70. With regards to waste management, the applicant's NAAP commits to disposing of glass during the daytime period only and confirms that waste will be moved to Little Turner Street on Tuesday afternoons for collection Wednesday morning. Council's Social Planning Unit recommended that a Waste Management Plan be required for the premises and stated that the waste storage area should be located to the south of the proposed acoustic barrier if it will be accessed after 10pm. Given the number of patrons proposed, it is reasonable to require a Waste Management Plan. This will be done via condition. The condition for the waste area to be located to the south of the acoustic barrier is not considered necessary given that the applicant has committed to disposing glass during the daytime only in the submitted NAAP. Given that the satisfactory WMP may require some site reconfigurations, a condition is also recommended for the development plans to be updated as required for any changes nominated on the endorsed WMP.

#### *Hours of Operation*

71. The application seeks the sale and consumption of liquor during the following hours:
  - (a) Monday to Wednesday 12noon to 11pm
  - (b) Thursday to Saturday 12noon to 1am the following day
  - (c) Sunday 12noon to 10pm
  - (d) External areas 12noon to 10pm on any day
72. Clause 22.09 provides guidance on licensed hours. These recommendations are based on the land zoning, site context and the proposed operation of the licence. Relevantly, the policy provides the following:
  - (a) *Licensed premises in a Commercial or Industrial zone should not provide for the sale and consumption of liquor beyond 1am, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
  - (b) *Licensed premises within 30 metres of a residential zone should not provide for the sale and consumption of liquor beyond 11pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area.*
  - (c) *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.*
  - (d) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*
73. The proposal complies somewhat with the above policy recommendations. Specifically:
  - (a) the earliest commencement for liquor proposed is 12noon, which complies with the earliest allowable provided by the policy (9am), and;
  - (b) the cease of liquor sale and consumption in the external areas is 10pm, compliant with the policy recommendation (10pm).
74. Whilst the subject site is located in the C1Z (with an applicable limit of 1am), the site's proximity (within 30m) to a residential zone means that the preferred maximum licensed hours is 11pm (remembering that the use can operate at any time within the zone). Thus the



proposal complies with the policy recommendations on Monday, Tuesday, Wednesday and Sunday. The proposal however, does not comply with the policy on Thursday, Friday and Saturday, when a close time of 1am (on the following day) is sought, two hours beyond the recommended close time (11pm). The policy allows for the recommended hours to be exceeded if the Responsible Authority is satisfied that it will not adversely affect the amenity of the area. A detailed assessment of noise impacts below will discuss the suitability of the hours further, however it is noted that there have been a number of noise complaints to Council within the last six months.

*Patron Numbers*

75. The applicant submitted a Building Surveyor's Report which found that the site has the capacity to accommodate a maximum of 216 patrons, of which a maximum of 81 patrons can be accommodated within the internal bar area. These figures are based on the VCGLR floor area calculation (a ratio of 0.75sqm per patron). The application proposes a maximum of 115 patrons, distributed as follows:
  - (a) 15 patrons in the front external area;
  - (b) 50 patrons in the internal area;
  - (c) 50 patrons in the rear external area.
76. Council's Social Planning Unit was generally satisfied by the above patron distribution and numbers, however noted that after 10pm, the patrons in the external areas would need to move to the internal bar area, which would result in 115 patrons in an area with a maximum patron capacity of 80. As such, the Unit recommended that this be addressed by additional clarification on how this would be managed, or alternatively, via a condition for a reduction in patrons to a maximum of 80 after 10pm.
77. The above numbers and distribution of patrons were based on the applicant's original acoustic report. The revised acoustic report instead recommends a maximum of 111 patrons to be distributed as follows:
  - (a) 15 patrons in the front external area;
  - (b) 80 patrons in the internal area;
  - (c) 16 patrons in the rear external area.
78. This is considered to be an improved patron distribution as the rear external area (which, given its location proximate to a residential zone has a higher potential for noise impacts) has its patron capacity significantly reduced.
79. The revised patron distribution still results in an excessive number of patrons for the internal bar area after 10pm as highlighted by Council's Social Planning Unit. One way to deal with this matter is to require, via condition, a maximum of 80 patrons after 10pm. In addition, the applicant's Noise and Amenity Action Plan needs to be updated to provide detail on how this reduction in patron numbers will be managed by staff.

*Noise*

80. Noise impacts are a key consideration for this application. Clause 22.09 requires that licensed premises are effectively designed and managed to minimise noise impacts to sensitive interfaces. The applicant's acoustic report identified the following sites as the most immediate noise-sensitive receivers:
  - (a) The apartment development at No. 370 Johnston Street;
  - (b) The double-storey dwelling located at No 62 Little Turner Street, northwest of the subject site;
  - (c) The double-storey dwelling located at No. 68 Little Turner Street, northeast of the subject site;
  - (d) The single-storey dwelling located at No. 319 Johnston Street, to the southwest of the subject site.



81. The independent acoustic peer review found that these were appropriate, agreeing that they were the most sensitive interfaces. The adjoining properties to the west and east both house commercial uses and as such are not considered to be sensitive interfaces.
82. The applicant's acoustic report makes the following key recommendations and assumptions about the proposal:
- (a) That a ceiling is installed to the entire roof system of the building on site, achieving a minimum surface density of 12kg/sqm as well as other specifications provided in the report.
  - (b) Northern façade of the building upgraded to enhance its noise attenuation, with the required specifications provided in the report (and previously outlined at paragraph 7(c))
  - (c) Acoustic gate along the northern boundary of the proposed red line area to have a minimum surface density of 12kg / sqm;
  - (d) External doors fitted with self-closing mechanisms;
  - (e) Patrons in the rear external area limited to the seating area along the eastern boundary;
  - (f) Maximum patron numbers reduced from 115 to 111 and their distribution across the site revised as follows:
    - (i) A maximum of 80 patrons in the internal bar area;
    - (ii) A maximum of 15 patrons in the front external area;
    - (iii) A maximum of 16 patrons in the rear external area.
  - (g) All windows and doors remain closed after 8pm on any night and anytime above-background-level music is played;
  - (h) No live or pre-recorded music to be played in outdoor area;
  - (i) Installation of a sound limiting device into the sound system, with the master control locked so as to prevent tampering from unauthorised parties; and
  - (j) DJs to use the house sound system or connect their own equipment to the sound limiting device.
83. These recommendations will be reflected by condition within an endorsed acoustic report. Further, with regards to items (a), (b), (c) and (d) above, these will also be required to be shown on the development plans by way of condition. With regards to item (e), this can be further facilitated by a requirement that the red line plan be reduced so as to delete the section of the rear external area to the west of the footpath as well as the tables and chairs shown within this section.
84. The applicant's acoustic report has been peer-reviewed by an independent acoustic consultant. The independent peer review was largely supportive of the recommendations made in the applicant's acoustic report, however made the following recommendations to ensure that noise is appropriately mitigated:



1. *The location of the unattended noise monitoring used for NSA 2 & 3 should be clarified. If this is the location shown in Figure 10, we are concerned that the monitoring could have been affected by existing mechanical plant noise. An alternative cause of the 37 dBA minimum reading could be the noise floor of the logger, therefore this should be checked. If the measurement results were affected by the noise floor, the assessment should be revised, based on lower criteria for patron and music noise during the night period.*
  2. *Whether a facade reflection of sensitive receiver buildings has been included in the predictions should be clarified (since it has been included in the background noise levels).*
  3. *The sound pressure level of music noise used for the day/evening period assessment be presented.*
  4. *Live music during the SEPP N-2 night period should be restricted to quiet acoustic performances. All music, pre-recorded and live performances, shall meet the SEPP N-2 noise limits at all times.*
  5. *The noise limiter be commissioned by a suitably qualified acoustic consultant, to ensure that its use results in SEPP N-2 compliance. Since the windows are proposed to be opened during the day and evening periods, the commissioning of the noise limiter should also ensure compliance if all doors and windows are opened during these periods.*
  6. *The 3.3 metre high acoustic barrier should be free from gaps and the gate should effectively seal when closed.*
85. The peer review then goes on to state that items 4, 5 and 6 can be included via condition, and that in lieu of the acoustic report being updated for items, 1, 2 and 3, the following is recommended as a conservative alternative:
- (a) *Music after 10pm to be played at background levels (no live music), until Council approves an acoustic commissioning report for the noise limiter that includes SEPP N-2 noise limits based on new measurements.*
86. The applicant was not able to provide a revised acoustic report. As such, the alternative option will be used.
87. The alternative option provided by the independent acoustic peer review is worded in a manner that is too flexible and anticipates a revised acoustic report being provided to Council following approval. This is not acceptable. As such, a condition will require that music must be played at a background level only after 10pm on any night. This would make the independent acoustic peer review's recommendation for quiet acoustic performances after 10pm (the first section of item 4) redundant as background level music is a more conservative outcome than quiet acoustic performances. In addition, a condition will require a further acoustic report within three months of operation to demonstrate compliance with SEPP N-2 and any further works recommended and undertaken if non-compliance is found.
88. In light of the above assessment and advice provided by the independent acoustic peer review, the applicant's acoustic report (dated 28 August 2019) should be updated to include the following commitments:
- (a) All music, pre-recorded and live performances, must meet the SEPP N-2 noise limits at all times.
  - (b) The noise limiter be commissioned and installed by a suitably qualified consultant, to ensure that its use complies with SEPP N-2 compliance, including during the day and evening periods when the windows are open.
  - (c) The acoustic barriers must be free from gaps and the gate component must effectively seal when closed.
89. Further, a general condition will be included to require that music is played at a background level only after 10pm on any night (no live music).
90. Finally, a condition will require that the sale and consumption of liquor cease at 11pm on Thursdays (as opposed to the proposed 1am). This is considered appropriate given the site's



history of noise complaints and use breeches. In addition, Thursday night is a week night and therefore considered to be more of a sensitive time period. The reduction to 11pm is also consistent with Clause 22.09 for venues within 30 metres of a residential zone.

91. Subject to all the above conditions, the proposed licensed hours (including the non-compliance with preferred hours at Clause 22.09) is supported.

*Noise and Amenity Action Plan*

92. The applicant's Noise and Amenity Action Plan commits to a number of management measures which relate to staffing, patron management, waste management, security and access and egress. The key commitments include:
  - (a) Patrons moved inside after 10pm by trained staff and security;
  - (b) Disposing of glass to occur during the day only;
  - (c) Patron ingress and egress will be via Johnston Street only (no access from Little Turner Street);
  - (d) All staff to have Responsible Service of Alcohol training;
  - (e) Proprietor or manager on duty at all time.
93. Whilst these measures are acceptable, further commitments are required to ensure the venue is managed appropriately, as discussed throughout this report. The NAAP should be updated to provide for the following:
  - (a) Clarification as to how potential queues will be managed;
  - (b) Detail how the number of patrons will be reduced to 80 prior to the close of the external areas at 10pm;
  - (c) Details of how the external area will be closed to patrons after 10pm (excepting for the use of the toilets) and methods to ensure patrons do not use the rear external courtyard after 10pm.
  - (d) Clarify how patrons walking through the rear external area after 10pm to use the toilet facilities will be managed.
94. The justifications for items (a), (b) and (d) are provided at paragraphs 65, 80 and 70 respectively. Item (c) is recommended so as to provide greater detail on patron management with respect to managing the rear external area. These will ensure that the venue is managed appropriately with commitments and strategies in place to minimise off site amenity impacts.

*Venue History*

95. The application was referred to Council's Enforcement and Amenity Unit who identified that the venue has received three noise-related complaints within the last six months as well as an alleged use breach. In light of this information, the Unit recommended that the following requirements:
  - (a) The outdoor area to close at 10pm at all days;
  - (b) A noise limiter to be installed and managed by a qualified engineer;
  - (c) A SEPP reading and the setting of the limiter to be conducted prior to the approval of the permit and followed up in three months' time, to be re-assessed and calibrated to the approved limits.
  - (d) All amplified music to go through the approved limiter.
96. With regards to item (a), this was already proposed by the application and will be conditioned. With regards to items (b) and (d), these have been addressed by the recommendations made by the independent acoustic peer review. With regards to item (c), the venue needs to operate first before a SEPP reading can be done. Regardless, a condition will require a further acoustic report to be submitted within three months of operation to demonstrate compliance with SEPP-N2. The condition will require any further



works to be undertaken if non-compliance is found. This condition will ensure that the venue is compliant with SEPP N-2 post commencement.

*Cumulative Impact*

97. It is necessary to give consideration to potential cumulative impacts associated with a proposal for a new or expanded liquor licence as outlined at both Clauses 22.09 and 52.27. The 'Corner Hotel' decision (Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors) provides 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.
98. Since the 'Corner hotel' decision, Council has developed an assessment tool to determine the likelihood of cumulative impacts occurring as a result of a proposal based on risk factors associated with the type of premises, size of premises and closing hours of the premises, to help determine what level of assessment is appropriate.



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

Size of Premise	Risk Factor
0 – 49 patrons	1
50 – 99 patrons	1
<b>100 – 199 patrons</b>	<b>2</b>
200+	3

Closing hours	Risk factor
11pm	0
12am	1
<b>1am</b>	<b>2</b>
2am	3
3am	3
After 3am	4

99. Applying the matrix of risk above, a reasonable consideration would suggest that a score of 1-3 would be of no risk and a score of higher than 3 would be a potential risk and require a cumulative impact assessment. Given that the proposal scores a 7 on the matrix, a cumulative impact assessment is warranted.
100. *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. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:
- (a) Planning policy context
  - (b) Surrounding land use mix and amenity
  - (c) The mix of licensed premises
  - (d) Transport and dispersal
  - (e) Impact mitigation
101. A number of these factors (items (a), (b), (d) and (e)) have been discussed previously within this report. An assessment of item (c), however, needs to be undertaken.
102. When assessing the mix of licensed premises, Practice Note 61 provides some guidance as to what is to be achieved. The practice note states the *mix of licensed premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.*
103. A survey of licensed premises found that there were 18 licensed premises within a 500m radius of the site and 1 licensed premises within a 100m radius. Of the 18 identified licensed premises:
- (a) Three premises have a General licence;



- (b) Two premises have a Packaged liquor licence;
  - (c) Five premises have a Restaurant and café licence;
  - (d) Five premises have an On-premises license;
  - (e) Three premises have a limited licence.
104. As the survey was conducted in August 2017, a desktop review was undertaken by the Planning Officer which identified the following additional licensed premise that have commenced since this time:
- (a) Bodriggy Brewing Co, located at 243-245 Johnston Street, which allows for an On-Premises licence as approved by Planning Permit PLN16/0974.
105. In addition to the above, Planning Permit PLN17/0559 allows for a Restaurant and Café liquor licence at No. 370 Johnston Street (i.e. the ground floor frontage of the apartment building to the east of the subject site). The Planning Permit was issued on 01 November 2017 and as such, the permit is still valid. However, the ground-floor tenancy is vacant and as such the permit has not currently been acted on. There is no active licensed premises at the site and as such cannot be considered as part of the cumulative impact assessment.
106. The survey identifies that there is a broad range of licences in the area, with over a quarter of these being restaurant and café licences which are lower risk as they are required to provide tables and chairs for at least 75% of patrons attending the premises at any one time.
107. There appears to be up to eight premises that have the capacity for late night operation and 'vertical drinking' within a 500m radius of the subject site. This is not considered to be uncommon for a NAC. The addition of the proposed venue to the area is thus not unreasonable in this context.
108. With respect to the immediate vicinity (i.e. within 100m of the site), there is only one licensed premises which is the Retreat Hotel located on Nicholson Street to the south of the subject site. As such, the proposed licence would not pose a detrimental cumulative impact on the immediate vicinity. Rather it is considered to add activity to this section of the NAC, which has a low number of licensed premises.
109. Council's Social Planning Unit supported this view, stating that the *area is not characterised with excessive alcohol consumption* and that the proposed venue *would not result in an unreasonable cumulative impact on the amenity of the surrounding area*, subject to the Unit's recommendations being included.
110. Furthermore, conditions will require:
- (a) the Thursday licensed hours be reduced from 1am down to 11pm, and;
  - (b) the submission of a post-operation acoustic report demonstrating compliance with SEPP N-2 or outlining additional measures required to achieve compliance if non-compliance is found.
111. These measures will further reduce the scope of the proposed licence and will ensure minimal cumulative impacts on the amenity of the surrounding area.
112. For the above reasons it is considered that the proposal will not detrimentally contribute to a cumulative impact on the surrounding area as a result of the proposed liquor licence.
- Car parking*
113. As previously outlined, the proposal triggers the requirement for a car parking reduction of one space pursuant to Clause 52.06-3. This is supported for the following reasons:
- (a) The application retains two existing car spaces on the land which are accessible from Little Turner Street. Given the narrow width of the lot, it would be impractical to provide greater than two spaces on the land;



- (b) The access to public transport including bus services on Johnston Street (which is a highly utilised route that connects the site westwards to Collingwood, Fitzroy and the CBD and eastwards to the eastern suburbs of Doncaster and Bulleen). The site is also within walking distance of Victoria Park Railway Station and bus services on Hoddle Street.
- (c) The provision of bicycle infrastructure and bicycle lanes in the surrounding area, including on Nicholson Street to the south and Trenerry Crescent to the east.
- (d) State and local planning policy at Clauses 18.02, 21.03, 21.06-3 and 21.07 encourages reduced rates of car parking provision for sites within close proximity to public transport routes and activity centres.
- (e) On-street car parking includes selected areas along Johnston Street for 2-hour parking, and a mix of 1-hour and permit-restricted car parking spaces in the residential area to the north of the subject site. The 2 hour spaces would be convenient for patrons to use, which would encourage patrons to park on Johnston Street, away from the residential areas to the north of the subject site. The 1-hour spaces are unlikely to be used by patrons of the proposed bar given that the stay duration for a bar would typically be longer than an hour. The permit-restricted spaces will ensure that reasonable access to public car spaces is not unduly compromised for residents.
- (f) The proposed use is for a bar. It is considered that this type of use has a low car parking demand given that some patrons would likely choose not to drive so as to avoid driving under the influence of alcohol.

## Objector Concerns

114. The objector concerns are outlined and discussed below:

- (a) *Noise impacts (poor noise attenuation associated with the current buildings on the land, noise generation from the proposed licence, the venue's history with unauthorised live music events, noise impacts associated with the waste area and noise impacts associated with patrons using the toilet area)*  
Noise impacts have been discussed at paragraphs 81-92.
- (b) *Excessive nature of proposed licensed hours;*  
The proposed licensed hours have been discussed at paragraphs 72-75.
- (c) *Previous non-compliances at the site;*  
This matter has been discussed at 96-97.
- (d) *Anti-social behaviour;*  
Anti-social behaviour will be mitigated by the site layout and venue design of the licensed premises as well as additional requirements for the NAAP, as discussed at paragraphs 63-66, 67-71 and 93-95 respectively.
- (e) *No need for another licensed premises in the area;*  
The cumulative impact assessment at paragraphs 98-113 found that the proposed licence will not pose an unacceptable cumulative impact on the amenity of the surrounding area.
- (f) *Cumulative Impact report does not reflect the Planning Permit for the sale and consumption of liquor at No. 370 Johnston Street;*  
As outlined by paragraph 106, whilst No. 370 Johnston Street has approval for a liquor licence, this has not yet been acted upon and as such there is no licensed premises at this site.
- (g) *Appropriateness of use classification as a Bar;*  
Pursuant to Clause 73.03, a *Bar* is defined as *land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.*



It is thus considered that the proposed use, which includes live music, is appropriately categorised as a *Bar*, which allows for entertainment to be provided on the land.

- (h) *Bar will conflict with use of adjacent commercial premises;*  
The proposed bar (and liquor licence) is considered to be appropriate for the C1Z and NAC context, as outlined at paragraph 54.
- (i) *The proposed amendment is a transformation of the permit;*  
The provisions of Section 72 of the Planning & Environment Act 1987 allow for an amendment application to change a wide variety of matters including new permit triggers. Whilst the proposed amendment will change the nature of the permit, this is permitted by *Planning and Environment Act 1987* from a procedural perspective.
- (j) *Concerns regarding the proposed car parking reduction;*  
Impacts to car parking availability have been discussed at paragraph 114.
- (k) *Impacts to property value.*  
This is not a planning matter, as established by numerous VCAT decisions.

## Other Matters

### Ancillary use

115. The applicant's acoustic report indicates that a portion of the rear external area (to the west of the footpath) would be used for the purposes of a *Plant Nursery*, which would be a remnant of the current operation of the site. This can be considered as an ancillary use to the proposed *Bar* use given the native-plant theme of the proposed business as well as the small proportion of the site nominated for the *Plant Nursery* function as compared to the overarching *Bar* use proposed as part of the application. In any case, ancillary discussions are largely academic in this case given that the use *Plant Nursery* does not require a planning permit under the C1Z, similarly to the as-of-right status for the proposed overarching *Bar* use.

### Additional details to be shown on plans

116. The plans show a number of inconsistencies and omissions. These can be addressed by conditions to show the following:
- (a) The existing ramp and stairs towards the front of the site;
  - (b) Storage area within pergola to be shown on floor plans or deleted from Section B;
  - (c) Sections to show new works at 1:100 scale;
  - (d) A separate site plan updated to match the red line plan;
  - (e) Car spaces dimensioned to show a minimum width of 2.4m and a minimum length of 5.4m for each space;
  - (f) Roof plan; and
  - (g) Materials schedule.
117. With regards to items (a), (b) and (d), these relate to corrections to the plans. Specifically item (d) is required so to ensure that a separate site plan will be provided as part of the endorsed documentation so as to replace the current site plan associated with the current set of endorsed plans. With regards to items (c), (f) and (g), these will ensure detailed information on all the proposed works (which includes acoustic attenuation measures) to be included in the endorsed set of plans. Item (e) will ensure vehicle spaces are provided in accordance with the access requirements at Clause 52.06 (Car Parking).

## Conclusion

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



## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN16/1082 for the sale and consumption of liquor (on premises licence), buildings and works and a reduction in the car parking requirements associated with the use of the land as a Bar (no permit required for use), at 366 Johnston Street, Abbotsford, subject to the following amended permit preamble and conditions:

### **Amended preamble to read:**

The sale and consumption of liquor (on premises licence), buildings and works and a reduction in the car parking requirements associated with the use of the land as a Bar (no permit required for use).

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

1. **Before the sale and consumption of liquor / development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:**
  - (a) The existing ramp and stairs at the front of the site.
  - (b) Dimensions for all proposed works to accurately show where the length applies (from/to).
  - (c) The extent of the red line plan reduced so that the sale and consumption of liquor is not permitted to the west of the footpath shown in the rear external area and the associated tables and chairs deleted from the plans.
  - (d) Separate site plan to match red line plan.
  - (e) Elevations all of works (including pergola, lighting, verandah and acoustic walls) drawn at 1:100 scale.
  - (f) Sections to show all new works, drawn at a 1:100 scale.
  - (g) Roof plan.
  - (h) Storage area within pergola to be shown on floor plans or deleted from Section B.
  - (i) Car spaces dimensioned with a minimum width of 2.4m and a minimum length of 5.4m each.
  - (j) Details of lighting to the rear courtyard and the toilets.
  - (k) Materials schedule.
  - (l) All recommendations and requirements of the endorsed Acoustic Report (as required by condition 7), where relevant to show on the plans.
  - (m) Any changes required by the endorsed Waste Management Plan (as required by condition 13), where relevant to show on the plans.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. **Prior to the commencement of the sale and consumption of liquor, all works must be completed to the satisfaction of the Responsible Authority.**
4. **No more than 111 patrons are permitted to be on the premises at any one time, with a maximum of 80 patrons in the internal bar area, 15 patrons in the front external area and 16 patrons in the rear external area at any one time.**



5. After 10pm on any night, no more than 80 patrons are permitted on the premises at any one time.
6. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
  - (a) Monday to Thursday 12noon to 11:00pm
  - (b) Friday and Saturday 12noon to 1:00am (the following day)
  - (c) Sunday 12noon to 10:00pm
  - (d) External areas 12noon to 10:00pm on any day
7. Before the sale and consumption of liquor commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Audiometric and Acoustic Services and dated 28 August 2019, but modified to include:
  - (a) Commitment to the noise limiter being commissioned and locked by a suitably qualified acoustic consultant to ensure that its use results in SEPP N-2 compliance, including for when the venue has doors and windows open.
  - (b) Commitment to the acoustic barriers being free from gaps.
  - (c) Commitment to the acoustic gate being made to effectively seal when closed.
  - (d) Commitment that all amplified music will go through the noise limiter.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Within 3 months of the commencement of the sale and consumption of liquor, 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 Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the venue and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of music noise from public premises) No. N-2 (SEPP N-2) or any other requirement to the satisfaction of the Responsible Authority.
10. Before the commencement of the sale and consumption of liquor, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the rear external area, toilets and front external area must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
11. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Ewan Harding and



received by Council on 28 May 2019 , but modified to include:

- (a) Licensed hours in accordance with the requirements of condition 6
  - (b) Clarification as to how potential queues will be managed;
  - (c) Detail how the number of patrons will be reduced to 80 prior to the close of the external areas at 10pm.
  - (d) Clarify how patrons walking through the rear external area after 10pm to use the toilet facilities will be managed and their noise impacts minimised.
  - (e) Details of how the rear external area will be closed to patrons after 10pm.
12. 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.
13. Before the sale and consumption of liquor commences, a Waste Management Plan to the satisfaction of the 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.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
15. The provision of music and entertainment on the land must be at a background noise level (no live music) in the external areas.
16. The provision of music and entertainment on the land must be at a background noise level (no live music) after 10pm on any day.
17. No emptying of bottles into garbage bins is permitted after 8pm on any night or before 8am on any day.
18. Except with prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
19. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
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 Noise from Public Premises (SEPP N-2).
22. This permit will expire if:
- (a) the sale and consumption of liquor is not commenced within two years from the amended date of this permit; or
  - (b) the sale and consumption of liquor is discontinued for a period of two years; or
  - (c) the development is not commenced within six months from the amended date of this permit; or
  - (d) the development is not completed prior to the commencement of the sale and consumption of liquor.



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

## **NOTES**

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

**CONTACT OFFICER:** Chris Stathis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5352

## **Attachments**

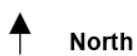
- 1** PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Site Locality Plan
- 2** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Red Line Plan
- 3** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Elevations
- 4** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Site Context Plan
- 5** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)
- 6** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment
- 7** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Original Acoustic Report
- 8** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 07 August 2019)
- 9** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report
- 10** PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)
- 11** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Compliance Referral Comments
- 12** PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Social Planning Referral Comments



**Attachment 1 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Site Locality Plan**

**ATTACHMENT – SITE LOCALITY**

**SUBJECT LAND: 366 Johnston Street Abbotsford**



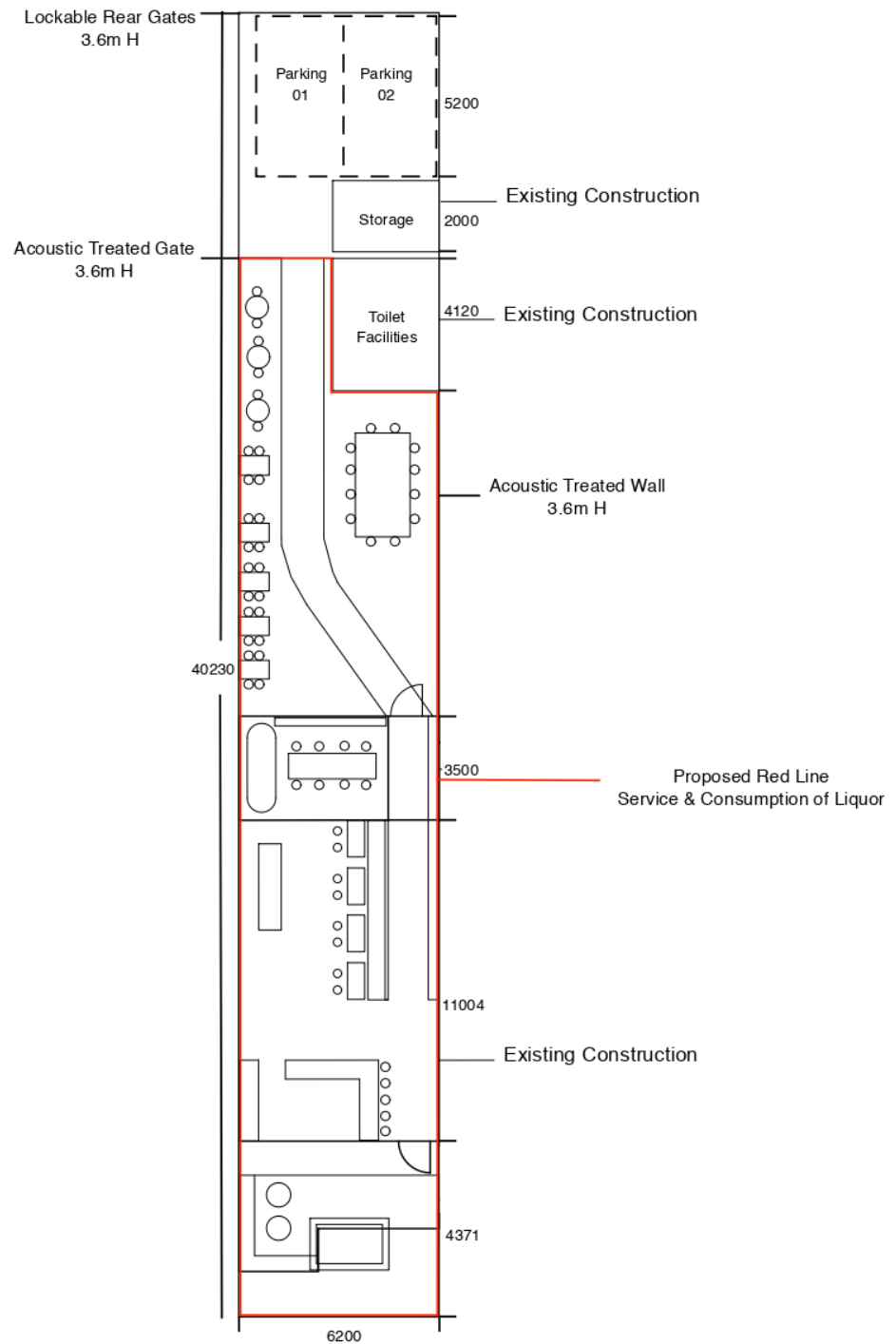
North



Subject Site



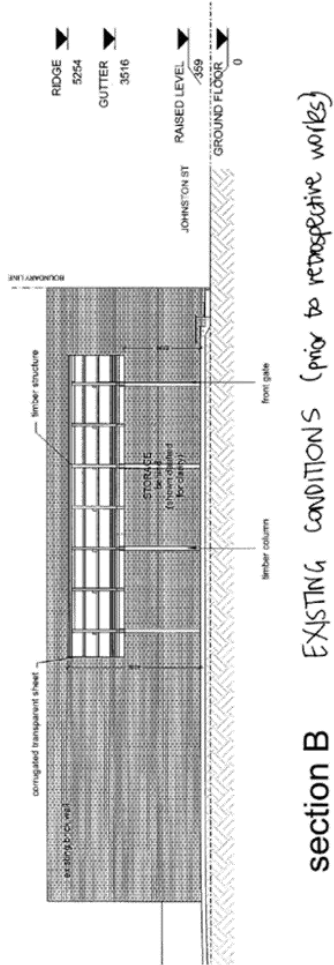
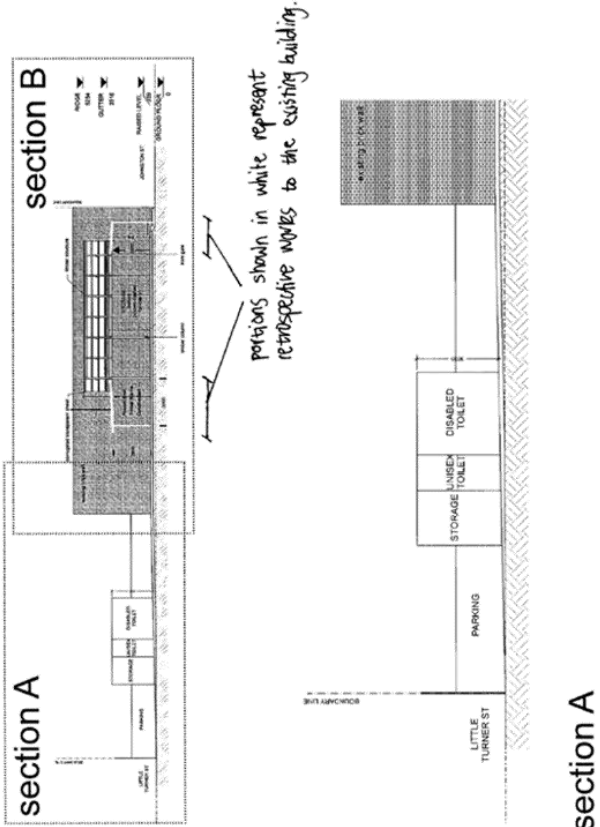
**Attachment 2 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Red Line Plan**



Proposed works 2019  
366 Johnston Street  
Abbotsford 3067  
Patron Capacity 115



Attachment 3 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Elevations



366 Johnston st, Abbotsford

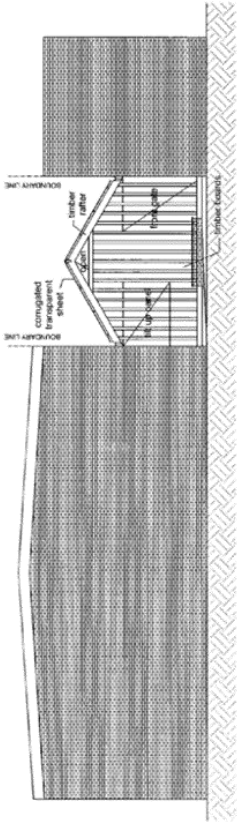
14.02.2017

SECTION

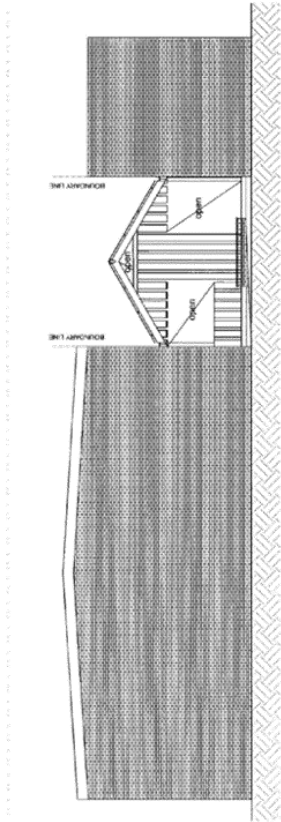
1:150 @ A3



Attachment 3 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Elevations



night time

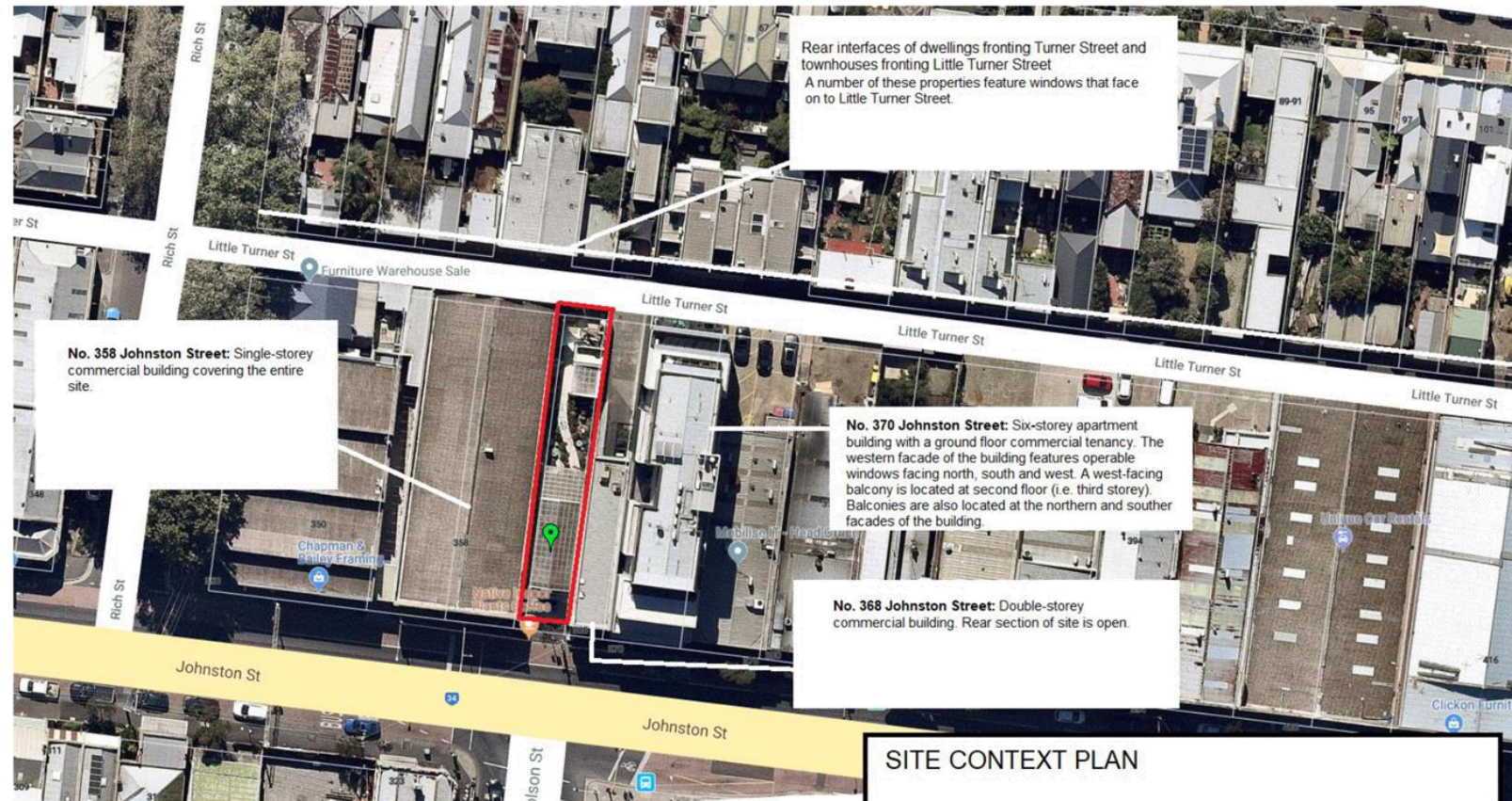


day time

<u>366 Johnston st, Abbotsford</u> 14.02.2017	FRONT ELEVATION	1:150 @ A3
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**Attachment 4 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Site Context Plan**





## Noise and Amenity Action Plan 2019

### Proposed Tavern

366 Johnston Street Abbotsford

Native Home, House of Plants



#### 1 - PREAMBLE



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

This Noise and Amenity Action Plan has been prepared in conjunction with an application for a "Tavern" change of use planning permit from "Plant Nursery"

The application is for an "On-Premise" liquor license with a maximum capacity of 115 patrons as suggested by the reports within this application.

The Tavern use is proposed to operate between the hours of

Monday/Thursday 12pm to 11pm

Friday/Saturday 12pm to 1am

Sunday 12pm to 10pm

This Noise and Amenity Action Plan has been prepared in accordance with Clause 22.09 – Licensed Premises of the Yarra Planning Scheme. It is an attempt to incorporate transparency in operation and open communication with the community to ensure that successful operation of the proposed Nursery / café can occur without detriment to any existing nearby residents.

## **2 - EXISTING LICENSED PREMISES IN THE LOCALITY**

The Proposed premise is located in an existing business, located at 366 Johnston Street Abbotsford. It is located on the north side of Johnston Street, opposite to where Nicholson Street intersects Johnston Street. It is in a highly visible location with a lot of passing vehicle traffic and is situated in a rapidly growing commercial area of Abbotsford. There are a number of existing licensed premises within the Johnston Street and Abbotsford area including a mix of restaurants, bars and pubs.

This application has been supported by the CIA (Cumulative Impact Assessment) received by YARRA CITY COUNCIL'S Statutory Planning Department, from Glossop Town Planning. This gives evidence to support the suitability of the application.

## **3 - OPERATIONS AND MANAGEMENT PROCEDURES**

The proprietor / operator of the proposed Tavern has a clear understanding that the fundamental principle of the Noise and Amenity Action Plan is to minimize impacts to the off-site amenity of the nearby residential areas

Identified Potential Noise Sources

-Patron Noise

-Music



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

-Deliveries

-Rubbish Collection Measures to be undertaken to address all noise sources identified

**4 - NOISE**

**4.1. Patron noise**

In accordance with corresponding acoustic report – Please see report for further details

All patrons will be moved inside to the internal area after 10pm every night. This will be controlled via trained staff and security.

This strategy has been suggested to mitigate harmful effects from patron noise and will create a substantial buffer from the rear properties of 29.2 meters.

**4.2. Music Noise**

In accordance with corresponding acoustic report – Please see report for further details

All music noise will adhere to noise limits set out by the Acoustic Engineering Report.

The inside area will be treated with acoustic panels to provide a sound buffer between the apartment building and subjected areas in this application. This is in accordance with the Acoustic Engineering Report.

**4.3 Operational Noise**



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

Waste management

The amount of waste produced from bottles will be minimal. Majority of the service of alcohol is from tap systems into reusable glassware. This will minimize the harm on the amenity of the area. We understand late night clunking of bottles is a loud process and will not be emptying recycling until the following day of trade to avoid this noise at night.

All rubbish and refuse generated by the use will be stored within the refuse storeroom located in northeast corner of the block. Waste collection will be by council services and private contractors and collected from the Little Turner St entrance.

Waste will be taken out into laneway on Tuesday afternoons between the hours of 12pm-4pm for pick-up Wednesday morning.

Additional information on Noise

*There are no residential properties immediately adjoining the site. It is noted that the apartment complex (completed to the most recent standards in the National Construction Code in 2017) has been built with required sound attenuation to reduce noise coming from surrounding areas.*

*Residential properties are situated on the northern side of Little Turner ST, north of the Proposed site. These Properties are protected by the gate that has been acoustically treated to stop any reflective noise to a height of 3.6m. Please see Acoustic report*

*Noise attenuation measures associated with the proposed Tavern include acoustic wall panels up to 3.6m along the eastern boundary and behind the toilet and storage area on the northern border. All other walls around the site are double brick construction.*

*The structure has been renovated and is now completely enclosed therefore should be considered as a building not an open roof space.*

**5 - DELIVERIES**

Deliveries to the premise will be undertaken by small delivery vans and will be infrequent. Deliveries will be made using the available entry points, along Johnston Street or along Little Turner St.

**6 – MANAGEMENT PROCEDURES**



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

Procedures will be undertaken by trained staff in the event of complaints by a member of the public, the Victoria Police, an 'authorized officer' of Council or an officer of Liquor Licensing Victoria

Either the owner, or an authorized manager on duty, will be on the premises during all operating hours to receive and deal with complaints.

Entry to the premises will be made freely available during all operating hours, to a member of the Victoria Police, an 'authorized officer' of the Responsible Authority or an officer of Liquor Licensing Victoria, to carry out any investigations associated with the sale or consumption of

The proprietor or manager will be responsible for ensuring that to their best endeavors no disturbance occurs or emanates from the land, which would be likely to cause a nuisance to adjoining occupiers or cause detriment to the amenity of the neighborhood.

Management will retain a logbook of complaints or incidents for review. Staff arrangements

Staff associated with the proposed restaurant will comprise up to 3 full-time staff and 3 part-time staff. This includes a manager and bar staff.

All staff engaged in the service of alcohol is required to have undertaken a 'Responsible Serving of Alcohol' course, as approved by the Director of Liquor Licensing.

The 'Responsible Serving of Alcohol' course includes training for staff on dealing with intoxicated persons. If necessary, management or another appropriately trained staff member would escort the intoxicated person/s from the premises.

#### **7 - LIGHTING**

The lighting within the premises will comprise of low wattage halogen globes. The lighting will be aimed for a soft dim ambiance.

#### **8 - SECURITY**

External security lighting will comprise of 3 led down lights on the front of the building and sensor lights towards the rear of the land.

The manager on duty will perform the necessary security measures required in association with the operation of the premises.

Security will be used as outlined from VCGLR

#### **9 - IMPLEMENTATION AND MONITORING**



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

This Noise and Amenity Action Plan will come into effect once the tavern comes under the issue of a planning permit and endorsement of all necessary plans.

This Noise and Amenity Action Plan can be amended, subject to the satisfaction of the Responsible Authority. This is to ensure that all issues related to off-site amenity implications can be addressed in relation to noise, in terms of its continuous operation.

**10 - Access & Egress**

All patrons will be directed by signage outlining the entry and exit points for the venue. There is a single point on Johnston Street where people will enter and exit. This entry and exit point will be constantly monitored by in house staff and we also have active monitoring via CCTV which records all patron activity throughout the venue. I believe this ensures security of the venue.

The "Activity Precinct" on Johnston Street, Abbotsford is home to over 20 licensed premises, each of who have necessary responsibility and capabilities to deal with the responsible service of alcohol. We are located in a great spot to continue this growth of responsible licensed venues. I note there are very limited amounts of residential home within close proximity to our front entry on Johnston Street.

**11 - Responsible Service of Alcohol**

I, Ewan Harding have completed all necessary training courses to ensure a responsible service of alcohol is met and stress that I am a highly suitable character to hold this license.

I have been trained in "RSA" in N.S.W and Victoria and have also completed the "New Entrants Training" course for new licensee's. I have 2 years of experience working in the service of alcohol and have also managed staff and had close contact with members of the public in these roles.

I aim to lead the way in the responsible service of alcohol at my venue and promote ways in which alcohol be consumed in safe environments.

All my staff will carry a current Victorian issued RSA and all necessary register's will be kept on site. A copy of the red line plan and all necessary signage required by VCGLR, local and state laws will be kept on site available for everyone.

There will be no back bar promoting the use of spirits in the form of shots, doubles etc.

There will be a limited amount of spirits that are only used for the cocktail menu showcasing native edible foods in beverages.



**Attachment 5 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Noise and Amenity Action Plan (received 28 May 2019)**

**12 Storage of Alcohol**

All alcohol will be kept in a lockable storage facility. This will make sure there is no risk of patrons stealing liquor during service or any other issues surrounding the theft of alcohol.

**13 Open & Close of venue**

All staff are trained on in-house-procedures when employed. There are company policies in place for everyone to see regarding the safe lock up of this venue. Once the service of alcohol is over, all staff will be trained on how to securely store the liquor.

There is close CCTV monitoring in every part of the venues we can monitor patrons and also the safety of employees.

There will always be two (2) staff closing the venue at night to ensure the safety of staff is there. Our staff will be trained on how to safely "sweep" the immediate surroundings of the venue for glass, rubbish and any other mess. I will train staff to clean the site of all possibly dangerous objects that could be used for harm.

There will be a register for any incidents that have occurred during trading hours. This will be used to hold information that needs to be noted. Signage showing the closest emergency services and 000 will be on display in the office and accessible for all staff members.

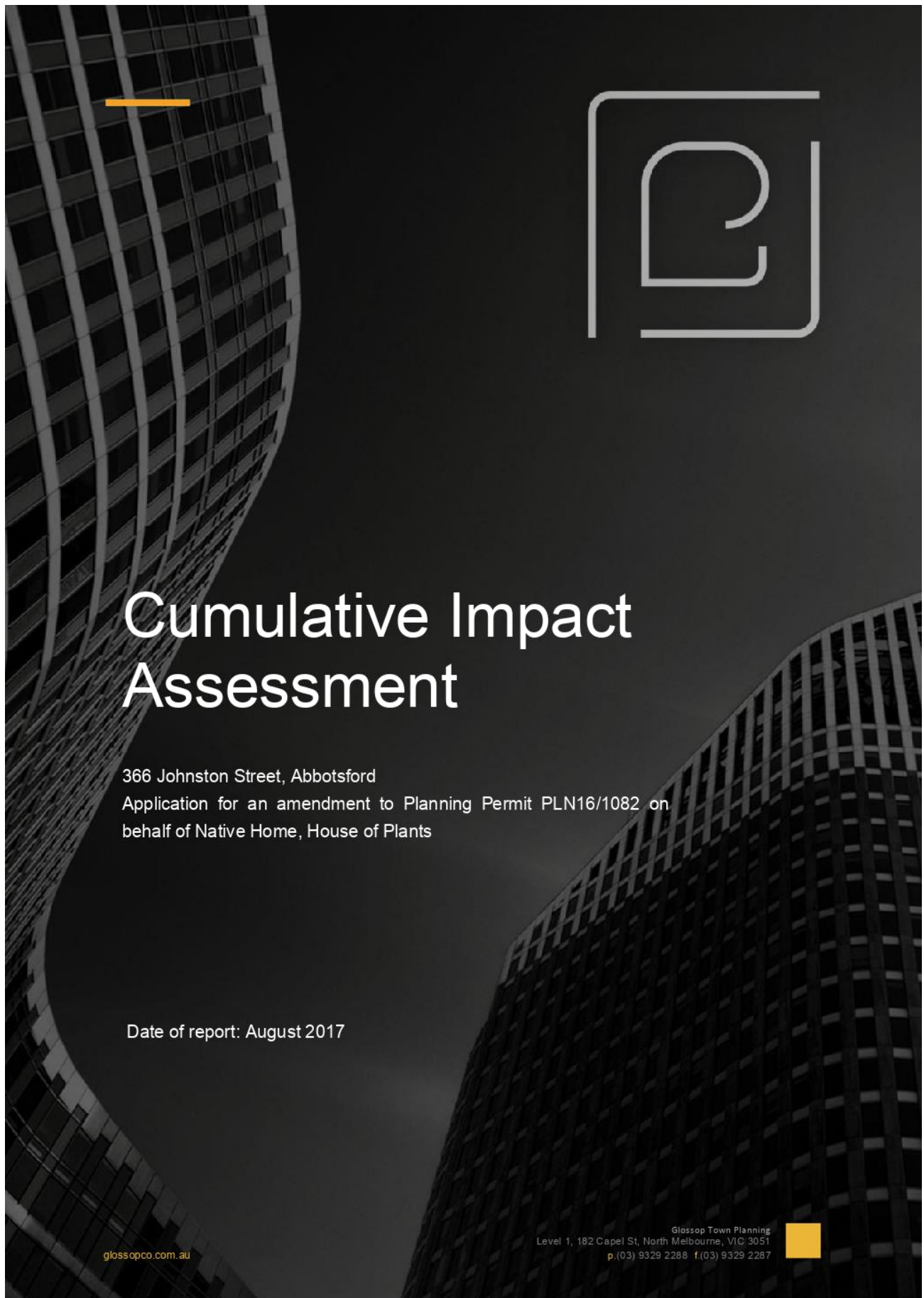
There is adequate lighting throughout the venue so that there is nothing missed before leaving site. There is a "Blinder" light installed to ensure all patrons move off the site at night.

Yours sincerely,

Ewan Harding,  
Director  
Eucalyptus PTY LTD



**Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment**







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## Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment



Glossop Quality System			
Author	EL	Checked By	SZ
Date Issue	August 2017	Revision Number	

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**p.2**



## Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment



### 1. Introduction

This Cumulative Impact Assessment has been prepared on behalf of Native Home, House of Plants, and relates to the land at 366 Johnston Street, Abbotsford (the 'subject site').

The assessment is provided in support an amendment to Planning Permit PLN16/1082 to allow for the sale and consumption of liquor on the premises.

This assessment is based on the criteria in Practice Note 61 'License premises: Assessing Cumulative Impact (Department of Planning and Community Development, March 2011 ('PN61')).

### 2. Executive Summary

The cumulative impact of the licensed premises is acceptable for the following reasons:

- There are a total of 20<sup>1</sup> licensed venues within a 500m radius of the subject site (the 'study area'), which includes 1 licensed venues within a 100m radius. There are only four general licences operating within the area. The area is not characterised with excessive alcohol consumption with most venues closing at or before 11pm.
- The site's locational context reinforces the appropriateness for licenses premises to be established here by virtue of its Commercial 1 zoning, its activity centre context and accessibility to various modes of transport.
- The Yarra Planning Scheme seeks to reinforce the important role and function of activity centres. It promotes more vibrant precincts, which includes Johnston Street.
- The City of Yarra is renowned for its dynamic night life and its Night Time Economy (NTE) provides significant economic benefits<sup>2</sup>.
- Patron car parking generated by the proposal will have limited impacts on residential areas at night by virtue of existing parking restrictions and because patrons will enter and exit the venue via Johnston Street. This will help direct patrons away from residential areas.

The proposed venue will provide a range of food and drink offerings and will cater to a broad cross section of the community. It will employ a wide range of operational measures including controlling patron behaviour and noise levels. A Noise & Amenity Action Plan forms part of the planning application.

<sup>1</sup> Excluding the proposal.

<sup>2</sup> As outlined in Yarra's *Night Time Economy Strategy – Promoting the Safety, Vibrancy and Functionality of Yarra at Night 2014-2018*.



## Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment



### 3. The Proposal

Planning Permit PLN16/1082 allows for the following:

*Buildings and works and a waiver of loading bay requirements associated with the as-of-right use of the land as a plant nursery.*

The permit holder now seeks a permit to allow for the premises to be used for the sale and consumption of liquor during the following hours:

Mon / Thurs	12 noon to 11pm
Fri / Sat	12 noon to 1am the following day
Sun	12 noon to 10pm

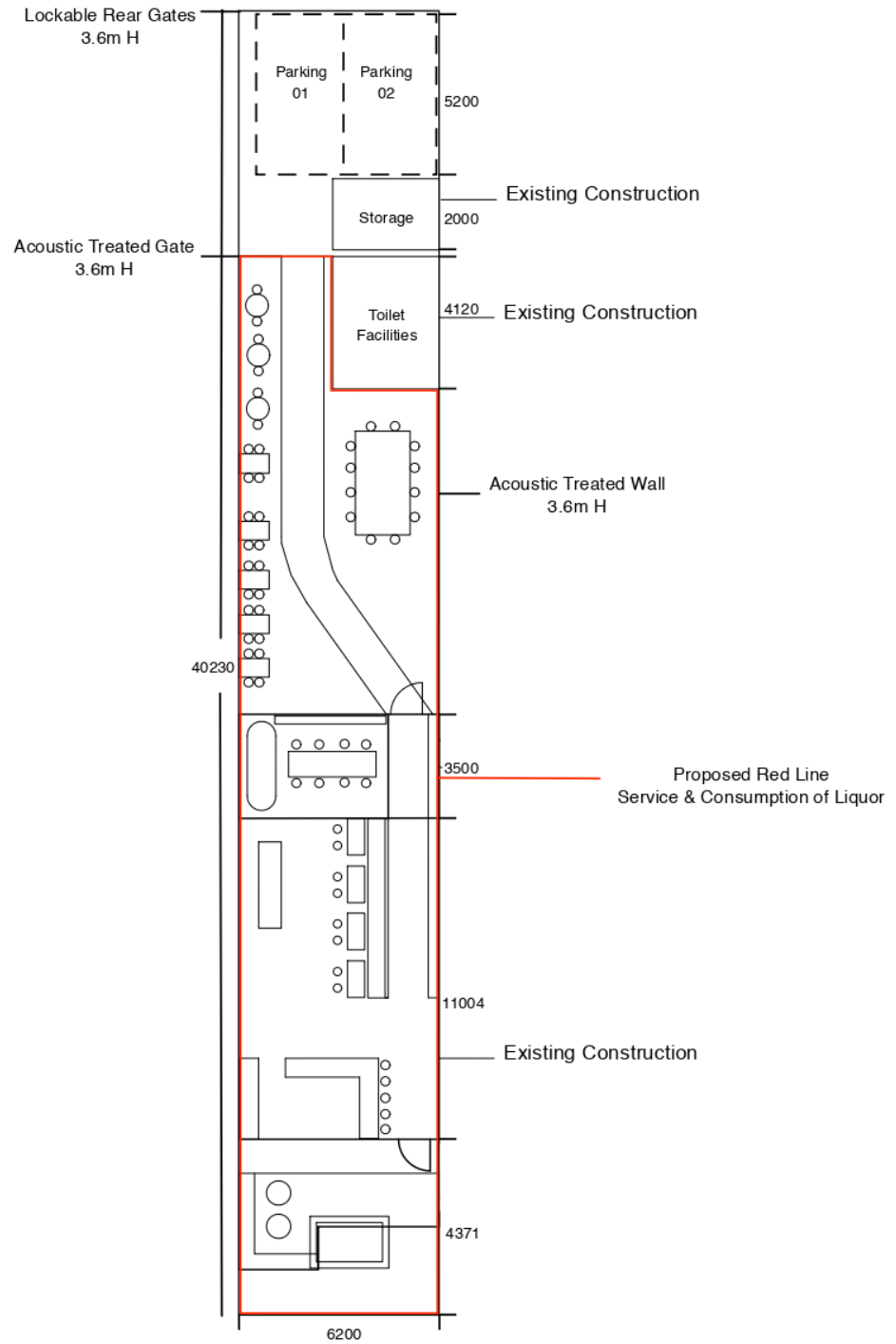
The premises is proposed to accommodate up to 115 people.

More specifically, liquor is proposed to be served within the area indicated on the plan below.

**p.4**



**Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment**



Proposed works 2019  
 366 Johnston Street  
 Abbotsford 3067  
 Patron Capacity 115



## Attachment 6 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Cumulative Impact Assessment



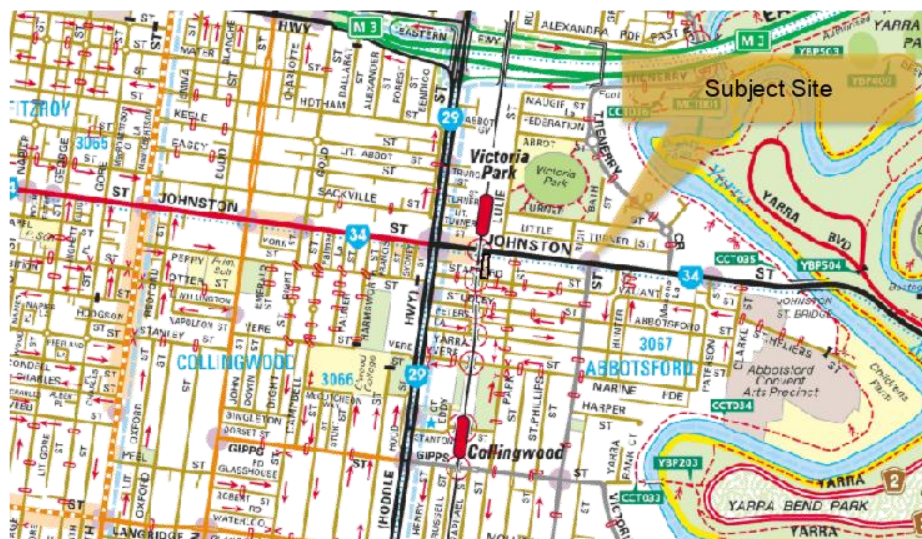
### 4. The Site and Site Context

#### The Site

The subject site is located on the north side of Johnston Street, generally opposite the termination of Nicholson Street. It is rectangular and it has an overall area of approximately 1,096sqm. At the rear the site abuts Little Turner Street, from where vehicular access is available.

The site is located within the Johnston Street Activity Centre, which principally is made up of a mix of hospitality, offices and retail land uses with a particular focus on household goods.

Residentially zoned land is located to the north of the site across Little Turner Street. Many of these properties have garages abutting Little Turner Street and typically are development with one and two storey dwellings.



Locality Plan – Immediate Context (Source: [www.land.vic.gov.au](http://www.land.vic.gov.au))

#### The Study Area

The study area has been defined with guidance from PN61, which states:

*Determining whether a cluster of licensed premises exists is a matter of common sense that should take into account the number and type of licensed premises in an area, their distance from the subject land, and whether they can be easily accessed from the subject land. As a general guide, a cluster would occur where there are:*

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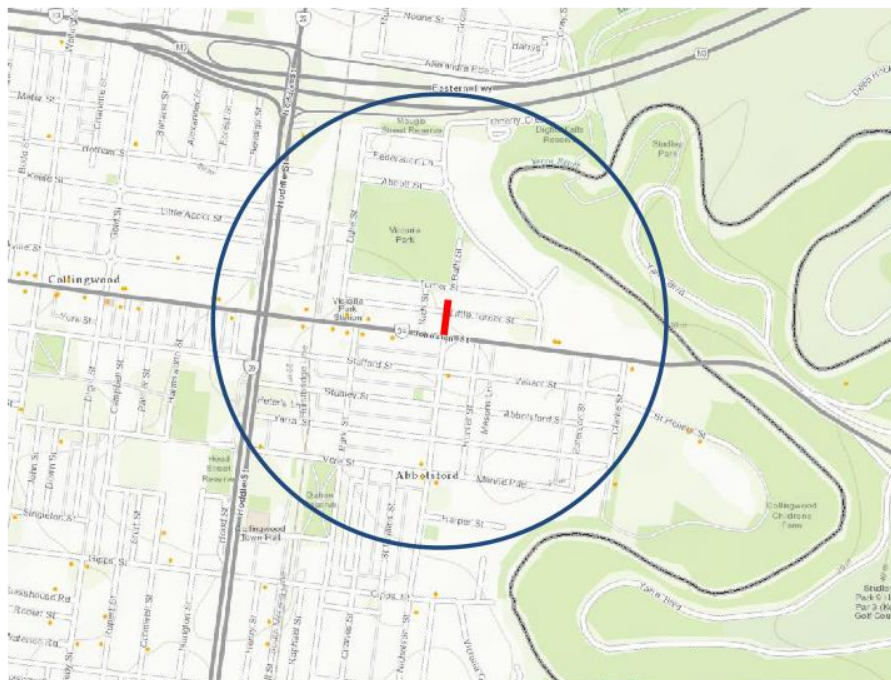


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- Three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land; or
- 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

There are 18 licensed premises within a radius of 500m of the subject site (the 'study area'), most of which are at least 100m west of the site.



Licensed Venues indicated in Orange (Circle represents 500m radius of the site) (Source: VCGLR)

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There is only 1 venue located within a 100m radius of the site<sup>3</sup>.

A list of premises within the study area is provided overleaf (as searched on 12 July 2017).



Licensed Venues indicated in Orange (Circle represents 100m radius of the site) (Source: VCGLR)

<sup>3</sup> This calculation excludes the proposal.



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### List of Venues

Licence Type	Venue Name	Venue Address
General licence	Park Hotel	191 Nicholson St
General licence	Retreat Hotel	226 Nicholson Street
General licence	Yarra Hotel	295 Johnston Street
Packaged liquor licence	Lofty Mart	201 Johnston Street
Packaged liquor licence	Abbotsford IGA	306-310 Johnston Street
Restaurant and cafe licence	Studley Park Boathouse Kew	Studley Park Boathouse
Restaurant and cafe licence	Vit Cafe	413 Johnston Street
Restaurant and cafe licence	Mesa (Greek Cuisine)	265 Johnston Street
Restaurant and cafe licence	Johnston St Pizza Traders	239-241 Johnston Street
On-premises licence	St. Helier Community Store	1 St Heliers Street
On-premises licence	Dr Morse	274 Johnston Street
On-premises licence	Mr Boogie Man	160 Hoddle Street
On-premises licence	Lulie St Tavern	288 Johnston Street
On-premises licence	Angel's Nest	210 Johnston Street
Restaurant and cafe licence	Kelso's Sandwich Shoppe	271 Johnston Street
Limited Licence	Nelson Wine Company	249 Johnston Street
Limited Licence	Bijoux Wine	1 Marine Parade
Limited Licence	Déjà vu Wine Company	436 Johnston Street

It is noted that the Rochester Castle Hotel is located 504m from the subject site, just outside the study area.

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### 5. Assessment

PN61 requires the following matters be considered when assessing the cumulative impact of a new licensed premise:

- Planning policy and context;
- Surrounding land use and amenity;
- The mix of licensed premises;
- Transport and dispersal; and
- Impact mitigation.

An assessment of the above matters is provided below.

#### Planning Policy Context

The statutory planning controls which are relevant to the consideration of this assessment are provided in the following table<sup>4</sup>:

PN61 Requirements	Response
<b>Existing Conditions</b>	
<b>What is the existing policy, zoning and other planning controls that are relevant to the area?</b>	<p>The site is located within the Commercial 1 Zone and not subject to any overlays.</p> <p>The following Particular Provisions are relevant to this assessment:</p> <ul style="list-style-type: none"> <li>■ Clause 52.27 Licensed Premises; and</li> <li>■ Clause 52.43 Live Music and Entertainment Noise.</li> </ul> <p>The following State and Local Planning Policies are relevant to this assessment:</p> <ul style="list-style-type: none"> <li>■ Clause 9 'Plan Melbourne';</li> <li>■ Clause 13 'Environmental Risks';</li> <li>■ Clause 17 'Economic Development';</li> <li>■ Clause 21.04 'Land Use';</li> <li>■ Clause 22.09 'Licensed Premises'; and</li> <li>■ Clause 22.05 'Interface Uses Policy'.</li> </ul> <p>The Decision Guidelines at Clause 65 are relevant to this proposal.</p>

<sup>4</sup> Note: Other permit requirements apply to the proposal and have not been considered a part of this assessment.



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	The <i>Johnston Street Local Area Plan</i> was adopted by Council in December 2015.
<b>What amenity, land use and other outcomes do these controls encourage?</b>	<p>Generally the controls relevant to the site seek the following:</p> <ul style="list-style-type: none"> <li>■ Vibrant, mixed use commercial centres which serve the needs of the local population.</li> <li>■ To support the establishment of new businesses in appropriate locations.</li> <li>■ For the Johnston Street Activity Centre to play a more significant commercial role within Yarra.</li> <li>■ For licensed premises to be carefully managed to protect the amenity of nearby properties including through the management of noise and other emissions.</li> <li>■ Environmentally sustainable development.</li> </ul>
<b>Assessment</b>	
<b>Is the proposal consistent with the planning outcomes encouraged in the policy, zoning and other planning controls in the area?</b>	<p>The proposal is consistent with the Yarra Planning Scheme for the following reasons:</p> <ul style="list-style-type: none"> <li>■ Licensed premises are appropriate to the Commercial 1 Zone in principle with most not requiring a planning permit under the zone.</li> <li>■ The proposal will reinforce the role and function of the Johnston Street activity centre and is consistent with the area's strategic hospitality and service focus.</li> <li>■ The venue will provide employment opportunities and strengthen the local economy.</li> <li>■ The venue will contribute to the vibrancy of the centre and attract both visitors and local residents.</li> <li>■ The location of the site supports its efficient use and development. It is located on a main road and has excellent access to public transport. Its inner urban context further promotes sustainable modes of transport including cycling and walking.</li> <li>■ The venue can adopt operational measures to minimise amenity impacts on nearby residential areas.</li> </ul>

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### Surrounding Land Use Mix and Amenity

A response to the PN61 requirements surrounding land use mix and amenity is provided in the table below:

PN61 Requirements	Response
<b>Existing Conditions</b>	
<b>Does the subject land adjoin sensitive uses?</b>	The subject site does not directly abut a sensitive use although residential land uses exist on the opposite (northern) side of Little Turner Street.
<b>What is the relationship between licensed premises and other uses in the area?</b>	Licensed premises will complement the mix of uses within the Johnston Street activity centre which primarily includes a range of hospitality venues, offices and shops.
<b>What are the local crime statistics related to licensed premises?</b>	Local crime statistics which relate specifically to the subject area are unavailable to the public.
<b>Are there other premises open after 11pm?</b>	Within the study area there are several venues which are licensed to operate after 11pm. This includes the Retreat Hotel, the only licensed premises located within 100m of the site, which closes at 1am outside of Sundays and public holidays.
<b>What is the existing amenity in the area?</b>	<p>The amenity of the area is primarily derived from the Johnston Street activity centre and its nearby residential areas. Johnston Street comprises an activated street edge with significant foot traffic. It is also a Category 1 zoned road which carries significant volumes of traffic.</p> <p>At the rear of the site is Little Turn Street, which primarily serves an access role for abutting properties.</p> <p>As a consequence of the mixed and active context, nearby residential areas would typically be accustomed to the impacts of commercial activities although the environment within the residential context is more domestic.</p> <p>The main and local streets are highly walkable with cycling commonplace.</p>
<b>What are the reasonable amenity expectations in the area?</b>	It is reasonable to expect that the activity centre will continue to grow and evolve in accordance with planning policy. Nearby residential areas can therefore expect on-going, and more intensive, use and

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	<p>development within the centre. Accordingly, residential amenity expectations at the periphery of a residential area cannot be the same as those within the hinterland.</p> <p>Nonetheless, commercial properties must carefully manage their operations to minimize any off site impacts for nearby residential properties.</p>
Assessment	
<p><b>Will the proposal significantly increase the number of patrons near sensitive uses at any time?</b></p>	<p>Patrons will enter and exit the premises from Johnston Street, and the designated area for the service and consumption of liquor is setback from the rear boundary of the site. This directs patron movements and activities away from nearby residential areas. Night time car parking restrictions will further deter patrons from parking in residential streets.</p> <p>The existing car parks at the rear of the site and the adjoining Little Turner Street will continue to provide a buffer to the adjacent dwellings.</p>
<p><b>Given the location and planning policy context, will the proposal generate amenity impacts beyond what is reasonable?</b></p>	<p>The proposal will not result in any unreasonable amenity impacts.</p> <p>Appropriate noise attenuation and management operations will ensure that the amenity of nearby residents is not unreasonably affected. As noted above, the proposed service area for the sale and consumption of liquor is setback from the rear which will reduce noise spill.</p> <p>Given the location of the site and the existing amenity conditions of the area, the proposal will not generate impacts beyond what can reasonably be expected for this area.</p>

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### The Mix of Licensed Premises

A response to the PN61 requirements surrounding the mix of licensed premises is provided in the table below:

PN61 Requirements	Response
<b>Existing Conditions</b>	
<b>What is the mix of licensed premises in the area?</b>	<p>There are 18 licensed premises within the study area, as described below:</p> <ul style="list-style-type: none"> <li>5 x On Premises (27.7%);</li> <li>3 x Limited (16.7%);</li> <li>3 x General (16.7%);</li> <li>2 x Packaged liquor (11.2%); and</li> <li>5 x Restaurant and café (27.7%).</li> </ul>
<b>Do any licensed premises cater for more than 200 patrons?</b>	<p>The Retreat Hotel has no limitations upon patron capacity before 11pm, while the Yarra Hotel has no limitation before 12 midnight. The Park Hotel has no limitation upon patron numbers. These hotels likely operate pursuant to existing use rights.</p>
<b>How many and what type of licensed premises (especially high capacity venues and packaged liquor outlets) operate after 11pm?</b>	<p>There are three taverns with on premises licenses within the study area which are permitted to operate until 1am on at least some days of the week (Dr. Morse, Angel's Nest and Lulie St Tavern).</p> <p>The Retreat Hotel and the Yarra Hotel have closing times of 1am outside of Sundays and public holidays. The Park Hotel closes at 11pm.</p> <p>All of the hotels are required to close their associated packaged liquor outlets by 11pm.</p>
<b>Do licensed premises commonly operate at capacity and is queuing outside common?</b>	<p>Licensed premises occasionally operate at capacity.</p> <p>Queuing in the study area is generally not common.</p>
<b>Do many licensed premises in the area show a high ratio of standing to seating?</b>	<p>The majority of local licensed premises are restaurants or cafes meaning there is a high ratio of seating.</p> <p>There taverns and hotels within the study area are well dispersed.</p>
<b>Are there any local laws regulating consumption</b>	<p>The Yarra City Council's Local Law No. 8 of 2009, "Consumption of</p>

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<b>of liquor in public spaces?</b>	Liquor in Public Places" (until 2019) states that:  <i>"A person must not in a public place: (a) consume liquor; or (b) be in possession of liquor in an open container"<sup>5</sup>.</i>
<b>Is there any evidence of problems apparent in the area, such as property damage or littering that may be attributed to alcohol related incidences?</b>	<i>Council's Night Time Economy Strategy 2014</i> does not list any specific evidence of alcohol related problems along Johnston Street. It does provide the following statement, which relates to the whole of Yarra:  <i>According to Council's own research, some in the community have negative associations, or experiences, of nightlife in Yarra that negatively impact on their perceptions of safety of Yarra's NTE. The two key issues impacting on people's safe experience of Yarra's NTE are: anti-social behaviour and reduced amenity.</i>
<b>Are complaints (for example, to council or Victoria Police) about licensed premises already being generated in the area?</b>	This information is not readily available to the public.
<b>Are there any known enforcement proceedings against licensed premises in the surrounding area?</b>	This information is not readily available to the public.  Of the licensed premises within 500m of the site, it does not appear that any are missing demerit points.
<b>Assessment</b>	
<b>Does the proposal contribute to the diversity of activities and vibrancy in the area?</b>	The proposal will contribute to the diversity of activities and vibrancy in the area and offer a new range of food and drink offerings.  It will create an exciting new attraction along Johnston Street, and cater to a broad cross section of the community. It will further stimulate commercial activity to the centre, which has a higher than average vacancy rate.
<b>Will the proposal reinforce any existing or create any new impacts arising from the mix of uses in the area?</b>	The venue will complement the existing uses within the centre and it is not envisaged that any new impacts will arise from this application. There are already premises which operating in the immediate area into the evening hours and the proposed use will complement these uses. There is also a high proportion of day time uses present, including at the subject site, creating a good mix of uses in the area.

<sup>5</sup> Subject to conditions.



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### Transport and Dispersal

A response to the PN61 requirements surrounding transport and dispersal is provided in the table below:

PN61 Requirements	Response
<b>Existing Conditions</b>	
<b>Do closing hours between venues coincide closely or is there a spread of closing hours?</b>	Licensed venues in the study area include a range of closing hours and several premises operate without specified closing hours. It is also unlikely that all venues within the study area will always remain open to the designated licensed time or fill to their maximum capacity.
<b>Is there a high number of patrons on the streets after 11pm?</b>	Generally, there are not a high number of patrons on the streets after 11pm.
<b>What public transport is available to patrons leaving the licensed premises at closing time?</b>	The following public transport options are available at 1am and are within walking distance to the subject site: <ul style="list-style-type: none"> <li>■ Victoria Park Station, located to the west;</li> <li>■ Bus routes which operate along Johnston Street including Night Rider services; and</li> <li>■ Bus routes which operate along Hoddle Street (a bus stop is located 180 metres walk to the south west).</li> </ul>
<b>Are taxi ranks conveniently available to patrons leaving the licensed premises at closing time?</b>	Taxis are commonly found along the main roads servicing the subject site, which include Johnston Street, Nicholson Street and Hoddle Street. There are adequate lanes for vehicles to pull over without unreasonably disrupting traffic flow, particularly in the evenings when parking demands are less.
<b>Is there car parking available and where is it located?</b>	There is on street car parking available in Johnston Street outside the site. These parking spaces are unrestricted in the evening.
<b>How do people disperse from the area after leaving a licensed premises?</b>	Typically people who attend a licensed premises travel by taxi, uber or public transport.
<b>Is the movement of patrons through the area</b>	There are no apparent patron movement problems.

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known to be an existing problem?	
Are there any identified issues with accessing public transport such as frequency or capacity of services?	There are no apparent issues with accessing public transport or the capacity of services particularly in the evening.
<b>Assessment</b>	
Is the proposed licensed premises' location or characteristics such as operating hours likely to contribute to any problems for patron dispersal?	Patron dispersal will occur along Johnston Street as patrons can only exit the premises into the the main road. From there access is available to public transport and taxis, as well as on street car parking.  It is not expected that the venue will contribute to any problems for patron dispersal.
Will the proposal reinforce any existing or create any new impacts arising from licensed premises closing times and patron dispersal within the area?	The site is located within an established activity centre which already comprises venues with similar closing times. It will not therefore create any new impacts.

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### Impact Mitigation

A response to the PN61 requirements surrounding impact mitigation is provided in the table below:

PN61 Requirements	Response
<b>Existing Conditions</b>	
<b>Are there sufficient public amenities available for patron use, including toilets and rubbish disposal?</b>	According to the National Public Toilet Map website, public toilets are available at the Victoria Park Train Station.  There are public rubbish bins located throughout the Study Area.
<b>Are there any relevant public safety or enforcement initiatives in the area?</b>	Drinking alcohol in unlicensed streets in Yarra is prohibited under Council's Local Laws.
<b>Has the area been developed according to principles of good urban design and safe design?</b>	Buildings along Johnston Street generally include active frontages associated with hospitality, offices, and household goods retailing land uses. There are a small number of properties which have no street activation as the shop front windows have been completely covered.  The <i>Johnston Street Local Area Plan (2015)</i> recognises that Johnston Street has the potential to become a more vibrant, liveable and accessible place with a diverse mix of commercial activity occurring at street level. It seeks to encourage pedestrian activity at street level with greater interactions with shops and cafes.
<b>Assessment</b>	
<b>Will the proposal provide mitigation measures to address any negative cumulative impacts?</b>	The layout and location of the site lends it to the proposed use for the reasons already identified. These features limit the potential for adverse impacts. Further, appropriate noise attenuations measures and venue management practices will ensure the safe and practical management of the site and ensure that any noise emissions adhere to the EPA noise limits set by SEPP N-2.
<b>Can any identified negative cumulative impact be satisfactorily reduced by changes to the proposal?</b>	Potential cumulative impacts have been appropriately managed and no further changes are required.

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HEAR DATA PTY LTD ABN 39 008 317 924 Trading as

**AUDIOMETRIC & ACOUSTIC SERVICES**

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**4 March 2019**

**Report No. 19036**

**Title:** Environmental noise assessment regarding proposed change of use and possible noise levels received at nearby residences.

**Brief:** Environmental noise assessment regarding existing Native Home, House of Plants Venue located at 366 Johnston Street, Abbotsford and possible effects on nearby residents. Assess potential patron noise and compliance with EPA State Environmental Protection Policy No. N-2 (SEPP N-2) regarding music noise emissions.

**Client:** Native Home, House of Plants  
366 Johnston Street  
Abbotsford

**Contact:** Ewan Harding  
M) 0432 522 429

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Report 19036

## Executive Summary

Audiometric & Acoustic Services has performed an environmental noise assessment to determine noise limits and measure effective noise levels received by nearby residents from the Native Home, House of Plants, as per City of Yarra Planning Application PLN16/1082.

Noise levels have been calculated according to the applicable EPA legislation, State Environmental Protection Policy (Control of Music Noise from Public Premises) No. N-2 and the scientific papers 'Prediction of Noise from Small to Medium Sized Crowds'.

The results show the effective noise levels emanating from the Native Home, House of Plants to be marginal for patron and music noise at the nearest noise sensitive areas.

It is therefore recommended that further mitigation measures are implemented.

## Acoustic Engineering Recommendations

Source	Mitigation Measures
<b>General</b>	Installation of ceiling to the east half of the truss roof system as per Figure 5 and Figure 6 in Section 8.1. The ceiling must be constructed with materials achieving a minimum surface density of 12 kg/m <sup>2</sup> . Installation of 9 mm Villaboard or equivalent direct fixed to roof battens with no gaps is recommended.
<b>Indoor Music Noise</b>	It is considered that compliance with SEPP N-2 can be reasonably achieved by setting a maximum master volume on the current house music system. The maximum volume should be set once the proposed ceiling system is installed to ensure accurate compliance with the SEPP N-2. Note the night period octave band limits will be the overall prevailing limit. A compliance check by a suitably qualified person in the field of acoustics is suggested should Council see as required. Amplified live music must not be played inside at any time unless the music is played through the house system in order to make use of the limiting device or set limit. Unamplified, light acoustic music is permitted during both the SEPP N-2 day / evening and the night periods. No drums or significant wind instruments should be used.
<b>Outdoor Music Noise</b>	The noise level emanating from the rear outdoor area on a normal basis for 'Quiet Entertainment' should be limited to an appropriate level that represents 'Quiet Entertainment' as defined by the Policy. An unamplified, single act or duet would be suitable. Normal operations or performances on the outdoor stage should be limited to 'light acoustic music'. No drums or significant wind instruments should be used. 'Outdoor Concerts' are restricted to 6 performances per financial year. Data held by this firm for general acoustic music with the exclusion of drums and significant wind instruments is calculated to be compliant at the nearest and potentially most affected NSAs for outdoor concerts. The client should employ or provide their own sound level monitoring during 'Outdoor Concert' events that may be considered to exceed 82 dB(A) at 1 m from the proposed musical act. Performances should adhere to the time periods specified in Table 12.
<b>Patron Noise</b>	The rear outdoor seating area should be closed after 10 pm daily with no access to patrons except for use of the bathrooms located at the rear of the property.



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## 1 Introduction

### 1.1 Services

Audiometric and Acoustic Services (A&AS) has been commissioned by Native Home, House of Plants as part of an amended planning permit application (PLN16/1082) with City of Yarra Council.

The scope of the assessment includes:

- Prediction and review of potential patron noise emissions from the site.
- Assessment of music noise emissions in relation to the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2)
- Provision of advice on noise attenuation measures necessary to comply with the relevant legislation or guidelines and protect nearby noise sensitive areas from music and patron noise emissions due to the proposed operations.

A glossary of the acoustic terminology used in this report is presented in Appendix A.

### 1.2 Reference Documentation

The Report is based on the following reference documentation:

**Table 1 Reference Documentation**

Document	Author	Issue
Planning Application: 'PLN161082 - 366 Johnston Street Abbotsford - Planning Permit (Amended).pdf'	City of Yarra Council	20 December 2016
Cumulative Impact Assessment for an amendment to Planning Permit PLN16/1082	Glossop Town Planning	August 2017



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## 2 Project Characteristics

### 2.1 Location of Project Site

The project site is located at 366 Johnston Street, Abbotsford as shown below in Figure 1. The topography in the immediate area of the site and nearby area is predominantly flat.



Figure 1 Location of Project Site (Image Source: Google Maps)

### 2.2 Proposed Operations

The premises are proposed to operate as a tavern as per the operating hours detailed in Table 2.

Table 2 Proposed Operating Hours

Period	Time
Monday to Thursday	12 pm - 11pm
Friday and Saturday	12 pm - 1 am
Sunday	12 pm - 10 pm

For acoustic assessment purposes the site is divided into 3 primary areas; the street front seating area, the rear outdoor area and the bar area inside. Patrons are allocated as follows:

Table 3 Proposed Patron Numbers

Area	Patron Numbers
Street Front Seating Area	15
Internal Bar Area	50
Rear Seating Area	50



The proposed patron numbers represent proposed maximum capacities for the areas and do not necessarily represent the total number of patrons nor regular operations. Regular operations may accommodate 50 – 60 patrons across the site as a more usual expectation of normal worst operations.

The site plan illustrates the proposed layout for the 10000 block of 30th Avenue SE. The central feature is the 'PROPOSED SITE', which includes a building footprint and an adjacent 'PERCULA 0.33A.M' area. The plan is bounded by 30th Avenue SE to the north, 31st Avenue SE to the east, and 32nd Avenue SE to the south. To the west of the proposed site is an 'ADJOINING PROPERTY' consisting of a 'SERVICE AND CONSUMPTION ALCOHOL AREA' and a 'PARKING' area. The plan also shows a 'PARKING' area to the east of the proposed site. The number of patrons for different areas is indicated: '50 Patrons' for the main building area, '15 Patrons' for the 'PERCULA 0.33A.M' area, and '50 Patrons' for the 'ADJOINING PROPERTY' area. The plan includes various labels for streets, parking areas, and the proposed site, as well as a north arrow and a scale bar.

**Figure 2**      **Proposed Allocation of Patrons**



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## 3 Legislation and Guidelines

### 3.1 Patron Noise

There is currently no legislation or EPA Guideline that specifies noise limits for patron noise emissions from commercial premises in Victoria, with the exception of Clause 8 of State Environment Protection Policy No. N-2, which states:

*"8. In this policy the music noise assessed may include, in addition to noise from music sources, noise from human voices and activities within the premises that are associated with the music sources."*

However, the EPA Explanatory Notes on SEPP N-2 (EPA, Victoria, 1989) indicate that this refers to noise such as *"audience applause and the voice of a "disk jockey" when these are directly associated with the music"*. As such, this would not apply to isolated patron noise or general conversation within the establishment.

Patron noise will therefore be considered in this assessment using a background-based noise limit as a guide to the levels of noise that may be acceptable at relevant external areas of NSAs (such as decking areas or yards).

Based on the proposed operating hours extending passed 10 pm Monday through Saturday, the 'night' period noise limits will be the prevailing criterion when assessing patron noise.

### 3.2 Music Noise

#### 3.2.1 Indoor Venues

The State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) prescribes methods for accessing music noise from public premises whether the source be live or pre-recorded.

For indoor venues the assessment includes the measurement or prediction of music noise levels against limits prescribed by the SEPP N-2 at nearby noise sensitive areas such as residential dwellings.

#### 3.2.2 Outdoor Venues

The State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) Explanatory Notes specify the following regarding outdoor venues:

*"Outdoor Venues (Clauses 26 to 34) - Time limits, restrictions on noise produced and limits on concert numbers are outlined in the Policy for outdoor venues."*

Because concerts at outdoor venues are generally much louder than music noise from indoor venues, a time limit, rather than a noise limit, ensures that music does not cause intrusion during sleeping hours.



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Concerts must end by 11 p.m. Concerts of greater than five hours duration must finish by 10 p.m."

"Only six concerts may be held in any financial year. However, quiet musical entertainment at an outdoor venue, that does not produce noise levels above 55 dB(A) in a noise sensitive area, is not designated as a concert in the Policy. While there are no restrictions on the number of such quiet musical events, they must finish by 11 p.m.

The EPA may allow more than six concerts to be conducted at an outdoor venue in any particular year, provided certain preconditions are met and the local municipal council is consulted.

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## 4 Noise Sensitive Areas

The nearest and potentially most affected areas have been identified as per Table 4 and illustrated in Figure 3. It is taken that if the near field residences are compliant then any residences at further distance will also be compliant.

**Table 4 Noise Sensitive Areas**

Location Reference	Address	Comment
NSA 1	370 Johnston Street, Abbotsford	Multistorey Apartment Building with private balconies facing Johnston Street and Little Turner Street. A common area is located on the west façade approximately 3 storeys up.
NSA 2	62 Little Turner Street, Abbotsford	Double storey residence.
NSA 3	68 Little Turner Street, Abbotsford	Double storey residence with balcony facing project site.
NSA 4	319 Johnston Street, Abbotsford	Single storey residence.



**Figure 3 Location of NSA (Image Source: Google Maps)**

Effective noise levels will be calculated to the façade of NSAs to accommodate operable windows and balconies.



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## 5 Existing Acoustic Environment

### 5.1 Local Acoustic Environment

The existing localised environment around the site and noise sensitive areas is primarily from local traffic, distant rail noise as well as general industry noise from the surrounding commercial zone.

### 5.2 Background Noise Levels

Environmental noise logging was undertaken at the site in order to gain the background noise levels at 3 different positions.

The loggers were located as per Figure 4. Further details of the measurement methodology and location and are presented in Appendix C.



Figure 4 Location of Noise Loggers

It is considered that the background noise levels at the selected noise logging locations are a conservative representative of the background noise levels at the potentially most-affected receivers.

Table 5 presents a summary of the measured background noise levels, as determined in accordance with the procedures given by SEPP N-1.



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**Table 5 Background Levels as per SEPP N-1 Time Periods**

Period	Applicable Times	Noise Level, $L_{A90}$ dB(A)
<b>NSAs 2 &amp; 3</b>		
<b>Day</b>	<ul style="list-style-type: none"> <li>7am to 6 pm Monday to Friday.</li> <li>7 am – 1 pm hours (Saturday)</li> </ul>	40
<b>Evening</b>	<ul style="list-style-type: none"> <li>6pm to 10pm Monday to Friday</li> <li>1pm to 10pm Saturdays</li> <li>7am to 10pm Sundays and Public Holidays</li> </ul>	40
<b>Night</b>	<ul style="list-style-type: none"> <li>10pm to 7am All Days</li> </ul>	37
<b>NSAs 1 &amp; 4</b>		
<b>Day</b>	<ul style="list-style-type: none"> <li>7am to 6 pm Monday to Friday.</li> <li>7 am – 1 pm hours (Saturday)</li> </ul>	53
<b>Evening</b>	<ul style="list-style-type: none"> <li>6pm to 10pm Monday to Friday</li> <li>1pm to 10pm Saturdays</li> <li>7am to 10pm Sundays and Public Holidays</li> </ul>	50
<b>Night</b>	<ul style="list-style-type: none"> <li>10pm to 7am All Days</li> </ul>	41

Table 6 below presents the average  $L_{A90}$  background noise level measured at the rear of the project site from Saturday 9<sup>th</sup> to Monday 11<sup>th</sup> March 2019 as determined in accordance with the procedures given by SEPP N-2.

The location of logging provided a more conservative background level than the loggers located at the midpoint and front of the project site.

Note the times and days shown in the table apply to premises with greater than 3 operations per week.

**Table 6 SEPP N-2 Background Noise Levels at NSAs 2 & 3 (Rear)**

Period	Applicable Times	Background Noise Level, $L_{A50}$ dB(A)
<b>Day / Evening</b>	<ul style="list-style-type: none"> <li>10 am to 10 pm Saturday</li> <li>Midday to 9 pm Sundays and Public Holidays</li> <li>9 am to 10 pm Other days</li> </ul>	40
<b>Night</b>	<ul style="list-style-type: none"> <li>Midnight Friday Night to 9 am Saturday Morning</li> <li>Midnight Saturday Night to 11 am Sunday</li> <li>10 pm Sundays Night and Public Holidays to 9 am the Following Weekday</li> <li>11 pm Monday to Thursday to 9 am the Following Day</li> </ul>	See Table 7

Table 7 below presents the  $L_{OCT90}$  background level for the SEPP N-2 'night' period.



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Table 7 presents the unweighted  $L_{OCT90}$  Background Noise Level for the period between 11:13pm and 11:29 pm on the 9<sup>th</sup> of March 2019 taken in the centre of the rear alley behind the venue, outside NSA 2. The above spot measurement was compared to the logging measurement in the rear alley from 1:00 am until 1:15 am on the 9<sup>th</sup> March 2019. Both were found to be an  $L_{A90} = 35$  dB(A).

**Table 7 SEPP N-2  $L_{OCT90}$  Background Noise Level**

Period	Background Noise Level, $L_{OCT90}$ , dB						
	63	125	250	500	1k	2k	4k
Night	41	38	35	32	30	25	19



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## 6 Noise Criteria

### 6.1 Patron Noise

Patron noise limits for the nearby dwellings (NSAs 2 & 3) are calculated according to the SEPP N-1 time periods and presented below in Table 8 for the more restrictive evening and night periods. Details of the background levels are presented in Appendix C.

**Table 8 Patron Noise Limit Calculations for NSAs 2 & 3**

SEPP N-1 Time Period	Noise Level, $L_{A90}$ dB(A)	Noise Criteria	Noise Limit, $L_{eff}$ dB(A)
Evening	40	$L_{A90} + 10$	50
Night	37	$L_{A90} + 5$	43

A summary of the patron noise limits for the nearby dwellings (NSAs 1 & 4) are calculated according to the SEPP N-1 time periods and presented below in Table 9.

**Table 9 Patron Noise Limits as per SEPP N-1 Time Periods for NSAs 1 & 4**

SEPP N-1 Time Period	Noise Level, $L_{A90}$ dB(A)	Noise Criteria	Noise Limit, $L_{eff}$ dB(A)
Evening	50	$L_{A90} + 10$	60
Night	41	$L_{A90} + 5$	46

### 6.2 SEPP N-2 Day / Evening Limit – Music

The following noise limits for music apply to at the NSAs 2 & 3 for the SEPP N-2 'Day / Evening Period' (background  $L_{A90} + 5$ dB)

**Table 10 SEPP N-2 Noise Limits**

Period	$L_{A90}$	Applicable Times	Noise Limit, $L_{Aeq}$ dB(A)
<b>NSAs 2 &amp; 3</b>			
Day / Evening	40	<ul style="list-style-type: none"> <li>10 am to 10 pm Saturday</li> <li>Midday to 9 pm Sundays and Public Holidays</li> <li>9 am to 10 pm Other days</li> </ul>	45
Period	$L_{A90}$	Applicable Times	Noise Limit, $L_{Aeq}$ dB(A)
<b>NSAs 1 &amp; 4</b>			
Day / Evening	50	<ul style="list-style-type: none"> <li>10 am to 10 pm Saturday</li> <li>Midday to 9 pm Sundays and Public Holidays</li> <li>9 am to 10 pm Other days</li> </ul>	55



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## 6.3 SEPP N-2 Night Limit - Music

The following noise limits in Table 11 apply to at the NSAs 2 & 3 for the SEPP N-2 'Night' period as presented in Table 7.

**Table 11 SEPP N-2  $L_{OCT90+5}$  Noise Limit**

Period	Noise Limit, $L_{OCT90}$ , dB – NSA2 & NSA3						
	63	125	250	500	1k	2k	4k
<b>Night Limit</b>	49	46	43	40	38	33	27

## 6.4 SEPP N-2 Limit for Outdoor Venues

Live outdoor performances by DJs, bands or other musical groups considered to be a concert under the Policy must not exceed 65 dB(A) at the NSAs. The NSAs include usable areas including but not limited to balconies and other areas used for relaxation such as backyards.

Only six concerts may be held in any financial year. However, quiet musical entertainment at an outdoor venue, that does not produce noise levels above 55 dB(A) in a noise sensitive area, is not designated as a concert in the Policy.

The following summary is presented in Table 12 below:

**Table 12 SEPP N-2 Noise Limits for Outdoor Venues**

Period	Events per Financial Year	Applicable Times	Noise Limit, $L_{Aeq}$ , dB(A) at NSAs
<b>Concerts less than 5 hrs at an outdoor venue</b>	▪ Up to 6	▪ Midday to 11 pm all days	65
<b>Concerts greater than 5 hrs at an outdoor venue</b>	▪ Up to 6	▪ Midday to 10 pm all days	65
<b>Quiet musical entertainment at an outdoor venue</b>	▪ No restrictions	▪ Midday to 11 pm all days	55



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## 7 Assessment

### 7.1 Site visit

Audiometric and Acoustic Services undertook a site visit from 10:00 am until 11:30 am on the 1 March 2019 to establish effective noise levels that would likely be received at nearby noise sensitive areas. Details of the measurements are presented in Table 22 of Appendix C.

### 7.2 Patron Noise Methodology

Internal patron noise levels at the proposed venue have been calculated using a method detailed in Prediction of Noise from Small to Medium Sized Crowds by Hayne et al; paper number 133, Proceedings of ACOUSTICS 2011. Application of this paper is considered best practice for prediction of patron noise in beer gardens and is accepted by VCAT.

The following equation has been used to calculate sound power of patron noise where 'N' is the number of patrons:

$$L_{WAeq} = 15\log N + 64 \text{ dB(A)}$$

#### 7.2.1 Base Scenario

In the base scenario patron noise is calculated with patrons occupying the internal floor area and seated in the street front area and standing with some seated in the rear outdoor area.

No adjustment is made for groups of more than 10 persons as the noise is seen as more of a steady in level, broadband babble rather than an impulsive and interruptive sound/noise.

#### 7.2.2 Patron Noise Levels

Patron noise levels from outdoor areas have been calculated based on the following numbers specified in Table 13 as advised by the client. These numbers correspond with the approximate maximum capacity of these areas due to the current seating arrangements and are therefore likely to be conservative for most periods of operation.

**Table 13 Proposed Patron Numbers**

Area	Patron Numbers	Sound Power Level (dB)
Front Seating Area	15	82
Internal Bar Area	50	89
Rear Seating Area	50	89

The NSAs that are potentially most-affected by patron noise from the street front outdoor seating area are the glazing and Johnston Street balconies at NSA 1 and possibly the street front façade of NSA 4 at 319 Johnston Street.

The western and northern façade of NSA 1 will be potentially affected by patron noise from patrons inside the venue and from patrons in the rear outdoor seating area. NSA 1 has glazing to the western façade and balconies to the north.



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NSA 2 and NSA 3 could potentially be affected by the same patron areas, nominally the rear seating area and any noise emanating from inside the venue.

Calculations are based on the following parameters:

- Patron noise calculations are to the façade or balcony with NSA windows taken to be half open for ventilation.
- Patron noise is calculated at full capacity per area however unlikely the occurrence.
- The current structure having little to no attenuation properties
- Existing barriers as per site visit with an additional 3.3 m barrier notated as 'Gate' in line with the unisex toilets on the approved drawings.
- Patron numbers as per Table 13.
- Patron noise levels from sources have been logarithmically summed at the facades of the NSAs to give the effective noise level.
- Patron noise levels during the day period are considered to be a normal part of living in a community and therefore not assessed against any limits.

The following levels have been calculated at the NSAs as per the above parameters:

**Table 14 Patron Noise Levels at NSAs**

Location	Effective Patron Noise Level $L_{\text{eff}}$ , dB(A) at NSAs	Evening Noise Limit, dB(A)	Night Noise Limit, dB(A)	Compliance Evening/Night
<b>NSA 1 Johnston Street Balconies</b>	< 47	60	46	Yes / Marginal
<b>NSA 2 and 3</b>	< 55	50	43	No / No
<b>NSA 1 West and Northern Facade</b>	< 61	60	46	Marginal / No
<b>NSA 4</b>	< 44	60	46	Yes / Yes

The results of Table 14 above show the patron noise level to be noncompliant at the NSA 2, NSA 3 and NSA 1 for the night and evening periods. Therefore, mitigation measures are required.

### 7.2.3 Patron Noise Mitigation Measures

Patron Noise levels have been found to be over the set limits during the night period. It is therefore recommended that the rear outdoor area be closed to patrons after 10 pm nightly.

Calculations have been performed with 50 persons inside the venue and 15 persons in the street front seating area. Table 15 presents the calculated results:



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**Table 15 Patron Noise Levels at NSAs**

Location	Effective Patron Noise Level $L_{eff}$ , dB(A) at NSA	Evening Noise Limit, dB(A)	Evening Period Compliance Y/N?	Night Noise Limit, dB(A)	Night Period Compliance Y/N?
NSA 1 Johnston Street Balconies	< 45	60	Y	46	Y
NSA 2 and 3	< 44	50	Y	43	Margin
NSA 1 West and Northern Facade	< 51	60	Y	46	N
NSA 4	< 44	60	Y	46	Y

Patron noise levels have been found to be 5 dB(A) above the proposed criteria. It is therefore recommended that further mitigation measures are implemented. The following is recommended to be undertaken to ensure acceptable patron noise levels are received at the façade of NSA 1:

- Installation of ceiling to the east half of the truss roof system as per Figure 5 and Figure 6. The ceiling must be constructed with materials achieving a minimum mass of 12 kg/m<sup>2</sup>. Installation of 9 mm Villaboard or equivalent direct fixed to roof battens with no gaps is recommended.

## 7.3 Music Noise levels

### 7.3.1 Proposed Situation

Music has been proposed for the within the internal area. Pink noise was generated through the house PA system at a spatially averaged sound pressure level (SPL) of 90 dB (87 dB(A)) inside the venue.

This level was considered to be near the maximum output of the system and could also be expressed as an above normal background level music. Any music above this level may be an uncomfortable level for patrons.

The assessment parameters are based on the operation of the two existing loud speakers used on site. No loudspeakers or other broadcast equipment are to be installed in the outdoor areas.

### 7.3.2 Design Music Levels

Audiometric and Acoustic Services undertook acoustic testing at the venue on 1 March 2019 to determine the noise reduction from inside to outside the venue.

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Pink noise was generated through the house PA system at a spatially averaged sound pressure level (SPL) of 87 dB(A) inside the venue. This level was considered to be near the maximum output of the system and gives a theoretical sound power level of SWL = 107 dB for the two speakers.

Pink noise was observed to be audible above the background level at all measurement points. The results are presented in Appendix C.

Calculation of point source propagation loss and attenuation from the existing barriers on site and proposed 3.3m barrier at the rear of the outdoor seating area presents the following results as per Table 16.

**Table 16 Music Noise Levels at NSAs from House System**

Location	Music Noise Level $L_{Aeq}$ , dB(A) Inside Venue	Effective Music Noise Level $L_{eff}$ , dB(A) at NSA	SEPP N-2 Day / Evening Noise Limit, dB(A)	Compliance Y/N?
NSA 1	88	< 61	58	Marginal
NSA 2	88	< 57	45	N
NSA 3	88	< 57	45	N
NSA 4	88	< 58	58	Y

The results of Table 16 above show the music noise level to be noncompliant at NSA 1, NSA 2 and NSA 3 during the SEPP N-2 day/ evening period. The maximum internal noise level should therefore be set at 76 dB(A) as a spatially averaged sound pressure level or < 84 dB at 1 metre from each speaker for the SEPP N-2 day / evening period.

**Table 17 Music Noise Levels at with reduced volume to 76 dB(A)**

Location	Music Noise Level $L_{Aeq}$ , dB(A) Inside Venue	Effective Music Noise Level $L_{eff}$ , dB(A) at NSA	SEPP N-2 Day / Evening Noise Limit, dB(A)	Compliance Y/N?
NSA 1	76	< 49	58	Y
NSA 2	76	< 45	45	Y
NSA 3	76	< 45	45	Y
NSA 4	76	< 46	58	Y

Table 18 below presents the  $L_{OCT10}$  internal maximum noise level for the SEPP N-2 'night' period.

**Table 18 SEPP N-2 Maximum Internal Noise Level**

Period	Maximum Internal Noise Level, $L_{OCT10}$ , dB						
	63	125	250	500	1k	2k	4k
Night	66	65	64	63	64	61	58



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The noise level presented above for the night period is considered to be quite restrictive. Therefore, physical mitigation measures are recommended as per Section 8.

## 7.3.3 Internal Live Music

Live music inside the venue is not seen as particularly practical given the SEPP N-2 maximum internal limits set in Table 18.

