



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

**to be held on Wednesday 11 December 2019 at  
6.30pm in Meeting Rooms 1 & 2  
at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Stephen Jolly  
Councillor James Searle  
Councillor Bridgid O'Brien (apology)

**I. ATTENDANCE**

Sarah Griffiths (Senior Co-ordinator Statutory Planning)  
Michelle King (Acting Principal Planner)  
Cindi Johnston (Governance Officer)

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

**III. CONFIRMATION OF MINUTES**

**IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri 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	PLN19/0281 - 653 Nicholson Street Carlton North - Planning Permit Application for buildings and works and the sale of liquor for consumption on and off premises (general licence) associated with the use of the premises as a bar (an as-of-right use in the zone) with live-music.	5	29
1.2	PLN19/0109 - 23-25 Gipps Street, Collingwood - Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys) and a reduction in car parking requirements associated with an office (no permit required for use)	135	169

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- 1.1 PLN19/0281 - 653 Nicholson Street Carlton North - Planning Permit Application for buildings and works and the sale of liquor for consumption on and off premises (general licence) associated with the use of the premises as a bar (an as-of-right use in the zone) with live-music.**
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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of a planning permit application submitted for 653 Nicholson Street in Carlton North. The application seeks approval for buildings and works and the sale of liquor for consumption on and off the premises (general licence) associated with a bar (an as-of-right' use in the zone) with live music. The report recommends approval of the application, 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

### **Key Issues**

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

### **Submissions Received**

4. Thirteen (13) objections were received to the application, raising the following issues (summarised):
  - (a) Noise impacts
  - (b) Excessive licensed hours
  - (c) Anti-social behaviour and increased litter
  - (d) Impact on car parking availability
  - (e) Illegal buildings and works carried out within the courtyard

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and support is recommended.

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

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**1.1 PLN19/0281 - 653 Nicholson Street Carlton North - Planning Permit Application for buildings and works and the sale of liquor for consumption on and off premises (general licence) associated with the use of the premises as a bar (an as-of-right use in the zone) with live-music.**

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Reference: D19/222458

Authoriser: Senior Co-ordinator Statutory Planning

**Proposal:** Sale of liquor for consumption on and off premises (general licence) associated with an as-of-right use as a bar with live-music, including buildings and works

**Existing use:** Vacant Commercial Building

**Applicant:** Moosa Bar Pty Ltd c/- Hansen Partnership Pty Ltd

**Zoning / Overlays:** Commercial 1 Zone (C1Z)  
Environmental Audit Overlay (EAO)  
Heritage Overlay (Schedule 326)

**Date of Application:** 08 May 2019

**Application Number:** PLN19/0281

### Planning History

1. The subject site has no planning history or previous planning applications.

### Background

2. The application was received by Council on 08 May 2019 and additional information was received on 02 July 2019. The application was advertised on 19 July 2019 and twelve (12) objections were received.
3. Whilst the advertising process was occurring, Council sought and received referral advice from internal departments within Council including the City Works Department and external consultants, including SLR Consulting.
4. A planning consultation meeting was held on 03 September 2019, and was attended by the applicant, objectors and Council Officers. During the consultation meeting, it came to light that the applicant had unlawfully carried out works within the rear courtyard of the subject site including the construction of a canopy and seating. Council Officers carried out a site visit which confirmed that these works had indeed commenced without a planning permit.

### Section 57A Plans

5. As a result of concerns raised by the objectors and Council Officers regarding the unlawful works (referenced at paragraph 4 above) on 03 October 2019 the Applicant submitted revised plans under Section 57(A) of the *Planning and Environment Act 1987* (the Act) with further information provided on 09 October 2019. The amended plans show the following changes to the originally submitted (advertised) plans:
  - (a) A timber canopy (5.19m wide x 6.84m long) covering a section of the rear courtyard (between the main building and the W/Cs), at an overall height of 3.27m above natural ground level (NGL).
  - (b) Fixed, timber seating along a section of the southern boundary, within the rear courtyard (underneath the timber canopy).