Data held by this firm for a single acoustic act consisting of acoustic guitar, harmonica and unamplified vocals presents the following levels as a sound pressure level measured at 1 m as per Table 19. These levels would be required to be below the maximum internal noise levels measured as an  $L_{OCT10}$  presented in Table 18.

**Table 19 Internal Live Acoustic Music Noise Level**

Period	Maximum Internal Noise Level, $L_{OCT10}$ , dB							Total (dB(A))
	63	125	250	500	1k	2k	4k	
Acoustic Music	54	70	69	68	66	66	63	72
Attenuation	-27	-27	-27	-27	-27	-27	-27	-
Level at Façade	27	43	42	41	39	39	36	45
Limit	49	46	43	40	38	33	27	-
Exceedance	0	0	0	1	1	6	9	-
Compliance	Y	Y	Y	N	N	N	N	Y

The internal music would be compliant with the  $L_{OCT10}$  Night Limit at NSA 1 and other NSAs at further distance during the night period as well as the  $L_{Aeq}$  limit of 45 dB(A) for the day / evening period.

## 7.3.4 Outdoor Musical Concerts

The following table presents noise levels likely to be received at the nearest and potentially most affected noise sensitive areas (NSAs) for outdoor concerts.

**Table 20 SEPP N-2 Noise Levels at NSAs for < 6 Concerts**

Location	Proposed SPL dB(A) at 1m	Adj for Distance and barriers	Effective Noise Level $L_{eff}$ , dB(A) at NSA	SEPP N-2 Limit, dB(A) < 6 Concerts	Compliance Y/N?
NSA 1	72	- 17	< 55	65	Y
NSA 2 & 3	72	- 36	< 36	65	Y

Table 16Table 20 shows a calculated compliance at NSAs for less than 6 operations of live music with the proposed sound pressure level of 77 dB(Z) at 1m or theoretical SWL = 89 dB.

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## 7.3.5 Quiet Musical Entertainment

The limit for quiet musical entertainment at an outdoor venue is  $L_{Aeq} = 55 \text{ dB(A)}$  as per Table 12. The results of the calculations of noise levels received at the NSAs are presented in Table 21 below:

**Table 21 SEPP N-2 Noise Levels at NSAs for Quiet Entertainment**

Location	Proposed SPL dB(A) at 1m	Adj for Distance and barriers	Effective Noise Level $L_{eq}$ , dB(A) at NSA	SEPP N-2 Limit for Quiet Entertainment, dB(A)	Compliance Y/N?
NSA 1	72	- 17	< 55	55	Y
NSA 2 & 3	72	- 36	< 36	55	Y

Table 21 shows compliance at both NSA 1, NSA 2 and NSA 3 with a proposed SWL of 89 dB.

The noise level emanating from the rear outdoor area on a normal basis for 'Quiet Entertainment' should be limited to an appropriate level that represents 'Quiet Entertainment' as defined by the Policy.

Normal operations or performances on the outdoor stage should be limited to 'light acoustic music'. No drums or significant wind instruments should be used as an acoustic kick drum for example can exceed 100 dB at as low as 50 Hz.

Performances should adhere to the time periods specified in Table 12.



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## 8 Recommendations

### 8.1 Noise Mitigation

Noise mitigation measures are required in order to comply with the relevant music noise legislation and proposed levels of patron noise.

The following is recommended to be undertaken to ensure acceptable noise levels are received at the façade of NSA 1:

- Installation of ceiling to the east half of the truss roof system as per Figure 5 and Figure 6. The ceiling must be constructed with materials achieving a minimum surface density of  $12 \text{ kg/m}^2$ . Installation of 9 mm Villaboard or equivalent direct fixed to roof battens with no gaps is recommended.



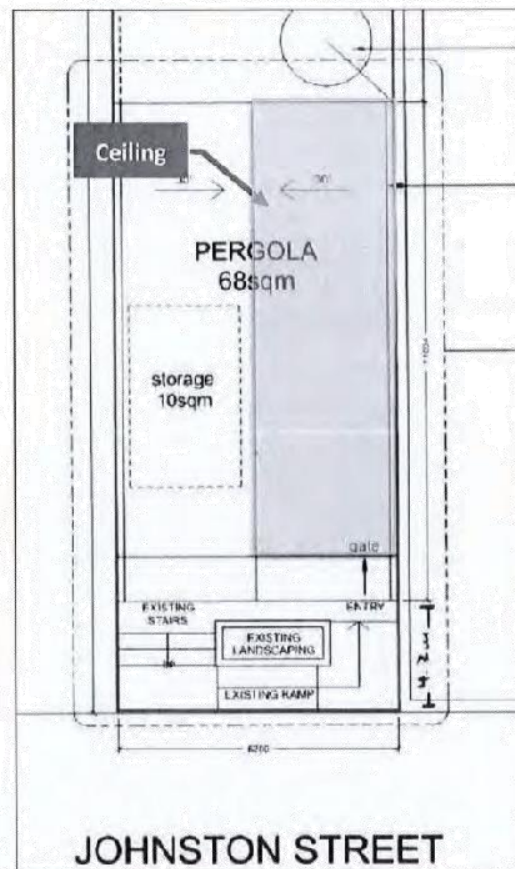
**Figure 5 Location of Proposed Ceiling System**

The installation of a ceiling system will aid the reduction of patron noise levels to below the recommended maximum level of 46 dB(A) at the facades of NSA 1.

Additionally the ceiling system will allow for a slightly greater internal music level to be set once the ceiling is installed.



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**Figure 6** Plan View Location of Proposed Ceiling System

## 8.2 Control of Music Noise

### 8.2.1 Indoor Music Levels

It is considered that compliance with SEPP N-2 can be reasonably achieved by setting a maximum master volume on the current house system.

The maximum volume should be set once the proposed ceiling system is installed to ensure accurate compliance with the SEPP N-2. Note the night period octave band limits will be the prevailing limit. A compliance check by a suitably qualified person in the field of acoustics is suggested should Council see as required.

Amplified live music must not be played inside at any time unless the music is played through the house system in order to make use of the limiting device or set limit.

Unamplified, light acoustic music is permitted inside the venue during both the SEPP N-2 day / evening and the night periods.



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**8.2.2 Outdoor Music Levels**

The noise level emanating from the rear outdoor area on a normal basis for 'Quiet Entertainment' should be limited to an appropriate level that represents 'Quiet Entertainment' as defined by the Policy. An unamplified, single act or duet would be suitable.

Normal operations or performances on the outdoor stage should be limited to 'light acoustic music'. No drums or significant wind instruments should be used as an acoustic kick drum for example can exceed 100 dB at as low as 50 Hz.

'Outdoor Concerts' are restricted to 6 performances per financial year.

Data held by this firm for general acoustic music with the exclusion of drums and significant wind instruments is calculated to be compliant at the nearest and potentially most affected NSAs for outdoor concerts. The client should employ or provide their own sound level monitoring during 'Outdoor Concert' events that may be considered to exceed 82 dB(A) at 1 m from the proposed musical act.

Performances should adhere to the time periods specified in Table 12.

**8.3 Control of Patron Noise**

The rear seating area should be closed after 10 pm with no access to patrons except for use of the bathrooms located at the rear of the property.

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**9 Summary**

Audiometric & Acoustic Services has performed an environmental noise assessment to determine noise limits and measure effective noise levels received by nearby residents from the Native Home, House of Plants.

Noise levels have been calculated according to the applicable EPA legislation, State Environmental Protection Policy (Control of Music Noise from Public Premises) No. N-2 and the scientific papers Prediction of Noise from Small to Medium Sized Crowds (application of this paper is considered best practice for prediction of patron noise in beer gardens and is accepted by VCAT).

The results show the effective noise levels emanating from the Native Home, House of Plants to be noncompliant for patron noise at the nearest noise sensitive area – NSA 1 west and north façade – identified as 368 Johnston Street multistorey apartments with current construction.

Compliance with both music noise legislation and patron noise criteria is achievable according to noise mitigation measures recommended as per Section 8 of this report.

Please feel free to contact the undersigned with any queries. This applies to any parties that have legitimate access to this report.

Sincerely,



Scott Henderson  
B.Env DipDes A.A.S

Proof read by Richard Unkles M.A.A.S on 4/4/2019

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## Appendix A Definitions of Terminology

### Sound Pressure Level:

The root-mean-square values of the pressure fluctuations above and below atmospheric pressure caused by the passage of a sound wave, usually expressed in deci Bels (re 20  $\mu$  Pa)

### deci Bel:

Unit usually used to define sound pressure level relative to a reference pressure.

$$dB = 20 \log_{10} \left( \frac{P}{P_{ref}} \right)$$

### (A):

Reference to particular weighting network within a Sound Level Meter which modifies the linear response. 'A' weighting is designed to approximate the response of the human ear.

### (C):

Reference to a weighting network within a Sound Level Meter. Modifies the Linear response only slightly on the lower frequency range.

### Rw

Weighted Sound Reduction Index. A single figure rating of the acoustic attenuation of materials either singly or as multiples.

### L<sub>10</sub>

The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.

### L<sub>A1018hr</sub>

The 18 hour Traffic Noise average. Arithmetic average of the A weighted L<sub>10</sub> sound levels from 0600hrs to 0000hrs.

### L<sub>90</sub>

The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.

### Leq:

Equivalent Continuous Sound Level. This is calculated on the basis of average of the Sound Pressure Level (acoustic energy) over a period of time and is expressed in deci Bels.

### LAeq:

The 'A' weighted Equivalent Continuous Sound Level.

### LAeq8hr

The equivalent of 8 hours exposure to an LAeq of 85dB. The actual exposure period may be longer or shorter than 8 hours.

### Slow - S:

Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.

### Fast - F:

Dynamic characteristic - time averaging constant is 125m sec.

### Impulse - Imp:

Dynamic characteristic - time averaging constant is 33m sec.

### Peak - Pk:

Dynamic characteristic - time averaging constant is 1m sec.

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**Appendix B Instrumentation**

Equipment Used

<b>Convergence</b>	Sound Sentry NSRT Serial No. CvtUDvWa0%UVKplAQ2LxPD
<b>Convergence</b>	Sound Sentry NSRT Serial No. CnLcr%UycV8%CJPCQ8hRnD
<b>Convergence</b>	Sound Sentry NSRT Serial No. CnHcrVUQcV01qDNCw2JZtD
<b>SVAN 957</b>	Type 1 Sound Analyser Serial No. 14578
<b>SVAN</b>	Windshield

NATA Laboratory calibration due 13<sup>th</sup> November 2020

<b>Bruel &amp; Kjaer</b>	4230 Acoustic Calibrator Serial No. 1441408
--------------------------	--

NATA Laboratory calibration due 13<sup>th</sup> September 2020

The sound level meter and loggers were check calibrated before and after the measurements.  
No significant change was found to have occurred.



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## Appendix C Measurements

### Spot Measurements

Audiometric and Acoustics Services undertook acoustic testing at the venue on 1 March 2019 to determine the noise reduction from inside to outside the venue. Pink noise was generated through the house PA system at a spatially averaged sound pressure level (SPL) of 90 dB (87 dB(A)) inside the venue. This level was considered to be near the maximum output of the system and could also be expressed as an above normal background level music.

The external measurement points are shown in below. Details of the noise survey are shown in Table 22.

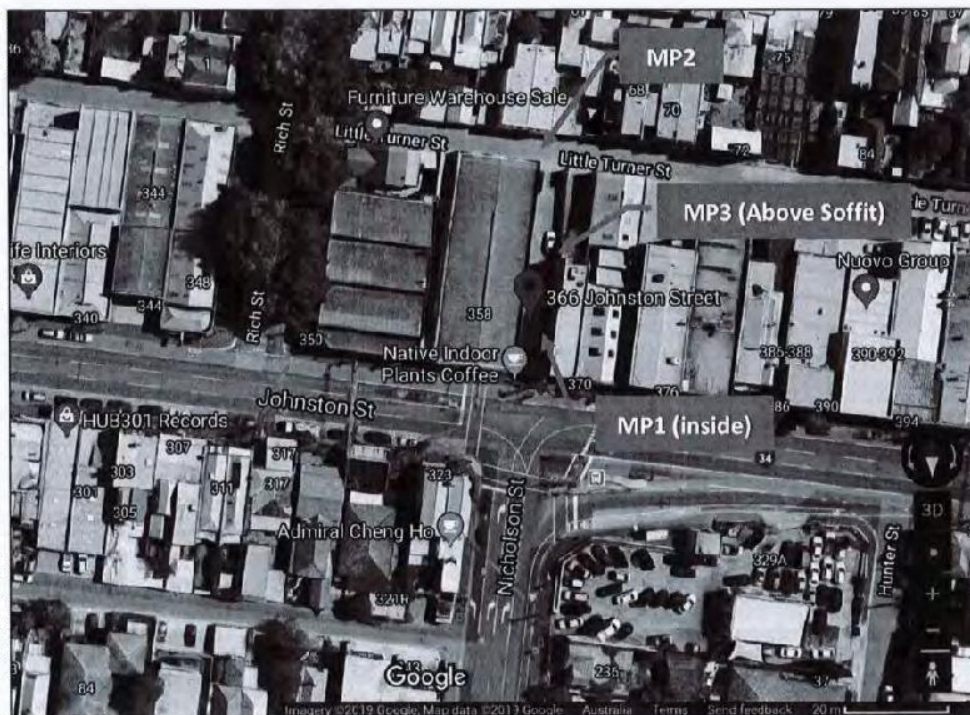


Figure 7 Location of Measurement Points

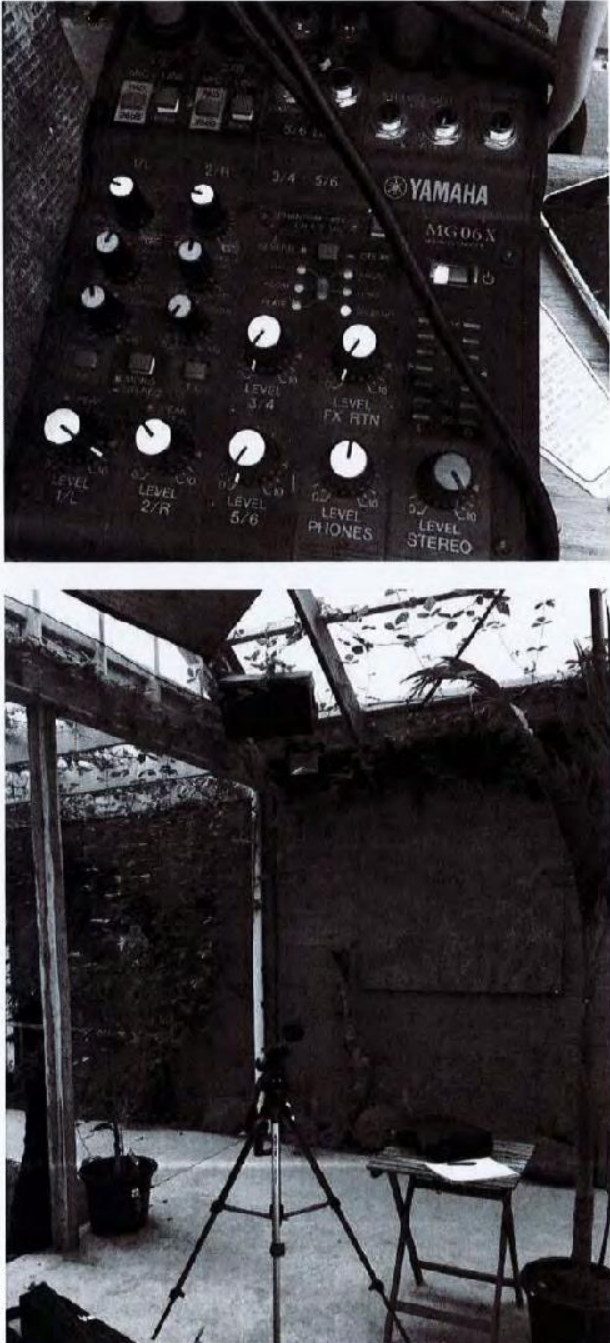
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**Table 22 Noise Survey Results**

Description	Sound Pressure Level $L_{Aeq}$ dB(A)	Measurement Location Image
Internal measurement of pink noise (1:50 min).	84	



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<p>External measurement of pink noise at #62 Little Turner Street (30 sec).</p>	<p>54</p>	
<p>External measurement of pink noise 1m above soffit of #368 Johnston Street (30 sec).</p>	<p>66</p>	

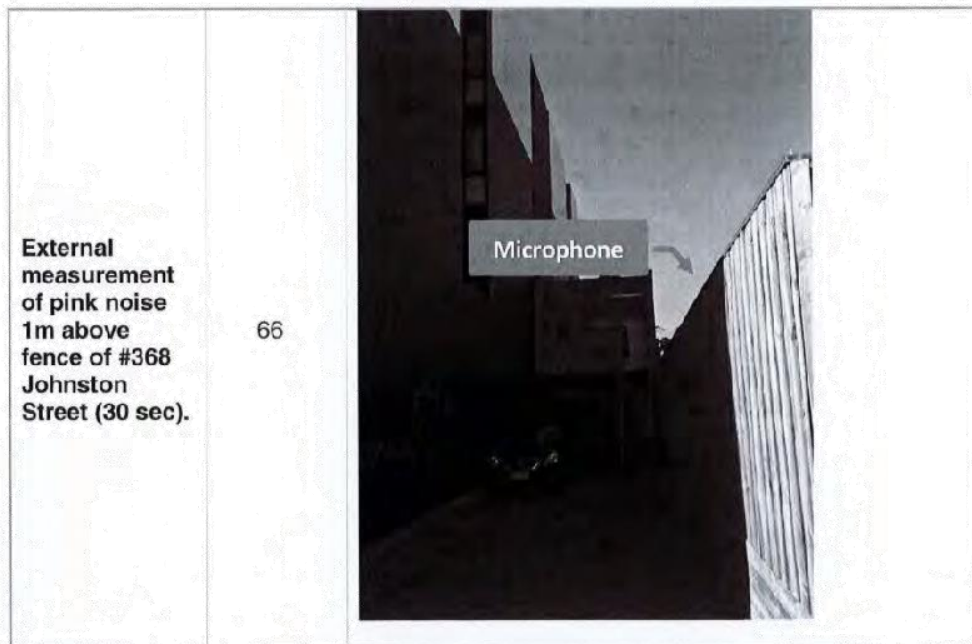
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## Noise Logging

Audiometric and Acoustics Services undertook environmental noise logging at the rear of 366 Johnston Street to determine the existing background levels at the nearby and potentially most affected NSAs 2 & 3.

Environmental noise logging was undertaken at the property lines of the project site to determine the existing background levels at the nearby and potentially most affected NSAs 1 & 4.

Weather was warm with minimal wind during the measurement periods. The following background levels shown below have been used to calculate the SEPP N -1 noise limits with an influencing factor of 0.20.

### Background Noise Levels

Period	L <sub>Aeq</sub> Background Noise Levels, dB(A)	Time Date
<b>NSAs 2 &amp; 3</b>		
<b>Day</b>	40	9 <sup>th</sup> to 11 <sup>th</sup> March
<b>Evening</b>	40	9 <sup>th</sup> to 11 <sup>th</sup> March
<b>Night</b>	37	9 <sup>th</sup> to 11 <sup>th</sup> March
<b>NSAs 1 &amp; 4</b>		
<b>Day</b>	53	9 <sup>th</sup> to 11 <sup>th</sup> March

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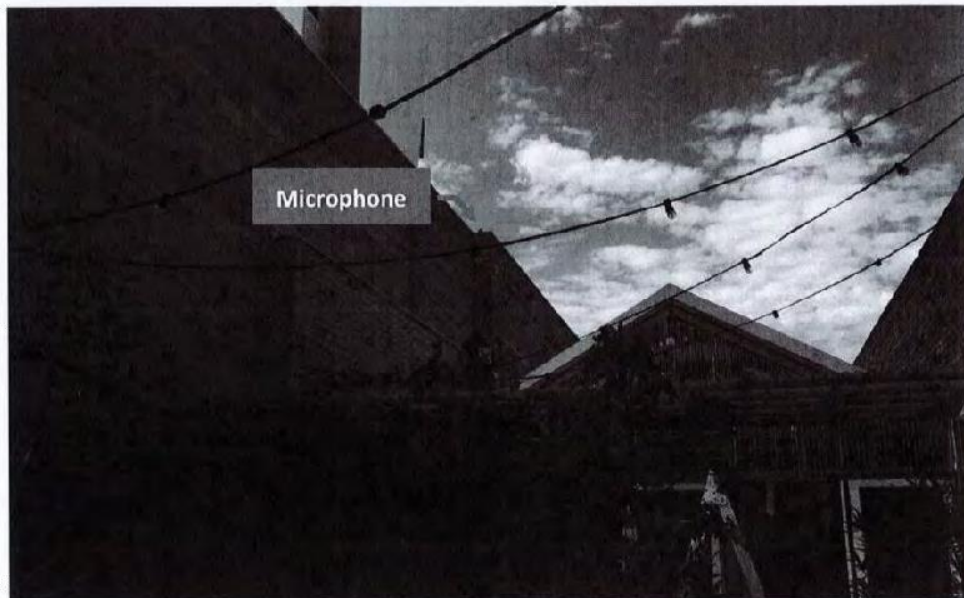
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<b>Evening</b>	50	9 <sup>th</sup> to 11 <sup>th</sup> March
<b>Night</b>	41	9 <sup>th</sup> to 11 <sup>th</sup> March

Table 23 below presents the SEPP N-1 Noise Limits.

**Table 23 SEPP N-1 Limits**

Period	Zoning level	Background L <sub>A90</sub> dB(A)	Noise Limit dB(A)
Day period	50	53	59
Evening period	44	53	50
Night period	39	41	44



**Figure 8 Measurement Point 3**

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**Figure 9 Measurement Point 1**

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Appendix D Meteorological Conditions

Date	Day	Temps		Rain	Evap	Sun	Max wind gust		Temp	RH	CID	3pm		Temp	RH	CID	3pm	
		Min	Max															
1	Fr	22.0	38.1	0			38	17:29	28.5	36		N	0	1020.2	30.0	18	N	13
2	Sa	22.9	36.3	0			41	09:32	26.8	38		N	20	1018.7	34.0	20	N	20
3	Su	25.1	38.0	0			46	12:56	27.9	33		N	13	1018.3	36.8	21	N	17
4	Mo	19.0	24.6	0			30	15:34	20.7	68		SSW	4	1018.0	24.2	60	SSW	14
5	Tu	18.0	24.5	0			28	17:17	20.4	72		SSW	4	1013.2	21.9	80	S	16
6	We	13.2	17.2	1.8			54	12:46	13.8	60		WNW	13	1014.1	15.9	53	SSW	13
7	Th	8.7	22.1	2.0			24	14:18	11.4	63		NE	8	1025.1	20.4	38	SSW	8
8	Fr	11.3	28.8	0			31	12:10	15.7	43		NE	8	1018.0	26.4	23	NW	7
9	Sa	13.8	24.7	0			28	18:24	16.0	62		NE	8	1018.8	23.3	44	SSW	16
10	Su	14.3	23.7	0			39	13:52	18.0	87		NNE	8	1012.0	20.1	50	NNW	24
11	Mo	15.9	21.8	0.2			37	14:52	18.8	70		NNW	4	1011.0	20.7	71	SSW	13
12	Tu	15.8	19.2	0			39	09:17	17.5	59		WNW	11	1008.4	17.0	54	SSW	13
13	We	11.0	18.6	0			28	14:17	13.4	71		WSW	9	1018.9	17.7	48	S	15
14	Th	12.1	20.6	0.2			33	14:28	18.0	66		S	7	1017.0	20.1	55	SSW	13
15	Fr	11.7	22.2	0			36	14:10	16.5	77		NNE	4	1018.8	21.1	53	SSW	20
16	Sa	12.2	25.6	0			22	14:03	14.2	94		NE	7	1021.0	24.4	51	SSW	13
17	Su	14.2	25.6	0			24	16:56	18.4	81		W	4	1016.4	24.7	82	SSW	11
18	Mo	18.5	28.2	0			33	17:54	18.7	76		SE	7	1017.9	27.8	80	SE	13
19	Tu	16.9	23.4	0			36	15:44	19.3	88			7	1016.2	22.9	77	SSW	13
20	We	18.3	23.4	0			28	16:10	20.0	86			7	1016.4	22.2	74	SSW	13
21	Th	18.2	24.3	0			20	13:36	20.0	89			7	1016.1	23.2	84	S	13
22	Fr	18.7	28.6	0			31	16:37	20.1	88		NNE	8	1015.4	25.5	86	SW	9
23	Sa	18.9	31.3	1.8			48	18:41	22.3	81		N	13	1009.5	28.8	37	N	20
24	Su	10.5	28.3	2.0			57	20:01	18.0	76		NNE	8	1011.0	25.0	36	NNW	28
25	Mo	14.8	18.0	0.2			50	07:54	15.0	83		WNW	17	1005.5	15.8	44	W	17
26	Tu	12.3	18.0	0			50	07:54	13.5	56		NW	15	1018.2				
Statistics for the first 26 days of March 2019																		
Mean		16.0	25.4						18.5	67			8	1016.2	24.0	48		14
Lowest		8.7	17.2						11.4	33			Cal	1005.5	15.8	18	SSW	8
Highest		25.1	38.1						28.5	96		N	20	1025.1	36.8	77	#	28
Total				8.0														1021.0

Melbourne (Olympic Park), Victoria  
March 2019 Daily Weather Observations



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**Attachment 8 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 07 August 2019)**



7 August 2019

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Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Chris Stathis**

Dear Chris

**366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03**

SLR Consulting Australia Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for an amended planning permit at 366 Johnston Street, Abbotsford.

Details of the report are as follows.

- Title: Environmental noise assessment regarding proposed change of use and possible noise levels received at nearby residences
- Date: 4 March 2019 (*we believe this is a typo, since Section 9 states that the report was reviewed on 4 April 2019*)
- Reference: 19036
- Prepared for: Native Home, House of Plants
- Prepared by: Audiometric & Acoustic Services (A&AS)

The report has been prepared as part of the application to add tavern operations within the existing building and associated outdoor patron areas.

## **1 Background Information**

### **Summary of the Acoustic Report (Sections 1 – 4)**

A tavern usage is proposed for the site at 366 Johnston Street. Patrons would be located inside the existing building, in an external street front area (adjacent to Johnston Street) and in the rear outdoor area (adjacent to Little Turner Street).

Noise limits for music are specified in SEPP N-2 by the Victorian EPA. There is no Victorian legislation or guideline that provides noise limits for patron noise.



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Proposed patron numbers are:

- 15 for the street front area
- 50 inside the building
- 50 for the rear outdoor area

The proposed operating hours for the venue are:

- Monday to Thursday: 12 pm to 11 pm
- Friday and Saturday: 12 pm to 1 am
- Sunday: 12 pm to 10 pm

The nearest noise sensitive receivers are:

- 370 Johnston Street (designated "NSA 1") - a multi-storey apartment building to the east
- 62 Little Turner Street ("NSA 2") and 68 Little Turner Street ("NSA 3") - double-storey townhouses to the north
- 319 Johnston Street ("NSA 4") - a single storey house to the southwest

### SLR comments

*Agreed / no comment*

## 2 Background Noise Levels

### Summary of the Acoustic Report (Section 5 and Appendix C)

Unattended background noise measurements were conducted from Saturday 9 March to Monday 11 March. The unattended measurement locations were at the rear of the site (near Little Turner Street), midway along the site and at the front of the site (near Johnston Street).

For the patron noise assessment, the measured background noise levels for the night period (10 pm to 7 am) were as follows (based on SEPP N-1 methodology):

- 37 dBA L<sub>90</sub> for NSAs 2 & 3
- 41 dBA L<sub>90</sub> for NSAs 1 & 4

For the music noise assessment, background noise levels at NSAs 2 & 3 were obtained from the unattended noise monitoring (see above) for the day and evening periods, and from an attended measurement in Little Turner Street for the night period. The day/evening period background noise level was 40 dBA. The night period background noise level was equivalent to 35 dBA L<sub>90</sub>, based on a measurement at 11:13 pm on Saturday 9 March. This result was compared with the nearby unattended noise monitoring result at 1:00 am on Saturday 9 March, which was also 35 dBA L<sub>90</sub>.



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### SLR comments

*Music noise criteria determined under SEPP N-2 should be based on the quietest 15 minute (or up to 1 hour) background measurement during the venue's proposed operating hours (rather than the average noise level for the period). We recommend that the same approach is also used for determining patron noise limits. For example, the limit at NSAs 2 & 3 should be calculated using the background noise level of 35 dBA, as measured at 1:00 am.*

*Detailed graphs of the unattended noise monitoring results are not presented. Given the above concerns, this is requested.*

*Since the operating hours includes weeknights up to 11 pm, it would also be desirable to have background noise measurement results for a full week.*

## 3 Patron Noise

### 3.1 Criteria

#### Summary of the Acoustic Report (Section 6.1)

Patron noise limits have been calculated based on the measured background noise level plus 5 dB. This results in the following patron noise limits for the night period:

- 43 dBA for NSAs 2 & 3
- 46 dBA for NSAs 1 & 4

### SLR comments

*As per Section 2 above, we recommend that the patron noise limits be revised. For example, based on a night period background noise level of 35 dBA, we calculate a patron noise limit for NSAs 2 & 3 of 40 dBA (3 dBA stricter than the limit shown in the report. The patron noise limit for NSAs 1 & 4 should also be revised.*

### 3.2 Assessment

#### Summary of the Acoustic Report (Section 7.2)

Source levels of patron noise have been predicted based on the paper *Prediction of Noise from Small to Medium Sized Crowds* by M.J. Hayne et al. The predicted source levels are 82 dBA Leq for street front area (15 patrons), 89 dBA Leq for the internal bar area (50 patrons) and 89 dBA Leq for the rear outdoor area (50 patrons).

The patron noise level at nearby noise sensitive receivers have been calculated based on the following:

- Windows of noise sensitive receivers are half-open
- Patron numbers as shown in Section 1 of this review, although these numbers are expected to be higher than most occasions.
- The existing building on site providing little to no noise attenuation.



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- Shielding provided by existing barriers on site is included, plus a 3.3 metre high barrier (shown as "Acoustic Treated Gate" on the Red Line Plan) at the northern end of the rear outdoor area.
- Patron noise has not been assessed during the daytime period.

The predicted patron noise levels are up to:

- 61 dBA at the western and northern facades of NSA 1
- 55 dBA at NSAs 2 & 3
- 47 dBA on the NSA 1 balconies that are facing Johnston Street
- 44 dBA at NSA 4

These predicted noise levels are up to 15 dBA above the night period noise limit at NSA 1 and up to 12 dBA above the night period noise limit at NSAs 2 & 3, therefore mitigation measures are required. For the evening period, the predicted noise level is up to 5 dBA above the noise limit at NSAs 2 & 3, and up to 1 dB above the noise limit at NSA 1.

### SLR comments

*We believe that the source levels of patron noise are too low for a tavern. The referenced Hayne paper source levels are primarily based on data collected at RSL's and cafes, with minimal or no alcohol consumption. We have observed significantly higher noise levels in venues similar to the proposed. We recommend that the assessment be revised using sound power levels of 97 dBA each for the 50 patrons in the indoor area and rear outdoor area*

*The acoustic report does not discuss the acoustic requirements for the 'Acoustic Treated Gate' shown in the Red Line Plan.*

*The statement about windows of sensitive receivers "taken to be half open for ventilation" is inconsistent with the assessment of facade noise levels used in the report. It may have meant to refer to windows in the venue, so we request that this statement is checked. If noise levels have been assessed indoors at the sensitive receivers, then further detail is provided about the indoor assessment.*

### 3.3 Mitigation Measures

#### Summary of the Acoustic Report (Section 7.2.3)

To address the excesses predicted for the night period, it is proposed to close the rear outdoor area at 10 pm each night. Predictions of patron noise levels have been conducted for this arrangement after 10 pm, based on 50 patrons inside the building and 15 patrons in the street front area. These predicted levels of patron noise are up to 1 dB above the noise limit at NSAs 2 & 3, and up to 5 dBA above the noise limit at NSA 1.

A ceiling is proposed for the eastern half of the existing rear outdoor truss roof system with a minimum surface mass of 12 kg/m<sup>2</sup>. This ceiling is predicted to reduce patron noise levels to below the night period criterion of 46 dBA at NSA 1.



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### SLR comments

*The assessment assumes that the patrons from the rear outdoor area leave the venue when this area closes at 10 pm. If they instead move to the indoor area, patron noise levels from the indoor area will be higher than those predicted. We therefore believe that the assessment be revised based on 100 patrons in the indoor area after 10 pm. Our recommended sound power level for the 100 patrons in the indoor area after 10 pm is 102 dBA.*

*The report does not state the predicted patron noise level at NSAs 2 & 3 with the proposed mitigation.*

## 4 Music Noise from Indoor Area

### 4.1 Criteria

#### Summary of the Acoustic Report (Section 6.2 – 6.3)

SEPP N-2 limits for music noise have been calculated based on the measured background noise levels.

The music noise limits for the day and evening periods have been calculated as follows:

- 45 dBA Leq at NSAs 2 & 3
- 55 dBA Leq at NSAs 1 & 4

The night period octave-band music noise limit calculated for NSAs 2 & 3 is shown in Table 11 (SLR notes that this noise level is equivalent to 43 dBA L<sub>10</sub>).

### SLR comments

*As per Section 2 above, the SEPP N-2 noise limit should be calculated based on the quietest 15 minute period, rather than the average noise level for the period.*

*There does not appear to be a night period octave-band noise limit provided for NSA 1, so this should be clarified. If the NSAs 2 & 3 limit has also been adopted for NSA 1, we are comfortable with this approach.*

### 4.2 Assessment

#### Summary of the Acoustic Report (Section 7.3)

The existing sound system in the indoor area will be used for music by the venue. Based on on-site testing playing pink noise through this system, the maximum reverberant music noise levels for compliance with the SEPP N-2 noise limits have been calculated as:

- 76 dBA during day and evening periods
- The spectrum shown in Table 18 for the night period (SLR notes that this noise level is equivalent to 68 dBA L<sub>10</sub>)

Live music is also proposed for the indoor area. A music performance consisting of acoustic guitar, harmonica and unamplified vocals with a source level of 72 dBA (measured at 1 metre) is predicted to comply with the



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evening period noise limit but exceed the night period noise limit by up to 9 dB. Music from live performances would need to be restricted to the same source levels as music from the sound system (see previous paragraph).

### SLR comments

*The low level of music required to meet the night period noise limit is unlikely to be workable for a live performance. The limit proposed for the day and evening periods are higher, but also form a significant restriction.*

### 4.3 Mitigation Measures

#### Summary of the Acoustic Report (Section 8.2.1)

Following the installation of the proposed ceiling (see Section 3.3), the report recommends that the maximum volume for the sound system be set to achieve compliance with the night period SEPP N-2 noise limit. A compliance check by a suitably qualified acoustician be implemented subject to Council requirements is also suggested.

The report recommends that amplified music must not be played through any system other than the house sound system, to ensure that the maximum volume setting is not bypassed. Unamplified, light acoustic music is permitted inside the venue during the day, evening and night period.

### SLR comments

*Given the risk involved, and the highly restrictive music levels required to be played in the venue, we recommend that an electronic noise limiter be installed in the venue.*

*To allow a workable music level for live performances, we recommend that further sound insulation upgrades are considered for the venue.*

## 5 Music Noise from Rear Outdoor Area

### 5.1 Music Noise Criteria

#### Summary of the Acoustic Report (Section 6.4)

The report adopts assessment of the outdoor area music emissions based on defining it as an 'outdoor venue' under SEPP N-2.

For outdoor venues, SEPP N-2 specifies a music noise limit of 65 dBA Leq (during the applicable hours) for up to 6 concerts per year. For more than 6 concerts per year, a music noise limit of 55 dBA Leq applies.

### SLR comments

*We disagree that the rear outdoor area is considered an outdoor venue under SEPP N-2, therefore the music from this area should be assessed to the same criteria as music from the indoor area. According to the definitions of SEPP N-2 Part V, any venue that has an indoor use is an indoor venue.*



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### 5.2 Music Noise Assessment

#### Summary of the Acoustic Report (Section 7.3.4)

Noise levels from performances in the rear outdoor area have been predicted for the nearby noise sensitive receivers based on a source level of 72 dBA (measured at 1 metre). To avoid exceeding this maximum source level, the report recommends that live music in the outdoor area should be limited to 'light acoustic music' without drums or significant wind instruments.

Based on this music source level, the predicted noise level is up to 55 dBA at NSA 1 and up to 36 dBA at NSAs 2 & 3. This complies with the noise criteria for outdoor venues.

Section 8.2.2 states that up to 6 "Outdoor concerts" per financial year may have source noise levels of up to 82 dBA (measured at 1 metre), and that the venue should arrange noise monitoring for any event that may be considered to exceed this level.

#### SLR comments

*The assessment should be revised, based on the SEPP N-2 noise limits for indoor venues (see previous comment).*

*We further note that a source level of 72 dBA at 1m is unlikely to be met even with an acoustic guitar and singing based on our own measurements. This is an unrealistic restriction.*

## 6 Mechanical Plant

#### SLR comments

*Noise from mechanical plant is not assessed in the report. We therefore assume that no new mechanical plant is proposed. If the venue currently does not operate during the evening or night period, some comment or assessment should be provided in relation to any mechanical plant that would operate into those periods as part of the new use.*

## 7 Discussion

Regarding clause 56.03 of the Victorian Planning Scheme (the "Agent of Change" principle for live music venues), we note that in this case the agent of change is the proposed venue. This means the responsibility for noise attenuation measures rests with the venue, so the approach is the same as a traditional SEPP N-2 assessment.



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### 8 SLR Recommendations

A review of the acoustic report prepared for the proposed tavern usage at 366 Johnston Street has been completed. The key concerns are that higher sources levels should be used (for both patron and music noise) and the noise limits should be lower. Given that the current assessment only shows marginal compliance, significantly more acoustic attenuation treatments or restrictions to operations will likely be required to the venue to achieve compliance.

Our specific recommendations are:

1. The music and patron noise limits be calculated based on the quietest background noise level during the venue's operating hours (instead of the average noise level for the day/evening/night period).
2. Detailed graphs of the unattended noise monitoring results be presented in the acoustic report.
3. The patron noise assessment be revised using higher sound power levels of 97 dBA each for the indoor area and rear outdoor area before 10 pm (i.e. when they each have 50 patrons, see Section 3.2 above) and 102 dBA for the indoor area after 10 pm (i.e. when it has 100 patrons, see Section 3.3 above).
4. The report provide acoustic requirements for the 'Acoustic Treated Gate' shown in the Red Line Plan.
5. The statement about windows of NSAs being "taken as half open for ventilation" should be clarified or amended. If noise levels have been assessed indoors at the sensitive receivers, then further detail should be provided about the indoor assessment.
6. The predicted patron noise level at NSAs 2 & 3 with the proposed mitigation be included in the report.
7. The night period octave-band noise limit for NSA 1 be included in the report.
8. Given the risk of non-compliance, provision of a noise limiter is recommended.
9. Further sound insulation upgrades are considered for the venue, in order to allow for workable levels of music during live performances.

Regards,



Simon de Lisle  
Associate – Acoustics

Checked/Authorised by: JA



**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**



**28 August 2019**

**Report No. 19036.1**

**Title:** Environmental noise assessment regarding proposed change of use and possible noise levels received at nearby residences.

**Brief:** Environmental noise assessment regarding existing Native Home, House of Plants Venue located at 366 Johnston Street, Abbotsford and possible effects on nearby residents. Assess potential patron noise and compliance with EPA State Environmental Protection Policy No. N-2 (SEPP N-2) regarding music noise emissions.

**Client:** Native Home, House of Plants  
366 Johnston Street  
Abbotsford

**Contact:** Ewan Harding  
M) 0432 522 429



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### Executive Summary

Audiometric & Acoustic Services has performed an environmental noise assessment to determine noise limits and measure effective noise levels received by nearby residents from the Native Home, House of Plants located at 366 Johnston Street Abbotsford.

Noise levels have been calculated according to the applicable EPA legislation, State Environmental Protection Policy (Control of Music Noise from Public Premises) No. N-2 and the scientific papers Consideration of Patron Noise from Entertainment Venues (Growcott, 2009).

The results show the effective noise levels emanating from the Native Home, House of Plants venue to be compliant for patron and music noise at the nearest noise sensitive areas according to noise mitigation measures recommended as per Section 9 of this report as summarised below.

### Acoustic Engineering Recommendations

Source	Mitigation Measures
<b>General</b>	<ul style="list-style-type: none"> <li>Installation of a ceiling to the entire roof system as per Figure 6 and Figure 7. The ceiling must be constructed with materials achieving a minimum surface density of 12 kg/m<sup>2</sup>. Installation of 9 mm Villaboard or equivalent direct fixed to roof battens with no gaps is recommended with fibrous insulation (min 11 kg/m<sup>2</sup>) to the cavity.</li> <li>Northern façade to be designed to achieve a min <math>R_w = 27</math> dB. A combination of the existing glazing and Weatherboards to the external facade (25 mm nominal thickness). Board laps caulked with a durable flexible sealant or with non-setting mastic.</li> <li>Additional 3.3 m barrier notated as 'Gate' in line with the unisex toilets on the approved drawings is required to have a min surface density of 12 kg / m<sup>2</sup>.</li> <li>External doors should be fitted with self-closing mechanisms.</li> <li>Patrons in the rear seating area should be limited to the seating area only to ensure the effectiveness of acoustic barriers (eastern property line wall) and not able to occupy the main nursery area.</li> </ul>
<b>Music Noise</b>	<p>It is recommended that the following measures should be taken to avoid music being played too loud (either accidentally or deliberately):</p> <ul style="list-style-type: none"> <li>Calculations assume all windows and doors are closed however the venue should be able to open windows and doors during non-sensitive periods for ventilation. Therefore, it is proposed that all doors and windows should remain closed after 8pm nightly and anytime music above background level is to be played.</li> <li>No live or pre-recorded music should be played in outdoor areas.</li> <li>A low-cost sound level limiting device or equivalent processor should be fitted to the sound system. The master control should be key or pin locked to hinder tampering from unauthorised parties.</li> <li>DJ's are required to use the house PA system only or connect to their own equipment via the sound limiting device. Acoustic instruments should be string instruments only. Amplified live music must not be played at any time unless the music is played through</li> </ul>



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	the house system in order to make use of the limiting device or set limit.
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## 1 Introduction

### 1.1 Services

Audiometric and Acoustic Services (A&AS) has been commissioned by Native Home, House of Plants as part of an amended planning permit application (PLN16/1082) with City of Yarra Council.

The scope of the assessment includes:

- Prediction and review of potential patron noise emissions from the site.
- Assessment of music noise emissions in relation to the requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) (State of Victoria, 1999).
- Provision of advice on noise attenuation measures necessary to comply with the relevant legislation or guidelines and protect nearby noise sensitive areas from music and patron noise emissions due to the proposed operations.

A glossary of the acoustic terminology used in this report is presented in Appendix A.

### 1.2 Reference Documentation

The Report is based on the following reference documentation:

**Table 1 Reference Documentation**

Document	Author	Issue
Planning Application: 'PLN161082 - 366 Johnston Street Abbotsford - Planning Permit (Amended).pdf'	City of Yarra Council	20 December 2016
Cumulative Impact Assessment for an amendment to Planning Permit PLN16/1082	Glossop Town Planning	August 2017
Email: To: <a href="mailto:scott@noiseconsult.com.au">scott@noiseconsult.com.au</a> Re: Layout	Ewan Harding	Tue 20/08/2019 3:29 PM



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## 2 Project Characteristics

### 2.1 Location of Project Site

The project site is located at 366 Johnston Street, Abbotsford as shown below in Figure 1. The topography in the immediate area of the site and nearby area is predominantly flat.



Figure 1 Location of Project Site (Image Source: Google Maps)

### 2.2 Proposed Operations

The premises are proposed to operate as a tavern as per the operating hours detailed in Table 2.

Table 2 Proposed Operating Hours

Period	Time
Monday to Thursday	12 pm - 11pm
Friday and Saturday	12 pm - 1 am
Sunday	12 pm - 10 pm

For acoustic assessment purposes the site is divided into 3 primary areas; the street front seating area, the rear outdoor area and the bar area inside. Patrons are allocated as follows:

Table 3 Proposed Patron Numbers

Area	Patron Numbers
Street Front Seating Area	15
Internal Bar Area	80
Rear Seating Area	16

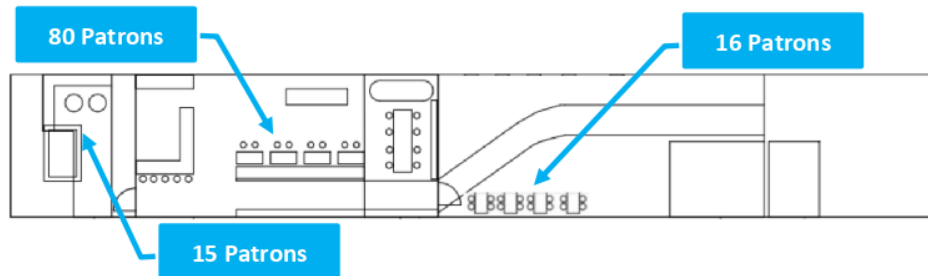


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The proposed patron numbers represent proposed maximum capacities for the areas and do not necessarily represent the total number of patrons nor regular operations. Regular operations may accommodate 50 – 60 patrons across the site as a more usual expectation of normal worst operations.

Figure 2 below shows the redline plan and the proposed allocation of patrons.



**Figure 2 Proposed Allocation of Patrons**

The capacity of 80 people inside the venue is based on the allowable area of nominally 1 m<sup>2</sup> per person.



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**3 Legislation and Guidelines****3.1 Patron Noise**

There is currently no legislation or EPA Guideline that specifies noise limits for patron noise emissions from commercial premises in Victoria, with the exception of Clause 8 of State Environment Protection Policy No. N-2, which states:

*"8. In this policy the music noise assessed may include, in addition to noise from music sources, noise from human voices and activities within the premises that are associated with the music sources."*

However, the EPA Explanatory Notes on SEPP N-2 (EPA, Victoria, 1989) indicate that this refers to noise such as "audience applause and the voice of a "disk jockey" when these are directly associated with the music". As such, this would not apply to isolated patron noise or general conversation within the establishment.

Patron noise will therefore be considered in this assessment using a background-based noise limit as a guide to the levels of noise that may be acceptable at relevant external areas of NSAs (such as decking areas or yards).

Based on the proposed operating hours extending passed 10 pm Monday through Saturday, the 'night' period noise limits will be the prevailing criterion when assessing patron noise.

**3.2 Music Noise****3.2.1 Indoor Venues**

The State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2) (State of Victoria, 1999) prescribes methods for accessing music noise from public premises whether the source be live or pre-recorded.

For indoor venues the assessment includes the measurement or prediction of music noise levels against limits prescribed by the SEPP N-2 at nearby noise sensitive areas such as residential dwellings.



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## 4 Noise Sensitive Areas

The nearest and potentially most affected areas have been identified as per Table 4 and illustrated in Figure 3. It is taken that if the nearer residences are compliant then any residences at further distance will also be compliant.

Table 4 Noise Sensitive Areas

Location Reference	Address	Comment
NSA 1	370 Johnston Street, Abbotsford	Multistorey Apartment Building with private balconies facing Johnston Street and Little Turner Street. A common area is located on the west façade approximately 3 storeys up.
NSA 2	62 Little Turner Street, Abbotsford	Double storey residence.
NSA 3	68 Little Turner Street, Abbotsford	Double storey residence with balcony facing project site.
NSA 4	319 Johnston Street, Abbotsford	Single storey residence.

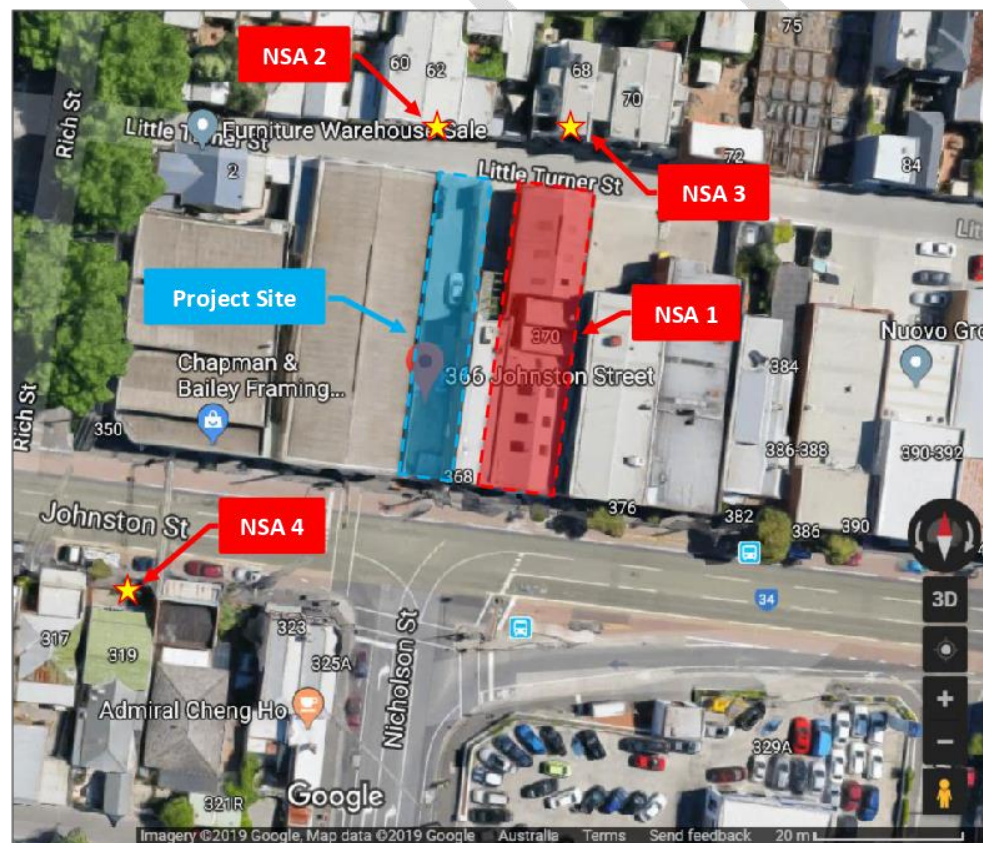


Figure 3 Location of NSA (Image Source: Google Maps)

Effective noise levels will be calculated to the façade of NSAs to accommodate operable windows and balconies.



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### 5 Existing Acoustic Environment

#### 5.1 Local Acoustic Environment

The existing localised environment around the site and noise sensitive areas is primarily from local traffic, distant rail noise as well as general industry noise from the surrounding commercial zone.

#### 5.2 Background Noise Levels

Environmental noise logging was undertaken at the site in order to gain the background noise levels at 3 different positions.

The loggers were located as per Figure 4. Further details of the measurement methodology and location and are presented in Appendix C.



Figure 4 Location of Noise Loggers

It is considered that the background noise levels at the selected noise logging locations are a conservative representative of the background noise levels at the potentially most-affected receivers.

Table 5 presents a summary of the unadjusted, measured background noise levels taken from the logger data, as determined in accordance with the procedures given by SEPP N-1.

Monday night (early Tuesday morning 5/3/2019) was found to be the quietest night.



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Table 5 Patron Noise Background Levels as per SEPP N-1 Time Periods

Period	Applicable Times	Time (hrs) / date	Noise Level, $L_{A90(min)}$ dB(A)
<b>NSAs 1 &amp; 4</b>			
<b>Evening</b>	<ul style="list-style-type: none"> <li>6pm to 10pm Monday to Friday</li> <li>1pm to 10pm Saturdays</li> <li>7am to 10pm Sundays and Public Holidays</li> </ul>	Monday 04/3/2019 22:00 -22:15	50
<b>Night</b>	<ul style="list-style-type: none"> <li>10pm to 7am All Days</li> </ul>	Monday 04/3/2019 1:15 – 1:30	41
<b>NSAs 2 &amp; 3</b>			
<b>Evening</b>	<ul style="list-style-type: none"> <li>6pm to 10pm Monday to Friday</li> <li>1pm to 10pm Saturdays</li> <li>7am to 10pm Sundays and Public Holidays</li> </ul>	Monday 11/03/2019 22:00 - 22:15	37
<b>Night</b>	<ul style="list-style-type: none"> <li>10pm to 7am All Days</li> </ul>	Sunday 11/03/2019 1:00 - 1:15	37

Table 6 below presents the unadjusted  $L_{A90}$ , background noise level measured at the rear of the project site as determined in accordance with the procedures given by SEPP N-2.

The location of logging provided a more conservative background level than the loggers located at the midpoint and front of the project site.

Note the times and days shown in the table apply to premises with greater than 3 operations per week.

Table 6 SEPP N-2 Background Noise Levels at NSAs 1, 2, 3 &amp; 4

Period	Applicable Times	Time / Date	Background Noise Level, $L_{A90}$ , dB(A)
<b>Day / Evening</b>	<ul style="list-style-type: none"> <li>10 am to 10 pm Saturday</li> <li>Midday to 9 pm Sundays and Public Holidays</li> <li>9 am to 10 pm Other days</li> </ul>	Sunday 10/03/2019 22:00 – 22:15	37
<b>Night</b>	<ul style="list-style-type: none"> <li>10 pm Friday to 10 am Saturday</li> <li>10 pm Saturday Night to Midday Sunday</li> <li>9 pm Sundays Night and Public Holidays to 9 am the Following Weekday</li> <li>10 pm to 9 am the Following Day all Other Days</li> </ul>	9/3/2019 23:13 - 23:29 pm	See Table 7



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Table 7 below presents the unweighted  $L_{OCT90}$  background level for the SEPP N-2 'night' period.

Table 7 presents the unweighted  $L_{OCT90}$  Background Noise Level for the period between 11:13pm and 11:29 pm on the 9<sup>th</sup> of March 2019 taken in the centre of the rear alley behind the venue, outside NSA 2. The above spot measurement was compared to the lowest  $L_{A90}$  logging measurement in the rear alley from between 1:00 am and 2:00 am, 10<sup>th</sup> March 2019. Both were found to be an  $L_{A90} = 37$  dB(A) including a +2 dB for façade adjustment.

**Table 7 SEPP N-2  $L_{OCT90}$  Background Noise Level**

	Unweighted Background Noise Level, $L_{OCT90}$ , dB						
	63	125	250	500	1k	2k	4k
Night	41	38	35	32	30	25	19
Façade Adjustment	+2	+2	+2	+2	+2	+2	+2
Total	43	40	37	34	32	27	21



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## 6 Noise Criteria

### 6.1 Patron Noise

Patron noise limits are set for the nearby dwellings (NSAs 2 & 3) are calculated according to the SEPP N-1 time periods and presented below in Table 8 for the more restrictive evening and night periods. Details of the background levels are presented in Appendix C.

This firm applies the following noise criteria based on the Marshall Day Acoustics (MDA) Patron Noise methodology.

**Table 8 Patron Noise Limit Calculations for NSAs 2 & 3**

SEPP N-1 Time Period	Noise Level, $L_{90}$ dB(A)	Noise Criteria	Noise Limit, $L_{eff}$ dB(A)
Evening	37	$L_{A90} + 10$	47
Night	37	$L_{A90} + 5$	42

A summary of the patron noise limits for the nearby dwellings (NSAs 1 & 4) are calculated according to the SEPP N-1 time periods and presented below in Table 9.

**Table 9 Patron Noise Limits as per SEPP N-1 Time Periods for NSAs 1 & 4**

SEPP N-1 Time Period	Noise Level, $L_{90}$ dB(A)	Noise Criteria	Noise Limit, $L_{eff}$ dB(A)
Evening	50	$L_{A90} + 10$	60
Night	41	$L_{A90} + 5$	46

### 6.2 SEPP N-2 Day / Evening Limit – Music

The following noise limits for music apply to at the NSAs for the SEPP N-2 'Day / Evening Period' (background  $L_{A90} + 5$ dB)

**Table 10 SEPP N-2 Noise Limits**

Period	$L_{A90}$	Applicable Times	Noise Limit, $L_{Aeq}$ dB(A),
Day / Evening	37	<ul style="list-style-type: none"> <li>10 am to 10 pm Saturday</li> <li>Midday to 9 pm Sundays and Public Holidays</li> <li>9 am to 10 pm Other days</li> </ul>	42



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### 6.3 SEPP N-2 Night Limit - Music

The following noise limits in Table 11 apply to the NSAs for the SEPP N-2 'Night' period as presented in Table 7.

**Table 11 SEPP N-2  $L_{OCT90+8}$  Noise Limit**

Period	Noise Limit, $L_{OCT90+8}$ , dB						
	63	125	250	500	1k	2k	4k
<b>Night Limit (<math>L_{10}</math>)</b>	51	48	45	42	40	35	29

The limits based on the background levels in the rear alley are considered to be a conservative approach when applied to all NSAs.



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### 7 Assessment

Audiometric and Acoustic Services undertook a site visit from 10:00 am until 11:30 am on the 1 March 2019 to establish effective noise levels that would likely be received at nearby noise sensitive areas. Details of the measurements are presented in Table 15 of Appendix C.

#### 7.1 Patron Noise Methodology

Patron noise levels due to the outdoor seating areas at the proposed venue have been calculated using a method detailed in Consideration of Patron Noise from Entertainment Venues (Growcott, 2009).

The calculation method was derived from patron noise measurements performed by Growcott in a young person's outdoor entertainment area (8 x 10m) surrounded by acoustically reflective walls approximately 4 m high.

The following equation has been used to calculate patron noise:

$$LA_{eq} \text{ at } 2m = 21 \log_{10} N + 43$$

Where N is the number of patrons.

##### 7.1.1 Base Scenario

In the base scenario patron noise is calculated with patrons occupying the internal floor area and seated in the street front area and standing with some seated in the rear outdoor area.

No adjustment is made for groups of more than 10 persons as the noise is seen as more of a steady in level, broadband babble rather than an impulsive and interruptive sound/noise.

##### 7.1.2 Patron Noise Levels

Patron noise levels have been calculated based on the following numbers specified in Table 12 as advised by the client. These numbers correspond with the approximate maximum capacity of these areas due to the current seating arrangements and are therefore likely to be conservative for most periods of operation.

Table 12 Proposed Patron Numbers

Area	Patron Numbers	Sound Power Level (dB)
Front Smoking Area	15	81
Internal Bar Area	80	102*
Rear Smoking Area	16	94**

\*As per advice from SLR Consulting '640.10090.06020 L01-v1.0 366 Johnston St Abbotsford.docx'.

\*\*Adjusted for late night drinking.

Adjustments have been made for area sources, directivity and reverberant internal sound levels.



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The NSAs that are potentially most-affected by patron noise from the street front outdoor seating area is the Johnston Street facade of NSA 1 and possibly the street front façade of NSA 4 at 319 Johnston Street.

The western and northern façade of NSA 1 will be potentially affected by patron noise from patrons inside the venue and from patrons in the rear outdoor seating area. NSA 1 has glazing to the western façade and balconies to the north.

NSA 2 and NSA 3 could potentially be affected by the same patron areas, nominally the rear seating area and any noise emanating from inside the venue.

Calculations are based on the following parameters:

- Patron noise is calculated at full capacity per area however unlikely the occurrence.
- The current structure having a ceiling / roof assembly achieving an  $R_w = 40$  dB and the façade achieving an  $R_w = 27$ .
- Existing barriers as per site visit with an additional 3.3 m barrier notated as 'Gate' in line with the unisex toilets on the approved drawings. The barrier inclusive of the gate is required to have a min surface density of  $12 \text{ kg / m}^2$ .
- Patron numbers as per Table 12.
- Patron noise levels during the day period are considered to be a normal part of living in a community and therefore not assessed against any limits.

### 7.2 Proposed Music Noise levels

Pre-recorded background and light acoustic music has been proposed for the within the internal area.

Background music is defined as not to interfere with general conversation of 60-65 dB(A) at 1 m apart.

Pink noise was generated through the house PA system at a spatially averaged sound pressure level (SPL) of 90 dB (87 dB(A)) inside the venue.

This level was considered to be near the maximum output of the system and could also be expressed as an above normal background level music. Any music above this level may be an uncomfortable level for patrons.

The assessment parameters are based on the operation of the two existing loud speakers used on site. No loudspeakers or other broadcast equipment are to be installed in the outdoor areas.



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### 8 Noise Modelling

#### 8.1 Modelling Parameters

iNoise version V2019 environmental noise modelling software was used to model the environmental noise emissions from the venue to establish noise levels due to a potential worst-case operating scenario (full operation), to establish any noise mitigation requirements.

Key modelling parameters include:

- Site layout and locations of key operational noise sources have been modelled according to the latest Google Maps satellite image and the locations detailed in Section 2.1.
- iNoise version V2019 environmental noise modelling software conforms to ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation.
- Each of the key operational noise sources has been modelled according to the specified sound power levels as specified in Section 7.
- A sound power level of 102 dB has been proposed for the internal bar area to include music and patron noise.

#### 8.2 Calculated Noise Levels as Documented

Table 13 presents the highest calculated Effective Noise Levels of music and patron noise at the potentially most-affected NSAs with the proposed project site fully operating.

**Table 13 Music and Patron Noise Levels at the NSAs**

Location	Effective Noise Level $L_{eff}$ , dB(A) at NSA	Night Patron Noise Criteria, dB(A)	Day/Evening Music Noise Limit, dB(A)	Compliance
<b>NSA 1</b>	< 47	46	42	Yes/No*
<b>NSA 2</b>	< 31	42	42	Yes
<b>NSA 3</b>	< 33	42	42	Yes
<b>NSA 4</b>	< 22	46	42	Yes

\*Isolated music noise only has been calculated to be < 39 dB(A). This value is compliant with the day/evening music noise limit of 42 dB(A). MDA specifies that if the predicted patron noise level exceeds the proposed criteria by up to 2 dB then any likely impact is unlikely and no mitigation measures are triggered.

Table 14 presents the highest calculated unweighted octave band effective noise levels for music noise only at the potentially most-affected NSA (NSA1) with the proposed project site fully operating. Other NSAs are less affected due to the greater distance.



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Sound power levels for the proposed music noise are calculated from the pink noise measurements taken on site. These are considered to be the maximum volume of the existing sound system.

**Table 14 SEPP N-2  $L_{OCT90+8}$  Noise Levels**

Period	Noise Limit, $L_{OCT10}$ , dB						
	63	125	250	500	1k	2k	4k
Internal SWL	91	90	91	94	92	92	91
Level at NSA 1 ( $L_{10}$ )	35	35	36	40	38	39	38
Night Limit ( $L_{10}$ )	49	46	43	40	38	33	27
Compliant	Yes	Yes	Yes	Yes	Yes	Yes*	Yes*

\*A marginal exceedance at above 500 Hz is considered compliant. The aim of the night period limit is to identify intermittent low frequency music noise during periods when residents are sleeping.

Figure 5 presents the calculated effective noise level contour map for the proposed project site at full capacity with proposed music and patron noise levels.



**Figure 5 Calculated Noise Contours with Proposed Situation**

The effective noise levels presented in the tables above, calculated in accordance with the relevant legislation, indicate that the proposed operational noise emissions are compliant at all periods of the day.

Mitigation measures are required in order to ensure compliance as per the design parameters of the model.



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### 9 Recommendations

Noise mitigation measures are required in order to comply with the relevant music noise legislation and proposed levels of patron noise.

The following is recommended to be undertaken to ensure acceptable noise levels are received at the façade of NSA 1:

- Installation of ceiling to the entire roof system as per Figure 6 and Figure 7. The ceiling must be constructed with materials achieving a minimum surface density of  $12 \text{ kg/m}^2$ . Installation of 9 mm Villaboard or equivalent direct fixed to roof battens with no gaps is recommended with fibrous insulation (min  $11 \text{ kg/m}^2$ ) to the cavity.
- Northern façade to be designed to achieve a min  $R_w = 27 \text{ dB}$ . A combination of the existing glazing and Weatherboards to the external façade (25 mm nominal thickness). Board laps caulked with a durable flexible sealant or with non-setting mastic.
- External doors should be fitted with self-closing mechanisms.
- Patrons in the rear seating area should be limited to the seating area only to ensure the effectiveness of acoustic barriers (eastern property line wall) and not able to occupy the main nursery area.



Figure 6 Location of Proposed Ceiling System and Façade





**Figure 7 Location of Proposed Ceiling System and Facade**

#### 9.1 Control of Music Noise

It is considered that compliance with SEPP N-2 can be reasonably achieved by use of a sound level limiting device.

It is recommended that the following measures should be taken to avoid music being played too loud (either accidentally or deliberately):

- Calculations assume all windows and doors are closed however the venue should be able to open windows and doors during non-sensitive periods for ventilation. Therefore, it is proposed that all doors and windows should remain closed after 8pm nightly and anytime music above background level is to be played.
- No live or pre-recorded music should be played in outdoor areas.
- A low-cost sound level limiting device or equivalent processor should be fitted to the sound system. The master control should be key or pin locked to hinder tampering from unauthorised parties.
- DJ's are required to use the house PA system only or connect to their own equipment via the sound limiting device. Acoustic instruments should be string instruments only. Amplified live music must not be played at any time unless the music is played through the house system in order to make use of the limiting device or set limit.



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## **10 Summary**

Audiometric & Acoustic Services has performed an environmental noise assessment to determine noise limits and measure effective noise levels received by nearby residents from the Native Home, House of Plants.

Noise levels have been calculated according to the applicable EPA legislation, State Environmental Protection Policy (Control of Music Noise from Public Premises) No. N-2 and the scientific papers Consideration of Patron Noise from Entertainment Venues (Growcott, 2009).

The results show the effective noise levels emanating from the Native Home, House of Plants venue to be compliant for patron and music noise at the nearest noise sensitive areas according to noise mitigation measures recommended as per Section 9 of this report.

Please feel free to contact the undersigned with any queries. This applies to any parties that have legitimate access to this report.

Sincerely,



Scott Henderson

B.Env DipDes

Proof read by Masood Alikhail on 26/8/2019



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**11 References**

Growcott, D. (2009). Consideration of Patron Noise from Entertainment Venues. *Australian Association of Acoustical Consultants Guideline*. Australia.

State of Victoria. (1999). State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. No. S43, 17/7/1989, *Gazette* 3/8/1989, As varied 16/3/1999, No. G12, *Gazette* 25/3/1999.

DRAFT



## Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report

Report 19015

### Appendix A Definitions of Terminology

#### Sound Pressure Level:

The root-mean-square values of the pressure fluctuations above and below atmospheric pressure caused by the passage of a sound wave, usually expressed in deci Bels (re 20 µ Pa)

decibel: Unit usually used to define sound pressure level relative to a reference pressure.

$$dB = 20 \log_{10} \left( \frac{P}{P_{ref}} \right)$$

- (A): Reference to particular weighting network within a Sound Level Meter which modifies the linear response. 'A' weighting is designed to approximate the response of the human ear.
- (C): Reference to a weighting network within a Sound Level Meter. Modifies the Linear response only slightly on the lower frequency range.
- R<sub>w</sub> Weighted Sound Reduction Index. A single figure rating of the acoustic attenuation of materials either singly or as multiples.
- L<sub>10</sub> The noise level exceeded for 10% of a measurement period. Often used as a measurement of occasional interruptive noise, such as traffic.
- L<sub>A1018hr</sub> The 18 hour Traffic Noise average. Arithmetic average of the A weighted L<sub>10</sub> sound levels from 0600hrs to 0000hrs.
- L<sub>90</sub> The noise level exceeded for 90% of a measurement period. Commonly accepted as the natural Background Noise Level.
- Leq: Equivalent Continuous Sound Level. This is calculated on the basis of average of the Sound Pressure Level (acoustic energy) over a period of time and is expressed in deci Bels.
- L<sub>Aeq</sub>: The 'A' weighted Equivalent Continuous Sound Level.
- L<sub>Aeq8hr</sub> The equivalent of 8 hours exposure to an L<sub>Aeq</sub> of 85dB. The actual exposure period may be longer or shorter than 8 hours.
- Slow - S: Dynamic characteristics of a Sound Level Meter which employs a time saving averaging constant of 1 second.
- Fast - F: Dynamic characteristic - time averaging constant is 125m sec.
- Impulse - Imp: Dynamic characteristic - time averaging constant is 33m sec.
- Peak - Pk: Dynamic characteristic - time averaging constant is 1m sec.



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### Appendix B Instrumentation

#### Equipment Used

<b>Convergence</b>	Sound Sentry NSRT Serial No. CvtUDvWa0%UVKplAQ2LxPD
<b>Convergence</b>	Sound Sentry NSRT Serial No. CnLcr%UycV8%CJPCQ8hRnD
<b>Convergence</b>	Sound Sentry NSRT Serial No. CnHcrVUQeV01qDNCw2JZtD
<b>SVAN 957</b>	Type 1 Sound Analyser Serial No. 14578
<b>SVAN</b>	Windshield

NATA Laboratory calibration due 13<sup>th</sup> November 2020

<b>Bruel &amp; Kjaer</b>	4230 Acoustic Calibrator Serial No. 1441408
--------------------------	--

NATA Laboratory calibration due 13<sup>th</sup> September 2020

The sound level meter and loggers were check calibrated before and after the measurements.  
No significant change was found to have occurred.



## Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report

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### Appendix C Measurements

#### Spot Measurements

Audiometric and Acoustics Services undertook acoustic testing at the venue on 1 March 2019 to determine the noise reduction from inside to outside the venue. Pink noise was generated through the house PA system at a spatially averaged sound pressure level (SPL) of 90 dB (87 dB(A)) inside the venue. This level was considered to be near the maximum output of the system and could also be expressed as an above normal background level music.

The external measurement points are shown in below. Details of the noise survey are shown in Table 15.



Figure 8 Location of Measurement Points



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Table 15 Noise Survey Results

Description	Sound Pressure Level $L_{Aeq}$ dB(A)	Measurement Location Image
Internal measurement of pink noise (1:50 min).	84	<div></div> <div></div>



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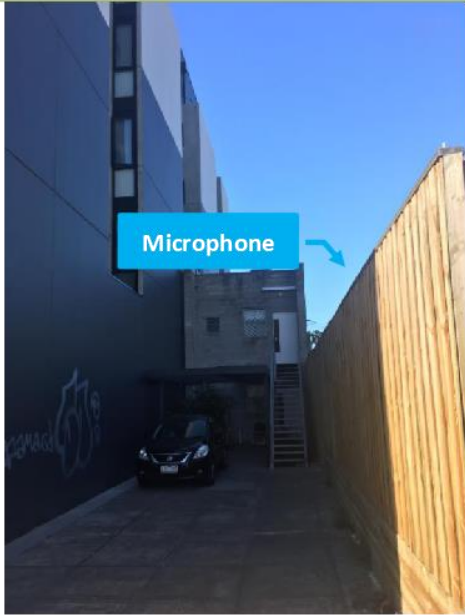
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<p><b>External measurement of pink noise at #62 Little Turner Street (30 sec).</b></p>	<p>54</p>	
<p><b>External measurement of pink noise 1m above soffit of #368 Johnston Street (30 sec).</b></p>	<p>66</p>	



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<p><b>External measurement of pink noise 1m above fence of #368 Johnston Street (30 sec).</b></p>	<p>66</p>	
---	-----------	--

Noise Logging

Audiometric and Acoustics Services undertook environmental noise logging at the rear of 366 Johnston Street from 9<sup>th</sup> – 12<sup>th</sup> March 2019 to determine the existing background levels at the nearby and potentially most affected NSAs 2 & 3.

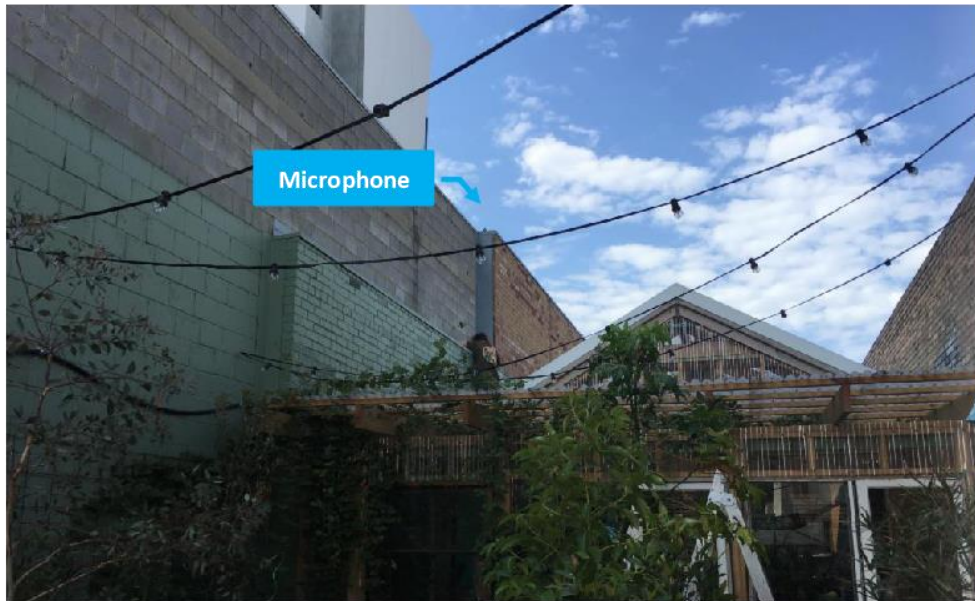
Environmental noise logging was undertaken at the property lines of the project site to determine the existing background levels at the nearby and potentially most affected NSAs 1 & 4.

Weather was warm with minimal wind during the measurement periods.



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**Figure 9 Measurement Point 3**



**Figure 10 Measurement Point 1**



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## Appendix D Meteorological Conditions

Melbourne (Olympic Park), Victoria March 2019 Daily Weather Observations																			
Date	Day	Temps		Rain	Evap	Sun	Max wind gust		Temp	RH	Cid	Dirn	Spd	MSLP	Temp	RH	Cid	Dirn	Spd
		Min	Max				Spd	Time											
		°C	°C	mm	mm	hours	km/h	local	°C	%	seapts		km/h	hPa	°C	%	seapts		km/h
1	Fr	22.6	38.1	0			39	17:29	28.5	35		N	9	1020.2	36.9	18		N	13
2	Sa	22.3	36.3	0			41	08:32	26.8	38		N	20	1019.7	34.6	26		N	20
3	Su	25.1	38.0	0			46	12:56	27.9	33		N	13	1018.3	35.8	21		N	17
4	Mo	18.0	24.6	0			30	15:34	20.7	69		SSW	4	1019.6	24.2	60		SSW	11
5	Tu	18.0	24.3	0			28	17:17	20.4	72		SSW	4	1013.2	21.6	66		S	16
6	We	13.2	17.2	1.6			54	12:46	13.8	66		WNW	13	1014.1	15.9	53		SSW	13
7	Th	8.7	22.1	2.0			24	14:18	11.4	63		NE	9	1025.1	20.4	38		SSW	6
8	Fr	11.3	26.8	0			31	12:10	15.7	43		NE	9	1018.0	26.4	23		NW	7
9	Sa	13.9	24.7	0			28	18:24	16.0	62		NE	6	1018.6	23.3	44		SSW	15
10	Su	14.3	23.7	0			39	13:52	16.0	87		NNE	9	1012.0	20.1	56		NW	24
11	Mo	15.9	21.8	0.2			37	14:52	19.9	70		NNW	4	1011.0	20.7	71		SSW	13
12	Tu	15.8	19.2	0			39	08:17	17.5	59		WNW	11	1009.4	17.0	54		SSW	13
13	We	11.9	18.6	0			28	14:17	13.4	71		WSW	9	1018.9	17.7	48		S	15
14	Th	12.1	20.8	0.2			33	14:28	16.0	66		S	7	1017.0	20.1	55		SSW	13
15	Fr	11.7	22.2	0			35	14:10	15.5	77		NNE	4	1019.8	21.1	53		SSW	20
16	Sa	12.2	25.6	0			22	14:03	14.2	84		NE	7	1021.0	24.4	51		SSW	13
17	Su	14.2	25.6	0			24	15:59	18.4	91		W	4	1019.4	24.7	62		SSW	11
18	Mo	16.5	28.2	0			33	17:54	18.7	75		SE	7	1017.9	27.8	50		SE	13
19	Tu	16.9	23.4	0			35	15:44	19.3	86			Calm	1016.2	22.9	77		SSW	13
20	We	19.3	23.4	0			28	16:10	20.0	96			Calm	1015.4	22.2	74		SSW	13
21	Th	18.2	24.3	0			20	13:38	20.0	86			Calm	1016.1	23.2	84		S	13
22	Fr	18.7	28.6	0			31	16:37	20.1	88		NNE	6	1015.4	25.5	66		SW	9
23	Sa	19.9	31.3	1.8			46	16:41	22.3	61		N	13	1009.5	29.8	37		N	26
24	Su	16.5	29.3	2.0			57	20:01	19.0	79		NNE	9	1011.0	29.0	35		NNW	28
25	Mo	14.8	19.0	0.2			50	07:54	15.0	53		WNW	17	1005.5	15.8	44		W	17
26	Tu	12.3		0					13.5	56		NW	15	1018.2					
Statistics for the first 26 days of March 2019																			
Mean		16.0	25.4						18.5	67			8	1016.2	24.0	49			14
Lowest		6.7	17.2						11.4	33			Calm	1005.5	15.8	18		SSW	6
Highest		25.1	38.1	2.0					28.5	96		N	20	1025.1	36.9	77		#	26
Total				8.0															1021.0





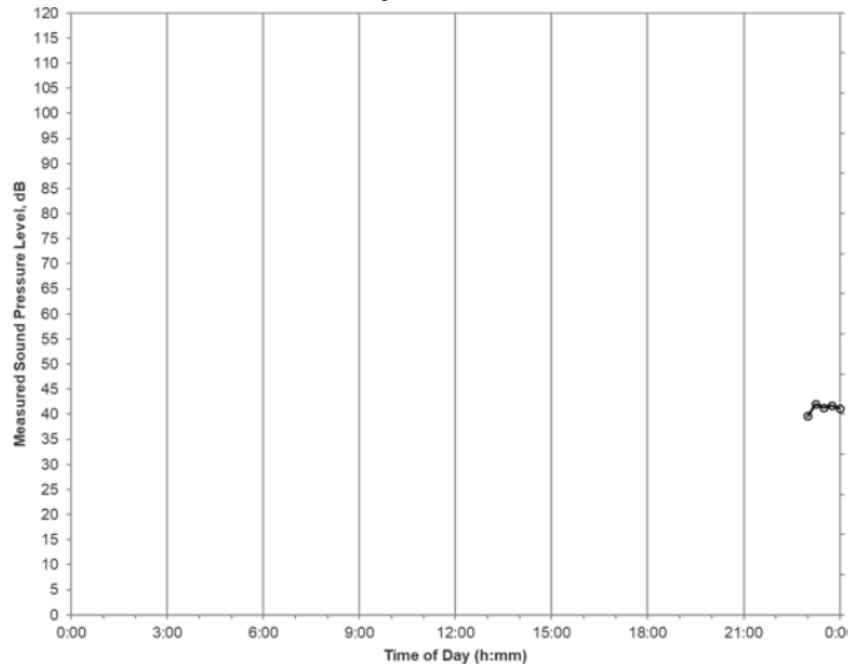
**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**

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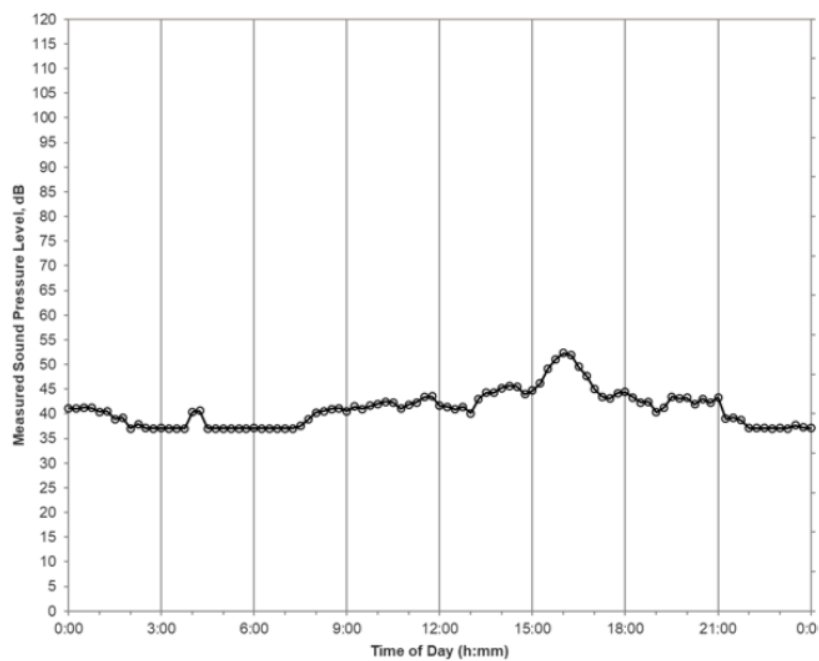
**Appendix E Logging Data**

Presented below is the unadjusted  $L_{A90}$  data collected from the logger in the rear alley.

**Saturday 9<sup>th</sup> March 2019**



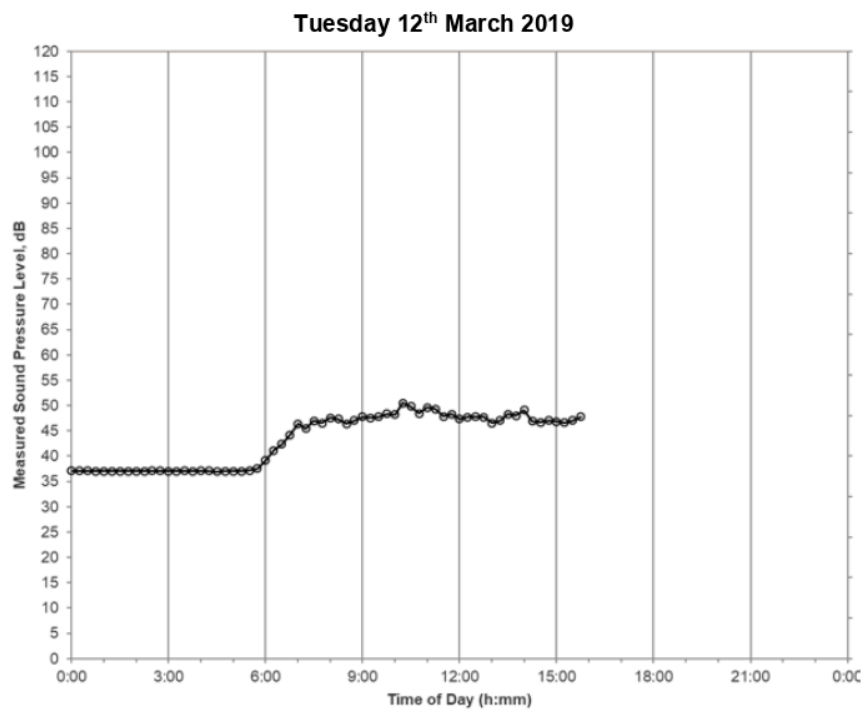
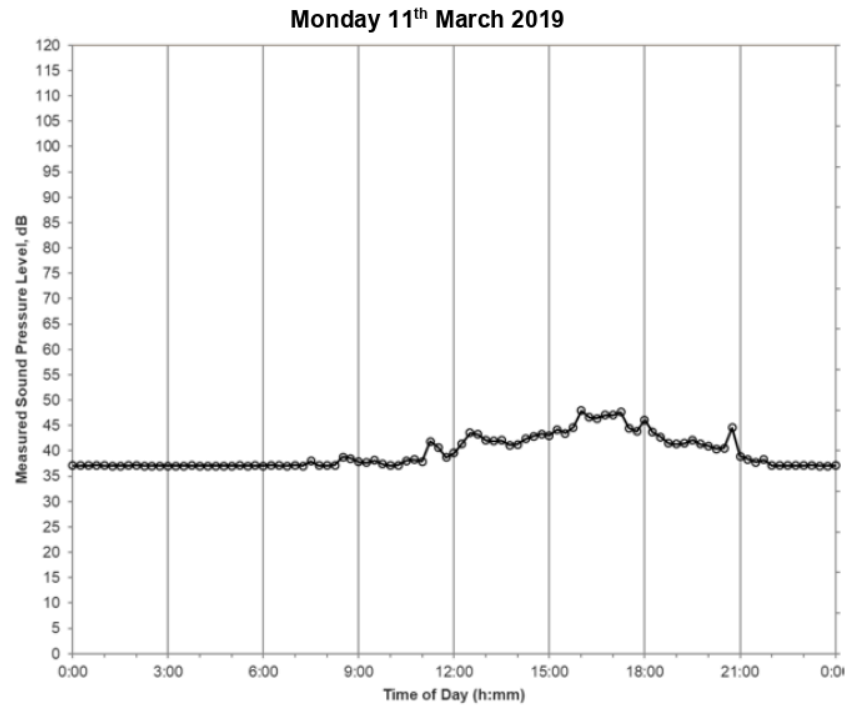
**Sunday 10<sup>th</sup> March 2019**





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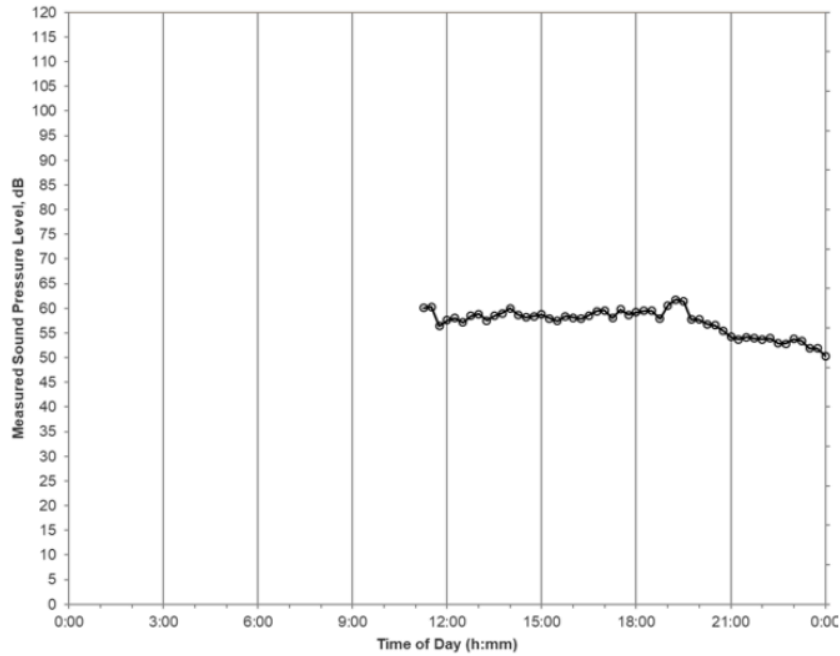


**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**

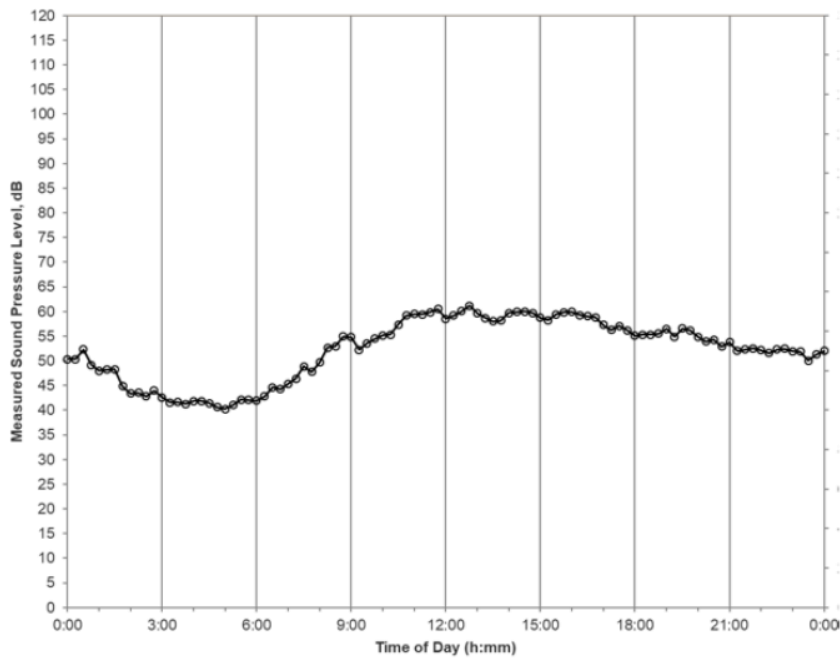
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Presented below is the unadjusted  $L_{A90}$  data collected from the Johnston Street front logger.

**Friday 1<sup>st</sup> March 2019**



**Saturday 2<sup>nd</sup> March 2019**

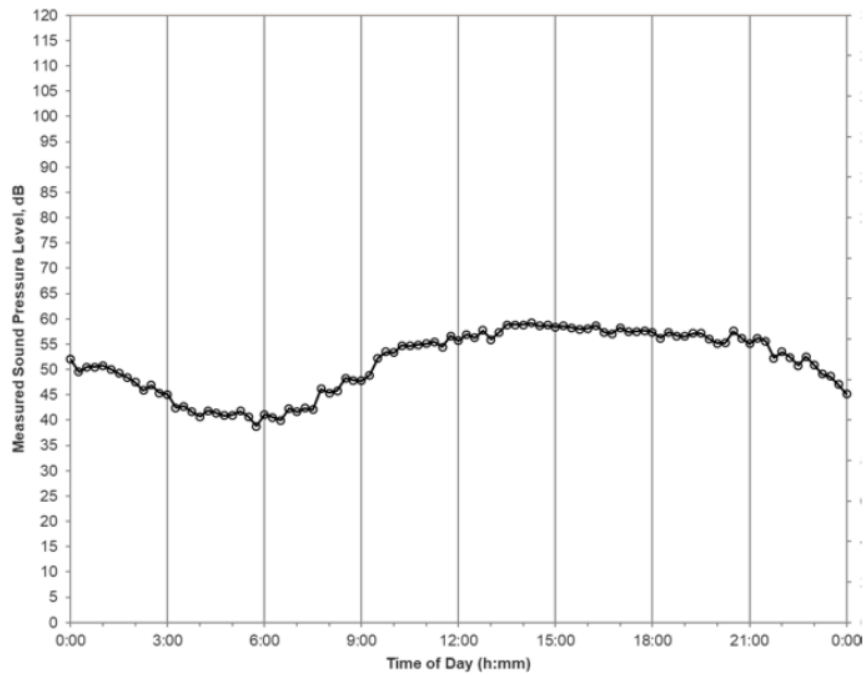




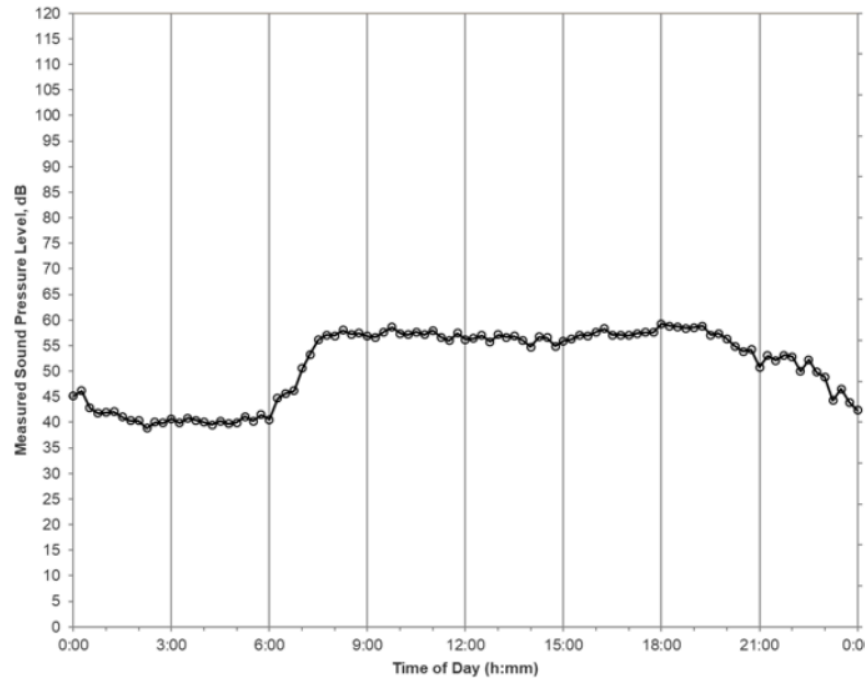
**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**

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**Sunday 3<sup>rd</sup> March 2019**



**Monday 4<sup>th</sup> March 2019**

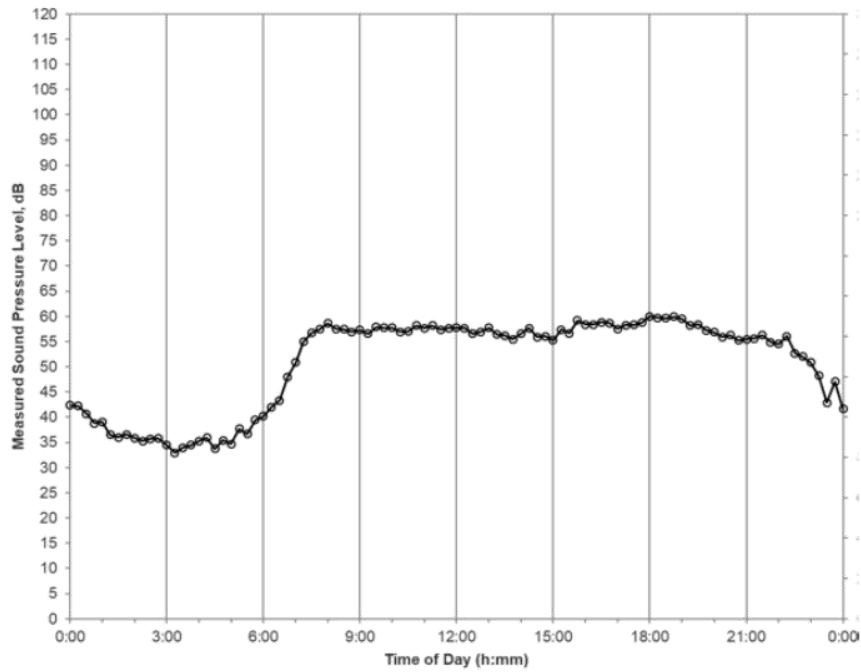




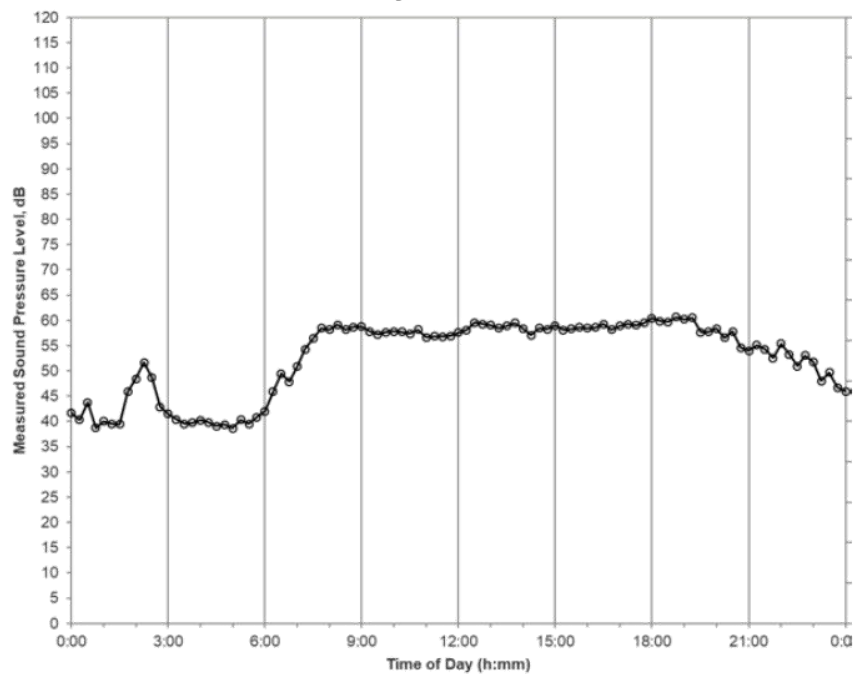
**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**

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**Tuesday 5<sup>th</sup> March 2019**



**Wednesday 6<sup>th</sup> March 2019**

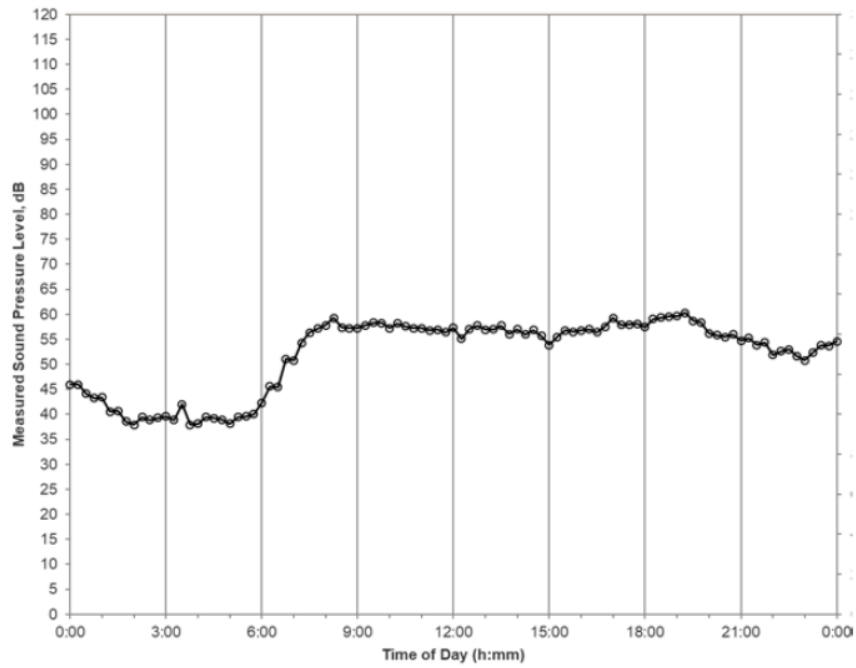




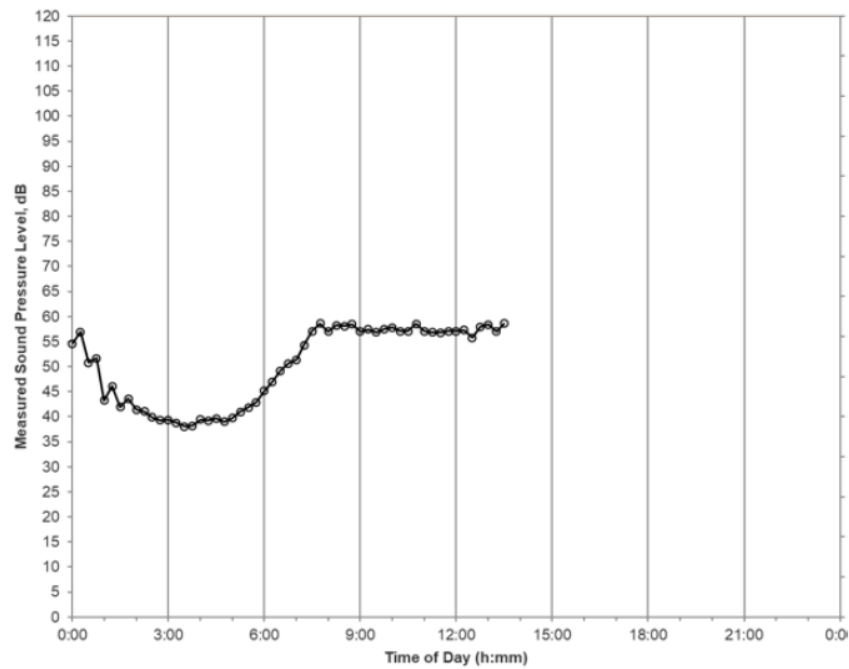
**Attachment 9 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Revised Acoustic Report**

Rep. No. 19036

**Thursday 7<sup>th</sup> March 2019**



**Friday 8<sup>th</sup> March 2019**





**Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)**



19 September 2019

640.10090.06020-L02-v2.0.docx

Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Chris Stathis**

Dear Chris

**366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03**

SLR Consulting Australia Pty Ltd (SLR) has been retained by the City of Yarra to provide a review of the acoustic assessment report prepared to support the application for an amended planning permit at 366 Johnston Street, Abbotsford.

Details of the report are as follows.

- Title: Environmental noise assessment regarding proposed change of use and possible noise levels received at nearby residences
- Date: 28 August 2019
- Reference: 19036.1
- Prepared for: Native Home, House of Plants
- Prepared by: Audiometric & Acoustic Services (A&AS)

The report has been prepared as part of the application to add tavern operations within the existing building and associated outdoor patron areas. This is an updated report, following our review of the previous version.

## **1 Background Information**

### **Summary of the Acoustic Report (Sections 1 – 4)**

A tavern usage is proposed for the site at 366 Johnston Street. Patrons would be located inside the existing building, in an external street front area (adjacent to Johnston Street) and in the rear outdoor area (adjacent to Little Turner Street).

Noise limits for music are specified in SEPP N-2 by the Victorian EPA. There is no Victorian legislation or guideline that provides noise limits for patron noise.



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03

SLR Ref: 640.10090.06020-L02-v2.0.docx  
Date: 19 September 2019

Proposed patron numbers are:

- 15 for the street front area
- 80 inside the building
- 16 for the rear seating area

The proposed operating hours for the venue are:

- Monday to Thursday: 12 pm to 11 pm
- Friday and Saturday: 12 pm to 1 am
- Sunday: 12 pm to 10 pm

The nearest noise sensitive receivers are:

- 370 Johnston Street (designated "NSA 1") - a multi-storey apartment building to the east
- 62 Little Turner Street ("NSA 2") - a double-storey townhouse to the north
- 68 Little Turner Street ("NSA 3") - a double-storey townhouse to the north
- 319 Johnston Street ("NSA 4") - a single storey house to the southwest

### SLR comments

*Agreed / no comment*

## 2 Background Noise Levels

### Summary of the Acoustic Report (Section 5 and Appendix C)

Unattended background noise measurements were conducted in Little Turner Street from Saturday 9 March to Tuesday 12 March 2019, and near the Johnston Street site boundary from Friday 1 March to Friday 8 March 2019.

The background noise levels used for the patron noise assessment (based on the SEPP N-1 time periods) are as follows:

- NSA 2 & 3: 37 dBA for the evening period and 37 dBA for the night period
- NSA 1 & 4: 60 dBA for the evening period and 46 dBA for the night period

The background noise levels used for the SEPP N-2 music noise assessment are as follows:

- 37 dBA for the day/evening period (all NCAs)
- The spectrum shown below for the night period (all NCAs, free field measurement), which is equivalent to 35 dBA

	Unweighted Background Noise Level, $L_{\text{AeqT90}}$ , dB						
	63	125	250	500	1k	2k	4k
Night	41	38	35	32	30	25	19



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
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PLN 18/1802.03

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Date: 19 September 2019

### SLR comments

*We note that the night period background noise levels reported for Turner Street are higher than Johnston Street, which is unusual. The graphs in Appendix E show a steady level of 37 dBA at NSA 2 & 3 through the night. The report should clarify the location of the unattended noise monitoring used for NSA 2 & 3. If this is the location shown in Figure 10, we are concerned that the monitoring could have been affected by existing mechanical plant noise. An alternative cause of the 37 dBA minimum reading could be the noise floor of the logger, therefore this should be checked. If the measurement results were affected by the noise floor, the assessment should be revised, based on lower criteria for patron and music noise during the night period.*

*SEPP N-2 assessments are based on free field locations, however a facade reflection has been added to the background noise levels. The report should clarify whether the predicted levels of patron and music noise also include the facade reflection of sensitive receiver buildings.*

*The consultant has clarified that the logger at 370 Johnston Street (the "mid-point" location shown in Figure 4) was used for transmission loss testing and not determining background noise levels.*

*The City of Yarra has informed SLR that the rear outdoor area is not proposed to be used past 10 pm at night.*

## 3 Patron Noise

### 3.1 Criteria

#### Summary of the Acoustic Report (Section 6.1)

Patron noise limits have been calculated based on the measured background noise level plus 5 dB. This results in the following patron noise limits:

- NSA 2 & 3: 47 dBA for the evening period and 42 dBA for the night period
- NSA 1 & 4: 51 dBA for the evening period and 41 dBA for the night period

### SLR comments

*The night period noise limits may need to be lower if the measurement results were affected by the equipment noise floor (see the first paragraph of Section 2 above).*

### 3.2 Assessment

#### Summary of the Acoustic Report (Section 7.1 and Section 8)

Source levels of patron noise have been predicted based on the paper *Consideration of Patron Noise from Entertainment Venues* (Growcott, 2009). The predicted source sound power levels are 81 dBA Leq for street front area (15 patrons), 102 dBA Leq for the internal bar area (80 patrons) and 94 dBA Leq for the rear outdoor area (16 patrons).

The patron noise level at nearby noise sensitive receivers have been calculated based on the following:

- Patron numbers at the full capacity of the venue (as per above), although these numbers are expected to be higher than most occasions.
- The venue being upgraded to achieve Rw 40 through the roof and Rw 27 through the facade.



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03

SLR Ref: 640.10090.06020-L02-v2.0.docx  
Date: 19 September 2019

- Shielding provided by existing barriers on site is included, plus a 3.3 metre high barrier (shown as “Acoustic Treated Gate” on the Red Line Plan) at the northern end of the rear outdoor area.
- Patrons in the rear outdoor area shall be restricted to the seating area only and not able to occupy the main nursery area (Section 9 of the report).

Noise levels at the NSAs have been calculated using a 3D noise model. The combined levels of patron noise and music noise predicted patron noise levels are up to:

- 47 dBA at NSA 1
- 31 dBA at NSA 2
- 33 dBA at NSA 3
- 22 dBA at NSA 4

A 1 dB excess to the patron noise night criteria is predicted for NSA 1, while the other sensitive receivers are predicted to comply with the criteria. The report states that exceedances of up to 2 dBA are unlikely to cause an impact.

### SLR comments

*The sound power data used for the internal and rear areas is reasonable. We believe the source level used for the street front area may be too low, however this is not a risk on this project.*

*The predicted noise levels at the NSAs appear reasonable.*

*The use of facade reflections should be clarified (see the second paragraph of Section 2 above).*

*We believe that the patron noise targets should be used as-is, and therefore an allowance for exceedances of up to 2 dBA should not be provided.*

## 4 Music Noise

### 4.1 Criteria

#### Summary of the Acoustic Report (Section 6.2 – 6.3)

SEPP N-2 limits for music noise have been calculated based on the measured background noise levels. The calculated noise limits are as follows:

- 42 dBA Leq for the day/evening period (all NCAs)
- The spectrum shown below for the night period (all NCAs), which is equivalent to 45 dBA L10

Period	Noise Limit, $L_{OCTBAND}$ , dB						
	63	125	250	500	1k	2k	4k
Night Limit ( $L_{10}$ )	51	48	45	42	40	35	29



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
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Development Application Acoustic Review  
PLN 18/1802.03

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Date: 19 September 2019

### SLR comments

*The night period noise limits may need to be lower if the measurement results were affected by the equipment noise floor (see the first paragraph of Section 2 above).*

### 4.2 Assessment

#### Summary of the Acoustic Report (Section 7.2 and Section 8)

The proposed music operations consist of background music through the existing sound system and light acoustic live music performances, both within the indoor area.

The music noise level at nearby noise sensitive receivers have been calculated based on the following:

- The venue being upgraded to achieve Rw 40 through the roof and Rw 27 through the facade.
- Shielding provided by existing barriers on site is included, plus a 3.3 metre high barrier (shown as "Acoustic Treated Gate" on the Red Line Plan) at the northern end of the rear outdoor area.
- A sound power level of 102 dBA (combined with patron noise).

Noise levels at the NSAs have been calculated using a 3D noise model. The levels of predicted music noise levels are up to:

- 39 dBA at NSA 1
- 31 dBA at NSA 2 (combined with patron noise)
- 33 dBA at NSA 3 (combined with patron noise)
- 22 dBA at NSA 4 (combined with patron noise)

These predicted levels are within the SEPP N-2 criteria for the day and evening periods.

For the assessment of night period music noise during the night period, the maximum output of the existing sound system was calculated to be a spatially averaged sound pressure level of 87 dBA within the room. SLR has converted the sound power level spectrum shown in Table 14 to determine the corresponding internal sound pressure levels:

63	125	250	500	1k	2k	4k
80	79	80	83	81	81	80

Based on the maximum output of the sound system, music noise is predicted to exceed the SEPP N-2 limits in the 2 kHz and 4 kHz octave-bands, by up to 11 dB. Section 9.1 of the report recommends the installation of a noise limiter to the sound system, to avoid music being played in excess of the levels that will comply with SEPP N-2.

Section 9.1 of the report proposes that doors and windows may be open for ventilation purposes up until 8 pm.



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03

SLR Ref: 640.10090.06020-L02-v2.0.docx  
Date: 19 September 2019

### SLR comments

*Based on the maximum predicted music noise levels, live music above background levels is expected to exceed the night period criteria. Therefore, live music during the SEPP N-2 night period should be restricted to quiet acoustic performances.*

*We recommend that the noise limiter be commissioned by a suitably qualified acoustic consultant, to ensure that its use results in SEPP N-2 compliance. Since the windows are proposed to be opened during the day and evening periods, the commissioning of the noise limiter should also ensure compliance if all doors and windows are opened during these periods.*

*For transparency, the report should clarify the sound pressure level of music noise used for the day/evening period assessment (we assume this to be 94 dBA).*

## 5 Sound Insulation Upgrades

### Summary of the Acoustic Report (Section 7.1 and Section 9)

The predicted patron noise and music noise levels rely on the following proposed upgrades:

- An additional ceiling system consisting of 9 mm Villaboard with acoustic insulation in the cavity. The predicted transmission loss of the ceiling/roof system is  $R_w$  40.
- The northern facade is to be upgraded with 25 mm thick weatherboards added to the existing glazing. The predicted transmission loss of the northern facade is  $R_w$  27.
- A 3.3 metre high acoustic barrier in line with the unisex toilets. The minimum surface mass of the barrier is 12 kg/m<sup>2</sup>.

### SLR comments

*The proposed upgrades appear reasonable.*

*To ensure the 3.3 metre high acoustic barrier achieves its designed acoustic performance, the barrier shall be free from gaps and the gate should effectively seal when closed.*

## 6 Mechanical Plant

*Noise from mechanical plant is not assessed in the report. We therefore assume that no new mechanical plant is proposed. If the venue currently does not operate during the evening or night period, some comment or assessment should be provided in relation to any mechanical plant that would operate into those periods as part of the new use.*



## Attachment 10 - PLN16.1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - SLR Acoustic Peer Review (dated 19 September 2019)

Yarra City Council  
366 Johnston Street, Abbotsford  
Development Application Acoustic Review  
PLN 18/1802.03

SLR Ref: 640.10090.06020-L02-v2.0.docx  
Date: 19 September 2019

### 7 Agent of Change

*Regarding clause 56.03 of the Victorian Planning Scheme (the "Agent of Change" principle for live music venues), we note that in this case the agent of change is the proposed venue. This means the responsibility for noise attenuation measures rests with the venue, so the approach is the same as a traditional SEPP N-2 assessment.*

### 8 SLR Recommendations

*A review of the acoustic report prepared for the proposed tavern usage at 366 Johnston Street has been completed. The proposed building upgrades and changes to music operations address several key concerns of our previous review, however there are several issues remaining.*

*Our specific recommendations are:*

- 1. The location of the unattended noise monitoring used for NSA 2 & 3 should be clarified. If this is the location shown in Figure 10, we are concerned that the monitoring could have been affected by existing mechanical plant noise. An alternative cause of the 37 dBA minimum reading could be the noise floor of the logger, therefore this should be checked. If the measurement results were affected by the noise floor, the assessment should be revised, based on lower criteria for patron and music noise during the night period.*
- 2. Whether a facade reflection of sensitive receiver buildings has been included in the predictions should be clarified (since it has been included in the background noise levels).*
- 3. The sound pressure level of music noise used for the day/evening period assessment be presented.*
- 4. Live music during the SEPP N-2 night period should be restricted to quiet acoustic performances. All music, pre-recorded and live performances, shall meet the SEPP N-2 noise limits at all times.*
- 5. The noise limiter be commissioned by a suitably qualified acoustic consultant, to ensure that its use results in SEPP N-2 compliance. Since the windows are proposed to be opened during the day and evening periods, the commissioning of the noise limiter should also ensure compliance if all doors and windows are opened during these periods.*
- 6. The 3.3 metre high acoustic barrier should be free from gaps and the gate should effective seal when closed.*

*If it is not possible to obtain an updated acoustic report addressing the above, Items 4, 5 and 6 can be included as permit conditions. To address the remaining items, we suggest the following as an alternative:*

- Music after 10 pm to be played at background levels (no live music), until council approves an acoustic commissioning report for the noise limiter that includes SEPP N-2 noise limits based on new measurements.*

Regards,

*SDL*

Dianne Williams for Simon de Lisle  
Associate – Acoustics

Checked/Authorised by: DW



**Attachment 11 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Compliance Referral Comments**



# MeMO

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**TO:** Chris Stathis  
**cc:**  
**FROM:** Steve Alexander  
**DATE:** 12/06/19  
**APPLICATION:** PLN161082.03  
**SUBJECT:** Amenity Enforcement Referral

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Dear Chris,

Thank you for your referral dated 11 June 2019 in relation to 366 Johnston, Abbotsford.

I've had an opportunity to review the application. The Compliance branch has received three noise related complaints at this location in the past 6 months along with an alleged 'use' breach. Given the proximity to the residential dwellings and the proposed use being a 'tavern' the Compliance branch can only support the application if the below recommendations are added to the planning permit:

1. The outdoor area to close at 10pm, all days.
2. A noise limiter to be installed by a qualified engineer to meet SEPP levels and to be locked and accessible by a qualified engineer only.
3. A SEPP reading and the setting of the limiter to be conducted prior to the approval of the permit and followed up in three months' time to be re-assessed and calibrated to the approved limits.
4. All amplified music to go through the approved limiter.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

A handwritten signature in black ink, appearing to read "Steve Alexander".

**Steve Alexander**  
**Coordinator – Compliance and Prosecutions**



**Attachment 12 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Social Planning Referral Comments**



# MeMO

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**TO:** Chris Stathis, Senior Statutory Planner  
**FROM:** Julia Bennett-Mitrovski, Senior Planner (Community Health and Safety)  
**DATE:** 24 June 2019  
**ADDRESS:** 366 Johnston Street Abbotsford  
**APPLICATION NO:** PLN16/1082.03  
**DESCRIPTION:** Use the land as a Tavern (no permit required for use in Commercial 1 Zone) and is also applying for an on-premises liquor licence. The application also seeks retrospective approval for a minor rear extension to the existing building on site. This extension has already been completed.

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Social Policy and Research has been requested to make comments on the proposal.

## PROPOSAL

Key aspects of the site and proposal include:

- The site is located in the Commercial 1 Zone and is surrounded by commercial buildings and uses to the east and west, with residential zoned land as an interface at the rear (north) beyond Little Turner Street.
- The site is affected by the Design and Development Overlay Schedule 15 (Johnston Street Activity Centre).
- The applicant is seeking to use the land as a Tavern (no permit required for use in Commercial 1 Zone) and is also applying for an on-premises liquor licence. The application also seeks retrospective approval for a minor rear extension to the existing building on site. This extension has already been completed.
- The sale of liquor for consumption on-premises is proposed to be between the following hours:
  - Mon – Thurs 12pm to 11pm
  - Fri and Sat 12pm to 1am
  - Sun 12pm to 10pm
  - (External areas 12pm to 10pm on any day)
- The external area will be closed off at 10pm each night (no external patrons), managed by trained staff and security.
- The application seeks a maximum of 115 patrons at any one time.
- All music noise will adhere to noise limits set out by the Acoustic Engineering Report. It is understood that the submitted acoustic report is being peer reviewed by an independent acoustician and therefore comments in relation to the suitability of the



## Attachment 12 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Social Planning Referral Comments

acoustic barriers will be limited. It is unclear in the submitted documentation whether live music or entertainment activity is proposed.

### COMMENTS / RECOMMENDATIONS

- The proposed *On Premises liquor licence* is one of the higher risk liquor licence types.
- There are a total of 18 licensed venues within a 500m radius of the subject site (most of which are at least 100m west of the site) including one licensed venue within 100m.
- There are only four general licences operating within the area. The area is not characterised with excessive alcohol consumption, is not in an identified *Core Entertainment Precinct* and most venues close at or before 11pm.
- Given the diversity of uses in the area, and in combination with the recommendations set out below, it is considered that the premises would not result in an unreasonable cumulative impact on the amenity of the surrounding area.
- The application states a total floor area of 162.7m<sup>2</sup> (internal ground floor area; 61m<sup>2</sup> and external ground floor area; 101.7m<sup>2</sup>). A maximum of 115 patrons has been specified. In accordance with Clause 22.09, an assessment of the maximum number of patrons that can be physically accommodated within a venue should be based on the *VCGLR Liquor Licensing Fact Sheet – Maximum Patron Capacity (2016)*. The maximum number of patrons that may be accommodated on the premises could be based on a ratio of 0.75 square metres per person, as per the *Victorian Commission for Gambling and Liquor Regulation (2018) Liquor Licensing Fact Sheet - Maximum Patron Capacity*. Based on this guideline, a maximum number up to 216 patrons (i.e. 162.7m<sup>2</sup> / 0.75) may be accommodated. The submitted application states a maximum of 115 patrons. However it is noted that the outdoor area closes at 10pm, restricting the floor area to the internal space only, an area of 61m<sup>2</sup>. This equates to maximum patron capacity of 81 patrons. It is unclear how the premises plans to disperse patrons or indeed absorb patrons internally after 10pm given that the total floor area will be restricted by nearly 60%. It is recommended that this be addressed by the applicant via additional clarification, or consideration be given to including a condition requiring a reduction in patron numbers after 10pm.
- Clause 22.09 states that for outdoor areas, including smoking areas, rooftops and open courtyards, the sale and consumption of liquor should not occur after 10pm, unless the responsible authority is satisfied that it will not adversely affect the amenity of the area. Therefore, the closure of the outdoor area at 10pm is supported.
- Clause 22.09 also states that 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. 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. The submitted NAAP states that waste collection will not occur until the following day of trade to avoid noise at night. All rubbish and refuse generated by the use will be stored within the refuse storeroom located in northeast corner of the block. Waste collection will be by council services and private contractors and collected from the Little Turner St entrance. Waste will be taken out into laneway on Tuesday afternoons between the hours of 12pm-4pm for pick-up Wednesday morning.
- In light of the above, it is considered reasonable to require permit conditions in relation to the preparation of a waste management report if private contractors are proposed as referenced in the submitted documentation, to ensure an appropriate response to nearby residential properties. Additionally, it is considered that the waste 'storage' area should be ideally contained within acoustic barriers if it will be accessed after 10pm on



## Attachment 12 - PLN16/1082.03 - 366 Johnston Street Abbotsford - IDAC Attachment - Social Planning Referral Comments

any day, as per the Policy and to minimise noise from clunking bottles and the opening and closing of the rear acoustic door. If not, information about the storage of waste after 10pm on the site will be required to be submitted.

- The floor plan shows that patrons will enter and exit the premises from Johnston Street only. This is supported. Queuing arrangements, however, have not been nominated and it is recommended that queuing management be considered as part of any approval granted.
- The site is situated in excellent proximity to a number of public transport options within walking distance to the subject site including:
  - Victoria Park Station, located to the west;
  - Bus routes which operate along Johnston Street including Night Rider services; and
  - Bus routes which operate along Hoddle Street (a bus stop is located 180 metres walk to the south west).
- Other relevant conditions for amenity related matters must also be included as part of any approval, as it is important that such conditions remain on any liquor licence particularly given the sensitive interface the venue has with residential areas.
- It is considered that the inclusion of the amenity-related conditions will protect ensure reasonable amenity is preserved, with patrons arriving and leaving the premises likely to concentrate on Johnston Street (away from adjoining residential zoned land), and with reasonable access to public transport.



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**1.2 PLN19/0025 - 9 Kingston Street Richmond - Construction of a six-storey office building and a reduction in the car parking requirements.**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of Planning Application PLN19/0025 which is for the construction of a six-storey office building and a reduction in the car parking requirements at No. 9 Kingston Street Richmond. The report recommends approval subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) Clause 15.01 – Urban Environment – Higher Density Guidelines;
  - (b) Clause 22.10 – Built Form and Design Policy;
  - (c) Clause 34.02 – Commercial 2 Zone; and
  - (d) Clause 52.06 – Car Parking.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Policy and strategic support;
  - (b) Built form, and;
  - (c) Off-site amenity.

### **Submissions Received**

4. Seven objections were received to the application, the grounds of which can be summarised as:
  - (a) Concerns regarding the proposed design, including the building height and scale not being in accordance with the existing neighbourhood character and insufficient provision of landscaping;
  - (b) Off-site amenity (including overlooking, overshadowing, loss of daylight, visual bulk and inadequate setbacks, and potential for loss of daylight and overlooking to the Primary School to the east);
  - (c) Traffic and car parking concerns (including an objection to the proposed provision of on-site electric car charging);
  - (d) Concerns regarding construction noise and traffic;
  - (e) Property devaluation; and
  - (f) Lack of consideration for non-conforming residential uses in the Commercial 2 Zone.

### **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 recommendation:
  - (a) Reduction in built form in accordance with sketch plans which reduce shadow impacts to the dwellings located at Nos. 82 – 86 Brighton Street.

**CONTACT OFFICER:** Chris Stathis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5352



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**1.2 PLN19/0025 - 9 Kingston Street Richmond - Construction of a six-storey office building and a reduction in the car parking requirements.**

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Reference: D19/156011

Authoriser: Senior Coordinator Statutory Planning

**Proposal:** Construction of a six-storey office development and a reduction in the car parking requirements.

**Existing use:** Private Car Park

**Applicant:** GB Investments Pty Ltd

**Zoning / Overlays:** Commercial 2 Zone / Design and Development Overlay (Schedule 5)

**Date of Application:** 21 January 2019

**Application Number:** PLN19/0025

### Planning History

1. Planning Permit No. 166 was issued on 19 February 1970 for the *purpose of using vacant land for car parking* for land identified as No. 9 Kingston Street.
2. Planning permit No. 328 issued 31 May 1971 for the *purpose of using land for car parking* on land identified as No. 11 Kingston Street.
3. In April 2000, Council approved a four lot subdivision (S00436) of land then known as Nos. 511- 521 Church Street and 64-80 Brighton Street, Richmond. Lot 1, which included the land subject to this current application, was the largest of the four lots in the subdivision and consisted of two separate parts: a primary section of 3,170 square metres fronting Church Street and with a substantial northern side boundary to Gibbons Street; and a smaller section to the south which fronted Kingston Street of 616 square metres. The two sections were separated by the Selby Right of Way (R.O.W).
4. A further subdivision application (SP12/0057) was lodged in August 2012 and sought to subdivide Lot 1 into two allotments (Lot 1A and Lot 1B), the former being the larger lot fronting Church Street and the latter being the subject site, which fronts Kingston Street. This subdivision was approved in March 2013.
5. On 21 July 2016, Council issued a Notice of Decision for planning application PLN15/1227 for the *use of the land as a car park and buildings and works including the installation of a parking meter*. The application sought to use the land for *paid* car parking. Following an objector appeal to the Victorian Civil and Administrative Tribunal (VCAT), Council's decision was set aside via consent by VCAT Order dated 30 December 2016. No permit was granted. Since this refusal, Council records indicate that the car parking on the subject site has been used privately by the office use that was (until recently) associated with the land at No 64-80 Brighton Street, which houses a double-storey office building. This is no longer the case because the permit holder associated with the office building site is currently acting on a recent planning permit (PLN17/0459) which allows for the use of the land as a Child Care Centre. This will be elaborated upon in more detail in a latter section of this report.
6. Planning Permit PLN16/0821 was issued by Council on 05 April 2017 to land at Nos. 64 - 66, and 78 – 80 Brighton Street and 13 Kingston Street for the *development of the land for the display of five signs across three sites*. The subject site was one of the three sites referenced in the permit preamble (No. 13 Kingston Street is what the subject site has previously been referred to).



## **Background**

### Sketch Plans

7. The current application was lodged on 21 January 2019, with further information received on 12 April 2019. The application was subsequently advertised, with a total of 7 objections received. On 23 July 2019, a community consultation meeting was held which was attended by Council Planning Officers, the permit applicant and 3 objectors.
8. Following the consultation meeting, the applicant provided sketch plans (produced by Bates Smart, Revision D 'Concept Plan', dated 09 September 2019), which reduce shadow impacts at the affected dwellings through a reduction in the built form across the site. The sketch plans make the following key changes:
  - (a) Reduction in the overall building height from 24m to 22.8m, which has been achieved through reductions in the floor-to-ceiling heights, and;
  - (b) Increased side setbacks across the eastern façade of the development:
    - (i) From a minimum setback of 0.375m to a minimum setback of approximately 0.4m at level 1;
    - (ii) From a minimum setback of 0.375m to 0.49m at level 2;
    - (iii) From a minimum setback of 2m to 3.2m at level 3;
    - (iv) From a minimum setback of 4.8m 5.6m at level 4;
    - (v) From a minimum setback of 7.8m 8.4m at level 5;
  - (c) Modifications to the configuration of screening elements to the eastern façade to accord with the above changes so that overlooking into the eastern residential interface continues to be mitigated as part of the sketch plan scheme.
9. The sketch plans make the above changes whilst still retaining the architectural quality of the decision plans. Screening to the eastern façade has been modified to accord with the sketch plan scheme whilst still offering the same mitigation of downward views. The sketch plans do not make any changes to the basement level or the ground floor, and as such, the sketch plans do not show these floor plans.
10. The sketch plans will be referred to where relevant in this report. Otherwise, the assessment of the application is based on the decision plans.

### Shadow Diagrams

11. The shadow diagrams associated with the decision plans were based on the previously-existing conditions at No. 82 Brighton Street. However, during the application process, the ground and first floor extension at No. 82 Brighton Street has neared completion of works, and as such can be considered to form the existing conditions.
12. The applicant provided updated shadow diagrams which show the shadow impacts associated with the decision plans but with the additional changes imposed by the extension at No. 82 Brighton Street. The overshadowing section of this report will refer to these updated shadow diagrams. Additionally the sketch plan shadow diagrams are similarly based on the extension at No. 82 Brighton Street forming the existing conditions.

## **The Proposal**

13. The proposal is for the construction of a six-storey office building (no permit required for office use) and a reduction in the car parking requirements. The proposal can be described in more detail as follows:

### Use

- (a) The application proposes to use the land for office, with a net floor area of 1,929sqm. A planning permit is not required for the use of the land.



## Development

### *Basement*

- (b) A basement level will be accessed via Selby R.O.W, with the following features
  - (i) 14 car parking spaces (which includes four spaces with electric vehicle charging bays);
  - (ii) 8 employee bicycle spaces;
  - (iii) 2 motorcycle parking spaces;
  - (iv) Services including a pump room, 8,000L rainwater tank, water meter and lift and stair access.

### *Ground Floor*

- (c) The ground level will be largely constructed to all boundaries, with a street setback of 1.33m and 2.3m along Kingston Street.
- (d) The Kingston Street frontage will be composed of glazing, the main pedestrian entrance and a small area for services. The front setback area will feature a landscaped area with a length of approximately 9.5m (including a 15sqm rain garden) as well as six visitor bicycle spaces which will be located towards the eastern end of the site frontage. Except for the section reserved for site services, the entirety of the street frontage will have views into the office floor area at ground floor, which takes up roughly half of the ground floor area.
- (e) The ground floor provides a lift core along the western boundary with 10 employee bicycle spaces, end of trip facilities (four separate shower / change rooms and 36 lockers located towards the rear of the office). A bin room and data room are proposed along the western boundary.
- (f) Along Selby R.O.W., vehicle access to the basement would be provided via a ramp at the eastern end of the northern boundary. A substation and switch room are also located along the R.O.W.
- (g) The western section of the Selby R.O.W interface would provide two car spaces (one of which is designated as accessible), pedestrian access to the rear of the building and two visitor bicycle spaces.

### *Levels 1 & 2*

- (h) Both levels feature 444sqm office areas with planter boxes for landscaping and operable glazing along the eastern edge of the building. The lift and services core is provided along the western boundary. Setbacks from the eastern boundary vary from 0.375 to 2.44m.
- (i) The front wall is set back 1.065m from Kingston Street, with fixed vehicle battens provided in this setback at level 1.

### *Levels 3, 4 & 5*

- (j) As the development ascends, each floor is provided with a greater eastern side setback and lesser floor area. At level 3 the eastern setbacks are between 1.9m and 5.44m and by level 5 (the top level), an eastern setback of between 7.8m and 11.44m is provided with office floor area reduced to 205sqm. All levels feature landscaped planter boxes, balconies and operable glazing along their respective eastern extents.

### *Roof Level*

- (k) An open plant area is provided at the roof above level 5, with a street setback of approximately 3m. The lift overrun and service stairs are also located at roof level with a street setback of 6.64m. The northern section of the roof contains solar panels.

### *General*

- (l) As previously described, the development increases in height from east to west, providing greater eastern side setbacks as the development ascends. The development will be constructed flush to the northern boundary and will provide a six-



storey boundary wall to the western interface. Whilst a ground floor front setback of 2.3m is provided at ground floor, levels 1 through to 5 seek a front setback of 1.065m.

- (m) The development proposes a maximum building height of 24m. When including the lift overrun, the proposed building height is approximately 25.5m.

*Materials and finishes*

- (n) The development proposes a mix of concrete, glazing and metal elements including metal cladding, louvres and vertical blades.
- (o) Concrete is predominantly expressed at the western boundary wall in the form of patterned concrete. Concrete has also been selected for the boundary wall along the southern section of the eastern boundary as well as for the landscaping planters along the Kingston Street frontage.
- (p) The northern and southern facades are largely composed of glazing with the southern elevation provided with a canopy at first floor composed of vertical metal blades.
- (q) The eastern façade is composed of planter boxes and balconies, all of which are provided with a metal shell composed of metal batten screening in alignment with the upward slope of the eastern façade.
- (r) The development plans do not provide any commitments to proposed material colours as the materials schedule nominates that colours will be as selected.

- 14. A three-dimensional perspective of the development is provided below at Figure 1.



**Figure 1:** Three dimensional perspective of the proposed development.

## Existing Conditions

### Subject Site

- 15. The subject site is nominally rectangular in shape and located on the northern side of Kingston Street, approximately 27.3 metres west of Brighton Street, in Richmond. The site



has a frontage to Kingston Street of 21.9 metres and a depth of 28.5 metres and a total site area of 616 square metres.

The site also has a 21 metre frontage to the Selby Right of Way (R.O.W.) to the north. The site has a staggered alignment along the eastern boundary, which reduces the width of the northern portion of the site.



**Figure 2:** The subject site as viewed from Kingston Street, looking northeast (Planning Officer, September 2019)

16. The site is currently used as a car park which has historically been associated with nearby commercial uses. Council records indicate that the subject site has been used as a private car park since 1970, and has most recently been used by the office business located at No. 68 Brighton Street. The site currently has a total of 27 car parking spaces and almost the entire site is covered in asphalt, with the exception of a landscape strip along the Kingston Street frontage.



**Figure 3:** The subject site (foreground, right) and Kingston Street looking west towards Church Street (Google Streetview, 2016).

17. Vehicle access to the site is currently gained via a double width crossover to Kingston Street and via the Selby R.O.W. to the north. An approximately 2 metre high cyclone wire fence is erected along the Kingston Street frontage of the site, with the exception of the driveway, and along the northern half of the western boundary.
18. The subject site is legally described as Lot 1B on Plan of Subdivision 714025B and is affected by a Section 173 Agreement. The agreement was established in response to the office development located at No. 511 - 521 Church Street and relates to the widening of



Gibbons Street, vesting the land relating to the widening of the street with Council. This application, will not contravene the intent of the Section 173 Agreement.

#### Surrounding Land

19. The surrounding land is mixed and is located in close proximity to activity centres and public transport routes. The site is within 400m of the Swan Street Major Activity Centre (MAC) and within 100m of the commercial activity centred on Church Street. Public transport is readily available to the site with tram services on both Church and Swan Streets as well as East Richmond Railway Station located within 350m to the northeast.
20. The subject site is located in the Commercial 2 Zone (C2Z), with the Neighbourhood Residential Zone (NRZ1) to the east, the General Residential Zone (GRZ2) to the south and a Public Use Zone (PUZ2) to the southeast. The surrounding land is mixed, and this pattern is most clearly demonstrated by the zoning context; specifically by the C2Z and residential zones to the east, as depicted at figure 4 below.



**Figure 4:** Zoning context of the subject site and surrounding land.



**Figure 5:** Aerial image of the subject site and surrounding area (Council GIS, December 2018)



21. To the west (and inclusive) of the subject site the land is zoned C2Z and runs along Church Street. This area extends further west of Church Street and is typified by low-rise, older (Victorian through to early post-war eras) industrial and commercial buildings of 1-4 storeys as well as an emergent character of mid-rise contemporary office developments of up to 11 storeys. The older building stock typically has high site coverage with buildings presenting to the public realm with sheer walls and minimal (if any) street setbacks. The emerging developments in the area provide contemporary architectural responses, typically with rectilinear forms and materials including concrete, metal cladding and facades with high proportions of glazing. Examples of this emergent character include the following:
- (a) A seven-storey office building located at No. 12-18 Albert Street, 50m north of the subject site. This development is currently under construction and has an eastern interface to residentially-zoned dwellings, similar to the subject site.
  - (b) An 11-storey mixed use building (majority of which is for office) located at Nos. 506 - 510 Church Street, 150m northwest of the subject site. This development is also currently under construction.



**Figure 6:** The seven storey office development located at No. 12-18 Albert Street, currently under construction (Planning Officer, September 2019)



**Figure 7:** Three dimensional perspective of the approved mixed use development located at 506-510 Church Street.

22. To the immediate east of the subject site, the land is zoned Neighbourhood Residential Zone (NRZ) and largely consists of low-rise, single and double storey dwellings, the majority of which are of the Victorian or Edwardian-eras and are affected by the Heritage Overlay.



These dwellings are typically constructed of timber or brick and many feature contemporary, single or double storey additions to the rear, often constructed with timber or metal cladding. A small number of post-war flat buildings are also found intermittently throughout the surrounding land with Richmond Primary School (50m east) and Barkly Gardens (200m east) also located in the area.

23. To the east of the subject site is a narrow pedestrian laneway. Opposite this laneway are three dwellings facing Brighton Street further east – Nos. 82 – 86 Brighton Street. All three dwellings are single-fronted, single-storey Victorian-era brick dwellings with matching front verandahs and roof parapets. No. 84 and No. 86 both feature small areas of secluded private open space (SPOS) towards the rear of their lots (i.e. adjacent to the subject site) and have rear lean-tos constructed along their respective northern boundaries. No. 86 has approval for a double-storey rear extension to the existing dwelling under Planning Permit PLN17/0742. The approved works were nearing completion on 05 September 2019 (the most recent site visit undertaken by Council's Planning Officer). Accounting for the extension, the dwelling has one modest-sized area of SPOS towards the rear, adjacent to the subject site. All three dwellings abut the southern half of the subject site and are located within the NRZ.



**Figure 8:** The child care centre currently under construction at No. 64-80 Brighton Street (right) and the three dwellings to the east of the subject site (right) - Nos. 82-86 Brighton Street. (Planning Officer, September 2019)

24. Abutting the northern half of the subject site is a similar at-grade car park to that on the subject site located at No. 78 – 80 Brighton Street, with vehicle access also gained from the Selby R.O.W. That car park is associated with the two-storey office building with a frontage to Brighton Street to the north-east of the subject site at No. 68 Brighton Street. However, Planning Permit PLN17/0459 was recently issued by VCAT for the larger, combined site (i.e. No. 78-80 Brighton Street and No. 64 Brighton Street) to allow for partial demolition and use and development of the land for a child care centre. The endorsed plans show that the land associated with No. 78-80 Brighton Street (i.e. the land immediately east of the subject site) will remain as a car park for the child care centre and the double-storey office building at No. 64 Brighton Street will be converted and modified to be used as the child care centre. A total of 25 car spaces associated with the child care centre will be accessed via Selby R.O.W. The endorsed plans show that Selby R.O.W will be unencumbered by the development. Works have commenced on site.
25. To the north of the site is Selby R.O.W., a 4.6 metre wide laneway that commences at Brighton Street to the east and terminates at the western boundary of the subject site. On the northern side of Selby R.O.W. (opposite the subject site) is a five-storey development (located at No. 511-521 Church Street) with a frontage to Church Street to the west, and a multi-deck car park immediately opposite the subject site.
26. To the west of the site is No. 1-7 Kingston Street, a commercial building used for motor vehicle repairs with a brick wall constructed on the boundary with the subject site. The building has a high site coverage with a front setback of approximately 1.8m for the majority



of the Kingston Street frontage which is used for car parking. A wide vehicle crossover provides access to the site from Kingston Street.

27. To the south of the site is Kingston Street, a 6.3 metre wide one-way street travelling in an easterly direction from Church Street to Brighton Street. On the southern side of Kingston Street, opposite the subject site, is a double storey (plus roof terrace) contemporary office development approved under Planning Permit PLN17/0091.
28. Further east along the southern side of Kingston Street are two single-storey, Edwardian-era dwellings fronting Kingston Street (Nos. 14 and 16 Kingston Street). These dwellings both feature front setbacks of approximately 1-2m, with habitable-room windows facing Kingston Street and areas of secluded private open space (SPOS) located at the southern ends of their respective lots (i.e. away from the subject site). No. 14 is located within the Commercial 2 Zone whilst No. 16 is located within the General Residential Zone (Schedule 2) (GRZ2).



**Figure 9:** Dwellings located on the southern side of Kingston Street, looking southeast  
(Planning Officer, September 2019)

29. At the corner of Brighton and Kingston Streets is No. 88 Brighton Street, a double-storey, contemporary dwelling which is constructed flush to Kingston Street. The dwelling is located in the GRZ2 and has two areas of SPOS, a small area at ground floor towards the west of the lot and a first floor balcony located in the northeast corner of the lot.

## **Planning Scheme Provisions**

### Zoning

#### *Commercial 2 Zone*

30. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme), a planning permit is not required for the use of the land for offices.
31. Pursuant to Clause 34.02-4 of the Scheme, a planning permit is required to construct a building or construct or carry out works.

### Overlays

#### *Design and Development Overlay (Schedule 5)*

32. Under Clause 43.02 of the Scheme, a planning permit is not required for the use of the land or for buildings and works. Pursuant to Section 4.0 of the Schedule and the Schedule to Clause 66.06, where a permit is required for the development of the land (in this case under the C2Z), notice of the application must be given to the Environment Protection Authority (EPA), Transurban City Link, and the Roads Corporation (VicRoads).

### Particular Provisions



*Clause 52.06 – Car parking*

33. Clause 52.06-1 of the Scheme prescribes that a new use must not commence or the floor area of an existing use must not be increased until the required car spaces have been provided on the land. The table overleaf outlines the car parking requirements for the proposed office use (pursuant to Table 1 at Clause 52.06-5), the proposed car parking provision on site and the resultant car parking reduction.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought
Office	1929sq.m. net floor area	3 car parking spaces per 100sq.m. of net floor area	57	16	41

34. As shown in the table above, the development requires a planning permit for a car parking reduction pursuant to Clause 52.06-3. A reduction of 41 spaces is sought.

*Clause 52.34 – Bicycle facilities*

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

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Surplus
Office	1929sq.m. net floor area	<i>Employee spaces</i> 1 space to each 300m <sup>2</sup> net floor area (if the net floor area exceeds 1000m <sup>2</sup> )	6	18	Surplus of 12
		<i>Visitor spaces</i> 1 visitor space to each 1000sq.m. of net floor area (if the net floor area exceeds 1000m <sup>2</sup> )	2	8	Surplus of 6
		<i>Showers / Change Rooms</i> 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2	4	Surplus of 2

36. As detailed in the above table, the proposal provides a surplus of 12 employee spaces, 6 visitor spaces and 2 showers / change rooms. As such, a planning permit is not triggered under this provision.

General Provisions

37. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant 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)

38. Relevant clauses are as follows:

*Clause 11.01-1R (Settlement - Metropolitan Melbourne)*



39. Relevant strategies include;
- (a) *Develop a network of activity centres linked by transport; consisting of Metropolitan Activity Centres supported by a network of vibrant major and neighbourhood activity centres of varying size, role and function.*
  - (b) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

*Clause 11.02 (Managing Growth)*

*Clause 11.02-1S (Supply of Urban Land)*

40. The objective is:
- (a) *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*

*Clause 11.03 (Planning for Places)*

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

41. Relevant strategies are:
- (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 15.01 (Built Environment and Heritage)*

42. This clause outlines the following guidelines;
- (a) *Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.*
  - (b) *Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.*
  - (c) *Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.*
  - (d) *Planning should promote excellence in the built environment and create places that:*
    - (i) *Are enjoyable, engaging and comfortable to be in.*
    - (ii) *Accommodate people of all abilities, ages and cultures.*
    - (iii) *Contribute positively to local character and sense of place.*
    - (iv) *Reflect the particular characteristics and cultural identity of the community.*
    - (v) *Enhance the function, amenity and safety of the public realm.*

*Clause 15.01-1S (Urban design)*

43. The objective is:
- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*Clause 15.01-1R (Urban design - Metropolitan Melbourne)*

44. The objective is:
- (a) *To create distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2S (Building Design)*



45. The objective is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
46. The strategies of this clause are:
- (a) *Ensure the site analysis provides the basis for the consideration of height, scale and massing of new development.*
  - (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
  - (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
  - (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
  - (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
  - (f) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*
  - (g) *Ensure development provides landscaping that responds to its site context, enhances the built form and creates safe and attractive spaces.*

*Clause 15.01-4R (Healthy neighbourhoods - Metropolitan Melbourne)*

47. The strategy is:
- (a) *Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip from their home.*

*Clause 15.01-5S (Neighbourhood character)*

48. The objective is:
- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*
49. Strategies are:
- (a) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*
  - (b) *Ensure development responds to its context and reinforces a sense of place and the valued features and characteristics of the local environment and place by emphasising the:*
    - (i) *Pattern of local urban structure and subdivision.*
    - (ii) *Underlying natural landscape character and significant vegetation.*
    - (iii) *Heritage values and built form that reflect community identity.*

*Clause 15.02 (Sustainable Development)*

*Clause 15.02-1S (Energy and resource efficiency)*

50. The objective is:
- (a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

*Clause 17 (Economic development)*

51. The clause states:
- (a) *Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.*



*Clause 17.01-1S (Diversified economy)*

52. The objective is:
- (a) *To strengthen and diversify the economy.*
53. Relevant strategies are:
- (a) *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
  - (b) *Improve access to jobs closer to where people live*

*Clause 17.01 -1R (Diversified economy – Metropolitan Melbourne)*

54. Strategies include:
- (a) *Facilitate the development of National Employment and Innovation Clusters by ensuring they:*
    - (i) *Have a high level of amenity to attract businesses and workers;*
    - (ii) *Are supported by good public transport services and integrated walking and cycling paths;*
    - (iii) *Maximise investment opportunities for the location of knowledge intensive firms and jobs.*

*Clause 17.02-1S (Business)*

55. The objective is:
- (a) *To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services.*
56. Relevant strategies include:
- (a) *Plan for an adequate supply of commercial land in appropriate locations.*
  - (b) *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
  - (c) *Locate commercial facilities in existing or planned activity centres*

*Clause 18.02-1S – (Sustainable personal transport)*

57. The objective is:
- (a) *To promote the use of sustainable personal transport.*
58. Relevant strategies are:
- (a) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*
  - (b) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*
  - (c) *Require the provision of adequate bicycle parking and related facilities to meet demand at education, recreation, transport, shopping and community facilities and other major attractions when issuing planning approvals.*
  - (d) *Ensure provision of bicycle end-of-trip facilities in commercial buildings*

*Clause 18.02-1R (Sustainable personal transport- Metropolitan Melbourne)*

59. Strategies of this policy are:
- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
  - (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

*Clause 18.02-2S (Public Transport)*



60. The objective is:
- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

*Clause 18.02-2R (Principal Public Transport Network)*

61. A relevant strategy of this clause is to:
- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

*Clause 18.02-4S (Car Parking)*

62. The objective is:
- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*
63. A relevant strategy is:
- (a) *Protect the amenity of residential precincts from the effects of road congestion created by on-street parking.*

Local Planning Policy Framework (LPPF)

64. Relevant clauses are as follows:
- Clause 21.04-2 (Activity Centres)*

65. Relevant strategies include:
- (a) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
  - (b) *Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*
  - (c) *Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day.*

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

66. The objective of this clause is *to increase the number and diversity of local employment opportunities.*
67. The clause also acknowledges that Yarra's *commercial and industrial sectors underpin a sustainable economy and provide employment. Yarra plans to retain and foster a diverse and viable economic base.*

*Clause 21.05-2 (Urban design)*

68. The relevant objectives and strategies 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.*
    - (i) *Strategy 17.2 encourages new development to be no more than five – six storeys unless it can be demonstrated that the development can achieve specific benefits.*
  - (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
  - (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
  - (e) *Objective 21 To enhance the built form character of Yarra's activity centres;*
    - (i) *Strategy 21.1 Require development within Yarra's activity centres to respect and not dominate existing built form; and*
  - (f) *Objective 22 To encourage the provision of universal access in new development.*



*Clause 21.05-4 (Public environment)*

69. The relevant objective and strategies are:
- (a) *Objective 28 To provide a public environment that encourages community interaction and activity:*
    - (i) *Strategy 28.1 Encourage universal access to all new public spaces and buildings*
    - (ii) *Strategy 28.2 Ensure that buildings have a human scale at street level.*
    - (iii) *Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment.*

*Clause 21.05-3 (Built form character)*

70. The relevant objective is:
- (a) *Objective 27 To improve the interface of development with the street in non-residential areas.*

*Clause 21.06 (Transport)*

71. This clause builds upon the objectives outlined at clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.

*Clause 21.06-1 (Walking and cycling)*

72. This clause builds upon the Objectives outlined at Clause 18, promoting cycling, walking and public transport as alternatives to private motor vehicle usage.
- (a) *Objective 30 To provide safe and convenient bicycle environments:*
    - (i) *Strategy 30.2 Minimise vehicle crossovers on street frontages.*

*Clause 21.06-2 (Public transport)*

- (b) *Objective 31 To facilitate public transport usage.*
  - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

*Clause 21.06-3 (The road system and parking)*

- (c) *Objective 32 To reduce the reliance on the private motor car.*

*Clause 21.07-1 (Environmentally sustainable development)*

73. The relevant objective of this clause is:
- (a) *Objective 34 To promote ecologically sustainable development:*
    - (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation;*

*Clause 21.08-2 Neighbourhoods (Burnley, Cremorne, South Richmond)*

74. The following relevant commentary is offered at this clause:
- (a) *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport. The Cremorne commercial area functions as an important metropolitan business cluster which must be fostered.*



- (b) *Along Church Street is an activity centre based on furniture and homewares, professional and business services and hospitality. There is an opportunity to enhance this activity centre with consistent active frontages.*

Relevant Local Policies

75. Relevant clauses are as follows:

*Clause 22.05 (Interface Uses Policy)*

76. The relevant policy is:

- (a) *New non-residential use and development within Business and Mixed Use and Industrial Zones are designed to minimise noise and visual amenity impacts upon nearby, existing residential properties.*

*Clause 22.07 (Development abutting laneways)*

77. This policy applies to applications for development that is accessed from a laneway or has laneway abuttal, with the relevant objectives as follows;

- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
- (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
- (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development. To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

*Clause 22.10 (Built form and design policy)*

78. This policy applies to all new development that is not included within a heritage overlay. The policy comprises design elements to guide the scale, form and appearance of new development, of which the following are relevant to this application:

- (a) Setbacks and building heights;
- (b) Street and public space quality;
- (c) Environmental sustainability;
- (d) On-site amenity;
- (e) Off-site amenity;
- (f) Landscaping and fencing; and
- (g) Parking, traffic and access.

79. The policy has the following objectives:

- (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.*
- (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) *Encourage environmentally sustainable development.*

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

80. This policy applies to (as relevant) new buildings and contains the following objectives;

- (a) *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Currently, these water quality performance objectives require:*
  - (i) *Suspended Solids - 80% retention of typical urban annual load*



- (ii) *Total Nitrogen - 45% retention of typical urban annual load*
- (iii) *Total Phosphorus - 45% retention of typical urban annual load*
- (iv) *Litter - 70% reduction of typical urban annual load*
- (c) *To promote the use of water sensitive urban design, including stormwater re-use.*
- (d) *To mitigate the detrimental effect of development on downstream waterways, by the application of best practice stormwater management through water sensitive urban design for new development.*
- (e) *To minimise peak stormwater flows and stormwater pollutants to improve the health of water bodies, including creeks, rivers and bays.*
- (f) *To reintegrate urban water into the landscape to facilitate a range of benefits including microclimate cooling, local habitat and provision of attractive spaces for community use and well being.*

**Clause 22.17 (Environmentally Sustainable Design)**

81. 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**

82. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 228 letters sent to surrounding owners and occupiers and by two signs displayed on site. Council received 7 objections, the grounds of which are summarised as follows:

- (a) Concerns regarding the proposed design, including the building height and scale not being in accordance with the existing neighbourhood character and insufficient provision of landscaping;
- (b) Off-site amenity (including overlooking, overshadowing, loss of daylight, visual bulk and inadequate setbacks including potential loss of daylight and overlooking impacts to the Primary School to the east);
- (c) Traffic and car parking concerns (including an objection to the proposed provision of on-site electric car charging);
- (d) Concerns regarding construction noise and traffic;
- (e) Property devaluation; and
- (f) Lack of consideration for non-conforming residential uses in the Commercial 2 Zone.

83. A planning consultation meeting was held on 23 July 2019 and attended by three objectors, the applicant, and Planning Officers to discuss all issues and concerns raised in the letters of objection. The applicant did not make any commitments to make changes, however provided sketch plans dated 09 September 2019 which shows:

- (a) A reduction in the building height from 24m to 22.8m;
- (b) Increased eastern side setbacks; and
- (c) Reconfiguration of screening details of the eastern façade to match the revised design.

84. The advertised plans form the basis of the assessment, however the sketch plan will be discussed where relevant.

**Referrals**

External

85. No external referrals were required by the application. However, pursuant to the requirements of Schedule 5 to the Design and Development Overlay, notice was provided to the following authorities:
- (a) Transurban – no response received.
  - (b) VicRoads – response received; no objection.



- (c) EPA Victoria – response received; no objection.

Internal Referrals

- 86. The application was referred to the following units within Council:
  - (a) Engineering Services Unit;
  - (b) ESD Advisor;
  - (c) Waste Unit;
  - (d) Open Space Unit;
  - (e) Strategic Transport Unit; and
  - (f) Urban Design Unit.
- 87. Referral comments have been included as attachments to this report.

## OFFICER ASSESSMENT

- 88. The primary considerations for this application are as follows:
  - (a) Policy and strategic support;
  - (b) Built form;
  - (c) On-site amenity;
  - (d) Off-site amenity;
  - (e) Car parking, vehicle access, traffic, loading and waste;
  - (f) Bicycle facilities; and
  - (g) Objector concerns.

Policy and Strategic Support

- 89. The proposed development achieves the various land use and development objectives outlined in the Scheme and is in accordance with relevant State and local planning policies applicable to the redevelopment of sites within areas such as this. The subject site is within proximity (approximately 380m) to the Swan Street MAC, which provides a wide range of retailing, services and food and drinks premises with good public transport links. Additionally, the site is within 100m of the Cremorne segment of Church Street, which, whilst not a MAC, is an emerging office precinct located on a tram route with numerous retail and hospitality offerings. This ensures that the site is well serviced by local infrastructure and commercial offerings.
- 90. The subject site is located within the Commercial 2 Zone (C2Z), a key purpose of which is to *encourage commercial areas for offices ... and associated business and commercial services*. The proposed office use is a Section 1 use (no permit required) which indicates strong strategic support for the proposed office.
- 91. With regard to the proposed development of the site, State and local policies encourage the concentration of development in and around activity centres with more intense development on sites well-connected to public transport, thereby ensuring efficient use of existing infrastructure. The site is well connected to public transport opportunities, with trams along Church Street and Swan Street, and with the proximity of the East Richmond Railway Station, encouraging the use of alternative modes of transport to and from the site and reducing reliance on motor vehicles as encouraged by clauses 18.02 (Transport), 21.03 (Vision), 21.06-3 (the road system and parking) and 21.07 (Environmental Sustainability).
- 92. While it is not relied upon (as the document does not form part of the Yarra Planning Scheme), Council's Swan Street Structure Plan (SSSP) provides further guidance for the preferred direction for land use and development on the subject site and the surrounding land. The SSSP reinforces current State and local policy to increase the number and diversity of employment opportunities within and around activity centres. The application proposes the construction of a six-storey office development on a site which is currently underutilised in an area identified for increased development under the Swan Street



Structure Plan. The proposal is highly consistent with the purpose of the zone and strategic intent for this area that seek to encourage intensification of commercial uses and provision of diverse employment opportunities.

93. Whilst there is a high degree of strategic and policy support for the proposal, the built form policy under clause 22.10 (Built form and design policy) and the decision guidelines of the C2Z direct that consideration must be given to the design of the building and its interface with the surrounding area. As the subject site abuts dwellings in the NRZ, consideration of off-site amenity impacts is of critical importance and will be discussed further within this report.
94. As will be discussed in detail within this report, it is considered that the proposal achieves a good balance of State and local policy objectives in relation to high quality developments and the reasonable protection of amenity to sensitive interfaces.

#### Built Form

95. This section of the report considers the built form of the proposed development and is guided by decision guidelines of the Commercial 2 Zone at clause 34.02-7. This assessment is also based on State and local planning policy at clauses 15.01-2 – Urban design principles; 21.05 – Urban design; 22.05 – Interface Uses Policy, 22.07 – Development abutting laneways policy and 22.10 – Built form and design policy.
96. These provisions and policies seek a development that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations of the area. Particular regard must be given to the site context, building height, massing, architectural response, the pedestrian experience and the development's interface with sensitive uses. These will be considered in the following paragraphs.

#### *Site Context*

97. As outlined earlier within this report, built form in the immediate area is mixed, with an emergence of contemporary, higher-scale development evident in the commercially-zoned land to the west of the subject site. These developments are interspersed throughout a streetscape that is defined by robust commercial and industrial buildings, typically provided with modest (if any) street setbacks.
98. The surrounding context is also defined by the low-scale, residential development which occurs immediately to the east of the subject site, which is located in either the NRZ or GRZ. These dwellings are typically one to two storeys and situated on narrow allotments.
99. Three dwellings are located immediately east of the subject site, all of which feature their areas of SPOS in the western section of their respective lots, proximate to the subject site. Clauses 22.05, 22.10 and the decision guidelines of the zone require that new development respond appropriately to sensitive residential interfaces. The proposal has responded through a 6m-high eastern boundary wall which then rakes towards the west to provide an angled eastern façade across the development. This design response acknowledges the subject site as the border between the commercially-zoned land to the west and the residential context to the east. Whilst not relied upon, this response is also in accordance with the urban design principles set out in the SSSP, which recommends a maximum building height of 3 storeys or ten metres at the interface with residential dwellings. A more detailed assessment of amenity impacts to the residential interfaces will be provided in a latter section of this report.
100. As outlined previously, there is no dispute that strategically the subject site is well-located for a higher-density development, being located in the C2Z and within proximity to a MAC, and with excellent access to cycling networks, public transport, services and facilities. Based on these attributes, it is a reasonable expectation that this site will experience intensification in use and development.



### *Building Height*

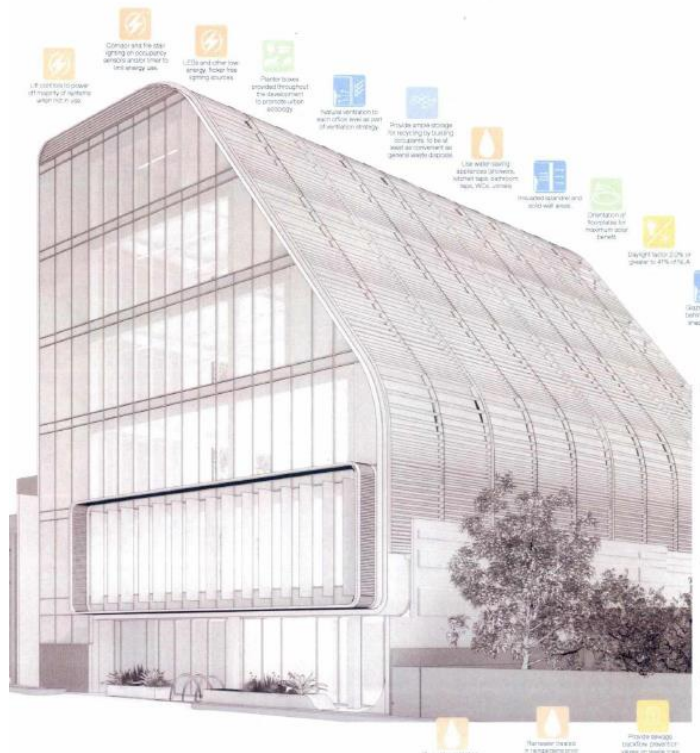
101. The development proposes a solid built-form height ranging from roughly one storey (plus screening wall) at the eastern interface with residential dwellings, to six storeys towards the western end of the lot.  
The one-storey component abuts the dwellings located at Nos. 82-86 Brighton Street and will have a height of 6m whilst the overall building height towards the western end of the site is proposed to be 24m. This graduating scale from east to west acknowledges both the eastern residential interface as well as the aspirations for commercial development in Cremorne and southern Richmond. The lift core/ service stairwell protrudes 1.5m above the building, however this is supported given that it has been located away from the northern, southern and eastern perimeters of the rooftop area and will not result in unreasonable views from the public realm.
102. Council's Urban Design Unit were largely supportive of the proposed building height, noting that *the proposed building height transitions from 6m at the east boundary to 6 storeys (24m) ...on the west. This is logical, and limits amenity impacts on residential neighbours in an integrated way.* Council's Urban Design Unit were supportive of the overall building height however recommended increased building setbacks which will be discussed in the following section of this report.
103. Whilst not strictly relied upon, Council's SSSP provides further guidance on building height. The subject site is located within precinct 9; the associated map of which prescribes a preferred maximum height of 5-6 storeys or 19m. The proposed development complies with this in that it is a six-storey development. The overall building height of 24m, however, does not comply with the recommended maximum of 19m. This is acceptable considering the following:
  - (a) The non-compliance is limited to the westernmost section of the site, which abuts commercial properties;
  - (b) The development is reflective of office developments in the surrounding area, particularly the approved development at No. 12-18 Albert Street (located 50 metres to the north of the subject site) which provided an overall building height of 7 storeys and approximately 26 metres;
  - (c) The difference in height of 5m will not be appreciable from the residential areas to the east as the form rakes away from the interface and will read only as secondary to other commercial built form in the area;
  - (d) Development to the west of the subject site is anticipated at a similar 5-6 storeys which the proposal would be similar to; and
  - (e) The sketch plan changes (which will be required by condition) will reduce the building height to 22.8m, which is closer to the preferred maximum of 19m.
104. Based on these considerations, the proposed building height is supportable subject to further consideration of off-site amenity impacts.

### *Massing*

105. The development would provide a consistent street setback (i.e. from Kingston Street) of 1.065m across all floors save for the ground floor which has a setback of 2.3m and the first floor which includes a canopy composed of metal cladding and fixed vertical blades to the street boundary. Whilst the proposed street setback is limited for the upper levels, the graduating height of the development from east to west would provide a sense of visual relief – both for the dwellings to the east and for pedestrians along Kingston and Brighton Streets.
106. Further, the generous street setback at ground floor allows for meaningful landscaping and visitor bicycle spaces to be provided as part of the response to Kingston Street. This is also considered to provide a human scale to the development by focussing pedestrian sightlines



107. Council's Urban Design Unit was supportive of the ground floor and first floor street setback, but was concerned that the upper levels were not recessive enough with a street setback of 1.07m and thus recommended that the upper level street setbacks (levels 3, 4 and 5) be increased by an additional 1.5m. This recommendation is not supported for the following reasons:
- (a) The graduating building height from east to west provides a sense of visual relief when viewed from the street;
  - (b) The landscaping, bicycle spaces and glazing provided at ground floor and the fixed vertical-blade canopy at first floor will encourage pedestrian sightlines to the lower levels of the development; and
  - (c) The proposal is considered to be of a high level of architectural quality, providing a simple, considered form. Requiring upper level setbacks would detract from this. Further the recommended upper level setbacks (an additional 1.5m) is considered tokenistic and would have little effect on reducing visibility of the upper levels from Selby R.O.W and Kingston Street, which both have hard edged built form.
108. Other than the Kingston Street boundary, the development proposes on-boundary construction at the eastern, western and northern boundaries. As previously outlined, the eastern boundary wall will have a height of 6m in response to the residential interfaces to the east. The western wall would be a six-storey wall height, whereas the northern wall would graduate in height from east to west in accordance with the development scheme. This pattern of massing is consistent with emergent office development in the area, including for the office development at No. 12-18 Albert Street which provides a similar response to its residential interface through a sharp rake to the eastern façade.



109. Council's Urban Design Unit raised no issue with the walls along the eastern and western boundaries. However, it was recommended that the section of the northern boundary wall

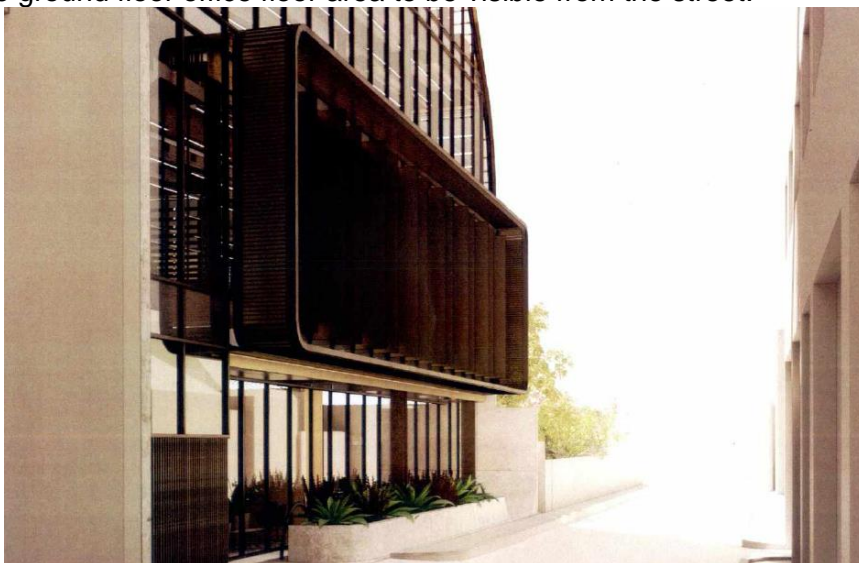


above three stories (i.e. levels 3, 4 and 5) be set back 2m from the boundary so as to improve daylight access to Selby R.O.W and to accord with policy at Clause 22.10-3.3 which recommends that new development abutting a laneway should be no higher than two storeys. This advice will not be pursued because Selby R.O.W accesses only commercial properties, and has a dead-end towards the west (and as such cannot act as a thoroughfare for pedestrians).

In addition, the R.O.W. does not have any abuttal with dwellings and is of limited width. To impose such a condition would be unreasonable in this context and discordant with the purpose of the zone which is to encourage office developments of this scale. Combined with the surrounding commercial 2 zoning (which expects taller development) and the raked form away from the sensitive residential interface, the proposal is considered to be an appropriately modulated building.

*Public realm and pedestrian spaces*

110. This principle requires the design of interfaces between buildings and public spaces to enhance the visual and social experience of the use. This outcome has been achieved at ground level, with a high degree of glazing along the Kingston Street frontage, allowing views between the ground floor office area and the street. The principal pedestrian entry point has also been provided at the Kingston Street frontage which, together with the front landscaping and visitor bicycle spaces, will provide a high level of street activation along Kingston Street in accordance with policy objectives of clause 22.10. Council's Urban Design Unit concurred and found that *the planting and bicycle parking along the frontage are commended.*
111. A small portion of the Kingston Street frontage has been reserved for services – this is appropriate and has been located efficiently in front of the lift/stairwell core. This allows the entirety of the ground floor office floor area to be visible from the street.



**Figure 11:** Perspective (looking northeast) depicting the development's response to Kingston Street.

112. Vehicle access and the majority of services (including switch room, substation and waste area) have been provided off Selby R.O.W. This ensures that vehicles do not unduly interrupt the pedestrian experience along the site's principal street frontage at Kingston Street and allows the majority of this frontage to be dedicated to active frontages as previously described. In addition the existing wide vehicle crossover to Kingston Street will be removed which further improves the pedestrian realm (subject to a condition to reinstate the footpath). Council's Urban Design Unit was not supportive of the proposed at grade car spaces proposed along Selby R.O.W stating:

*The ground level car parking is not supported as it presents an inactive and unsavoury undercroft space to the laneway. Although Selby R.O.W. is currently a poor pedestrian environment, its unattractive qualities need to be improved rather than further embedded, bearing in mind the intention for this to become*



*an 'improved pedestrian route' to Church Street. Also, the valuable ground floor space for habitable uses should be maximised.*

113. This recommendation is not supported as Selby R.O.W. does not provide a through connection to Church Street. In addition, it is not a high-amenity laneway (given its limited width) and does not abut any dwellings. Urban design policy at Clause 22.10 also encourages vehicle access via laneways other than from the street frontage, which allows an improved pedestrian experience on Kingston Street (which does connect to Church Street).
114. Further, the intention for it to become a pedestrian route to Church Street is a vague reference within the SSSP, which, as previously outlined, is not relied upon because it is not incorporated into the planning scheme. Selby R.O.W. is currently a dead end laneway and there is no guarantee that future development at No. 525 Church Street will extend it to Church Street. Finally, it should be noted that the provision of 25 at-grade car spaces has been proposed along Selby R.O.W. for the child care development which is currently under construction at No. 68 – 80 Brighton Street, and as such the deletion of two at-grade spaces for the subject development would be unreasonable in this context.
115. The ground floor plans also indicates that the existing crossover on Kingston Street will be removed and replaced with footpath. This is a positive urban design outcome that will enhance the pedestrian experience.
116. Based on the above considerations, the presentation of the development to the public realm is well designed and will provide a positive interface with the street.

*Architectural quality*

117. Policy at clause 15.01-2S encourages high standards in architecture and urban design, whilst clause 22.10 encourages the design of new development to respect (amongst others) the pattern, spatial characteristics, fenestration, roof form and materials if the surrounding area.
118. As noted earlier, an increasing degree of contemporary, higher built form is visible along and nearby the Cremorne Segment of Church Street. These developments provide robust, rectilinear designs, straight lines, high proportions of glazing across facades, and roof forms that are either flat or pitched in a contemporary fashion.
119. The dominant materials proposed are concrete, glazing and metal cladding, louvres and vertical blades. The concrete is expressed across the eastern boundary walls, the western boundary wall, the external and internal floor treatment at ground floor and the planter boxes fronting Kingston Street. The use of concrete to connect the eastern boundary wall with the Kingston Street frontage is considered to be a well-resolved architectural outcome.





**Figure 12:** Rendered image of the development, showing the incorporation of concrete at the ground floor interface with Kingston Street.

120. The high proportion of glazing across the development is consistent with the emerging character for office developments in the surrounding area. The extent of the glazing along the south elevation is effectively broken down through the use of vertical-horizontal panes and a canopy above the ground floor entrance constructed of metal blades. The extent of glazing across the eastern façade is effectively mitigated through the use of balconies and associated planter boxes for landscaping and metal batten screening. These elements assist in providing an articulated response to the residential interface to the east and ensure that glare impacts are not unreasonable.
121. Council's Urban Design Unit were largely supportive of the architectural quality and the selection of materials proposed, stating that the *presentation to Kingston Street is well composed at a broad scale*, however made the following recommendations:
  - (a) Incorporation of operable windows into the large, flat panes of the north and south elevations;
  - (b) Sun shading provided to the northern façade;
  - (c) Elevations and finishes legend provided in full colour with variegation in colour recommended for the screening proposed across the eastern elevation;
  - (d) Finishes legend corrected to rename acronym 'MC1' correctly as 'MP1'.
  - (e) Further detail provided on the patterning proposed for the west elevation.
122. These recommendations would add a greater degree of depth to the facades of the building. As such, they will be included as conditions. The operable windows to the northern and southern elevations will help to *animate these facades and provide cross ventilation* as stated by Council's Urban Designer, and the sun shading to the northern façade is consistent with recommendations made by Council's ESD Officer. A colour version of the finishes legend and elevations with colour nominations will be required by condition to clarify the colour treatments proposed. A condition will also require deletion of notations on elevations that state "in selected colours".



Colour variegation across the eastern façade is also supported as this will bring an added degree of articulation to the eastern residential interface. The requirement for further detail on the patterning of the concrete panels for the western façade is supported as this wall has the potential to pose visual bulk impacts to the public realm, and the details will need to demonstrate a breaking up of this mass.

#### *Landscaping*

123. The development provides a substantial extent of landscaping to the Kingston Street frontage in the form of a long, raised garden bed area that stretches across roughly half of the frontage. This is considered to soften the development's response to the public realm at ground floor level and provide visual interest for pedestrians on the street, particularly in a street with no vegetation (except at the residential interface). The eastern façade of the development proposes planter boxes at each level, set behind a shell composed of metal-louvre screening. Whilst these plants will be visibly restricted from the public realm (due to the screening), it is considered that upon maturation, these plants will assist in softening the eastern façade. This is considered to be an appropriate outcome. Council's Open Space Unit raised no issues with the detail shown on the submitted landscape plan, however recommended that it be updated to include notes on the following matters:

- (a) Works to be undertaken prior to planting;
- (b) Details on the proposed method of irrigation and drainage;
- (c) Details on the proposed maintenance schedule.

124. These recommendations can be pursued by way of a condition for an amended landscape plan. The landscape plan should also be updated to reflect the changes to the balcony configurations as required by the sketch plans. Additionally, the current landscape plan shows a previous iteration of the ground floor response with regards to the location of the ground floor landscaping and the visitor bicycle spaces. This is an error and is inconsistent with the decision plans. Both of these updates can be addressed via condition.

#### *Site coverage*

125. The majority of the land will be covered in built form, with the exception of the street setback and a parcel of land abutting No. 68 – 80 Brighton Street. Whilst the development does not achieve the recommended maximum site coverage of 80% in accordance with Clause 22.10, this is acceptable because the proposed high site coverage is similar to that of commercial buildings in proximity to the land, with intensive development a characteristic of the surrounding area (i.e. the commercial land to the west of the subject site). The extent of site coverage is considered acceptable based on the context of the land and is not considered to result in a visually bulky or imposing building. Further, the provision of landscaping across the Kingston Street frontage, together with the ground floor setback help to provide a sense of spaciousness when viewed from Kingston Street.

#### *Laneway Abuttal*

126. Clause 22.07 of the scheme aims to maintain the unique character of laneways, ensure that development abutting laneways respects the scale of surrounding built form and that vehicle access via laneways will not detrimentally impact other users of the laneway.
127. The subject site abuts Selby R.O.W. to the north, which, is a narrow laneway providing a 'back of house' context with no residential abuttal. The laneway has a dead-end and therefore does not act as a thoroughfare for pedestrians. Council's Urban Design Unit was not supportive of the proposed at-grade car spaces along the laneway and recommended their removal. As previously outlined, this will not be pursued given the low useability of the laneway and that at-grade parking forms part of the laneway's existing and emerging context.
128. Council's Engineering Services Unit have assessed the at-grade car spaces and the basement ramp and found them to be acceptable. This will be expanded upon in a latter



section of this report, however it clarifies that vehicle access will not pose an unreasonable safety or access issue to other users of the laneway.

Council's Engineering Services Unit, however made a recommendation for the service doors opening on to Selby R.O.W to be shown as doors capable of swinging open to 180 degrees. This will ensure that the doors do not obstruct access for other users of the laneway in accordance with local policy at Clause 22.07. A condition will require that the doors are latched to the building when open.

*Light and shade*

129. The proposed development will result in new shadowing to the southern footpath of Kingston Street, with shadows cast consistently between 9am and 3pm on the September equinox. However, Kingston Street is very narrow, which makes it impractical for new development to avoid overshadowing the public realm. The footpaths along Kingston Street are also very narrow and are partially affected by a number of existing crossovers. This is reflective of the commercial nature of the area. Further, the SSSP encourages development of 5-6 storeys and there is no development at this height that would not cause overshadowing of the footpath. In addition, a 2-storey building built to the boundary (as per the rest of the street) would have a greater shadow impact on the southern footpath. In light of this context the proposed overshadowing of the public realm is considered acceptable.

On-Site Amenity

130. The development is considered to achieve a good level of internal amenity through the following:
- (a) provision of a suite of ESD features which include natural ventilation to all floors, excellent daylight access with the majority of office space provided with daylight from the northern, eastern and southern aspects,
  - (b) majority of floors provided with balconies or planter boxes along the eastern perimeter.
  - (c) bicycle parking for both employees and visitors and end of trip facilities for employees.
131. With regards to the wider ESD features proposed for the development; rainwater will be captured for irrigation use, a 5kW array of solar panels will be located on the roof and sustainable products will be used throughout the design. These features (amongst others) achieve a BESS score of 64%, with a score of 50% signifying 'best practice'.
132. To further increase the development's energy efficiency (and to ensure that the development will actually achieve the stated BESS score), Council's ESD Advisor recommended a number of modifications and additions to the design as well as the Sustainability Management Plan (SMP). These include the following:
- (a) Addition of external shading devices to the northern façade to control heat gain;
  - (b) Target a recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill;
  - (c) Commitment for an Environment Management Plan to be developed by the building contractor to monitor and control activities undertaken during construction;
  - (d) SMP and BESS report updated to remove innovation points for stated initiatives. These initiatives are supported but are not regarded as innovative.
  - (e) Clarify provision of outdoor air to office spaces to all levels;
  - (f) Advise on the visible light transmission of proposed glazing;
  - (g) Provide JV3 report showing at least 10% improvement on the reference case;
  - (h) Provide basis for:
    - (i) thermal performance improvements,
    - (ii) greenhouse gas performance improvements,
    - (iii) 30% improvement in lighting efficiency
  - (i) Provide a size specification for solar PV in the SMP



- (j) Update SMP to state that collected rainwater will be connected to all toilets in accordance with the submitted BESS report;
- (k) Provide a Green Travel Plan with performance targets and monitoring and reporting components included.

133. These improvements and updates can be included as conditions for an updated SMP. Further, a condition can be added to condition 1 to ensure that all details associated with the endorsed SMP be included on the development plans.

#### Off-Site Amenity

134. Clause 15.01-2S of the Scheme aims to provide building design that minimises the detrimental impacts on neighbouring properties, the public realm and the natural environment, with potential impacts relating to overshadowing of SPOS, loss of daylight to windows, visual bulk and overlooking of sensitive areas. The relevant policy framework for amenity considerations is contained within clauses 22.05 and 22.10 as well as the decision guidelines of the Commercial 2 Zone at Clause 34.02-7.

135. The adjacent site to the west, north and the (majority of the) south contain commercial uses, with the eastern sites being the most sensitive interfaces with regards to potential off-site amenity impacts.

#### Daylight to windows

136. The closest habitable room windows (for a dwelling in a residential zone) addressing the subject site are the west-facing windows of the dwellings located at No. 82 – 86 Brighton Street, which have a minimum setback of approximately 5 metres from the proposal's eastern boundary wall. Whilst not strictly applicable, this would comply with both components of Standard A12 (Daylight to habitable room windows) of ResCode as:

- (a) The windows will continue to have access to a light court with an area of greater than 3sqm and a minimum dimension of greater than 1m.
- (b) The setback (minimum 5m) from the eastern boundary wall is greater than half (3m) of the height of the eastern boundary wall (6m).
- (c) The setback (minimum 17m) from the eastern wall of level 5 is greater than half (12m) of the height of the eastern level 5 wall (24m).

137. In light of the above, the habitable room windows of the dwellings at Nos. 82-86 Brighton Street will not be unreasonably impacted with regard to daylight access.

138. The north-facing windows of No. 14 Kingston Street will be have reduced daylight access as a result of the development. This impact will be limited given that the northern windows are located under either a window canopy or the front verandah. In addition, this impact is acceptable when considering that the dwelling is a non-conforming use within the Commercial 2 Zone and the windows generous setback of approximately 8.5m from the subject site. Further, the lower building heights proposed along the eastern end of the subject site will mitigate loss of daylight to these windows.

139. The north-facing windows of No. 16 Kingston Street (which is located in the GRZ) are not anticipated to be unreasonably impacted by the development given that the dwelling is not located directly opposite the subject site.

#### Overshadowing

140. Although not strictly applicable in this instance, Standard B21 of Clause 55 notes:

- (a) *Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September; and*



- (b) *If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.*

141. Given their immediate abuttal, the dwellings to the east of the subject site at Nos. 82-86 Brighton Street require a close assessment of shadow impacts. The shadow impacts at the September equinox are shown in the tables below. The shadows reference a revised set of shadow diagrams (i.e. not from the decision plans). This is due to the proposed extension at No. 82 Brighton Street nearing completion, which has reduced the size of the SPOS of NO. 82 Brighton Street and added some additional shadowing to the SPOS of No. 84 Brighton Street. During the notice period for the subject application, the works at No. 82 Brighton Street had only just commenced and therefore were not considered as 'existing conditions' at the time.

*No. 82 Brighton Street*

	9am	10am	11am	12pm	1pm	2pm	3pm
Proposed new shadowing	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	<b>5.91 m<sup>2</sup></b>	1.43 m <sup>2</sup>
Remaining unshaded	0m <sup>2</sup> (0%)	1.89 m <sup>2</sup> (9.7%)	7.28 m <sup>2</sup> (37.2%)	7.28m <sup>2</sup> (37.2%)	12.94m <sup>2</sup> (47.8%)	<b>0 m<sup>2</sup></b> (0%)	0 m <sup>2</sup> (0%)

*No. 84 Brighton Street*

	9am	10am	11am	12pm	1pm	2pm	3pm
Proposed new shadowing	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	<b>4.13 m<sup>2</sup></b>	4.33 m <sup>2</sup>
Remaining unshaded	0 m <sup>2</sup> (0%)	0.23 m <sup>2</sup> (1.5%)	2.37 m <sup>2</sup> (15.3%)	3.82 m <sup>2</sup> (24.7%)	4.11m <sup>2</sup> (26.6%)	<b>0 m<sup>2</sup></b> (0%)	0 m <sup>2</sup> (0%)

*No. 86 Brighton Street*

	9am	10am	11am	12pm	1pm	2pm	3pm
Proposed new shadowing	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	0 m <sup>2</sup>	1.25 m <sup>2</sup>	<b>13.1m<sup>2</sup></b>	15.46m <sup>2</sup>
Remaining unshaded	3.37 m <sup>2</sup> (10.6%)	7.04 m <sup>2</sup> (22.1%)	12.23 m <sup>2</sup> (38.4%)	16.48 m <sup>2</sup> (51.8%)	15.04m <sup>2</sup> (47.3%)	<b>3.17 m<sup>2</sup></b> (10%)	0 m <sup>2</sup> (0%)

142. As identified in the tables above, the proposal does not impose any new equinox shadowing in the morning hours between 9am and 12pm. The new shadows at 1pm are limited for Nos. 82 and 84 Brighton Street and for No. 86 Brighton Street, the additional shadow will still retain a moderate unshaded area of almost 12sqm. By 2pm, the proposed development would cast the entire areas of SPOS of Nos. 82 and 84 Brighton Street in shadow and overshadow the majority of the SPOS of No. 86 Brighton Street. At 3pm, all three areas of SPOS would be fully overshadowed.
143. The new equinox shadowing at 1pm is supported given the limited impact proposed at this time. The 3pm equinox shadowing is also supported because the affected dwellings abut commercially-zoned land and given the location of the affected sites to the east of the subject site, it would be impractical to expect a highly amenable solar access outcome by 3pm at equinox. However, the equinox shadowing proposed at 2pm is not supported as it would leave the areas of SPOS of Nos. 82 and 84 Brighton Street fully cast in shadow and retain only a small proportion of solar access to No. 86, thereby unreasonably impacting their recreational amenity. In response to this issue the applicant provided sketch plans which reduce the scale of the built form (as previously outlined at paragraph 9) and correspondingly improve solar access at 2pm, as shown in the following tables below:



*No. 82 Brighton Street*

	<b>1pm (sketch plan)</b>	1pm (decision plan)	<b>2pm (sketch plan)</b>	2pm (decision plan)
Proposed new shadowing	0 m <sup>2</sup>	0 m <sup>2</sup>	<b>5.11 m<sup>2</sup></b>	5.91 m <sup>2</sup>
Remaining unshaded	<b>9.35 m<sup>2</sup> (47.8%)</b>	12.94m <sup>2</sup> (47.8%)	<b>0.8 m<sup>2</sup> (4.1%)</b>	0 m <sup>2</sup> (0%)

*No. 84 Brighton Street*

	<b>1pm (sketch plan)</b>	1pm (decision plan)	<b>2pm (sketch plan)</b>	2pm (decision plan)
Proposed new shadowing	0 m <sup>2</sup>	0 m <sup>2</sup>	<b>2.41 m<sup>2</sup></b>	4.13 m <sup>2</sup>
Remaining unshaded	<b>4.11 m<sup>2</sup> (26.6%)</b>	4.11m <sup>2</sup> (26.6%)	<b>1.74 m<sup>2</sup> (11.1%)</b>	0 m <sup>2</sup> (0%)

*No. 86 Brighton Street*

	<b>1pm (sketch plan)</b>	1pm (decision plan)	<b>2pm (sketch plan)</b>	2pm (decision plan)
Proposed new shadowing	<b>0.8 m<sup>2</sup></b>	1.25 m <sup>2</sup>	<b>9.1m<sup>2</sup></b>	13.1m <sup>2</sup>
Remaining unshaded	<b>15.49m<sup>2</sup> (48.7%)</b>	15.04m <sup>2</sup> (47.3%)	<b>7.17 m<sup>2</sup> (22.5%)</b>	3.17 m <sup>2</sup> (10%)

144. The revised shadow impacts to Nos. 82 – 86 Brighton Street are considered acceptable for the following reasons:

- (a) The dwellings at No. 82 and No. 84 Brighton Street will be provided with reasonable equinox solar access between the hours of 11am and 2pm, as shown in the tables above. This is considered to be an acceptable outcome for dwellings at the interface of the Commercial 2 Zone and will allow for reasonable recreational amenity for occupants. Numerically, the solar access to No. 84 Brighton Street is low, however it is proportionate to the small size of its SPOS.
- (b) The dwelling at No. 84 Brighton Street is provided with low solar access under existing conditions, which is partly due to the location of an outbuilding to the north of the dwelling's SPOS. The additional shadows imposed by the subject development are limited at 1pm (1.32sqm) and 2pm (2.41sqm). As such, the new shadow impacts are considered to result in no unreasonable change in solar access when compared to the existing conditions.
- (c) The shadow impact for all three affected dwellings at 3pm is not insignificant, however as previously described given that the dwellings are located immediately east of the subject site and at the interface of the C2Z, it would be unreasonable for the subject development to mitigate shadows by 3pm.
- (d) Given Council's expectation for 5-6 storey developments in this area, it is unreasonable to expect no change to shadows. Similarly, development in the C2Z generally has site coverage of 100%. Thus, the affected dwellings have benefitted from the lack of development at the subject site.
- (e) More generally, the shadow impacts are acceptable taking into account the affected dwellings' interface with the C2Z and their location in inner-city Richmond, where lots and areas of SPOS are small, and solar access to open space is often compromised.

145. In light of the above, it is recommended that a condition require the development to reduce in scale in accordance with the sketch plans produced by Bates Smart, Revision D 'Concept Plans' dated 09 September 2019.



146. The development also proposes equinox shadowing to the private open space of Nos. 14 and 16 Kingston Street. This is acceptable as it is restricted to the front yards, leaving their areas of SPOS (to the rear of each lot) unaffected. The development also proposes some additional equinox shadowing the ground floor SPOS of No. 88 Brighton Street.

This is considered acceptable given that it is limited to 3pm and because the dwelling enjoys a secondary area of SPOS in the form of a sizeable first-floor balcony.

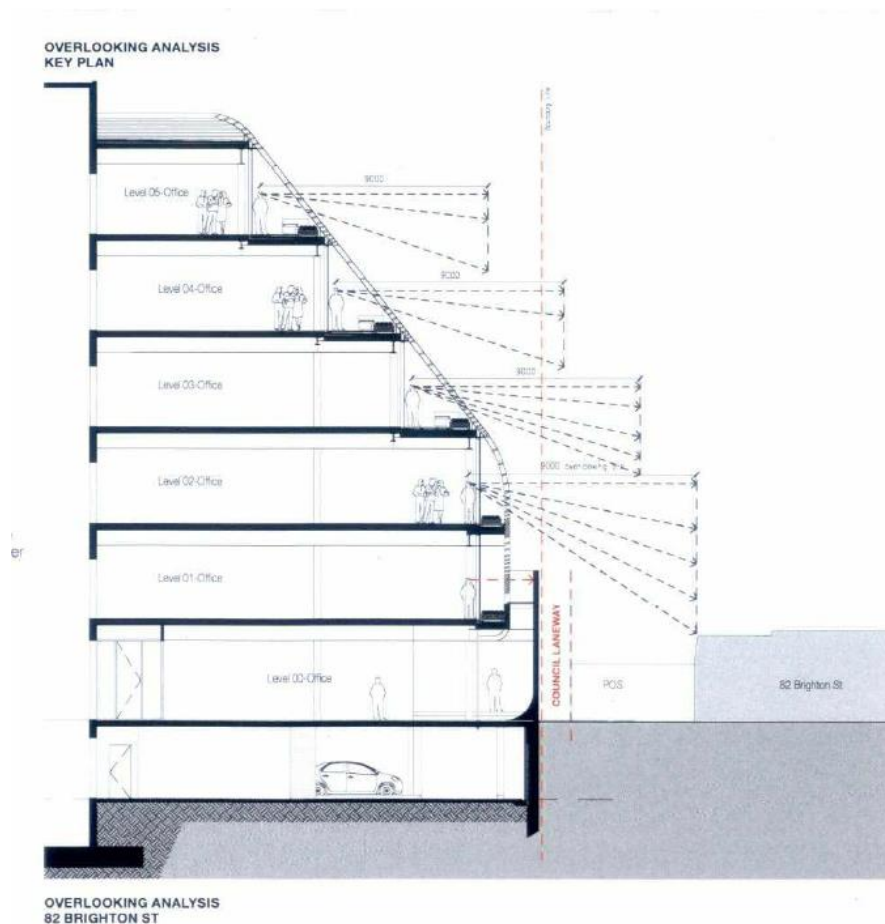
*Overlooking*

147. Standard B22 of Clause 55 (ResCode) of the Scheme includes requirements for managing overlooking, and requires that:

*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.*

148. The strict application of the Standard is not required in this instance because the proposal is for an office development and is therefore not required to satisfy the objectives contained within Clause 55 (ResCode). However, in the absence of any other test, the Standard can be used as a decision guideline for measuring overlooking impacts.
149. The closest habitable room windows and SPOS within proximity to the subject site are associated with the dwellings located at Nos. 82-86 Brighton Street, all of which are located within 9m of the subject site. The eastern façade of the development has been appropriately designed to limit overlooking impacts to these properties. Specifically:
- (a) Provision of the eastern boundary wall (southern section of site) which will form a screen to the first-floor of the development with a height of approximately 1.7m above the finished floor level (which meets the Standard height under ResCode).
  - (b) Provision of screening louvres within the sloping balustrade along the eastern façade across the second, third, fourth and fifth floors and the northern section of the first floor. These louvres have been located strategically so as to minimise downward views into the SPOS and habitable room windows of Nos. 82-86 Brighton Street, as depicted at figure 13 below;
  - (c) The provision of planter boxes along the eastern façade also creates non-trafficable spaces at the interface with Nos.82-86 Brighton Street, thereby further mitigating downward views into these properties.





**Figure 13:** Section showing the response to overlooking impacts to the residential eastern interface

150. The sketch plans, whilst making some changes to the form of the eastern façade, has retained the eastern boundary wall, strategically-located louvres, and planter boxes, so as to ensure that overlooking continues to be managed in a similar fashion to that of the decision plans.
151. The dwellings located on the southern side of Kingston Street feature habitable room windows fronting the street, and are therefore currently overlooked from the street. However, these will not be unduly affected by overlooking impacts as they are located greater than 9m from the subject site. The unscreened south-facing windows of the proposed development would thus comply with Standard B22 (Overlooking) of Clause 55, although this is not strictly applicable to the subject application. In addition, the verandah and window canopy of the dwelling will further prevent overlooking into these windows from upper levels of the development.

#### *Visual Bulk*

152. A variety of measures have been incorporated into the development to assist in limiting visual bulk impacts from adjacent sites. These include the sloped built form which graduates in height from east to west as well as the utilisation of screening louvres which provide articulation across the eastern façade. Whilst direct views of the proposal will be possible from Nos. 82 – 86 Brighton Street as well as other residential dwellings in the surrounding area, the design response to the eastern façade of the development allows for appropriate mitigation at this boundary between residential and commercial zoning. In addition, changes made by the sketch plans (which are recommended to be included as conditions) will further reduce visual bulk impacts through a reduction in the building height and increased setbacks from the eastern boundary.



*Wind Impacts*

153. Wind impacts relate to the public realm, with a particular focus on potential impacts to pedestrians using the public realm. A wind assessment was not undertaken as part of the proposal as the proposed height of the development is only marginally higher (one storey) than the existing multi-storey office development located to the north of Selby R.O.W.
154. Further, the canopy provided above the ground floor of the Kingston Street entrance will protect pedestrians and office employees from potential 'downwashing' of wind that would otherwise occur of the building façade. Landscaping and louvre details along the eastern façade will also mitigate unreasonable window impacts to the east.

*Equitable Development*

155. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development must be considered. In this instance, the site is separated from land to the south by Kingston Street and to the north by Selby R.O.W. Land to the east is located within the Neighbourhood Residential Zone, which has a mandatory maximum building height of two stories. The sites to the west (No. 1-7 Kingston Street and No. 525 Church Street), like the subject site are located within the Commercial 2 Zone with no heritage controls and thus have robust development potential. The proposed development has responded to the western interface with a blank concrete wall. As such, the proposed development provides a non-sensitive interface to these sites which will ensure their equitable development opportunities.

Car parking, vehicle access, traffic, loading and waste

*Provision of car parking*

156. The proposed development would provide 16 on-site car parking spaces; fourteen at basement level and two at ground level along Selby R.O.W. Pursuant to Table 1 of Clause 52.06-5, the applicable required provision is 3 spaces per 100sqm of net floor area. As previously outlined, this triggers a car parking reduction of 41 spaces.
157. The proposed car parking provision (and associated car parking reduction) are supported for the following reasons:
  - (a) On-street car parking in the surrounding area consists largely of 1 hour, 2 hour and permit-restricted spaces. The lack of long-stay car parking in the surrounding area will significantly reduce car parking demand. Further, the permit-restricted spaces in the area will continue to protect car parking availability for existing, permit-holding residents.
  - (b) The site has excellent access to public transport, including tram services on Church Street and Swan Street as well as East Richmond Railway Station, which is within walking distance;
  - (c) The provision of bicycle infrastructure in the surrounding area, including the Main Yarra Trail (500m south) which is a highly utilised commuter route for cyclists. The area also has shared lane markings for bicycles including on Church and Swan Streets. Further, the proposal provides in-excess of the bicycle space requirements prescribed by the Scheme. Notwithstanding this, a condition will require additional bicycle spaces to satisfy Council's best practice rates. These measures (as well as the proposed end of trip facilities) will encourage employees to arrive via bicycle. Highly visible bicycle spaces along Kingston Street will similarly encourage visitors to ride to the development;
  - (d) Local planning policy at clauses 18.02, 21.03, 21.06-3 and 21.07 encourages reduced rates of car parking provision for development sites within close proximity to public transport routes and activity centres.
  - (e) Traffic is a key issue affecting the road network, particularly in Cremorne and southern Richmond. By providing a lower rate of on-site car spaces, it will ensure that the



development does not generate any unreasonable increase in traffic levels for the surrounding road network.

- (f) The reduction in the built form as shown in the sketch plans will provide a modest reduction in the net floor area associated with the proposed development, which ensures that the reduction of 41 spaces (as based on the decision plans) is a conservative figure.
- (g) Council's Engineering Services Unit reviewed the proposed car parking provision and raised no issue to the proposed reduction, stating that it is appropriate for the site, which is *very easily reached by public transport*. Further, Council's Engineering Services Unit highlighted that the proposed car parking provision (at a rate of 0.83 car spaces per 100sqm of floor area) is similar to that of other office developments recently approved by Council in Cremorne and Collingwood which ranged from rates of 0.85 to 0.89 spaces per 100sqm floor area.

#### *Vehicle Access*

- 158. The application seeks to provide access to the basement car parking area via a single width access door and ramp. Visibility for vehicle ingress and egress has been provided in the form of a convex mirror located at the western side of the entrance of the basement car park. Two at grade spaces are provided along the Selby R.O.W. boundary, one of which would be an accessible space. Other than requesting additional information to be shown on the plans, Council's Engineering Services Unit did not raise any issues with vehicle access and safety. Further, the relatively low number of on-site car spaces will provide an acceptable outcome with regards to vehicle access and safety outcomes.
- 159. Council's Engineering Services Unit were largely supportive of the proposed access arrangements, with minor changes and additional details required as follows:
  - (a) The kerb width on either side of the access ramp are to be dimensioned on the drawings.
  - (b) Headroom clearance at basement car park entrance to be dimensioned on the drawings.
  - (c) A bollard is to be provided in the shared area associated with the accessible parking space
  - (d) Column depths and setbacks dimensioned on the drawings to satisfy AS/NZS 2890.1:2004.
  - (e) A minimum clearance of 300mm to walls for all car spaces;
  - (f) The length of each ramp grade section dimensioned on the drawings;
  - (g) Specification of the inside and outside radii of the curved ramp;
  - (h) Provision of ground clearance checks of the curved ramp along the inside radius using the B99 design vehicle;
  - (i) Relocation of the Sewer Vent to the satisfaction of Council and the relevant water authority. All costs and work associated with relocating the sewer vent must be borne by the Permit Holder.
  - (j) The grade for the internal concrete slab is to be shown on the drawing
  - (k) A 1 in 20 scale cross-sectional drawing must be submitted to show the existing and proposed floor levels. The levels should include the centre/invert of the Selby R.O.W., property line and top edge of the internal concrete slab. The internal concrete slab must be designed to ensure that a B99 design vehicle can enter and exit the at-grade car spaces and basement car park entrance without bottoming-out or scraping.
  - (l) For any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of Selby R.O.W. – Council Infrastructure requirement.
  - (m) Any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.
- 160. With regards to items (a), (b), (c), (d), (e), (f), (g), (h) (j), (l) and (m) above, these items can be included on the development plans by way of conditions. With regards to item (i), this has



already been nominated on the plans as a notation, however this can be further addressed by way of a separate condition which requires the removal of the sewer vent to be undertaken prior to occupation of the development.

With regards to item (k), this can be addressed through the subsequent requirement for a separate vehicle crossing permit from Council.

161. A number of additional recommendations were made by Council's Engineering Services Unit; these relate to various infrastructure requirements immediately surrounding the site that should be undertaken to Council's satisfaction and at the Permit Holder's cost, as follows:

- (a) The footpath immediately outside the property's Kingston Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- (b) The redundant vehicle crossing along the Kingston Street road frontage is to be demolished and reinstated with paving, and kerb and channel to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless specified by Council.
- (c) The full-width road pavement of Selby R.O.W. (from the northern road alignment to the southern road alignment) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of pavement failure shall require full depth road pavement reconstruction.
- (d) Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
- (e) A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.
- (f) Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- (g) 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.
- (h) Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- (i) Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.
- (j) Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

162. The majority of these additional recommendations can be appropriately captured under general infrastructure, drainage and construction management conditions and/or notes that are usually placed on a permit of this type. With regards to item (c), this item can be included by condition.

#### *Traffic*

163. The traffic report submitted as part of the application outlined that the loss of the existing paid parking on the subject site (total 27 spaces) associated with the proposed development will generate reduced traffic levels for the surrounding area and will outweigh the traffic generated by the proposal for 16 car spaces on site as part of the development.

164. In addition to the above, Council's Engineering Services Unit found that the proposed development would likely result in 8 individual trips in the morning peak and 8 in the evening peak (adopting a traffic generation of 0.5 trips per space per peak hour). Council's



Engineering Services found that these were not unduly high and would not pose adverse impacts on the surrounding road network.

*Loading, unloading and waste*

165. The Scheme does not provide any requirements for loading bays, rather Council must consider loading and unloading as relevant to the application. A loading bay has not been provided as part of the development. This is considered to be an acceptable outcome given that the development is associated with an office use. Goods will not be sold on site which ensures that the development will not impose any unreasonable loading requirements to either Selby R.O.W. or Kingston Street.
166. Waste will be collected on Selby R.O.W. via a private collection service which is an appropriate outcome given the back of house context along Selby R.O.W. This will also ensure that Kingston Street remains unaffected by stationary waste vehicles during collection. Swept path diagrams have been provided to demonstrate that a small waste collection vehicle can access the site via Selby R.O.W., which was supported by Council's Engineering Services Unit.
167. The submitted Waste Management Plan (WMP) and the plans show an externally-accessible waste storage area on site located at ground floor towards the northwest corner of the site. The WMP has been assessed by Council's Civil Works Unit, who raised a number of issues that need to be addressed, as follows:
  - (a) *Please be definite on how e-waste will be managed in accordance with legislation;*
  - (b) *Please identify hard waste storage area within the bin storage area diagram;*
  - (c) *The bin storage area should be expanded;*
  - (d) *Food waste diversion should be included as a requirement;*
  - (e) *Council does not allow private and Council services to operate at the same site;*
  - (f) *A clause must be included in the plan regarding potential review into the service if operational requirements change.*
168. These recommendations can be included as conditions for a revised WMP. As the changes will require changes to the ground floor layout, a condition is also recommended for the development plans to be revised to accommodate any relevant changes required by the endorsed WMP. With regards to item (b), further advice was sought from Council's Civil Works Unit on satisfying this recommendation, given the vague language used. It was clarified that the waste area needs to be increased in size to provide adequate space for movement and rotation of the bins, space for temporary storage of hard waste, e-waste and organics. This detail can be included on the relevant WMP condition.

Bicycle Provision

169. With regards to visitor spaces, the development will provide in-excess of the statutory requirements outlined in Clause 52.34. Council's Strategic Transport Unit also outlined that the provision of visitor spaces exceeds Yarra's best practice rates and was thus supportive of the visitor space provision. A recommendation was made, however, for the visitor spaces at the Kingston Street frontage to be relocated closer to the pedestrian entrance of development presumably to make the spaces more visible to visitors and easier to access. This recommendation is considered to be unnecessary given that the Kingston Street spaces will still be highly visible from the street and that Council's Strategic Transport Unit subsequently acknowledged that *despite the suggestion ...to relocate the Kingston Street spaces closer to the building entrance, the spaces are easily accessible and acceptably close to the building entrances*. Further, it is considered that the relocation of the Kingston Street planter would provide a less effective urban design outcome.
170. With regards to employee bicycle spaces, the development exceeds the statutory requirements outlined in Clause 52.34, along with the provision of adequate end-of-trip facilities for employees. Whilst the proposal provides in-excess of the statutory requirements,



Council's Strategic Transport Unit found that the subject development is a prime candidate to apply Yarra's best practice rates of bicycle space provision (1 employee space to each 100sqm) which equates to 20 employee spaces. This recommendation should be pursued for the following reasons:

- (a) The application seeks a car parking reduction of 41 car spaces and therefore a best practice provision of employee bicycle spaces will further encourage employees to cycle to work, mitigating the impact of the sought reduction;
- (b) The subject site is located in an inner-city urban area where demand for bicycle commuting is high and projected to increase into the future;
- (c) State and local planning policies include objectives pursuing the adoption of sustainable modes of transport.

171. Council's Strategic Transport Unit also made the following additional recommendations for the required minimum 20 employee spaces:

- (a) Location of spaces within a secure storage facility (the proposed scheme does not provide for this);
- (b) Configuration and access of spaces to satisfy the requirements of AS2890.3 or otherwise to the satisfaction of the responsible Authority;
- (c) A minimum of 20% of the 20 employee spaces to be provided as horizontal-at-grade spaces or otherwise be to the satisfaction of the Responsible Authority. This particular recommendation ensures a reasonable provision of bike spaces that do not require the lifting of the bike, which is not achievable for all cyclists.

172. The above recommendations should be included by way of conditions to ensure an appropriate outcome for employee space provision and for the reasons previously outlined.

#### Objector Concerns

173. Objector concerns are discussed as follows:

- (a) *Concerns regarding the proposed design, including the building height and scale not being in accordance with the existing neighbourhood character and insufficient provision of landscaping;*  
The building height has been discussed at paragraphs 101-104. The massing and scale of the development has been discussed at paragraphs 105-109. The development's response to the surrounding character and context has been discussed at paragraphs 95-100 and landscaping has been assessed at paragraph 123-124.
- (b) *Off-site amenity (including overlooking, overshadowing, loss of daylight, visual bulk and inadequate setbacks and potential loss of daylight and overlooking impacts to the Primary School to the east);*  
Off-site amenity considerations have been considered under the same section of the report at paragraphs 134 to 155. Given the considerable distance (approximately 40m) between the Primary School and the subject site, and the lower built form proposed towards the east of the subject site, there will be no unreasonable off-site amenity impacts on the Primary School.
- (c) *Traffic and car parking concerns (including an objection to the proposed provision of on-site electric car charging);*  
Traffic and car parking discussions are found within the report at paragraphs 163-164 and 156-157 respectively. With regard to the electric car charging, this is a forward-looking ESD measure and is a common feature in contemporary office developments.
- (d) *Concerns regarding construction noise and traffic.*  
Whilst construction issues are not strictly planning issues, given the scale of the proposed development, a Construction Management Plan is required by way of condition. This would be assessed by Council's Construction Management Unit and



form part of the endorsed documentation. A general condition is also recommended for the standard construction hours allowed under Council's local laws.

- (e) *Property devaluation;*  
This is not a planning matter.
- (f) *Lack of consideration for non-conforming residential uses in the Commercial 2 Zone.*  
The nearest non-conforming residential use is No. 14 Kingston Street, the amenity of which has been considered at paragraphs 136 to 151.

## Conclusion

174. As outlined throughout this assessment there is strong policy support at both State and local levels for urban consolidation. Given the site's strategic location, proximity to the Swan Street MAC, Church Street and excellent public transport options; the site lends itself as an ideal development site for higher density. By conditioning the development to accord with the sketch plans, the proposal tempers density with an appropriate response to its residential interface, providing a reasonable balance between these two competing but relevant objectives.