- (c) Addition of a fenced off area at the rear of the subject site for 'Hard waste', 'E-waste' and storage bins.
- 6. The originally submitted Waste Management Plan (WMP) was also amended as part of the 57A Amendment, to reflect the recommendations of Council's City Works Department.
- 7. On 10 October 2019 the 57A plans were advertised to all previously notified properties and all objectors. Subsequent to the amended plans being advertised, one additional objection was received. This increased the number of objections from twelve (12) to thirteen (13).
- 8. This assessment of the application in this report is based on the 57A plans submitted to Council on 03 October 2019.
- 9. Whilst the advertised description of the proposal included a reduction in the bicycle spaces pursuant to *Clause 52.34 (Bicycle facilities)* of the Yarra Planning Scheme, a reduction is not required for the proposed bar pursuant to the Yarra Planning Scheme (the Scheme). This is further discussed in paragraph 34 to 36 of this report.

#### Planning Scheme Amendments

- 10. 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 originally advertised documentation refers to the use associated with the application as a *Tavern* and the subsequent advertising documentation refers to the use as a *Bar*. The report will refer to the use as a *Bar* as it is now defined under the Scheme.

#### **The Proposal**

- 11. The application seeks approval for buildings and works and the sale of liquor for consumption on and off the premises (general licence) associated with a bar (an as-of-right use in the zone) with live music

#### Use

- (a) The application proposes to use the land as a Bar. This does not require a planning permit under the Commercial 1 Zone. The business name for the bar is 'Moosa Bar'.
- (b) Access to the bar will be from Nicholson Street only.

#### Liquor

- (c) Provide for the sale and consumption of liquor on and off the premises (under a general licence) with operational details relating to liquor as follows:
  - (i) A maximum of 100 patrons on the land at any one time
  - (ii) Operational hours (internally) as follows (no planning permit required):
    - Sunday to Thursday 08.00am to 11.00pm
    - Friday to Saturday 08.00am to 1.00am (the following day)
  - (iii) Licensed hours (internally) as follows:
    - Sunday to Thursday 11.00am to 11.00pm
    - Friday to Saturday 11.00am to 1.00am (the following day)

- (iv) Operational hours and licensed hours in the rear courtyard to cease after 10.00pm on any day.
- (v) The premises will serve coffee and snacks between the hours of 08.00am and 11.00am/12.00pm when liquor is not being sold.
- (vi) Provision of live music internal to the building (at the front of the premises).
- (vii) Provision of background music throughout the premises, with the exception of the rear courtyard after 10.00pm.
- (viii) The extent of the proposed license's red line area includes the entire site except the waste storage area and toilet facilities which are located at the rear of the site.

#### Buildings and works

- (d) The application seeks retrospective approval for the following works between the main building and the W/Cs, which have already begun:
  - (i) Timber canopy structure in the rear courtyard, stretching across the width of the courtyard to an overall height of 3.27m above natural ground level (NGL) and setback 1.3m and 9.4m from the northern and rear boundary of the subject site, respectively.
  - (ii) Fixed, timber seating along a section of the southern boundary, within the rear courtyard (underneath the timber canopy).
  - (iii) 2sqm of 'Hard waste', 2sqm of 'E-waste' and 10.6sqm of storage bins, all fenced off at the rear of the subject site.

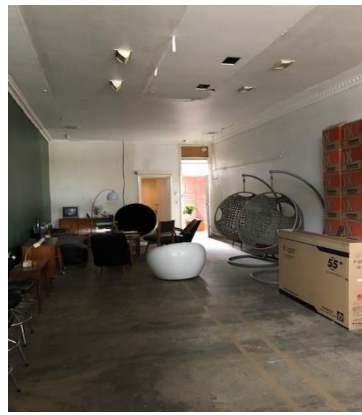
### **Existing Conditions**

#### Subject Site

- 12. The subject site is located on the western side of Nicholson Street, approximately 440m west of St Georges Road and approximately 330m east of Rathdowne Street in Carlton North. The subject site is on a rectangular shaped lot with a frontage of 5.19m to Nicholson Street and a depth of 38.36m, yielding an overall area of approximately 199sqm. The western boundary of the subject site abuts a 3.76m wide Right-of-Way (ROW).
- 13. The subject site is developed with a part double, part single-storey, Victorian-era building built to the eastern (front), northern and southern title boundaries, with the exception of a 1.3m setback from the northern boundary at ground floor and a setback of 16.51m from the western (rear) boundary to accommodate a courtyard, male and female W/Cs and a laundry. A half-built timber canopy covers part of the rear courtyard and there is fixed, timber seating between the main building and the W/Cs. As discussed earlier in the report, the Applicant has applied for retrospective planning approval for these (currently unlawful) works.
- 14. Whilst the building on the subject site is currently vacant, it was previously used as a hair salon (shop) at ground floor, which is an as-of-right use (no planning permit required) in the Commercial 1 Zone. The first floor is used as a dwelling. Whilst the rear boundary of the subject site has a roller-door, the existing floor plans show that the rear courtyard has pot plants and waste bins and there are no car parking spaces on-site. The following series of photographs show the subject site:



**Figure 1:** The subject site, Nicholson Street frontage



**Figure 2:** Ground floor, internal layout



**Figure 3:** Walkway between the subject site and rear courtyard



**Figure 4:** Ground floor, rear courtyard, including canopy and outdoor seating



**Figure 5:** Fixed, timber outdoor seating within the rear courtyard



**Figure 6:** W/Cs, laundry and remainder of the rear courtyard

### Surrounding Land



15. The surrounding land is mixed both in terms of built form land use, where residential and non-residential uses exist in close proximity. As shown in Figure 8 below, along the western side of Nicholson Street, the land is zoned Commercial 1 Zone (C1Z). To the east of Nicholson Street, land is zoned Mixed Use Zone (MUZ). To the west of the subject site, across the ROW, the land is zoned Neighbourhood Residential Zone: Schedule 1 (NRZ1).



**Figure 8:** The land zoning context of the surrounding land.

16. As shown in Figure 9 below, the subject site is located within the Nicholson Village Neighbourhood Activity Centre (NAC) which includes properties on both sides of Nicholson Street between Park Street to the north and Richardson Street to the south. The (NAC) consists of a range of services and facilities, including retail, restaurants, services and offices along both sides of Nicholson Street.
17. The site is well serviced by public transport with the Nicholson Street tram line travelling in front of the site providing services between East Brunswick and St Kilda (via the city centre). The St. Georges Road tram is located approximately 440m away to the east and the Lygon Street tram located approximately 600m away to the west.



**Figure 9:** Nicholson Street, Nicholson Village NAC location

*North*



18. Abutting the subject site to the north is Nos. 655 – 657 Nicholson Street; a double-storey, commercial building, built to all title boundaries at both floors. The site is currently used by an office at ground floor and a 24-hour gym at first floor; approved by Council under Planning Permit PLN12/0206 on 06 September 2012. The building presents high boundary walls along the southern, shared boundary with the subject site.
19. Further north are a mix of single and double-storey buildings, some used as dwellings, but most used for commercial purposes.

#### *South*

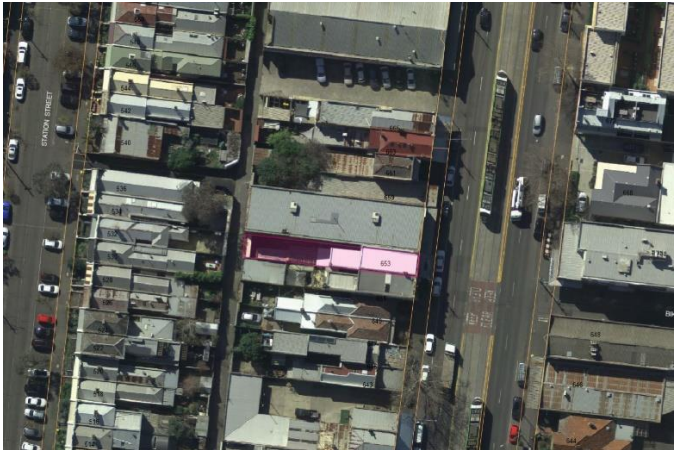
20. Abutting the subject site to the south is No. 651 Nicholson Street, which is occupied by a double-storey, commercial building, used as a restaurant. The majority of this site consists of built form, constructed along its title boundaries, with the exception of a partially covered courtyard between the main building and the rear garage. The first floor consists of the west-facing, rear, balcony. Further south of this site are single and double-storey dwellings, including commercial uses.

#### *West*

21. Abutting the subject site to the west is a ROW; which has a 'back-of-house' context with rear fencing, roller doors and secluded private open spaces (SPOS) associated with dwellings fronting Station Street. As stated earlier in the report, the sites across the ROW are located with a NRZ1.