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN19/0025 for the construction of a six storey office building and a reduction in the car parking requirements at 9 Kingston Street Richmond, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans must be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Bates Smart (Revision C, dated 29 April 2019) but modified to show:
  - (a) Reduction in the building height of the development from 24m to 22.8m, increased eastern setbacks and reconfiguration of screening details to the eastern facade in accordance with sketch plans produced by Bates Smart (Revision D 'Concept Plans', dated 09 September 2019);
  - (b) Incorporation of operable windows into the glazing to the northern and southern facades;
  - (c) External, operable sun shading devices provided to the northern facade at levels 1, 2, 3, and 4;
  - (d) Elevations and finishes legend provided in full colour and deletion of notations "in selected colour" from elevations;
  - (e) Screening details on the eastern facade provided with a variegation in colour;
  - (f) Finishes legend updated to rename material acronym 'MC1' correctly as 'MP1';
  - (g) Details of the concrete patterning to the western facade to break up the visual massing;
  - (h) The kerb width on either side of the basement access ramp dimensioned;
  - (i) Headroom clearance at basement car park entrance dimensioned;
  - (j) Provision of a bollard in the shared area associated with the accessible parking space;
  - (k) Column depths and setbacks dimensioned on the basement plan to satisfy AS/NZS 2890.1:2004.
  - (l) A minimum clearance of 300mm to walls for all car spaces;
  - (m) The length of each ramp grade section dimensioned;



- (n) Specification of the inside and outside radii of the curved ramp;
  - (o) Provision of ground clearance checks of the curved ramp along the inside radius using the B99 design vehicle;
  - (p) Notation for the grade of the internal concrete slab;
  - (q) Notation to state that for any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of Selby R.O.W.
  - (r) Notation to state that the service cabinet doors opening onto Selby R.O.W. must swing 180-degrees and be latched to the building when opened.
  - (s) A minimum of 20 employee bicycle spaces, all to be located within a secure storage facility;
  - (t) Configuration and access of spaces to satisfy the requirements of AS2890.3 or otherwise to the satisfaction of the Responsible Authority;
  - (u) A minimum of 20% of the 20 employee bicycle spaces to be provided as horizontal-at-grade spaces or otherwise be to the satisfaction of the Responsible Authority.
  - (v) Any change required by the endorsed Sustainability Management Plan (as required by condition 3), where relevant to show on the plans;
  - (w) Any change required by the endorsed Landscape Plan (as required by condition 5), where relevant to show on the plans;
  - (x) Any change required by the endorsed Waste Management Plan (as required by condition 7), where relevant to show on the plans;
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainability Management Plan**

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Waterman Group, (Revision 4, dated 29 April 2019) but modified to include;
- (a) Addition of external, operable shading devices to the northern façade;
  - (b) Target a recycling rate of 80% of construction and demolition waste for the construction phase of the development;
  - (c) Commitment for an Environment Management Plan to be developed by the building contractor to monitor and control activities undertaken during construction;
  - (d) SMP and BESS report updated to remove innovation points for stated initiatives.
  - (e) Clarify provision of outdoor air to office spaces to all levels;
  - (f) Advise on the visible light transmission of proposed glazing;
  - (g) Provide JV3 report showing at least 10% improvement on the reference case;
  - (h) Provide basis for:
    - (i) thermal performance improvements,
    - (ii) greenhouse gas performance improvements,
    - (iii) 30% improvement in lighting efficiency



- (i) Provision of a size specification for solar PV in the SMP;
  - (j) State that collected rainwater will be connected to all toilets in accordance with the submitted BESS report;
  - (k) Provision of a Green Travel Plan with performance targets and monitoring and reporting components included.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan produced by Jack Merlo Design and Landscape, Revision B, dated 04 December 2018 but modified to include:
- (a) changes associated with the sketch plans produced by Bates Smart (Revision D 'Concept Plans', dated 09 September 2019);
  - (b) location of the ground floor landscaping and visitor bicycle spaces revised in accordance with the decision plans produced by Bates Smart, Revision C, dated 29 April 2019;
  - (c) Notations to clarify:
    - (i) Works to be undertaken prior to planting;
    - (ii) Details on the proposed method of irrigation and drainage, and;
    - (iii) Details on the proposed maintenance schedule.
- to the satisfaction of the Responsible Authority.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

7. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan produced by Low Impact Development Consulting dated 26 February 2019, but modified to include:
- (a) Clarification on how e-waste will be managed in accordance with relevant current legislation;



- (b) Identify hard waste storage area within the bin storage area
  - (c) Bin storage area increased in size to allow for appropriate bin rotation and to allow for temporary storage of hard waste, e-waste and organic waste.
  - (d) Clarification on how food waste diversion will be achieved;
  - (e) Remove any reference to Council collection services;
  - (f) Commitment to review the plan if operational requirements of the development change.
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Infrastructure**

10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing within the Kingston Street frontage must be demolished and reinstated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated, including the footpath along the property's Kingston Street and Selby R.O.W. frontages, with these footpaths to be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
13. Before the building is occupied, unless with the further written consent of the Responsible Authority, the sewer vent located at the interface with Selby R.O.W. must be removed and / or relocated in accordance with the requirements of the relevant water authority
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **General**

14. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and



(d) of limited intensity,

to the satisfaction of the Responsible Authority.

16. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
18. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

19. 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.
    - (vii) spillage from refuelling cranes and other vehicles and machinery.
  - (i) 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.
20. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.



21. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm.
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Permit Expiry**

22. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;

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

### **NOTES:**

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5095 to confirm.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5095 for further information.

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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

All future employees working within the development approved under this permit will not be permitted to obtain employee car parking permits.

**CONTACT OFFICER:** Chris Stathis  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5352

### **Attachments**

1 PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Locality Plan

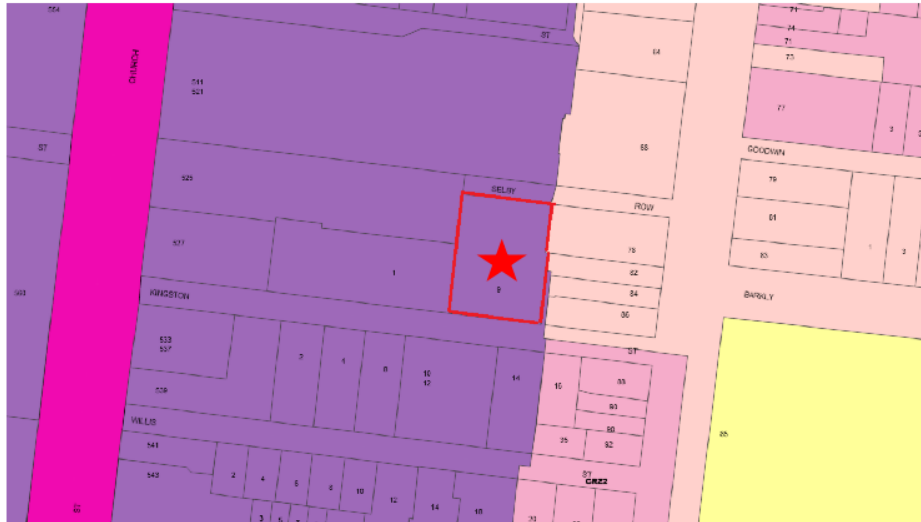


- 2** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans
- 3** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Survey Plan
- 4** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan
- 5** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Landscape Plan
- 6** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Swept Path Diagrams
- 7** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report
- 8** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report
- 9** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow Study
- 10** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan
- 11** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments
- 12** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Open Space Unit Referral Comments
- 13** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments
- 14** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Strategic Transport Unit Referral Comments
- 15** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow diagrams based on the decision plans (taking into account the extension under construction at No. 82 Brighton Street)
- 16** PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)



## ATTACHMENT 1

**SUBJECT LAND: 9 Kingston Street Richmond**





**Attachment 2 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans**

**9 KINGSTON ST, RICHMOND  
TOWN PLANNING SUBMISSION - REV C - 29/04/19**

**DRAWING SCHEDULE**

DWG NO.	REV	DRAWING TITLE
TP00.001	C	Cover Sheet + Drawing Schedule
TP01.000	B	Existing Site Survey Plan
TP01.001	B	Proposed Site Plan
TP02.001	B	Key Plan - Basement B1
TP02.100	C	Key Plan - Ground Floor
TP02.101	C	Key Plan - Level 1
TP02.102	C	Key Plan - Level 2
TP02.103	C	Key Plan - Level 3
TP02.104	C	Key Plan - Level 4
TP02.105	C	Key Plan - Level 5
TP02.106	B	Key Plan - Level 6 - Roof Level
TP02.107	B	Key Plan - Level 7 - Upper Roof
TP07.001	B	Elevations - South + East
TP07.002	B	Elevations - North + West
TP07.003	B	Streetscape Elevation
TP08.001	B	Section AA
TP08.002	B	Section BB
TP08.003	B	Section CC
TP10.001	B	Existing Shadow Diagrams - Spring Equinox September 22
TP10.002	C	Proposed Shadow Diagrams - Spring Equinox September 22



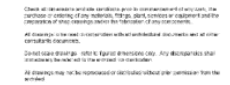




**BARKLY AVE**  
[aligns with concrete curb]

BATES<sup>SM</sup>





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9 Kingston Street - Richmond  
Cremorne Properties



TP01.001 B

**Melbourne:** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
T 03 8664 0200 F 03 8664 0200  
email [info@abalesmart.com.au](mailto:info@abalesmart.com.au)  
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**Sydney:** 43 Hobsbaw Street  
Surrey Hills NSW 2015 Australia  
T 02 8354 0100 F 02 8354 0199  
email [sydney@abalesmart.com.au](mailto:sydney@abalesmart.com.au)  
<http://www.abalesmart.com.au>

Bates Smart Architects Pty Ltd ABN 66 056 740 590

BATES<sup>SM</sup>





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9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Basement B1



TP02.001 B

Bates Smart Architects, Pty Ltd ABN 68 054 740 590

BATES<sup>SM</sup>









9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 01

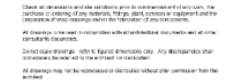


TP02.101 C

Bates Smart Architects Pty Ltd ABN 68 054 740 585

BATESSMART





9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 02

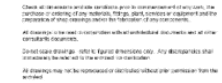


TP02.102 C

Bates Smart Architects Pty Ltd ABN 68 054 740 546

BATESSMART.





9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 03

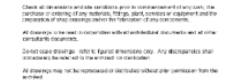


TP02.103 C

Bates Smart Architects Pty Ltd ABN 68 054 740 585

BATESSMART





9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 04



**TP02.104 C**

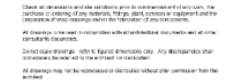
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**Melbourne** 1 Robinson Street  
Melbourne VIC 3000 Australia  
T 03 8964 6200 F 03 8964 6200  
email: [melb@atbusiness.com.au](mailto:melb@atbusiness.com.au)  
<http://www.atbusiness.com.au>

**Sydney** 43 Hibiscus Street  
Sydney NSW 2010 Australia  
T 02 8354 6100 F 02 8354 6199  
email: [syd@atbusiness.com.au](mailto:syd@atbusiness.com.au)  
<http://www.atbusiness.com.au>

BATESSMART





9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 05



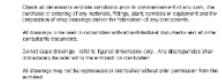
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**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia  
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email [info@alestorm.com.au](mailto:info@alestorm.com.au)  
<http://www.alestorm.com.au>

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Surry Hills NSW 2010 Australia  
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email [info@alestorm.com.au](mailto:info@alestorm.com.au)  
<http://www.alestorm.com.au>

BATESSMART



Bates Smart Architects Pty Ltd ABN 66 054 740 585

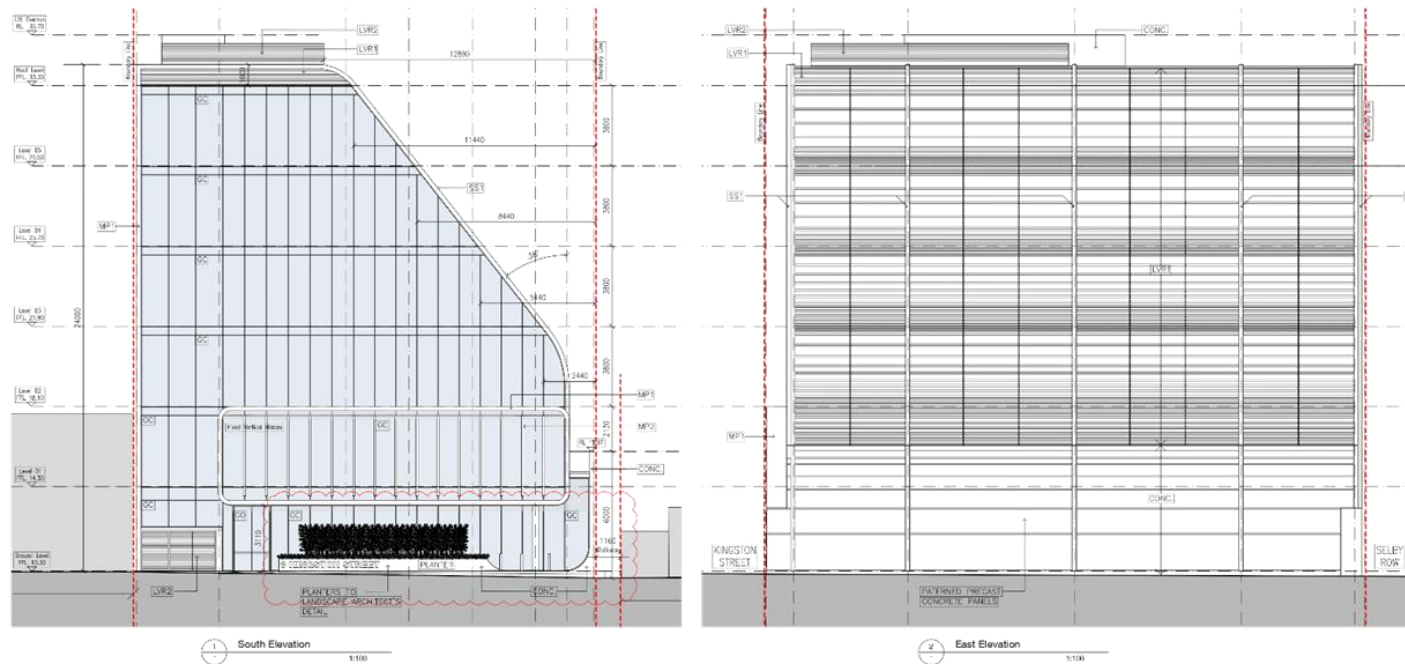
Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 16 October 2019



BATESSMART



# Attachment 2 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans



Check all dimensions and elevations prior to construction of any work. The contractor is responsible for any errors. The design is based on the information provided by the client. The design is not a guarantee of performance. The design is not a guarantee of safety. The design is not a guarantee of value. The design is not a guarantee of anything else.

**LEGEND**

CONC	Concrete
GL	Ground Level
SS1	Structural Steel
SS2	Structural Steel
SS3	Structural Steel
SS4	Structural Steel
SS5	Structural Steel
SS6	Structural Steel
SS7	Structural Steel
SS8	Structural Steel
SS9	Structural Steel
SS10	Structural Steel
SS11	Structural Steel
SS12	Structural Steel
SS13	Structural Steel
SS14	Structural Steel
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SS96	Structural Steel
SS97	Structural Steel
SS98	Structural Steel
SS99	Structural Steel
SS100	Structural Steel

B 11/04/19 - Response to RPI VMP 00  
A 14/01/19 - Description VMP 00  
Revision Date Description VMP 00  
VMP 00

**9 Kingston Street - Richmond**  
**Cremorne Properties**  
Elevations  
South & East

Scale: 1:100@A1, 1:200@A3  
Drawn: [Name]  
Project No: M12218  
Date: Town Planning Submission  
Rev Date: 11/4/2019 10:19 AM  
Rev Rev: 11/4/2019 10:19 AM  
Drawing No: [Number]  
Drawing Date: [Date]

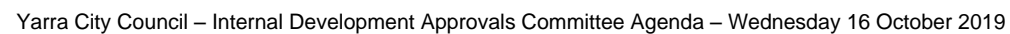
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Fax: [Fax]  
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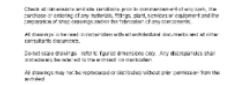
Bates Smart Architects Pty Ltd 11/04/2019 10:19 AM

**BATESSMART**









9 Kingston Street - Richmond  
Cremorne Properties  
Streetscape Elevation



TP07.003 B

Bates Smart Architects, Pty Ltd ABN 68 054 740 590

BATES<sup>SM</sup>





**LEGEND**

ENG	Generate Enaps
CC	Place their cladding
CE	Use the clear-sky
CEP	Produce clear-sky fast sun-shade factors
	to make MC
CEG	Produce clear-sky
	to make MC
MC	Produce clear-sky cladding
	to make MC
MC2	Produce clear-sky vertical blades
	to make MC
SS	Place steel facade screen structure
	to make MC

B	11/04/19	Response to RFI	WP	BS
A	14/01/19	-	WP	BS
	Review Date	Description	WIP	checked



Scale	1:100@A1, 1:200@A3
Graph	Chart (set)

M12218

Station **Town Planning Submiss**

11/4/2019 10:19 AM

File Name: M:\12208-12209-M12208\_GenomeRegulation  
M2-Protein-TFNLS1.dna

framing	framing
TR00.004	B

IP08.001 B

**Melbourne** 1 Nicholson Street  
Melbourne VIC 3000 Australia

T 02 8854 6200 F 03 8854 6200  
email: info@dalepoma.it.com.au

<http://www.subsonicart.com.au> <http://www.subsonicart.com.au>

Bates Smart Architects Pty Ltd ABN 68 354 742 585

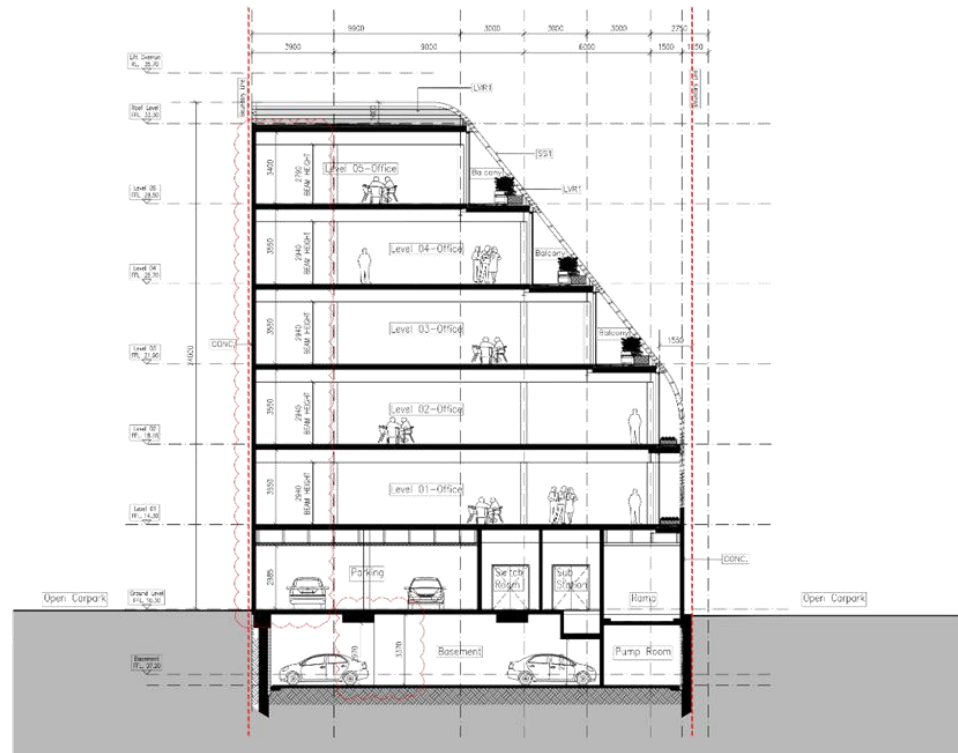
[illegible]

BATES SMA

## DATA COLLECTION



# Attachment 2 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans



Check all dimensions and site conditions prior to construction and if any exist, the contractor is to advise the client. The client is to provide the client with the dimensions of any existing site conditions. The client is to provide the client with the dimensions of any existing site conditions. The client is to provide the client with the dimensions of any existing site conditions.

## LEGEND

(100)	Concrete floor
(101)	Reinforced concrete
(102)	Reinforced concrete slab
(103)	Reinforced concrete wall
(104)	Reinforced concrete column
(105)	Reinforced concrete beam
(106)	Reinforced concrete staircase
(107)	Reinforced concrete ramp
(108)	Reinforced concrete roof
(109)	Reinforced concrete foundation
(110)	Reinforced concrete pile
(111)	Reinforced concrete pier
(112)	Reinforced concrete wall
(113)	Reinforced concrete column
(114)	Reinforced concrete beam
(115)	Reinforced concrete staircase
(116)	Reinforced concrete ramp
(117)	Reinforced concrete roof
(118)	Reinforced concrete foundation
(119)	Reinforced concrete pile
(120)	Reinforced concrete pier

B	11/04/19	Response to RPI	VMP	00
A	14/01/19	Design	VMP	00
Revision	Date	Description	Drawn	Checked

## 9 Kingston Street - Richmond Cremorne Properties

### Section B-B

Scale	1:100@A1, 1:200@A3
Drawn	1/1/19
Project No.	M12218
Station	Town Planning Submission
Rev Date	11/4/2019 10:18 AM
Rev Rev	11/4/2019 10:18 AM 11/4/2019 10:18 AM 11/4/2019 10:18 AM
Drawing No.	TP08.002

## TP08.002 B

Melbourne 41 Melbourne Street  
Melbourne VIC 3000 Australia  
T: 03 9594 1234 F: 03 9594 1235  
e: mel@bates-smart.com.au  
http://www.bates-smart.com.au

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Sydney NSW 2000 Australia  
T: 02 9594 1234 F: 02 9594 1235  
e: mel@bates-smart.com.au  
http://www.bates-smart.com.au

Bates Smart Architects Pty Ltd A151 00 354 743 100

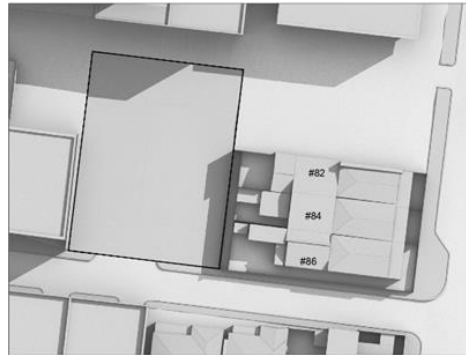
BATESSMART







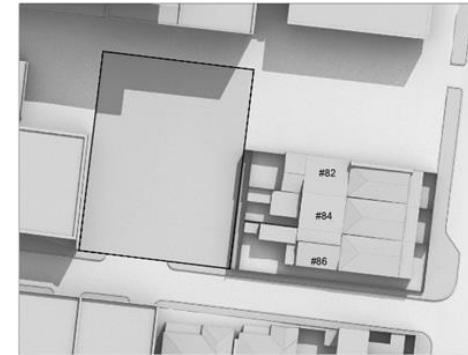
# Attachment 2 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans



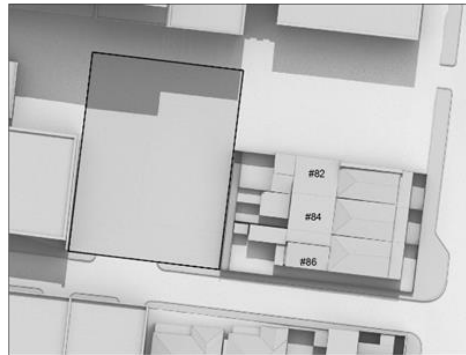
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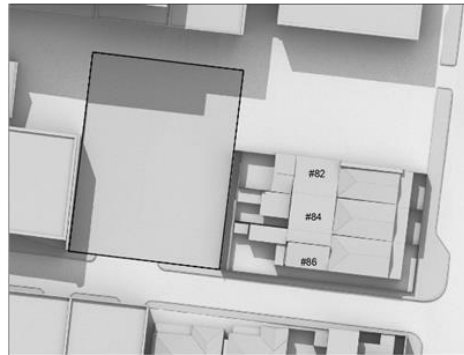
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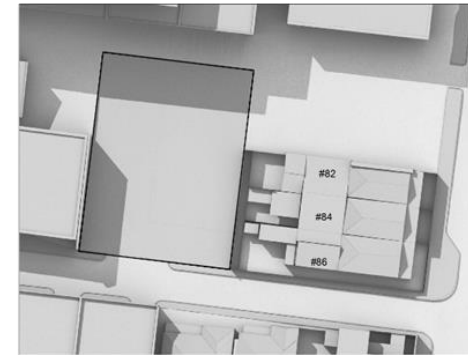
3 Sept 22, 11am  
Existing Shadow Diagram 1:200@A1



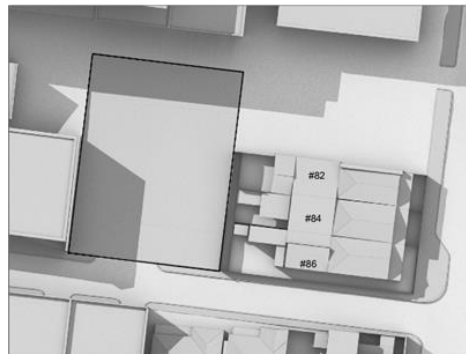
4 Sept 22, 12pm  
Existing Shadow Diagram 1:200@A1



5 Sept 22, 1pm  
Existing Shadow Diagram 1:200@A1



6 Sept 22, 2pm  
Existing Shadow Diagram 1:200@A1



7 Sept 22, 3pm  
Existing Shadow Diagram 1:200@A1

Check all dimensions and site conditions prior to construction of any works. The  
contents of this drawing are for reference only. It is not to be used as a basis for  
any construction or other works without the written consent of the architect.

All dimensions are to be taken from the centre of the building unless otherwise  
indicated. Dimensions are to be taken from the centre of the building unless  
otherwise indicated.

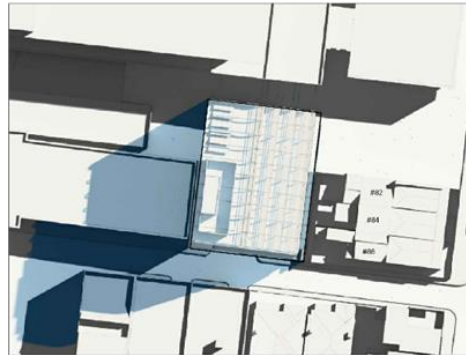
All drawings may not be reproduced or distributed without prior permission from the  
architect.

LEGEND:

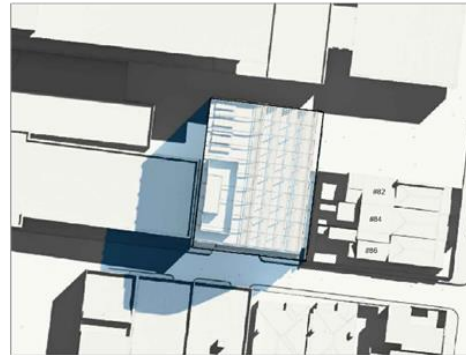
Existing shadow



# Attachment 2 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Decision Plans



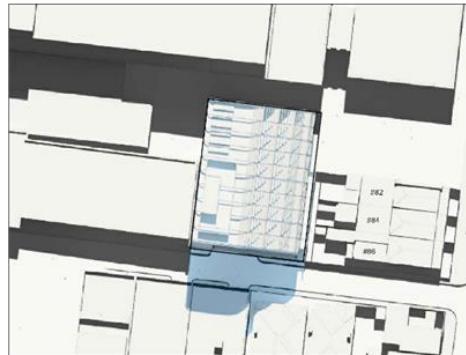
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2 Sept 22, 10am  
Proposed Shadow Diagram 1:400RA1



3 Sept 22, 11am  
Proposed Shadow Diagram 1:400RA1



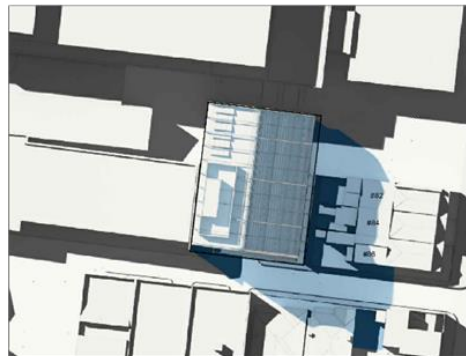
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Proposed Shadow Diagram 1:400RA1



5 Sept 22, 1pm  
Proposed Shadow Diagram 1:400RA1



6 Sept 22, 2pm  
Proposed Shadow Diagram 1:400RA1



7 Sept 22, 3pm  
Proposed Shadow Diagram 1:400RA1

Check all dimensions and site conditions prior to construction and if any exist, the  
continues or existing of any existing, the site, shall continue to support and the  
continues or existing of any existing, the site, shall continue to support and the  
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All dimensions shall be in accordance with the Australian Standards and all other  
relevant requirements.

Check all dimensions and site conditions prior to construction and if any exist, the  
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Check all dimensions and site conditions prior to construction and if any exist, the  
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All dimensions shall be in accordance with the Australian Standards and all other  
relevant requirements.

## 9 Kingston Street - Cremorne Cremorne Properties

Proposed Shadow Diagrams  
Spring Equinox September 22

Scale: 1:400 @ A1 1:800 @ A3  
Drawn: [Name] Checked: [Name]

Project No: M12218  
Status: Town Planning Submission

Rev Date: 29/4/2019 3:36 PM  
Rev Rev: M12218-02/19/12/19, Cremorne Properties, Kingston Street, Richmond, Victoria 3121, Australia

Drawing No: TP10.002 C  
Drawing Title: [Title]

Website: 1 Melbourne Street  
Melbourne VIC 3000 Australia  
Tel: 03 9594 1234 Fax: 03 9594 1235  
Email: info@bates-smart.com.au  
Web: www.bates-smart.com.au

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Sydney NSW 2013 Australia  
Tel: 02 9594 1234 Fax: 02 9594 1235  
Email: info@bates-smart.com.au  
Web: www.bates-smart.com.au

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166

Bates Smart Architects Pty Ltd ABN 62 004 740 166



**Attachment 3 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Survey Plan**





**Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan**

9 Kingston St, Richmond VIC 3121

## Waste Management Plan

Commercial development

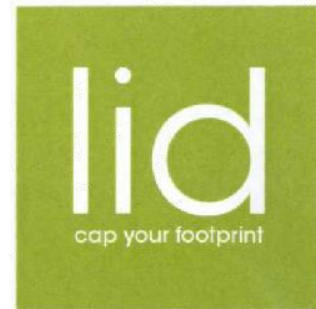
Prepared for: GB Investments (VIC) Pty Ltd

By: RG- Low Impact Development Consulting

E: [info@lidconsulting.com.au](mailto:info@lidconsulting.com.au)

P: 03 9016 9486

26/02/2019



### Summary

The private collection service is recommended to collect the shared 4 x 240L garbage bins weekly and 4 x 240L recycling bins weekly from the Selby ROW.

The private collection vehicles should enter the Selby ROW via Brighton Street. The Contractor is to stop adjoining the rear of the property, retrieve, empty and return bins to/from the bin store at the time of collection. Collections should occur outside of peak hours to ensure the least interference to adjoining properties.

The waste vehicle can then reverse back out onto Brighton Street using a 2 person team including spotter. Refer traffic report for sweep paths.

Building Management is responsible for ensuring the private waste contractor has unrestricted access to the bin store on the days of collection.

NOTE: the approved Waste Management Plan (WMP) will be the model for the adoption in this development and the design and as-built aspects need to account for what is approved in this WMP. Any revisions of the WMP or changes to the approved waste system of the development require Council approval and may require a re-submitted Waste Management Plan.

More detail is contained within this report.

low impact development consulting  
[www.lidconsulting.com.au](http://www.lidconsulting.com.au)



## Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

Waste Management Plan – Commercial development at  
9 Kingston St, Richmond VIC 3121

# Contents

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Appendix A – Bin Collection Location plan

Appendix B – Risk Assessment

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*The content of this document represents the entirety of work output or recommendations offered by LID Consulting for this particular job. This content supersedes all other verbal discussions undertaken by LID Consulting representatives in relation to this project. If you have any questions in relation to items discussed with LID Consulting representatives or this report please contact Craig Harris of LID Consulting.*



## Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

Waste Management Plan – Commercial development at  
9 Kingston St, Richmond VIC 3121

# Waste management

A waste management analysis has been undertaken based on the Sustainability Victoria Best Practice Guidelines for Waste Management in Multi-Unit developments and in consultation with City of Yarra's Waste Management online.

The purpose of this report is to document a Waste Management Plan for the above project, as required by Town Planning permit conditions. The report is based on TP01-100, 02-001, 02-100-106, 08-001 & 08-002 supplied by the GB Investments (VIC) Pty Ltd on 20<sup>th</sup> Sep 2018.

### Waste management parameters

Space areas	Office: 1934m <sup>2</sup>	
<b>Office</b> Waste generation rates based on Best Practice Guidelines	Garbage: 10L/100m <sup>2</sup> floor area/day	Recycling: 10L/100m <sup>2</sup> floor area/day
Estimated total retail waste generation rates per week (5 days) for 1934m <sup>2</sup> floor area	10L x 19.34 x 5 days = 967L garbage per week	10L x 19.34 x 5 days = 967L recycling per week
Number of 240L bins per week or fortnight required to cover generation rates	4 x 240L garbage bins collected weekly	4 x 240L recycling bins collected weekly
Proposed waste bin storage location(s)	<ul style="list-style-type: none"> <li>At ground level, inside the dedicated bin store.</li> </ul>	
Issues / Constraints	<ul style="list-style-type: none"> <li>Utilizing the Council collection service is not possible in this instance for general waste/recycling, green waste or hard waste as council does not collect commercial waste of this volume.</li> <li>While Kingston Street has approx 21m street frontage, the road itself is very narrow against the predominantly residential area. Any bin collection here may unduly block access.</li> <li>The private collection service is to occur on an alternate day to the Council service so that the services are not confused.</li> <li>Bin store size – only 10 bins (240L) will fit in the commercial bin stores. Five bins would fit along each side of the bin store located on the ground floor.</li> <li>Vehicular access to the site is via the Selby ROW to the rear of the property from Brighton Street. The private waste vehicle is able to enter the Selby ROW to collect all waste streams.</li> <li>The private waste contractor is to enter the rear ROW and stop adjoining the rear of the proposed development. The contractor is to retrieve, empty &amp; return bins at the time of collection.</li> </ul>	



# Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

## Waste Management Plan – Commercial development at 9 Kingston St, Richmond VIC 3121

Proposed collection system		<ul style="list-style-type: none"> <li>The adjoining properties to the north &amp; west are commercial in nature both &amp; may access their properties via the Selby ROW. To ensure the least interference, collections should occur outside peak times.</li> <li>Residential properties to the east face Brighton Street and those to the south are opposite in Kingston Street.</li> <li>Building management is responsible to ensure the waste contractor has unrestricted access to the bin store on the days of collection.</li> <li>The private collection service is to occur on an alternate day to the Council service so that the services are not confused.</li> <li>The commercial space waste generation rates are based off an office tenancy. Should there be a different use of the commercial space such as retail, café, restaurant or supermarket, then the waste generated will be significantly higher than an office tenancy.</li> </ul>
	Positives	<ul style="list-style-type: none"> <li>Council's bin collection services currently collect waste bins from the road side in Brighton Street.</li> </ul>
	Garbage & recycling collections	<ul style="list-style-type: none"> <li>A private collection service is recommended to collect the 4 x 240L garbage and 4 x 240L recycling bins from the rear ROW on a weekly basis.</li> <li>240L bins are preferred to 360L or larger sizes, as these are easier to manoeuvre. No mechanical tug is anticipated as being required.</li> <li>The private collection vehicles should enter the Selby ROW via Brighton Street. The Contractor is to stop adjoining the rear of the property, retrieve, empty and return bins to/from the bin store at the time of collection. Collections should occur outside of peak hours to ensure the least interference to adjoining properties.</li> <li>The waste vehicle can then reverse back out onto Brighton Street using a 2 person team including spotter. Refer traffic report for sweep paths.</li> <li>Building Management is responsible for ensuring the private waste contractor has unrestricted access to the bin store on the days of collection.</li> </ul>
	Hard waste collection	<ul style="list-style-type: none"> <li>A private collection service arranged by building management will be engaged for hard waste items as required. Alternatively items can be taken to the local waste recovery centre.</li> </ul>

Refer to the attached plans for bin collection routes.



# Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

## Waste Management Plan – Commercial development at 9 Kingston St, Richmond VIC 3121

### Allowance for different rates of waste generation

- Should the garbage allowance be exceeded, the first action should be to encourage the tenants to reduce their garbage and recycle more.
- Should recycling be exceeded while garbage is not exceeded then, occupants should be reminded to crush and flatten all cardboard boxes and plastic containers before placing these in the recycling bin(s). If this occurs effectively and there is still an issue it may be appropriate to obtain an additional garbage bin.
- A waste audit can be undertaken to understand the content of the waste bins and provide images and feedback to clients of good or poor recycling practices.
- More regular collections of garbage or recycling could occur.

### Other considerations

- **Litter** spread is to be managed by ensuring garbage and recycling bins are not overloaded, and lids are always closed.
  - Litter spread is to be managed by the system of contractor's collecting bins from within the property. As bins are not left outside overnight, the possibility of vandals overturning bins is removed.
  - The private collection contractor's agreement should require their pickup of any waste that spills from the bins during emptying.
  - **Traffic management** in the rear Selby ROW should not be an issue with collections occurring outside peak hours.
  - **Collection times** - Waste collection services are best suited to operation during business hours.
  - **Private Collection services** - Waste collection from private services are best suited on an alternate day to the Council service and completed at times of least interference/inconvenience to the local amenity and traffic conditions.
  - **Odour** from waste primarily emanates from bin store areas. Control of odour must occur in the bin store area with the provision of suitable natural or mechanical ventilation. If installed the mechanical ventilation system for the bin storage area must not cause a public health nuisance (noise and odour generation) and comply with EPA requirements.
  - The bin store area should be monitored and cleaned on a regular basis to remove sources of smells.
  - **Bin Store Design** – must include the following:
    - A layout that allows access to all of the bins with adequate size to allow easy movement/transfer of the required number of bins.
    - An area suitable for bin wash down is to be available in the development. If this is the bin store then the floor is to be graded to a waste outlet.
    - A water tap installed in or near the bin wash areas to facilitate regular wash down.
    - Adequate doorway width to allow the easy access of bins and larger hard waste
    - Bin stores must be vermin proof - particularly where food waste is included.
    - A waterproof power point in or near the bin store.
    - Adequate lighting
    - Adequate ventilation
    - Secure locks (where bin stores are accessible to the street)
    - Space for a tug if required by the waste contractor(s)
- Meter boxes should not be included in bin stores due to the need to regularly wash bin stores out.
- **Internal Waste Management**
    - General / domestic garbage shall be placed in plastic bags before placement into bins



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## Waste Management Plan – Commercial development at 9 Kingston St, Richmond VIC 3121

- Recycling materials are not to be bagged and should be placed loosely into the recycling bins.
- **Screening of bins** – All bins are stored within the development.
- **Signage and education on use of services:** All education material will be in accordance with Council requirements or if this is not available, per signage on the following website: <http://www.sustainability.vic.gov.au/services-and-advice/community/public-place-recycling/signage-library>.
- It will be the responsibility of building management to ensure all occupants have all of the material available to them and that they adhere to the required practices regarding waste management, sustainability and promoting waste minimization. All occupants are to operate and maintain safe practice in all aspects involving the waste management of the development.
- Signage should indicate which bin is for garbage and which is for recyclables (or food waste/organics) and also include what items can be included in garbage and recycling bins, and items that need to be disposed of via other services.
- The hard waste storage zone should also be signed.
- **A preliminary OHS risk assessment** has been included to identify potential OHS issues, however this risk assessment does not replace the need for the building management/owners corporation and collection contractors to complete their own OHS assessment for the bin collection process.

### On-going management

The management and maintenance of the waste system will be a responsibility of building management. Items to be addressed in maintaining the system include:

- The tenancy agreements should outline a schedule of waste collection dates in accordance with the above parameters.
- Allocation of responsibility to the contractor for bringing bins from the bin store location to the collection vehicle and also for returning the emptied bins to the bin store. Responsibility should include ensuring any waste that spins from the bins during emptying is collected by the contractor.
- Ensure the collection contractor has unrestricted access to the street level bin store on the days of collection
- That bins and bins stores are monitored regularly to ensure areas are fully operational with regular cleaning of the bins and bin store spaces and clean-up after collection if necessary
- Management and coordination of hard waste collection
- Provision of information to occupants in relation to the requirements of using the system eg boxes to be flattened, containers for recycling washed, bagged recycling not permitted, bins to not be over-full etc
- Monitoring and feedback to occupants if the system is not working properly

### Encouraging recycling

- Separation of garbage and recycling should initially occur in all work areas and then the bin stores. For this reason the development should include dual waste bins on each floor or tenancy. Cleaners would then transfer waste from these bins to the bin storage area
- Recycling bins should be placed alongside garbage bins so as to ensure recycling is easy.
- Miscellaneous recycling container(s) – a container(s) with drawers or number of small stackable crates minimum footprint 500x500mm are recommended to be supplied for recyclables such as batteries, light globes, printer cartridges, e-waste and clothes. These items are to be recycled monthly or as arranged by building management eg by the



## Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

### Waste Management Plan – Commercial development at 9 Kingston St, Richmond VIC 3121

maintenance or gardening contractor.

- Local information regarding the disposal and recycling of common household items can be found at: <http://www.yarracity.vic.gov.au/services/waste-services/>
- E-waste or electronic waste including computers and accessories, televisions and occasionally printers can be recycled for free at select drop-off locations under the National Television and Computer Recycling Scheme (NTRCS). Locations and more information can be found at:  
<http://www.recyclingnearyou.com.au/ewastescheme/>  
<http://recyclingnearyou.com.au/business/17063>  
<http://www.techcollect.com.au/>
- Bright Sparks <http://www.brightsparksaustralia.com/about/> is a not for profit that recycles working or broken appliances. These can be dropped in to either the Hadfield workshop or in donation bins in Moreland, Yarra, Darebin, Whittlesea and Boroondara. The goods will either be resold or their materials recycled. If items only need to be fixed – for which customers must come to Hadfield – there will be a fee, plus the cost of parts. If they can't be fixed, there is no charge.

Bright Sparks will accept broken or working electrical or battery-run items that are small enough to carry, including computers, toasters, clocks, shavers, hair dryers and DVD players. Among the items it can't accept are lawn mowers, televisions and white goods such as fridges.

- Recycling contractors for different products can be found at the website <http://recyclingnearyou.com.au/>

#### Voluntary Organic separation

- Commercial collection of separated food and other organic wastes in typical waste "wheelie bins" is increasingly being undertaken in Melbourne. When organic matter decomposes in landfill it generates methane, a very potent greenhouse gas. It is preferable that organics are used to replenish our soils and gardens via compost and mulch, rather than to be lost to landfills where they contribute to climate change and global warming via this greenhouse gas generation. Waste or recycling bins could be substituted for organics collection bins. Contractors offering organic waste collection services include:
  - Sita <http://www.sita.com.au/commercial-solutions/resource-recovery-recycling/organic-material/>
  - KS Environmental – use 120L bins only  
<https://ksenvironmental.com.au/services/recycling-services/food-organics/>
- Darebin, Maribyrnong, Moreland, Whittlesea and Yarra Councils offers a free food waste collection service where excess café food is collected and removed for composting. The service is Food Know How [www.foodknowhow.org.au](http://www.foodknowhow.org.au) and on initial enquiry, this service could be available to this property. Uptake of this service would certainly reduce the volume of overall garbage and would reduce the frequency of paid waste collection services.
- On site food and organic waste treatment/pre-processing systems can also reduce waste collection frequency when food or organics waste can be diverted to these units. Closed Loop Organics units through heat and agitation reduce food scraps to 90% of their original volume in 24 hours, and the by product is a compost material. Other systems such as PulpMaster, EcoGuardians (Gaia system) or Biobin generally dehydrate or mash up food waste to reduce total volumes, although generally to a lesser extent than the Closed Loop Organics units. The above suppliers usually can provide Green-house gas cost v benefit assessments of their units.
  - A stand-out unit that may be appropriate for this site is the CLO'ey bin available from Closed Loop Organics. More information available at: <http://www.closedloop.com.au/domestic-composter>



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### Waste Management Plan – Commercial development at 9 Kingston St, Richmond VIC 3121

- Surplus food re-use. There are organisations that collect surplus food for human consumption. Collectors that provide this service within the City of Melbourne include:
  - SecondBite - SecondBite redistributes surplus fresh food to community food programs around Australia. Food is donated by farmers, wholesalers, markets, supermarkets, caterers and events. This high quality surplus food is redistributed to community food programs that support people who are homeless, women and families in crisis, youth at risk, indigenous communities, asylum seekers and new arrivals. Contact: Emily Wild Community, Volunteer and Office Manager [emily@secondbite.org](mailto:emily@secondbite.org)
  - FareShare - FareShare, is a not-for-profit organisation, rescuing food to fight hunger. It collects quality food that would otherwise be wasted from Melbourne businesses such as food wholesalers, retailers and caterers. Volunteers in FareShare's kitchen use this food to prepare healthy, nutritious meals that they distribute to over 100 charities providing emergency food relief for the hungry and homeless. Phone: 03 9428 0044 Email: [kath.cotter@fareshare.net.au](mailto:kath.cotter@fareshare.net.au)

OzHarvest is the first perishable food rescue organisation in Australia collecting quality excess food from commercial outlets and delivering it, direct and free of charge, to 600 charities providing much needed assistance to vulnerable men, women and children. [www.ozharvest.org](http://www.ozharvest.org), Ph: 03 9999 5070 [melbourne.info@ozharvest.org](mailto:melbourne.info@ozharvest.org)

#### Sustainability Initiatives

Residents should be made aware of Sustainability Vic recommendations for waste reduction [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)

Where possible they should practice the waste reduction hierarchy

- Waste avoidance – e.g. avoid excess packaging – purchase from companies that avoid excess packaging.
- Re-use / Recycle – if packaging is required, select recyclable packaging
- Recover / Re-treat / Contain
- Disposal

**Links** City of Yarra Council website: <http://www.yarracity.vic.gov.au>

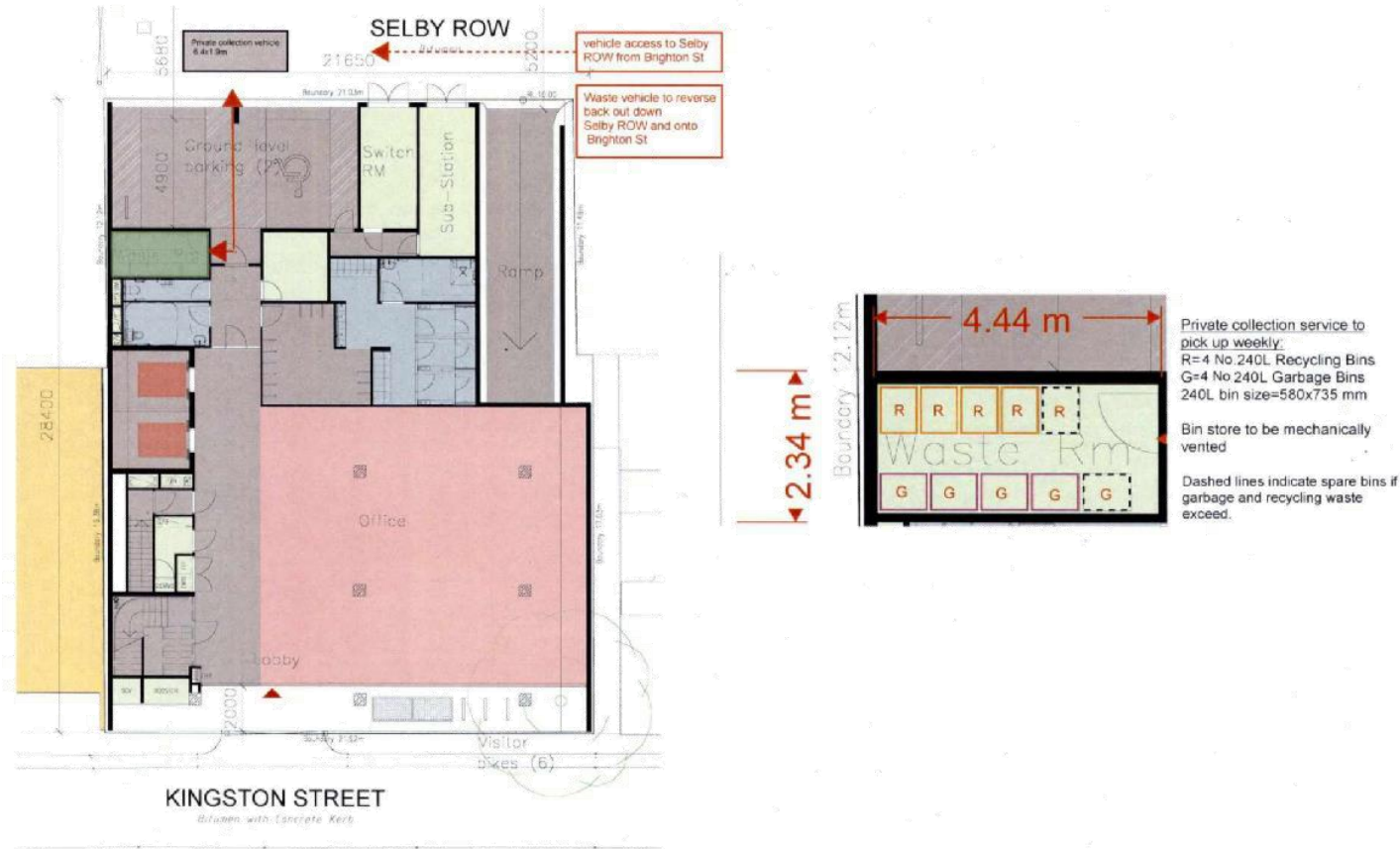
Waste collection companies (examples only):

- Waste Wise Environmental [www.wastewise.com.au](http://www.wastewise.com.au) (complete basement collections)
- Kartaway <http://www.kartaway.com.au/melbourne/index.html> (incl basement collections)
- iDump Waste Management [www.idump.com.au](http://www.idump.com.au) (mini truck waste collection)
- Citywide [www.citywide.com.au](http://www.citywide.com.au)
- JJ Richards & Sons [www.jjrichards.com.au](http://www.jjrichards.com.au)
- KS Environmental – [www.ksenvironmental.com.au](http://www.ksenvironmental.com.au)
- Sita – [www.sita.com.au](http://www.sita.com.au)
- Wastech [www.wastech.com.au](http://www.wastech.com.au)
- <http://www.australianboxrecycling.com.au/recycling-bins.php>



# Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

## APPENDIX A



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All dimensions shall be verified on site.

Project  
9 Kingston street  
Richmond VIC 3121

Drawing  
**BIN STORE & COLLECTION ZONES**

Date	Scale	Sheet Size
26/02/2019		
Rt	Chk	
	CH	
Job No.	Drawing No.	Revision

LOW IMPACT DEVELOPMENT  
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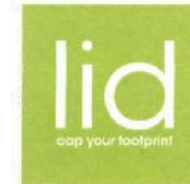


## Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

## APPENDIX B

Risk Assessment – Waste Collection process

For proposed development at 9 Kingston Street, Richmond VIC 3121



Class 1 Risk = Potential to cause death or permanent injury.		Class 2 Risk = Potential to cause injury requiring medical attention.		Class 3 Risk = Potential to cause an injury treatable with first aid.
Activity	Steps involved in completing activity & risk	Risk level	Risk mitigating measures	Implementation responsibility
Moving of bins from bin store to collection space	Distance bins to be moved approx. 10m. Risk of manual handling injuries	2	Use max bin sizes of 240L  Minimize distance of travel, with the area kept free of all obstacles including loose gravel or dirt, steps, kerbs, speed bumps, berms, sills or ramps.  Ensure all access points have suitably wide doorways and circulation areas.	Building Designer / Owners Corporation
Movement of commercial waste to the bin store	Carting waste from the tenancies to the bin store.  Risk of manual handling injuries.	2-1	Commercial tenants should ensure their bin sizes are not excessive and cannot carry too much weight to safely negotiate the stairs to the basement bin store. Building owner to include clause in tenants contract to ensure bin sizes are not excessive due to this risk.	Building owner/manager
Bin loading on ROW/street	Moving bins from temporary collection space to collection vehicle parked on street. Collection may occur at the rear of the truck.  Risk of being struck by passing vehicles if step outside the line of the width of the truck	1	Bin collection operator's own safety measures incl training	Bin collection operator

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## Attachment 4 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Waste Management Plan

## APPENDIX B

## Risk Assessment – Waste Collection process

For proposed development at 9 Kingston Street, Richmond VIC 3121



Vehicle enters ROW to rear of site for collection of waste	Collection vehicle entering ROW, and reversing before exiting site. Major risk is hitting unaware people, particularly when reversing.	1	<p>The lane is a substantial dead-end lane in an industrial area and is already used by adjoining commercial properties.</p> <p>There should no/few children/elderly people in the area.</p> <p>Vehicle driver to enter site while having good visual of the area. Upon commencing reversing, immediately check the area behind the vehicle and continue checking while reversing.</p> <p>This should reduce the risk of drivers not being aware of what is behind their vehicles. A two person team, including a spotter, will undertake this reversing motion.</p> <p>Reversing buzzers to be applied to all trucks. Signs to warn pedestrians in the area</p>	Bin collection operator
<p><b>Note this assessment is for consideration during the design phase of the project. It is <u>not</u> to replace a risk assessment / Safe Work Method Statement being completed by the contractor and persons undertaking the waste removal process.</b></p>				

lid low impact  
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# Attachment 5 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Landscape Plan







LEVEL 33 PLAN  
SCALE 1" = 40'

Symbol	Plant	Common Name	Pot Size	Quantity	Planted Height	Planted Width	Watermark Height	Watermark Width
	Hibiscus (variegated)	Straw Hat Hib.	10cm	80	15cm	15cm	30cm	30cm
	Passiflora (variegated)	Deep Purple Passion	20cm	50	25cm	25cm	30cm	30cm



LEVEL 84 PLAN  
SHEET 1 OF 10

PLANTING SCHEDULE - LEVEL 04							
Symbol	Plant	Common Name	Per Size	Quantity	Planted Height	Planted Width	Male/seeded/sterile
1	Neorea canaliculata	Red-leaf Ivy	1m	81	15m	15m	Male



#### LEVEL 05 PLAN

Symbol	Plant	Common Name	Fir Size	Quantity	Planted Height	Planted Width	Watered Height	Watered Width
	HOLLY HEDGEROWS	Broad Leaf	None	90	None	17x17	20x6	10x10



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[illegible]

Cremorne Properties Pty. Ltd.

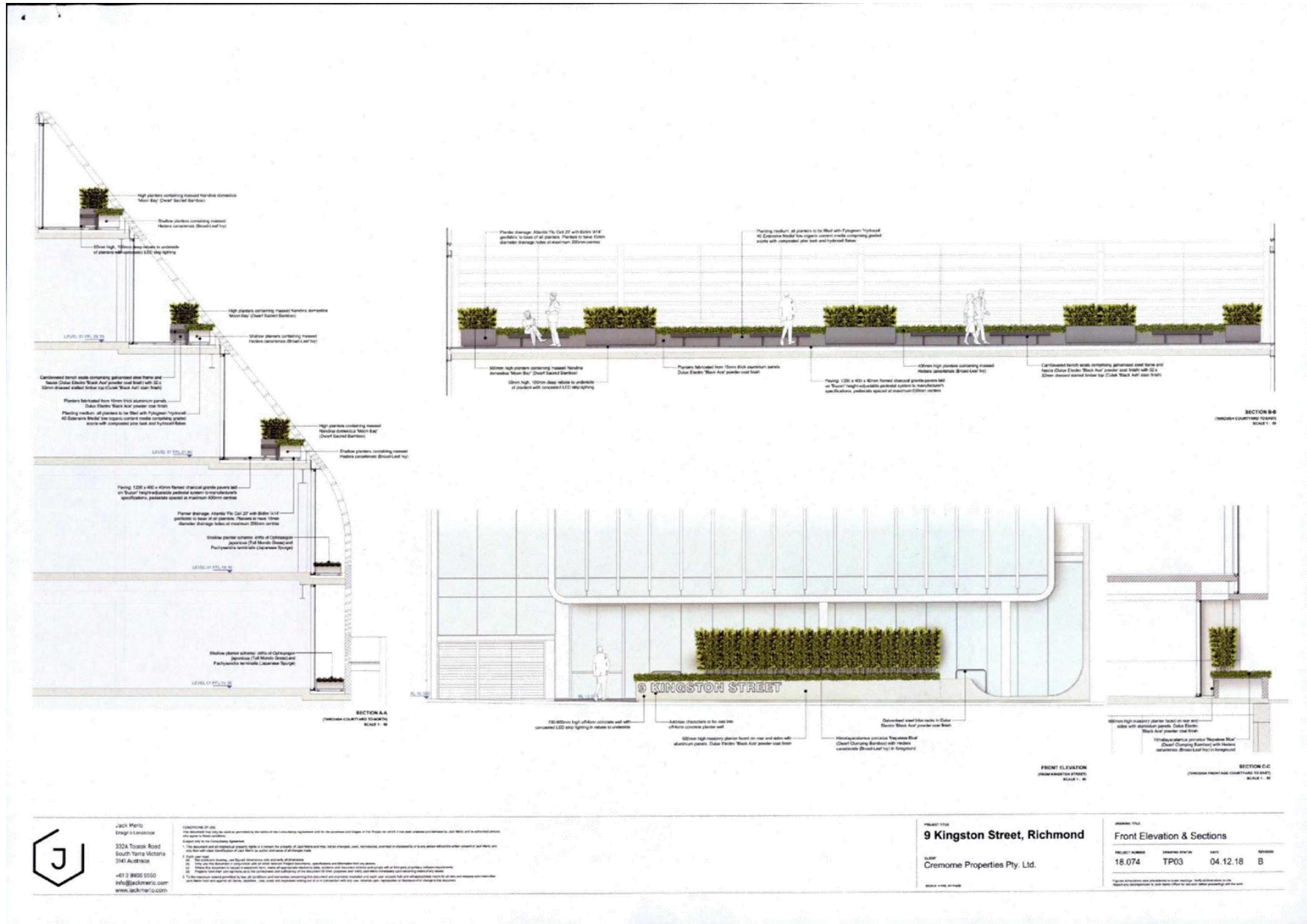
Source: *Journal of the American Statistical Association*, 1997, 92, 103-114.

PROJECT NUMBER	DRAWING TITLE	DATE	REVISION
18.074	TP02	04.12.18	B

Figures 1 and 2 show the results of the regression analysis. The results show that the regression coefficients for the variables are significant at the 1% level. The results also show that the regression coefficients for the variables are significant at the 1% level.



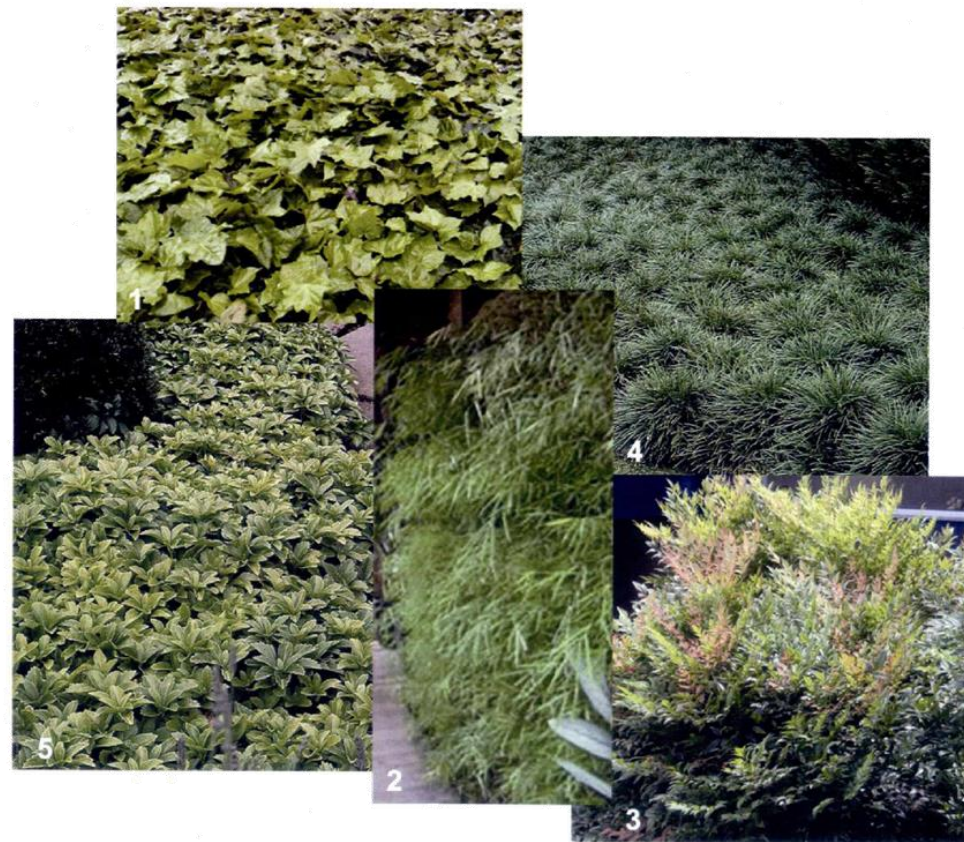
# Attachment 5 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Landscape Plan





Attachment 5 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Landscape Plan

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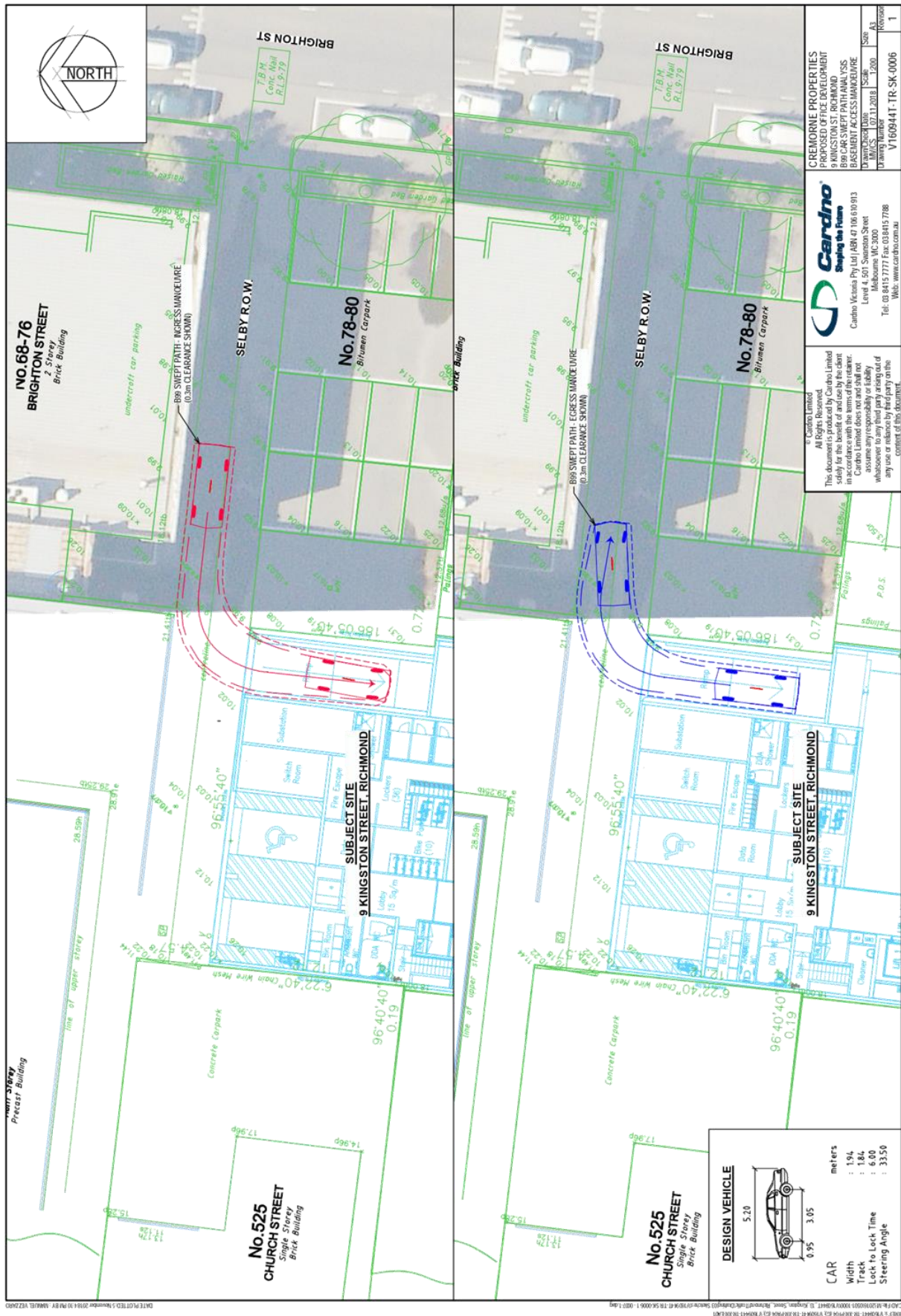
1. *Hedera canariensis* (Broad-Leaf Ivy)
2. *Himalayacalamus porcatus* 'Nepalese Blue' (Dwarf Clumping Bamboo)
3. *Nandina domestica* 'Moon Bay' (Dwarf Sacred Bamboo)
4. *Ophiopogon jaburan* (Tall Mondo Grass)
5. *Pachysandra terminalis* (Japanese Spurge)



9 Kingston Street, Richmond- Plant Species Reference Images

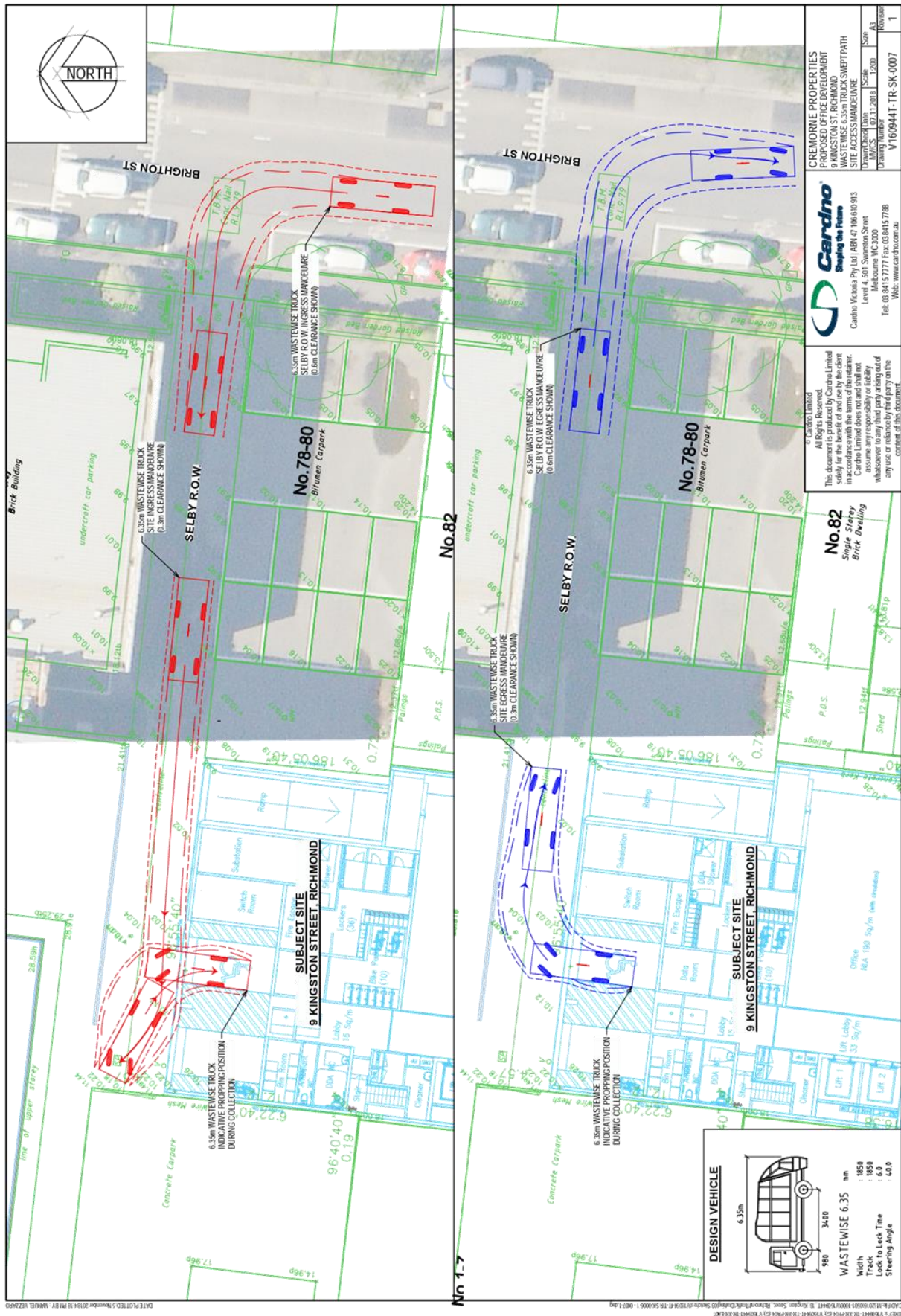


# Attachment 6 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Swept Path Diagrams





# Attachment 6 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Swept Path Diagrams







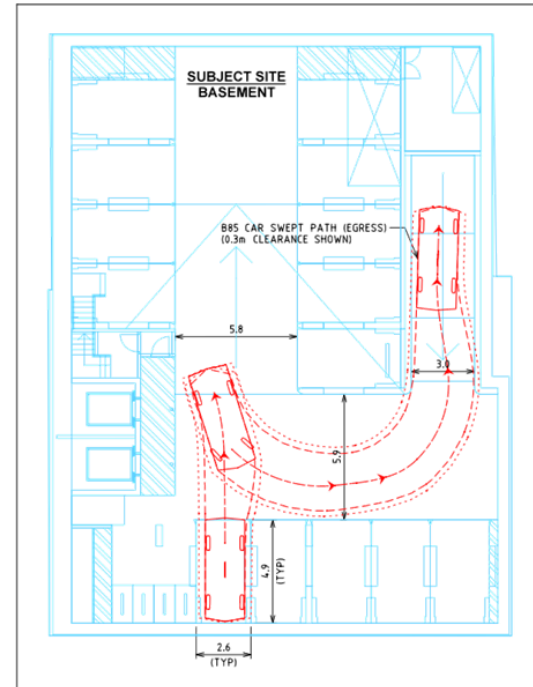
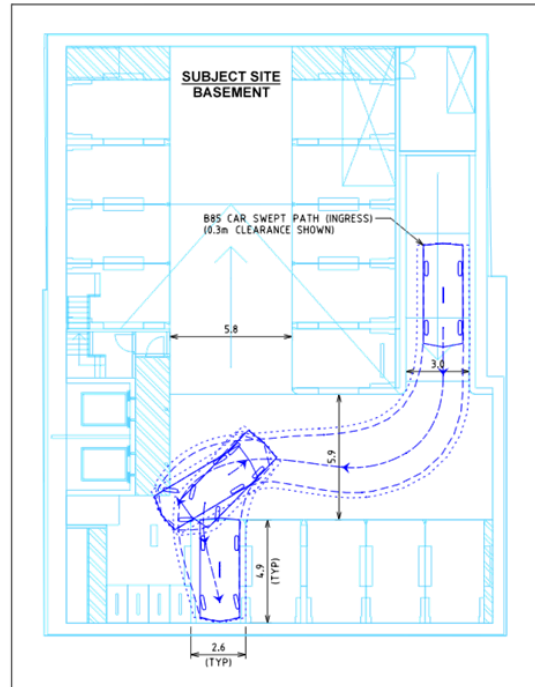


# Attachment 6 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sweep Path Diagrams

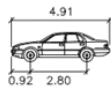
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DATE PLOTTED: 02/06/19 12:06:07

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## DESIGN VEHICLE



B85

Width	: 1.87	meters
Track	: 1.77	
Lock to Lock Time	: 6.0	
Steering Angle	: 34.1	



MELWAY MAP REF 44 E12

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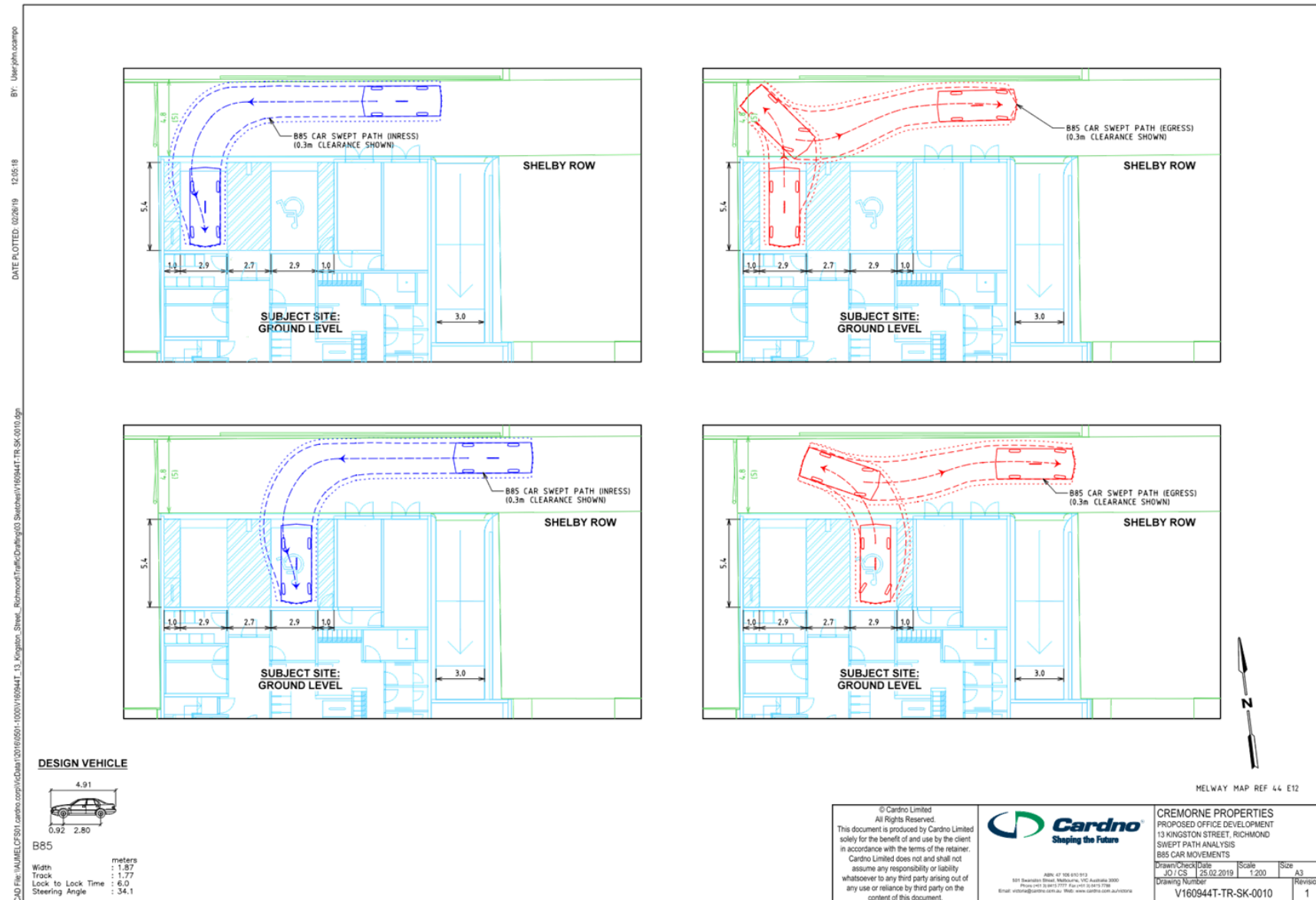
ABN: 47 508 610 513  
501 Swanston Street, Melbourne, VIC Australia 3000  
Phone: +61 3 9412 7777 Fax: +61 3 9412 7788  
Email: [enquiries@cardno.com.au](mailto:enquiries@cardno.com.au) Web: [www.cardno.com.au](http://www.cardno.com.au)

CREMORNE PROPERTIES  
PROPOSED OFFICE DEVELOPMENT  
13 KINGSTON STREET, RICHMOND  
SWEEP PATH ANALYSIS  
B85 CAR MOVEMENTS

Drawn/Check/Date	Scale	Size
JO/CS 25.02.2019	1:200	A3
Drawing Number	Revised	
V160944T-TR-SK-0011	1	



# Attachment 6 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Swept Path Diagrams





# Traffic and Transport Assessment

9 Kingston Street, Richmond

V160944T



Prepared for  
GB Investments (VIC) Pty Ltd

20 December 2018





**Attachment 7 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report**

Traffic and Transport Assessment  
9 Kingston Street, Richmond

**Contact Information**

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**Attachment 7 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report**

Traffic and Transport Assessment  
9 Kingston Street, Richmond

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## 1 Introduction

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Cardno have been retained by GB Investments (VIC) Pty Ltd to prepare a Traffic and Transport Assessment report in relation to the proposed redevelopment of the site located at 9 Kingston Street, Richmond.

It is proposed that the subject site is to be established as an office building spanning six (6) levels. The purpose of this assessment is to assess the anticipated traffic, transport and parking implications of the proposed development.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development have been examined and relevant car and bicycle parking data collected and analysed.



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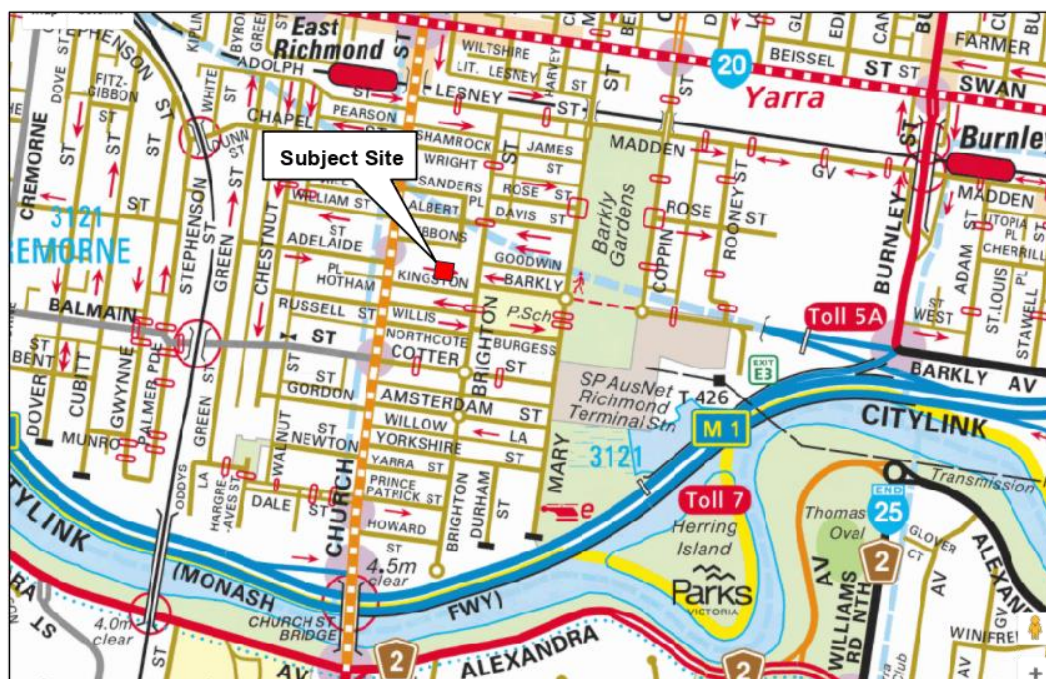
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## 2 Background and Existing Conditions

### 2.1 Location and Land Use

The subject site is located on the northern side of Kingston Street, Richmond, as shown in Figure 2-1. The site is located within the Church Street Precinct in the Swan Street Structure Plan.

Figure 2-1 Site Location



The site is generally rectangular in shape, in the order of 616 square metres in size and with frontages of approximately 21 metres to Kingston Street to the south and Selby Right of Way (RoW) to the north. These form the southern and northern boundaries of the site respectively.

Land use in the surrounding area is mixed with a number of residential and industrial/commercial properties in close proximity. Further afield, land uses of note include the Richmond Primary School 40 metres to the east, East Richmond train station approximately 400 metres to the north-west, Barkley Gardens and the Alan Bain Reserve approximately 200 metres east of the site and the Melbourne Sports and Entertainment Precinct approximately 1.2 kilometres to the north-west.

### 2.2 Existing Car Parking and Access

At present time, the site operates as an at-grade car park. A recent inspection of the site revealed that a total of 27 unrestricted parking spaces are available for public use.

Access to the site is currently provided from both Selby RoW and Kingston Street, running along the northern and southern boundaries of the site respectively.

The Kingston Street access point is restricted to left-in/left-out movements, with the operating nature of Selby RoW accommodating left-in/right-out vehicle movements.



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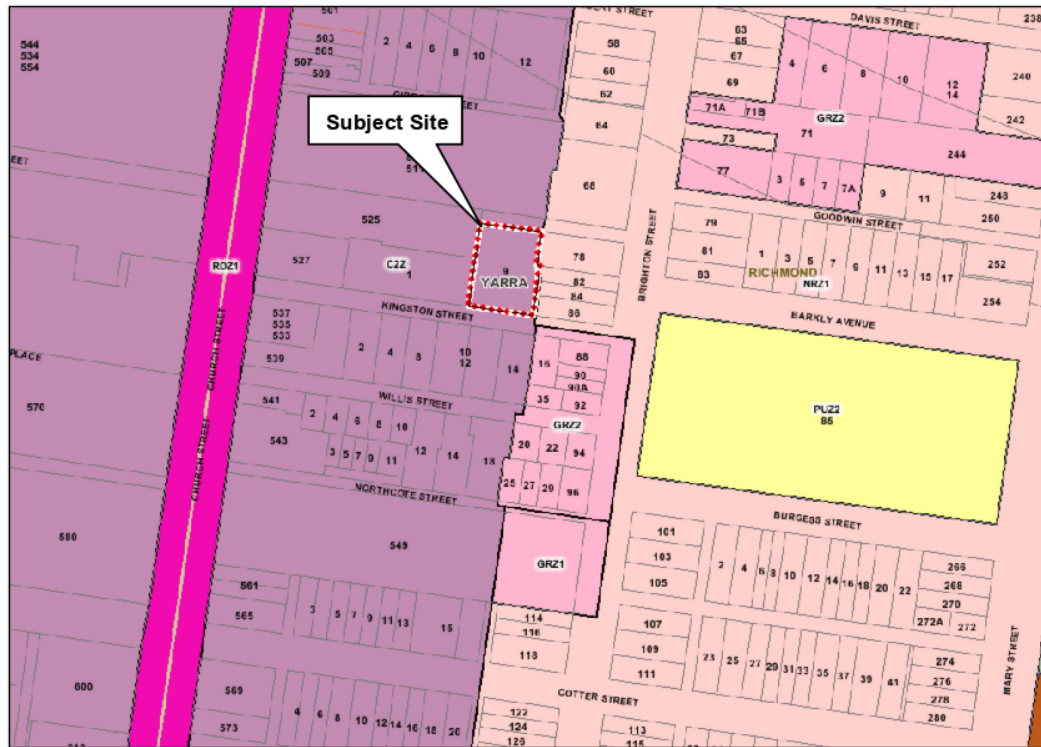
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### 2.3 Planning Zones

Figure 2-2 shows the location of the subject site and the surrounding Yarra Planning Scheme Zones.

The site is currently located within the Commercial 2 Zone (C2Z). The permitted uses for the C2Z are listed in Clause 34.02 of the Yarra Planning Scheme.

Figure 2-2 Planning Scheme Zones





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## 2.4 Road Network

### 2.4.1 Kingston Street

Kingston Street is a local road of approximately 130 metres in length, generally aligned east to west and connecting Church Street to the west with Brighton Street to the east.

Kingston Street provides for a single trafficable lane in an eastbound direction only, as shown in Figure 2-3 and Figure 2-4. Within the vicinity of the subject site, No Stopping restrictions apply along the majority of the northern side of the carriageway, with the southern side of the carriageway providing for Permit Zone and 1P restrictions. It is noted that the majority of publically available on-street parking within the vicinity of the site is restricted to 'Renault Customer Parking Only' to support the operations of the Renault service workshop abutting the subject site to the west.

A posted speed limit of 50 kilometres per hour applies to Kingston Street. Paved footpaths for pedestrian connectivity are provided along both sides of Kingston Street over its entirety.

Figure 2-3 Kingston Street, Facing East Adjacent to the Subject Site



Figure 2-4 Kingston Street, Facing West Adjacent to the Subject Site





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**2.4.2 Selby RoW**

A Council-owned Right-of-way (RoW) commonly known as Selby RoW runs along the rear of the subject site, parallel with Kingston Street and accessed solely from Brighton Street. This RoW provides access to the rear of the subject site as well as adjacent properties and their associated parking areas.

The RoW has a pavement width of approximately 4.6 metres and allows for a two-way, single traffic lane. No parking is permitted along the length of Selby RoW.

A view of Selby RoW is provided in Figure 2-5 and Figure 2-6 below.

Figure 2-5 Selby Right-of-way, Facing East Adjacent to the Subject Site



Figure 2-6 Selby Right-of-way, Facing West Adjacent to the Subject Site





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## 2.5 Sustainable Transport

### 2.5.1 Public Transport

The site has excellent access to a number of public transport services, highlighted by the convenience of tram route 78 running along Church Street, just west of the subject site. The nearest stop associated with this route is located at the corner of Adelaide Street and Church Street, approximately 115 metres from the subject site.

East Richmond Station is conveniently situated approximately 400 metres northwest of the subject site. Burnley Station and South Yarra Station are located approximately 1.1 kilometres northeast and 1.5 kilometres southwest of the subject site respectively.

Figure 2-7 depicts a map of surrounding public transport alternatives within the region of the subject site. Relevant public transport services have been described in Table 2-1.

Figure 2-7 Public Transport Map

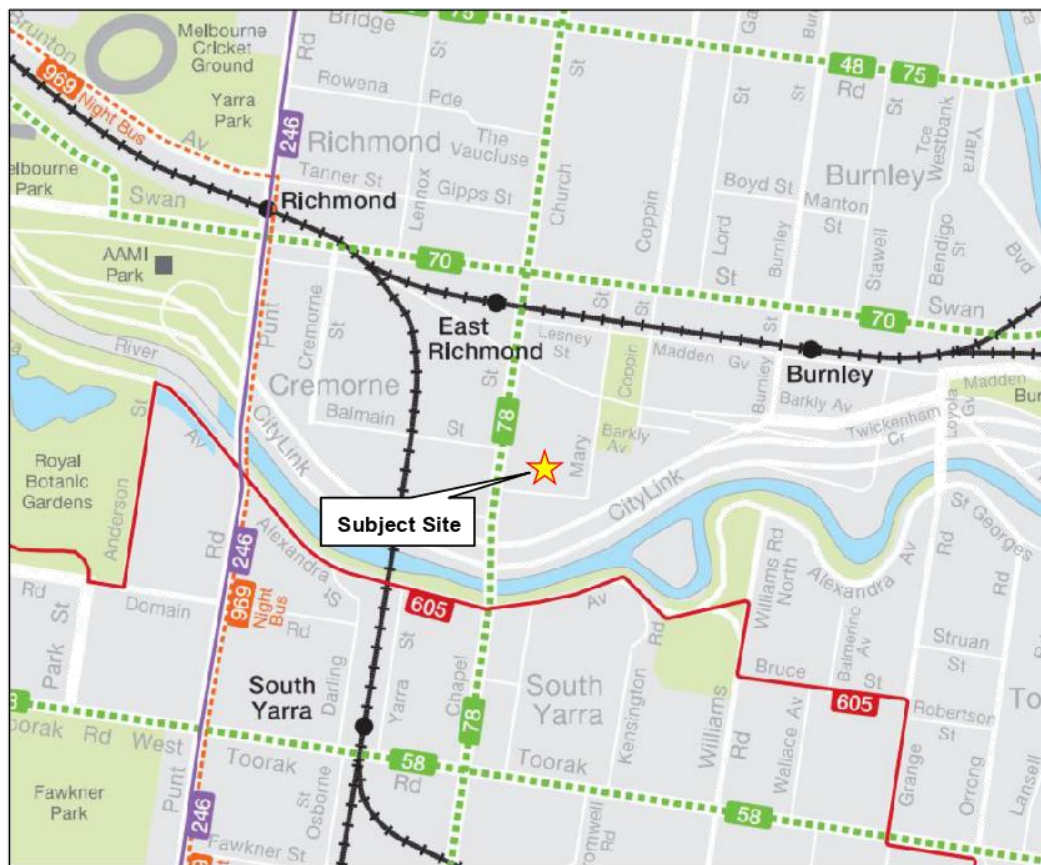


Table 2-1 Public Transport Services

Service	Route No.'s	Route	Nearest Stop	Approximate Distance & Walking Time
Train	Alamein Line / Belgrave Line / Glen Waverley Line / Lilydale Line		East Richmond Railway Station	400m ~5 mins
Tram	78	North Richmond – Balaclava via Prahran	Corner of Church Street and Adelaide Street	115m ~2 mins
	70	Waterfront City Docklands – Wattle Park	Corner of Church Street and Swan Street	500m ~6 mins



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The subject site falls within the Principal Public Transport Network (PTTN), as indicated in Figure 2-8.

Figure 2-8 Subject Site Location in Relation to the Surrounding PTTN



The PPTN is a statutory land use planning tool that supports integrated land use and transport planning by providing certainty to planners and the community about locations that are, or will be, served by high-quality public transport. It is designed to support integrated transport and land use planning, by encouraging more diverse and dense development near high-quality public transport to help support public transport usage.

### 2.5.2 Bicycle Network

The subject site has excellent access to Melbourne's extensive bicycle network. On-road bicycle lanes extending along the length of Church Street provide a connection to the Capital City Trail along the Yarra River corridor which allows for convenient access to and from the Melbourne CBD area. In addition, there are a number of informal bicycle routes that operate in the area, including an east west connection along Swan Street to the north.

A view of the bicycle network in the vicinity of the subject site has been shown in Figure 2-9.

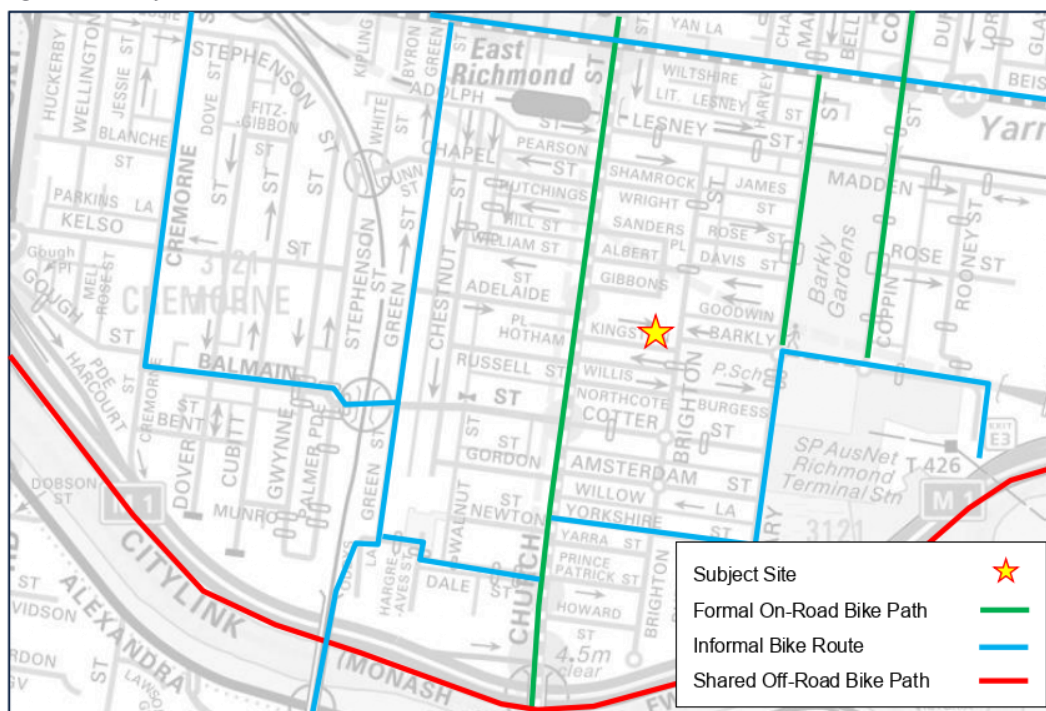


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Figure 2-9 Bicycle Network



### 2.5.3 Pedestrian Infrastructure

Adequate pedestrian access to the site is provided in the form of sealed pedestrian footpaths on Kingston Street and surrounding roads.

For further context, a Walk Score has been derived that indicates the site is both a "Walker's Paradise" (i.e. daily errands do not require a car) and offers "Excellent Transit" (transit is convenient for most trips) with scores of 93 and 85 out of 100 achieved for both categories, respectively. This is reflective of the site's proximity to everyday needs such as public transport, cafes/restaurants and other day-to-day activities.

As shown in Figure 2-10, the surrounding arterial road network has been designated as either pedestrian priority areas (Swan Street), bicycle and tram priority areas (Church Street and Swan Street) or a bus priority area (Punt Road), with the only preferred traffic route along Punt Road.

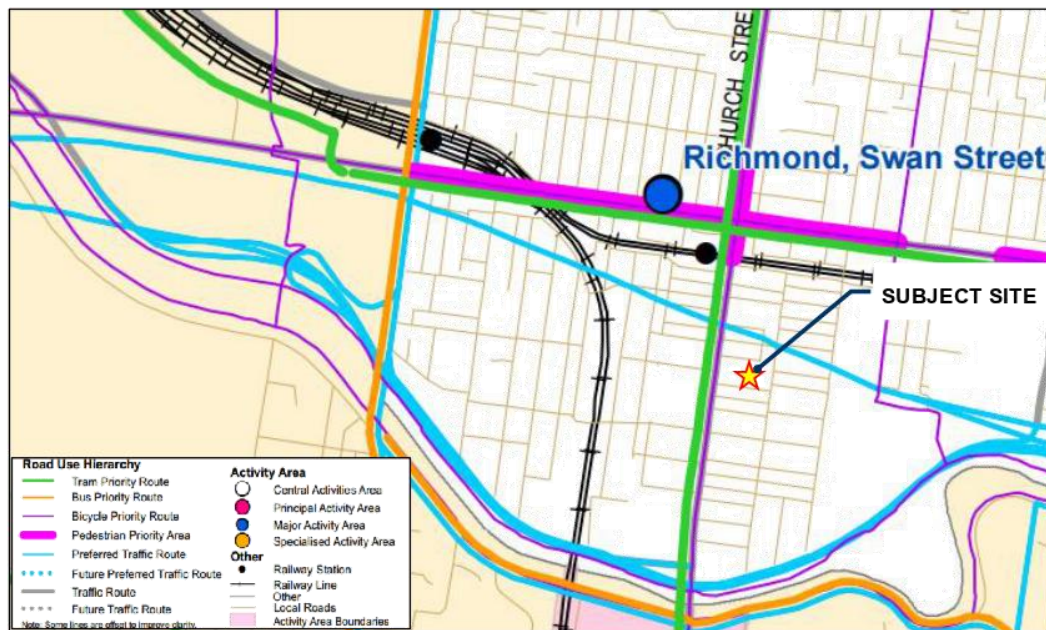


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Figure 2-10 Yarra SmartRoads Network Operating Plan



#### 2.5.4 Share Car

Car sharing is becoming increasingly popular within residential developments, particularly when parking availability is restrictive and expensive. Car sharing operates similar to a car rental company, except that users join as members and are charged on an hourly rate rather than daily.

Information published by the Metropolitan Transport Forum suggests that one share car vehicle typically replaces 6-10 privately owned vehicles, whilst VicRoads has released data suggesting that one share car vehicle can replace up to 14 privately owned cars. Additional information published by Flexicar suggests that every Flexicar replaces 9-13 privately owned vehicles.

Table 2-2 outlines the locations of car share vehicles in convenient proximity to the subject site.

Company	Location	Approximate Walking Distance
Flexicar	Corner of Church Street and Swan Street	520m
	633 Church Street, Richmond	500m
GoGet	Church Street near Willis Street	120m
	Church Street near Gibbons Street	170m
GreenShareCar	631 Church Street, Richmond	500m

#### 2.5.5 Summary

Based on the foregoing assessment, the subject site is considered highly accessible by active travel modes. It is evident that sustainable travel modes such as walking, cycling and public transport form an important and integral part of the travel behaviour associated with existing land uses in the immediate area. It is therefore reasonable to assume that the subject site will similarly benefit from this high level of access to the sustainable travel network.



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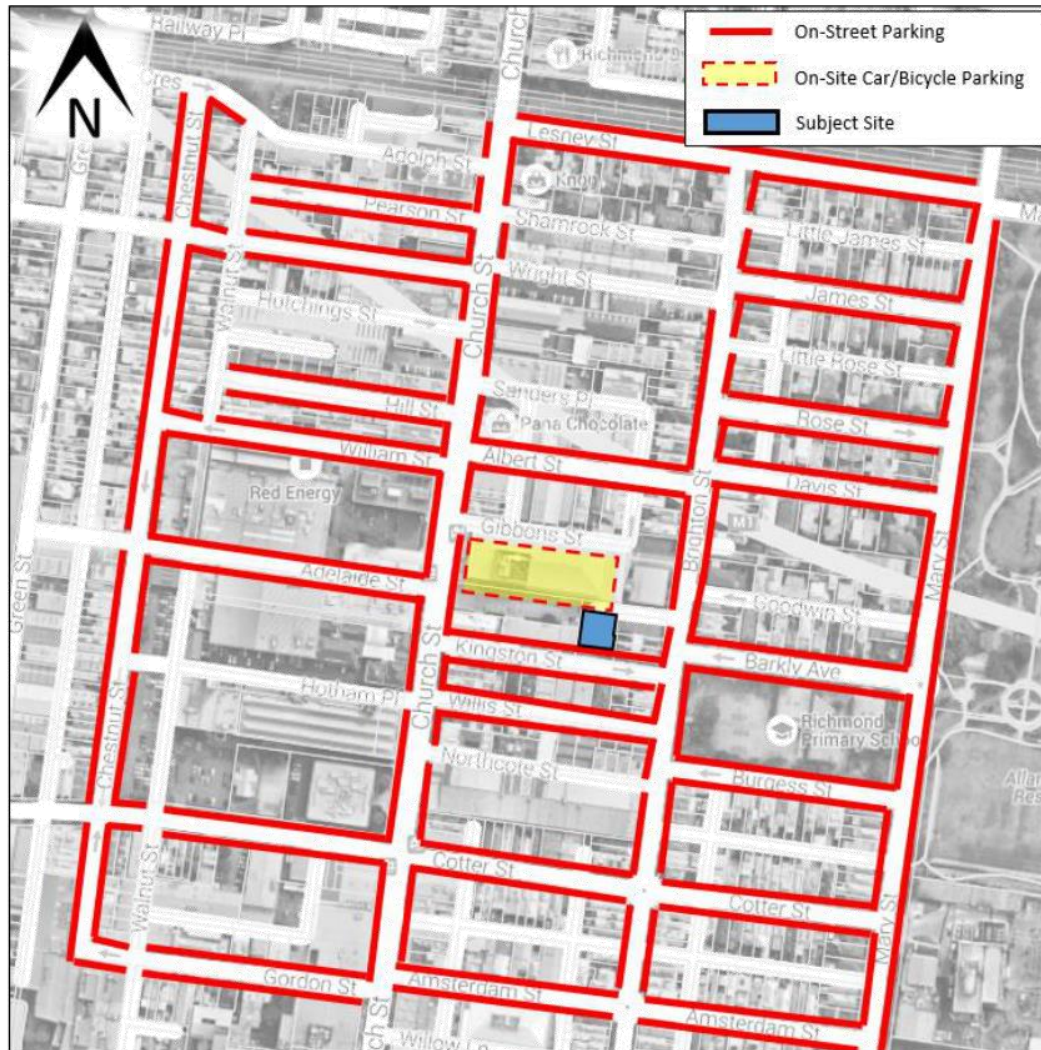
## 2.6 Existing Parking Conditions

### 2.6.1 On-Street Conditions

In order to determine the utilisation of public on-street parking in the vicinity of the site, Cardno commissioned Nationwide Traffic Surveys to undertake car parking occupancy surveys on Monday 16<sup>th</sup> May, 2016 between 9:00am and 6:00pm at hourly intervals.

The survey area is shown in Figure 2-11 and considered on-street parking within an approximate 250 metre radius of the subject site.

Figure 2-11 Parking Occupancy Survey Area



These surveys identified a total supply of 565 short term parking spaces (being spaces subject to restrictions of 4 hours (inclusive) or less in duration) and 53 long term spaces (more than 4 hours) available for use in this area.

The peak occupancy for on-street short term parking was recorded at 10:00am, when 515 of the 565 available spaces were occupied (91% occupancy), with 50 spaces remaining vacant. The peak occupancy for on-street long term parking occurred at 10:00am, 2:00pm and 3:00pm when 52 of the 53 available spaces were occupied, with one (1) space remaining vacant (98% occupancy).



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The car parking occupancy profiles for short term and long term parking are shown in Figure 2-12 and Figure 2-13 respectively.

Figure 2-12 Short Term Parking Occupancy Profile – 16th May, 2016

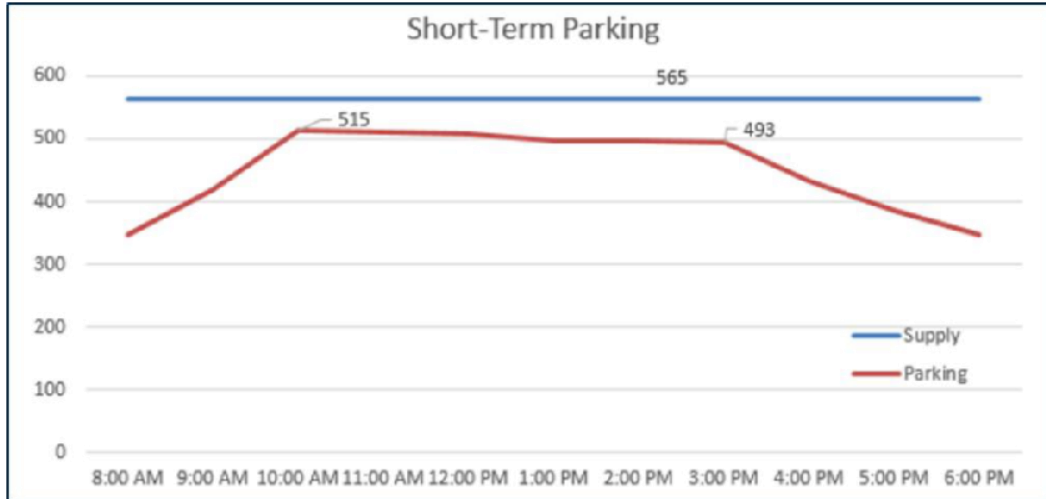
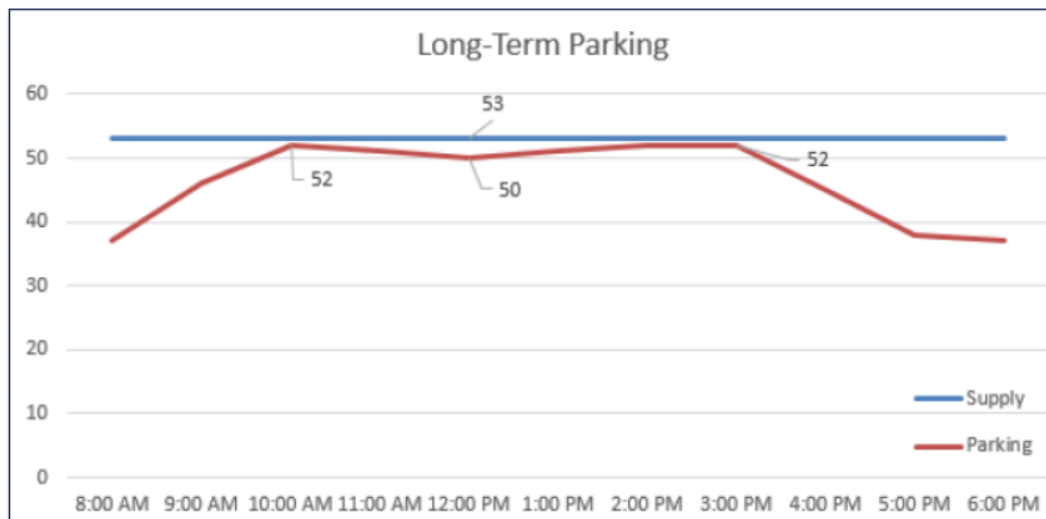


Figure 2-13 Long Term Parking Occupancy Profile – 16th May, 2016



Whilst it is acknowledged that the period in which the parking surveys were originally undertaken dates back to May 2016, it is noted that car parking demand characteristics observed during *recent* inspections of the site and surrounds (i.e. high demands for both short and long term parking spaces with little identified capacity during peak demand periods) are consistent with conditions previously recorded during the identified peak survey period.



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### 2.6.2 Off-Street Conditions

In order to understand the typical car and bicycle parking demands generated by existing developments within proximity of the site and of similar nature to that proposed, Cardno undertook a car and bicycle parking occupancy survey of the adjacent off-street car park associated with the development located at 511 Church Street Richmond on Monday 16<sup>th</sup> May, 2016.

At the time of the survey, the site operated as follows:

- > 6,900 square metres of office floor space;
- > A convenience supermarket;
- > A café that can seat up to 40 patrons;
- > 176 on-site car spaces; and
- > An 85 space bicycle compound.

We understand that at the time of the survey, the existing office spaces were fully tenanted, with a Woolworths Metro supermarket and café occupying the balance of ground floor tenancies.

An inspection of the site revealed that neither the on-site car parking nor bicycle parking was being fully utilised. To confirm the on-site car and bicycle parking demands, occupancy surveys were undertaken across the same day as the on-street car parking occupancy surveys referenced in Section 2.6.1.

The following sections outline the existing car and bicycle parking demand associated with the surveyed development.

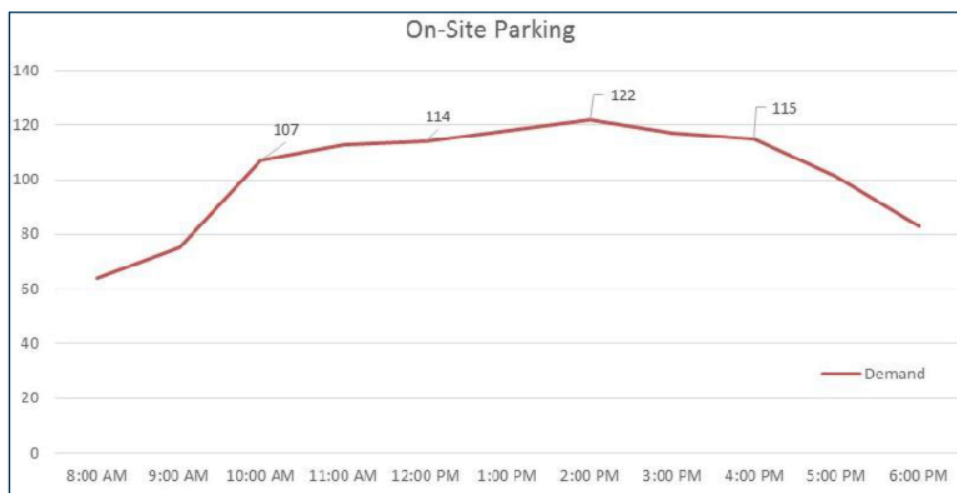
#### 2.6.2.1 Existing Car Parking Demand

It is understood that all but three (3) of the on-site car parking spaces are allocated to the office use. As surveyed, consistent with this allocation, on-site car parking demands increased rapidly in the morning to 10:00am, with demands noticeably reducing after 4:00pm (see Figure 2-14).

A peak parking demand of 122 spaces was recorded at 2:00pm, equal to a peak parking demand rate of **1.76 parking spaces per 100 square metres** of the existing office floor area on the conservative assumption that all car parking demand at this time was associated with the office use only.

Acknowledging that the existing office use is fully tenanted, that neither the on-site car parking nor bicycle parking was fully occupied and that there is no practical long term on-street parking opportunities in the area (as discussed on Section 2.6.1) this recorded peak car parking demand rate suitably reflects the **unconstrained** peak parking demand for the office use. As such, these surveys demonstrate a higher proportion of alternate transport use and that office staff are actively choosing alternate transport modes in place of car travel.

Figure 2-14 511 Church Street – On-Site Car Parking Profile





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## 2.6.2.2 Existing Bicycle Parking Demand

In addition to surveying the car parking spaces on-site, the occupancy of the on-site bicycle parking compound was also surveyed on the same day.

These surveys identified a peak occupancy of 58 bicycle parking spaces at 10:00am, equal to a peak demand rate of **0.84 spaces per 100 square metres of existing office floor area**, with bicycle parking demands gradually reducing at a consistent rate throughout the balance of the day.

As with the recorded car parking demand, with the on-site bicycle compound never full and with limited other factors that would otherwise influence staff travel modes, this peak recorded demand is considered representative of the applicable unconstrained peak office bicycle parking demand rate.

Figure 2-15 511 Church Street – On-Site Bicycle Parking Profile







### 3 Proposed Development

#### 3.1 General

Based on plans prepared by Bates Smart Architects, it is proposed to develop the subject site for the purposes of a six-level office building with a net leasable floor area of 1,929m<sup>2</sup>.

#### 3.2 Car Parking and Access

Car parking is proposed to be provided across a single level basement, with a total of 14 spaces provided to cater for staff parking needs. Vehicular access to the basement level car park is proposed via a single lane one-way ramp connecting to Selby RoW.

An additional two (2) at-grade parking spaces are proposed to be provided along the northern boundary of the site and accessed via Selby RoW. The total ground level parking supply includes one (1) accessible parking bay.

One (1) redundant crossover along the subject site's frontage to Kingston Street will be removed and reinstated with kerb and channel, to the satisfaction of the Responsible Authority.

#### 3.3 Bicycle Parking & End of Trip Facilities

The proposed development includes a total of 26 on-site bicycle parking spaces to cater for office staff and visitor bicycle parking demands.

It is proposed to include 10 bicycle parking spaces within a secure bicycle storage room at ground level, in the form of six (6) 'Ned Kelly' vertical rails (or similar) and two (2) 'Arc de Triomphe' ground mounted hoops (or similar) capable of accommodating four (4) bicycles. Access to these spaces is proposed via a secured door positioned along the northern boundary of the site, ultimately accessed via Selby RoW. These spaces are proposed to service the development's staff parking needs. An additional four (4) bicycle hoops capable of accommodating up to eight (8) visitor bicycle parking spaces are proposed internally to the site at ground level, located adjacent to the Kingston Street lobby entrance (6 spaces) and along the Selby RoW frontage (2 spaces).

In addition, four (4) bicycle hoops capable of accommodating up to eight (8) staff bicycle parking spaces are proposed within the southwest corner of the basement level. Access to these spaces will be provided via the basement access ramp or central lift system via the ground level lobby.

The proposed development includes 36 lockers adjacent to the ground floor bike store and four (4) showers/changerooms for development staff.

#### 3.4 Waste Collection

A bin enclosure is to be provided at ground level, positioned within close proximity to the Selby R.O.W frontage. This bin enclosure will be utilised for storage of staff waste and recyclables.

To allow for collection, a private contractor operating a Wastewise 6.35m truck (or similar) will forward down Selby RoW and reverse into the ground level accessible bay and adjacent chevronned zones in order to store temporarily during collection. Bins will be wheeled from the enclosure room to the waste vehicle, unloaded and returned to their enclosure before the waste vehicle is able to undertake a forwards egress manoeuvre along Selby RoW and eventually to Brighton Street.

It is noted that waste collect is proposed to occur outside of office hours. Notwithstanding, it is recommended that the proposed accessible bay be provided with adequate signage to ensure its use is restricted during anticipated waste collection periods.

The vehicle's accessibility of the subject site has been tested and confirmed using swept path diagrams, which are attached in Appendix B. The swept path analysis has confirmed that a B85 car is able to pass a propped waste vehicle in order to access the site to the immediate west. A Waste Management Plan has been prepared by LID Consulting to further address the refuse storage and collection requirements for the site.





## 4 Design Considerations

### 4.1 Car Parking

The car park and access design has been assessed against the requirements of the Yarra Planning Scheme and the Australian Standards for off-street car parking (AS/NZS 2890.1:2004).

Standard car parking spaces proposed across the basement level car park have generally been provided in accordance with Clause 52.06-9 of the Planning Scheme. Spaces positioned along the eastern and western basement boundaries have been designed 2.8 metres wide and 4.9 metres long, accessed via aisles at least 5.8 metres in width, designed to conform to statutory requirements as outlined in Table 2 of Clause 52.06-9 within the Yarra Planning Scheme. Remaining basement parking spaces and the single standard space proposed at ground level have generally been provided in accordance with Table 2 of Clause 52.06-9 within the Planning Scheme.

Swept path diagrams showing compliant access manoeuvres to critical spaces (being those access from marginally reduced aisle widths or not provided the full 1 metre aisle extensions) have been included as Appendix B to this report.

An accessible bay measuring 2.9 metres in width and 4.9 metres in length has been provided at ground level along the northern boundary of the site, accessed off an aisle approximately 5.5 metres wide. A shared area measuring 2.7 metres in width and 5.4 metres in length has been provided to the side of this bay, utilising the adjacent column to prohibit vehicles from entering the space in lieu of a bollard. In this instance, the disable parking arrangement generally reflects the Australian Standard for off-street parking for people with disabilities (AS/NZS 2890.6) and is considered appropriate.

Where parking bays are bound by a wall, an additional car space width of 300mm has been provided to assist with door opening, in accordance with the general requirements outlined in Diagram 1 of Clause 52.06-8 of the Planning Scheme. Columns shown within the basement level car park are provided in accordance with the requirements of Clause 52.06-9 of the Yarra Planning Scheme.

### 4.2 Access Arrangements

#### 4.2.1 General

The proposed access ramp providing vehicular access to the basement level car park has been provided with a minimum width of 3.6 metres wall-to-wall including 300mm kerbs on either side, leaving a trafficable width between kerbs of 3 metres. This accords with the requirements of Figure 2.8(a) of Australian Standards for one-way access ramps (AS/NZS 2890.1:2004).

Access to the car spaces proposed within the northern portion of the basement has been made in line with Clause 2.4.6.1 of AS/NZS 2890.1:2004, which states that the gradients within a parking module measured in any direction other than parallel to the angle of parking shall be no greater than 1 in 16.

#### 4.2.2 Pedestrian Visibility Splays

The site access ramp is to be located immediately adjacent to the eastern building wall and will not strictly provide the full pedestrian sight splay on this side of the ramp. Further, it is noted that no splaying is available along the western side of the ramp where it meets the title boundary given the extent of the proposed substation required.

Notwithstanding, minimal pedestrian movements traversing the top of the access ramp at this location are anticipated, acknowledging the Kingston Street frontage will offer *primary* pedestrian access to the site.

### 4.3 Bicycle Parking & Access

The proposed bicycle parking provisions have been assessed against the requirements of Clause 52.34 of the Yarra Planning Scheme and the Australian Standards for Bicycle parking facilities (AS 2890.3:2015), with the design of all bicycle parking facilities deemed to comply with these standards.

All vertical and horizontal spaces are designed to be sufficient to accommodate a bicycle measuring 600mm in width at the handle bars, 1.2 metres in height and 1.8 metres in length. Further, a minimum of 20% of ground level (horizontal) bicycle parking devices have been provided across all proposed bicycle parking facilities, in accordance with Clause 2.1(e) of AS 2890.3:2015.





#### **4.4 Ramp Grades & Height Clearances**

The site access ramp will have a grade of 1:10 for the first 5 metres within the frontage of the site, allowing vehicles to prop and assess oncoming traffic in accordance with the requirements outlined in Design Standard 3 of Clause 52.06-8 of the Yarra Planning Scheme. All other proposed ramp grades and transition section lengths along the site access ramp have been designed to accord with AS2890.1:2004 and Clause 52.06-9 of the Planning Scheme, with a maximum grade of 1:4 proposed and a bottom transition of 1:6.7 for 3 metres provided to avoid vehicles scraping.

Headroom clearances provided above the site access ramp and within the basement level car park are in accordance with the minimum headroom clearance requirements outlined in AS2890.1:2004, being at least 2.2 metres.





## 5 Car Parking Considerations

### 5.1 Statutory Car Parking Requirements – Clause 52.06

Clause 52.06-5 within the Yarra Planning Scheme states:

*'Column B applies if:*

- Any part of the land is identified as being within the Principal Public Transport Network Area as shown on the Principal Public Transport Network Area Maps (State Government of Victoria, 2018).'*

Consequently, Clause 52.06 of the Yarra Planning Scheme specifies the following car parking provision requirements with regards to the proposed office development, as detailed in Table 5-1.

Table 5-1 Planning Scheme Car Parking Requirements – Clause 52.06

Use	Area	Rate (Column B)	Measure	Statutory Requirement (Spaces)
Office	1,929sqm*	3	To each 100 square metres of net floor area	57 Spaces

*\*Floor area deemed to generate patronage in its own right*

As outlined in Table 5-1, the proposed office development generates the statutory requirement to provide 57 on-site car parking spaces, inclusive of one (1) accessible parking bay (under BCA law).

Noting a total of 16 car spaces are proposed to be provided on-site (inclusive of one (1) accessible parking bay), a dispensation of 41 parking spaces is sought from the statutory car parking requirement.

### 5.2 Car Parking Demand Assessment

Clause 52.06-6 of the Yarra Planning Scheme states that an application to reduce or waive the requirement for car spaces must be accompanied by a Car Parking Demand Assessment, which includes an assessment of the following:

- > The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use;
- > The variation of car parking demand likely to be generated by the proposed use over time;
- > The short-stay and long-stay car parking demand likely to be generated by the proposed use;
- > The availability of public transport in the locality of the land;
- > The convenience of pedestrian and cyclist access to the land;
- > The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land;
- > The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land; and
- > Any empirical assessment or case study.

#### 5.2.1 Allowing Fewer Car Spaces

Before granting a permit to reduce the number of spaces below the likely demand assessed by the Car Parking Demand Assessment, the responsible authority must consider the following, as appropriate:

- > The Car Parking Demand Assessment;
- > Any relevant local planning policy or incorporated plan;
- > The availability of alternative car parking in the locality of the land, including:
  - Efficiencies gained from the consolidation of shared car parking spaces;
  - Public car parks intended to serve the land;
  - On-street parking in non-residential zones;



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- Streets in residential zones specifically managed for non-residential parking;
- > On-street parking in residential zones in the locality of the land that is intended to be for residential use;
- > The practicality of providing car parking on the site, particularly for lots of less than 300 square metres;
- > Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre
- > The future growth and development of any nearby activity centre;
- > Any car parking deficiency associated with the existing use of the land
- > Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment;
- > Local traffic management in the locality of the land;
- > The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas;
- > The need to create safe, functional and attractive parking areas;
- > Access to or provision of alternative transport modes to and from the land;
- > The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses;
- > The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome;
- > Any other matter specified in a schedule to the Parking Overlay; and
- > Any other relevant consideration.

#### **5.2.2 Anticipated Car Parking Demand**

In order to estimate the car parking demand anticipated to be generated by the proposed office development, reference is made to the car parking surveys of the existing office development adjacent the site shown in Section 2.6. These surveys identified a peak occupancy of 122 car spaces, which translated to a peak parking demand of 1.76 spaces per 100 square metres of office floor space.

Application of this peak demand rate to the proposed office floor areas would result in an anticipated car parking demand for 34 car parking spaces. Based on the above, the proposed development is intended to provide a total of 16 car spaces, 18 short of the anticipated unconstrained demand.

#### **5.2.3 Access to Alternative Transport Modes**

The subject site is very well located with regards to public transport, with tram services operating on Church Street. East Richmond Train Station is within convenient walking distance to the site, providing access to multiple train lines.

As is noted in Section 6.2, bicycle parking facilities throughout ground and basement levels provide bicycle parking spaces in excess of both the Planning Scheme requirements *and* the anticipated bicycle parking demands. This is expected to encourage bicycle use by staff of the development.

Future staff of this development will have multiple public transport modes available, with the provision of end-of-trip bicycle facilities encouraging sustainable transport modes over the use of private cars.

#### **5.2.4 The Convenience of Pedestrian and Cyclist Access to the Land**

The subject site is particularly well serviced by walking and cycling infrastructure, with the Main Yarra Trail dedicated shared path located in close proximity (~600m) to the south of the subject site.

The site is well connected with both on-road and off-road bicycle lanes / paths which provide connections into the Melbourne Central Business District (CBD). On road bicycle lanes are provided along Church Street and Swan Street (west of Punt Road). Further east of the site, informal bicycle routes along Green Street, Balmain Street and Cremorne Street provide connections to the off-road cycle routes which run parallel with the Yarra River and provide connections to the Melbourne CBD. There are also a number of other bicycle links within the wider area.



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The level of pedestrian and cyclist connectivity in the vicinity of the subject site will enable and encourage staff and visitors to access the site via active travel modes. The existing connections will allow for convenient pedestrian and cyclist travel to the site and also to key land uses in the vicinity.

### 5.2.5 Relevant Policies

#### 5.2.5.1 Local Planning Policy Framework – Clause 21.06 Transport

Clause 21.06 of the Yarra Planning Scheme sets out the City of Yarra's transport policy. Clause 21.06 states:

*"Yarra needs to reduce car dependence by promoting walking cycling and public transport use as viable and preferable alternatives" and*

*"Parking availability is important for many people, however in Yarra unrestricted car use and parking is neither practical nor achievable. **Car parking will be managed to optimise its use and to encourage sustainable transport options**"*

Specifically, Clause 21.06-3 states the following objective:

**"Objective 32: to reduce the reliance on the private motor car."**

#### 5.2.5.2 City of Yarra – Parking Management Strategy 2013-2017

The Parking Management Strategy for the City of Yarra was adopted in November 2013 and is updated every four years. The strategy is to be used to guide policy decisions on parking-related matters and includes the following overall goals:

1. *Reduce the number of cars needing to park in residential streets;*
2. *Enable a reduction in the road pavement space used for parking where a community benefit can be achieved particularly where pedestrians, cyclists, public transport and persons waiting for public transport will benefit; and*
3. *Plan and manage transport and urban developments to minimise the need for people to have to drive cars so that the demand for parking is contained and managed effectively.*

The Parking Management Strategy includes 16 principles for key drivers for the practical management of parking systems in the area with one particularly relevant to the site and development proposal:

4. *7. Ensure that new developments are self-sufficient in meeting their parking needs – with the exception of encouraging reduced parking or no car parking developments for sites very close to public transport stops.*

The subject site's location with respect to the nearby public transport services is considered to provide an opportunity to address the goals of the Parking Management Strategy by minimising the need for people to drive private motor cars.

#### 5.2.5.3 City of Yarra Strategic Transport Statement 2006

The Strategic Transport Statement is a document prepared by the City of Yarra which includes a vision and seven strategic transport objectives. A summary of the vision and objectives is:

Vision: *To create a city which is accessible to everyone irrespective of levels of personal mobility and where a fulfilling life can be had without the need for a car.*

*The Strategic Transport Objectives to achieve this vision are:*

- *Create a city which is a great and safe place to walk and increase the numbers of those walking in Yarra;*
- *Create the most bicycle friendly city in Australia and increase the numbers of those cycling in Yarra;*
- *Advocate for increased performance of public transport across Melbourne and thereby reduce the number of car trips and through traffic by both Yarra and non-Yarra residents;*



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- *Ensure that any new road construction is not in conflict with encouraging more sustainable transport use;*
- *Ensure Council's response to parking demand is based on Yarra's parking hierarchy and sustainable transport principals;*
- *Work to limit freight movement to arterial roads and freeways with Yarra and work to reduce freight movement through Yarra; and*
- *Encourage Council staff to use more sustainable transport for their travel and increase the capacity of the Council as a whole to respond to and initiate positive actions to further strategic transport objectives 1 to 6.*

The City of Yarra parking hierarchy and transport mode hierarchy in particular places employee vehicles trips (single vehicle occupancy) and parking requirements as a low importance, whilst prioritising residential and customer parking demands.

#### 5.2.5.4 Inner Melbourne Action Plan

The 'Inner Melbourne Action Plan' (IMAP) prepared for the Cities of Melbourne, Yarra, Port Phillip, Stonnington and the Docklands was adopted in December 2005 and sets out strategies and actions to increase the liveability of the Inner Melbourne Region in response to the demands of Melbourne 2030.

Strategies 3 and 4 of IMAP look at the need to minimise the growing impact of traffic congestion and increasing the use of public transport and provide a number of actions for doing so, including:

##### 3.3 - Regional approach to car parking management

*Develop a consistent approach to parking management across the Inner Melbourne Region based on the economic, environmental, streetscape and traffic impacts of different on and off-street car parking arrangements (including park and ride facilities) and aimed at:*

- *Encouraging alternatives to car travel.*
- *Limiting commuter car spaces in new development.*
- *Restricting the eligibility of new dwellings to on-street parking permits in areas of high demand.*
- *Charging for parking in high use areas.*

#### 5.2.5.5 Swan Street Structure Plan

The Swan Street Structure Plan was adopted by the City of Yarra in December 2013. The Structure Plan sets out a proposed vision for the future of the activity centre and sets a series of strategic objectives that outline the way the vision will be achieved. With regards to movement and transport, the Swan Street Structure Plan states:

*Fortunately the compact urban form of the area promotes shorter travel distances and is conducive to active forms of transport. This factor combined with the excellent access to public transport options, strongly positions the study area to achieve more sustainable travel behaviour. However, strengthening the sustainable transport network will require a significant shift from vehicular based travel to sustainable forms of transport.*

The Swan Street Structure Plan study area and the location of the subject site are shown in Figure 5-1.



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Figure 5-1 Swan Street Structure Plan



### 5.3 Assessment of Proposed Parking Supply

The rates at which parking demand for office developments is generated varies widely across metropolitan Melbourne, with the major influences being the accessibility of alternative transport modes and parking constraints.

As identified above, the proposed provision of parking is 18 spaces short of the anticipated unconstrained parking demand, which would then imply that parking for the proposed office would be constrained. It is considered that office parking demands *are a function of supply*, and that if parking becomes fully constrained, employees will be required to utilise other modes of transport obviously resulting in lower parking demands. Section 2.6.2.1 indicates that a high proportion of employees within the adjacent office building surveyed are displaying a preference to choose alternative transport modes, despite available on-site parking being unconstrained and underutilised.

Choosing to take alternative transport modes is likely to be due to the site location and access to alternative transport modes. As shown in Section 2, the site has excellent access to public transport and Melbourne's bicycle network. It is expected that a constrained parking environment will accentuate this choice and a greater proportion of staff will choose alternative transport modes. Combined with the good accessibility of the site and provision of bicycle parking, it is expected that the proposed development will suppress car usage altogether and encourage a travel mode shift by future office staff to sustainable transport modes.

Surveys of existing on-street parking conditions indicate that on-street resources are already well-utilised, with long term on-street parking close to capacity at all times throughout the course of a business day. Given the occupancy levels of existing long term parking within the vicinity of the site, it is unlikely that the development will have a negative impact on parking resources within the vicinity of the site.

Based on the above and in consideration of the various policies adopted by City of Yarra regarding parking management, the proposed on-site parking supply (inclusive of bicycle and car parking) is considered to be reasonable, being consistent with Council strategies to encourage the use of alternative transport modes.

Should more staff elect to drive to the development than can actually be accommodated on site, a number of off-street paid car parks are located in the general vicinity of the site that could be relied on to cater for this 'overflow' demand. It is noted that these public car parks are in convenient walking distance to the site.





## 6 Bicycle Parking Considerations

### 6.1 Statutory Bicycle Parking Requirements – Clause 52.34

Clause 52.34 of the Yarra Planning Scheme specifies the following bicycle parking provision requirements with regards to the proposed office development, which are detailed in Table 6-1.

Table 6-1 Planning Scheme Bicycle Parking Requirements – Clause 52.34

Use	Area	Measure	Statutory Requirement (Spaces)
Office	1,929sqm'	1 to each 300 sq. m of net floor area if the net floor area exceeds 1000 sq. m for employees	6
		1 to each 1000 sq. m of net floor area if the net floor area exceeds 1000 sq. m for visitors	2
Total			8 Spaces

\*Floor area deemed to generate patronage in its own right

As indicated in Table 6-1, application of these rates to the proposed net leasable floor area equates to a requirement for eight (8) on-site bicycle parking spaces, comprising six (6) staff spaces and two (2) visitor spaces.

Additionally, Clause 52.34 of the Yarra Planning Scheme Requires the provision of employee showers and change rooms in accordance with the following requirements.

Table 6-2 Shower Requirements – Clause 52.34

Component	Employee Bike Parking Spaces Required	Parking Requirement Rate	Showers Required
Showers/Change Rooms	6	1 shower for the first 5 employee spaces; plus	1
		1 shower for each additional 10 employee spaces	-
Total			1

The proposed development includes a total of four (4) showering/changeroom facilities at ground level for use by staff, comfortably exceeding the requirements of Clause 52.34 of the Yarra Planning Scheme.

### 6.2 Adequacy of Bicycle Parking

As identified in Section 2.6.2.2, surveys of the adjacent office building discovered that the secure bicycle compound is underutilised, with a peak demand for 58 bicycle parking spaces observed on-site. This is equivalent to a rate of 0.84 spaces per 100 square metres of existing office floor area, conservatively assuming that all existing bicycle parking on-site was associated with the office uses.

As such, it is assumed that the proposed 26 on-site staff and visitor bicycle parking spaces will comfortably accommodate the eight (8) spaces as per the requirements of Clause 52.34 and a likely demand for 16 bicycle parking spaces based on the above recorded demand rate.

It is acknowledged that the proposed office floor area will be provided with less car parking than would be expected based on the recorded unconstrained on-site peak car parking demand. Ultimately, this will create a constrained car parking situation for office staff that will likely result in an alternative travel mode choice, supported by the generous provision of on-site bicycle parking.





## 7 Traffic Considerations

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As noted in Section 2.2, the site currently operates as an at-grade car park, providing a total of 27 unrestricted parking spaces and with access provided from both Kingston Street and Selby RoW.

It is assumed that, given their unrestricted nature, all on-site car spaces are currently utilised to service the long-term parking needs of staff working in the proximity of the car park. Consequently, the 16 combined basement and ground level parking spaces proposed as part of the development are anticipated to generate **less** traffic movements compared with what is currently being generated by the site.

As such, the traffic generated by the proposed office development is anticipated to be comfortably accommodated by the surrounding road network.





## 8 Conclusions

Based on the foregoing analysis it can be concluded that:

- > The proposal includes the redevelopment of the site at 9 Kingston Street, Richmond to provide an office building in the order of 1,929 square metres of net leasable floor area.
- > A total of 16 car parking spaces are proposed to be provided on-site across a basement level car park and at ground level, positioned along the northern boundary of the site, inclusive of one (1) accessible bay.
- > The car park and access design has been assessed against the relevant standards and guidelines, generally complies with these standards and is deemed functional.
- > The proposed development has a statutory requirement to provide 57 car parking spaces on-site.
- > Survey of an existing mixed use (primarily office) development abutting the site to the north indicated an underutilisation of the on-site car park, suggesting that employees are opting to take alternative transport modes despite ample parking being available.
- > Application of the derived unconstrained rates noted above to the proposed office floor area equates to demands for 34 car parking spaces and 16 bicycle parking spaces;
- > It is expected that the constrained nature of the car park will further encourage staff/visitors to take alternative transport modes, consistent with the existing operations of the office development adjacent to the site.
- > Surveys of existing on-street parking within the vicinity of the site indicate that long term on-street parking is at capacity. Given the occupancy levels of existing long term on-street parking, the site has little opportunity to have an impact on on-street parking resources.
- > The proposed provision of 16 staff car parking spaces is therefore considered to be appropriate noting the site's excellent accessibility to public transport services in the vicinity of the site, on-street parking limitations surrounding the site and the anticipated car parking demand given the above.
- > The development has a statutory requirement to provide eight (8) bicycle parking spaces on-site, serving as a combination of staff and visitor parking spaces. It also triggers the requirement to provide one (1) shower/changeroom facility.
- > The proposed 26 on-site staff and visitor bicycle parking spaces will comfortably accommodate the eight (8) spaces as per the requirements of Clause 52.34 and a likely demand for 16 bicycle parking spaces based on the recorded demand rates at the adjacent office building site. Additionally, the proposed four (4) shower and changeroom facilities will comfortably meet the anticipated demand associated with these amenities.
- > The development is not anticipated to generate a significant traffic impact on the road network surrounding the site, given the total traffic movements anticipated to be generated post-development will be less than the amount of traffic currently being generated by the site.



9 Kingston Street, Richmond

## APPENDIX

# A

## PARKING SURVEY RESULTS







Survey Date:	Fri, 13-May-16
Survey Start:	9:00 AM
Survey Interval:	1:00

Survey Date:	Fri, 13-May-16
Survey Start:	9:00 AM
Survey Interval:	1:00

Area	Street	Section	Side	Restriction 1			Restriction 2			Restriction 3			Parking Occupancy													
				Type	Times		Type	Times		Type	Times		Supply	Check	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM	
	Amsterdam Street	Mary Street & Brighton Street	N	Permit Zone								5	5	3	4	5	5	5	5	5	5	5	5	5	5	
			N	Permit Zone										8	8	3	4	6	6	6	6	6	6	5	5	4
		Brighton Street & Church Street	S	2P	7am-7pm Mon-Sat								14	14	6	10	12	11	10	11	12	13	9	8	8	8
			N	2P	7am-7pm Mon-Sat								15	15	9	10	15	14	15	15	15	15	14	10	8	8
			S	2P	7am-7pm Mon-Sat								14	14	8	12	14	14	14	14	14	13	9	7	6	6
	Cotter Street	Church Street & Brighton Street	N	1P	7am-11pm								5	5	2	3	4	4	4	4	4	3	3	3	3	3
			N	Unrestricted									1	1	1	1	1	1	1	1	1	1	1	1	1	1
		Brighton Street & Mary Street	S	Permit Zone									9	9	4	6	7	7	7	7	7	7	6	5	5	5
			N	2P	7am-7pm Mon-Sat	Permit Zone	Area 11 Permit Accepted						8	8	4	6	8	8	8	8	8	8	6	5	5	5
			N	Disabled									1	1	0	0	0	0	0	0	0	0	0	0	0	0
	Mary Street	Amsterdam Street & Cotter Street	N	2P	7am-7pm Mon-Sat							4	4	4	4	4	4	4	4	4	4	3	3	3	3	
			S	2P	7am-7pm Mon-Sat							13	13	9	11	12	13	12	13	13	10	10	9	9	9	
		Cotter Street & Burgess Street	N	2P	7am-7pm Mon-Sat							6	6	4	4	6	6	6	6	6	6	5	5	4	4	
			E	Unrestricted									9	9	8	8	8	8	8	8	8	8	8	7	6	6
			E	Permit Zone									5	5	2	3	3	3	3	3	3	3	3	3	3	3
	Burgess Street & Barkely Street	E	4P	7am-7pm Mon-Fri								11	11	7	10	11	10	9	9	9	9	9	7	6	6	
		W	No Standing	7am-4pm Mon-Fri	2P	4pm-7pm Mon-Fri						4	4	0	0	0	0	0	0	0	0	0	3	3	3	
		W	No Standing	Permit Required								6	6	6	6	6	6	6	6	6	6	5	5	5	5	
		E	No Standing									-	0	0	0	0	0	0	0	0	0	0	0	0	0	
		W	2P	7am-7pm Mon-Sat								-	6	3	3	3	3	3	3	3	3	3	3	3	3	
	Lesney Street	Little James Street & James Street	E	4P	7am-7pm Mon-Sat							12	12	7	8	12	11	10	9	9	9	7	7	6	6	
			W	2P	7am-7pm Mon-Sat							2	2	2	2	2	2	2	2	2	2	2	2	2	2	
		James Street & Little Rose Street	W	2P	7am-7pm Mon-Sat							3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
			W	2P	7am-7pm Mon-Sat							3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
			W	2P	7am-7pm Mon-Sat							3	3	2	3	3	3	3	3	3	3	3	3	3	3	3
	Rose Street & Davis Street	W	2P	7am-7pm Mon-Sat							3	3	3	2	2	3	3									



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	Cotter Street & Northcote Street	W	2P	7am-7pm Mon-Sat				4	4	2	2	3	3	3	3	3	3	3	3	3	3	3	3
	Northcote Street & Willis Street	W	2P	7am-7pm Mon-Sat				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Willis Street & Kingston Street	W	Unrestricted					2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Kingston Street & Albert Street	W	Disabled					1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		W	2P	7am-7pm Mon-Sat				12	12	8	10	11	10	10	9	8	8	6	5	5	4	4	4
	Albert Street & Wright Street	W	2P	7am-7pm Mon-Sat				11	11	5	7	11	11	11	10	10	10	7	6	5	5	4	4
	Wright Street & Shamrock Street	W	2P	7am-7pm Mon-Sat				3	3	2	2	3	3	3	3	3	3	3	3	3	3	3	3
	Shamrock Street & Leisney Street	W	2P	7am-7pm Mon-Sat				3	3	2	2	3	3	3	3	3	3	3	3	3	3	3	3
	Amsterdam Street & Cotter Street	E	1P	7am-7pm	Permit Zone	All Other Times		6	6	4	5	5	5	5	5	5	5	5	4	4	3	3	3
	Cotter Street & Burgess Street	E	1P	7am-7pm	Permit Zone	All Other Times		7	7	3	4	6	6	6	6	6	6	6	5	5	5	5	5
	Burgess Street & Barkely Street	E	1P	7am-7pm				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Barkely Street & Davis Street	E	Permit Zone					8	8	4	4	6	6	6	6	6	6	6	5	5	5	5	5
		E	Disabled					1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Davis Street & Rose Street	E	Permit Zone					4	4	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Rose Street & Little Rose Street	E	Permit Zone					4	4	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Little Rose Street & James Street	E	Permit Zone					3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	James Street & Little James Street	E	Permit Zone					3	3	2	3	3	3	3	3	3	3	3	3	3	3	3	3
	Little James Street & Leisney Street	E	Permit Zone					6	6	4	5	6	6	6	6	6	6	6	6	6	6	6	6
	Church Street & Chestnut Street	N	2P	7am-7pm Mon-Sat				1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		N	2P	7am-7pm Mon-Sat				8	8	4	5	8	8	8	8	8	8	8	6	6	5	5	5
		S	2P	7am-7pm Mon-Sat				7	7	4	6	7	7	7	7	7	7	7	6	6	5	5	5
		S	Permit Zone					7	7	4	6	7	7	7	7	7	7	7	6	6	5	5	5
		S	Disabled					1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Gordon Street	W	1/4P	7am-7pm Mon-Sat				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
		E	2P	7am-7pm Mon-Sat				2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	Balmain Street & Adelaide Street	W	2P	7am-5pm Mon-Sat	Permit Zone	All Other Times		14	14	8	9	14	14	14	14	13	14	14	14	11	8	8	8
		E	2P	7am-5pm Mon-Sat				23	23	14	17	23	23	23	23	23	23	21	20	15	12	12	12
		W	Permit Zone					23	23	13	16	17	15	15	15	15	16	15	14	11	11	10	10
	Adelaide Street & Chapel Street	W	10pm Mon-Sat					10	10	4	5	10	10	10	9	9	10	10	8	8	8	8	8
	Chapel Street & Railway Crescent	E	2P	7am-5pm Mon-Sat				10	10	8	10	10	9	10	9	9	8	8	6	6	5	5	5
		E	2P	7am-5pm Mon-Sat				10	10	5	8	10	9	10	10	10	10	10	9	8	8	8	8
	Adelaide Street & William Street	E	Unrestricted					13	13	9	12	12	11	10	9	8	8	6	6	5	5	5	5
	William Street & Chapel Street	E	2P	7am-5pm Mon-Sat				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Adolph Street	N	No Standing					5	5	3	6	5	5	5	5	5	5	5	4	3	3	3	3
		S	Unrestricted					9	9	6	8	8	8	8	8	8	8	8	7	5	5	5	5
	Pearson Street	N	4P	7am-5pm Mon-Sat	Permit Zone	All Other Times		-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		N	No Standing					3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
	Chapel Street	N	2P	7am-5pm Mon-Sat	Permit Zone	All Other Times		2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
		S	2P	7am-5pm Mon-Sat				8	8	5	7	8	8	8	8	8	8	8	7	5	5	5	5
	Hill Street	N	2P	7am-5pm Mon-Sat				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
		N	Loading Zone	7:30am-5:30pm Mon-Fri	Loading Zone	7:30am-12:30pm Sat		3	3	2	2	3	3	3	3	3	3	3	3	3	3	3	3
		N	1/4P	7am-6pm Mon-Sat				-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		S	No Standing					10	10	9	10	10	10	9	10	10	10	10	8	6	6	6	6
	William Street	N	Unrestricted					2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
		N	2P	7am-7pm Mon-Sat				-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		S	No Standing					12	12	7	9	12	12	11	11	12	12	10	8	8	8	8	8
	Adelaide Street	N	Unrestricted					6	6	4	5	6	6	6	6	6	6	6	5	5	5	5	5
		N	2P	7am-7pm Mon-Sat				-	-	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		S	No Standing					17	17	9	12	17	17	17	15	14	13	9	9	9	9	9	9
	Balmain Street	N	2P	7am-5pm Mon-Sat				12	12	6	8	12	12	12	12	11	11	11	10	7	7	7	7
		N	2P	7am-7pm Mon-Sat				5	5	5	5	5	5	5	5	5	5	4	4	4	4	4	4
		S	2P	7am-5pm Mon-Sat	Permit Zone	All Other Times		172	172	64	75	107	113	114	118	122	117	115	101	83	83	83	83
	Private Site Car Park	Private	Disabled					5	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Bicycles						-	-	27	44	58	56	50	44	40	40	32	29	25	25	25	25
Totals Available Spaces Capacity								983	983	983	983	983	983	983	983	983	983	983	983	983	983	983	983



Attachment 7 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report



On-Site Car Parking Survey											
	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
174	64	75	107	113	114	118	122	117	115	101	83
2	0	0	0	0	0	0	0	0	0	0	0
	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
Supply	174	174	174	174	174	174	174	174	174	174	174
Parking	64	75	107	113	114	118	122	117	115	101	83
Vacancies	110	99	67	61	60	56	52	57	59	73	91
Occupancy	37%	43%	61%	65%	66%	68%	70%	67%	66%	58%	48%

On-Site Bicycle Parking Survey											
	8:00 AM	9:00 AM	10:00 AM	11:00 AM	12:00 PM	1:00 PM	2:00 PM	3:00 PM	4:00 PM	5:00 PM	6:00 PM
78	27	44	58	56	50	44	40	40	32	29	25
Supply	78	78	78	78	78	78	78	78	78	78	78
Parking	27	44	58	56	50	44	40	40	32	29	25
Vacancies	51	34	20	22	28	34	38	38	46	49	53
Occupancy	35%	56%	74%	72%	64%	56%	51%	51%	41%	37%	32%



9 Kingston Street, Richmond

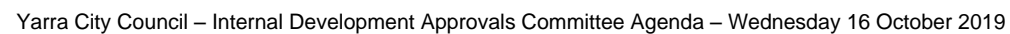
## APPENDIX

# B

## SWEPT PATH DIAGRAMS

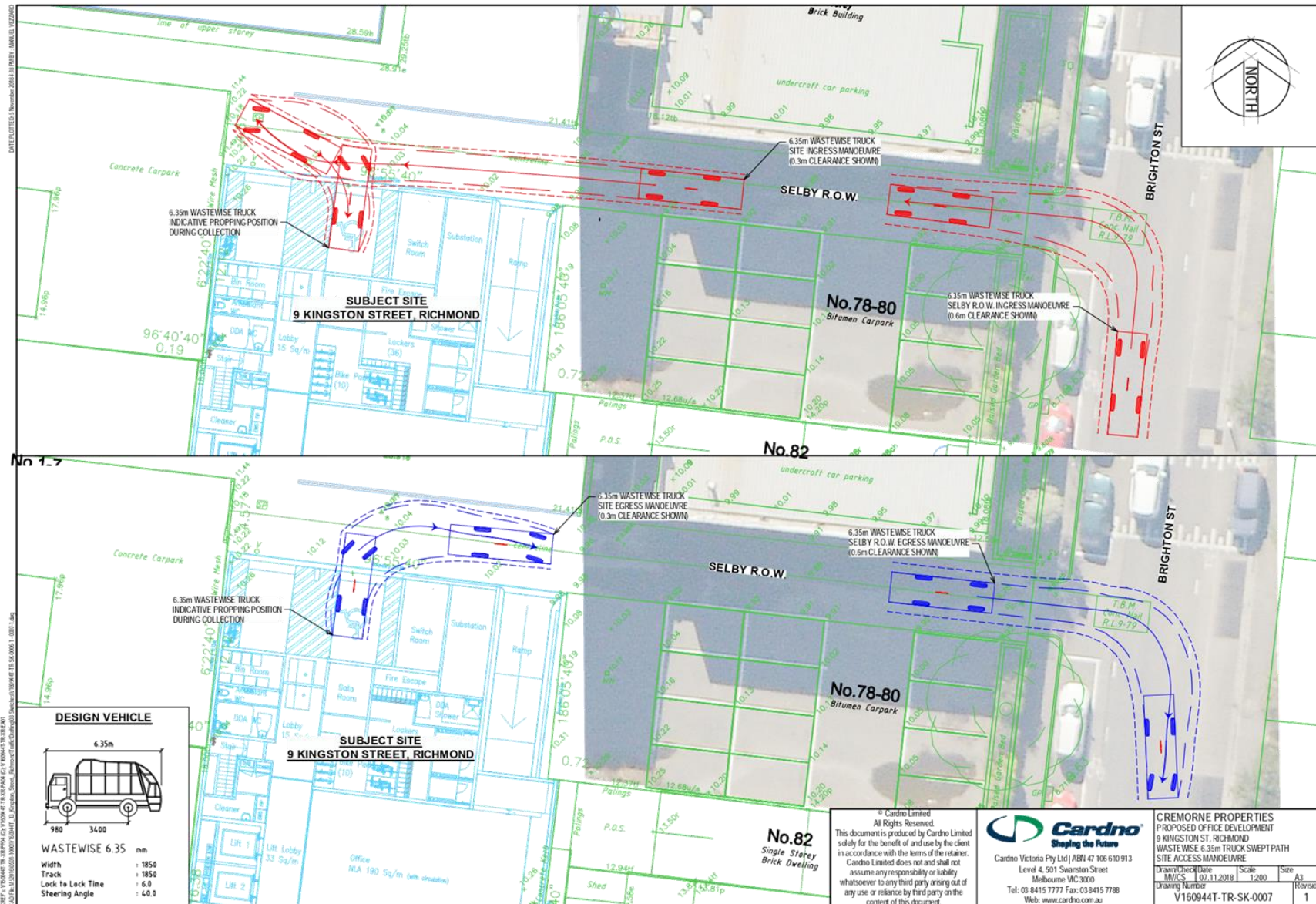






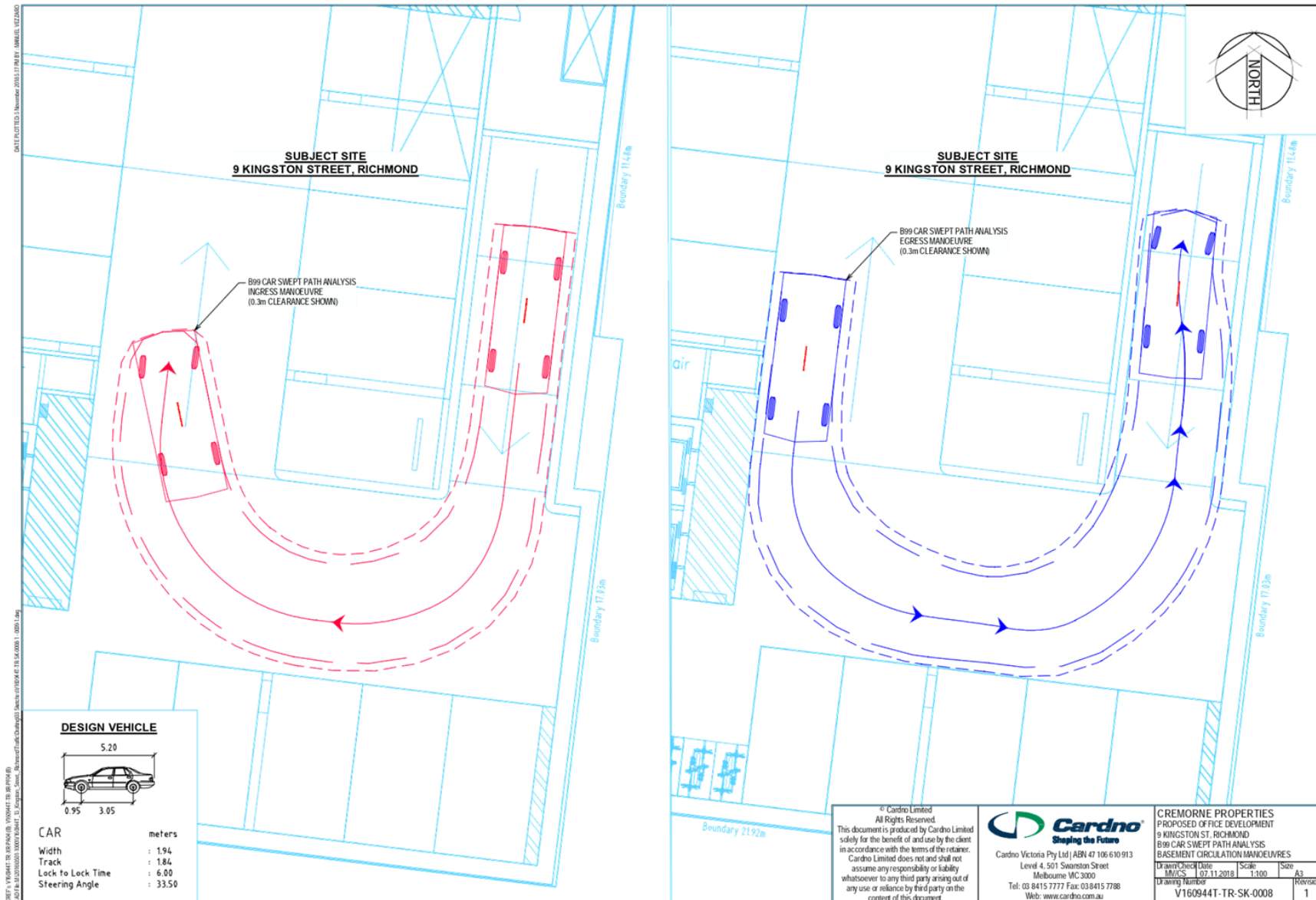


# Attachment 7 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report



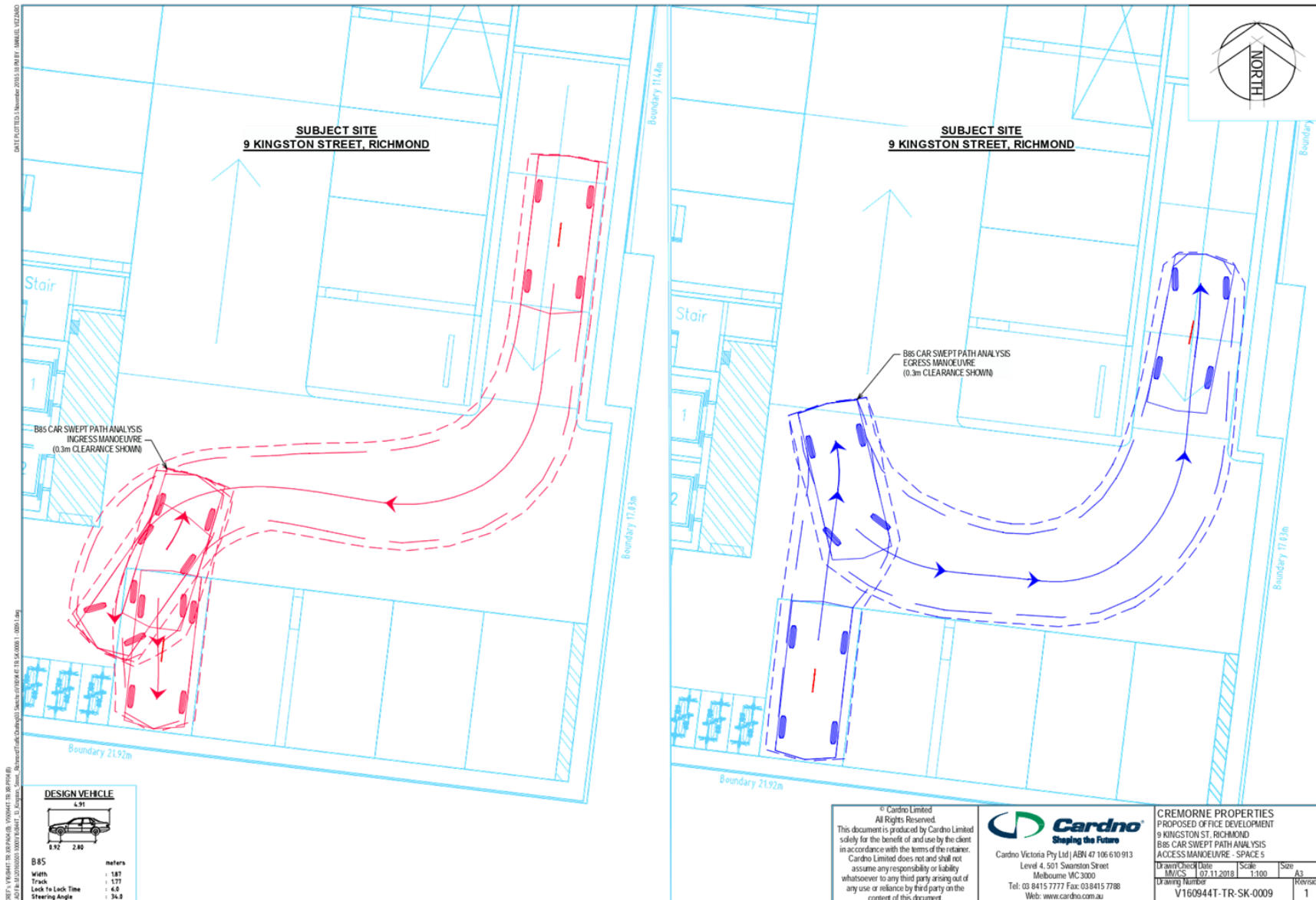


# Attachment 7 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Traffic Report





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**Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report**



Town Planning & Urban Context Report

## 9 Kingston Street, Richmond

Prepared for GB Investments (VIC) Pty Ltd  
January 2019





## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report



### Town Planning & Urban Context Report

## 9 Kingston Street, Richmond

Prepared for GB Investments (VIC) Pty Ltd  
January/January 2019

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# 1 Executive Summary

This report has been prepared in support of a planning permit application to the City of Yarra for the development of an office building at 9 Kingston Street, Richmond.

The subject site is located on the northern side of Kingston Street and includes access from Selby ROW from the rear. Kingston Street is an east-west road which extends between Church Street to the west and Brighton Street to the east.

It is located within a **Commercial 2 Zone** which seeks to 'encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and associated business and commercial services' and 'to ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.'

The site is also affected by Design and Development Overlay - Schedule 5 (DDO5). Adjoining land to the east is included with Neighbourhood Residential Zone (NRZ). The site itself is not included within a Heritage Overlay although the residentially zoned land to the east is included within a heritage precinct (H0308).

The site is situated within the Richmond portion of the **Swan Street Activity Centre**. It is proximate to East Richmond Railway Station and the trams along Church Street and Swan Street. The Monash Freeway and the Capital City Trail walking and bike paths along the Yarra River are situated to the south of the site. The site enjoys access to numerous restaurants, bars and retail shops along Church Street and is adjacent to Richmond Primary School and Barkly Square Gardens.

The surrounding area is undergoing significant change due to these locational attributes and this is reinforced within the Council's adopted vision for regeneration and change.

The application proposes the development of the land for the purpose of a six (6) storey office building. Car parking is to be contained within a basement and accessible via a single width vehicle ramp from Selby ROW.

The proposal involves:

- 1929 m<sup>2</sup> of net leasable office floorspace
- Sixteen (16) car parking spaces including fourteen (14) spaces within the basement and two (2) at-grade spaces to rear of the building, inclusive of a single disabled space
- Twenty - six (26) on-site bicycle spaces, inclusive of six (6) visitor spaces situated with the front setback to Kingston Street.
- An overall building height of 24.00 metres (R34.30) excluding lift overrun and service.





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### 1 Executive Summary

The building, designed by Bates Smart, will be contemporary in appearance, modulated to adopt upper level setbacks and a distinct appearance, characterised by the blades which wrap up the eastern façade. The design response manages the building scale and provides for a tapering building height towards the residentially zoned land to the east.

The proposal will provide for high quality and sustainable internal work spaces within the building and will be a high quality architectural addition to the Kingston streetscape.

The application specifically seeks planning permission for the following:

- To construct a building and carry out works; and
- To reduce in the statutory car parking requirements of the Planning Scheme.
- No planning permission is required for the use of the land for office.

This report provides:

- A description of the subject site and its urban context;
- A summary of the development proposal, as detailed in the application plans prepared by Bates Smart Architects;
- An analysis of the applicable planning controls and policies contained within the Yarra Planning Scheme;
- An analysis of the site opportunities, constraints and the rationale for the design response; and
- An assessment of the proposal having regard to the applicable planning controls and policies.



## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

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9 Kingston Street, Richmond

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### 1 Executive Summary

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The project team comprises:

**GB Investments (VIC) Pty Ltd**  
Project Developer

**Bates Smart**  
Project Architects

**Contour Consultants**  
Town Planners

**Cardno**  
Traffic Consultant

**LID Consulting**  
Waste Consultant

**Waterman AHW**  
ESD Consultant



## 2 Site Analysis

### 2.1 Subject Site

The subject site is located on the north side of Kingston Street, approximately 30 metres west of the intersection of Brighton Street and Kingston Street, and approximately 80 metres east of the intersection of Church and Kingston Streets. The site is formally described as Lot 1B on Plan of Subdivision 714025D [Volume 11450 Folio 178]

The site is regular in shape with a total frontage to Kingston Street of 21.92 metres, a frontage to Selby ROW of 21.03 metres and a depth of 28.51 metres. The subject site has a combined total area of 616m<sup>2</sup>.

The land is currently used for the purpose of at grade car parking. Vehicle access to the site is provided via an existing crossover to Kingston Street and via Selby ROW, which runs the length of the site's northern boundary.

The subject site was formally part of a larger industrial complex with frontages to Church, Brighton, Kingston and Gibbons Streets. The site included a restricted retail and warehouse building at 511-521 Church Street, an office/laboratory building to 68 Brighton Street and associated car parking. Surface level car parking existed on the subject site and two lots fronting Brighton Street.

Car parking associated with the buildings that occupy those adjoining sites are now covered by more recent planning approvals and therefore this application seeks to provide car parking only for the proposed new uses, not replace the existing parking which currently exists.

### 2.2 Surrounds

In terms of the immediate locality, the site is located within the Swan Street Activity Centre, and proximate to Church Street with its range of cafes, restaurants, shops and services.

The subject site has excellent access to public transport including the East Richmond Railway Station which is approximately 400 metres to the north-west and tram services along Church Street and along Swan Street.

Having regard to the immediate surrounds, the following is noted:

- Immediately to the north of the subject site on the other side of Selby ROW (511-521 Church Street), is a 5 storey mixed use building (retail and commercial uses) built to all boundaries. Vehicle access to the site is provided via Gibbons Street, which provides access to a multi-level car park located to the rear of the property.
- North east of the site is a 2 storey commercial building which contains car parking located within its southern and northern setback at ground floor level.





## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

9 Kingston Street, Richmond

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### 2 Site Analysis

- The abutting properties to the east, at 82, 84, and 86 Brighton Street, comprise three semi-detached single storey dwellings. No vehicle access is provided and each property includes an area of secluded private open space to the rear of the respective properties. A narrow ROW accessible from Kingston Street partially separates the subject site and rear of each of these properties.
- The remaining abutting property to the east (78-80 Brighton Street) is vacant and currently used for car parking.
- Directly to the south of the subject site, on the other side of Kingston Street, is a recently upgraded double storey commercial building built to all boundaries (10-12 Kingston Street) and a single storey brick dwelling at 14 Kingston Street (located within a Commercial 2 zone). Vehicle access to 10-12 Kingston Street is provided via two single width crossovers located along its Kingston Street frontage. No vehicle access is provided for 14 Kingston Street.
- The western interface consists of two adjoining properties. The first, at 1-7 Kingston Street contains a single storey (double storey equivalent) brick building used for the purpose of motor repairs. The building is built to the extent of its north, east and west boundaries, with a small setback provided to Kingston Street. The remainder of the western interface comprises the rear of 525 Church Street, which is used for showroom and warehouse purposes. At grade car parking is located within its eastern property boundary.

The neighbourhood more broadly accommodates a mixture of land uses including dwellings, retail, warehousing and light industry.



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## 2 Site Analysis

Figure 2.1  
CADASTRAL PLAN



Figure 2.2  
LOCALITY PLAN





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9 Kingston Street, Richmond

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## 2 Site Analysis

Figure 2.3  
AERIAL PHOTOGRAPH (BROAD), COURTESY NEARMAP.

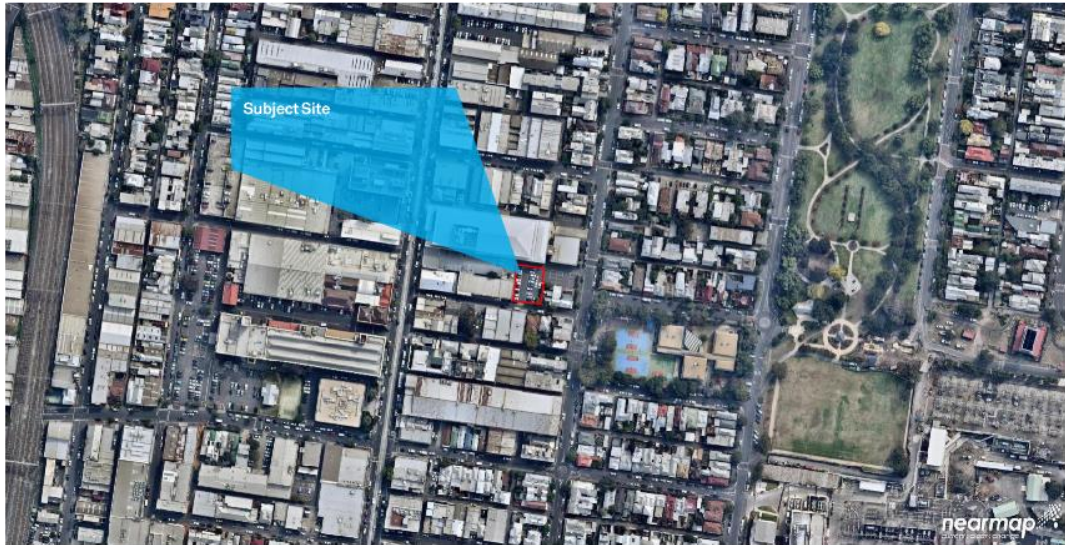


Figure 2.4  
AERIAL PHOTOGRAPH (SUBJECT SITE), COURTESY NEARMAP.





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### 2 Site Analysis

Figure 2.5  
VIEW OF SUBJECT SITE FROM KINGSTON STREET



Figure 2.6  
VIEW ACROSS THE SUBJECT SITE LOOKING EAST



Figure 2.7  
VIEW LOOKING WEST ALONG KINGSTON STREET





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### 2 Site Analysis

Figure 2.8  
VIEW LOOKING WEST ALONG SELBY ROW



Figure 2.9  
SOUTH SIDE OF KINGSTON STREET LOOKING EAST



Figure 2.10  
VIEW TOWARDS THE SOUTH SIDE OF KINGSTON STREET



Figure 2.11  
VIEW ACROSS THE SITE LOOKING SOUTH TOWARDS KINGSTON STREET



Figure 2.12  
FRONTAGES OF 82, 84 & 86 BRIGHTON STREET





## 3 Proposal

The proposal is described in the application plans prepared by Bates Smart and the accompanying reports prepared by Cardno, LID and Watermans.

The application specifically proposes to redevelop the subject site for a six (6) storey office building including a single level of basement car parking.

More particularly, the proposal can be summarised as follows:

- Vehicle access to the site is via a single lane entry and exit ramp accessible from Selby ROW.
- The basement is built to the site boundaries and accommodates fourteen (14) car spaces and eight (8) bicycle spaces. Electric charging stations are proposed as well as a single motorcycle parking space.
- The ground floor comprises 190 m<sup>2</sup> of office net lettable area (NLA) and includes a main entry foyer fronting Kingston Street. Bicycle parking and associated EOT facilities (including a DDA shower) are accommodated on the ground floor. Two (2) additional at-grade car spaces are located to the rear of the building, including a DDA space. Six (6) visitor bike spaces are proposed within the front setback to Kingston Street.
- Levels 1-5 are utilised for office floor space with reduced floorplates as the building height increase. The building includes a total net leasable office floorspace area of 1929 m<sup>2</sup>.
- Levels 3-5 include a full length balcony along the eastern elevation as well as landscaping planters.
- Two (2) lifts are proposed to service the building and are located along the western side of the building. The services core is also located this boundary.
- An overall building height of 24.00 metres (R34.30) excluding lift overrun and service.
- External materials and finishes include precast concrete, fixed and operable lazing, powercoated metal louvers and blades, and painted steel.

Overall, the built form presents a contemporary design characterised by the angular building profile, steel framing structure and horizontal louvers. The architecture will be complemented by small pockets of landscaping within the front setback and evident through the eastern elevation.

Further details are included in the comprehensive application plans and design report prepared by Bates Smart.





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### 3 Proposal

**Figure 3.1**  
**PERSPECTIVE VIEW, FACING NORTH**  
(Courtesy of Bates Smart)



**Figure 3.2**  
**ARCHITECTURAL DETAIL PERSPECTIVE**  
(Courtesy of Bates Smart)





## 4 Statutory Planning Policy Framework

### 4.1 Zoning

The subject site is located in the Commercial 2 Zone (C2Z) pursuant to the provisions of the Yarra Planning Scheme.

The purpose of the C2Z is as follows:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses and associated business and commercial services.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.

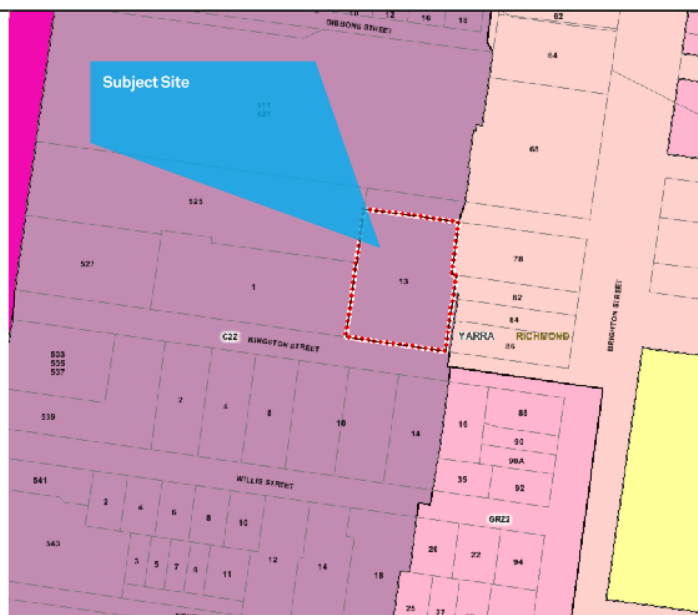
Pursuant to the table of uses at Clause 34.02-1:

- 'Office' is a Section 1 (as-of-right) use and does not require a planning permit.

Pursuant to Clause 34.02-4 a planning permit is required to construct buildings and works.

As illustrated below, the adjoining land immediately to the east is included in the Neighbourhood Residential Zone (NRZ) and General Residential Zone (GRZ).

Figure 4.1  
ZONING MAP  
Source: land.vic.gov.au



4



# Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

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## 4 Statutory Planning Policy Framework

### 4.2 Overlays

The site is affected by Design and Development Overlay, Schedule 5. The purpose of the Design and Development Overlay (DDO) is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

Pursuant to Clause 43.02-2 of the Planning Scheme, a permit is required to construct a building or construct or carry out works and buildings and works must be constructed in accordance with any requirements in a schedule to the overlay.

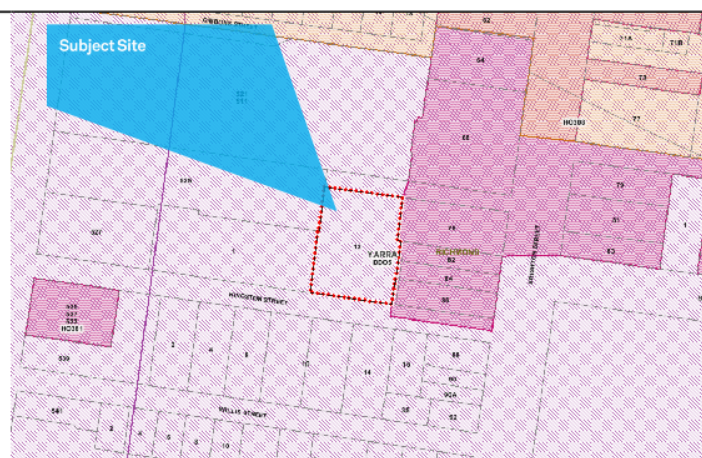
Schedule 5 to the DDO relates to City Link Exhaust Stack Environs, and the design objectives of DDO5 are:

- To ensure that the development of land around the City Link exhaust stacks is not adversely affected by the operation of the stack.
- To ensure that the relevant authorities are informed of development within close proximity of the City Link exhaust stack and to facilitate comment by those authorities on any specific requirements relating to the design and built form of new development in the area which might be desirable having regard to the proximity of the stack.

A permit is not required to construct a building or construct or carry out buildings and works in the DDO5.

As illustrated below, the residentially zoned land to the east is included within a heritage precinct (H0308).

**Figure 4.2**  
**OVERLAYS MAP**  
Source: land.vic.gov.au





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### 4 Statutory Planning Policy Framework

#### 4.3 State Planning Policy Framework

The following clauses of the Planning Policy Framework (PPF) in the Yarra Planning Scheme (the Planning Scheme) are relevant to the assessment of the proposal:

- Clause 10 - Planning Policy Framework
- Clause 11 - Settlement
  - Clause 11.01-1R - Metropolitan Melbourne
  - Clause 11.02 - Managing Growth
  - Clause 11.03-2S - Activity Centres - Metropolitan Melbourne
- Clause 13 - Environmental Risks and Amenity
  - Clause 13.05 - Noise
  - Clause 13.06 - Amenity
- Clause 15 - Built Environment and Heritage
  - Clause 15.01 - Built Environment
  - Clause 15.01-4R - Healthy Neighbourhoods - Metropolitan Melbourne
  - Clause 15.01-5S - Neighbourhood Character
  - Clause 15.02 - Sustainable Development
- Clause 17 - Economic Development
  - Clause 17.01 - Employment
  - Clause 17.02 - Commercial
- Clause 18 - Transport
  - Clause 18.01 - Integrated Transport
  - Clause 18.02 - Movement Networks
- Clause 19 - Infrastructure

In summary, as it relates to the proposal, the Planning Policy Framework encourages the establishment of employment precincts at locations well serviced by existing public transport infrastructure and in close proximity to the Central City. Specific to the site, planning policy strongly encourages the intensification of underutilised land for the purpose of employment generating uses.



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9 Kingston Street, Richmond

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### 4 Statutory Planning Policy Framework

#### 4.4 Plan Melbourne

The Melbourne Metropolitan Strategy, 'Plan Melbourne 2017-2050' represents the vision for Melbourne to 2050. The Strategy includes seven key 'Outcomes and Objectives', each with specific policy directions. These are:

- *Investment, innovation and jobs*
- *Housing choices close to jobs and service*
- *Integrated transport connection people to jobs, services and goods*
- *Distinctive and liveable city with quality environments*
- *Inclusive, vibrant and healthy neighbourhoods*
- *Melbourne is a sustainable and resilient city*
- *Regional Victoria is productive, sustainable and supports jobs and economic growth*

A key objective of 'Plan Melbourne' is to create a city structure that drives productivity, supports investment through certainty and creates more jobs with four specific directions:

- *Create a city structure that strengthens Melbourne's competitiveness for jobs and investment.*
- *Improve access to jobs across Melbourne and close to where people live;*
- *Create development opportunities at urban renewal precincts across Melbourne; and*
- *Support the productive use of land and resources in Melbourne's non-urban areas.*

Direction 1.1 "... is to create a city structure that strengthens Melbourne's competitiveness for jobs and investment" and is of particular relevance to the proposal. Plan Melbourne's response to delivering jobs and investment has been mindful to maintain Melbourne's competitiveness, and acknowledges the need to ensure that land supply for commercial development is adequate, well located and appropriately serviced.

Direction 1.2 is to "... improve access to jobs across Melbourne and close to where people live" and is also of particular relevance to the proposal. It notes that "... supporting investment and job creation across the city will drive productivity and economic growth and accommodate employment in designated locations across the city."



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### 4 Statutory Planning Policy Framework

Plan Melbourne identifies Swan Street, Richmond as a Major Activity Centre (MAC) which will form part of a broader hierarchy of activity centres connected by strong public transport linkages. The Swan Street MAC (which includes Cremorne) will develop and attract a range of residential and employment type uses.

#### 4.5 Local Planning Policy Framework

##### Municipal Strategic Statement (MSS)

The Municipal Strategic Statement (MSS) provides the strategic planning framework for the City of Yarra. Several of the identified issues raised within the MSS are of relevance to the proposal.

These include:

##### Clause 21.02 Municipal Profile

Clause 21.02 of the Planning Scheme sets out the municipal profile for the City of Yarra and establishes that Yarra is emerging as a *focus for finance, property and business services, cultural/recreational tourism, and wholesale and distribution activities. Yarra has also become a preferred location for many smaller and medium sized businesses, particularly those in computer technology, marketing and design. This trend is expected to continue.*

It is also recognised that *corresponding to the increase in professional employment, the traditional heavy industrial activity of the past is being replaced by modern enterprises involved in assembly, warehousing and distribution and research and application of technology. Industry has moved away from the traditional textile, clothing and footwear to printing, publishing, recorded media, and business services and office activities.*

##### Clause 21.03 Vision

The vision for the City of Yarra includes the following statements (in part):

- *Yarra will have increased opportunities for employment;*
- *There will be increased provision of public open space;*
- *Yarra will have a distinctive identity as a low-rise urban form, with areas of higher development and highly valued landmarks;*
- *All new development will demonstrate design excellence;*
- *Buildings throughout the City will adopt state-of-the-art environmental design.*



## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

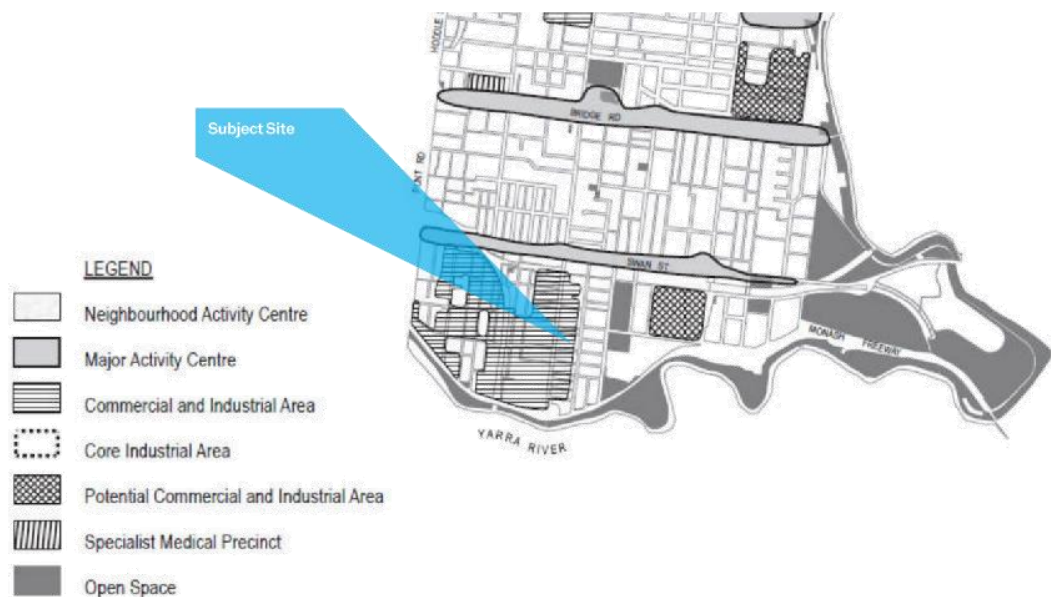
9 Kingston Street, Richmond

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### 4 Statutory Planning Policy Framework

The vision for the City of Yarra is expressed in the Strategic Framework Plan included in Clause 21.03. This Plan identifies the site in the 'Commercial and industrial Area.'

Figure 4.3  
STRATEGIC FRAMEWORK PLAN



#### Clause 21.04 Land Use

In relation to industrial and commercial uses, Clause 21.04 acknowledges that the commercial and industrial sectors underpin a sustainable economy. Yarra 'plans to retain and foster a diverse and viable economic base' and increase the number and diversity of local employment opportunities.

Clause 21.04 also recognises that *the importance of public open space in an inner city environment is heightened by the density of development, and limited availability of private open space* and it is an objective to establish a linked open space network across the municipality.

#### Clause 21.05 Built Form

Particularly relevant to this application is Objective 17 of Clause 21.05 which seeks:

*To retain Yarra's identity as a low-rise urban form with pockets of higher development.*



## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

### 4 Statutory Planning Policy Framework

Strategy 17.2 states that:

*Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*

- *Significant upper level setbacks;*
- *Architectural design excellence;*
- *Best practice environmental sustainability objectives in design and construction;*
- *High quality restoration and adaptive re-use of heritage buildings;*
- *Positive contribution to the enhancement of the public domain;*
- *Provision of affordable housing.*

The site presents the characteristics of a strategic redevelopment site, given its size, proximity to the Swan Street MAC and good connections to public transport infrastructure.

#### Clause 21.06 Transport

Clause 21.06 seeks to reduce the reliance on the private motor car, encouraging walking, cycling and facilitate public transport usage. It is also acknowledged that *parking availability is important for many people, however, in Yarra unrestricted car use and parking is neither practical nor achievable. Car parking will be managed to optimise its use and to encourage sustainable transport options.*

Specifically, Clause 21.06 includes the following strategies aimed at reducing car dependency:

- *Require all new large developments to prepare and implement integrated transport plans to reduce the use of private cars and to encourage walking, cycling and public transport.*
- *Ensure the level of service needed for new industrial and commercial operations does not prejudice the reasonable needs of existing industrial and commercial operations to access Yarra's roads.*

#### Clause 21.07 Environmental Sustainability

Pursuant to this clause, new development is encouraged to incorporate environmentally sustainable design measures, according to Clause 21.07.



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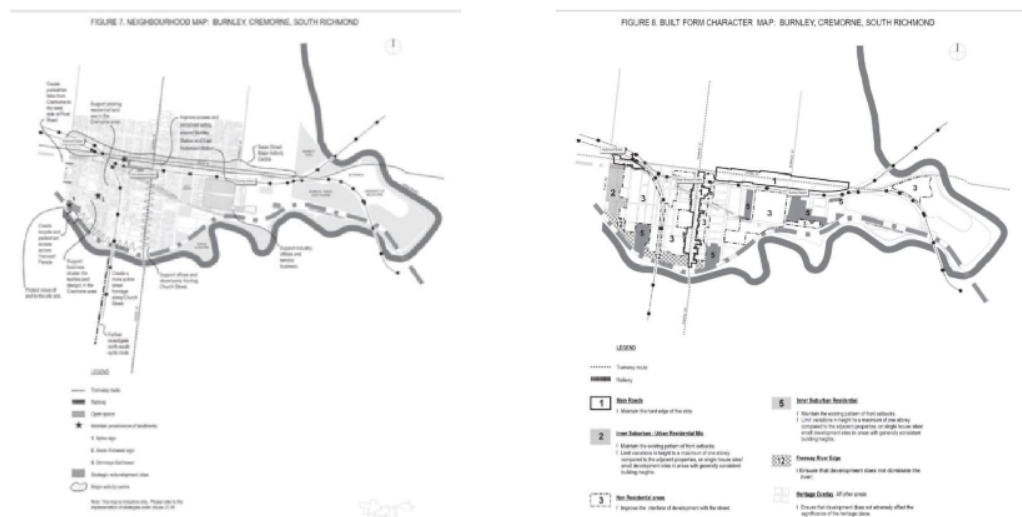
## 4 Statutory Planning Policy Framework

### Clause 21.08-2 Burnley, Cremorne, South Richmond

This Clause sets out the locally specific implementation of the objectives and strategies of Clauses 21.04 to 21.07 and for different neighbourhoods across the municipality. To this end, the subject site is within the 'Burnley, Cremorne, South Richmond Neighbourhood' and the following commentary is relevant:

→ *This neighbourhood is largely an eclectic mix of commercial, industrial and residential land use. With two railway lines and both north south, and east west tram routes, the neighbourhood has excellent access to public transport...*

Figure 4.4  
CLAUSE 21.08 – MAPS



The Built Form Character Map notes the following relevant to the subject land:

→ *Improve the interface of development to the street*



**4 Statutory Planning Policy Framework****Local Planning Policies**

The following local policies within the Local Planning Policies are relevant to the proposal

Clause 22.05 Interface Uses Policy

Clause 22.05 applies to applications for use or development on land within Business Zones (now Commercial Zones).

The basis of the policy lies in seeking to maintain the viability of industrial and business areas and ensure that residents do not have unrealistic expectations of the level of amenity that can be achieved.

Clause 22.10 Built Form and Design Policy

Clause 22.10 applies to all new development not included in a Heritage Overlay. The policy comprises ten design elements that address the following issues:

- Urban form and character.
- Setbacks and building heights.
- Street and public space quality.
- Environmental sustainability.
- Site coverage.
- On-site amenity.
- Off-site amenity.
- Landscaping and fencing.
- Parking, traffic and access.
- Service infrastructure.

Each of the above elements includes Design Objectives and Design Guidelines. The Design Objectives describe the desired development outcomes, while the Design Guidelines provide standards or techniques that can be implemented to achieve the Design Objectives.



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### 4 Statutory Planning Policy Framework

The policy suggests that all of the Design Objectives must be met, while the Design Guidelines should be met. Where the Design Guidelines are not met, the written submission included as part of the supporting documentation must explain how the proposed development achieves the related Design Objectives.

#### Clause 22.16 Stormwater Management (WSUD)

This policy applies to applications for new buildings and aims to promote the use of water sensitive urban design (WSUD), including stormwater re-use.

#### Clause 22.17 Environmentally Sustainable Development

This policy applies throughout the City of Yarra to residential and non-residential development that requires a planning permit and the primary objective is that *'development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation'*.

#### 4.6 Particular and General Provisions

The following clauses within the Particular and General Provisions sections of the Planning Scheme are relevant to the application:

- Car Parking (Clause 52.06)
- Bicycle Facilities (Clause 52.34)
- Decision Guidelines (Clause 65)

#### Car Parking (Clause 52.06)

The purpose of this provision is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework. To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities. To ensure that car parking does not adversely affect the amenity of the locality. To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*



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### 4 Statutory Planning Policy Framework

Clause 52.06-5 sets out the number of car parks required for various land uses. It is noted that the site is included in the Principal Public Transport Network Area and therefore Column B rates apply.

A planning permit may be issued to waive or reduce the requirements subject to Clause 52.06-6 and the parking assessment is provided in the Traffic and Transport Impact Assessment prepared by Cardno.

#### Bicycle Facilities (Clause 52.34)

The purpose of this provision is:

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

The application proposes 26 bicycle parking spaces and 4 (four) showers, which exceeds these requirements and detailed in the Traffic and Transport Impact Assessment prepared by Cardno.

#### Decision Guidelines (Clause 65)

Clause 65 sets out decision guidelines for planning permit applications and include, inter alia:

- *The matters set out in section 60 of the Act.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*



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### 4 Statutory Planning Policy Framework

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

#### **4.7 Ambit of Discretion**

The application specifically seeks planning permission for the following:

- To construct a building and carry out works; and
- To reduce in the statutory car parking requirements of the Yarra Planning Scheme.



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### 4 Statutory Planning Policy Framework

#### 4.8 Swan Street Structure Plan

The 'Swan Street Structure Plan' was adopted by the Council on 17 December 2013 as a strategic document for the Swan Street Activity Centre, which includes land along both sides of Church Street south of Swan Street as well as the broader Cremorne area. While it is not a 'seriously entertained planning proposal', its existence and contents (particularly the design objectives and strategies) are acknowledged with respect to the proposed development.

The Plan is organised around 10 precincts and includes objectives and strategies that outline how the overall vision will be achieved in relation to the four key themes of land use, built form, public realm and access and movement.

The Structure Plan aims to:

- *Maintain and protect important employment areas and meet future local employment demand for commercial accommodation.*
- *Accommodate future housing growth.*
- *Manage change by directing growth to appropriate locations and encouraging a sustainable compact city form*
- *Protect established residential areas and valued heritage character.*

The subject site is included within the **Church Street Precinct** (Precinct 9) within the Structure Plan.

The Vision for the Church Street Precinct is:

*'A flourishing retail and commercial precinct characterised by major homeware retailers and showrooms that are complimented by niche lifestyle retailers, offices, restaurants and cafes.'*

The Built Form Map for this precinct illustrates a height limit of 5-6 storeys (19 metres) for the subject site. Refer Figure 4.3.

In terms of land use, the following objectives and strategies are of note:

- *To consolidate the Precinct's role as a location for office and showroom retail activities and employment.*
- *To provide a mixture of complementary activities that supports the role and functions of the precinct and adds to the general amenity and improved activation of the area.*
- *Encourage office uses at upper levels above commercial and retail uses.*
- *Encourage active uses at street level.*



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## 4 Statutory Planning Policy Framework

Figure 4.5  
SWAN STREET STRUCTURE PLAN  
CHURCH STREET PRECINCT



In terms of built form, the following objectives and strategies are of note:

- To ensure built form provides passive surveillance of the street.
- To ensure new built form minimises off-site amenity impacts at the interface with existing residential areas.
- Ensure upper levels are visually recessive.
- Ensure a transition in building heights at the interface with existing residential areas.
- Provide active frontages to the street.
- Ensure new buildings are built to the street boundary and both side boundaries at the street interface.

The Swan Street Structure Plan also provides guidance about the built form expectation at the interface between the activity centre and adjoining residentially zoned land. It states the following:

*A key urban design principle is to ensure new development must be designed in a manner that minimises the off-site amenity impact on residential land uses. This includes avoiding unreasonable visual bulk and overlooking.*



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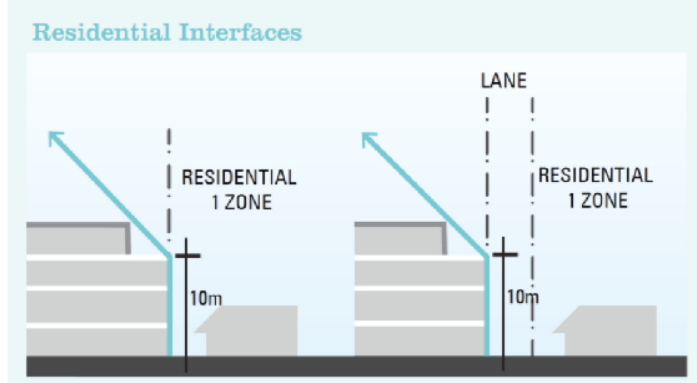
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### 4 Statutory Planning Policy Framework

*A transition in building setbacks can greatly contribute to achieving this principle. However, it is a well-respected principle that residential properties adjacent to activity centres must temper their expectations in relation to amenity protection.*

*As a general principle, new buildings should be 'stepped back' from a maximum of 3 storeys (10m) adjacent to the site boundary above which a building should be setback at a ratio of 1:1 for any additional building height.*

**Figure 4.6**  
EXTRACT FROM SWAN STREET STRUCTURE PLAN  
URBAN DESIGN PRINCIPLES (PG. 20)



#### 4.9 Swan Street Activity Centre Built Form Framework

The Swan Street Activity Centre Built Form Framework was adopted by Council in October 2017 and it forms part of the Planning Scheme Amendment C191. It applies to the linear commercial area along Swan Street between Punt Road in the west and Park Grove / Burnley Park in the east. The study is intended to build on the Swan Street Structure Plan and provides additional guidance around built form and heritage across the activity centre. It also considers a number of VCAT decisions and policy changes which have occurred following preparation of the Swan Street Structure Plan.

While the Swan Street Activity Centre Built Form Framework does not directly apply to the site, it does test a number of built form principles set out in the Swan Street Structure Plan which are relevant to the current design. These principles have been considered in developing the proposed building design.



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### 4 Statutory Planning Policy Framework

#### 4.10 Draft City of Yarra Spatial Economic and Employment Strategy

The Draft Yarra Spatial Economic and Employment Strategy is currently available for public review and comment and it sets out a *spatial strategy to accommodate growth and change in employment and economic activity in Yarra and identifies policy directions and implementation actions.*

The draft Yarra Spatial Economic and Employment Strategy is identified in the Cremorne/Church Street South Mixed Employment Precinct (Major) in respect of this precinct the following is noteworthy with regard to the proposal:

- *Major employment areas, such as the Cremorne/Church Street South and the Gipps Street precinct, are highly sought after and highly valued as business locations due to their location and proximity to central Melbourne, access to transport, business synergies and the vibrancy of Yarra. They have proven particularly attractive to creative- and technology-oriented business that a non-but-near-CBD location.*
- *The Cremorne precinct is also strategically located with respect to public transport, the arterial road network and CBD. Given its current employment focus and the projected demand for employment floor space, retention and intensification of employment should be the focus of renewal efforts.*



## 5 Urban Context Analysis & Design Response

### 5.1 Urban Context Analysis

From a town planning viewpoint, an analysis of the site's physical context, including its location and the character / pattern of surrounding development, coupled with the planning policy aspirations set out in the Yarra Planning Scheme determine the following site opportunities:

- The Commercial 2 zoning of the land encourages the use of the land for offices and other associated business and commercial services.
- The existing use of the land for car parking represents an underutilised opportunity within an activity centre context.
- The site is flat and unencumbered by any title restrictions, easements or covenants.
- The site benefits from two street frontages.
- The site has excellent access to public transport, shops, services and public open space associated with the activity centre location.
- The site is located within the Swan Street Structure Plan area which encourages building heights of 5-6 storeys (19m). The Swan Street Structure Plan also encourages 'office' as the preferred use for the land.
- A narrow walkway exists between the subject site and No. 84 and No. 86 Brighton Street, and this provides some separation between these adjoining properties.
- The adjoining western site boundary involves a blank multistorey wall to which new development can abut.
- The mandatory height control applicable to the adjoining residential land creates opportunities for eastern views towards Barkly Square Gardens.
- The immediately surrounding context includes the juxtaposition of larger commercial building and small terrace dwellings sitting site by site.

Whilst the site's physical context and the statutory planning framework determine that the site represents a further opportunity to continue the renewal of this precinct, the following constraints are acknowledged and need to be managed in the design response.

- The immediately adjoining residential properties to the east and the need to manage the built form scale transition between the subject site and these properties.
- The narrowness and one-way nature of Kingston Street.
- The need to balance the land use and landscape character transition to the west and east, respectively.





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### 5 Urban Context Analysis & Design Response

- The need to manage the shadow impacts to surrounding residential properties.
- The need to provide requisite car parking on site and develop an appropriate vehicle access strategy.
- The requirement to provide an active street frontage and create opportunities for passive surveillance.
- The location within the City Link exhaust stack environs and the need to be cognisant of this situation.

#### 5.2 Design Response

Having regard to the site opportunities and constraints, the following site planning and built form elements underpin the design response:

- Adopt a building composition which steps down towards the eastern boundary to provide an appropriate transition to the residential properties to the east.
- Adopt a maximum overall building height of six storeys consistent with the preferred building heights contemplated within the Swan Street Structure Plan.
- Introduce a contemporary architectural outcome which will respect and enhance the emerging character of the area.
- Establish a use which is-of-right within the zone; responds to the activity centre location; and which complement the evolving character of the area.
- Introduce a new wall on the eastern boundary which is lower than the traditional height of a factory / warehouse building that could be reasonably expected to have previously occupied the site.
- Set the building back above the first floor level and introduce increased setbacks from the eastern boundary as the building height increases.
- Frame the proposed building to break up the building scale both horizontally and vertically.
- Introduce windows, glazing, balconies and the roof terrace to create passive surveillance of the area in accordance local policy and Structure Plan aspirations, and capitalise on the unencumbered easterly aspect.
- Aspire to achieve best practice sustainable design principles.
- Pursue a modern internal office design which high ceilings, exposed services, open plan layouts, daylight and cross flow ventilation.



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### 5 Urban Context Analysis & Design Response

- Supplement the architecture with landscaping which will soften the streetscape and manage the transition to the adjoining residential properties to the east.
- Manage the vehicle access strategy having regard to the surrounding vehicle movement network, and take access from the existing ROW along the northern boundary.
- Conceal the parking and services in lower basement levels of the building screened from public view.
- Provide a rate of parking consistent with specialist traffic engineering advice which also encourages sustainable options.

The Vision for the project described by Bates Smart is as follows:

*Our vision is for an environmentally sustainable development that is well integrated within its existing context and promotes a strong sense of identity. The offices are designed to maximise amenity for its occupants and minimise off-site amenity impact on the adjacent residential uses. A well-defined street wall and an active ground level frontage contribute to the City of Yarra's vision for the locality.*

**Figure 5.1**  
**INTERNAL PERSPECTIVE**  
(Courtesy of Bates Smart)





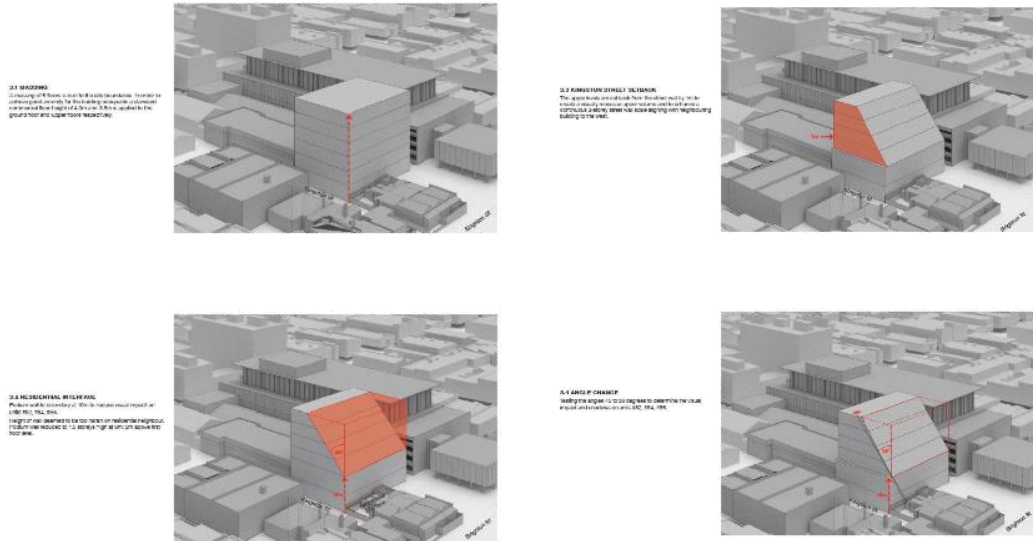
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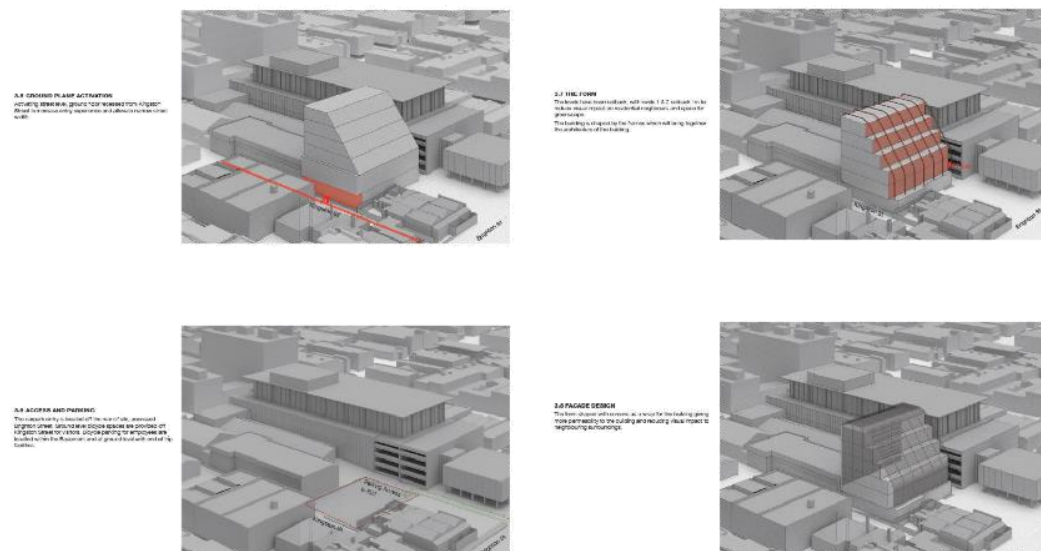
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## 5 Urban Context Analysis & Design Response

**Figure 5.2**  
**DESIGN RESPONSE OVERVIEW**  
(Courtesy of Bates Smart)



**Figure 5.3**  
**DESIGN RESPONSE OVERVIEW (Cont.)**  
(Courtesy of Bates Smart)





## 6 Planning Assessment

### 6.1 Preamble

Having regard to the applicable provisions of the Yarra Planning Scheme, this report provides further discussion in relation to:

- The strategic support for the proposed development having regard to the applicable policy guidance.
- The appropriateness of the proposed design and built form having regard to the relevant provisions of the Yarra Planning Scheme.
- The suitability of the offsite amenity implications.
- The suitability of the traffic, parking and access arrangements.
- The quality of the sustainable design initiative inherent within the architectural design response.

An assessment of each of these matters is provided below.

### 6.2 Strategic Planning Considerations

The proposal is consistent with strategic directives contained within the State and Local Planning Policy Frameworks of the Yarra Planning Scheme. It will deliver significant employment opportunities in the Commercial 2 Zone of an existing Activity Centre that has been identified for land use and built form renewal.

In relation to activity centre planning at Clause 11.01-2, State policy seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

Relevantly, Clause 17 provides that planning is to contribute to the economic well-being of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts, so that each district may build on its strengths and achieve its economic potential.

At Clause 18 of the Yarra Planning Scheme, the objective of the planning policy framework is to integrate land use and transport to achieve efficient, sustainable and safe communities.

The proposal responds to these objectives in the following ways:

- The subject site is located within an established commercial precinct known as the Swan Street Activity Centre. The Planning Scheme actively encourages the establishment of offices in this location and indeed, 'Office' is a Section 1, 'permit not required' uses in the applicable Commercial 2 Zone.
- The architectural plans prepared by Bates Smart are thoughtfully considered and site responsive. The development will positively contribute to the future character of neighbourhood as a





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contemporary infill addition which respects the immediately adjoining properties, the wider character of the Swan Street area, and will create visual interest in Kingston Street.

- The proposal will support economic growth by providing office floor space in a location where it is specifically encouraged, and will improve access to jobs and close to where people live.

From a local policy perspective, the proposal responds positively to the applicable provisions of the Municipal Strategic Statement, as follows:

- The proposal will increase local employment opportunities.
- The development will activate the public realm and improve passive surveillance to Kingston Street, Selby ROW and Brighton Street.
- The site is relatively unconstrained by sensitive uses with the exception of the three adjoining dwellings (located within the Neighbourhood Residential Zone and affected by a Heritage Overlay) immediately east of the site. This interface has been carefully managed to ensure an acceptable transition which acknowledges the urban design principles established for these interface locations in the Swan Street Structure Plan.
- The proposal is consistent with the land use objectives for commercially zoned land.

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#### 6.3 Design and Built Form Considerations

Both the State and Local Planning Policy Frameworks set out a range of urban design principles to guide the form of new development in urban environments.

This assessment has regard to the following clauses of the Yarra Planning Scheme:

- Clause 15.01 Urban Environment
- Clause 15.03 Heritage
- Clause 21.05 Built Form
- Clause 21.08 Neighbourhoods
- Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay
- Clause 22.05 Interface Uses Policy
- Clause 22.10 Built Form and Design Policy
- Clause 22.17 Environmentally Sustainable Development



## 6 Planning Assessment

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The most relevant assessment provisions in determining the appropriateness of the proposed design and built form are Clause 15.01 (Built Environment). These matters are addressed as follows:

### Clause 15.01

Clause 15.01 of the Yarra Planning Scheme provides policy guidance for new built form.

The Objective of Clause 15.01 includes the following:

*'To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.'*

A response to the applicable strategies is provided as follows:

### Urban Design

The proposed development will contribute positively to the public realm by introducing a carefully crafted, contemporary building of architectural merit that is appropriately sited and scaled.

The development proposes to transform a stark and barren at-grade car park into an attractive office environment that interacts with the public realm at street level and above.

Appropriate consideration has been given to the pedestrian experience. The design uses fenestration, building entries, landscaping and feature materials to create an attractive and engaging environment for pedestrians. Additionally, the development will be served via Selby ROW, with the existing crossover to Kingston Street proposed to be reinstated. The development will significantly improve the public domain in this regard and create a safe and uninterrupted environment for pedestrians.

### Building Design

The architectural drawings prepared by Bates Smart, along with the schedule of materials, elevations and perspective drawings, illustrate that the development will unquestionably achieve a high level of architecture and urban design.

Key features of the design response are:

- The graduated tapering of the building form into the adjoining residential context to the east.
- The two storey street wall to Kingston Street which will provide a pedestrian scale outcome within Kingston Street.
- The vehicle access strategy from rear and creation of an uninterrupted frontage to Kingston Street.



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- The ground floor entry from Kingston Street and glazed façade which will create activity and passive surveillance of the street.
  - The introduction of soft landscaping within front setback to Kingston Street which will blend into the existing landscape to the east.
  - The wall adjacent to the east boundary which will shield the adjoining residential properties from the lower levels of the building in a similar manner to a traditional warehouse which might have formally existing on the subject site.
  - The horizontal and vertical articulation which breaks up the building mass, particularly when viewed from the residential context to the east, the introduction of landscape terracing which will assist to soften the eastern façade.
  - The development integrates a mix of building materials and finishes that respects the existing and historical character of the area.
  - The building will also capitalise on the unencumbered views to the east towards Barkly Square Gardens, and this will create both immediate and distant passive surveillance opportunities.
- 

**Figure 6.1**  
**FEATURE PERSPECTIVES**  
 (Courtesy of Bates Smart)





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#### Healthy Neighbourhoods

The development proposes to incorporate a range of initiatives to achieve energy and resource efficiency. These are tabled in the report prepared by Waterman AHW and submitted with this application.