#### *East*

22. Across Nicholson Street to the east are a mix of single to multi-storey developments accommodating both residential and commercial uses.



**Figure 7:** Aerial image of the subject site and surrounding area

## **Planning Scheme Provisions**

### Zoning

#### *Clause 34.01 - Commercial 1 Zone*

23. Pursuant to *Clause 34.01-1* of the Yarra Planning Scheme (the Scheme), a planning permit is not required to use the land as a Bar.
24. Pursuant to *Clause 34.01-4* of the Scheme, a planning permit is required to construct and carry out works.

## Overlays

### *Environmental Audit Overlay*

25. Pursuant to *Clause 45.03-1* of the Scheme, *before a sensitive use (residential use, child care centre, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:*
- (a) *A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or*
  - (b) *An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.*
26. This provision is not a permit trigger, rather a requirement of the Scheme. Regardless, as the use of the site as a bar is not a 'sensitive use', the requirements of the EAO do not apply.

### *Heritage Overlay (Schedule 326 – North Carlton Precinct)*

27. Pursuant to *Clause 43.01-1*, a planning permit is required to *construct a building or carry out works, including:*
- (a) *a pergola or verandah, including an open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of 3 metres above ground level.*
28. Appendix 8 of the "Incorporated document (City of Yarra Review of Heritage Overlay Areas 2007)", identifies the level of significance for all buildings/sites within the Heritage Overlay. Specifically, the subject site is nominated as being 'contributory' to the North Carlton Precinct.

## Particular Provisions

### *Clause 52.06 – Car parking*

29. *Clause 52.06* prescribes that that a new use must not commence until the required car parking spaces have been provided on the land.
30. The table below outlines the car parking requirements for the proposed bar 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 required
Bar	134.8sqm leasable floor area	3.5 car parking spaces per 100sqm of leasable floor area	4	0	4

31. However, pursuant to *Clause 52.06-3* of the Scheme, *a permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:*
- (a) *The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.*
  - (b) *The gross floor area of the building is not increased.*
  - (c) *The reduction does not exceed 10 car parking spaces.*

- (d) *The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.*

32. The proposal meets the abovementioned requirements and does not require a reduction in car parking, as follows:

- (a) It is located within a Commercial 1 Zone
- (b) The existing gross floor area of the building is not increased as a result of the proposed development
- (c) The reduction in car parking is limited to 4 car spaces
- (d) The site is not affected by a Parking Overlay

*Clause 52.27 – Licensed Premises*

33. 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*

34. 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 until the required bicycle facilities and associated signage has been provided on the land. The table below outlines the bicycle parking requirement in the Scheme for the proposed Bar use.

Land Use	Units/Area proposed	Rate	No. required	No. proposed	Reduction sought?
<b>Retail premises (Bar)</b>	134.8sqm leasable floor area	<i>Employee spaces</i> 1 space to each 300sqm leasable floor area	0	0	No
		<i>Visitor spaces</i> 1 space to each 500sqm 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

35. No bicycle parking spaces are provided on-site. However, as demonstrated in the table above, given that the leasable floor area associated with the bar is less than 300sqm, there is no requirement in the Scheme to provide on-site bicycle parking.

36. As discussed at paragraph 9 of this report, whilst the advertised documents state that a planning permit is required for a reduction in the bicycle parking requirement of this Scheme, this was a clerical error. Given that the leasable floor area for the bar is less than 300sqm, there is no requirement in the Scheme to provide on-site bicycle parking and therefore, a planning permit is not required for a reduction in the associated bicycle parking.

*Clause 53.06 (Live Music and Entertainment Noise)*

37. The purpose of this clause is:

- (a) *To recognise that live music is an important part of the State's culture and economy.*
- (b) *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- (c) *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- (d) *To ensure that the primary responsibility for noise attenuation rests with the agent of change.*

38. Pursuant to *Clause 53.06-1* this clause applies to an application required under any zone of this scheme to use land for, or to construct a building or carry out works associated with:

- (a) *A live music entertainment venue.*
- (b) *A noise sensitive residential use that is within 50 metres of a live music entertainment venue.*

39. Relevant to this proposal, pursuant to *clause 53.06-3*:

- (a) *A live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.*

#### General Provisions

40. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should of 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)

41. The following provision of the Scheme are relevant:

##### *Clause 13.05-1S – Noise abatement*

42. The relevant objective of this clause is:

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

43. 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*

44. 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.*

45. The relevant strategy of this clause is:

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

Local Planning Policy Framework (LPPF)

46. The following provisions of the Scheme are relevant:

*Relevant Local Policies*

*Clause 22.05 – Interface Uses Policy*

47. 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.