#### Neighbourhood Character

The subject site has a total area of 616m<sup>2</sup> and a maximum depth of 28.51 metres. It benefits from two street frontages, and a Central Richmond location that is proximate to public transport and other infrastructure. For these reasons, the site represents a strategic opportunity to advance local and state policy by capitalising on an under-utilised parcel of land within an existing urban area, where there is a policy expectation that intensification of development can and should occur.

The site is situated within two distinct neighbourhood character contexts. The properties fronting Kingston and Church Streets are developed with commercial/retail buildings varying between one to six storeys in height. The properties to the east and generally fronting Brighton Street are located within the Neighbourhood and General Residential Zones, some with heritage value. The heritage significance of the adjoining properties to the east is established by the heritage overlay which applies to these properties.

The height, scale and massing of the proposed development is derived from a comprehensive site context and strategic policy analysis as detailed in the Design Report prepared by Bates Smart.

The nominated preferred building height within the Swan Street Structure Plan is 5-6 storeys (19m). The proposed building height is six storeys and is commensurate with the preferred building height in the Swan Street Structure Plan, although notably maximum building scale is confined to the west edge of the site before tapering down in the adjoining residential context.

The composition of the building also facilitates the vision of the adopted Structure Plan at interface locations where commercial uses abut existing residential development.

In local policy terms, Clause 22.05 (Interface uses policy), Clause 22.07 (Development abutting laneways) and Clause 22.10 (Built form and design policy) are also relevant, providing guidance for future built form outcomes.

#### Interface Uses Policy (Clause 22.05)

In accordance with Clause 22.05 (Interface Uses Policy), the development will not unreasonably impact upon any adjoining residential properties. The interface to the east has been carefully managed as addressed previously in this report and as illustrated below within Figure 6.2. The non-conforming dwelling to the south of



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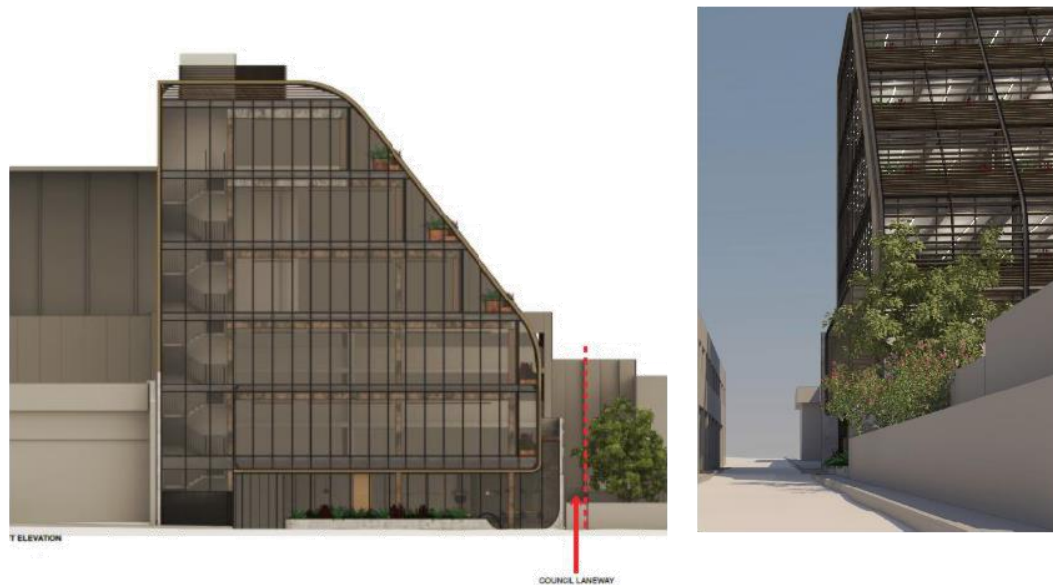
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the site, also in the Commercial 2 Zone, should not expect the same level of amenity as would be enjoyed in a residential zone. Indeed, it is a well-accepted planning principal that the existence of non-conforming dwelling use in the Commercial 2 Zone should not be used as a reason to curtail office development and its associated built form that is otherwise specifically encouraged in the Commercial 2 Zone.

**Figure 6.2**  
**INTERFACE CONTEXT**  
(Courtesy of Bates Smart)



#### Development Abutting Laneways (Clause 22.07)

The development proposes to utilise Selby ROW for vehicle access. The laneway will provide vehicle access to the ground level car parking and the basement car park. This outcome ensures the primacy of Kingston Street, opportunities for enhanced activation and avoids unnecessary pedestrian interruptions.

A Traffic Assessment prepared by Cardno addresses the vehicle access and traffic related considerations associated with the proposed development including the context of the abutting laneway.



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#### Built Form and Design Policy (Clause 22.10)

This policy applies to all new development not included in a Heritage Overlay. In accordance with Clause 22.10-3.1, a detailed site analysis plan and a design response have been prepared by the project architect.

Having regard to the design objectives set out under the policy, the following is noted:

- The building as it presents to Kingston Street will contribute positively to the future character of the area.
- The development will achieve Australian “best practice” in environmental efficient design with initiatives including stormwater harvesting, high performance building fabric and substantial bicycle facilities as described within the Sustainable Management Plan prepared by Waterman AHW.
- The extent of site coverage will be consistent with the Commercial 2 Zoning of the land and the existing pattern of development.
- The building has been designed with proper regard to offsite amenity and equitable development opportunities.
- The Traffic Engineering Assessment prepared by Cardno confirms that the parking provision and arrangement is suitable.

For the reasons listed above, the proposal adequately responds to the applicable design and built form policy criteria of the Planning Scheme.

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#### **6.4 Amenity Considerations**

Having regard to the interface location at edge of a major activity centre, the off-site amenity expectations must be tempered. The proposed development composition results in a considered design response which carefully responds to the surrounding opportunities and constraints.

To that end, matters of visual bulk, overlooking and overshadowing are addressed below:

#### Visual Implications

The proposal represents a high quality design response for the subject site. The visual appearance of the proposed building is contemporary and provides visual interest along with opportunities for passive surveillance at the upper levels. The building is well-articulated and the form is characterised by the tapered form which steps away from the residential interface to the east as the building height increases. This design approach reduces the visual bulk and manages the scale transition at this interface location.



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The height of the wall in the eastern boundary is limited to 6 metres. This is lower than a traditional warehouse / factory building which would have once occupied the site, and is lower than the 10 metre wall height on the boundary contemplated by the adopted Swan Street Structure Plan. Behind this wall the building is setback creating a depth of separation and some relief to the neighbouring backyards.

On balance, the built form response represents an appropriately respectful design response at this location, and within this strategic context.

#### Overshadowing

The shadow diagrams prepared by Bates Smart demonstrate that the shadow outcomes are acceptable given the site orientation and the activity centre interface context.

There will be no impact to the surrounding residential properties during the morning hours. A marginal amount of additional shadowing will occur at 1:00pm to the very rear portion of the rear gardens of the properties to the east and the front garden of the properties on the south side of Kingston Street. From 2:00pm onwards the rear gardens of the properties to the east will be in shadow. At an interface location between commercial and residential zones within an activity centre, this outcome is acceptable.

Furthermore, it is noteworthy, as demonstrated in the architectural package prepared by Bates Smart, that the shadow outcome from a traditional warehouse building, limited to a comparable height as the existing building to west, but built to the boundary would be more significant on the adjoining residential properties than the application proposal.

#### Overlooking

As identified previously, the subject site presents a unique opportunity for easterly views noting the preferred building heights on the subject land and the much lower mandatory maximum building heights applicable to the residentially zoned land to the east. However, these proposed views are managed with incorporated screening to ensure that no direct downward views into the adjoining areas of private open space are possible. The building utilises the external louvers to direct views outwards over the rooves of the three residential dwelling to the east (refer Section Diagrams in the Architectural Package and Design Report) prepared by Bates Smart. No other overlooking to sensitive residential properties is possible.

Overall, it is considered the proposal will not create unreasonable off-site amenity impacts.



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#### 6.5 Traffic, Parking & Waste Considerations

#### Traffic and Parking Considerations

Traffic and Parking considerations are addressed in the Traffic Impact Assessment prepared by Cardno which accompanies this application.

The Traffic Impact Assessment prepared concludes that:

- *The proposal includes the redevelopment of the site at 9 Kingston Street, Richmond to provide an office building in the order of 1,929 square metres of net leasable floor area.*
- *A total of 16 car parking spaces are proposed to be provided on-site across a basement level car park and at ground level, positioned along the northern boundary of the site, inclusive of one (1) accessible bay.*
- *The car park and access design has been assessed against the relevant standards and guidelines, generally complies with these standards and is deemed functional.*
- *The proposed development has a statutory requirement to provide 57 car parking spaces on-site.*
- *Survey of an existing mixed use (primarily office) development abutting the site to the north indicated an underutilisation of the on-site car park, suggesting that employees are opting to take alternative transport modes despite ample parking being available.*
- *Application of the derived unconstrained rates noted above to the proposed office floor area equates to demands for 34 car parking spaces and 16 bicycle parking spaces.*
- *It is expected that the constrained nature of the car park will further encourage staff/visitors to take alternative transport modes, consistent with the existing operations of the office development adjacent to the site.*
- *Surveys of existing on-street parking within the vicinity of the site indicate that long term on-street parking is at capacity. Given the occupancy levels of existing long term on-street parking, the site has little opportunity to have an impact on on-street parking resources.*
- *The proposed provision of 16 staff car parking spaces is therefore considered to be appropriate noting the site's excellent accessibility to public transport services in the vicinity of the site, on-street parking limitations surrounding the site and the anticipated car parking demand given the above.*
- *The development has a statutory requirement to provide eight (8) bicycle parking spaces on-site, serving as a combination of staff and visitor parking spaces. It also triggers the requirement to provide one (1)*



## Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report

9 Kingston Street, Richmond

Contour Consultants Aust Pty Ltd 43

### 6 Planning Assessment

---

*shower/changeroom facility.*

- *The proposed 26 on-site staff and visitor bicycle parking spaces will comfortably accommodate the eight (8) spaces as per the requirements of Clause 52.34 and a likely demand for 16 bicycle parking spaces based on the recorded demand rates at the adjacent office building site. Additionally, the proposed four (4) shower and changeroom facilities will comfortably meet the anticipated demand associated with these amenities.*
- *The development is not anticipated to generate a significant traffic impact on the road network surrounding the site, given the total traffic movements anticipated to be generated post-development will be less than the amount of traffic currently being generated by the site.*

---

#### 6.6 Waste Management Considerations

A Waste Management Plan has been prepared by LID, and accompanies the application. It recommends the following collections arrangements:

- *The Council collection service is recommended to collect the shared 4 x 240L garbage bins and 4 x 240L recycling bins weekly from Selby ROW.*
- *The private collection services should enter the Selby ROW via Brighton Street with the contractor to stop adjoining the rear of the property, retrieve, empty and return bins to/from the bin store at time of collection. The waste vehicle can then reverse back out onto Brighton Street using a 2 person team.*
- *Building Management is responsible for all aspects of waste management including providing access for the private waste contractor to have access to the site and bin store on the days of collection.*

---

#### 6.7 Sustainable Design Considerations

Environmental Sustainable Design initiatives are addressed in the ESD Statement Report prepared by Waterman AHW which accompanies this application.

The report identifies that the following key ESD initiatives have been incorporated this project:

- *The project achieves a score of 55% on the BESS tool, which is well in excess of the required score of 50%.*

Overall, this development includes a wide range of holistic sustainability measures, which have been carefully integrated into the preliminary design of the development so that the occupants will have the opportunity to reduce their ecological footprint without compromising quality of life.



## 7 Conclusion

This application proposes the development of the land for the purpose of a six (6) storey office building including a basement level of car parking.

This proposal represents an appropriate town planning outcome for the following reasons:

- The proposal responds to the strategic planning aspirations at the state and local planning policy levels relating to productivity and economic development. The proposal will provide for new jobs, close to where people live and close to public and sustainable transport options.
- The proposed use of the land for offices is as-of-right in the Commercial 2 Zone and does not require planning permission.
- The proposed architectural design, massing and materials are considerate of the site context, and the history of the character of the broader Richmond/ Cremorne area.
- The office building is contemporary in appearance and will make a positive contribution of the streetscape in Kingston Street and its broader surrounds.
- The proposed building form provides for a respectful transition in building height at the interface of a commercial activity centre and the adjoining residential land.
- The sculptured building form carefully manages the shadow impacts to the adjoining residential properties to the east.
- There are no unreasonable local amenity impacts.
- The proposal has proper regard for the reasonable future development surrounding sites.
- Best practice environmental sustainability initiatives are targeted for the building in addition to other sustainability initiatives, as demonstrated in the supporting SMP prepared by Waterman AHW.
- Appropriate car parking and vehicle access is proposed, as detailed in the accompanying Traffic and Parking Assessment prepared by Cardno.
- The proposal provides for appropriate waste management arrangements as detailed in the accompanying report from LID.

Overall, this high quality proposal represents design excellence and will be a positive addition to its surrounds.





**Attachment 8 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Planning Report**



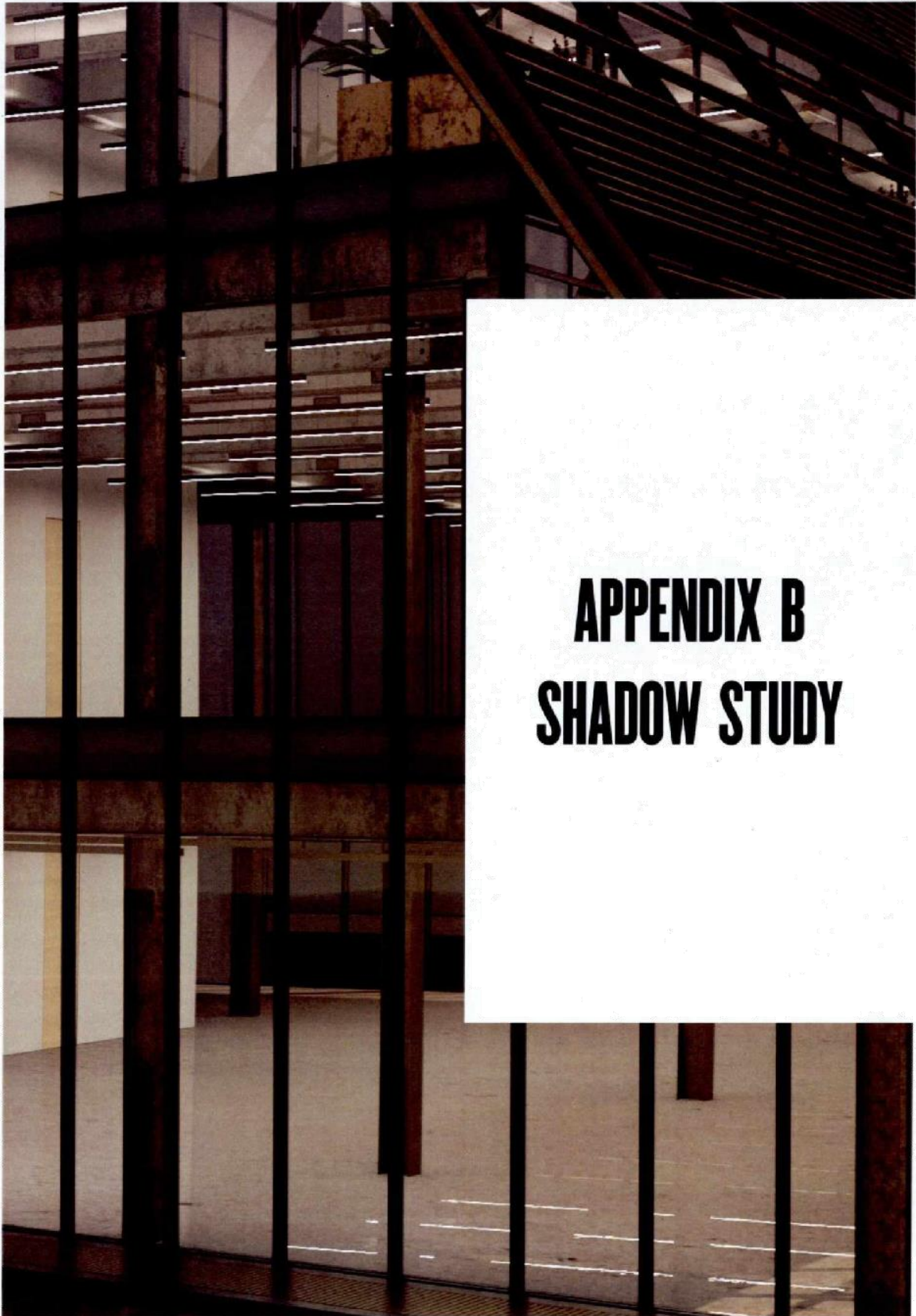
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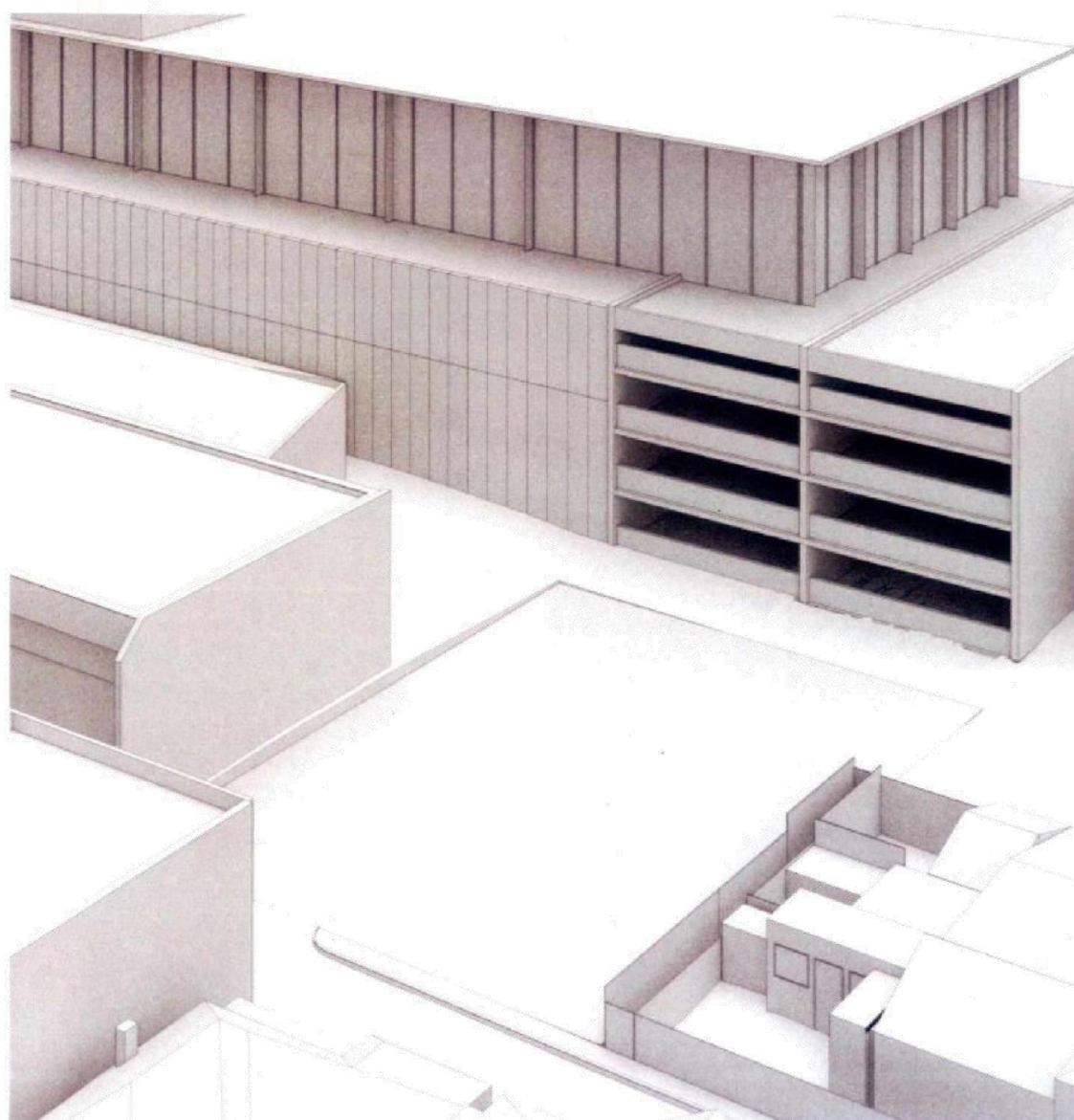






# SHADOW STUDIES EXISTING KINGSTON ST

/ Existing condition



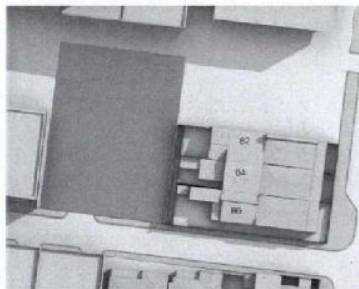
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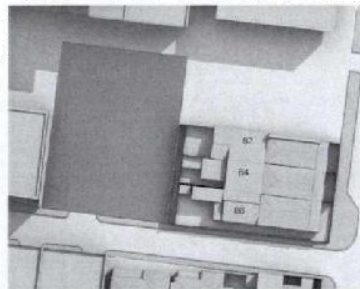
Attachment 9 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow Study

# EXISTING SHADOW STUDY SEP 22

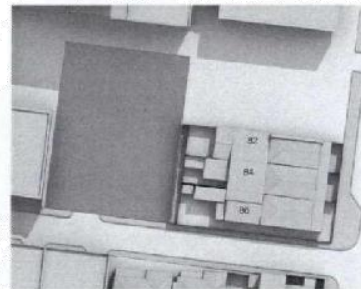
/ Existing condition



Sep 22, 9am		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	2.41	0.18	3.37	
Shaded Area (sqm)	22.48	15.3	28.44	
Sunlit Area (%)	0.7%	1.2%	13.8%	
Shaded Area (%)	90.3%	98.8%	86.2%	



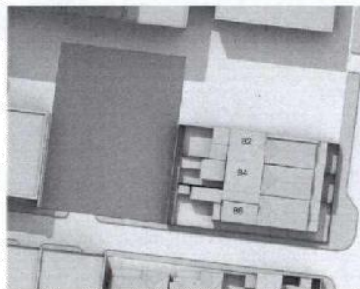
Sep 22, 10am		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	7.08	1.37	7.04	
Shaded Area (sqm)	17.80	14.11	24.77	
Sunlit Area (%)	28.1%	10.2%	22.1%	
Shaded Area (%)	71.9%	89.8%	77.9%	



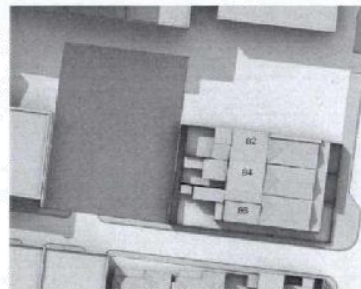
Sep 22, 11am		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	12.28	3.79	12.23	
Shaded Area (sqm)	12.60	11.69	19.58	
Sunlit Area (%)	49.4%	18.0%	38.4%	
Shaded Area (%)	50.6%	82.0%	61.6%	



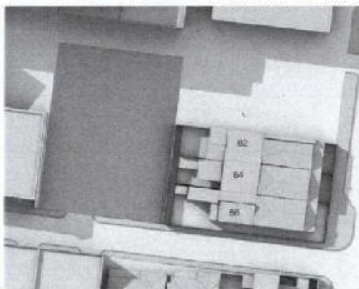
Sep 22, 12pm		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	15.75	3.82	18.48	
Shaded Area (sqm)	9.13	11.66	13.33	
Sunlit Area (%)	63.4%	24.7%	58.1%	
Shaded Area (%)	36.6%	75.3%	41.9%	



Sep 22, 1pm		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	12.90	4.19	16.87	
Shaded Area (sqm)	11.98	11.31	14.94	
Sunlit Area (%)	52.3%	26.8%	53.0%	
Shaded Area (%)	47.7%	73.2%	47.0%	



Sep 22, 2pm		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	5.79	4.31	16.84	
Shaded Area (sqm)	19.09	11.17	14.97	
Sunlit Area (%)	23.4%	27.9%	53.0%	
Shaded Area (%)	76.6%	72.1%	47.0%	



Sep 22, 3pm		B2	B4	B6
Total PDS	24.88	15.48	31.81	
Sunlit Area (sqm)	5.25	4.41	16.03	
Shaded Area (sqm)	19.63	11.07	15.78	
Sunlit Area (%)	21.3%	28.7%	50.4%	
Shaded Area (%)	78.7%	71.3%	49.6%	

LEGEND:

Existing Shadow

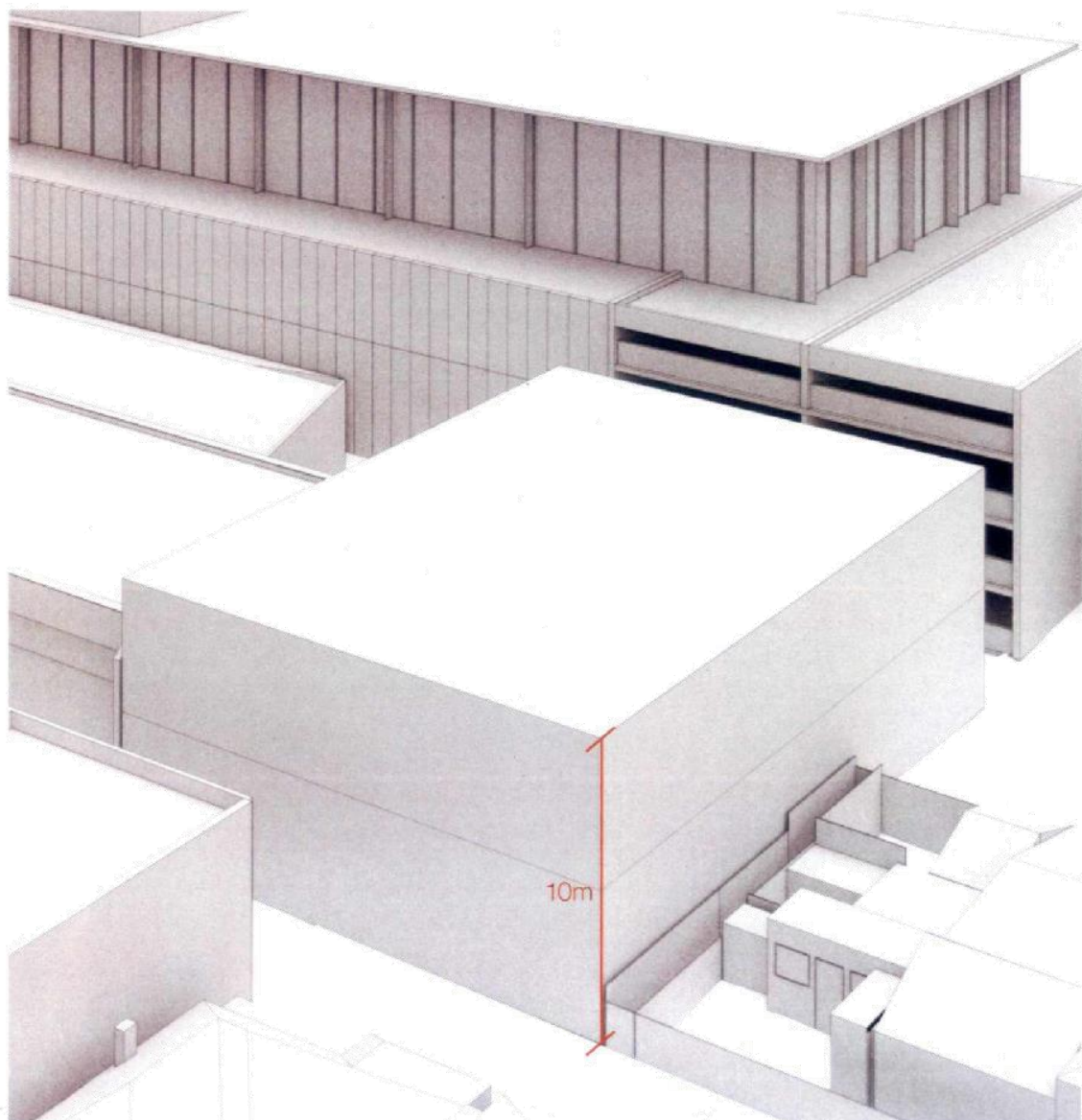
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# SHADOW STUDIES

## 10M PODIUM

/ 2 Storey Podium (10m)



BATESSMART



## Attachment 9 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow Study

# 10M PODIUM SHADOW STUDY SEP 22

/ 2 Storey Podium (10m)



Sep 22, 9am

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	2.41	0.15	3.37
Shaded Area (sqm)	22.25	15.31	28.24
Sunlit Area (%)	9.7%	1.0%	10.6%
Shaded Area (%)	90.3%	99.0%	89.4%



Sep 22, 10am

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	7.68	1.57	7.04
Shaded Area (sqm)	16.98	13.89	24.57
Sunlit Area (%)	31.1%	10.2%	22.3%
Shaded Area (%)	68.9%	89.8%	77.7%



Sep 22, 11am

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	12.08	2.79	12.23
Shaded Area (sqm)	12.58	12.67	19.38
Sunlit Area (%)	49.4%	18.0%	38.6%
Shaded Area (%)	50.6%	82.0%	61.4%



Sep 22, 12pm

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	13.75	3.62	16.40
Shaded Area (sqm)	10.91	11.84	15.21
Sunlit Area (%)	55.8%	23.7%	51.9%
Shaded Area (%)	44.2%	76.3%	48.1%



Sep 22, 1pm

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	9.14	2.15	9.61
Shaded Area (sqm)	15.52	13.31	22.00
Sunlit Area (%)	37.1%	13.9%	30.4%
Shaded Area (%)	62.9%	86.1%	69.6%



Sep 22, 2pm

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	0	0	0.5
Shaded Area (sqm)	24.66	15.46	31.11
Sunlit Area (%)	0.0%	0.0%	1.6%
Shaded Area (%)	100.0%	100.0%	98.4%



Sep 22, 3pm

	B2	B4	B6
Total PCS	24.66	15.46	31.61
Sunlit Area (sqm)	0	0	0
Shaded Area (sqm)	24.66	15.46	31.61
Sunlit Area (%)	0.0%	0.0%	0.0%
Shaded Area (%)	100.0%	100.0%	100.0%

## LEGEND:

- Existing Shadow
- Additional Shadow cast by proposal

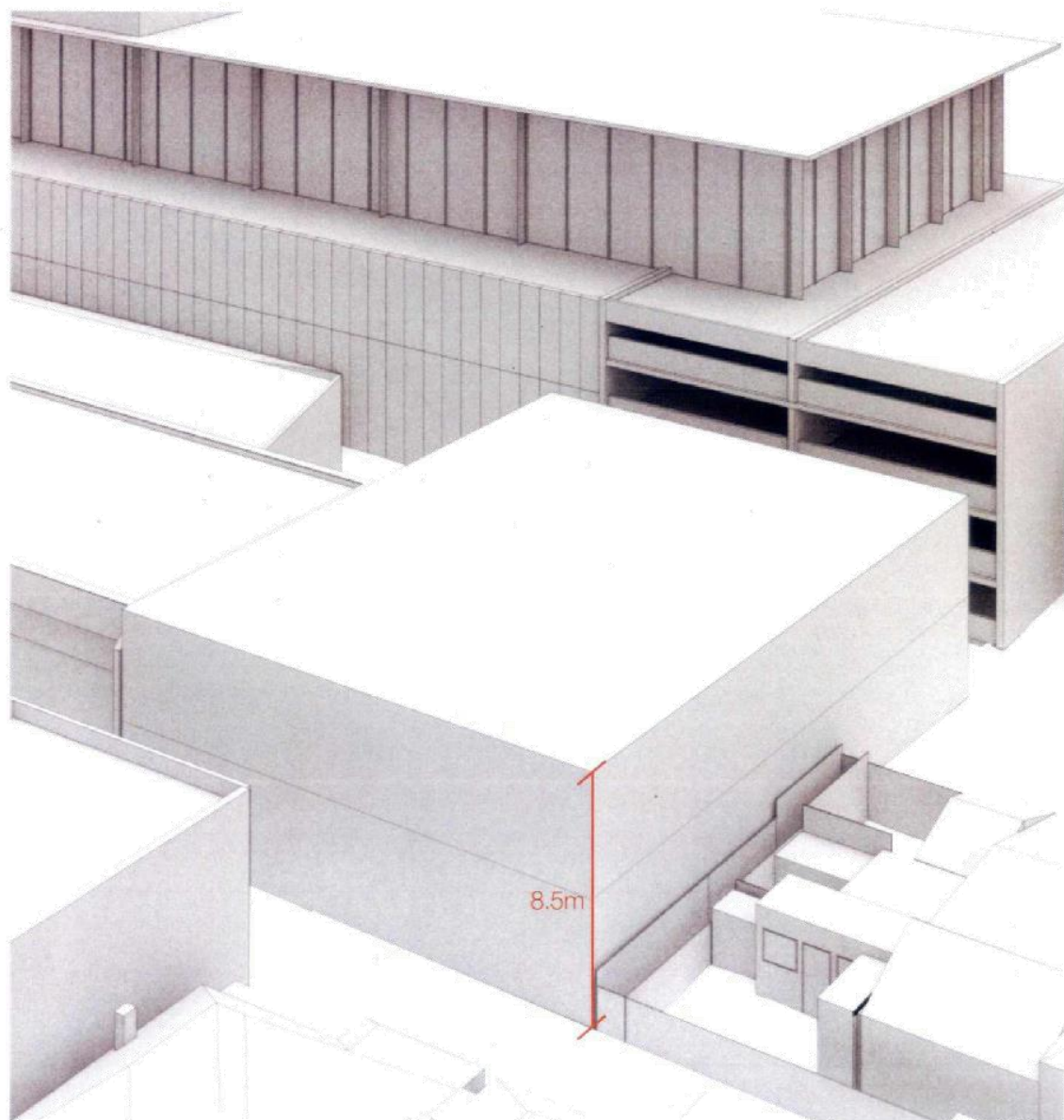
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# SHADOW STUDIES

## 8.5M PODIUM

/ 2 Storey Podium (8.5m)



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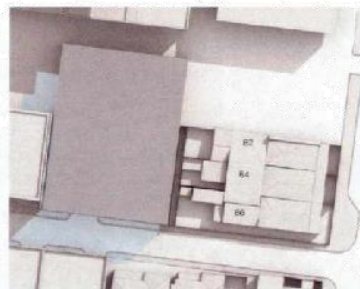
# 8.5M PODIUM SHADOW STUDY SEP 22

/ 2 Storey Podium (8.5m)



Sep 22, 9am

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	2.41	0.16	3.37
Shaded Area (sqm)	22.45	15.33	28.44
Sunlit Area (%)	9.7%	1.0%	10.6%
Shaded Area (%)	90.3%	99.0%	89.4%



Sep 22, 10am

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	7.98	1.37	7.24
Shaded Area (sqm)	16.89	13.89	24.77
Sunlit Area (%)	32.1%	10.2%	22.7%
Shaded Area (%)	67.9%	89.8%	77.3%



Sep 22, 11am

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	12.28	2.79	12.23
Shaded Area (sqm)	12.58	13.67	19.58
Sunlit Area (%)	49.4%	18.2%	38.4%
Shaded Area (%)	50.6%	81.8%	61.6%



Sep 22, 12pm

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	15.75	3.87	16.48
Shaded Area (sqm)	9.11	11.61	15.33
Sunlit Area (%)	63.4%	24.7%	51.8%
Shaded Area (%)	36.6%	75.3%	48.2%



Sep 22, 1pm

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	9.38	2.53	11.78
Shaded Area (sqm)	15.48	12.95	20.03
Sunlit Area (%)	40.1%	16.3%	37.0%
Shaded Area (%)	59.9%	83.7%	63.0%



Sep 22, 2pm

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	0	0	3.13
Shaded Area (sqm)	24.88	15.48	28.68
Sunlit Area (%)	0.0%	0.0%	9.8%
Shaded Area (%)	100.0%	100.0%	90.2%



Sep 22, 3pm

	B2	B4	B6
Total PCS	24.88	15.48	31.81
Sunlit Area (sqm)	0	0	0
Shaded Area (sqm)	24.88	15.48	31.81
Sunlit Area (%)	0.0%	0.0%	0.0%
Shaded Area (%)	100.0%	100.0%	100.0%

## LEGEND:

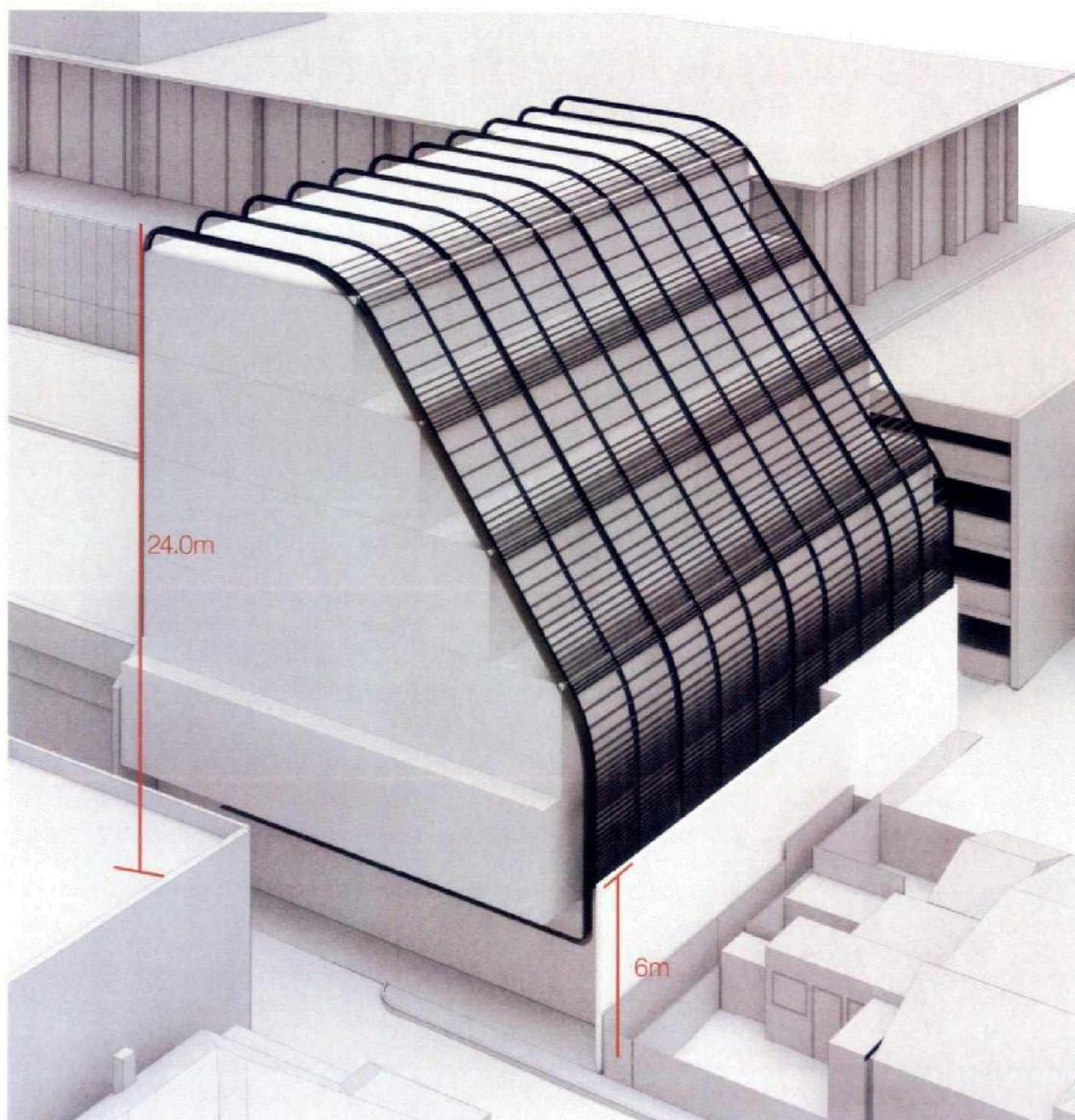
- Existing Shadow
- Additional Shadow cast by proposal

BATESMART.



# SHADOW STUDIES PROPOSAL

- / 2 Storey Podium (8.5m)
- / Podium Wall (6m)
- / 6 levels

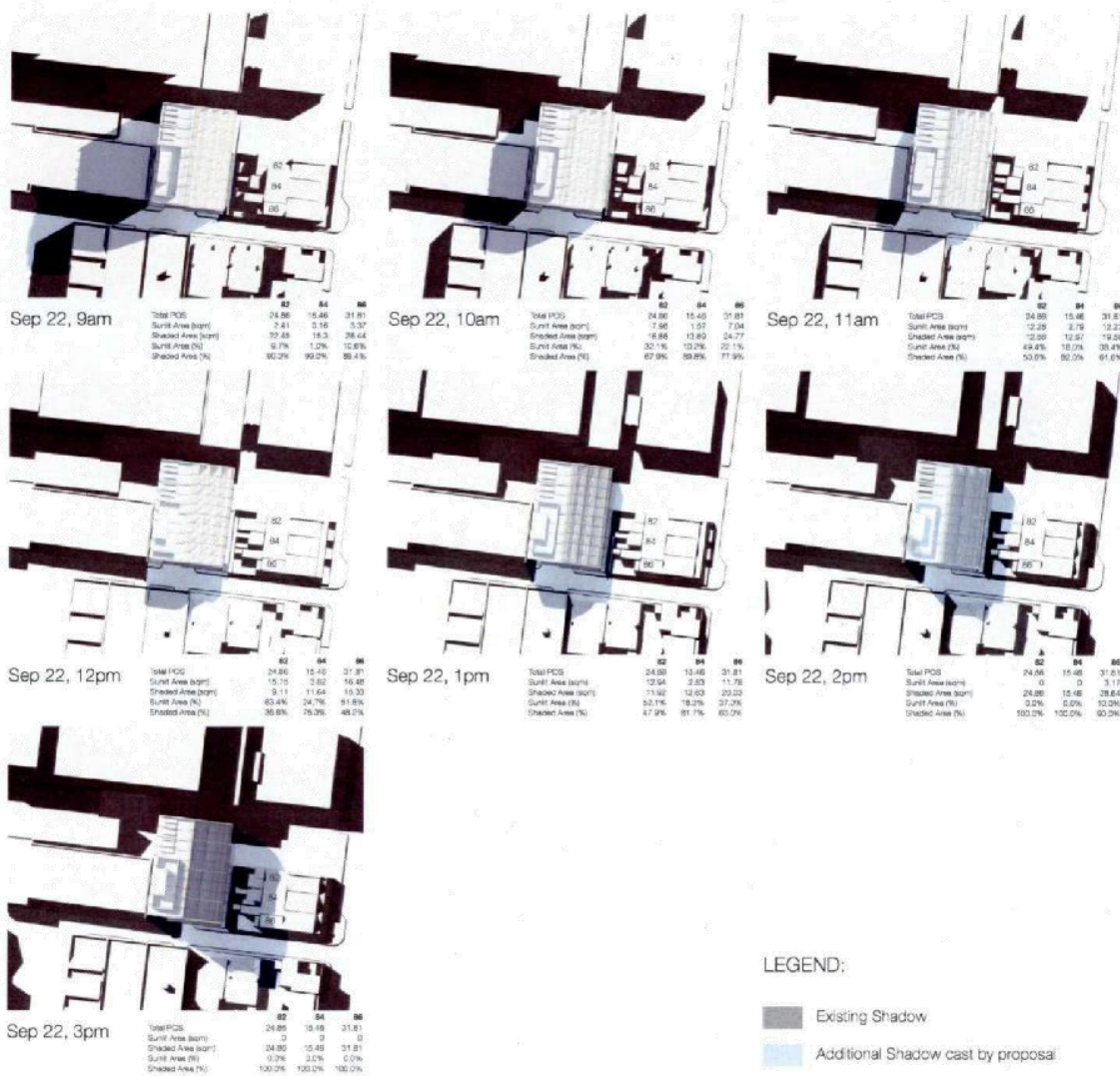


BATESSMART.



Attachment 9 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow Study

# 24.0M MASSING SHADOW STUDY SEP 22



BATESSMART.



## Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



### 9 Kingston Street, Richmond

Sustainability Management Plan / prepared for GB Investments (VIC) Pty Ltd



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# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



9 Kingston Street, Richmond / Sustainability Management Plan

## Document Status

<b>Project No.</b>	6162	<b>Version</b>	4	<b>Date</b>	29/04/2019
Author(s)	Bob Wilson				
Approved by	Phil Barnes				
<b>Version</b>	<b>Issue Description</b>				<b>Date</b>
1	Draft Issue for Comment				9 November 2018
2	Issued for Planning				21 December 2018
3	Updated WSUD wording				24 April 2019
4	Updated				29 April 2019
<i>This report has been prepared in accordance with the terms and conditions of appointment. Waterman AHW (Vic) Pty Ltd (ABN 46 121 003 334) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.</i>					

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<b>APPENDIX C   BESS REPORT</b>	
<b>APPENDIX D   GREEN STAR SCORECARD</b>	

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Project No. 6162 Version 4 29/04/2019

Page i



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

### 1 Introduction

#### 1.1 Purpose

Waterman has been engaged to prepare a Sustainability Management Plan (SMP) for the proposed commercial development.

This SMP lists the sustainable initiatives and attributes currently considered for the design of this project. The project team will endeavour to ensure that all aspects of the design listed within this report are fully implemented into the design documents and the constructed building.

#### 1.2 Design Philosophy

The proposed development is a commercial development located at 9 Kingston Street, Richmond. The development includes 1,929m<sup>2</sup> NLA of office space from the ground floor to level 5.

Sustainability has been integrated into the heart of this development with careful consideration given to sustainable outcomes from the initial siting, massing and orientation of the building. By locating the core on the western side of the building, the project has managed to minimise unwanted afternoon solar gains.

In addition to these core features, this project has included wide ranging initiatives to ensure the building is a healthy, energy and water efficient building with a minimal ecological footprint. This strategy has been validated by benchmarking the building against the Green Star rating tool, showing a potential score of 46 points (a 4 Star Rating requires at least 45 points).



#### 1.3 Statutory Framework

This SMP benchmarks the project against the relevant planning requirements of the relevant authority.

For this project, the relevant authority is the City of Yarra and the following benchmarks are required to be satisfied.

Local Planning Policy	Project Response
<b>LPP 22.17 Environmentally Sustainable Development</b>  Applications are required to include an ESD Statement demonstrating how the project meets the following application requirements: A pass score demonstrating current best practice (50% on the BESS tool)	This SMP has benchmarked the development using the BESS tool and achieves a score of 64%, which well exceeds the minimum requirement..  The development has also been benchmarked against the latest version of the Green Star – Design & As-Built tool and the design initiatives included are equivalent to a 4 Star Green Star rating.  We note that a certified Green Star rating is unlikely to be pursued for this project.
<b>LPP 22.16 Stormwater Management</b>  Applications are required to include a WSUD response demonstrating how the project meets the objectives of the planning policy.	This SMP includes a WSUD response meeting the requirements of the planning policy.

#### 1.4 Sources of Information and Limitations

This report has been based on the following architectural information:

- > Bates Smart. Job No. M12218. Town Planning Issue Rev C drawings, issued 29 April 2019.

This SMP is based on our interpretation of the architectural documentation and project briefing requirements issued to us to date. It is also based on our understanding of the key design considerations that we believe are beneficial to a development of this type and size in order to reduce the development's impact on the environment.

This report has been specifically prepared for the organisation noted on the cover of the report.

No responsibility or liability to any third party is accepted for any loss or damage arising from the use of this report by any third party. Any third party wishing to act upon any material contained in this report should confer with Waterman for detailed advice to take into account that party's particular requirements.

This report is not to be used for any other project.



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 2 Summary and Conclusions

This report outlines a number of sustainable design initiatives which are to be integrated into the design and specification of the proposed development in order to reduce the development's environmental impact.

The performance outcomes presented in this report demonstrate that the proposed development meets the City of Yarra standard for sustainable development and represents excellence in sustainability.

### 2.1 BESS Outcome

To ensure that a holistic sustainable design approach has been incorporated into the design, the project has been benchmarked against the BESS rating tool. This rating tool assesses the sustainable attributes of the design across all aspects of sustainability.

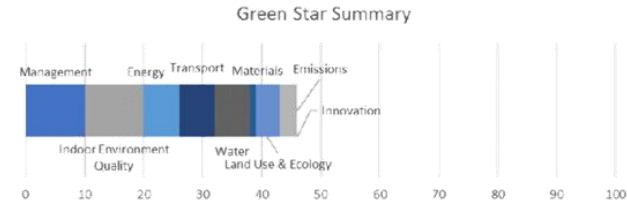
The project achieves a score of 64% on the BESS tool, which is well in excess of the required score of 50%.



## 9 Kingston Street, Richmond / Sustainability Management Plan

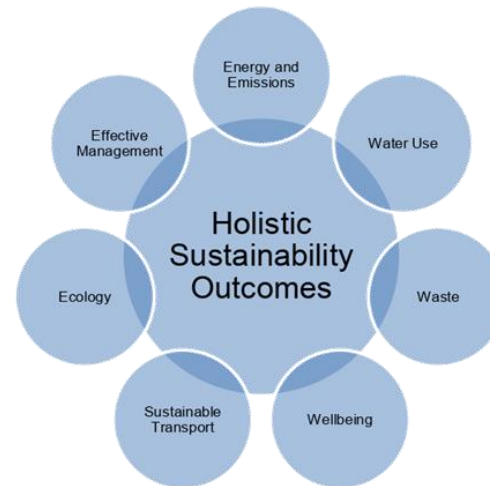
### 2.2 Green Star Benchmarking

The project has an equivalent sustainable outcome to a 4 Star Green Star rated building



### 2.3 Project Commitments

A list of the initiatives proposed to be included within the design has been provided in the Implementation Plan section of this report.





# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

### 3 Daylight Performance

Allowing daylight entry into a building can not only reduce reliance on electric lighting and save energy, but also improve indoor environment quality. Daylight has a natural quality that is not replicated using artificial lighting. The changing colour of daylight throughout the day also helps maintain occupants' circadian rhythm, which improves physical and mental health, and resilience.

Research indicates that office workers with access to natural light spend significantly longer amounts of time working at their desk than workers without access to natural light, with associated improvements in productivity.

This report presents the results of a daylight assessment of the building. The building has been assessed using the 'Daylight Factor' benchmark, which measures the daylight at the working plane as a percentage of the external light levels.

For example, a Daylight Factor of 2% equates to 200lux at the working plane during a typical summer overcast day in Melbourne where external light levels are a uniform 10,000lux.

Daylight performance for this building has been assessed using the methodology contained within the Green Star Daylight Hand Calculation Guide. This methodology deems an area with a Daylight Factor greater than 2% to have a high daylight performance, and uses a prescriptive method to determine which areas are likely to achieve the benchmark. It does not involve daylight modelling.

Figure 1 shows the results of the daylight assessment for this building. Overall, 49% of the NLA of the building achieves a daylight factor of 2.0% or greater, which is well above average for office buildings.

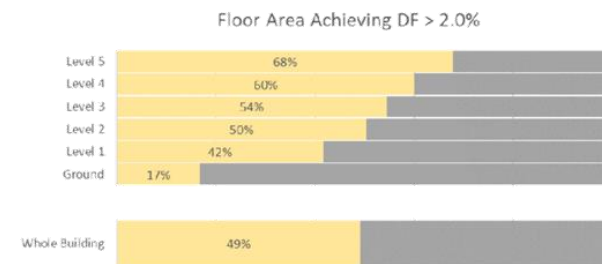


Figure 1: Daylight assessment results for each floor of the building and the building as a whole

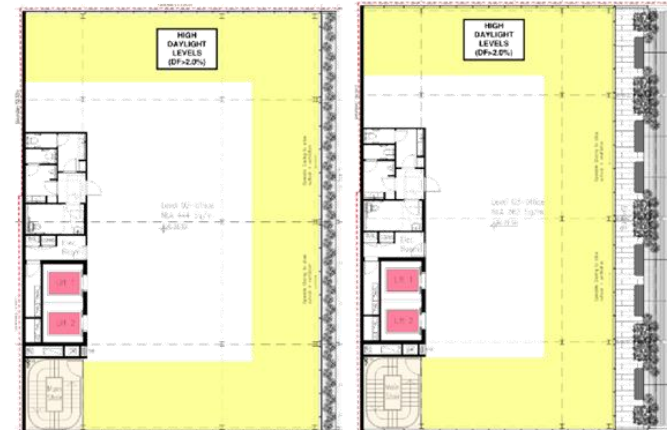
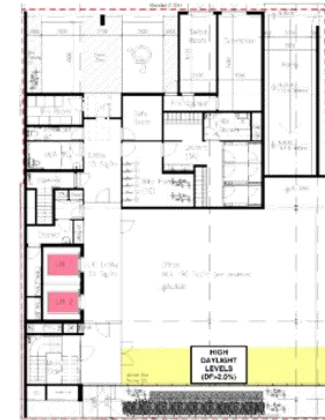


Figure 2: Indicative daylight levels for ground floor (top), levels 2 (left) and 3 (right)



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

### 4 High Quality Ventilation

Designing spaces that are well ventilated is critical to providing a healthy building that promotes wellness. Internal spaces typically generate pollutants such as carbon dioxide from occupants, volatile compounds emitted from furniture, finishes, paints, sealants and adhesives, and formaldehyde from particleboard and other wood products. Regular air changes through ventilation are required to ensure that these pollutants do not build up to harmful concentrations.

A typical building designed to the minimum standards can have a concentration of CO<sub>2</sub> of well over 1000ppm while fully occupied, compared to the outside air concentration of 400ppm. This, in combination with high levels of volatile organic compounds, formaldehyde, dust and microbial organisms, contributes to a variety of health effects known as 'Sick Building Syndrome'.

A building with high quality ventilation can limit the build-up of pollutants in internal spaces and create a healthy, positive environment for occupants.

#### 4.1 Natural Ventilation

Wherever possible, natural ventilation is recommended to be included as part of the ventilation strategy for the building. A well-designed natural ventilation strategy can be far more effective at removing pollutants than mechanical ventilation. It can be incorporated as a year-round strategy, with small openings for winter and larger openings for summer, or as a mixed mode strategy where the occupant can close all openings and rely on mechanical ventilation alone when conditions are unfavourable.

This project includes sliding doors to each balcony which can act as a natural ventilation pathway. The exact ventilation strategy, whether mixed mode natural ventilation or a hybrid ventilation system, will be developed during detailed design and will depend on potential tenant arrangements.

### 5 Energy Performance

A number of energy performance commitments are being made as part of this report. The cumulative effects of these commitments have been assessed by the proposed design against a 'baseline building' which meets the minimum energy efficiency requirements of the Building Code of Australia.

The resulting assessment is a comparative assessment for benchmarking purposes only based on assumed operational profiles and occupancy densities. It has made assumptions about the types and quantities of equipment to be installed in the project. As such the results are not a prediction of the annual consumption in the facility, is not expected to correlate with the billing data, and does not guarantee a certain NABERS rating or any other certification.

The baseline case has been established using typical energy densities for buildings in Melbourne. The data has been sourced from Baseline Energy Consumption and Greenhouse Gas Emissions In Commercial Buildings in Australia, Part 1 - Report (Pitt & Sherry, Nov 2012).

The proposed case for this building has incorporated the following initiatives which perform better than the minimum BCA 2016 Section J requirements. Each has been incorporated into the Proposed case by applying an estimated improvement in energy consumption to the baseline case.

<b>Improved Insulation</b>	10% above minimum requirements
<b>Improved Glazing</b>	10% above minimum requirements
<b>Improved CoP (Heating &amp; Cooling)</b>	4.2
<b>Reduction in Fan Power</b>	15% below maximum allowance
<b>Reduction in Lighting Power</b>	30% below maximum allowance
<b>Reduction in Hot Water Use</b>	32.6% from efficient fittings

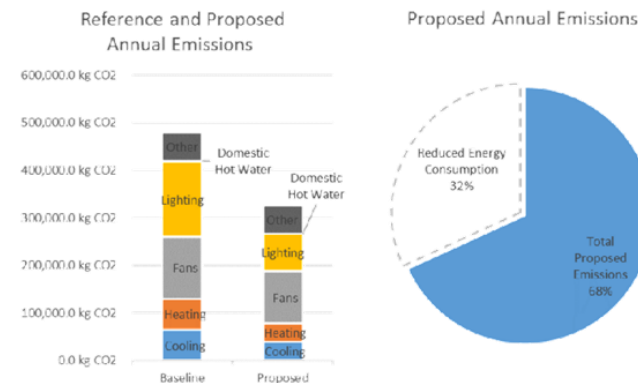


Figure 3: The building shows a potential reduction in greenhouse gas emissions of 32% from the base case



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

### 6 Water Resources

#### 6.1 Water Balance

A carefully designed, holistic water strategy can reduce the reliance of a building on potable water supply and local water catchment areas, while improving the local biodiversity. A typical water strategy will include the following objectives.

- > Reduce water demand through efficient fittings and fixtures
- > Collect and reuse rainwater for irrigation in lieu of potable water supply
- > Treat outflows from the site to minimise pollutants in the local stormwater systems

#### 6.2 Water Efficiency

This project will incorporate efficient fittings and fixtures designed to minimise water use within the building.

<b>Showers</b>	3 Star WELS ( $\leq 6.0$ L/min)
<b>Kitchen Taps</b>	6 Star WELS ( $\leq 4.5$ L/min)
<b>Vanity Taps</b>	6 Star WELS ( $\leq 4.5$ L/min)
<b>WC's</b>	4 Star WELS ( $\leq 4.5$ L/flush and $\leq 3.0$ L/half flush)
<b>Urinals</b>	5 Star WELS ( $\leq 0.8$ L/flush)

#### 6.3 Rainwater Collection and Reuse

This project includes approximately 257m<sup>2</sup> of roof area suitable for rainwater collection. This rainwater will be collected for reuse in a rainwater tank and used in landscape irrigation and toilet flushing in the ground floor toilets.

If a rainwater tank is too small for the collection area, it will often overflow and will not provide sufficient rainwater collection. If it is too large for the water demand, the extra water collected will not be used. The recommended size for this site is based on a holistic water balance where the water supply and water demand has been analysed and the optimal tank size has been selected.

Based on the results of the analysis in Figure 4, the optimal tank size for this project is 8,000L, which is expected to capture and reuse approximately 80% of the rainwater falling on the collection area.

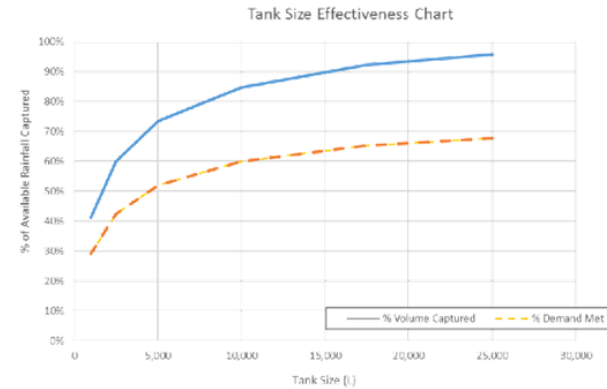


Figure 4: Water balance for this site to determine the optimal tank size

#### 6.4 Stormwater Treatment

The remaining portions of the roof / balconies are trafficable. Due to the potential for pollutants and dirt to enter the rainwater collection system from trafficable areas, it is preferable for rain falling in this area to bypass the collection system.

However, to meet Melbourne Water benchmarks and to prevent pollutants entering the stormwater system, the project will treat water falling on non-trafficable surfaces via a sand filtration system prior to discharging to the stormwater system.

Refer to the WSUD Response section of this report for detailed design recommendations for stormwater treatment.



## Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



9 Kingston Street, Richmond / Sustainability Management Plan

### 7 Summary of Initiatives and Implementation Plan

This development includes a wide range of holistic sustainability measures, which have been carefully integrated into the preliminary design of the development so that the occupants will have the opportunity to reduce their ecological footprint without compromising quality of life.

The initiatives in the Implementation Plan have been committed to as part of the planning process. In a typical design process, each initiative will need to be incorporated into the project at the project stages nominated in the table. The nominated Project Manager needs to ensure that all parties are aware of the project requirements and that the documentation reflects the design intent at each project stage. We note that all projects are delivered differently and the project manager may alter the responsibilities to ensure the plan remains relevant to the project.

Typically, the following activities need to occur at each stage to ensure all initiatives are carried through to construction.

**Town Planning Documents** – ESD Consultant is appointed, drawings show relevant information

**Tender Documents** – drawings / contract includes all sustainability initiatives so that the builder prices accordingly.

**Construction Documents** – drawings and specifications are consistent with the design intent.

**Construction & Completion** – the builder is to carry out the design intent during construction.

#### 7.1 Implementation Plan

Initiative	Discipline(s)	Project Stage			
		Town Planning Documents	Tender Documents	Construction Documents	Construction & Completion
MANAGEMENT					
A Green Star Accredited Professional has been appointed for this development to provide advice relating to sustainable design.	ESD	Y			
Commissioning to be undertaken in accordance with the relevant CIBSE and/or ASHRAE standards	Mechanical Electrical Hydraulic		Y	Y	Y
Quarterly tuning to be undertaken by mechanical and electrical services for 12 months post completion, to ensure the building operates as designed.	Mechanical Electrical		Y	Y	Y
Utility meters to be provided for electricity for all tenancies	Electrical		Y	Y	Y
All major common area services to be sub-metered separately for energy. Major uses in this project are considered to be: <ul style="list-style-type: none"><li>- Central mechanical plant</li><li>- Lifts</li><li>- General Power (each floor)</li><li>- Lighting (each floor)</li><li>- Hydraulic plant</li></ul>	Electrical Mechanical		Y	Y	Y
A BMS or equivalent is to be included, with the capacity to store at minimum 18 months of data from all energy meters.	Mechanical		Y	Y	Y
The builder will be required to implement a site specific Environmental Management Plan (EMP) for the project. The EMP will be required to include measures to limit stormwater impacts during construction, including but not limited to those listed in the WSUD Response section of this report.	Builder		Y		Y
Preference will be given to contractors with an ISO14001 certified Environmental Management System (EMS).	Project Manager		Y		
Building Users' Guide to be developed and provided to occupants.	Project Manager		Y		Y
INDOOR ENVIRONMENT QUALITY					
Where ventilation is provided, rates to occupied spaces are to be increased by 50% above the minimum outside air rate. In all other areas natural ventilation is to be provided in accordance with AS1668:2012	Mechanical		Y	Y	Y
Noise levels and reverberation to meet the requirements in AS2107:2000. Walls adjacent to meeting rooms and other noise sensitive areas to meet a weighted sound reduction index of $R_w > 45$	Acoustic Architect Mechanical		Y	Y	Y
All areas are to have sufficient lighting to achieve the minimum lighting levels in AS1680:2006	Electrical		Y	Y	Y
All windows to occupied spaces are to include an internal blind.	Architect		Y	Y	Y
The floorplate of the building has been assessed for daylight using the Green Star Daylight Hand Calculation Guide, and conservatively at least 49% of the floorplate achieves a Daylight Factor > 2%.	Architect	Y	Y	Y	Y



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

Initiative	Discipline(s)	Project Stage			
		Town Planning Documents	Tender Documents	Construction Documents	Construction & Completion
All paints, carpets are to be low VOC, in accordance with the latest Green Star criteria.	Architect		Y	Y	Y
All engineered wood products are to be E0.	Architect		Y	Y	Y
<b>ENERGY</b>					
<p>All roof, walls and flooring will achieve an increase of 10% from the minimum Section J requirements. Indicatively the following R-Values are to be achieved:</p> <ul style="list-style-type: none"> <li>- External concrete, masonry and double brick walls: R2.5</li> <li>- External lightweight stud framed walls: R3.1</li> <li>- Roofing systems: R3.5</li> <li>- Suspended floors: R2.2</li> </ul>	Architect ESD		Y	Y	Y
Glazing performance to be increased by 10% (no more than 90% allowance used on the glazing calculator).	Architect ESD		Y	Y	Y
Lighting power density is to be 30% lower than the maximum allowance in the BCA, calculated as an aggregate within the building.	Electrical		Y	Y	Y
Fan motor power is to be at least 15% less than the maximum allowed under Section J of the BCA.	Mechanical		Y	Y	Y
<p>All heating and cooling systems are to achieve the following benchmarks:</p> <ul style="list-style-type: none"> <li>- If distributed type (eg. split system / variable refrigerant volume): COP &gt; 4.2</li> <li>- If central chiller and boiler: COP &gt; 4.5 for chiller and a minimum efficiency of 92% for boiler</li> </ul>	Mechanical		Y	Y	Y
All three phase fans with a variable demand will be variable speed.	Mechanical		Y	Y	Y
Carpark ventilation will incorporate CO monitoring and control	Mechanical		Y	Y	Y
All common area lighting is to be controlled via motion sensors and/or a timer.	Electrical		Y	Y	Y
All external lighting will be controlled via a time clock and daylight sensors. Motion sensors will be installed in applicable areas.	Electrical		Y	Y	Y
All lifts will incorporate controls to power off the majority of systems when not in use.	Lift		Y	Y	Y
Domestic hot water will be provided by a gas source central hot water system with an efficiency of at least 92%.	Hydraulic		Y	Y	Y
A rooftop Solar PV array will be installed with a nominal power output of 5kW <sub>e</sub> .	Electrical	Y	Y	Y	Y
<b>TRANSPORT</b>					
<p>The site is located on the corner of on Kingston St near to a number of large parks such as Barkly Gardens and Alan Bain Reserve, and has a 'walkscore' of 93 from walkscore.com. It has numerous amenities within walking distance which allows occupants to reduce the number of car trips by running errands in the local area.</p> <p>The site also has excellent public transport options, with access to the Church St trams, Swan St trams and East Richmond Railway Station trains.</p>	Note				
26 bicycle spaces will be provided as part of this development.	Architect		Y	Y	Y
The development has applied for and received a reduction in the number of car spaces from the statutory minimum.	Note				
<b>WATER / STORMWATER</b>					
<p>The following fixtures and fitting benchmarks are to be met:</p> <ul style="list-style-type: none"> <li>- Showers: 3 Star WELS (&lt;6.0 L/min)</li> <li>- Kitchen Taps: 6 Star WELS (4.5 L/min)</li> <li>- Bathroom Taps: 6 Star WELS (4.5 L/min)</li> <li>- WC's: 4 Star WELS (3.5 L/min)</li> <li>- Urinals: 5 Star WELS (0.8 L/min)</li> </ul>	Architect		Y	Y	Y



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



9 Kingston Street, Richmond / Sustainability Management Plan

Initiative	Discipline(s)	Project Stage			
		Town Planning Documents	Tender Documents	Construction Documents	Construction & Completion
<p>This project includes rainwater collection and reuse:</p> <ul style="list-style-type: none"> <li>- Water will be collected from 257m<sup>2</sup> of collection area (whole roof)</li> <li>- Water will be stored in an 8,000L rainwater tank</li> <li>- Water will be used for irrigation and flushing toilets (ground level).</li> <li>- Water will be treated for irrigation and flushing toilets (ground level).</li> <li>- Water falling on ground pavement at South side of the building will be treated with infiltration sand pit and then discharged to the council stormwater system.</li> <li>- Water falling on other surfaces may be discharged directly to the council stormwater system without treatment.</li> </ul>	Hydraulic Civil Landscape	Y	Y	Y	Y
All landscaping is to consist of low water use plant selections where practical, include mulching and use an efficient irrigation system (surface or sub-surface drip irrigation with moisture sensors).	Landscape	Y	Y	Y	Y
No water-based heat rejection system is to be installed on this building.	Mechanical		Y	Y	Y
80% of fire test water to be diverted into the rainwater tank for reuse.	Hydraulic / Fire		Y	Y	Y
<b>MATERIALS &amp; WASTE</b>					
All timber is to be sourced from PEFC (AFS) or FSC certified sources.	Architect		Y	Y	Y
Preference is to be given to products with a third-party environmental certification such as Ecospecifier or GECA.	Architect		Y	Y	Y
80% of construction and demolition waste is to be diverted from landfill.	Builder		Y	Y	Y
Recycling is to be at least as convenient as general waste disposal.	Architect	Y	Y	Y	Y
<b>URBAN ECOLOGY</b>					
This development is providing planter boxes on each balcony totalling approx. 135m <sup>2</sup> .	Architect	Y	Y	Y	Y
All metal roof surfaces are to be reflective (>82% solar reflectance index – eg. Colorbond Coolmax or equivalent)	Architect		Y	Y	Y
Plant selection is to be native and indigenous species where practical.	Landscape	Y	Y	Y	Y



**Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan**



9 Kingston Street, Richmond / Sustainability Management Plan



**APPENDIX A  
NCC Section J Results**



## Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



9 Kingston Street, Richmond / NCC Section J Results

### NCC Section J Results

Preliminary NCC Section J assessments of the dwellings and non-dwelling areas have been undertaken to ensure that thermal performance proposed is sufficient to meet all planning and building code requirements for this development.

The required performance parameters and assessment results are listed below.

#### NCC Section J Results

Fabric Element	Performance Requirements
<b>Roof and ceiling system (below balconies etc.)</b>	Slab roof with insulation to achieve an overall R-Value of R <sub>t</sub> 3.5.
<b>External walls</b>	Precast or stud framed wall with insulation to achieve an overall R-Value of R <sub>t</sub> 3.1.
<b>Suspended Floor (above car park)</b>	Concrete slab with insulation to achieve an overall R-Value of R <sub>t</sub> 2.2.
Window Location	Performance Requirements
South Facing Windows	These windows are required to achieve the following whole of window (glazing and frame) performance requirements, based on very high performance windows. U-Value: 2.7 W/m <sup>2</sup> .K SHGC: 0.60
North Facing Windows	These windows are required to achieve the following whole of window (glazing and frame) performance requirements, based on very high performance windows. U-Value: 6.0 W/m <sup>2</sup> .K SHGC: 0.15
East / West Facing Windows	These windows are required to achieve the following whole of window (glazing and frame) performance requirements, based on very high performance windows. U-Value: 1.0 W/m <sup>2</sup> .K SHGC: 0.11

We note that based on this assessment, the project will seek to demonstrate compliance via a JV3 Performance Solution method.



**Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan**



9 Kingston Street, Richmond / NCC Section J Results

## NCC VOLUME ONE GLAZING CALCULATOR (first issued with NCC 2014)

Building name/structure:

1162 St Kingston St Richmond Grand Level Size Cal v1

Shells:  Application:  Emission zone:

Ground

Shells:

Shells area (m<sup>2</sup>):

Shells area (m<sup>2</sup>):

Number of rooms performed in table below:  (as currently displayed)

GLAZING ELEMENTS, ORIENTATION SECTOR, SIZE AND PERFORMANCE CHARACTERISTICS										SHADOWS		CALCULATED OUTCOMES ON 6 inputs are valid					
Glazing element		Facing vector		Size		Performance		SHAD or device		Shading		Multipliers		Area used		Shaded area	
ID	Description	Open or closed	Shading or device	Height (m)	Width (m)	Area (m <sup>2</sup> )	Total System U Value (W/m <sup>2</sup> K)	Total System SHGC (W/m <sup>2</sup> K)	P	H	PM	SH	Heating SA	Cooling SA	Area used (m <sup>2</sup> )	Shaded area (m <sup>2</sup> )	Shaded area % of glazing area
1	South Glazing facade	S		3.20	10.00	32.00	2.4	0.60	2.200	3.200	10.00	0.00	1.77	1.77	1.77	1.77	100.00 % of glazing area

**IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE GLAZING CALCULATOR**

The Glazing Calculator has been developed by the ABCBC to assist in developing a better understanding of glazing energy efficiency parameters. The ABCBC certifies that the Glazing Calculator is based on current and accurate research, it is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or if reasonable quality or functions are intended or of any kind.

Your use of the Glazing Calculator is entirely at your own risk and the ABCBC accepts no liability of any kind.

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## NCC VOLUME ONE GLAZING CALCULATOR (first issued with NCC 2014)

Building name/description  
**6162 S Kingston St Richmond Level 91 Glz Cal v1**

Application Other Climate zone 6

Level 91

Area	N	E	S	W	Other
Option A	68.8m <sup>2</sup>	97.9m <sup>2</sup>	68.8m <sup>2</sup>		
Option B					
Shading area (A)	64.9m <sup>2</sup>	92.5m <sup>2</sup>	64.9m <sup>2</sup>		

Number of rows entered in table below: **10** (as currently displayed)

GLAZING INPUT PARAMETERS, ORIENTATION FACTOR, SIZE AND PERFORMANCE CHARACTERISTICS										SHADING						CALCULATED OUTCOMES OR (if inputs are valid)					
Glazing element		Facing surface		Size		Performance		FPM or device		Shading		Multipliers		Size		Outcomes					
ID	Description	Option A Area (m <sup>2</sup> )	Option B Area (m <sup>2</sup> )	Height (m)	Width (m)	Area (m <sup>2</sup> )	Total System U-Value (W/m <sup>2</sup> K)	Total System SHGC (APF/C)	P	H	PM	G	SH	Heating (GJ)	Cooling (GJ)	Area used (m <sup>2</sup> )	Percent share of all glazing area				
1	South Glazing facade	E	3.40	19.10	2.7	0.63	1.00	3.40	0.25	0.01	1.00	1.00	1.00	2.48	2.48	100%	of 100%				
2	East Glazing facade	E	3.40	27.20	1.0	0.63	1.00	3.40	0.25	0.01	1.00	1.00	1.00	2.48	2.48	100%	of 100%				
3	North Glazing facade	N	3.40	19.10	0.0	0.15	1.00	3.40	0.25	0.01	1.00	1.00	1.00	2.48	2.48	100%	of 100%				

**IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE GLAZING CALCULATOR**

The following disclaimer has been provided by the ABCB in relation to the glazing calculator. Understanding of glazing energy efficiency parameters

If inputs are valid

The ABCB believes that the Glazing Calculator, if used correctly, will produce accurate results. It provides "best effort" and is not a representation or warranty of any kind, including but not limited to any purpose or of merchantability quality, or fitness as intended or for all.

Your use of the Glazing Calculator is entirely at your own risk and the ABCB accepts no liability, of any kind.

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## NCC VOLUME ONE GLAZING CALCULATOR (first issued with NCC 2014)

Building name/address:  Application:  Uplifted:

61621 Kingston St Richmond Level 92 Qtr Ctr Vt  Other:  Zone:

Storey:  Repetitive storey:

Level 92

	N	SE	E	SW	S	SW	SE	W	Other
Option A	63.8m <sup>2</sup>		97.9m <sup>2</sup>		63.8m <sup>2</sup>				
Option B									
Glazing area (A)	64.9m <sup>2</sup>		92.5m <sup>2</sup>		64.5m <sup>2</sup>				

Number of rains protected in table below: 10 (as currently displayed)

GLAZING ELEMENTS, ORIENTATION VECTOR, SIZE AND PERFORMANCE CHARACTERISTICS										SHADING								CALCULATED OUTCOMES OR (if inputs are valid)			
Shading element		Facing vector		Size			Performance		F&B or device		Shading		Multipliers		Size	Outcomes					
		Option A Facades	Option B Facades	Height (m)	Width (m)	Area (m <sup>2</sup> )	Total System U-Value (U <sub>TS</sub> )	Total System SHGC (J/m <sup>2</sup> ·s)	P (m <sup>2</sup> )	N (m <sup>2</sup> )	PM	G	Heating (kW)	Cooling (kW)	Area used (m <sup>2</sup> )	Element share of % of allowance (m <sup>2</sup> )					
ID	Description (optional)																				
	1 South Glazing Facade	S		3.40	19.10	2.7	6.60					2.00	1.00	1.00	64.90	100% of 64.90					
	2 East Glazing Facade	E		3.40	27.20	1.0	11.11					2.00	1.00	1.00	92.45	100% of 92.45					
3 North Glazing Facade	N			3.40	19.10	6.0	6.15					2.00	1.00	1.00	64.94	100% of 64.94					

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This Glazing Calculator has been developed by the NCC to assist in determining a solar orientated glazing energy efficiency parameter. While the ABCB believes that the Glazing Calculator, if used correctly, will produce accurate results, it is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or of merchantable quality, so far as it may be concerned or all.

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If inputs are valid

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**NCC VOLUME ONE GLAZING CALCULATOR (first issued with MCC 2014)**

Building name/address (p101)  Application  Climate zone

Storey

Fenestration		E		S		W		N		Internal	
Option A	N	NE	E	SE	S	SW	W	WN	NW	Internal	
Option B	55.5m <sup>2</sup>		97.5m <sup>2</sup>	55.5m <sup>2</sup>							
Glazing area (A)	55.5m <sup>2</sup>		92.5m <sup>2</sup>	55.5m <sup>2</sup>							

Number of storeys performed in table below  (as currently displayed)

GLAZING PERFORMANCE OPTIMISATION SOFTWARE PERFORMANCE CHARACTERISTICS										SHADING		CALCULATED OUTCOME A 5% OF IMPACT (see table)					
GLAZING ELEMENT		Fenestration		Size		Performance		FEM or device		Shading		Multipliers		Size		Outcomes	
ID	Description (approximate)	Option A Fenestration	Option B Fenestration	Height (m)	Width (m)	Area (m <sup>2</sup> )	Total U-value (W/m <sup>2</sup> K) (AFRC)	Total Solar System SHGC (AFRC)	P (m)	H (m)	P/H	G	Heating (%)	Cooling (%)	Area (m <sup>2</sup> )	Element output at % of allowance used	Ratio to 400% (100% = 400%)
1	South Glazing Facade	B		1.40	16.20	2.27	6.40					0.30	1.30	1.00	55.5m <sup>2</sup>	100% of 400%	100% of 400%
2	East Glazing Facade	B		3.40	27.20	1.0	6.11					0.30	1.30	1.00	92.4m <sup>2</sup>	100% of 500%	100% of 500%
3	North Glazing Facade	B		3.40	16.20	0.0	6.15					0.30	1.30	1.00	55.5m <sup>2</sup>	100% of 500%	100% of 500%

**IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE GLAZING CALCULATOR**

The Glazing Calculator tool was developed by the AFRC as a means of developing a better understanding of glazing energy efficiency operations. Whilst the AFRC believes that the Glazing Calculator, Fenestration, Fenestration and Shading calculator results, is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or of marketable quality, or functions as intended or as all.

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# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



9 Kingston Street, Richmond / NCC Section J Results

**NCC VOLUME ONE GLAZING CALCULATOR (first issued with NCC 2014)**

Building name/identifier: **6162 9 Kingston St Richmond Level 04 Glz Cal v1**

Application: **Other** Close case

Storey: **Level 04**

Facade area:

N	E	S	W	SW	SE	Other
44.9m²	97.9m²	44.9m²				

Option A: 44.9m² Option B: 97.9m² Option C: 44.9m²

Glazing area (A): 44.9m² (B): 97.9m² (C): 44.9m²

Number of rows preferred in table below: **10** (as currently displayed)

GLAZING ELEMENTS, ORIENTATION, SECTOR, SIZE and PERFORMANCE CHARACTERISTICS										SHADING					CALCULATED OUTCOMES ON (if inputs are valid)		
Glazing element		Facing sector		Size			Performance		FPM or device		Shading		Multipliers		Size	Outcomes	
ID	Description (optional)	Option A (m²)	Option B (m²)	Height (m)	Width (m)	Area (m²)	Total System U-Value (W/m²K)	Total System SHGC (AFRC)	P (m)	H (m)	P/H (m)	G (%)	Heating (GJ)	Cooling (GJ)	Area used (m²)	Element share of % of allowance used	
1	South Glazing facade	S		3.40	13.20	44.9	2.7	0.60				0.00	1.00	1.00	14.18	100% of 16%	
2	East Glazing facade	E		3.40	27.20	92.5	1.0	0.11				0.00	1.00	1.00	92.48	100% of 60%	
3	North Glazing facade	N		3.40	13.20	44.9	6.0	0.15				0.00	1.00	1.00	34.88	100% of 60%	

**IMPORTANT NOTICE AND DISCLAIMER IN RESPECT OF THE GLAZING CALCULATOR**

The Glazing Calculator has been developed by the ABCB to assist in developing a better understanding of glazing energy efficiency parameters. While the ABCB believes that the Glazing Calculator, if used correctly, will produce accurate results, it is provided "as is" and without any representation or warranty of any kind, including that it is fit for any purpose or of merchantable quality, or functions as intended or at all. Your use of the Glazing Calculator is entirely at your own risk and the ABCB accepts no liability of any kind.

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**NCC VOLUME ONE GLAZING CALCULATOR (first issued with NCC 2014)**

Building name/identifier: **6162 9 Kingston St Richmond Level 05 Glz Cal v1**

Application: **Other** Close case

Storey: **Level 05**

Facade area:

N	E	S	W	SW	SE	Other
34.7m²	97.9m²	34.7m²				

Option A: 34.7m² Option B: 97.9m² Option C: 34.7m²

Glazing area (A): 34.7m² (B): 97.9m² (C): 34.7m²

Number of rows preferred in table below: **10** (as currently displayed)

GLAZING ELEMENTS, ORIENTATION, SECTOR, SIZE and PERFORMANCE CHARACTERISTICS										SHADING					CALCULATED OUTCOMES ON (if inputs are valid)		
Glazing element		Facing sector		Size			Performance		FPM or device		Shading		Multipliers		Size	Outcomes	
ID	Description (optional)	Option A (m²)	Option B (m²)	Height (m)	Width (m)	Area (m²)	Total System U-Value (W/m²K)	Total System SHGC (AFRC)	P (m)	H (m)	P/H (m)	G (%)	Heating (GJ)	Cooling (GJ)	Area used (m²)	Element share of % of allowance used	
1	South Glazing facade	S		3.40	10.20	34.7	2.7	0.60				0.00	1.00	1.00	14.18	100% of 16%	
2	East Glazing facade	E		3.40	27.20	92.5	1.0	0.11				0.00	1.00	1.00	92.48	100% of 60%	
3	North Glazing facade	N		3.40	10.20	34.7	6.0	0.15				0.00	1.00	1.00	34.88	100% of 60%	

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**APPENDIX B**  
**WSUD Response**



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### WSUD Response

All developments in Victoria are required to meet the requirements of VPP 56.07 of the Victorian Planning Scheme, which requires that projects meet current best practice performance objectives for stormwater quality.

The objectives of these clauses are:

- To achieve best practice stormwater quality:
  - Suspended Solids – 80% retention of typical urban annual load.
  - Total Nitrogen – 45% retention of typical urban annual load.
  - Total Phosphorus – 45% retention of typical urban annual load.
  - Litter – 70% reduction of typical urban annual load.
- To promote stormwater re-use.
- To mitigate the detrimental effect of development on downstream waterways.
- To minimise peak stormwater flows and stormwater pollutants.
- To reintegrate urban water into the landscape to facilitate benefits such as microclimate cooling, local habitat and provision of attractive spaces for community use and well being.

A development is required to demonstrate that they meet the objectives of the clause by either:

- Meeting a 100% or higher rating on the STORM rating tool; or
- Meeting the required discharge quality using the MUSIC rating tool

Additionally, adequate maintenance and management procedures are required to ensure the stormwater treatment / reuse measures work as intended.

#### Initiatives Proposed

Water falling on other surfaces may be discharged directly to the council stormwater system without treatment. The following initiatives will be implemented in the design:

- Water will be collected from 257m<sup>2</sup> of collection area (whole roof).
- Water will be stored in an 8,000L rainwater tank.
- Rainwater will be used for irrigation and flushing toilets (ground level).
- Water falling on balconies will be treated with a raingarden (at minimum 6.0 m<sup>2</sup>, indicatively located on ground floor) and then discharged to the council stormwater system.
- Water falling on ground areas will be discharged to the council stormwater system without treatment.

### STORM Benchmarking

The initiatives above comply with the councils WSUD requirements as demonstrated by achieving a STORM score of 100%



### STORM Rating Report

TransactionID: 763343  
Municipality: YARRA  
Rainfall Station: YARRA  
Address: 9 Kingston Street

Richmond  
VIC 3121  
Assessor: Bob Wilson  
Development Type: Commercial/Retail  
Allotment Site (m<sup>2</sup>): 601.00  
STORM Rating %: 139

Description	Impervious Area (m <sup>2</sup> )	Treatment Type	Treatment Area/Volume (m <sup>2</sup> or L)	Occupants / Number Of Bedrooms	Treatment %	Tank Water Supply Reliability (%)
Roof Collection Area (draining to rainwater tank)	257.00	Rainwater Tank	8,000.00	15	170.00	82.00
Balcony / Terrace Collection Area (draining to ground raingarden)	313.00	Raingarden 100mm	6.00	0	127.40	0.00
Ground Collection Area (no treatment)	31.00	None	0.00	0	0.00	0.00

### Design Details

#### Rainwater Tank

A rainwater tank(s) is to be installed for the project with a minimum total storage capacity as noted within the Initiatives Proposed section of this report. This storage capacity is to be in addition to any onsite detention requirements for the project.

Water falling on the surfaces nominated in the Initiatives Proposed section of this WSUD Response are to be directed to the rainwater tank(s), with appropriate overflow measures when the rainwater tank(s) reaches maximum capacity.

A first flush diverter system and fine filter mesh is to be installed to treat water prior to entering the storage tank.

#### Raingardens

Raingarden(s) are to be installed with a minimum area as noted in the Initiatives Proposed section of this WSUD Response. Indicatively, raingardens are to consist of the following layers:

1. Liner to protect structure from erosion
2. Collection pipe within 150mm – 200mm drainage layer
3. 100mm transition layer
4. 500mm – 700mm filter media with a hydraulic conductivity of 100mm/hr – 200mm/hr
5. Rocks/gravel to prevent erosion
6. 300mm – 500mm ponding depth
7. Overflow system
8. Inspection pipe to allow cleaning of drainage pipe



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A raised outlet (approx. 500mm above the liner) is recommended to allow extended water detention in the raingarden. This improves the survivability of the plants and improves the denitrification process.

A qualified civil engineer / experienced landscape designer is to confirm layer heights and sizes of the various filter media and aggregate.

Raingardens with a surface level below the level of surrounding surfaces are to be constructed with a raised edge in accordance with relevant safety in design standards and practices.

No mulch other than rocks is to be included in the raingarden design.

Plant selections are to be tolerant of dry conditions and tolerate up to 72 hours of ponding time. Typical plant species used for raingardens include

- *Carex appressa* (tall sedge)
- *Finicia nodosa*
- *Lomandra longifolia*
- *Juncus amabilis*
- *Goodenia ovata* – prefers more consistent conditions
- *Juncus flavidis* – prefers more consistent conditions

Alternatively plants can be selected from the local council approved raingarden plant list, from Melbourne Water's list if no council list is available, or based on advice from the landscape designer.

The raingarden is not to be connected to the drainage system until 95% of construction works have been completed, to minimise blockage sources.

### Site Management Plan

The following requirements are to be met during onsite works to prevent excessive pollutants entering the local waterways. Prior to construction, the contractor is to develop these requirements into a site specific management plan, nominating locations of treatment facilities based on proposed construction activities.

1. Temporary drains are to be installed to minimise overland water flows and prevent erosion, especially in areas where water is likely to pool.
2. Temporary silt fences are to be installed on the lower end of the site to prevent excessive sedimentation from entering the stormwater system
3. Temporary side entry filters to be installed to council stormwater pits to prevent sediment entering the stormwater system at the kerb inlet
4. All stockpiles to be covered to protect from rainfall
5. Stockpiles to be located away from the predominant overland stormwater pathway
6. All site litter to be collected and placed in bins (covered if appropriate) so that it cannot end up in the stormwater systems
7. Waste bins to be provided onsite for workers

### Maintenance Requirements

#### Rainwater Tank

The following maintenance measures are required to be undertaken at 6 monthly intervals, or when it is evident that a blockage has occurred. The building management is to be responsible for the maintenance of the stormwater system.

- Roof and gutters to be cleaned to remove leaves and other debris
- All screens to be checked for blockages and cleaned if necessary

All pumps or specialist equipment to be installed as part of this system are to be maintained in accordance with the manufacturer's specifications.

#### Raingardens

Inspection Task	Frequency	Potential Impact	Rectification
<b>FILTER MEDIA</b>			
Check for sediment deposition.	3 monthly and after heavy rainfalls.	Blocking of inlets and media reduces capacity of the system.	Remove sediment from inlets and pre-treatment measures.
Check for holes, erosion or scour.	3 monthly and after heavy rainfalls.	Can be a sign of excessive velocity.	Infill holes, repair erosions, add rocks at inlet to dissipate energy if required. Consider reconfiguring to allow high flows to bypass system.
Check for build-up of oily or clayey sediment of filter media surface, moss growth, or evidence of prolonged ponding.	3 monthly and after heavy rainfalls.	Reduced surface porosity reduces treatment capacity.	Clear away any mulch and organic matter on the surface, and lightly rake the surface of the filter media.
Check for litter in and around treatment areas.	3 monthly and after heavy rainfalls.	Flow paths may be hindered / blocked.	Remove both human and plant litter from treatment areas.
Check for physical damage.	6 monthly.	Depends on nature of damage.	Repair as necessary.
<b>PLANTS</b>			
Establishment requirements.	Weekly during initial dry periods.	Extra measures are required for the first 24 months to ensure that vegetation survives.	New seedlings require regular irrigation and protection from high flows and sediment loads.  System is to be checked to ensure water moves through as intended. Alterations to invert levels, gradients etc. may be required.
Check plants for diseases and pests.	3 monthly.		Treat or replace as necessary.
Check plants for stunted growth or die off.	3 monthly and during dry spells.	May be too little water, or too much water.	Correct overflow / inlet levels.  Identify whether there is too much water or too little water.



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Inspection Task	Frequency	Potential Impact	Rectification
			<p>For too little water: retrofit a choke on the outlet or a submerged zone to provide more water to plants, or replace plants with those tolerant of dry conditions.</p> <p>For too much water: replace filter media with higher hydraulic conductivity material, or replace plants with those tolerant of wet conditions.</p> <p>Alterations are subject to civil engineer approval.</p>
Check that plant densities are maintained.	3 monthly.	Plant density is required for treatment effectiveness and to prevent weeds.	Add plants as required.
Check for weeds.	3 monthly.	Weeds generally reduce the treatment effectiveness.	Remove weeds.
Pruning.	Yearly.	Pruning encourages further growth, which improves treatment effectiveness.	Prune as required, but not so much that plant health is compromised.
<b>DRAINAGE</b>			
Check for litter and debris in inflow areas / weirs / grates / pits.	6 monthly and after heavy rainfalls.	Blockages can cause localised flooding and lead to plant death.	Remove litter and debris. Clear blockages.
Check that the underdrain is clear of blockages.	6 monthly and after heavy rainfalls.	Blockages in the drain may cause media and plants to become waterlogged.	Clear underdrain with a 'plumbing snake' or other methods. Water jets should be avoided if possible.
Observe biofiltration system after a rainfall event to check drainage.	Twice each year, timed after rainfalls.	Ponding on the filter media surface for more than a few hours indicates poor drainage.	<p>Identify cause of poor drainage and rectify.</p> <p>Pre-treatment may be required if sedimentation loads have increased in catchment area.</p>



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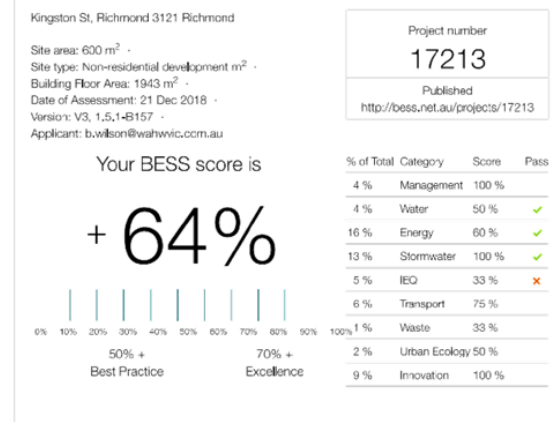
21/12/2018

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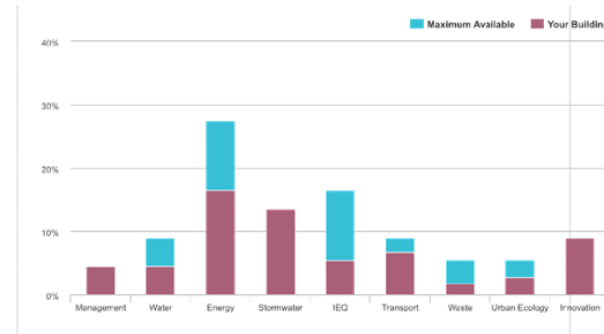
## BESS Report

This BESS report outlines the sustainable design commitments of the proposed development at Kingston St Richmond VIC 3121. The BESS report and accompanying documents and evidence are submitted in response to the requirement for a Sustainable Design Assessment or Sustainability Management Plan at Yarra City Council.

Note that where a Sustainability Management Plan is required, the BESS report must be accompanied by a report that further demonstrates the development's potential to achieve the relevant environmental performance outcomes and documents the means by which the performance outcomes can be achieved.



How did this Development Perform in each Environmental Category?



### Sustainable design commitments by category

The sustainable design commitments for this project are listed below. These are to be incorporated into the design documentation and subsequently implemented.

Management			
100% - contributing 4% to overall score			
Credit	Disabled	Scoped out	Score
Management 1.1 Pre-Application Meeting			100 %
Management 2.3 Thermal Performance Modelling - Non Residential			100 %
Management 3.2 Metering			100 %
Management 3.3 Metering			100 %
Management 4.1 Building Users Guide			100 %
Management 1.1 Pre-Application Meeting			
100%			
Score Contribution	This credit contributes 37% towards this section's score.		
Aim	To encourage the involvement of suitably qualified ESD professionals in the project team from the early design stage.		
Questions			
Has an ESD professional been engaged to provide sustainability advice from schematic design to construction? AND Has the ESD professional been involved in a pre-application meeting with Council?			

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Yes	
Management 2.3 Thermal Performance Modelling - Non-Residential	100%
Score Contribution	This credit contributes 25% towards this section's score.
Aim	To encourage and recognise developments that have used modelling to inform passive design at the early design stage
Questions	
Has preliminary modelling been undertaken in accordance with either BCA Section J (Energy Efficiency), NABERS or Green Star?	
Yes	
Management 3.2 Metering	100%
Score Contribution	This credit contributes 12% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption
Questions	
Have utility meters been provided for all individual commercial tenants?	
Yes	
Management 3.3 Metering	100%
Score Contribution	This credit contributes 12% towards this section's score.
Aim	To provide building users with information that allows monitoring of energy and water consumption
Questions	
Have all major common area services been separately submetered?	
Yes	
Management 4.1 Building Users Guide	100%

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Score Contribution	This credit contributes 12% towards this section's score.		
Aim	To encourage and recognise initiatives that will help building users to use the building efficiently		
Questions			
Will a building users guide be produced and issued to occupants?			
Yes			
Water	50% - contributing 4% to overall score		
Credit	Disabled	Scoped out	Score
Water 1.1 Potable Water Use Reduction (Interior Uses)			50 %
Water 3.1 Water Efficient Landscaping			100 %
Water 4.1 Building Systems Water Use Reduction			100 %
Water Approaches			
What approach do you want to use Water?	Use the built in calculation tools		
Project Water Profile Questions			
Are you installing a rainwater tank?	Yes		
Water fixtures, fittings and connections			
	Office Building		
Showerhead	3 Star WELS (> 4.5 but <= 6.0)		
Bath	Scope out		
Kitchen Taps	> 6 Star WELS rating		
Bathroom Taps	> 6 Star WELS rating		
Dishwashers	Scope out		
WC	> 4 Star WELS rating		
Urinals	> 5 Star WELS rating		
Washing Machine Water Efficiency	Scope out		
Rainwater connected to: Toilets	Yes		
Rainwater Tanks			
	Rainwater Tanks		



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Rainwater Tanks	
What is the total roof area connected to the rainwater tank?	257.0
Tank Size	8000.0
Irrigation area connected to tank	135.0
Is connected irrigation area a water efficient garden?	Yes
Water 1.1 Potable Water Use Reduction (Interior Uses) 50%	
Score Contribution	This credit contributes 50% towards this section's score.
Aim	Water 1.1 Potable water use reduction (interior uses) What is the reduction in total water use due to efficient fixtures, appliances, and rainwater use? To achieve points in this credit there must be >25% potable water reduction. You are using the built in calculation tools. This credit is calculated from information you have entered above.
Criteria	Percentage reduction in potable water use
Questions	
Percentage Achieved ?	Percentage %
%	
Calculations	
Annual Water Consumption (kL) (Reference)	
3080	
Annual Water Consumption (kL) (Proposed)	
1699	
% Reduction in Potable Water Consumption	Percentage %
44 %	
Water 3.1 Water Efficient Landscaping 100%	
Score Contribution	This credit contributes 12% towards this section's score.

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Aim	Are water efficiency principles used for landscaped areas? This includes low water use plant selection (e.g. xeriscaping) and specifying water efficient irrigation (e.g. drip irrigation with timers and rain sensors). Note: food producing landscape areas and irrigation areas connected to rainwater or an alternative water source are excluded from this section.		
Questions			
Will water efficient landscaping be installed?			
Yes			
Water 4.1 Building Systems Water Use Reduction 100%			
Score Contribution	This credit contributes 12% towards this section's score.		
Aim	Will the project minimise water use for building systems such as evaporative cooling and fire testing systems?		
Questions			
Where applicable, have measures been taken to reduce potable water consumption by >80% in the buildings air-conditioning chillers and when testing fire safety systems?			
Yes			
Energy 60% - contributing 16% to overall score			
Credit	Disabled	Scoped out	Score
Energy 1.1 Thermal Performance Rating - Non-Residential			3/ %
Energy 2.1 Greenhouse Gas Emissions			100 %
Energy 2.2 Peak Demand			0 %
Energy 2.3 Electricity Consumption			100 %
Energy 2.4 Gas Consumption			N/A
Energy 3.1 Carpark Ventilation			100 %
Energy 3.2 Hot Water			100 %
Energy 3.7 Internal Lighting - Non-Residential			100 %
Energy 4.1 Combined Heat and Power (cogeneration / trigeneration)			N/A
Energy 1.1 Thermal Performance Rating - Non-Residential			37%

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Score Contribution	This credit contributes 40% towards this section's score.	
Aim	Reduce reliance on mechanical systems to achieve thermal comfort in summer and winter - improving comfort, reducing greenhouse gas emissions, energy consumption, and maintenance costs.	
Criteria	What is the % reduction in heating and cooling energy consumption against the reference case (NCC 2016 BCA Volume 1 Section J)	
Questions		
Criteria Achieved ?	-	
Calculations		
Total Improvement	Percentage %	
27 %		
Energy 2.1 Greenhouse Gas Emissions 100%		
Score Contribution	This credit contributes 10% towards this section's score.	
Aim	Reduce the building's greenhouse gas emissions	
Criteria	Are greenhouse gas emissions >10% below the benchmark	
Questions		
Criteria Achieved ?	-	
Calculations		
Reference Building with Reference Services (BCA only)	kg CO2	
272440.0		
Proposed Building with Proposed Services (Actual Building)	kg CO2	
196822.3		
% Reduction in GHG Emissions	Percentage %	
27 %		
Energy 2.2 Peak Demand 0%		

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Score Contribution	This credit contributes 5% towards this section's score.	
Aim	Reduce demand on electrical infrastructure during peak cooling periods	
Criteria	Has the instantaneous (peak-hour) demand been reduced by >25%	
Notes	Achieved through shading the eastern facade, limiting western solar gains via the core / opaque wall, and 10% improvement on minimum glazing requirements.	
Questions		
Criteria Achieved ?	-	
Calculations		
Peak Thermal Cooling Load - Baseline	kW	
191.0		
Peak Thermal Cooling Load - Proposed	kW	
172.0		
Peak Thermal Cooling Load - % Reduction	Percentage %	
9 %		
Energy 2.3 Electricity Consumption 100%		
Score Contribution	This credit contributes 10% towards this section's score.	
Aim	Reduce consumption of electricity	
Criteria	Is the annual electricity consumption >10% below the benchmark	
Questions		
Criteria Achieved ?	-	
Calculations		
Reference	kWh	
228941.2		
Proposed	kWh	
165396.9		



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Improvement	Percentage %
27 %	
Energy 2.4 Gas Consumption	N/A
This credit was scoped out: A gas connection is not being provided.	
This credit was disabled: No gas supply in use.	
Aim	Reduce consumption of electricity
Criteria	Is the annual gas consumption >10% below the benchmark?
Energy 3.1 Carpark Ventilation	100%
Score Contribution	This credit contributes 10% towards this section's score.
Questions	
If you have a basement carpark, is it either: (a) fully naturally ventilated (no mechanical ventilation system), or (b) use Carbon Monoxide monitoring to control the operation and speed of the ventilation fans	
Yes	
Energy 3.2 Hot Water	100%
Score Contribution	This credit contributes 5% towards this section's score.
Criteria	Does the hot water system use >10% less energy (gas and electricity) than the reference case?
Questions	
Criteria Achieved ?	
Calculations	
Reference MJ	
10175.2	
Proposed MJ	
6856.9	

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Improvement	Percentage %
32 %	
Energy 3.7 Internal Lighting - Non-Residential	100%
Score Contribution	This credit contributes 10% towards this section's score.
Aim	Reduce energy consumption associated with internal lighting
Questions	
Is the maximum illumination power density (W/m2) in at least 90% of the relevant building class at least 20% lower than required by Table J6.2a of the NCC 2016 BCA Volume 1 Section J (Class 2 to 9)	
Yes	
Energy 4.1 Combined Heat and Power (cogeneration / trigeneration)	N/A
This credit was scoped out: No reason provided	
This credit was disabled: No cogeneration or trigeneration system in use.	
Aim	Reduce energy consumption
Criteria	Does the CHP system reduce the class of buildings GHG emissions by more than 25%?
Stormwater	100% - contributing 13% to overall score
Credit	Disabled Scoped out Score
Stormwater 1.1 Stormwater Treatment	100 %
Which stormwater modelling are you using?	Melbourne Water STORM tool
Stormwater 1.1 Stormwater Treatment	100%
Score Contribution	This credit contributes 100% towards this section's score.
Aim	To achieve best practice stormwater quality objectives through reduction of pollutant load (suspended solids, nitrogen and phosphorus)
Criteria	Has best practice stormwater management been demonstrated?

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Questions	
STORM score achieved	
100	
Flow (ML/year) % Reduction	
-	
Total Suspended Solids (kg/year) % Reduction	
-	
Total Phosphorus (kg/year) % Reduction	
-	
Total Nitrogen (kg/year) % Reduction	
-	
Calculations	
Min STORM Score	
100	
IEQ	33% - contributing 5% to overall score
Credit	Disabled Scoped out Score
IEQ 1.4 Daylight Access - Non-Residential	33 %
Notes	Note that this benchmark is far higher than other industry benchmarks for best practice daylight in non-residential buildings. In particular Green Star has two benchmarks, 40% and 60%. This resulted from a review of the previous tool which had the 30%/60%/90% benchmarks and there view found that virtually no projects achieved 90%, most projects achieved around 30-35% and the best projects achieved around 60%. Therefore the 40% and 60% benchmarks encouraged projects to improve and more fairly assessed projects. A more appropriate 'pass' benchmark would be 30%, with additional points for 45% and 60%. As it stands there is very little possibility for most projects to achieve this benchmark.
IEQ 1.4 Daylight Access - Non-Residential	33%
Score Contribution	This credit contributes 100% towards this section's score.

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Aim	To provide a high level of amenity and energy efficiency through design for natural light.
Criteria	What % of the nominated floor area has at least 2% daylight factor?
Questions	
% Achieved ?	
49 %	
Transport	75% - contributing 6% to overall score
Credit	Disabled Scoped out Score
Transport 1.4 Bicycle Parking - Non-Residential	100 %
Transport 1.5 Bicycle Parking - Non-Residential Visitor	100 %
Transport 1.6 End of Trip Facilities - Non-Residential	100 %
Transport 2.1 Electric Vehicle Infrastructure	100 %
Transport 1.4 Bicycle Parking - Non-Residential	100%
Score Contribution	This credit contributes 25% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling
Notes	For office areas the minimum planning requirement is 7 spaces, an increase in 50% is 11 spaces. The project has provided 6 spaces at ground level for office visitors and 20 bike parking spaces for the office staff at ground and basement levels.
Questions	
Have the planning scheme requirements for employee bicycle parking been exceeded by at least 50%?	
Yes	
Transport 1.5 Bicycle Parking - Non-Residential Visitor	100%
Score Contribution	This credit contributes 12% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling
Notes	The minimum requirement for office visitors is 2 spaces The project has provided 6 spaces at ground level for office visitors and 20 bike parking spaces for the office staff at ground and basement levels.

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# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

### Questions

Have the planning scheme requirements for visitor bicycle parking been exceeded by at least 50%?

Yes

Transport 1.6 End of Trip Facilities - Non-Residential 100%

Score Contribution	This credit contributes 12% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate cycling
Criteria	Adequate bicycle parking has been provided. Is there also: * 1 shower for the first 5 bicycle spaces plus 1 to each 10 bicycles spaces thereafter, * changing facilities adjacent to showers, and * one secure locker per bicycle space in the vicinity of the changing / shower facilities?
Notes	The project has provided facilities at ground level.

### Questions

Number of showers provided ?

4

Number of lockers provided ?

36

### Calculations

Min Showers Required

2

Min Lockers Required

1

Transport 2.1 Electric Vehicle Infrastructure 100%

Score Contribution	This credit contributes 25% towards this section's score.
Aim	To facilitate the expansion of infrastructure to support electric vehicle charging
Notes	Four spaces are provided in the basement.

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

### Questions

Are facilities are provided for the charging of electric vehicles?

Yes

Waste 33% - contributing 1% to overall score

Credit	Disabled	Scoped out	Score
Waste 2.2 - Operational Waste - Convenience of Recycling			100 %

Waste 2.2 - Operational Waste - Convenience of Recycling 100%

Score Contribution	This credit contributes 33% towards this section's score.
Aim	To minimise recyclable material going to landfill

### Questions

Are the recycling facilities at least as convenient for occupants as facilities for general waste?

Yes

Urban Ecology 50% - contributing 2% to overall score

Credit	Disabled	Scoped out	Score
Urban Ecology 1.1 Communal Spaces			100 %
Urban Ecology 2.1 Vegetation			75 %

Urban Ecology 1.1 Communal Spaces 100%

Score Contribution	This credit contributes 12% towards this section's score.
Aim	To encourage and recognise initiatives that facilitate interaction between building occupants
Criteria	Is there at least the following amount of common space measured in square meters : * 1m² for each of the first 50 occupants * Additional 0,5m² for each occupant between 51 and 250 * Additional 0,25m² for each occupant above 251
Notes	Space refers to the communal outdoor spaces at the balconies of Level 03 - Level 05.



# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

Questions	
Common space provided	Square Metres
162.0	
Calculations	
Minimum Common Space Required	Square Metres
102	
Urban Ecology 2.1 Vegetation	75%
Score Contribution	This credit contributes 50% towards this section's score.
Aim	To encourage and recognise the use of vegetation and landscaping within and around developments
Criteria	How much of the site is covered with vegetation, expressed as a percentage of the total site area.
Questions	
Percentage Achieved ?	Percentage %
20 %	
Innovation	
100% - contributing 9% to overall score	
Credit	Disabled Scoped out Score
Innovation 1.1 Innovation	100 %
Innovations	
	Outside Air Rates Volatile Organic Compounds Building Tuning and Commissioning
Description	Increased outside air rates by 50% above minimum requirement to reduce CO2 rates throughout the building. Low VOC paints, carpets to be specified throughout the building. The building contract will include a scope for commissioning in accordance with the relevant standards and 12 months of building tuning to ensure the building operates as designed.
Points Targeted	1 1 1
	Timber Legionella Energy Management System

Project No. 6162

Version 4

29/04/2019

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

	Timber	Legionella	Energy Management System	
Description	All timber specified for this project will be PEFC (AFS) or FSC certified.	All air conditioning systems will be air cooled, to eliminate the risk of legionella growth within cooling systems.	A full Building Management System with energy and water monitoring and control will be included in the contract, to ensure the building management has the ability to respond quickly to sub-optimal performance.	
Points Targeted	1	1	1	
	Mixed Mode Ventilation	Western Core / Site Orientation	Eastern Shading	
Description	The project will include operable windows to allow for natural ventilation when the prevailing conditions allow.	The lift core has been located at the western facade of the building to limit western solar gain to the building.	The eastern side of the building incorporates innovative shading structures designed to prevent glare and unwanted summer gain, while allowing daylight into the building.	
Points Targeted	1	1	1	
	Colocation / Walkscore		Balconies	
Description	The proposed site has a walkscore of 93. Excellent transport options and many amenities nearby. Locating workplaces in the floors, with areas with good amenities can significantly reduce transport emissions as common errands can be done without to the outdoors for additional car trips.		Balconies have been provided on many of the floors, with co-sensible doors to provide a connection to the outdoors for occupants.	
Points Targeted	1	1		
Innovation 1.1 Innovation				100%
Score Contribution	This credit contributes 100% towards this section's score.			
Criteria	What percentage of the Innovation points have been claimed (10 points maximum)?			
Questions				
Criteria Achieved ?				
-				

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# Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan



## 9 Kingston Street, Richmond / Sustainability Management Plan

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

### Items to be marked on floorplans

Management 3.2: Individual utility meters annotated	To be printed
Floorplans & elevations - Refer to drawings	
Management 3.3: Common area submeters annotated	To be printed
Floorplans & elevations - Refer to drawings	
Energy 3.1: Carpark with natural ventilation or CO monitoring system	To be printed
Floorplans & elevations - Refer to drawings	
Water 3.1: Water efficient garden annotated	To be printed
Floorplans & elevations - Refer to drawings	
Stormwater 1.1: Location of any stormwater management systems used in STORM or MUSIC modelling (e.g. Rainwater tanks, raingarden, buffer strips)	To be printed
Floorplans & elevations - Refer to drawings	
Transport 1.4: All nominated non-residential bicycle parking spaces	To be printed
Floorplans & elevations - Refer to drawings	
Transport 1.5: All nominated non-residential visitor bicycle parking spaces	To be printed
Floorplans & elevations - Refer to drawings	
Transport 1.6: Showers, change rooms and lockers as nominated	To be printed
Floorplans & elevations - Refer to drawings	
Transport 2.1: Location of electric vehicle charging infrastructure	To be printed
Floorplans & elevations - Refer to drawings	
Waste 2.2: Location of recycling facilities	To be printed
Floorplans & elevations - Refer to drawings	
Urban Ecology 1.1: Size and location of communal spaces	To be printed
Floorplans & elevations - Refer to drawings	
Urban Ecology 2.1: Vegetated areas	To be printed
Floorplans & elevations - Refer to drawings	

### Documents and evidence

Management 2.3: Preliminary modelling report	To be printed
Sustainability Management Plan - Refer to Energy Performance Section	

21/12/2018

BESS - 9 Kingston St, Richmond VIC 3121, Australia

Energy 1.1: Energy Report showing calculations of reference case and proposed buildings	To be printed
Sustainability Management Plan - Refer to Energy Performance Section	
Energy 3.1: Provide a written explanation of either the fully natural carpark ventilation or carbon monoxide monitoring, describing how these systems will work, what systems are required for them to be fully integrated and who will be responsible for their implementation throughout the design, procurement and operational phases of the building life.	To be printed
Sustainability Management Plan - Refer to Implementation Plan - Energy Section	
Energy 3.7: Provide a written description of the average lighting power density to be installed in the development and specify the lighting type(s) to be used.	To be printed
Sustainability Management Plan - Refer to Implementation Plan - Energy Section	
Stormwater 1.1: STORM report or MUSIC model	To be printed
Sustainability Management Plan - Refer to WSUD Response	
IEQ 1.4: A short report detailing assumptions used and results achieved.	To be printed
Sustainability Management Plan - Refer to Daylight Performance Section	

The Built Environment Sustainability Scorecard (BESS) has been provided for the purpose of information and communication. While we make every effort to ensure that material is accurate and up to date (except where denoted as 'archival'), this material does in no way constitute the provision of professional or specific advice. You should seek appropriate, independent, professional advice before acting on any of the areas covered by BESS.

The Municipal Association of Victoria (MAV) and CASBE (Council Alliance for a Sustainable Built Environment) member councils do not guarantee, and accept no legal liability whatsoever arising from or connected to, the accuracy, reliability, currency or completeness of BESS, any material contained on this website or any linked sites.

<https://bess.net.au/projects/17213/report-print>

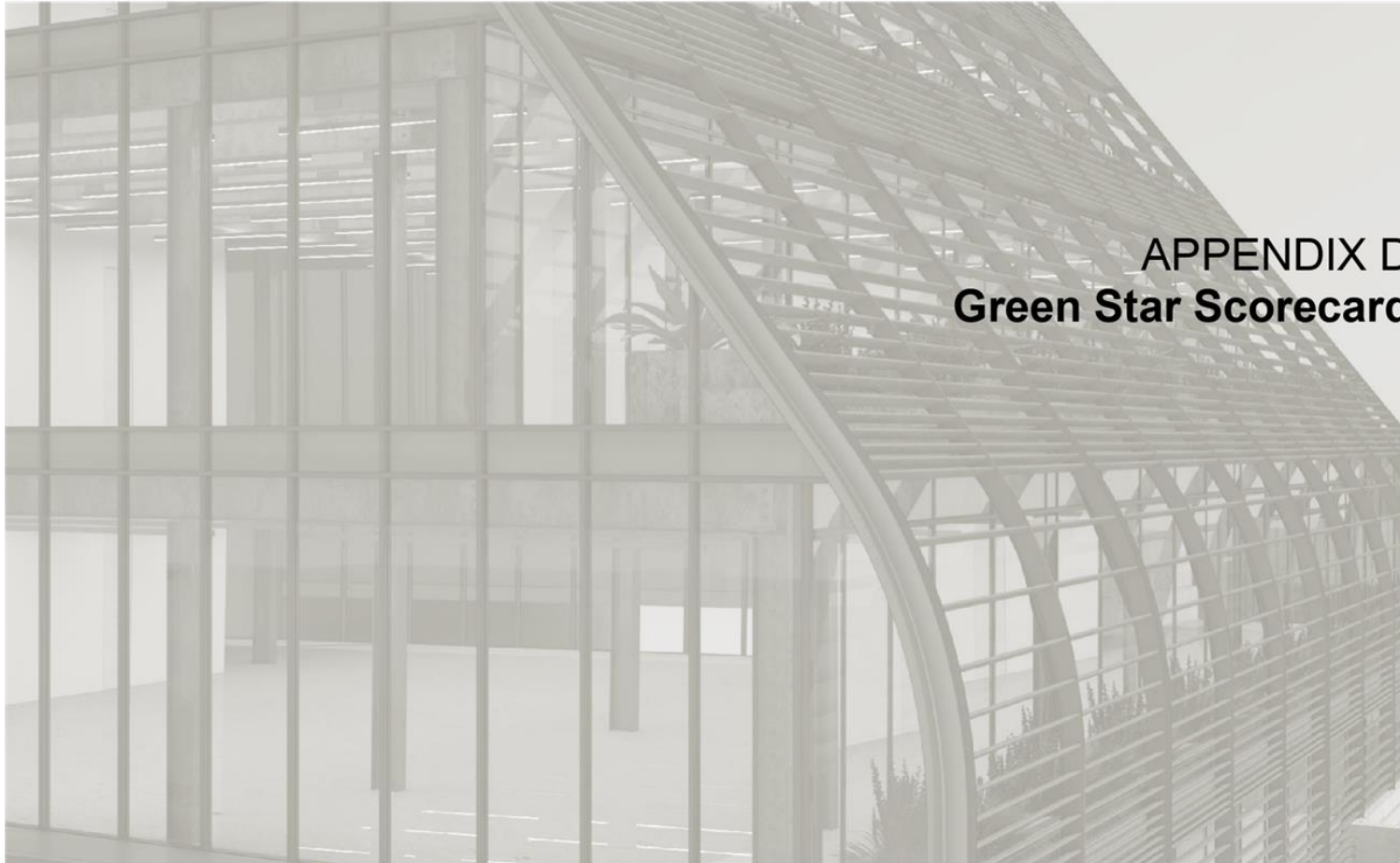
18/18



**Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan**



9 Kingston Street, Richmond / [Sustainability Management Plan](#)



**APPENDIX D  
Green Star Scorecard**



**Attachment 10 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sustainability Management Plan**



9 Kingston Street, Richmond / [Green Star Scorecard](#)

### Green Star - Design & As Built Scorecard

<b>Project:</b>	Kingston St
<b>Targeted Rating:</b>	4 Star - Best Practice

Core Points Available	Total Score Targeted
100	46.0

CATEGORY / CREDIT	AIM OF THE CREDIT / SELECTION	CODE	CREDIT CRITERIA	POINTS AVAILABLE	POINTS TARGETED
Management				14	
Green Star Accredited Professional	To recognise the appointment and active involvement of a Green Star Accredited Professional in order to ensure that the rating tool is applied effectively and as intended.	1.0	Accredited Professional	1	1
		2.0	Environmental Performance Targets	-	Complies
		2.1	Services and Maintainability Review	1	1
Commissioning and Tuning	To encourage and recognise commissioning, handover and tuning initiatives that ensure all building services operate to their full potential.	2.2	Building Commissioning	1	1
		2.3	Building Systems Tuning	1	1
		2.4	Independent Commissioning Agent	1	
Adaptation and Resilience		3.1	Implementation of a Climate Adaptation Plan	2	
Building Information		4.1	Building Information	1	1
Commitment to Performance	To recognise practices that encourage building owners, facilities managers and facilities management teams to set targets and monitor environmental performance in a collaborative way.	5.1	Environmental Building Performance	1	1
		5.2	End of Life Waste Performance	1	1
Watering and Monitoring	To recognise the implementation of effective irrigation and water recycling and monitoring systems.	6.0	Metering	-	Complies
		6.1	Monitoring Systems	1	1
		7.0	Environmental Management Plan	-	Complies
Responsible Building Practices	To reward projects that use best practice formal environmental management procedures during construction.	7.1	Formalised Environmental Management System	1	1
		7.2	High Quality Staff Support	1	
Operational Waste	Performance Pathway	8A	Performance Pathway - Specialist Plan	1	1
		9C	Responsible Industry Practices		
Total				14	10

Indoor Environment Quality			17	
Indoor Air Quality	To recognize projects that provide high air quality to occupants.	9.1 Ventilation System Attributes	1	1
		9.2 Provision of Outdoor Air	2	1
		9.3 Exhaust or Elimination of Pollutants	1	
Acoustic Comfort	To reward projects that provide appropriate and contributive acoustic conditions for occupants.	10.1 Internal Noise Levels	1	1
		10.2 Reverberation	1	1
		10.3 Acoustic Separation	1	1
		11.0 Minimum Lighting Levels	0	0
		11.3 Minimum Lighting Contrast	0	0

J. Popul. Econ. (2016) 29:787–812 | Springerer-Siemens – Berlin Heidelberg – New York – London – Paris – Tokyo – Hong Kong – Taipei – Seoul

CATEGORY / CREDIT	AIM OF THE CREDIT / RELECTION	CODE	CREDIT CRITERIA	POINTS AVAILABLE	POINTS TARGETED
Lighting Comfort	"To encourage and recognise well-lit spaces that provide a high degree of comfort to users."	11.1	General Illuminance and Glare Reduction	3	3
		11.2	Surface Illuminance	3	
		11.3	Localized Lighting Control	3	
		11.6	Glare Reduction	-	Complex
Visual Comfort	"To recognise the delivery of well-lit spaces that provide high levels of visual comfort to building occupants."	12.1	Daylight	2	
		12.2	Views	3	3
		12.3	Visual Quality	3	
Indoor Pollutants	"To recognise projects that safeguard occupants' health through the reduction in internal air pollutant levels."	13.1	Plants, Activities, Schedules and Cargos	3	3
		13.2	Engineered Wood Products	3	3
Thermal Comfort	"To encourage and recognise projects that achieve high levels of thermal comfort."	14.1	Thermal Comfort	3	3
		14.2	Advanced Thermal Comfort	3	
<b>Total</b>				<b>17</b>	<b>16</b>

Energy		22		
Greenhouse Gas Emissions	A. Prescriptive Pathway	15A.0 Conditional Requirement: Prescriptive Pathway	-	Complete
		15A.1 Building Envelope	1	1
		15A.2 Glazing	1	1
		15A.3 Lighting	1	1
		15A.4 Ventilation and Air-conditioning	1	1
		15A.5 Domestic Hot Water Systems	1	1
		15A.6 Accredited GreenPower	2	0
		15B.0 Conditional Requirement: Net EDR Pathway	-	
		15B.1 Net-EDR Pathway	-	
		15C.0 Conditional Requirement: BACS Pathway	-	
	15C.1 BACS Pathway	1		
	15D.0 Conditional Requirement: NGCEDR Pathway	-		
	15D.1 NGCEDR Energy Consumption Agreement Pathway	-		
	15E.0 Conditional Requirement: Performance Building Pathway	-		
	15E.1 Comparison to a Performance Building Pathway	-		
	15A. Prescriptive Pathway - On-site Energy Generation	1	1	
	15B. Performance Pathway: Performance Building	-		
	<b>Total</b>		<b>11</b>	

J. Psychol. 2014;154(1):1-12. Copyright © 2014 Taylor & Francis. DOI: 10.1080/00220273.2014.901111







# Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

## Sustainable Management Plan (SMP) Referral Response by Yarra City Council



### ESD in the Planning Permit Application Process

Yarra City Council's planning permit application process includes Environmentally Sustainable Development (ESD) considerations. This is now supported by the ESD Local Policy Clause 22.17 of the Yarra Planning Scheme, entitled *Environmentally Sustainable Development*.

The Clause 22.17 requires all eligible applications to demonstrate best practice in ESD, supported by the Built Environment Sustainability Scorecard (BESS) web-based application tool, which is based on the Sustainable Design Assessment in the Planning Process (SDAPP) program.

As detailed in Clause 22.17, this application is a 'large' planning application as it meets the category Non-residential 1. 1,000m<sup>2</sup> or greater.

### What is a Sustainable Management Plan (SMP)?

An SMP is a detailed sustainability assessment of a proposed design at the planning stage. An SMP demonstrates best practice in the 10 Key Sustainable Building Categories and;

- Provides a detailed assessment of the development. It may use relevant tools such as BESS and STORM or an alternative assessment approach to the satisfaction of the responsible authority; and
- Identifies achievable environmental performance outcomes having regard to the objectives of Clause 22.17 (as appropriate); and
- Demonstrates that the building has the design potential to achieve the relevant environmental performance outcomes, having regard to the site's opportunities and constraints; and
- Documents the means by which the performance outcomes can be achieved.

An SMP identifies beneficial, easy to implement, best practice initiatives. The nature of larger developments provides the opportunity for increased environmental benefits and the opportunity for major resource savings. Hence, greater rigour in investigation is justified. It may be necessary to engage a sustainability consultant to prepare an SMP.

### Assessment Process:

The applicant's town planning drawings provide the basis for Council's ESD assessment. Through the provided drawings and the SMP, Council requires the applicant to demonstrate best practice. The following comments are based on the review of the architectural drawings, prepared by *Bates Smart* (Rev. C 29.04.2019, TP Issue) and the accompanying SMP, prepared by *Waterman* (Ver. 4 29.04.2019 – TP Revision).



# Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

## Sustainable Management Plan (SMP) Referral Response by Yarra City Council



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# Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

## Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



### Assessment Summary:

Responsible Planner:	Chris Stathis
ESD Advisor:	Gavin Ashley
Date:	18.07.2019
Subject Site:	9 Kingston St, Richmond, VIC
Site Area:	Approx. 600m <sup>2</sup>
Project Description:	6 office storey building. The development includes 1,929m <sup>2</sup> NLA of office space from the ground floor to level 5.
Pre-application meeting(s):	Unknown.

The standard of the ESD **does not meet** Council's Environmental Sustainable Design (ESD) standards. Should a permit be issued, the following ESD commitments (1) and deficiencies (2) should be conditioned as part of a planning permit to ensure Council's ESD standards are fully met.

Furthermore, it is recommended that all ESD commitments (1), deficiencies (2) and the outstanding information (3) are addressed in an updated SMP report and are clearly shown on Condition 1 drawings. ESD improvement opportunities (4) have been summarised as a recommendation to the applicant.

#### (1) Applicant ESD Commitments:

- Benchmarked using Green Star: potential score of 46 points or 4 stars.
- BESS score: 64%, including 11 Innovation points. Project No 17213
- Storm Score of 139%

#### (2) Application ESD Deficiencies:

- Addition of shading to northern façade to office component to control heat gain
- Target a recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill
- Commitment required to Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.

#### (3) Outstanding Information:

- Update the SMP and BESS report to remove innovation points for stated initiatives. All these initiatives are supported, but are not regarded as innovative.
- Clarify provision of outdoor air to office spaces on all levels.
- Please advise VLT for proposed glazing.
- Provide a JV3 report showing at least 10% improvement on the reference case.
- Provide basis for thermal performance improvements.
- Provide basis for improvements in GHG performance.
- Provide basis for 30% improvement in lighting efficiency.
- Provide size specification for Solar PV in SMP.
- BESS claimed rainwater connected to (all) toilets, not consistent with WSUD report p15. Update SMP to ensure consistency.
- Provide a Green Travel Plan with performance targets and monitoring and reporting components included.

#### (4) ESD Improvement Opportunities

- Consider 3 pipe Variable Refrigerant Flow (VRF)
- Extend RW flushing to all toilets.
- Consider proportion of recycled content in concrete and steel.

Sustainable Management Plan - Referral Assessment  
Yarra City Council, City Development

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## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### Sustainable Management Plan (SMP)

Referral Response by Yarra City Council



- Consider a small pallet of materials and construction techniques that can assist in disassembly.
- Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.
- Consider including information in BUG
- Consider a Green waste bin for occupants.
- Consider a green roof or wall to improve the ecological value of this site.

#### Further Recommendations:

The applicant is encouraged to consider the inclusion of ESD recommendations, detailed in this referral report. Further guidance on how to meet individual planning conditions has been provided in reference to the individual categories. The applicant is also encouraged to seek further advice or clarification from Council on the individual project recommendations.



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 1. Indoor Environment Quality (IEQ)

#### Objectives:

- to achieve a healthy indoor environment quality for the wellbeing of building occupants.
- to provide a naturally comfortable indoor environment will lower the need for building services, such as artificial lighting, mechanical ventilation and cooling and heating devices.

Issues	Applicant's Design Responses	Council Comments	CAR*
Natural Ventilation and Night Purging	This project includes sliding doors to each balcony which can act as a natural ventilation pathway. The exact ventilation strategy, whether mixed mode natural ventilation or a hybrid ventilation system, will be developed during detailed design and will depend on potential tenant arrangements.  BESS: Innovation 1.1 Increased OA rates by 50%	Clarify provision of outdoor air to office spaces on all levels.	3
Daylight & Solar Access	Daylight performance for this building has been assessed using the Green Star Daylight Hand Calculation Guide: <b>Good</b> . 49% of office area achieving DF>2.0.	Please advise VLT for proposed glazing. <i>For this hand calculation method, the glazing must have a visible light transmittance equal to, or greater than, 40% used for calculations.</i>	3
External Views	Views available to three facades	Satisfactory	1
Hazardous Materials and VOC	All paints and carpets will be low VOC	Satisfactory	1
Thermal Comfort	Fully glazed facades to North and South: thermal comfort risk. Well-shaded East facade	Recommend addition of shading to northern facade to office component. Consider reducing extent of glazing	2

#### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [1. Indoor Environment Quality](#)  
Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)  
Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)  
Residential Flat Design Code [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)  
Your Home [www.yourhome.gov.au](http://www.yourhome.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 2. Energy Efficiency

#### Objectives:

- to ensure the efficient use of energy
- to reduce total operating greenhouse emissions
- to reduce energy peak demand
- to minimize associated energy costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
NCC Energy Efficiency Requirements Exceeded	NCC Section J assessment provided as Appendix A. DTS performance requirements tabulated. The project will seek to demonstrate compliance via a JV3 Performance Solution method. p10 No commitment made	Provide a JV3 report showing at least 10% improvement on the reference case.	3
Thermal Performance	Core located on West façade. SMP section 5 shows improvements above NCC baseline. Improved Insulation 10% above minimum requirements Improved Glazing 10% above minimum requirements  27% reduction in heating and cooling claimed in BESS	Provide basis for thermal performance improvements.	3
Greenhouse Gas Emissions	Improved CoP (Heating & Cooling) 4.2 Reduction in Fan Power 15% below maximum allowance Reduction in Lighting Power 30% below maximum allowance Reduction in Hot Water Use 32.6% from efficient fittings  27% reduction in GHG in BESS.	Provide basis for improvements in GHG performance.  Note: No gas supply.	3
Hot Water System	DHW to be centralised gas with minimum 92% efficiency.	Satisfactory	1
Peak Energy Demand	No commitment		-
Effective Shading	East well-shaded by louver system.	Recommend addition of shading to northern façade to office component.	2
Efficient HVAC system	COP=4.2. Simple energy calculation provided based on Pitt and Sherry .	Consider 3 pipe VRF	4
Car Park Ventilation	CO monitoring.	Satisfactory	1
Efficient Lighting	30% improvement in LPD claimed.	Provide basis for 30% improvement in lighting efficiency.	3
Electricity Generation	Solar PV shown on Roof plan	Provide size specification for Solar PV in SMP.	3
Other	-	-	-

#### \* Council Assessment Ratings:

- 1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**



**Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's  
ESD Advisor Referral Comments**

**References and useful information:**

SDAPP Fact Sheet: [2. Energy Efficiency](#)  
House Energy Rating [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
Building Code Australia [www.abcb.gov.au](http://www.abcb.gov.au)  
Window Efficiency Rating Scheme (WERS) [www.wers.net](http://www.wers.net)  
Minimum Energy Performance Standards (MEPS) [www.energyrating.gov.au](http://www.energyrating.gov.au)  
Energy Efficiency [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 3. Water Efficiency

#### Objectives:

- to ensure the efficient use of water
- to reduce total operating potable water use
- to encourage the collection and reuse of rainwater and stormwater
- to encourage the appropriate use of alternative water sources (e.g. grey water)
- to minimise associated water costs.

Issues	Applicant's Design Responses	Council Comments	CAR*
Minimising Amenity Water Demand	Minimum WELS star rating of fixtures: • Taps: 6 star • Toilets: 4 star • Showers: 3 star • Urinals: 5 star	Satisfactory	1
Water for Toilet Flushing	8,000 litre rainwater tank proposed. 257m <sup>2</sup> of roof area captured. Used for irrigation and flushing toilets on Ground floor only.	IBESS claimed rainwater connected to (all) toilets, not consistent with WSUD report p15. Update to ensure consistency.	3
Water Meter			
Landscape Irrigation	Water sensitive landscape design to reduce potable water used for irrigation.	No comments.	1
Other	-	-	-

#### \* Council Assessment Ratings:

- 1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [3. Water Efficiency](#)  
 Water Efficient Labelling Scheme (WELS) [www.waterrating.gov.au](http://www.waterrating.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Water Tank Requirement [www.makeyourhomegreen.vic.gov.au](http://www.makeyourhomegreen.vic.gov.au)  
 Melbourne Water STORM calculator [www.storm.melbournwater.com.au](http://www.storm.melbournwater.com.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 4. Stormwater Management

#### Objectives:

- to reduce the impact of stormwater runoff
- to improve the water quality of stormwater runoff
- to achieve best practice stormwater quality outcomes
- to incorporate Water Sensitive Urban Design principles.

Issues	Applicant's Design Responses	Council Comments	CAR*
STORM Rating	A STORM report with a 139% STORM score has been submitted that demonstrates best practice and relies on 257m <sup>2</sup> of roof connected to 8,000 litre rainwater tank connected to toilet flushing, GF only. Also, 313m <sup>2</sup> terraces connected to 6m <sup>2</sup> raingardens.	Excellent Plans show 15m <sup>2</sup> rain at GF and 8kL tank in basement. Suggest: Extend RW flushing to all toilets.	4
Discharge to Sewer	- Toilets: 4 star WELS	-	1
Stormwater Diversion	-	-	-
Stormwater Detention	-	-	-
Stormwater Treatment	-	-	-
Others	-	-	-

#### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [4. Stormwater Management](#)  
 Melbourne Water STORM calculator [www.storm.melbournwater.com.au](http://www.storm.melbournwater.com.au)  
 Water Sensitive Urban Design Principles [www.melbournwater.com.au](http://www.melbournwater.com.au)  
 Environmental Protection Authority Victoria [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Water Services Association of Australia [www.wsaa.asn.au](http://www.wsaa.asn.au)  
 Sustainable Landscaping [www.ourwater.vic.gov.au](http://www.ourwater.vic.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 5. Building Materials

#### Objectives:

- to minimise the environmental impact of materials used by encouraging the use of materials with a favourable lifecycle assessment.

Issues	Applicant's Design Responses	Council Comments	CAR*
Reuse of Recycled Materials	No specific information provided.	-	
Embodied Energy of Concrete and Steel	No specific information provided.	Consider proportion of recycled content in concrete and steel.	4
Sustainable Timber	All timber will be FSC or PEFC (AFS).	No comments.	1
Design for Disassembly	No information has been provided.	Consider a small pallet of materials and construction techniques that can assist in disassembly.	4
PVC	No information has been provided.	Consider pipes, cabling, flooring to do not contain PVC or meeting best practice guidelines for PVC.	4

#### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [5. Building Materials](#)  
 Building Materials, Technical Manuals [www.yourhome.gov.au](http://www.yourhome.gov.au)  
 Embodied Energy Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)  
 Good Environmental Choice Australia Standards [www.geca.org.au](http://www.geca.org.au)  
 Forest Stewardship Council Certification Scheme [www.fsc.org](http://www.fsc.org)  
 Australian Green Procurement [www.greenprocurement.org](http://www.greenprocurement.org)



**Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments**

## 6. Transport

**Objectives:**

- to minimise car dependency
- to ensure that the built environment is designed to promote the use of public transport, walking and cycling.

Issues	Applicant's Design Responses	Council Comments	CAR's
Minimising the Provision of Car Parks	Car parking for 14 cars proposed in basement.	Satisfactory	
Bike Parking Spaces	18 bike parking spaces for occupants, plus 6 bike parking spaces for visitors.	Satisfactory	1
End of Trip Facilities	End of trip facilities have been provided.	Satisfactory	1
Car Share Facilities	No information has been provided.	Consider including information in BUG	4
Electric vehicle charging	4 EV bays have been provided.	Excellent.	1
Green Travel Plan	A Green Travel plan has not been provided.	Provide a Green Travel Plan with performance targets and monitoring and reporting components included.	3

\* Council Assessment Ratings:

1 – Design Response is SATISFACTORY; 2 – Design Response is NOT SATISFACTORY  
3 – MORE INFORMATION is required; 4 – ESD IMPROVEMENT OPPORTUNITIES

**References and useful information:**

SDAPP Fact Sheet: [6. Transport](#)

Off-setting Car Emissions Options [www.greenfleet.com.au](http://www.greenfleet.com.au)

Sustainable Transport [www.transport.vic.gov.au/doi/internet/icy.nsf](http://www.transport.vic.gov.au/doi/internet/icy.nsf)

Car share options [www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/](http://www.yarracity.vic.gov.au/Parking-roads-and-transport/Transport-Services/Carsharing/)

Bicycle Victoria [www.bv.com.au](http://www.bv.com.au)

**Commented [wl1]:** Curios to know how they achieved 14% for BESS transport.

They haven't provided BESS as attachment.

*"The full BESS report is published on the BESS website and set to be accessible to council."*





## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 7. Waste Management

#### Objectives:

- to ensure waste avoidance, reuse and recycling during the design, construction and operation stages of development
- to ensure long term reusability of building materials.
- to meet Councils' requirement that all multi-unit developments must provide a Waste Management Plan in accordance with the *Guide to Best Practice for Waste Management in Multi-unit Developments 2010*, published by Sustainability Victoria.

Issues	Applicant's Design Responses	Council Comments	CAR*
Construction Waste Management	No site-specific WMP provided.	Target a recycling rate of 80% of construction and demolition waste for the construction phase of the development to minimise the volume of waste to landfill	2
Operational Waste Management	Waste management plan provided		1
Storage Spaces for Recycling and Green Waste	Recycling facilities shown on GF. No green waste facility has been mentioned.	Provide a Green waste bin for occupants.	4
Others	-	-	

#### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [7. Waste Management](#)  
 Construction and Waste Management [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au)  
 Preparing a WMP [www.epa.vic.gov.au](http://www.epa.vic.gov.au)  
 Waste and Recycling [www.resourcesmart.vic.gov.au](http://www.resourcesmart.vic.gov.au)  
 Better Practice Guide for Waste Management in Multi-Unit Dwellings (2002)  
[www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)  
 Waste reduction in office buildings (2002) [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 8. Urban Ecology

#### Objectives:

- to protect and enhance biodiversity
- to provide sustainable landscaping
- to protect and manage all remnant indigenous plant communities
- to encourage the planting of indigenous vegetation.

Issues	Applicant's Design Responses	Council Comments	CAR*
On Site Topsoil Retention		-	N/A
Maintaining / Enhancing Ecological Value	Landscaping has been included at every level.	Satisfactory	1
Heat Island Effect	All metal roofs to be 80% reflectant.	Satisfactory	1
Other		-	
Green wall, roofs, facades	No information has been provided.	Consider a green roof or wall to improve the ecological value of this site.	4

#### \* Council Assessment Ratings:

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

#### References and useful information:

SDAPP Fact Sheet: [8. Urban Ecology](#)  
 Department of Sustainability and Environment [www.dse.vic.gov.au](http://www.dse.vic.gov.au)  
 Australian Research Centre for Urban Ecology [www.arcue.botany.unimelb.edu.au](http://www.arcue.botany.unimelb.edu.au)  
 Greening Australia [www.greeningaustralia.org.au](http://www.greeningaustralia.org.au)  
 Green Roof Technical Manual [www.yourhome.gov.au](http://www.yourhome.gov.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 9. Innovation

**Objective:**

- to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings.

Issues	Applicant's Design Responses	Council Comments	CAR*
Significant Enhancement to the Environmental Performance	-	-	-
Innovative Social Improvements	Walk score of 93 Balconies	Not considered an innovation.	1
New Technology	Shading structures on East	Not considered an innovation	1
New Design Approach	Western services location	Not considered an innovation	1
Others	Commissioning and tuning Increased OA rates Low VOC paint and carpet Air cooled HVAC BMS Openable windows (doors)	Not considered an innovation. (included in other categories)	1

**\* Council Assessment Ratings:**

- 1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

**References and useful information:**

SDAPP Fact Sheet: [9. Innovation](#)  
 Green Building Council Australia [www.gbca.org.au](http://www.gbca.org.au)  
 Victorian Eco Innovation lab [www.ecoinnovationlab.com](http://www.ecoinnovationlab.com)  
 Business Victoria [www.business.vic.gov.au](http://www.business.vic.gov.au)  
 Environment Design Guide [www.environmentdesignguide.com.au](http://www.environmentdesignguide.com.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

### 10. Construction and Building Management

**Objective:**

- to encourage a holistic and integrated design and construction process and ongoing high performance

Issues	Applicant's Design Responses	Council Comments	CAR*
Building Tuning	Claimed in GS score.		1
Building Users Guide	A Building Users Guide will be produced and issued to occupants.	-	1
Contractor has Valid ISO14001 Accreditation	No information has been provided.		-
Construction Management Plan	No information has been provided.	Recommend that an Environmental Management Plan be developed by the building contractor to monitor and control activities undertaken during construction.	2
Others	-	-	

**\* Council Assessment Ratings:**

1 – Design Response is **SATISFACTORY**; 2 – Design Response is **NOT SATISFACTORY**  
 3 – **MORE INFORMATION** is required; 4 – **ESD IMPROVEMENT OPPORTUNITIES**

**References and useful information:**

SDAPP Fact Sheet: [10\\_Construction and Building Management](#)

ASHRAE and CIBSE Commissioning handbooks

International Organization for standardization – ISO14001 – Environmental Management Systems

Keeping Our Stormwater Clean – A Builder's Guide [www.melbournewater.com.au](http://www.melbournewater.com.au)



## Attachment 11 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's ESD Advisor Referral Comments

**Sustainable Management Plan (SMP)**  
for planning applications being considered by Yarra Council



### Applicant Response Guidelines

#### Project Information:

Applicants should state the property address and the proposed development's use and extent. They should describe neighbouring buildings that impact on or may be impacted by the development. It is required to outline relevant areas, such as site permeability, water capture areas and gross floor area of different building uses. Applicants should describe the development's sustainable design approach and summarise the project's key ESD objectives.

#### Environmental Categories:

Each criterion is one of the 10 Key Sustainable Building Categories. The applicant is required to address each criterion and demonstrate how the design meets its objectives.

#### Objectives:

Within this section the general intent, the aims and the purposes of the category are explained.

#### Issues:

This section comprises a list of topics that might be relevant within the environmental category. As each application responds to different opportunities and constraints, it is not required to address all issues. The list is non-exhaustive and topics can be added to tailor to specific application needs.

#### Assessment Method Description:

Where applicable, the Applicant needs to explain what standards have been used to assess the applicable issues.

#### Benchmarks Description:

The applicant is required to briefly explain the benchmark applied as outlined within the chosen standard. A benchmark description is required for each environmental issue that has been identified as relevant.

#### How does the proposal comply with the benchmarks?

The applicant should show how the proposed design meets the benchmarks of the chosen standard through making references to the design brief, drawings, specifications, consultant reports or other evidence that proves compliance with the chosen benchmark.

#### ESD Matters on Architectural Drawings:

Architectural drawings should reflect all relevant ESD matters where feasible. As an example, window attributes, sun shading and materials should be noted on elevations and finishes schedules, water tanks and renewable energy devices should be shown on plans. The site's permeability should be clearly noted. It is also recommended to indicate water catchment areas on roof- or site plans to confirm water re-use calculations.



## Attachment 12 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Open Space Unit Referral Comments




Fri 16/08/2019 5:05 PM

Mardjuki, Julia

RE: HPE CM: PLN19/0025 - 9 Kingston Street Richmond - Landscape Referral Request

To  Stathis, Chris

 You forwarded this message on 19/08/2019 8:37 AM.

Hi Chris

I've had a look at the plans and I think they're fine. I'm supportive at this stage.

They could include notes on:

- Works to be undertaken prior to planting
- Details of the proposed method of irrigation and drainage
- Details of the proposed maintenance schedule

It's important the planting on Kingston Street can thrive and do well and they make allowances for replacement if any of the plants fail, so it would be good if there was something to capture that. Otherwise the landscape concept is fine.

Hope that is ok, let me know if you need anything else.

Thanks  
Julia



# Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments



## MEMO

**To:** Chris Stathis  
**From:** Artemis Bacani  
**Date:** 4 July 2019  
**Subject:** Application No: PLN14/0284.01  
 Description: Six-Storey Office Building  
 Site Address: 9 Kingston Street, Richmond

I refer to the above application received on 27 May 2019 and the accompanying Traffic and Transport Assessment prepared by Cardno in relation to the proposed development at 9 Kingston Street, Richmond. Council's Civil Engineering unit provides the following information:

### CAR PARKING PROVISION

#### Proposed Development

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/Size	Statutory Parking Rate*	No. of Spaces Required	No. of Spaces Allocated
Office	1,929 m <sup>2</sup>	3 spaces per 100 m <sup>2</sup> of net floor area	57	16

\* 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 site would have a parking shortfall of 41 spaces. To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

- *Parking Demand for the Office Use.*

The office use would be providing 16 on-site parking spaces, which equates to a rate of 0.83 spaces per 100 square metres of floor area. Throughout the municipality, a number of developments have been approved with reduced office rates, as shown in the following table:



## Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments

Development Site	Approved Office Parking Rate
<b>Cremorne</b>	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.85 spaces per 100 m <sup>2</sup> (233 on-site spaces; 27,306 m <sup>2</sup> )
9-11 Cremorne Street PLN16/0171 (Amended) issued 13 June 2017	0.85 spaces per 100 m <sup>2</sup> (20 on-site spaces; 2,329 m <sup>2</sup> )
<b>Collingwood</b>	
2-16 Northumberland Street PLN16/1150 issued 14 June 2017	0.89 spaces per 100 m <sup>2</sup> (135 on-site spaces; 15,300 m <sup>2</sup> )

The proposed on-site office parking rate of 0.83 spaces is considered appropriate, having regard to the site's good accessibility to public transport services and proximity to Melbourne.

- *Availability of Public Transport in the Locality of the Land.*  
The site is within walking distance of tram services operating along Church Street and Swan Street. The East Richmond railway station is also within walking distance of the site.
- *Multi-Purpose Trips within the Area.*  
Clients and visitors to the site might combine their visit to the development by engaging in other activities or business whilst in the area.
- *Convenience of Pedestrian and Cyclist Access.*  
The site has very good walking accessibility to public transport nodes. Bicycles can access the site from the Principal Bicycle Network.

### Appropriateness of Providing Fewer Spaces than the Likely Parking Demand

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

- *Availability of Car Parking.*  
Cardno had commissioned parking occupancy surveys of the area surrounding the site on Monday 16 May 2016 between 9.00am to 6.00pm at hourly intervals. Cardno have acknowledged that the survey results are several years old; however, the parking demand characteristics are still consistent with current conditions. The survey area includes sections of Chestnut Street, Church Street, Brighton Street, Mary Street, Lesney Street, Pearson Street, Chapel Street, Hill Street, William Street, Adelaide Street, Balmain Street, Gordon Street, James Street, Rose Street, Albert Street, Davis Street, Kingston Street, Barkly Avenue, Willis Street, Burgess Street, Cotter Street, and Amsterdam Street. The survey area includes the off-street car park which is located off Gibbons Street. An inventory of 565 short-term spaces, 53 long-term spaces, and 176 off-street car park spaces (a total of 794 spaces) were identified within the survey area suitable for public parking.

The total number of spaces identified above is different to the number of spaces indicated on the parking survey results in Appendix A of the traffic report. The applicant is to clarify the number of spaces in the survey area before the survey results are assessed.

- *Relevant Local Policy or Incorporated Document.*  
The proposed development is considered to be in line with the objectives contained in Council's *Strategic Transport Statement*. The site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site car parking would potentially discourage private motor vehicle ownership and use.



## Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of 41 car spaces for this site is considered appropriate in the context of the site and the surrounding area. The site can be very easily reached by public transport services.

The Civil Engineering unit has no objection to the reduction in the car parking requirement for this development.

### 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
Office (16 spaces)	0.5 trips per space per peak hour	Not Provided	8	8

The peak hour volumes generated by the development are not unduly high and should not adversely impact on the traffic operation of Selby ROW.

### DEVELOPMENT LAYOUT DESIGN

Bates Smart Drawing Nos. TP02.001 and TP02.100 Revision B dated 11 April 2019

Cardno Car Swept Path Analysis Drawing Nos.

V160944T-TR-SK-0006, V160944T-TR-SK-0007 and V160944T-TR-SK-0008 Revision 1 dated 7 November 2018

V160944T-TR-SK-0010 and V160944T-TR-SK-0011 Revision 1 dated 25 February 2019

### Layout Design Assessment

Item	Assessment
<b>Access Arrangements</b>	
Width of Selby Right of Way	Using Trapeze, Selby ROW has a carriageway width of approximately 4.60 metres.
Car Park Entrance	The development's car park is accessed off Selby ROW and has an entrance width of 3.60 metres and satisfies AS/NZS 2890.1:2004.  The access ramp to the basement car park is 3.60 metres in width, inclusive of 300 mm kerbs on either side of the access ramp to satisfy AS/NZS 2890.1:2004.
Visibility	In-lieu of a visibility splay, a convex mirror is proposed on the west side at the entrance of the basement car park.
Headroom Clearance at Car Park Entrance	A minimum headroom clearance of 2.20 metres is provided at the entrance to the basement car park.
Vehicle Turning Movements	The swept path for a B99 design vehicle demonstrate adequate turning movements into and out of the car park off Selby ROW.  Hypothetically, if there was no sewer vent, the swept path for a B85 design vehicle would be satisfactory for the at-grade car space off Selby ROW.



## Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments

### Layout Design Assessment

Item	Assessment
<b>Car Parking Modules</b>	
At-grade Parking Spaces	The dimensions of the parking spaces (2.6 metres by 4.9 metres and 2.8 metres by 4.9 metres) satisfy <i>Design standard 2: Car parking spaces</i> .
Accessible Parking Spaces	The dimensions of the accessible space and shared area also satisfies <i>Design standard 2</i> .
Motorcycle Parking	Not dimensioned on the drawings.
Aisles	A minimum aisle width of 5.80 metres has been provided to satisfy <i>Design standard 2</i> .
Headroom Clearance Inside the Basement Car Park	A minimum clearance height of 2.20 metres has been provided within the basement car park.
Column Depths and Setbacks	Not dimensioned on the drawings.
Clearances to Walls	A minimum clearance of 410 mm has been provided from the wall at car space 01.
<b>Gradients</b>	
Ramp Grade for First 5.0 metres inside Property	A 1 in 10 grade has been provided for the first 5.0 metres inside the property to satisfy <i>Design standard 3 – Gradients</i> .
Ramp Grades and Changes of Grade	The ramp grades and the changes of grade for the ramped accessway and the internal ramps satisfy <i>Design standard 3</i> . However, the ramp grade lengths have not been dimensioned on the drawings.

### Layout Design Assessment

Item	Assessment
<b>Other</b>	
Vehicle Turning Movements – Regular Car Spaces	The swept path diagrams for a B85 design vehicle demonstrate adequate turning movements into and out of the car spaces.
Vehicle Passing Movements – Curved Ramps	The passing movements for the B99 design vehicle and an oncoming B99 design vehicle are considered satisfactory.
Vehicle Turning Movements – Waste Collection Vehicle	The swept path diagrams for a 6.35 metre long waste collection vehicle entering and exiting the accessible car space are considered satisfactory.



## Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments

### Design Items to be Addressed

Item	Details
Kerb Width on Access Ramp	The kerb width on either side of the access ramp are to be dimensioned on the drawings.
Headroom Clearance at Car Park Entrance	To be dimensioned on the drawings.
Accessible Parking Spaces	A bollard is to be provided in the shared area.
Column Depths and Setbacks	To be dimensioned on the drawings and satisfy AS/NZS 2890.1:2004.
Clearances to Walls	A minimum clearance of 300 mm
Length of Ramp Grade Sections	The length of each ramp grade section are to be dimensioned on the drawings.
Curved Ramps – Radii and Vehicle Passing	The inside and outside radii of the curved ramp must be specified on the drawings. The swept path diagram for a B99 design vehicle and an oncoming B99 design vehicle passing one another at curved ramp is considered satisfactory.
Ground Clearance Check – Curved Ramp	The applicant must provide ground clearance checks of the curved ramp along the inside radius using the B99 design vehicle
Relocation of Sewer Vent – Rear Right of Way	The applicant must relocate the sewer vent Selby ROW to the satisfaction of the relevant water authority and Council. All costs and works associated with relocating the sewer vent must be borne by the Permit Holder.
Internal Concrete Slab	<p>The grade for the internal concrete slab is to be shown on the drawings.</p> <p>A 1 in 20 scale cross-sectional drawing must be submitted to show the existing and proposed floor levels. The levels should include the centre/invert of the Selby ROW, property line and top edge of the internal concrete slab.</p> <p>The internal concrete slab must be designed to ensure that a B99 design vehicle can enter and exit the at-grade car spaces and basement car park entrance without bottoming-out or scraping.</p> <p>For any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of Selby ROW – Council Infrastructure requirement.</p>
Service Cabinet Doors	Any service cabinet door opening onto a Public Highway must swing 180-degrees and be latched to the building when opened.

### Capital Works Programme

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



## **Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments**

### **IMPACT ON COUNCIL ROAD ASSETS**

The construction of the new buildings, the provision of underground utilities and construction traffic servicing and transporting materials to the site will impact on Council assets. Trenching and areas of excavation for underground services invariably deteriorates the condition and integrity of footpaths, kerb and channel, laneways and road pavements of the adjacent roads to the site.

It is essential that the developer rehabilitates/restores laneways, footpaths, kerbing and other road related items, as recommended by Council, to ensure that the Council infrastructure surrounding the site has a high level of serviceability for residents, employees, visitors and other users of the site.

### **ENGINEERING CONDITIONS**

#### **Civil Works**

Upon the completion of all building works and connections for underground utility services,

- The footpath immediately outside the property's Kingston Street road frontage must be stripped and re-sheeted to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless otherwise specified by Council.
- The redundant vehicle crossing along the Kingston Street road frontage is to be demolished and reinstated with paving, and kerb and channel to Council's satisfaction and at the Permit Holder's cost. The footpath must have a cross-fall of 1 in 40 or unless specified by Council.
- The full-width road pavement of Selby ROW Street (from the northern road alignment to the southern road alignment) along the property frontage must be profiled and re-sheeted to Council standard. Any isolated areas of pavement failure shall require full depth road pavement reconstruction.

#### **Road Asset Protection**

- Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

#### **Construction Management Plan**

- A Construction Management Plan must be prepared and submitted to Council. The Plan must be approved by Council prior to the commencement of works. A detailed dilapidation report should detail and document the existing and post construction conditions of surrounding road infrastructure and adjoining private properties.

#### **Impact of Assets on Proposed Development**

- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.



## Attachment 13 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Council's Engineering Services Unit Referral Comments

### Discharge of Water from Development

- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.
- Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

### ADDITIONAL ENGINEERING ADVICE FOR THE APPLICANT

Item	Details
Legal Point of Discharge	The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the <i>Building Regulations</i> 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the <i>Local Government Act</i> 1989 and Regulation 133.



# Attachment 14 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Strategic Transport Unit Referral Comments



## Planning Referral

**To:** Chris Stathis  
**From:** Julian Wearne  
**Date:** 12/08/2019 – edited comments provided 20-9-19  
**Subject:** Strategic Transport Comments  
**Application No:** PLN19/0025  
**Description:** construction of a six-storey office building (no permit required for office use) and a reduction in the car parking requirements  
**Site Address:** 9 Kingston Street, Richmond

### 20-9-19 Update: I have made a minor correction to the comments provided previously.

I refer to the above Planning Application referred on 07/06/2019, and the accompanying Traffic report prepared by Consultant Name in relation to the proposed development at Address. Council's Strategic Transport unit provides the following information:

#### **Access and Safety**

No significant safety concerns have been noted.

It is suggested the visitor bicycle parking at the Kingston Street frontage be relocated to closer to the building entrance and the rain garden shifted eastward.

#### **Bicycle Parking Provision**

##### **Statutory Requirement**

Under the provisions of Clause 52.34-3 of the Yarra Planning Scheme, the development's bicycle parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office (other than specified in the table)	1929 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	6 employee spaces	<b>18 resident / employee spaces</b>
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	2 visitor spaces.	<b>8 visitor spaces</b>
<b>Showers / Change rooms</b>		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>2 showers / change rooms</b>	<b>4 showers / change rooms</b>

The development provides a total of 12 additional employee spaces and 6 additional visitor spaces above the requirements of the planning scheme.

#### **Adequacy of visitor spaces**

8 spaces are suitable as visitor bicycle parking spaces. The provision of the visitor spaces is generally adequate given:



## Attachment 14 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Strategic Transport Unit Referral Comments

- 8 spaces exceeds the best practice rate of 4 spaces<sup>1</sup>
- Despite the suggestion previously to relocate the Kingston Street spaces closer to the building entrance, the spaces are easily accessible, and acceptably close to building entrances.
- The visitor spaces meet AS2890.3 clearance and access-way requirements.

### Adequacy of employee spaces

#### *Number of spaces*

Whilst the proposal includes a surplus of 12 employee spaces above the requirements of the planning scheme, it is noted:

- A reduction of 41 car parking spaces is sought (72% of the statutory requirement);
- the subject site is located in an inner-urban area with already high cycling-to-work demand, and trends indicate demand will continue to increase; and
- both local and state planning policies include objectives to promote sustainable transport modes, including cycling.
- Given the above, Council's best-practice rate should be adopted, which recommends 1 space to each 100sqm of office floor space<sup>2</sup>. This generates a recommended rate of 20 employee spaces.
- Given more spaces are required to be provided, the applicant must ensure at least 20% of employee spaces are provided as horizontal at-grade spaces.

#### *Design and location of employee spaces and facilities*

Employee and resident spaces are inadequately located and designed for the following reasons:

- The 8 spaces within the basement are not located within a secure facility. Pursuant to Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces for residents and employees must be provided in a bicycle locker, or in a lockable compound. A secure car park does not constitute a lockable compound.

The spaces at ground-floor are adequately designed and located. The end-of-trip facilities appear satisfactory.

### **Electric vehicles**

The provision of EV charging facilities is supported.

### **Green Travel Plan**

It is noted most required information regarding travel options is provided within the Traffic Impact Assessment, however no Green Travel Plan (GTP) has been provided. Given the development has a total non-residential floor area of more than 1,000sqm, pursuant to Clause 22.17-4 a GTP must be provided. The following information should be included:

- Employee welcome packs (e.g. provision of Myki/transport ticketing).
- Details of bicycle parking.
- The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces).
- The types of lockers proposed within the change room facilities, with at least 50 per cent of lockers providing hanging storage space.
- Security arrangements to access the employee bicycle storage spaces.

<sup>1</sup> Category 6 of Councils BESS Guidelines offers this advice.

<sup>2</sup> Category 6 of the BESS offers the following for best-practice guidance for resident bicycle parking rates: "As a rule of thumb, at least one bicycle space should be provided per dwelling for residential buildings" and the following for employee office rates: "Non-residential buildings should provide spaces for at least 10% of building occupants." Assuming a floor-space occupancy of 1 staff member to 10sqm (which is the maximum rate allowed under the National Construction Code for fire safety), providing bicycle spaces for 10% of occupants results in a rate of 1 space per 100sqm of floor area



## **Attachment 14 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Strategic Transport Unit Referral Comments**

- Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
- Provisions for the green travel plan to be updated not less than every five years.

### ***Recommendations***

The following should be shown on the plans before endorsement:

1. The visitor bicycle parking at the Kingston Street frontage should be relocated to be closer to the building entrance.
2. A minimum of 20 employee bicycle spaces should be provided within secure storage facilities. All spaces and access-ways must meet AS2890.3 requirements or otherwise be to the satisfaction of the Responsible Authority. At least 20% of employee bicycle spaces must be provided as horizontal-at-grade spaces or otherwise be to the satisfaction of the Responsible Authority.

A Green Travel Plan should be provided with the information outlined previously.

Regards

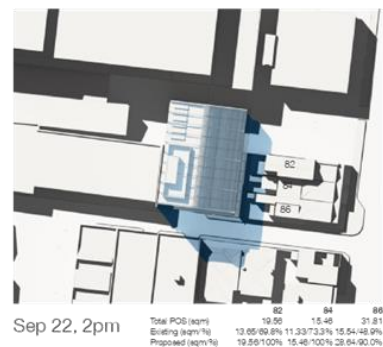
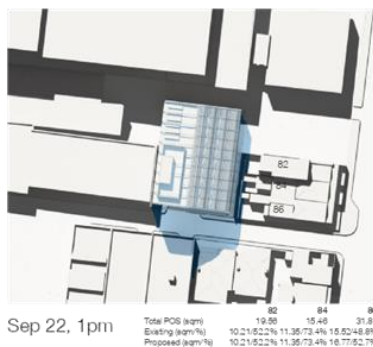
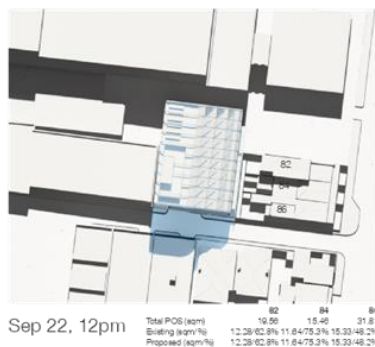
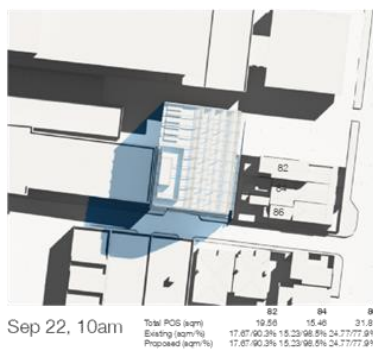
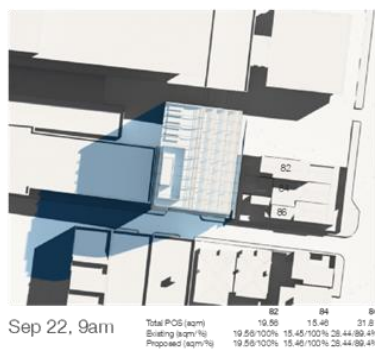
**Julian Wearne**

Sustainable Transport Officer  
Strategic Transport Unit



**Attachment 15 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Shadow diagrams based on the decision plans (taking into account the extension under construction at No. 82 Brighton Street)**

# 24.0M MASSING SHADOW STUDY SEP 22



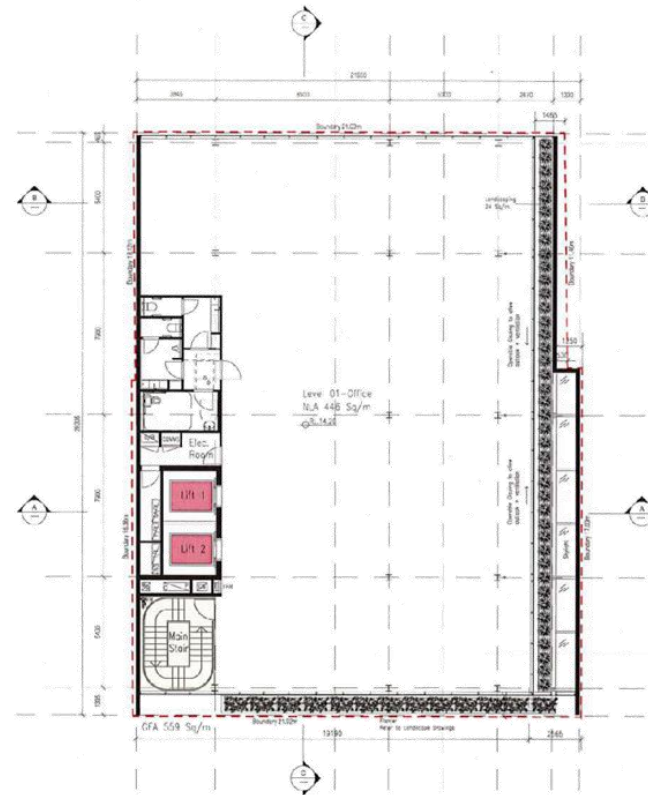
LEGEND:

- Existing Shadow
- Additional Shadow cast by proposal

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**Attachment 16 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)**



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D	05/09/19	Concept Plan	WP	B5
C	25/04/19	Response to PFI	WP	B5
B	15/04/19	Response to PFI	WP	B5
A	14/03/19		WP	B5
Previous Date	14/03/19	Concept Plan	WP	B5

**9 Kingston Street - Richmond**  
**Cremorne Properties**  
**Key Plan**  
**Level 01**

Scale: 1:100@A1, 1:200@A3  
Drawn: [Signature]  
Paper No.: M12218  
Status: Town Planning Submission  
Rev Date: 17/09/2019 2:45 PM  
Rev Desc: [Signature]  
Drawing No.: TP02.101

**TP02.101 D**

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Northcote Vic 3070 Australia  
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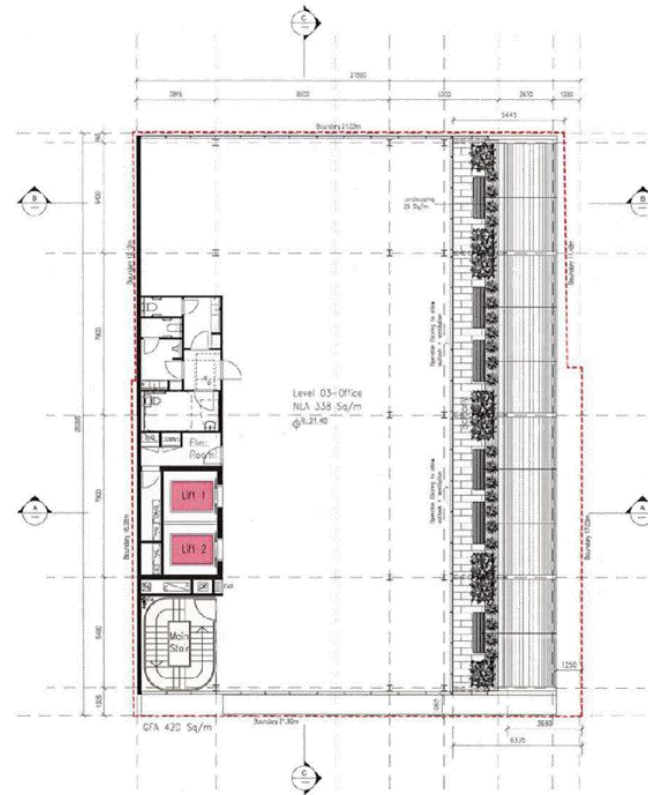
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Attachment 16 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)



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C	28/04/19	Response to PFI	VP	B5
B	13/04/19	Response to PFI	VP	B5
A	14/01/19	-	VP	B5
	Revision Date	Description	Final	Checked

9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 03

Scale	1:100@A1, 1:200@A3
Drawn	Checked
Project No.	M12216
Status	Town Planning Submission
Plot Date	18/9/2019 9:54 AM
Plot File	as-csdb-01100001704_CremorneProperties_Level03_V01.dwg
Drawing No.	TP02.103

TP02.103 D

References: 1. Victorian Street  
2. Victorian Street  
3. Victorian Street  
4. Victorian Street  
5. Victorian Street  
6. Victorian Street  
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8. Victorian Street  
9. Victorian Street  
10. Victorian Street

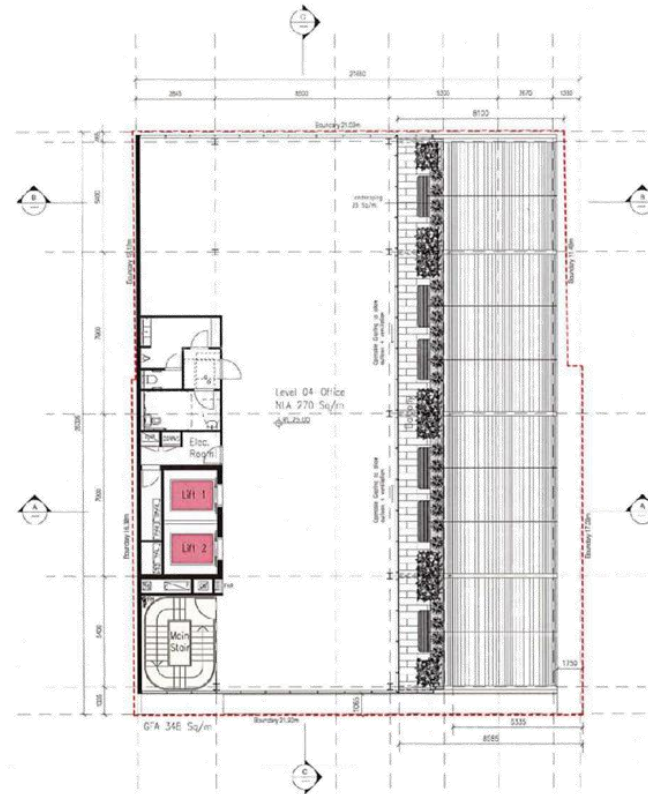
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Attachment 16 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)



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B	11/04/19	Response to RFI	VP - B5
A	14/01/19	-	VP - B5
Revision Date	Author	Drawn	Checked

9 Kingston Street - Richmond  
Cremorne Properties  
Key Plan  
Level 04

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Drawn: [Signature]  
Project No: M12218  
Status: Town Planning Submission  
Plot No: 18/8/2019 9:54 AM  
Plot File: [Path]  
Drawing No: [Number]

TP02.104 D

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3	09/26/19	Concept Plan	WP	BS
4	29/03/19	Response to RFI	WP	BS
5	11/04/19	Response to RFI	WP	BS
6	14/01/19	-	WP	BS
Exclusion Date		Exemption	Initial	Check

9 Kingston Street - Richmond  
Cremorne Properties

Key Plan  
Level 05



Scale	1:100@A1, 1:200@A3
Drawn	Checked
Project No.	M122-18
Status	Town Planning Submission
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Plt File	4122965-1210M0118_ConsentToRegister_Registered PLT

Drawing No. TP02.105 (Revised) D

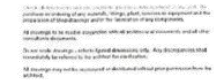
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C	09/09/16	Concept Plan	WSP	RTS
B	11/04/16	Response to RFI	WSP	RTS
A	14/01/16	-	WSP	RTS
	Revision Date	Description	Initial	Checked

9 Kingston Street - Richmond  
Gremorne Properties

Key Plan  
Level 05 - Roof Level



Size	1:100 @ A1, 1:200 @ A3
Sheet	Checked
Project No.	M12218
Sheet	Town Planning Submission
Rev. Date	18/9/2019 9:53 AM
Rev. File	N:\12218-112014\2018_General\Report\Kingston\2018- 2019\CDR\T181_05.dwg
Sheet No.	(Sheet)

TP02.106 C

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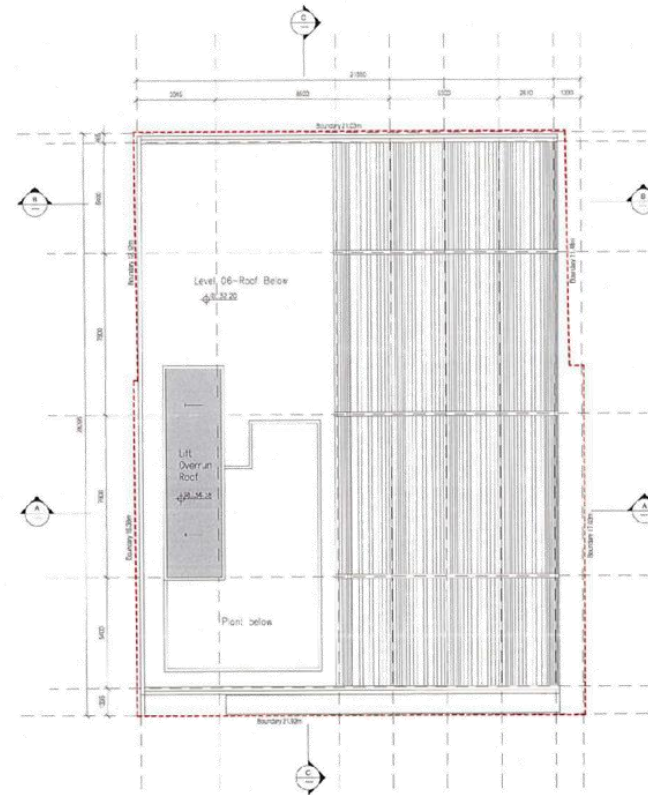
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18 SEP 2019

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**Attachment 16 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)**



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E. 19/09/19	Response to RPI	VP. 00
A. 19/09/19	Development	VP. 00

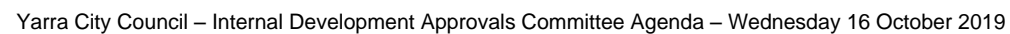
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**Cremorne Properties**  
 Key Plan  
 Level 07 - Upper Roof Level

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 Status: Town Planning Submission  
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 Drawing No: ACP190901\1919\_07.dwg [Reviewed]

**TP02.107 C**  
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25	Food mixer, glazing
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102	Reconstituted biscuits to mark MCT
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10	Food on wheel feeds with 30° surface to validate colour

9 Kingston Street - Richmond  
Gremorne Properties



Project No. **M12218**

Status	Town Planning Submission
Post Date	18/9/2019 9:52 AM

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Output file	122101214.TF100101214

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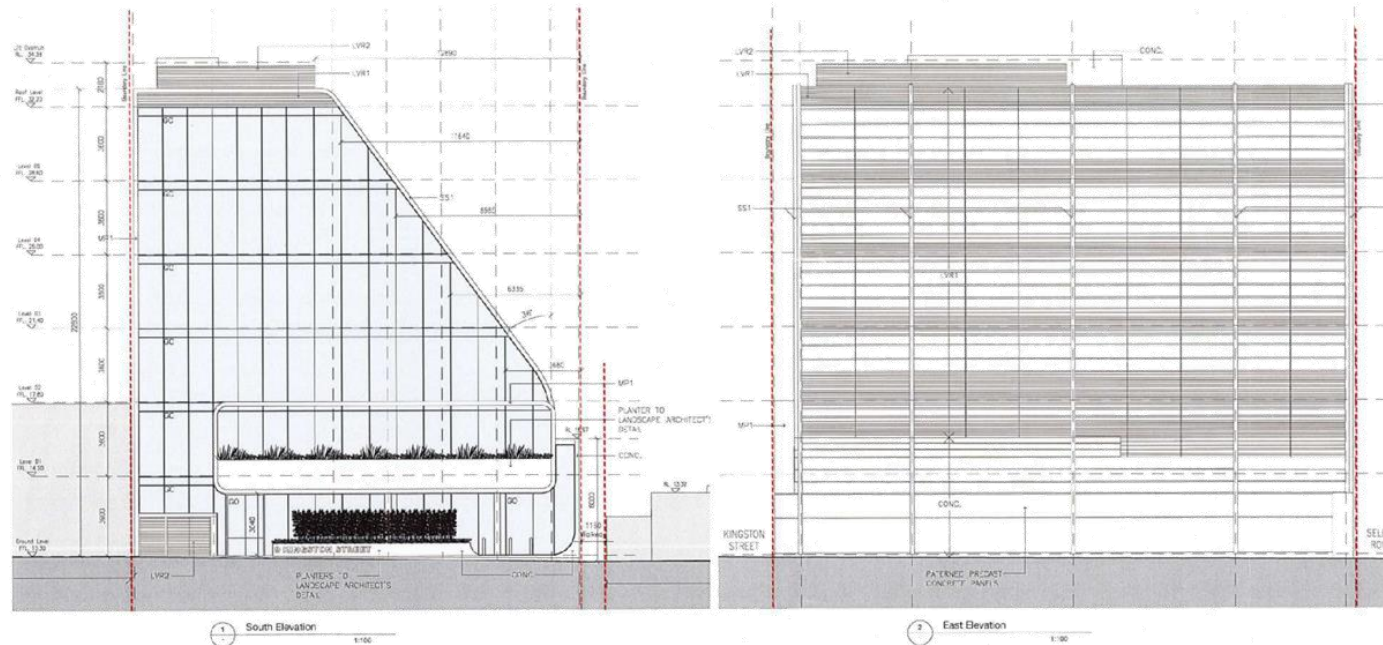
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## DATA SUMMARY



Attachment 16 - PLN19/0025 - 9 Kingston Street Richmond - IDAC Attachment - Sketch Plans (with associated 1pm and 2pm shadow diagrams)



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- LEGEND**
- CONC Concrete
  - GLASS Glass
  - IRON Iron
  - STEEL Steel
  - WOOD Wood
  - BRICK Brick
  - STONE Stone
  - PAVING Paving
  - LANDSCAPE Landscape
  - PLANTING Planting
  - WATER Water
  - ROAD Road
  - RAIL RAIL
  - SEA SEA
  - SUN SUN
  - MOON MOON
  - STAR STAR
  - CLOUD CLOUD
  - WIND WIND
  - TEMPERATURE TEMPERATURE
  - WIND DIRECTION WIND DIRECTION
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  - WIND DIRECTION WIND DIRECTION
  - WIND SPEED WIND SPEED

10/09/19	Concept Plan	VP BS
11/09/19	Response to RFI	VP BS
14/09/19	Designation	VP BS

9 Kingston Street - Richmond  
Cremorne Properties  
Elevations  
South & East

Scale: 1:100 @ A1, 1:200 @ A3  
Drawn: [Name]  
Checked: [Name]  
Project No: M12218  
Date: 18/9/2019 9:52 AM  
Rev: 1  
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Rev Description: [Description]

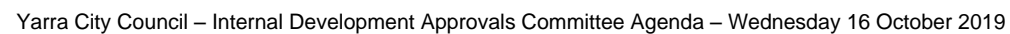
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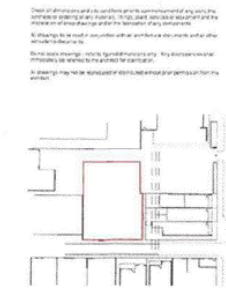
18 SEP 2019

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Proposed Conditions (sqm%)	112.25/37.2%	11.26/73.4%	16.32/51.2%

1. *What is the main purpose of the study?*  
 2. *What are the research objectives?*  
 3. *What is the research methodology?*  
 4. *What are the findings of the study?*  
 5. *What are the conclusions of the study?*  
 6. *What are the limitations of the study?*  
 7. *What are the implications of the study?*  
 8. *What are the future research directions?*  
 9. *What are the contributions of the study?*  
 10. *What are the key words of the study?*

Revision Date	Description	Issued	Checked
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9 Kingston Street - Richmond  
Cremorne Properties

Shadow Diagram  
34 Brighton St Envelope  
September 22 - 1pm



Scale 1:100 @ A1, 1:200 @ A3

1:1000 @ 11	1:200 @ 13
Checked	Checked

Project No. M12218

Value	Town Planning Submission
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30/9/2019 11:08 AM

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Drawing for (Pinner)

SK00.011

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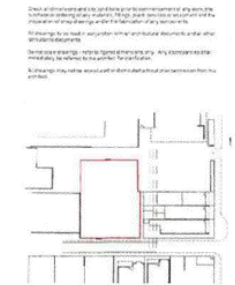
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	82	84	86
Total PCs (avg)	10.58	15.16	21.81
Existing Conditions (avg%)	13.68/59.8%	11.23/73.2%	15.5/71.0%
Proposed Conditions (avg%)	18.76/95.0%	13.7/89.0%	24.6/77.5%

[illegible]

Shadow Diagram  
84 Brighton St Envelope  
September 22 - 2pm

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 Brown: Checked  
 Project No: M12218  
 Status: Town Planning Submission  
 Plot Date: 21/9/2019 6:05 PM  
 Plot File: C:\Users\lhafoote\OneDrive\Documents\11218\_M12218\_01.dwg  
 Drawing No: [Person]

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- 
- 1.3 PLN19/0145 - 106 Queens Parade, Fitzroy North - Partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations.**
- 

## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for No. 106 Queens Parade, Fitzroy North VIC 3068, which seeks approval for partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations. The report recommends approval, subject to conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
- (a) Clause 32.09 – Neighbourhood Residential Zone (Schedule 1);
  - (b) Clause 43.01 – Heritage Overlay;
  - (c) Clause 54 – One dwelling on a lot (Rescode); and
  - (d) Clause 22.02 – Development guidelines for sites subject to the heritage overlay.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Clause 54 (Rescode);
  - (b) Heritage; and
  - (c) Objector concerns.

### **Submissions Received**

4. Seven objections were received to the application, these can be summarised as:
- (a) Impact on heritage streetscape and neighbourhood character;
  - (b) Built form (reduced amounts of site coverage and permeability not in keeping with the area, and non-compliance of side and rear setbacks); and
  - (c) Amenity impacts (visual bulk, loss of privacy and daylight).

### **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 conditions:
- (a) the proposed upper level addition to be constructed with a finished height of no greater than 31.28 AHD.
  - (b) the finished floor level of the proposed front terrace to be at least 2m below the height of the proposed parapet.
  - (c) the boundary wall associated with the walk-in-pantry reduced to a maximum height of 3.2m above NGL and finished in a light coloured finish (e.g. light grey “RN”).

**CONTACT OFFICER:** Emily Zeng  
**TITLE:** Statutory Planner  
**TEL:** 03 9205 5363



---

**1.3 PLN19/0145 - 106 Queens Parade, Fitzroy North - Partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations.**

---

Reference: D19/151156

Authoriser: Senior Coordinator Statutory Planning

**Proposal:** Partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations.

**Existing use:** Vacant derelict dwelling.

**Applicant:** Adam Kane Architects

**Zoning / Overlays:** Neighbourhood Residential Zone (Schedule 1)  
Heritage Overlay (Schedule 327)

**Date of Application:** 15 March 2019

**Application Number:** PLN19/0145

### Background

1. The subject site is situated on an allotment which is orientated in a south-east and north-west direction. For ease of assessment, the Groom Lane (rear) boundary will be referred to as north, the Queens Parade frontage will be referred to as south; the interface with No. 108 Queens Parade as east and the remaining interface with No. 104 Queens Parade as west.

### The Proposal

2. The proposal is for partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations. The proposal is summarised as follows:

#### Demolition

- (a) Rear portion of the existing dwelling incorporating the kitchen, dining and living area, as well as the bathroom and laundry;
- (b) Remaining roof over the kitchen, bathroom and laundry areas, as well as the remaining front bullnose verandah roofing;
- (c) Two existing chimneys within the living area and between the two bedrooms;
- (d) North-facing window within the northernmost bedroom and southern window in southernmost bedroom (including hoarding);
- (e) Internal sections of walls and doors within the two bedroom and entrance hall;
- (f) Rear 2.1m high timber board and paling fence and front 0.8m high woven wire fence;
- (g) Remove existing vegetation across site (no permit required);

#### Construction - Ground Floor

- (h) Construction of a double-storey extension to the rear of the existing heritage dwelling. The ground floor will contain a master bedroom with associated ensuite, wardrobe, powder room, and an open plan kitchen, dining and living area with an associated walk-in-pantry. Private open space (POS) is provided within the northern portion of the site and includes a paved courtyard, garden along the eastern boundary and a 2,000L rainwater tank which will be connected for sanitary purposes.
- (i) The ground floor extension will increase the length of the existing 20.48m long western boundary wall and 9.865 long eastern boundary wall by 2.24m and 2.8m respectively. The proposed eastern boundary wall will have a length of 2.8m with a maximum height of 3.503m above Natural Ground Level (NGL) associated with the proposed walk-in-pantry. Where not built on the eastern boundary, the ground floor extension will be setback between 0.9m and 1.943m from the eastern boundary. The dwelling will be setback 5.808m from the northern (rear) boundary which will be fenced with a 2.7m high fence and roller door.



- (j) With regards to the heritage façade of the dwelling; the façade brickwork, fenestration, verandah bullnose roofing and timber detailing will be reinstated to original conditions. Additionally as a result of a slope across the site, a new 1.2m to 1.5m high post and woven wire front fence with metal detailing will be constructed along the southern boundary to match the existing front fence at No. 108 Queens Parade.

#### Construction - First Floor

- (k) The first floor will contain two bedrooms, bathroom, laundry and a 'flexi-room' (multi-purpose living room) which provides direct access to a terrace which measures 3.2m wide and 6.3m long with a setback of approximately 4m from Queens Parade.
- (l) The first floor will be built to the eastern boundary for a length of 4.818m at a height of approximately 6.7m above NGL before a setback of between 0.9m and 1.943m. Along the western boundary, the first floor will be built for a length of 19.04m with a maximum height of 6.844m above NGL.
- (m) The first floor will cantilever 1.5m over the north-facing wall of ground floor and will be setback 4.548m from the northern boundary. The south-facing wall of the first floor will be setback 7.262m from the southern boundary. However, an approximately 0.26m wide roof eave will project into this setback.
- (n) A gable parapet will be constructed along the southern edge of the proposed terrace to match the design of the adjoining parapet at No. 108 Queens Parade. The parapet will have a height of between 1.45m and 1.76m above Finished Floor Level (FFL) of first floor.

#### Materials/Finishes

- (o) Walls – light grey and dark grey paint finish render;
- (p) Roofing – light grey roof sheeting and dark grey custom orb roof sheeting (verandah);
- (q) Parapet – red brick and dark grey paint finish render;
- (r) Windows – dark grey frames with clear or obscure glazing; and
- (s) Fencing – dark grey roller door and wire and post front fence to match No. 108 Queens Parade.

### **Existing Conditions**

#### Subject Site

3. The subject site is located on the north side of Queens Parade between Remy Lane to the east and Jamieson Street to the west, in Fitzroy North. The eastern and western boundaries of the site border two neighbouring dwellings whilst the northern boundary borders a 2.93m wide bluestone laneway.
4. The site is generally rectangular in shape with a slight kink along the western boundary. The site has a street frontage of 6.5m to Queens Parade and a depth of 30.48m along the eastern and western boundaries. The site has an overall area of 195sqm.
5. Occupying the site is a single-storey, Edwardian-era dwelling which was affected by a fire in 2012. As it currently stands, the dwelling's heritage façade survived and retains a bull-nose front verandah incorporating cast-iron detailing, decorative casement box windows and entry door glazing and side panel. Whilst, the dwelling's internal and external brick walls and chimneys have been retained, there is no roofing over the majority of the dwelling (except for the front verandah and rear portion of roofing over the existing kitchen, bathroom and laundry). Prior to the fire, the dwelling appeared to have a gable roof form with timber strap detailing facing Queens parade and a front fence similar to the woven wire front fence with metal detailing as No. 108 Queens Parade.





*Figure 1: View of subject site (Officer site photo 12 July 2019)*

6. The dwelling has a setback of between approximately 3.2m and 4.5m from Queens Parade which is bordered by an existing 0.8m high woven wire fence. The dwelling is built along the eastern boundary for a length of 9.88m before a setback of approximately 1.65m. The dwelling is built along the western boundary for a length of 20.51m with a maximum height of approximately 3.7m above Natural Ground Level (NGL). Private open space (POS) is located to the north (rear).
7. The Victorian Heritage Database notes that the building was constructed between 1900 and 1915, and is graded 'contributory' to the North Fitzroy Heritage Precinct (HO327).



*Figure 2: View of subject site from first floor balcony of No. 108 Queens Parade (Officer site photo 12 July 2019)*

#### Surrounding Land

8. The area immediately surrounding the subject site comprises an established residential area characterised by single and double-storey heritage dwellings with a number of contemporary ground and first floor extensions, as well as a number of modern in-fill developments.
9. To the north across Groom Lane is a single-storey Victorian-era dwelling which forms one of a row of four similar heritage buildings fronting Jamieson Street. The heritage dwelling is built along the laneway and incorporates three on-boundary windows providing daylight into a bedroom, bathroom and a living/kitchen area.
10. To the east is a single-storey Edwardian-era building with a contemporary ground and first floor extension approved by Planning Permit No. PLN11/0937. The building is split into two separate residences; one being located at ground floor and the other at first floor with POS located at the first floor terrace. The dwelling incorporates a similar heritage façade to that of the subject site, including bullnose verandah roof, cast-iron detailing, casement box windows and a recessed entry door. The building is built along the eastern boundary for its entirety; (19.515m) and for a length of 12.48m along the common boundary with the subject site. The



western boundary incorporates a light court measuring 7.82m long and 1.55m wide with south and west-facing habitable room windows.

Private open space (POS) is provided at the rear of the site and includes a pergola measuring approximately 5.8m long and 1.6m wide built along the western boundary and a roller door along the northern boundary providing vehicle access into the site.

11. To the south is Queens Parade which is an approximately 60m wide major arterial road which consists of four lanes of traffic with service lanes and nature strips along the northern and southern sides.
12. To the west is a single-storey Edwardian-era dwelling which is located on a corner lot with frontages to both Queens Parade and Jamieson Street. The dwelling has undergone alterations and is identified as “not contributory” to the North Fitzroy Heritage Precinct. The dwelling (including rear garage) is built along the common boundary with the subject site for a length of approximately 28m. Vehicle access for the garage is provided by an existing crossover along Jamieson Street.

## **Planning Scheme Provisions**

### Zoning

#### *Clause 32.09 Neighbourhood Residential Zone (Schedule 1)*

13. Pursuant to the mandatory provisions within *Clause 32.09-4* of the Yarra Planning Scheme (the Scheme), an application to construct or extend a dwelling or residential building on a lot between 400 -500sqm must provide a minimum garden area of 25%. The subject site has an overall area of 195sqm; therefore does not require a minimum garden area of 25%.
14. Pursuant to *Clause 32.09-5* of the Scheme, a planning permit is required to construct or extend one dwelling on a lot less than 500sqm. As the subject is 195sqm, a planning permit is required and must meet the requirements of *Clause 54 (Rescode)*.
15. Pursuant to *Clause 32.09-10* of the Scheme, a building must not exceed nine metres and must not contain more than two storeys at any point. The proposed development will have two storeys with a maximum height of 6.844m and therefore complies with the maximum building height.

### Overlays

#### *Heritage Overlay (Schedule 327 – North Fitzroy Precinct)*

16. Pursuant to *Clause 43.01-1* of the Scheme, a planning permit is required to demolish a building and to construct a building or construct or carry out works, including fences.
17. The subject site is identified as being “contributory” to the North Fitzroy Heritage Precinct within the Incorporated Document *Appendix 8 to the City of Yarra Review of Heritage Areas, 2007*.

### Particular Provisions

#### *Clause 54 – One dwelling on a lot*

18. Pursuant to *Clause 54* of the Scheme, the provisions apply to construct or extend a dwelling on a lot under 500sqm in a Neighbourhood Residential Zone.

### General Provisions

#### *Clause 65 – Decision Guidelines*

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



Planning Policy Framework (PPF)

*Clause 15.01-1 – Urban design*

20. The objectives of this clause are:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity; and*
- (b) *To create a distinctive and liveable city with quality design and amenity.*

*Clause 15.01-2 – Building design*

21. The objective of this clause is:

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

*Clause 15.01-5 – Neighbourhood character*

22. The objective of this clause is:

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

*Clause 15.02-1 – Energy and resource efficiency*

23. The objective of this clause is:

- (a) *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*

24. The objective of this clause is:

- (a) *To ensure the conservation of places of heritage significance.*

Local Planning Policy Framework (LPPF)

*Clause 21.05-1 – Heritage*

25. The relevant objective of this clause is:

- (a) *Objective 14 – To protect and enhance Yarra's heritage places.*

*Clause 21.05-2 – Urban design*

26. The relevant objectives of this clause are:

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

*Clause 21.08-8 – North Fitzroy*

27. The subject site is located within the North Fitzroy neighbourhood which is “known for the beautiful Edinburgh Gardens which combine open space, sportsgrounds, barbecue area, gardens with long-established European elm trees, skate bowl, tennis and basketball courts, bandstand, bowling greens. The neighbourhood is largely residential. The northern part of North Fitzroy has a low density residential character consisting of late Victorian and early



*Edwardian double fronted dwellings. Further south dwellings are more likely to be single fronted and one or two storeys.”*

28. Figure 19, the built form character map, shows the subject site covered by a Heritage Overlay. The objective is to “*ensure that development does not adversely affect the significance of the heritage place*”.

#### Relevant Local Policies

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

29. This policy refers to an incorporated document “City of Yarra Review of Heritage Overlay Areas 2007”, which identifies the level of significance of all buildings/sites within the Heritage Overlay. Specifically, the subject site is identified as ‘contributory’ to the North Fitzroy Heritage Precinct.

##### *Clause 22.02-5.1 – Demolition*

##### *Full demolition or removal of a building*

30. *Generally encourage the retention of a building in a heritage place, unless*  
(a) *The building is identified as being not contributory.*

##### *Clause 22.02-5.7 – New Development, Alterations or Additions*

31. The relevant policies of Clause 22.02-5.7.1 of the Scheme encourages the design of new development to a heritage place or a contributory element to:
- (a) *Respect the pattern, rhythm, orientation to the street, spatial characteristics, fenestration, roof form, materials and heritage character of the surrounding historic streetscape.*
  - (b) *Be articulated and massed to correspond with the prevailing building form of the heritage place or contributory elements to the heritage place.*
  - (c) *Be visually recessive and not dominate the heritage place.*
  - (d) *Be distinguishable from the original historic fabric.*
  - (e) *Not remove, cover, damage or change original historic fabric.*
  - (f) *Not obscure views of principle façades.*
  - (g) *Consider the architectural integrity and context of the heritage place or contributory element.*

32. *Front fences and gates*

*Encourage front fences and gates to be designed to (as relevant):*

- (a) *Be a maximum of 1.2 metres high if solid or 1.5 metres if more than 50% transparent (excluding fence posts).*

##### *Clause 22.07 – Development abutting laneways*

33. Clause 22.07 of the Scheme applies to applications for development that is accessed from a laneway or has laneway abuttal. The relevant objectives of the policy include:
- (a) *To provide an environment which has a feeling of safety for users of the laneway.*
  - (b) *To ensure that development along a laneway acknowledges the unique character of the laneway.*
  - (c) *To ensure that where development is accessed off a laneway, all services can be provided to the development*
  - (d) *To ensure that development along a laneway is provided with safe pedestrian and vehicular access.*

##### *Clause 22.16 – Stormwater management (Water Sensitive Urban Design)*

34. Clause 22.16 of the Scheme applies to applications for extensions to existing buildings which are 50 square metres in floor area or greater. The relevant objective of the policy is:



- (a) *To promote the use of water sensitive urban design, including stormwater re-use.*

## **Advertising**

35. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by way of 9 letters sent to surrounding property owners and occupiers and the display of a sign along Queens Parade.
36. Seven (7) objections were received, and raised the following concerns:
- (a) Impact on heritage streetscape and neighbourhood character;
  - (b) Built form (reduced amounts of site coverage and permeability not in keeping with the area, and non-compliance of side and rear setbacks); and
  - (c) Amenity impacts (visual bulk, loss of privacy and daylight);
37. A planning consultation meeting was held on 18 June 2019 and attended by objectors, the applicant, and Council planning officers to discuss issues raised in the letters of objection. There was discussion between the applicant and objectors during and after the consultation meeting, with no changes made.

## **Referrals**

### External Referrals

38. The application was not required to be referred to any external authorities under the Scheme.

### Internal Referrals

39. The application was referred to Council's Heritage Advisor. The comments are located in the Appendix to this report.

## **OFFICER ASSESSMENT**

40. The primary considerations for this application are as follows:
- (a) Clause 54 (Rescode);
  - (b) Heritage; and
  - (c) Objector concerns.

### Clause 54 – (Rescode)

41. The particular provision comprises 19 design objectives and standards to guide the assessment of new residential development. Given the site's location within a built up inner city residential area, strict application of the standard is not always appropriate, whether the proposal meets the objective is the relevant test. Where relevant, assessment will also be made in this section against Clause 22.07 (Development abutting laneways) and Clause 22.16 (Stormwater Management).

### *Standard A1 – Neighbourhood Character*

42. The neighbourhood character is a mixture of substantially intact heritage dwellings with contemporary ground and first floor extensions located at the rear, as well as contemporary in-fill developments. The proposed double-storey extension to the rear of the existing Edwardian-era dwelling will continue to front Queens Parade. The dwelling will be built along the eastern and western boundaries with POS located within the northern portion. The uniform built form and single-storey façade representation along the northern side of Queens Parade between Jamieson Street and Remy Lane provides a consistent character to the immediate streetscape. The proposed development continues the surrounding, established neighbourhood pattern of front garden setbacks and rear setbacks providing private open space (POS) along the northern portions of the adjoining dwellings.



43. While “heritage” will be considered separately later in the report, the neighbourhood character is largely defined by heritage fabric. The front façade of the existing heritage dwelling is proposed to be reinstated, drawing upon the existing dwelling and neighbouring dwelling (No. 108 Queens Parade) contributory elements, including fenestration, brickwork, front verandah and front fencing.
44. The contemporary design of the ground and first floor extension located at the rear of the existing Edwardian-era dwelling will be partially visible behind the Queens Parade frontage. The proposal incorporates design detailing such as simple, raked roof lines concealed behind straight parapets and glazing to the first floor façade, as well as contemporary building materials, i.e. rendering, metal roofing and roller doors. Overall, the contemporary design is considered appropriate to the subject site and the surrounding neighbourhood area as the extension will not result in unreasonable visual bulk from the street frontage subject to conditions.
45. With regards to Clause 22.07 (Development abutting laneways), the proposed extension to the rear of the existing dwelling will be setback 4.548m from the north (rear) boundary. As such no built form will be built to directly abut the laneway and will not obstruct existing access to other properties in the laneway. In terms of the surrounding built form, the 2.7m high rear fence and roller door will respect the scale and character of the laneway which consists of rear boundary fencing, walls, as well as outbuildings of dwellings fronting both Jamieson Street and Queens Parade.

*Standard A2 - Integration with the street*

46. The standard aims to integrate the layout of the development with the street. Under the proposal, the dwelling will continue to be orientated to directly face Queens Parade. The transparent design of front fence will provide direct views to the dwelling’s façade and will promote passive surveillance of the public realm.

*Standard A3 – Street setback*

47. This will not be altered from the existing setback.

*Standard A4 – Building height*

48. The maximum height of the double-storey extension will be 6.844m above NGL which is below the maximum height of 9m allowed by the zone; Neighbourhood Residential Zone (Schedule 1).

*Standard A5 – Site coverage*

49. The objectives states “to ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site”. The standard for site coverage states that the coverage should not exceed 60%. The proposal increases site coverage from 59.5% (116sqm) to 69.7% (136sqm) which exceeds the standard.
50. Although the proposal exceeds the standard, it is an acceptable variation given the context of the site within an inner urban environment with smaller lot sizes, where site coverage is often between 60% and 80%. The subject site has narrow dimensions of 6.5m wide and 30.48m long which constrains the ability to provide less site coverage. However, the ground and first floor extension to the rear of the remaining dwelling will continue to reflect similar rear setbacks within the surrounding area.



51. With regards to the wider neighbourhood context, surrounding lots feature similar and/or greater levels of coverage to that of the proposal. The property directly to the east at No. 108 Queens Parade has a site coverage of approximately 78%. No. 104 Queens Parade to the west has a site coverage of approximately 81% and No. 1 Jamieson Street to the north has a site coverage of approximately 77%.

*Standard A6 – Permeability*

52. The standard for permeability states that the site area covered by pervious surfaces should be at least 20% of the site. Permeable surfaces will be provided within the front garden setback and within the garden and planting areas along the eastern boundary. The proposal will decrease site permeability from 37.4% (73sqm) to 14.8% (29sqm) which is less than the requirement of the standard. It is unclear on the plans if the paving within the rear private open space is permeable. In the event the courtyard consists of permeable pavers, the site permeability will increase to approximately 29% (57sqm) which would meet the standard. Therefore, a condition will require the floor plan to detail the area permeable surfaces shown to 80% of site as per Clause 54.03-4 (permeability objectives) of the Yarra Planning Scheme.



*Figure 3: Nos. 104, 108 and 114 Queens Parade and Nos. 1 and 2 Jamieson Street shown in red (Council GIS – December 2018)*

53. Clause 22.16 (Stormwater Management (Waster Sensitive Urban Design)) of the Scheme applies to this application as the proposed extension is greater than 50sqm in area. The proposed ground floor plan indicates that there will be a 2,000L rainwater tank along the eastern boundary within the POS which will be utilised for sanitary purposes (although it also notes this as indicative in size). However, the Melbourne Water STORM report provided indicates the installation of a 1,700L rainwater tank which will achieve a STORM rating of 100% for the site. Although there is inconsistency between the plans and STORM rating report, given the 1,700L rainwater tank achieves a STORM rating of 100%, the 2,000L tank will result in an improved STORM rating which is appropriate. However, a condition will require the tank to be shown accurately on plans the notation states the size is “shown indicatively”.

*Standard A7 – Energy efficiency protection*

54. The standard for energy efficiency aims to achieve and protect energy efficient dwellings and to ensure the orientation and layout of developments reduces fossil fuel energy usage and makes appropriate use of daylight and solar energy.



55. The layout of the dwelling utilises the northern aspect of the site by locating the ground floor living areas and the POS towards the rear of the site. The open plan kitchen, dining and living area will be provided with 8.1m and 4.6m wide sliding glazing along the eastern and northern wall respectively. The sliding glazing which will open onto the planting zone to the east and the POS to the north will provide adequate amounts of natural daylight and ventilation into the habitable space. However, a section of first floor measuring 1.5m long and 5m wide with a maximum height of 3m above NGL will cantilever over the rear (north-facing) glazing at ground floor. Although the first floor will project over the north-facing glazing, the amount of natural daylight will not be unreasonably reduced given the overall extent of glazing proposed along the eastern and northern walls of the ground floor habitable space. Additionally, the built form over the glazing will provide protection from solar heat gain (particularly during the hot summer months) which will reduce the dwelling's reliance on artificial cooling.
56. At ground floor, the master bedroom will be provided adequate amounts of natural daylight from the reinstated, south-facing box casement windows along the dwelling's heritage façade.
57. Both bedroom windows at first floor will be provided with operable windows which will provide adequate natural daylight and ventilation into the rooms. Located to the southern portion of the first floor is a Flexi-Room which incorporates 6m wide sliding glazing providing access to the first floor terrace. The south-facing glazing will provide adequate natural daylight and ventilation into the space.
58. With regards to existing rooftop solar energy facilities, there are two existing solar hot water units located on the eastern-edge of the adjoining roofing at No. 108 Queens Parade. According to the standard, *buildings should be sited and design to ensure that the performance of existing rooftop solar energy facilities on dwelling on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced.*
59. As shown on the submitted shadow diagrams, the proposed double-storey development will not overshadow the existing solar facilities which will continue to receive full solar access during the day. Therefore, it is considered that the energy efficiency of adjoining dwelling will not be significantly affect as a result of this proposal.

*Standard A8 – Significant trees*

60. There are no significant trees on the site that will be affected by the proposed development.

*Standard A10 – Side and rear setbacks*

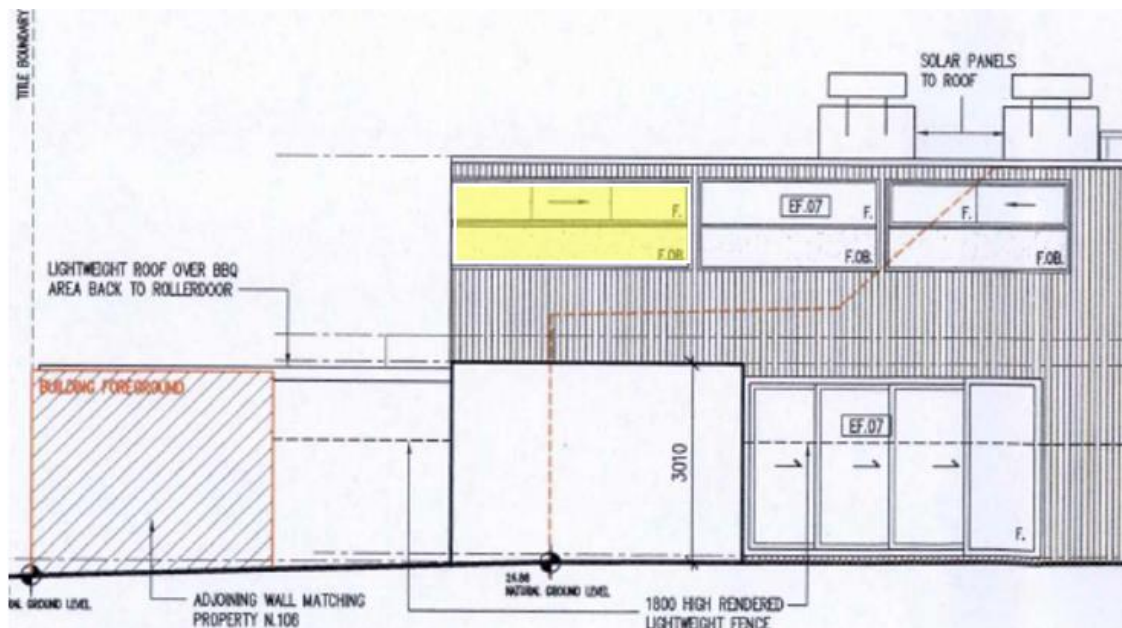
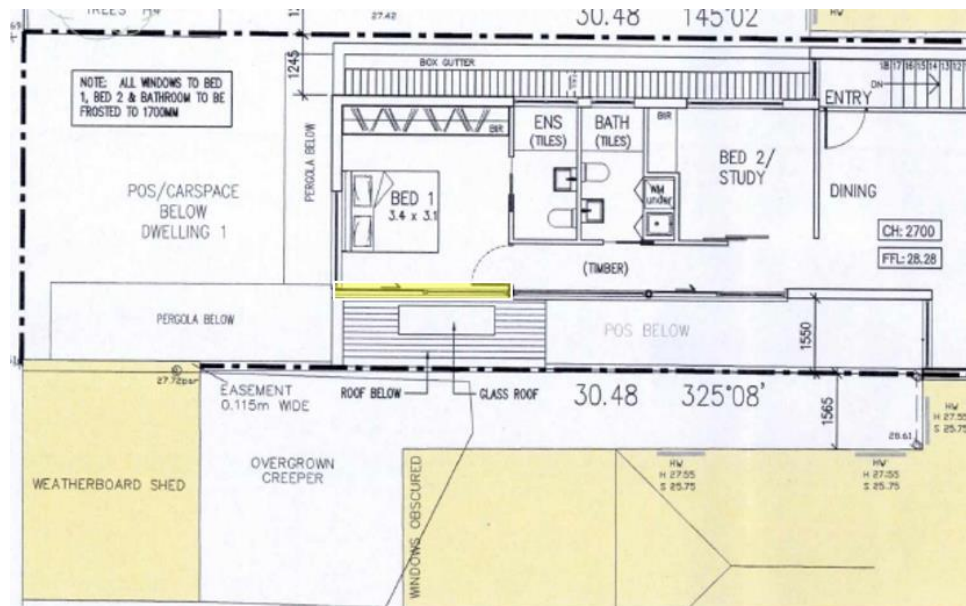
61. The standard requires a building not on or within 200mm of a boundary to be setback from the side or rear boundaries 1m, plus 0.3m for every metre of height over 3.6m up to 6.9m, plus 1m for every metre of height over 6.9m.
62. As shown in the table below, the proposed setbacks from the northern and eastern wall (with setback of 1.943m) will comply with the requirements of the standard however, the proposed 0.9m setback for the double-storey high portion of eastern wall will not comply.

	<b>Setback Provided</b>	<b>Wall Height</b>	<b>Setback Required</b>	<b>Complies?</b>
Ground floor- northern wall of dining area	5.808m	3m	1m	Yes
First floor – northern wall of Bedroom 2	4.548m	6.65m	1.915m	Yes
Ground and First floor – eastern wall of dining/living area, Bedroom 2 and Bath.	0.9m	6.7m - 6.844m	1.93m - 1.9732m	No



Ground and first floor – eastern wall of staircase, Bedroom 3 and laundry	1.943m	6.7m	1.93m	Yes
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63. From the eastern boundary, the ground floor wall fails to comply by 0.1m and the first floor wall fails to comply by 1.0732m.
64. At ground floor, the proposed setback of 0.9m from the eastern boundary is considered acceptable as the wall will directly face an existing 3.21m high boundary wall of No. 108 Queens Parade. Whilst an approximate 3.1m long southernmost section of wall will face an existing 2.5m high boundary fence and light court of No. 108 Queens Parade, the ground floor wall will not result in unreasonable impacts as the wall will have an overall setback (including the 1.55m setback of the No. 108 Queens Parade) of 2.45m from the western wall of the adjoining property.
65. The eastern wall at first floor will directly face the western wall of No. 108 Queens Parade which includes windows to a hallway and to a habitable room window of Bed 1 with fixed obscure glazing to a height of 1.7m above finished floor level, as shown below.





*Figure 4: First floor plan and elevation showing Bedroom 1 glazing – floor plan (top) & western elevation (bottom) (Council Endorsed Plan PLN11/0937)*



*Figure 5: North-west-facing view of first floor Bed 1 at No. 108 Queens Parade (Officer site photo 12 July 2019)*

66. Although there is a west-facing habitable room window of a first floor bedroom at No. 108 Queens Parade, the window is located approximately 1.55m from the common boundary with an overall setback 2.45m from the proposed eastern wall of the development which would exceed the required setback if taking the sites together. The variation in the setback requirement will not result in unreasonable visual bulk and amenity impacts given the bedroom has dual aspect and is provided north-facing glazing out towards the rear POS. As such, the habitable room will continue to receive adequate amounts of daylight access and be provided reasonable amenity for current and future occupants.

#### *Standard A11 – Walls on boundaries*

67. The standard for walls on boundaries states that the permissible length of walls along the eastern and western boundary must not exceed a total length of 15.12m (for a title length of 30.48m), unless abutting a simultaneously constructed wall. In terms of height, the proposed wall must not exceed an average of 3.2m and a maximum of 3.6m unless abutting a higher or simultaneously constructed wall on an adjoining lot.

#### Eastern Wall

68. The total length of wall along the eastern boundary will be 12.665m which complies with the permissible length of the standard. With regards to height, the average height of existing and proposed walls along the eastern boundary will be approximately 4.9m with a maximum height of 6.8m above NGL which exceeds the height requirements of the standard.
69. Under the proposal, the existing 9.865m length of ground floor, on-boundary wall will be retained. However, as a result of the proposed first floor extension, this portion of existing boundary wall will be extended in height to a maximum of 6.8m above NGL which will be built to directly abut an existing approximately 6.9m high boundary wall of No. 108 Queens Parade. The proposed wall will not extend beyond the length and height of the existing southern portion of boundary wall of the adjoining dwelling and is therefore acceptable.
70. At ground floor, the application seeks to build a new on-boundary wall measuring 2.8m long with a maximum height of 3.503m above NGL associated with a walk-in-pantry. The wall will be built directly adjacent the existing light court of No. 108 Queens Parade and will protrude 0.503m above the existing boundary fence height of 2.55m above NGL. The light court incorporates floor-to-ceiling high glazing providing natural daylight into the dual aspect habitable room of the adjoining property which also has north-facing glazing.



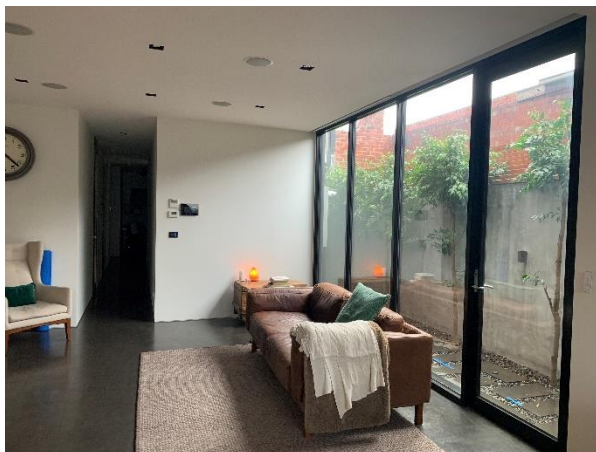


Figure 6: View of light court from ground floor glazing of No. 108 Queens Parade (Officer site photos 12 July 2019)

71. Although boundary walls are a part of the neighbourhood character, the proposed amenity impacts of such additions need to be considered, including visual bulk and amenity impacts, as well as the *opportunity to minimise the length of walls on boundaries by aligning a new wall on a boundary with an existing wall on a lot of an adjoining property*. The adjoining property at No. 108 Queens Parade incorporates a 4.43m long and 3.21m high western boundary wall towards the rear of the site which provides the subject site the opportunity to build boundary-to-boundary.
72. With regards to visual bulk and amenity impacts, the proposed wall will protrude 0.953m above the existing 2.55m high boundary fence and will be finished in a dark grey render. The boundary wall will create visual bulk impacts when viewed from the adjoining habitable room windows at ground floor. Given the height of the proposed walls exceed the average height of 3.2m and a maximum height of 3.6m above NGL, and is associated with a pantry (non-habitable room), a condition will require the boundary associated with the pantry to be reduced to a maximum height of 3m above NGL and consist of a light coloured finish (e.g. light grey “RN”) to comply with the standard and to lighten the aspect (i.e. not dark grey) to improve daylight.
73. As a result of the condition, the wall will protrude only 0.5m above the height of the existing boundary fence and incorporate a lighter finish than the proposed dark grey which will reduce its dominance along the boundary.

Given the adjoining ground floor habitable room is dual aspect, the reduction of eastern boundary wall will continue to allow adequate amounts of natural daylight into the habitable room and will provide a usable space for its occupants.

#### Western Wall

74. The existing length of western boundary wall is approximately 20.481m and the existing height is approximately 3.7m above NGL. Under the proposal, the development will increase the length to 24.021m and increase the height to a maximum of 6.8m above NGL which does not comply with either the length or height requirements of the standard.
75. Although the western wall exceeds the length and height requirements of the standard, it is considered to be an acceptable variation given the wall will directly face the single-storey roof of the adjoining property and outbuilding to the west (No. 104 Queens Parade) which is built to directly abut the common boundary. However, a 1.1m long and 6.8m high portion of boundary wall will face a 2.46m high brick fence and roofed walkway area between the adjoining property and its outbuilding as shown below. The roofed walkway has a gap of approximately 0.2m from the 2.46m high brick fence and from the outbuilding to the north which



will partially conceal views of the proposed western boundary wall from view.

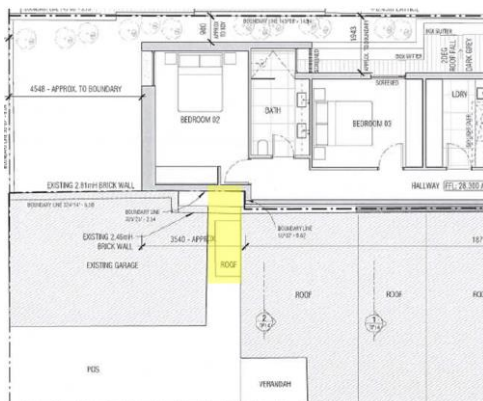


Figure 7: Location of walkway shown in yellow (Applicant submission – advertised plans)

76. Based on the above, the ground floor wall which projects 2.247m beyond the rear wall of No. 104 Queens Parade at a height of 3.4m above NGL of the adjoining site is considered acceptable. In addition, the proposed first floor wall is considered acceptable as there is no secluded private open space located directly to the west of the wall as a result of existing built form on No. 104 Queens Parade. Furthermore, the proposed wall will result in limited amenity impacts such as overshadowing which will be discussed later in the assessment.

#### Standard A12 – Daylight to existing windows

77. The standard stated that development is to continue to allow adequate daylight into existing habitable room windows. Under the standard, *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.*
78. No. 108 Queens Parade to the east of the subject site incorporates existing habitable room windows at both ground and first floor which face onto the proposed development. For the residence at ground floor, the south and west-facing habitable room windows within the light court will continue to be provided adequate amounts of natural daylight in accordance with the requirements of the standard as the existing light court measures 7.82m long and 1.55m wide with an area of 12.12sqm.
79. For the residence at first floor, the west-facing windows within the northernmost habitable room will continue to be setback 1.55m from the common boundary and be clear to the sky. Additionally, as shown in the figure below, the bedroom is provided with dual aspect windows to the north and west which will continue to allow adequate amounts of daylight to filter into the space.

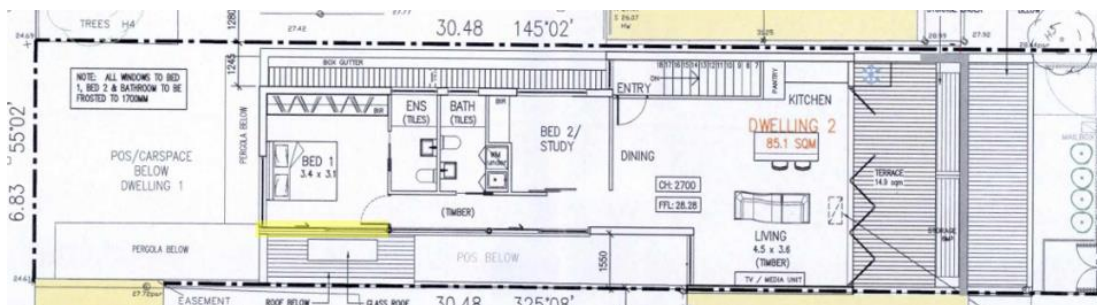


Figure 8: Yellow highlight showing location of west-facing habitable room windows at first floor of No. 108 Queens Parade (PLN11/0937 Endorsed Plans)

#### Standard A13 – North-facing windows

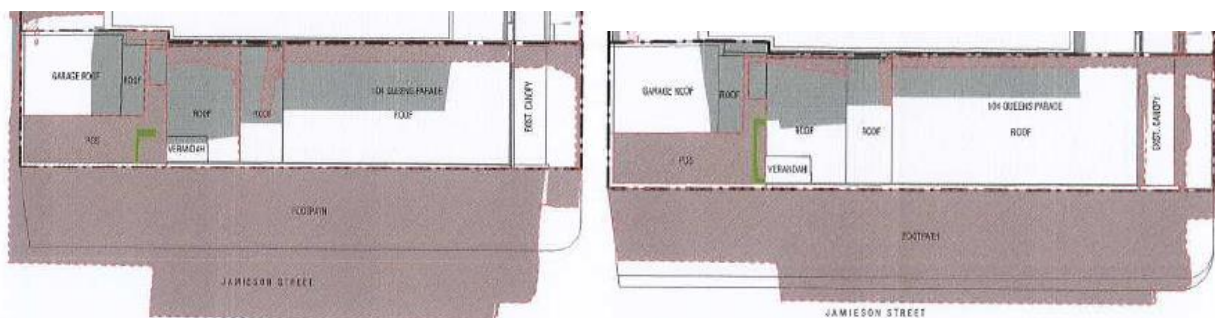


80. This standard is not applicable as there are no north-facing habitable room windows within 3m of the subject site.

*Standard A14 – Overshadowing open space*

81. The standard for overshadowing states *where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75%, or 40sqm with minimum dimension of 3m, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September. And if existing sunlight to the secluded private open space of an existing dwelling is less than the requirement of this standard, the amount of sunlight should not be further reduced.*
82. The subject site is orientated in a south-east and north-west direction and as such, causes shadows over No. 104 Queens Parade in the morning and over Queens Parade and No. 108 Queens Parade in the afternoon. The standard protects only secluded private open space (SPOS) from shadows.
83. The development casts additional shadows over the POS of No. 104 Queens Parade between the hours of 9am and 10am. This is the only dwelling which is impacted by the proposed development.
84. At 3pm, the development will only cast shadows within the western boundary light court of No. 108 Queens Parade. Whilst the light court has direct access from a living area, it does not meet the minimum dimension of 3m at the side of the dwelling, and as such only the primary SPOS which is located at the rear of the property will be considered under this standard.

Time	Shadowed (Existing)	Additional Shadow	Shadowed (Proposed)
9am	23sqm (96.6%)	0.8sqm	23.8sqm (100%)
10am	22.6sqm (80.2%)	1.2sqm	23.8sqm (100%)
11am	23.8sqm (100%)	0sqm	Per existing
12pm	15.9sqm (66.8%)	0sqm	Per existing
1pm	12sqm (50.4%)	0sqm	Per existing
2pm	10.5sqm (44.1%)	0sqm	Per existing
3pm	15.8sqm (66.3%)	0sqm	Per existing



*Figure 9: Additional overshadowing shown in green at 9am and 10am (Applicant submission – advertised plans)*

85. From the table above, the proposed development will only impact No. 104 Queens Parade to the west of the subject site between the hours of 9am and 10am. The SPOS of No. 104 Queens Parade consists of 23.8sqm and is already heavily shadowed between the hours of 9am and 12noon by the existing built form (dwelling, 2.46m high fence and outbuilding) on the site.
86. The proposed development will increase overshadowing by 0.8sqm and 1.2sqm within the south-western portion of the SPOS. Under existing conditions, the small amounts of sunlight penetrating through the gaps of built form would not provide substantial areas of sunlight for



occupants to utilise as shown in the figure above. Although the proposed extent of shadowing between 9am and 10am does not meet the standard, it is considered acceptable as the reduction would not significantly affect the existing use of the SPOS during those morning hours.

87. At 11am, No. 104 Queens Parade already experiences 100% overshadowing from existing built form on site. From 12noon onwards, the SPOS will gradually receive increased amounts of solar access and will continue to be a useable space for its occupants.

#### *Standard A15 – Overlooking*

88. The standard for overlooking requires a habitable room window, balcony, terrace, deck or patio to be located and designed to avoid direct views within 9m and a 45 degree arc into the secluded private open space (SPOS) and habitable room windows of an existing dwelling.
89. The proposed double-storey high, east-facing window within the stairwell is not required to be screened as a stairwell is not a habitable space.
90. At ground floor there are proposed east and north-facing glazing within the ground floor open plan kitchen, dining and living area. These windows will not provide any overlooking opportunities into any adjoining areas of POS or habitable room windows as the existing boundary brick walls and fencings in excess of 1.8m along the eastern and western boundaries will suitably restrict views given the floor level is less than 0.8m above NGL.
91. At first floor, the east and north-facing windows within Bedroom 2 and 3 will be screened with obscure glazing to a height of 1.7m above FFL. However, the habitable room windows are shown to be operable which may allow for overlooking opportunities. As such, a condition will require all first floor habitable room windows to be screened in accordance with the objectives of Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme.
92. With regards to the first floor terrace, it is unclear as to the height of the boundary wall between the subject site's terrace and that of the adjoining property. As such, overlooking to the terrace and south-facing glazing of No. 108 Queens Parade may occur. A condition will require the first floor terrace to be screened in accordance with the objectives of Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme.

#### *Standard A16 – Daylight to new windows*

93. The standard for daylight to new windows requires new habitable room windows to receive adequate amounts of daylight access. Under the proposed development, there are two habitable room windows at ground floor which will not be provided an outdoor space clear to the sky as a result of built form protruding over the windows.
94. The reinstated south-facing habitable room window within the ground floor master bedroom will continue to have a 1.8m long front bullnose verandah cantilevering over at a height of 2.1m above FFL. Given the habitable room window and verandah are existing elements along the heritage façade which will be reinstated, the master bedroom will continue to allow natural daylight to filter through as per existing conditions.
95. The north-facing sliding glazing within the open plan kitchen, dining and living area at ground floor will have a 1.5m wide and 6m long portion of first floor cantilevering over at a height of 3m above NGL. Although the extended built form reduces the amount of daylight access into the space, given the glazing is north-facing and is floor-to-ceiling in height, the amount of daylight will not be significantly reduced. In addition, the habitable space will also be provided with 8.1m long floor-to-ceiling high glazing along the eastern wall which will provide the room with dual aspect windows and additional daylight.



96. The south-facing sliding glazing within the flexi-room at first floor will have an approximately 0.3m wide and 6m long portion of roofing cantilevering over at a height of 2.7m above FFL. Although the window is south-facing, the proposed roofing will not significantly reduce the amount of daylight into the room given the extent of glazing proposed. As such, the habitable room will be provided adequate amounts of daylight access.
97. All other new windows associated with the proposed dwelling will be clear to the sky and will receive adequate daylight and thereby comply with the requirements of this standard.

*Standard A17 – Private open space*

98. The standard for private open space (POS) states that a dwelling should have POS consisting of an area of 80sqm or 20% of the area of the lot, whichever is the lesser, but not less than 40sqm with a minimum of 25sqm of secluded private open space. Private open space is provided within two sections of the proposed dwelling; the northern portion of the site (which is accessible from the ground floor open plan kitchen, dining and living area) and the first floor terrace (which is accessible from the Flexi-Room). Under the proposal, POS will comprise 24.2% (47.2sqm) which exceeds the requirement of the standard. In the event the Flexi-Room is utilised for another purpose, the open space located at ground floor will provide 29sqm of secluded private open space which exceeds the minimum 25sqm under the standard.

*Standard A18 – Solar access to open space*

99. This standard is not applicable to extensions to a dwelling.

*Standard A19 – Design detail*

100. The standard for design detail encourages development to be designed to respect the existing or preferred neighbourhood character including, façade articulation, window and door proportions, roof form and verandah, eaves and parapets.
101. The material palette proposed for the double-storey dwelling is simple and does not contain a large number of materials, with light and dark grey rendering being the predominant component, as well as other materials such as dark grey window framing and a dark grey front fence to match the adjoining fence at No. 108 Queens Parade.
102. The development proposes to reinstate the ground floor front façade of the heritage dwelling to its original condition as the existing façade has been damaged by fire. The existing heritage elements, including the box casement windows, front verandah and front fence will reflect the existing neighbourhood character.
103. The design of the extension is contemporary in nature and draws upon the existing contemporary addition on the adjoining property at No. 108 Queens Parade with regards to building heights, setbacks, fenestrations and materiality.
104. Overall, it is considered that the dwelling provides an appropriate built form.

*Standard A20 – Front fences*

105. The standard encourages front fences within 3m of a street to respect the existing or preferred neighbourhood character and have a maximum height of 1.5m.
106. The application proposes the construction of a 1.2m – 1.5m high post and woven wire front fence with metal detailing to match the existing front fence at No. 108 Queens Parade. Given the proposed fence height and style, the front fence is considered to comply with the standard. However, a further assessment will be made within the heritage assessment component of the report.



## Heritage

107. The decision guidelines from Clause 43.01-4 (Heritage Overlay) and policy from Clause 22.02 (Development Guidelines for Sites Subject to the Heritage Overlay) of the Scheme are used to assess the proposed works, in-order to ensure that there is consistency achieved with the heritage values of the surrounding area.

## *Demolition*

108. Clause 22.02-5.1 of the Scheme *generally discourage the demolition of part of an individually significant or contributory building or removal of contributory elements unless:*

### *For a contributory building:*

- *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
- *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

109. The subject site is identified as 'contributory' to the North Fitzroy Precinct and the proposed extent of demolition would remove all remaining built structures (left after the fire) beyond the depth of the original two front rooms, including the existing chimneys and the hoarding fence at the rear of the site. Under the proposal, the demolition works are considered acceptable as the majority of works proposed are located beyond the principle façade. The extent of demolition proposed would not adversely affect the contribution of the 'contributory' graded dwelling to the surrounding heritage precinct as no works will involve the removal of heritage elements which are mostly found on the façade of the dwelling; except for the proposed works to reinstate the front façade and front fence. In addition, Council's Heritage Advisor is supportive of the extent of demolition to the heritage dwelling.
110. However, the demolition works located within the north-western corner of the existing kitchen at ground and roof level are shown outside of title boundaries. Therefore a condition will require the demolition plan to show all works within title boundaries.

## *Proposed Works*

111. Clause 22.02-5.7 of the Scheme seeks to ensure that new development respects the pattern, rhythm, fenestration, roof form, materials and heritage character of the surrounding streetscape, and is articulated and massed to correspond with the prevailing built form of the heritage place. The key consideration for assessing the application is whether the new dwelling will adversely affect the significance, character or appearance of the broader heritage precinct.
112. As mentioned, the existing Edwardian-era dwelling was previously damaged by fire and the original gable with timber straps has been lost. The application proposes the construction of a parapet to the top of the remaining ground floor façade to match the parapet of No. 108 Queens Parade. Although it would be an ideal heritage outcome to reconstruct the decorative gable roof, Council's Heritage advisor acknowledged that the proposed construction of the parapet to match the existing parapet of No. 108 Queens Parade would result in the visual unification of the two properties which are similar along their ground floor façades (i.e. box casement windows, recessed entryway, garden setbacks and front verandah). Furthermore, Council's Heritage Advisor stated that the unification of the two properties with matching parapets would result in a stronger contribution to the street than the current mismatch of three originally matching dwellings between Nos. 104 and 108 Queens Parade.
113. The proposed first floor addition is sited behind the proposed parapet and principle façade. The submitted sightline diagrams demonstrate that the first floor addition will not be visible on the service lane nature strip. This is not strictly in accordance with Figure 2 guidelines provided



by Clause 22.02-5.7.1, as the sightline should be measured from the opposite side of Queens Parade however, measuring from this location is impractical as Queens Parade is 60m wide and there are significant canopy trees directly out the front of the subject site that obstruct views to the dwelling. The siting of the first floor addition is considered acceptable as it will be generally concealed from the principle street. However, there will be some degree of visibility due to the height of the development when viewed from the Queens Parade service road and from the west over the single-storey built form of No. 104 Queens Parade.

114. With regards to scale and built form height, Clause 22.02-5.7.1 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 development will have a finished height at 31.55 AHD which will be 0.11m less than the adjoining property to the east at No. 108 Queens Parade (31.66 AHD). As discussed by Council's Heritage Advisor, the endorsed plans for No. 108 Queens Parade [PLN11/0937] show that the addition should only have a height at 31.28 AHD. As such, the development has been constructed 0.38m higher than what was approved and a reduction of this height would reduce the visibility of the first floor addition behind the ground floor heritage façade. Council's Heritage Advisor goes on to further state that *"the original plans for the addition at no.108 showed a finished height for the addition at 30.98 AHD that would have been almost completely concealed from the street (refer to red line on image below). On this basis there were no heritage concerns. Due to subsequent amendments and the unauthorised additional height, the upper floor addition is currently 0.68m higher than that suggested by Figure 2 of the heritage policy. Thus the addition is now very visible from the street (refer to image below)."*



Above: Image showing the existing extent of visibility to upper floor addition to no. 108. Dotted red line indicates the originally proposed finished height of upper floor addition.

Figure 10: Street view of Nos. 106 & 108 Queens Parade (Council's Heritage Advisor comments)

115. Given the dwelling is identified as 'contributory' to the North Fitzroy Precinct and maintains contributory elements along the front façade, the design of the first floor extension is required to be recessive and not dominate the heritage place. Therefore in order to minimise the view of the contemporary first floor extension along Queens Parade, the first floor is to be reduced to a maximum height of 31.28 AHD.
116. With regards to setbacks from Queens Parade, the proposed development at ground floor will not be visible from the principle street and will have no impact on the appearance of the heritage building. At first floor, the proposed front setback of 6.99m from Queens Parade will be in line with the existing first floor setback of the adjoining development to the east at No. 108 Queens Parade. In addition the lack of side setbacks along the first floor façade will create a consistent frontage with the adjoining addition. Council's Heritage Advisor is supportive of the proposed setback of first floor from Queens Parade.
117. Clause 22.02-5.7.2 *discourages encourages 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.*



118. The development proposes the construction of a first floor terrace to match the adjoining first floor terrace at No. 108 Queens Parade which according to endorsed plans PLN11/0937 has a parapet with a maximum height of 1.95m above finished terrace level. The proposed parapet on the subject site will have a minimum height of approximately 1.5m and a maximum height of 1.76m above FFL. As a result of triangular pitched parapet, oblique views of activity on the proposed first floor terrace will be visible from the street. The minimum height of approximately 1.5m above FFL along the eastern and western edges would not suitably conceal views of activity and any outdoor paraphernalia (e.g. umbrellas, outdoor heater, etc.) would be visible from the street. Council's Heritage Advisor considered the proposed terrace to be acceptable as it will match the existing terrace of No. 108 Queens Parade however, has recommended that the proposed floor level of the terrace should be no less than 2m from the height of the proposed parapet in order to conceal views of any activities. This recommendation will be conditions to ensure concealment of activity on the proposed terrace.
119. The proposal seeks to reinstate the ground floor heritage façade to original conditions. The applicant provided a detailed heritage façade treatment which has been assessed and considered acceptable by Council's Heritage Advisor. The proposed works are considered acceptable as the works will match the original details and will recreate and refurbish the original contributory elements which have been damaged by the fire.
120. Clause 22.02-5.7.2 (Front fence and gates) encourages front fences to be consistent with the architectural period of the heritage place or contributory element to the heritage place. The existing dilapidated 0.8m high woven wire fence will be replaced with a 1.2m -1.5m high post and woven wire fence with metal detailing to match the original fence onsite and the front fence of No. 108 Queens Parade.

The proposed fence will continue to allow views of the heritage façade and is considered to be consistent with the architectural period of the Edwardian-era dwelling. Additionally, the proposed front fence was considered acceptable by Council's Heritage Advisors.

121. As described earlier within the report, the area immediately surrounding the subject site comprises an established residential area characterised by single and double-storey heritage dwellings with a number of contemporary ground and first floor extensions, as well as a number of modern in-fill developments. Whilst the majority of dwellings in the area are from the Victorian and Edwardian eras, there are a number of examples of contemporary ground and first floor additions and multi-storey modern apartment and townhouse buildings utilising various building materials. The proposed contemporary design and use of contemporary materials is considered acceptable as it will provide a distinction between the original fabric of the heritage dwelling and modern interventions as currently proposed.
122. Overall, the proposed development including works to the front heritage façade and contemporary addition are considered acceptable and will not adversely impact the wider heritage precinct. The proposal appropriate responds to the surrounding heritage streetscape in terms of façade fenestrations and contributory elements along Queens Parade. With regards to materials, the dwelling does not contain a large number of materials, with light and dark rendered walls being the predominant component, as well dark grey window trimmings, front fence and verandah.
123. However, there are inconsistencies with the proposed elevations and the material schedule. Materials "CL" labelled on the rear boundary fencing (*Proposed North-West Elevation – Laneway*) and Material "MT" to the north-facing wall of the pantry (*Section B*) are not detailed within the material schedule. Material "FC" is not notated on the proposed elevations and material "E.BK"/"E.BR" are inconsistently labelled across the elevations and material schedule. Therefore a condition will require the materials schedule to show "CL" and "MT" material and colour; deletion of "FC"; and "E.BR" shown on legend (not "E.BK").



124. On this basis, the proposal appropriately responds to the particular requirements within Clause 22.02 and Clause 43.01 of the Scheme, and therefore is considered acceptable in relation to the heritage context of the street.

### Objector Concerns

125. The majority of issues associated with the objector concerns have been discussed throughout this report.

126. *Impact on heritage streetscape and neighbourhood character.*

Issues associated with heritage streetscape and neighbourhood character have been discussed earlier within this report (paragraphs 42-45, 100-122).

127. *Built form (reduced amounts of site coverage and permeability not in keeping with the area, and non-compliance of side and rear setbacks).*

Issues associated with built form have been discussed earlier within this report (paragraphs 49-51, 52-53, & 61-66).

128. *Amenity impacts (visual bulk, loss of privacy and daylight).*

Issues associated with amenity impacts have been discussed earlier within this report (paragraphs 67-76, 77-79, 81-87 & 88-92).

### **Conclusion**

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

### **RECOMMENDATION**

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0145 for partial demolition to the existing dwelling for the construction of a ground and first floor extension, including alterations at 106 Queens Parade, Fitzroy North VIC 3068, in accordance with the plans and reports received by Council (on 15 March 2019, 15 April 2019 and 16 April 2019) and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - (a) Demolition plan to only show works within title boundaries;
  - (b) The proposed upper level addition to be constructed with a finished height of no greater than 31.28 AHD;
  - (c) The finished floor level of the proposed front terrace to be at least 2m below the height of the proposed parapet;
  - (d) The boundary wall associated with the walk-in-pantry reduced to a maximum height of 3.2m above NGL and finished in a light coloured finish (e.g. light grey "RN");
  - (e) All habitable room windows and first floor terrace to be screened in compliance with Clause 54.04-6 (overlooking objectives) of the Yarra Planning Scheme;
  - (f) Rainwater tank size to be shown accurately on plans (not "indicatively");
  - (g) Detail of permeable surfaces shown to 80% of site as per Clause 54.03-4 (permeability objectives) of the Yarra Planning Scheme; and



(h) Materials schedule to show “CL” and “MT” material and colour; deletion of “FC”; and “E.BR” shown on legend (not “E.BK”).

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. Within 2 months of the works being completed, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder’s cost; and
  - (b) to the satisfaction of the Responsible Authority.
4. Within 2 months of the works being completed, 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. Within 2 months of the works being completed, 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. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
7. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

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

Notes:

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

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

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:** Emily Zeng  
**TITLE:** Statutory Planner  
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**Attachments**

- 1** PLN19/0145 - 106 Queens Parade Fitzroy North - Subject Land
- 2** PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans
- 3** PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice



Attachment 1 - PLN19/0145 - 106 Queens Parade Fitzroy North - Subject Land

## SUBJECT SITE

106 QUEENS PARADE, FITZROY NORTH VIC  
3068



SUBJECT SITE



NORTH



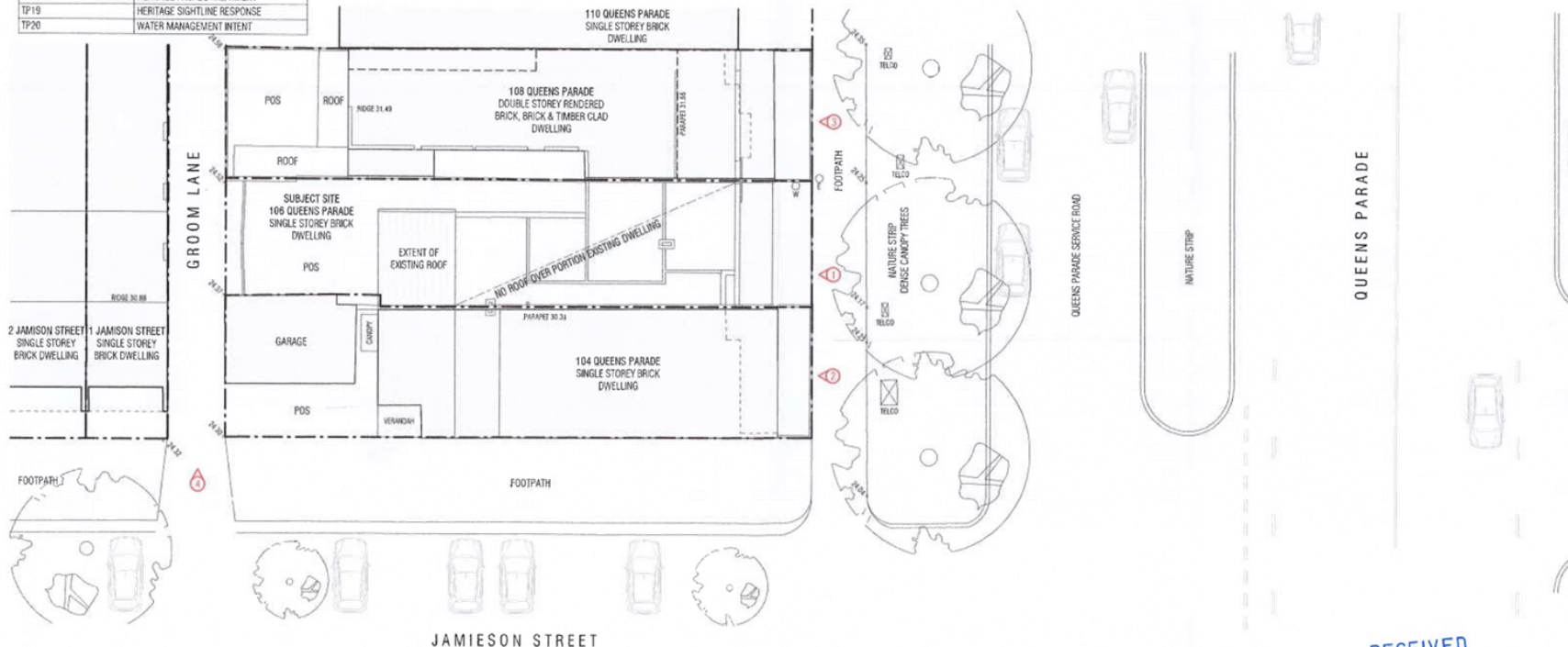
# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans

Sheet Number	Sheet Name
TP01	COVER SHEET
TP02	EXISTING SITE ANALYSIS
TP03	DESIGN RESPONSE PLAN
TP04	EXISTING CONDITIONS PLAN
TP05	DEMOLITION PLAN - GROUND
TP06	DEMOLITION PLAN - ROOF
TP07	DEMOLITION ELEVATIONS
TP08	DEMOLITION ELEVATIONS
TP09	PROPOSED GROUND FLOOR PLAN
TP10	PROPOSED FIRST FLOOR PLAN
TP11	PROPOSED ROOF PLAN
TP12	PROPOSED ELEVATIONS
TP13	PROPOSED ELEVATIONS
TP14	PROPOSED SECTIONS
TP15	MATERIALS SCHEDULE
TP16	SHADOW DIAGRAMS
TP17	SHADOW DIAGRAMS
TP18	HERITAGE FACADE TREATMENT
TP19	HERITAGE SIGHTLINE RESPONSE
TP20	WATER MANAGEMENT INTENT

## DEVELOPMENT SUMMARY

SITE AREA	195m <sup>2</sup>
EXISTING BUILDING FOOTPRINT	116m <sup>2</sup> APPROX
PROPOSED BUILDING FOOTPRINT (GROUND)	136m <sup>2</sup>
EXISTING PAVED AREA	13m <sup>2</sup>
PROPOSED PAVED AREA	29m <sup>2</sup>
EXISTING PERMEABLE AREA	73m <sup>2</sup>
PROPOSED PERMEABLE AREA	25m <sup>2</sup>

## SITE PHOTOS



1 Existing Site Plan  
1:200

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106 QUEENS PARADE, FITZROY NORTH, 3068  
12 APRIL 2019  
TOWN PLANNING

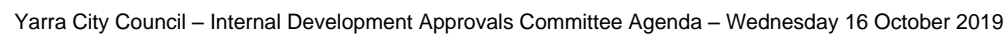
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15 APR 2019



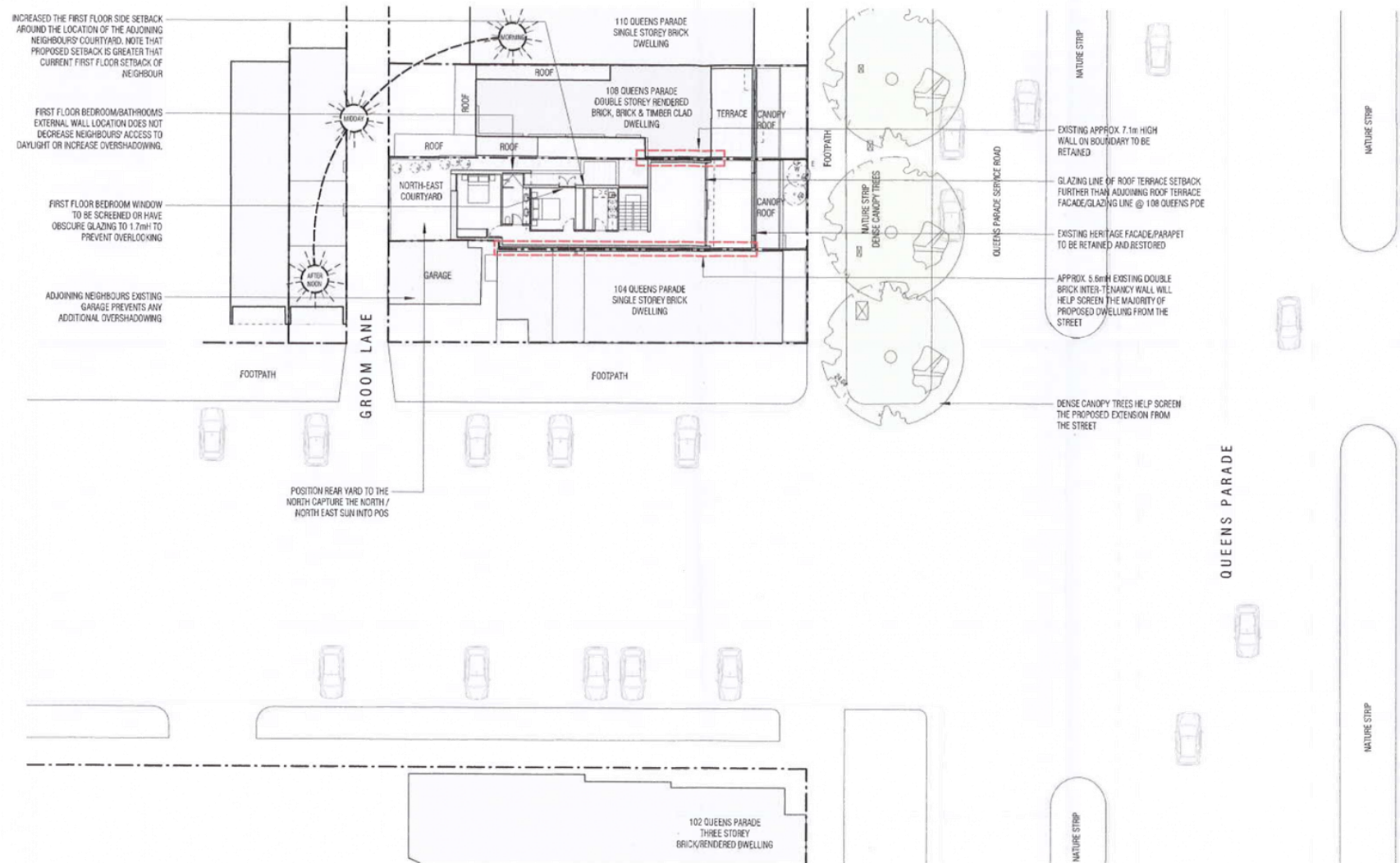
TP01







Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans



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TOWN PLANNING

DESIGN RESPONSE PLAN  
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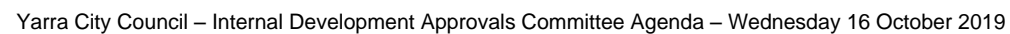
TP03



# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans

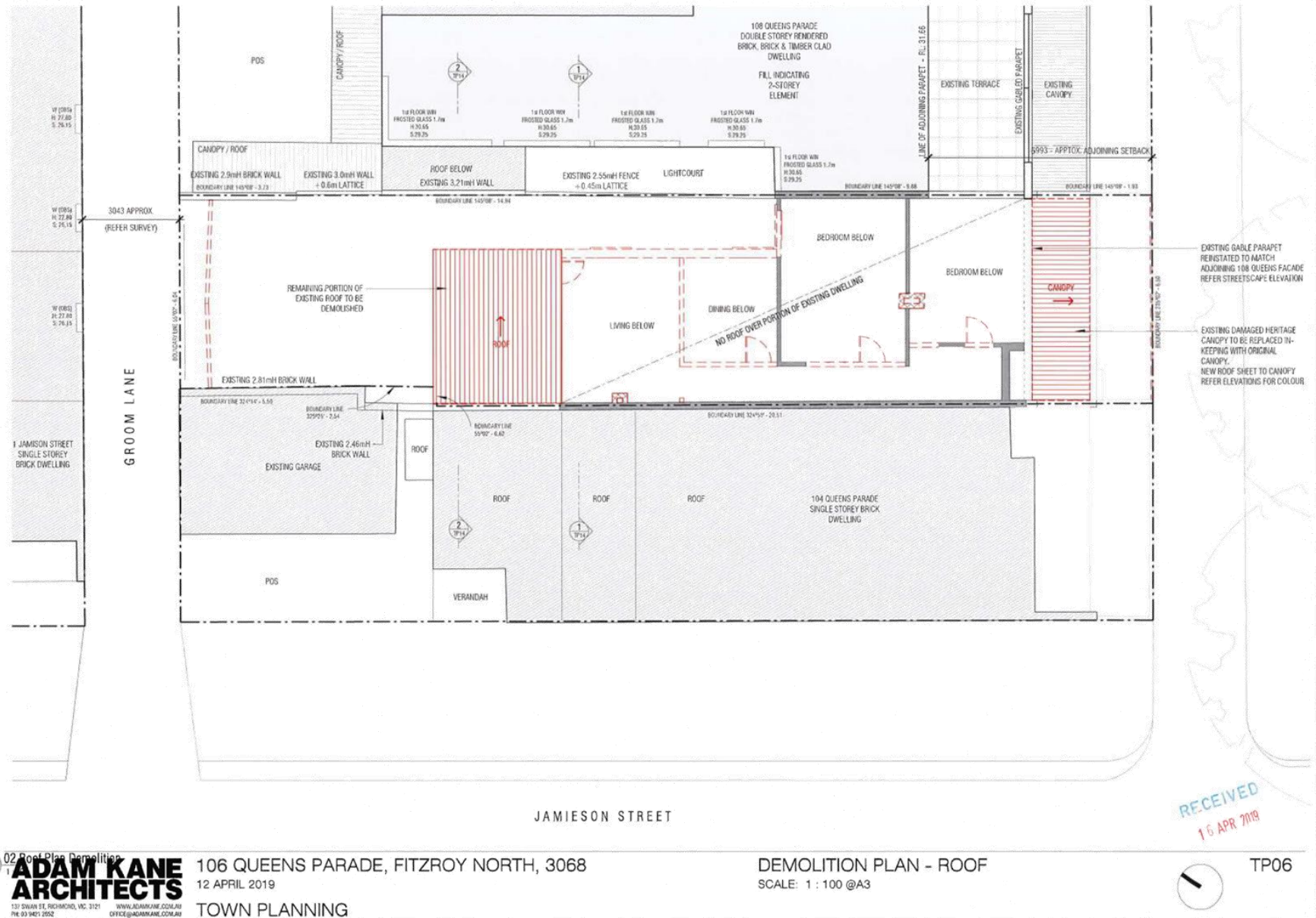






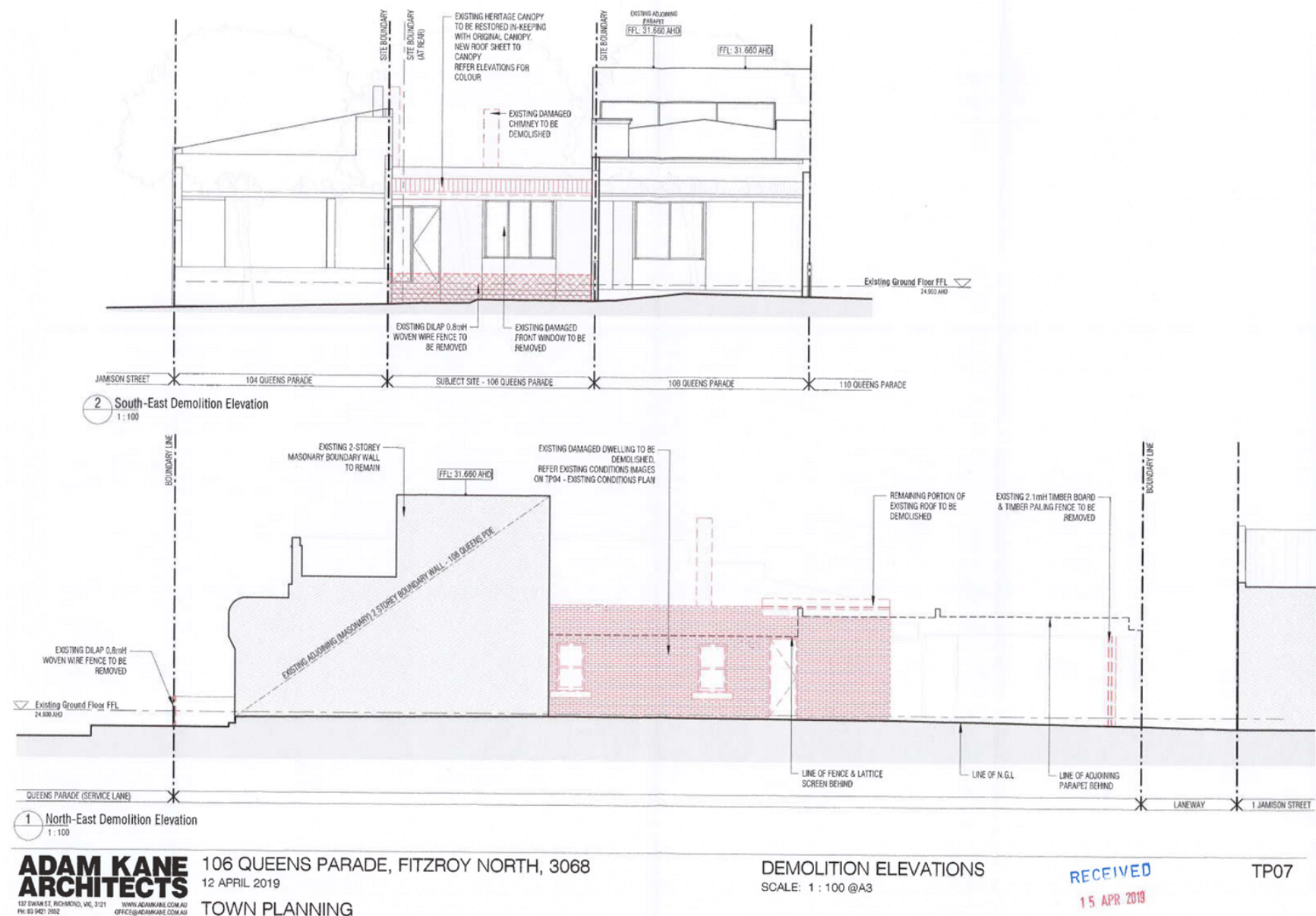


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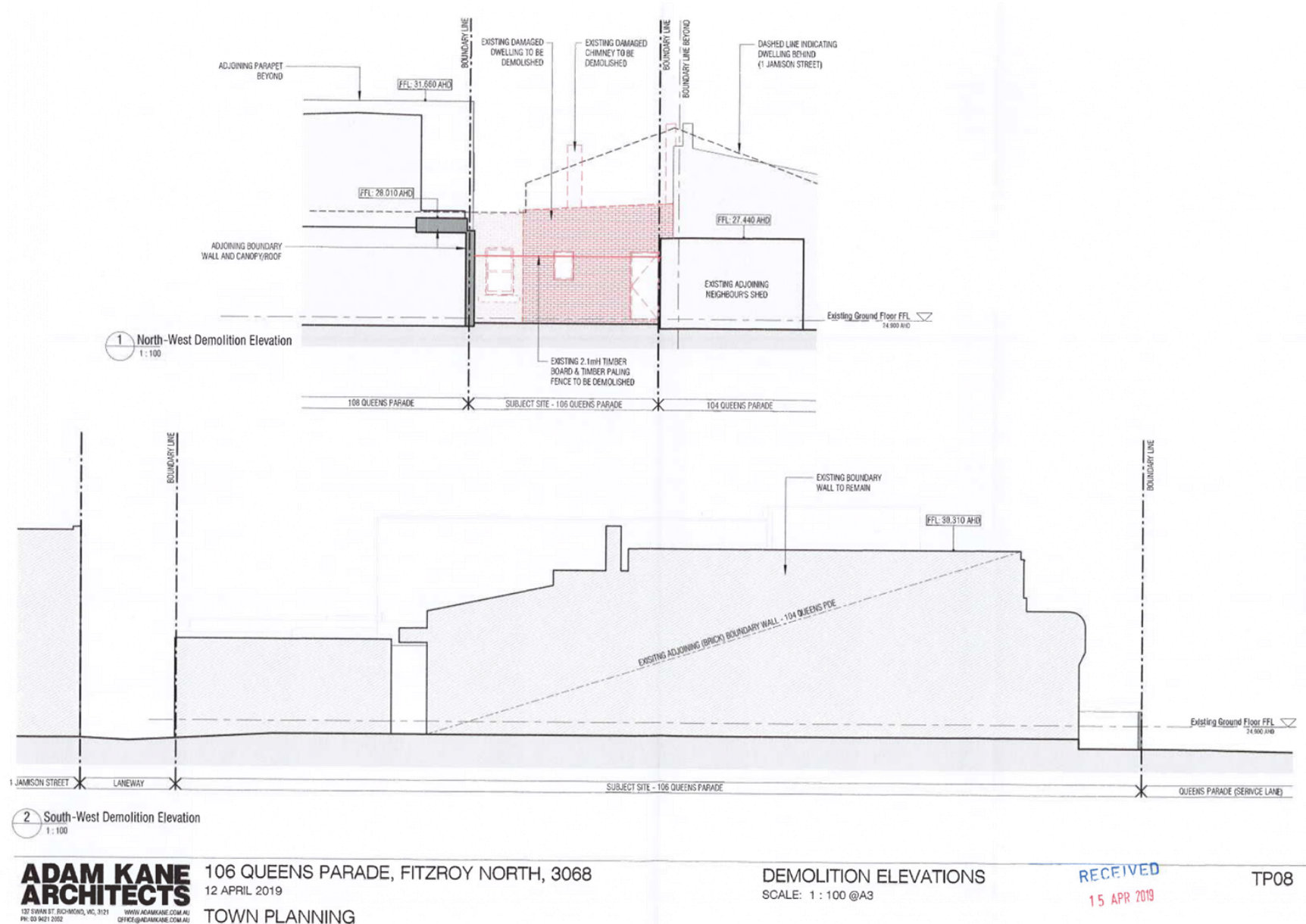


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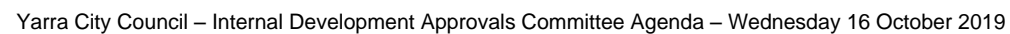




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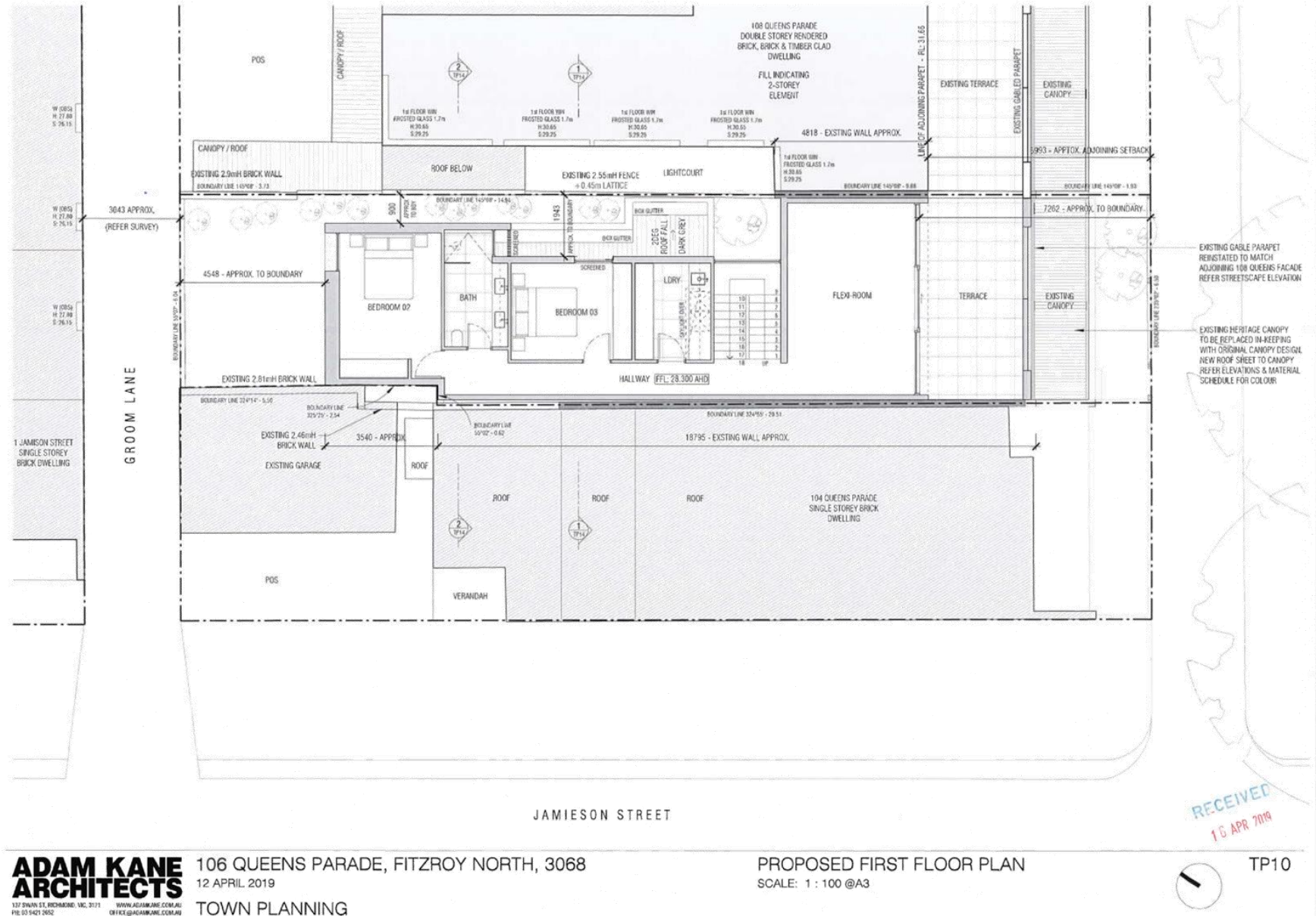






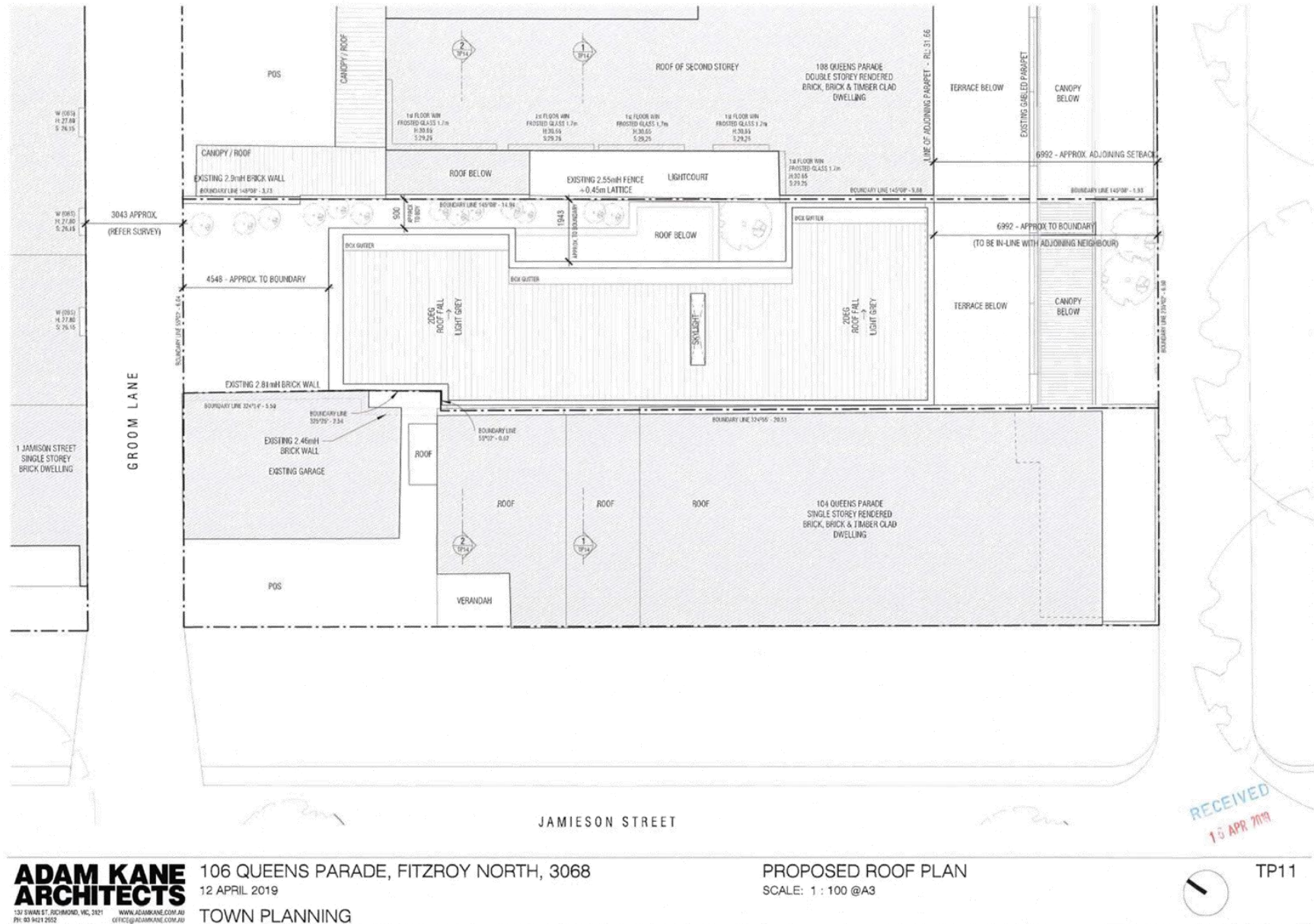


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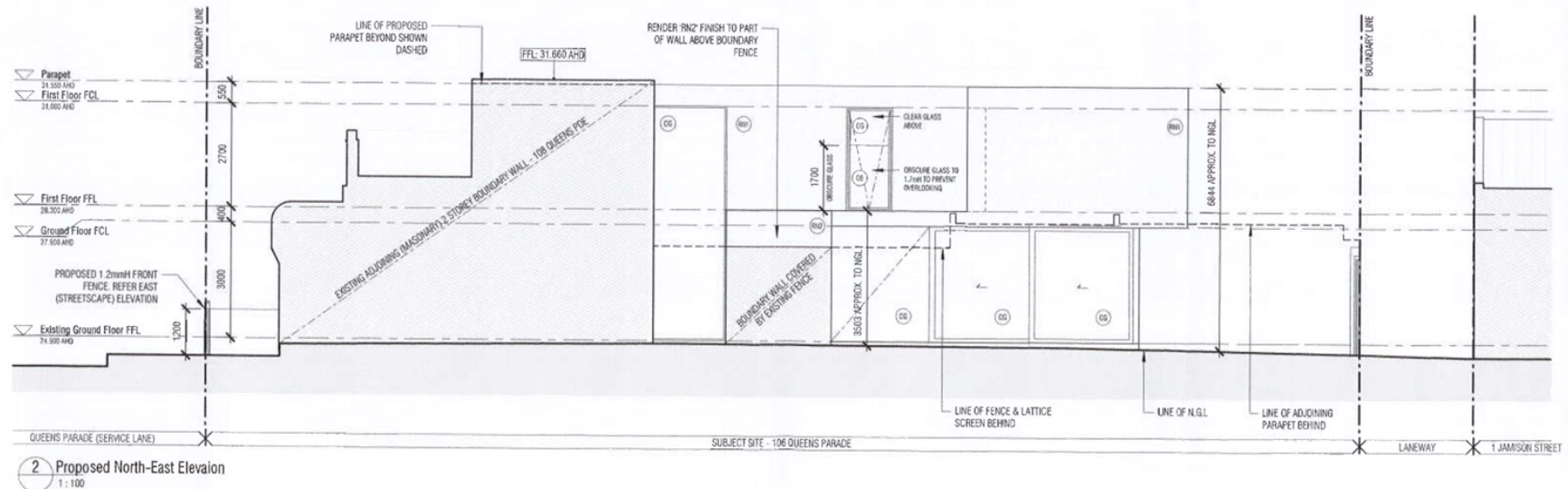
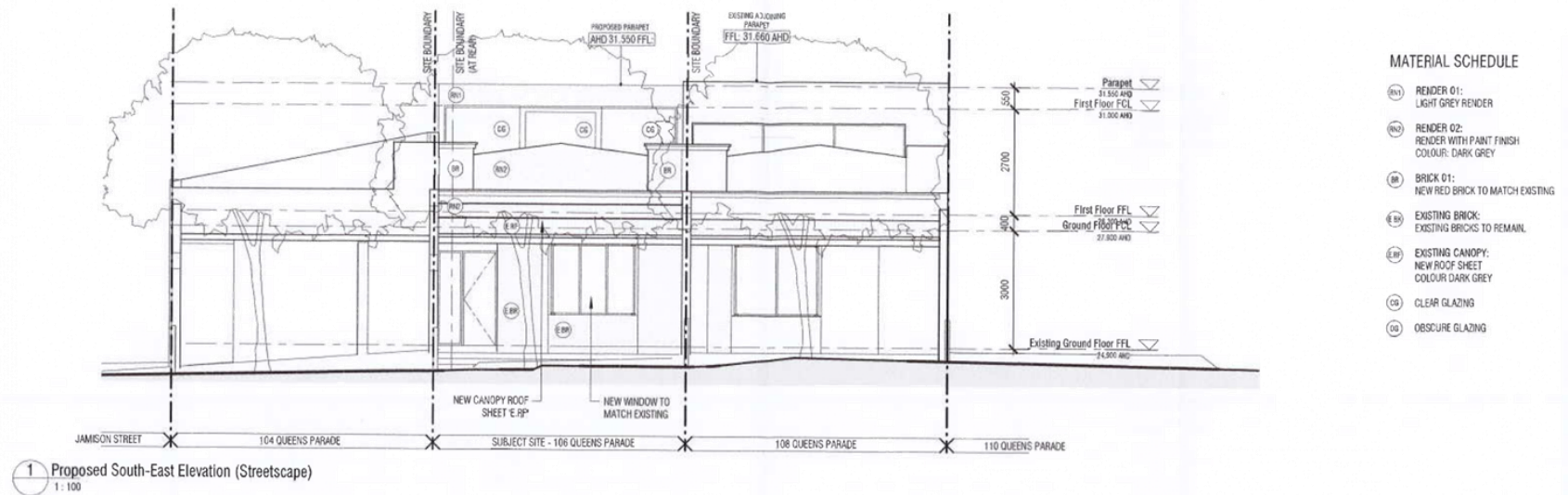


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# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans



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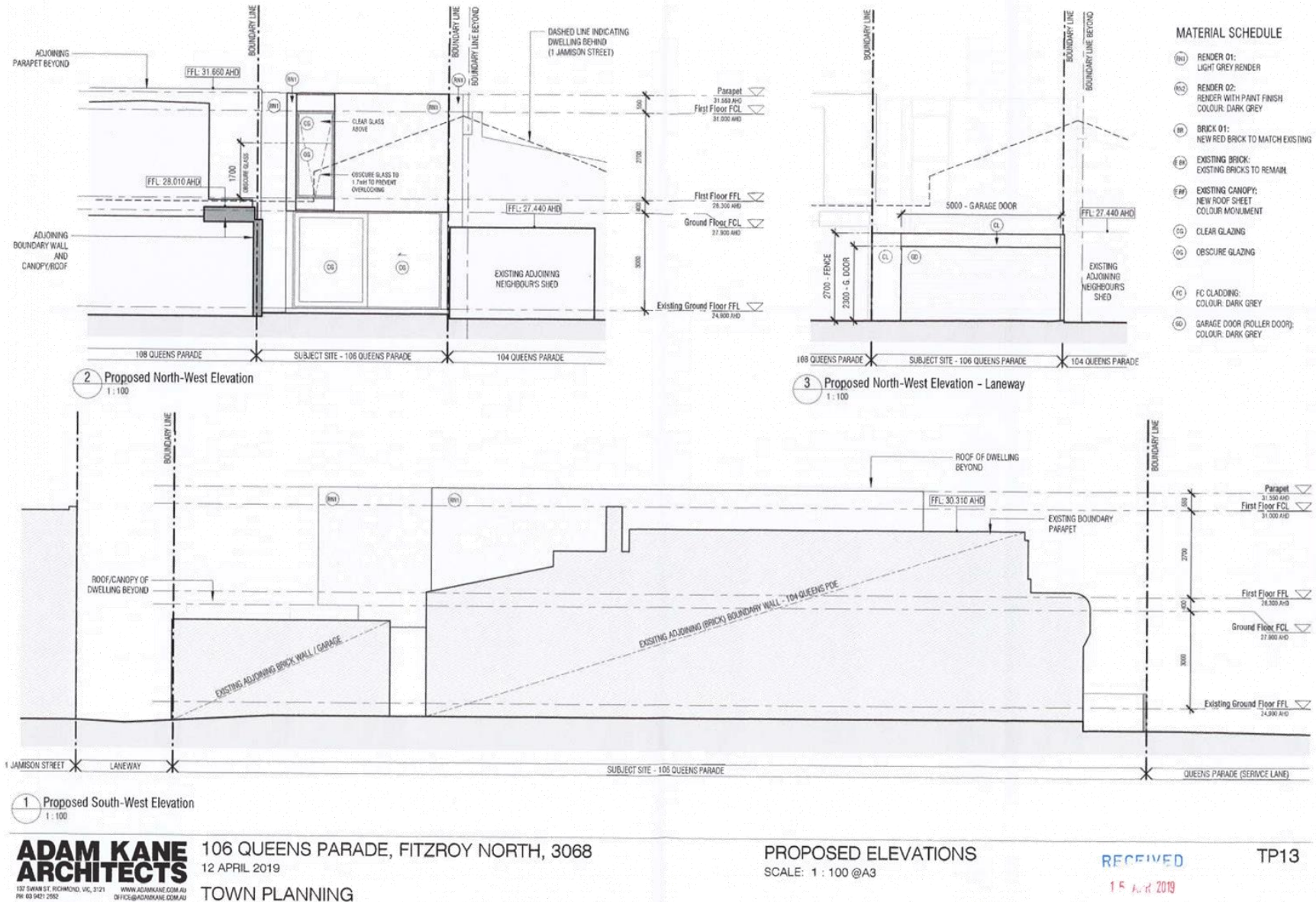
PROPOSED ELEVATIONS  
SCALE: 1 : 100 @A3

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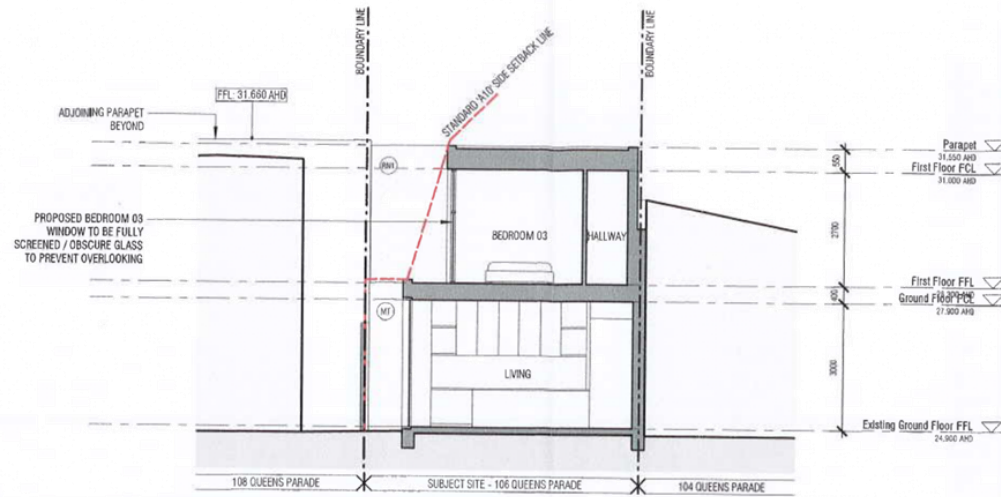


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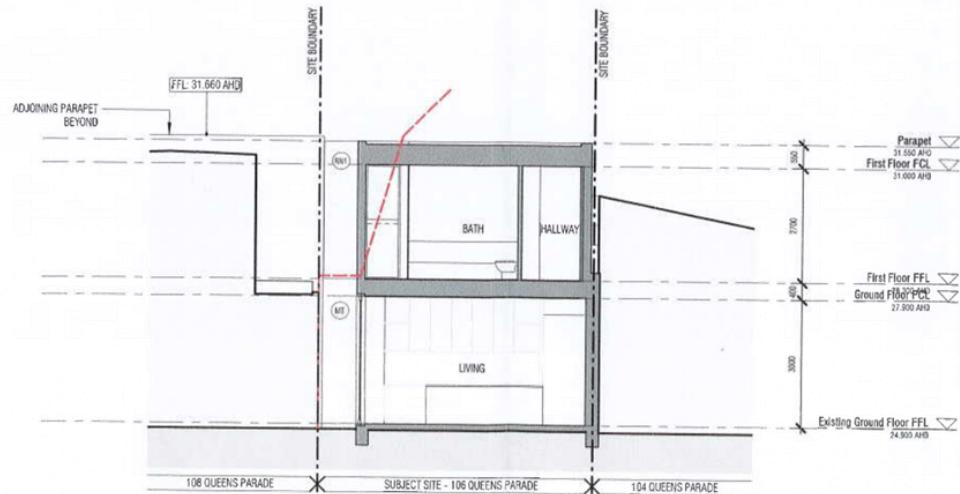




Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans



1 Section A  
TP06 1:100



2 Section B  
TP06 1:100

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PROPOSED SECTIONS  
SCALE: 1 : 100 @A3

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**Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans**

**PROPOSED MATERIAL SCHEDULE**



RENDER 01:  
LIGHT GREY RENDER



RENDER 02:  
RENDER WITH PAINT FINISH  
COLOUR: DARK GREY



ROOF MATERIAL:  
LIGHT GREY



WINDOW FRAMES:  
DARK GREY

**EXISTING MATERIALS**



EXISTING RED BRICK:  
EXISTING RED BRICK TO BE RETAINED

PROPOSED NEW RED BRICK:  
PROPOSED NEW RED BRICK TO MATCH  
EXISTING BRICK ON HERITAGE DWELLING



EXISTING CANOPY ROOF:  
EXISTING CANOPY ROOF TO BE REPLACE  
WITH NEW CUSTOM ORB ROOF SHEETS.  
COLOUR: DARK GREY

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MATERIALS SCHEDULE  
SCALE: @A3

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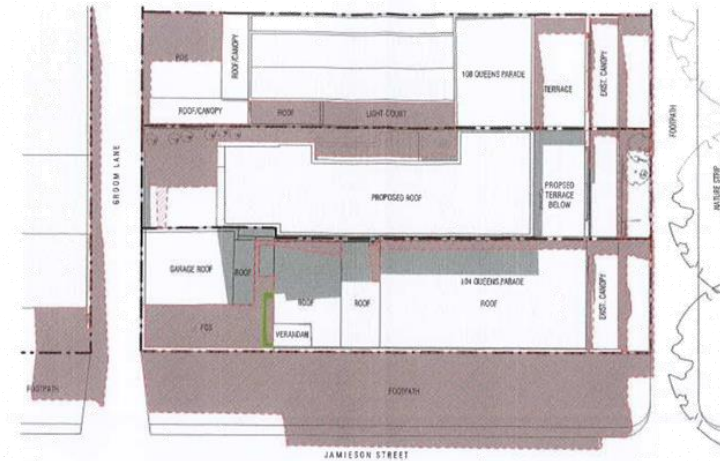
TP15



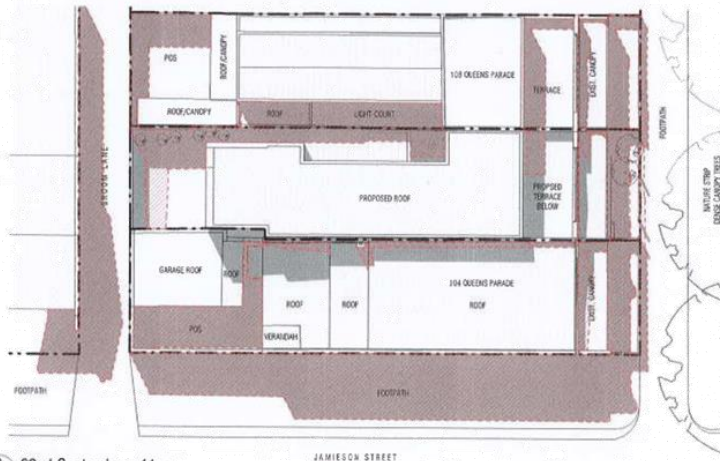
Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans



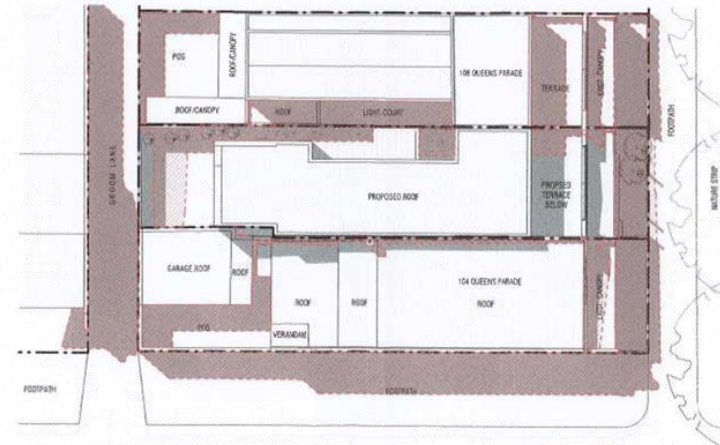
1 22nd September - 9am  
1:250  
EXISTING P.O.S. = 23.8m2  
EXISTING SHADOWS (N2) = 23.0m2  
EXISTING SHADOWS (E) = 96.6%  
PROPOSED SHADOWS (N2) = 0.8m2  
PROPOSED SHADOWS (E) = 3.4%  
NOTE: THE EXISTING UNSHADED AREA SHOWN IS THE RESULT OF SPACE BETWEEN EXISTING BRICK FENCE, NEIGHBOURING GARAGE AND NEIGHBOURING CANOPY.



2 22nd September - 10am  
1:250  
EXISTING P.O.S. = 23.8m2  
EXISTING SHADOWS (N2) = 22.8m2  
EXISTING SHADOWS (E) = 95.6%  
PROPOSED SHADOWS (N2) = 1.2m2  
PROPOSED SHADOWS (E) = 5%  
NOTE: THE EXISTING UNSHADED AREA SHOWN IS THE RESULT OF SPACE BETWEEN EXISTING BRICK FENCE, NEIGHBOURING GARAGE AND NEIGHBOURING CANOPY.



3 22nd September - 11am  
1:250



5 22nd September - 12pm  
1:250

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12 APRIL 2019  
TOWN PLANNING

SHADOW DIAGRAMS  
SCALE: As indicated @A3

SHADOW DIAGRAM LEGEND  
EXISTING SHADOWS  
PROPOSED / ADDITIONAL SHADOWS TO ADJACENT GROUND LEVEL

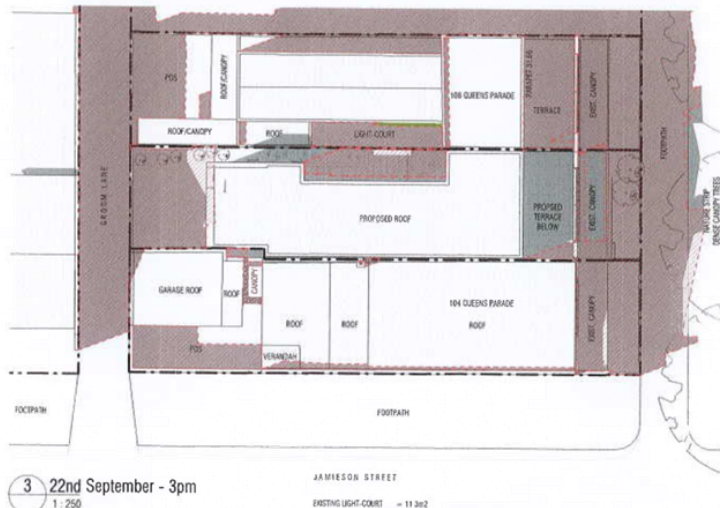
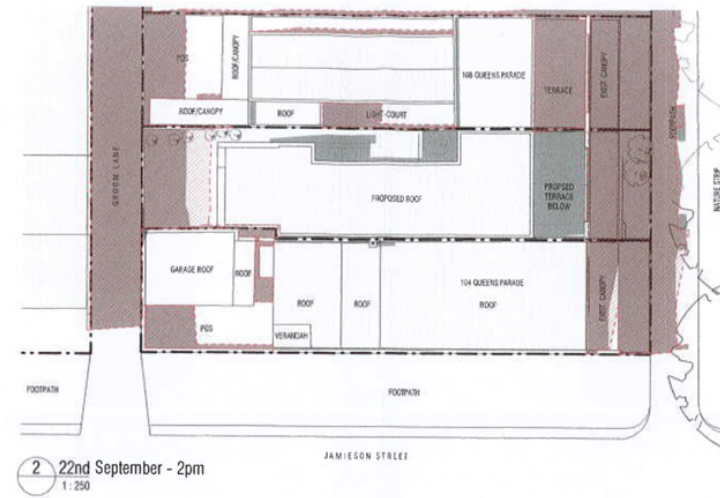
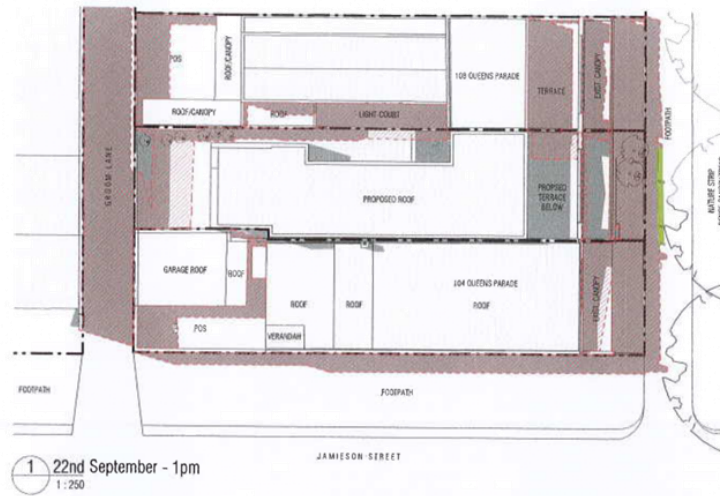
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EXISTING LIGHT COURT = 11.3m<sup>2</sup>  
EXISTING SHADOWS (m<sup>2</sup>) = 10.8m<sup>2</sup>  
EXISTING SHADOWS (%) = 93.8%

PROPOSED SHADOWS (m<sup>2</sup>) = 0.7m<sup>2</sup>  
PROPOSED SHADOWS (%) = 6.2%

NOTE: ADJOINING NEIGHBOURS' (108 QUEENS PARADE) PRINCIPAL P.O.S IS TO THE NORTH WEST AND IS 43m<sup>2</sup> (APPROX). THE LIGHT COURT IN QUESTION IS ASSUMED TO HELP PROVIDE ADDITIONAL LIGHT INTO DWELLING. OUR PROPOSAL DOES NOT REDUCE LIGHT INTO ANY HABITABLE WINDOWS.

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12 APRIL 2019  
TOWN PLANNING

SHADOW DIAGRAMS  
SCALE: As indicated @A3

SHADOW DIAGRAM LEGEND  
EXISTING SHADOWS  
PROPOSED / ADDITIONAL SHADOWS ONTO ROOFS & SUBJECT SITE  
PROPOSED / ADDITIONAL SHADOWS TO ADJOINING GROUND LEVEL

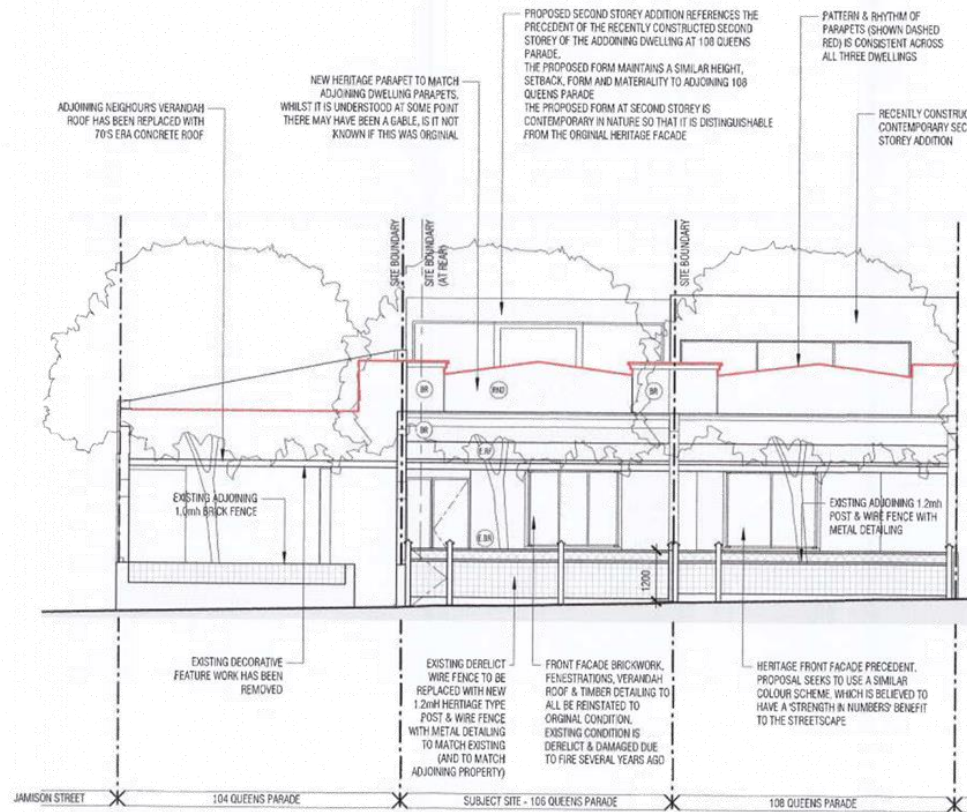
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# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans



1 Proposed South-East Elevation (Streetscape)  
1:100

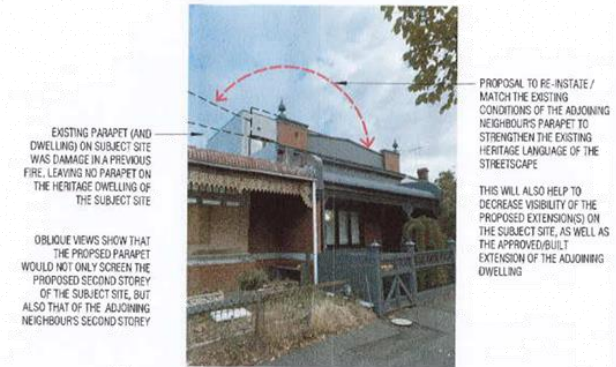
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HERITAGE FACADE TREATMENT  
SCALE: 1:100 @A3

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# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans

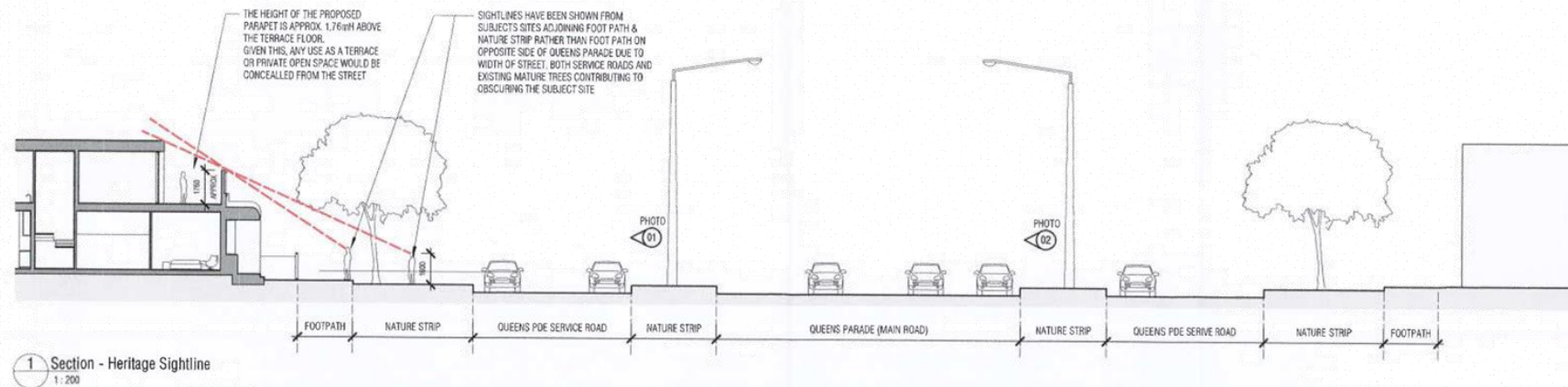


PHOTO 01 - PHOTO FROM SERVICE ROAD NATURE STRIP (SUBJECT SITE HIDDEN BEHIND EXISTING LARGE CANOPY TREES)



PHOTO 02 - PHOTO FROM OTHER SIDE OF QUEENS PARADE (SUBJECT SITE HIDDEN BEHIND EXISTING LARGE CANOPY TREES)

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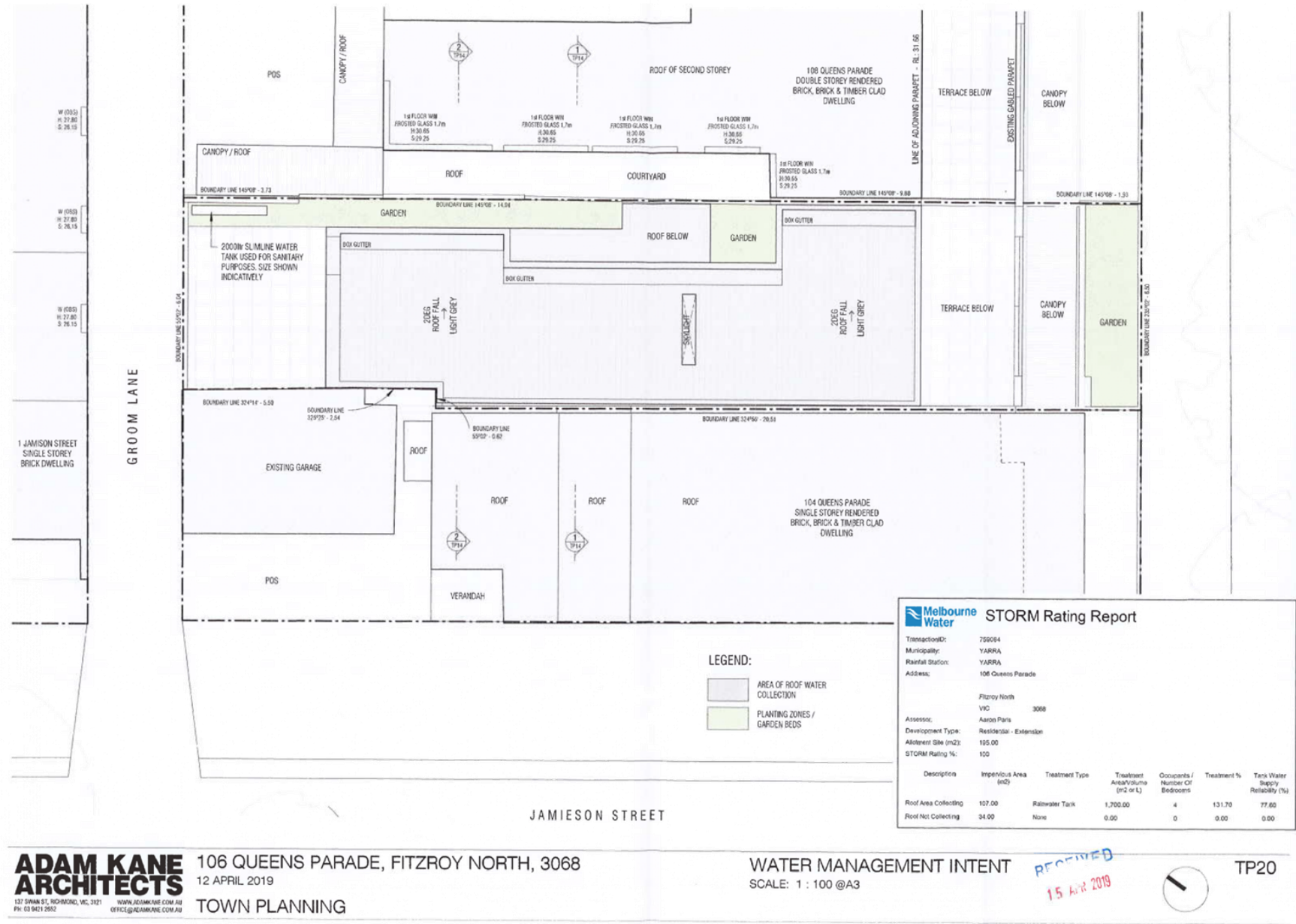
HERITAGE SIGHTLINE RESPONSE  
SCALE: 1 : 200 @A3

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# Attachment 2 - PLN190145 - 106 Queens Parade Fitzroy North - S52 Advertising Plans





## Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice

### City of Yarra Heritage Advice

<b>Application No.:</b>	PLN19/0145
<b>Address of Property:</b>	<b>106 Queens Parade</b>
<b>Planner:</b>	Emily Zeng
<b>Yarra Planning Scheme References:</b>	<p>STATE POLICY:</p> <ul style="list-style-type: none"> <li>• Clause 15.03 Heritage</li> </ul> <p>LOCAL POLICY:</p> <ul style="list-style-type: none"> <li>• Clause 21.05-1 Built Form (Heritage)</li> <li>• Clause 43.01 Heritage Overlay</li> <li>• Clause 22.02 Development Guidelines for sites subject to the Heritage Overlay</li> </ul>
<b>Heritage Overlay No. &amp; Precinct:</b>	HO-327 North Fitzroy Precinct
<b>Level of significance:</b>	Contributory, constructed 1900-1915 (Appendix 8, City of Yarra Review of Heritage Overlay Areas May 2018)
<b>General description:</b>	Repair to damaged existing building, and construction of a double storey addition.
<b>Drawing Nos.:</b>	Set of 20 x A3 drawings prepared by Adam Kane Architects, received by Council and date stamped 15 April 2019

#### CONTEXT DESCRIPTION:

The subject site is a rectangular allotment with a principal frontage to Queens Parade and rear access via a bluestone laneway formally known as Groom Lane. It is located on the northern side of the street, between Grant Street to the north and Jamieson Street to the south. Queens Parade is an extremely wide street, measuring 57metres footpath to footpath.



Above: Current aerial of the subject site



# Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice

The subject site is a single storey, red brick Edwardian building which was affected by fire in 2012. At the time the building appeared to have a gabled roof with timber straps (as seen on google street view).



Above: Adjacent property, No. 106 Queens Parade prior to and after fire in April 2012



Above: Recent image of the subject site

The subject site currently retains its original red brick façade with damaged tripartite casement box windows, original entry door with leadlight surrounds, bullnose verandah, tiled porch and cast iron lacework. The building was clearly designed with exposed red brick and possibly stucco detailing in the parapet.

The adjoining property to the east at no. 108 Queens Parade appears to have originally been a matching pair to the subject property, prior to the alteration of the roof structure and the recent construction of an upper floor level and rear addition.

The adjoining building at no. 104 appears to also have originally been a matching copy of the subject house but it has been quite substantially altered.



# Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice



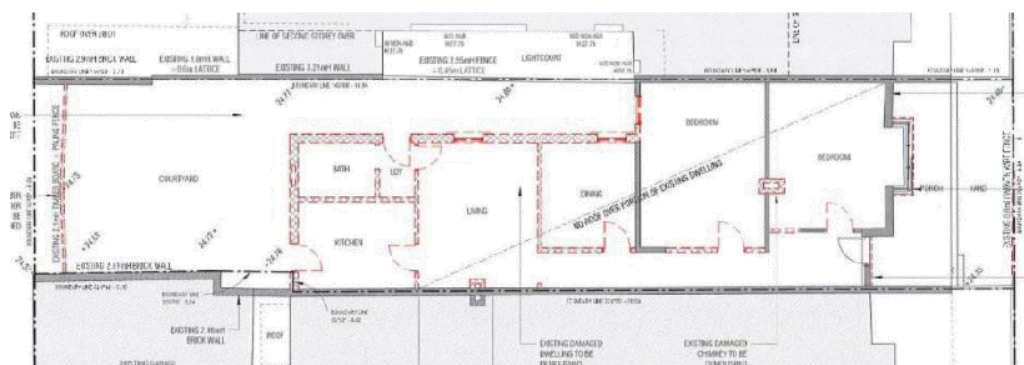
Above: Set of three adjoining properties 104, 106 and 108 which were most likely originally matching

The subject site sits within a streetscape characterised by relatively small single-storey, contributory and individually significant residential dwellings. Queens Parade as a whole is a combination of contributory and non-contributory, residential and commercial Victorian, Edwardian and inter-war era buildings.

## ASSESSMENT OF PROPOSED WORKS:

### Comments regarding proposed demolition:

The extent of demolition proposed by this application includes the demolition/removal of all remaining built structures beyond the depth of the original two front rooms, the remaining damaged chimney and the front verandah. The original roof structure associated with the remaining two rooms was previously destroyed by fire in 2012.



Above: Proposed extent of demolition shown in red

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

In regard to the removal of part of a heritage place, Clause 22.02-5.1 of the Yarra Planning Scheme encourages the removal of inappropriate alterations, additions and works that detract from the cultural significance of the place.

The proposed extent of demolition is considered acceptable as:

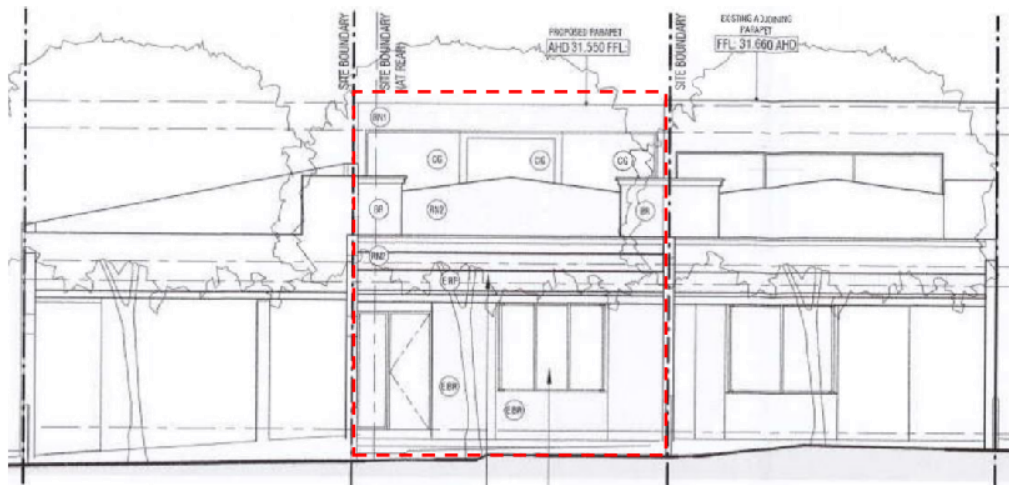
- that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained;
- and
- the removal of the part would not adversely affect the contribution of the building to the heritage place.



## Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice

### Comments regarding new development, alterations and additions:

The extent of new works proposed by this application includes the restoration of the remaining façade, front fence and verandah, construction of a new parapet (to match no. 108) and development of a two-storey addition with an open roof terrace at the front.



Above: Street elevation of the proposed development

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

### **Alterations to the remaining original fabric:**

#### *New parapet:*

The proposal involves construction of a parapet to the top of the remaining façade to match the parapet of no. 108.

It should be recognised that the existing parapet detail at no. 108 is an inappropriate alteration that actually inconsistent with the architectural style of the original building.

Ideally, reconstruction of the original decorative gable end should be strongly encouraged as part of these works as there is strong documentary evidence to support its accuracy (refer to photograph above) and the alteration would enhance the existing streetscape. The roof should ideally be reconstructed to a depth that corresponds with at least the proposed front room (i.e. 3.5 metres from the main front wall of the house) although a depth of the two front rooms would be preferable (i.e. 7.8 metres from the front wall).

It is however recognised that constructing the parapet of no. 106 to match the existing parapet of no. 108 would result in the visual unification of the two properties. The presentation of two matching dwellings would make a stronger contribution to the street than the current mismatch of the three originally matching dwellings between 104 and 108 Queens Parade.

It is therefore considered that construction of the parapet on no. 106 to match that of no. 108 is acceptable.

#### *New verandah:*

The new verandah will match the original details which have deteriorated as a result of the 2012 fire.

#### *New front fence:*

The proposed new front fence will recreate the appearance of the original fence, evident on earlier photos of the property and at no. 108 Queens Parade.



## Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice

### Proposed rear and upper floor addition:

#### 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 setbacks of the new development at ground level will not be visible from the principal street and therefore will have no impact on the appearance of the heritage building within the existing streetscape.

At the upper floor level, the proposed front setback will essentially match that of the upper-floor addition to no.108. The lack of visible side setbacks is also consistent with the addition to no. 108.

#### 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 finished height of the proposed upper-floor addition will match that of the adjacent property at no. 108.

It is however noted that the finished height of the addition at no.108 is shown at 31.66 AHD. The endorsed plans show that the addition should have been only at 31.28 AHD. The existing addition at no. 108 has therefore been constructed 0.38m higher than approved. A reduction of this height would reduce the visibility of the addition which is currently quite visible from the street.

The original plans for the addition at no.108 showed a finished height for the addition at 30.98 AHD that would have been almost completely concealed from the street (refer to red line on image below). On this basis there were no heritage concerns. Due to subsequent amendments and the unauthorised additional height, the upper floor addition is currently 0.68m higher than that suggested by Figure 2 of the heritage policy. Thus the addition is now very visible from the street (refer to image below).



Above: Image showing the existing extent of visibility to upper floor addition to no. 108. Dotted red line indicates the originally proposed finished height of upper floor addition.

As a consequence of this assessment, it is considered that the proposed upper level addition should ideally be constructed with a finished height of no greater than at 30.98 AHD, however a parapet at 31.28 AHD (as subsequently amended for no. 108) would be reluctantly accepted.

#### Roof form:

The proposed roof form for the new development will be fully concealed by the parapet to the upper level addition.

There are no concerns regarding the proposed roof form.



### Attachment 3 - PLN19/0145 - 106 Queens Parade Fitzroy North - Heritage advice

*Appearance:*

On the basis that the recommendation for reducing the finished height of the proposed upper floor addition to no greater than at 31.28 AHD, there are no concerns regarding the appearance of the proposed addition as it will be substantially concealed from the street.

*Open roof terrace:*

Given that there is an existing open roof terrace on the adjoining property at no. 108 and that there does not appear to be any visible of the usual outdoor paraphernalia, it is considered that the proposed roof terrace is acceptable on the grounds that the proposed floor level of the terrace is no less than 2.00m from the height of the proposed parapet.

**RECOMMENDATIONS:**

On heritage grounds the works proposed in this application may be approved subject to the following conditions:

1. That the proposed upper level addition must be constructed with a finished height of no greater than at 31.28 AHD;
2. That the finished floor level of the proposed front terrace must be at least 2.00m below the height of the proposed parapet.

**SIGNED:**



Diahn McIntosh

**DATED: 20 August 2019**