48. 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*

49. 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*

50. 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.*

51. 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

- 52. The originally submitted application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 114 letters sent to surrounding owners and occupiers and by two signs displayed on site (one at the Nicholson Street frontage and the second at the ROW).
- 53. Council received 12 objections, the grounds of which are summarised as follows:
  - (a) Noise impacts
  - (b) Excessive licensed hours
  - (c) Anti-social behaviour and increased litter
  - (d) Impacts to car parking availability
  - (e) Illegal buildings and works carried out within the courtyard
- 54. A planning consultation meeting was held on 03 September 2019 and attended by eleven objectors, the applicant, the owner and Council Planning Officers to discuss all issues and concerns raised in the letters of objection.
- 55. There was no specific resolution made at the meeting however following the meeting, on 03 October 2019, the applicant submitted revised plans under the S57(A) of the Act to show the unlawful works that had been carried out (the canopy and seating within the rear courtyard).
- 56. The S57A plans were advertised to all previously notified properties and all objectors. One additional objection was received, thereby increasing the total number of objections from twelve (12) to thirteen (13).

## Referrals

### External Referrals

57. The originally submitted application was referred externally to SLR Consulting for peer review of the Applicant's submitted acoustic report (which is dated 01 July 2019 and prepared by Renzo Tonn & Associates). Referral comments from SLR Consulting (dated 13 August 2019) are an attachment to this report. The 57A plans were not required to be re-referred to SLR as there were no changes to the plans in terms of acoustic attenuation or changes to the acoustic report.

### Internal Referrals

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

- (a) Council's Social Planning Unit
- (b) Council's Compliance Unit
- (c) Council's City Works Department

## OFFICER ASSESSMENT

59. The considerations for this application are as follows:

- (a) Policy and strategic support
- (b) Buildings and works
- (c) Sale and consumption of liquor
- (d) Objector concerns

### Policy and strategic support

60. The Planning Policy Framework, including local policies, in the Scheme encourage the sustainability of commercial uses. These policies seek to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities, provided that a balance is achieved in relation to off-site amenity impacts.
61. Specifically, *Clauses 13.04-1, 21.04-2 and 22.05* in the Scheme identify that noise and the interface between uses must be managed appropriately, particularly in a municipality such as Yarra where *'almost all residents are within 400m of an activity centre... Abutting uses along the length of the strips are generally residential, creating interface conflicts where some uses are not well managed or inappropriate uses are permitted'* (Clause 21.04-2).
62. The subject site is located within the Commercial 1 Zone, under which a permit is not required to use land for a bar. A key purpose of the zone is to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*. The previous use of the site was a hair salon (shop) and the proposed use is a licensed bar, 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 the Nicholson Village NAC, and is well connected to public transport; and as such is considered a strategic location for a commercial premises as encouraged by planning policy at *Clauses 17.02-1S, 18.01, and 21.04-2*.



63. Overall, the proposed on and off-premises liquor licence associated with a bar located within the Commercial 1 Zone and the Nicholson Village NAC, is considered to comply with strategic planning objectives relevant to activity centres. The proposal is consistent with the role of the Nicholson Village NAC, where commercial and entertainment uses are encouraged to be located by policy. Whilst the proposal has strong strategic support from the Scheme, local policy at *Clause 22.09* articulates decision guidelines relating to cumulative impact, off-site amenity impacts, and land use conflict considerations (which will be discussed in detail in the balance of this report). In summary, the as-of-right use of the site as a bar has strategic justification, but the proposed liquor license requires due consideration in terms of its potential off-site amenity impacts.

#### Buildings and works

64. The relevant policy guidelines when assessing building design and urban design considerations are contained in *Clauses 15.01 (Urban environment)*, *21.05 (Built Form Character)* and *Clause 34.01-8 (Commercial 2 Zone Decision Guidelines)* of the Scheme. The urban design assessment for this proposal is guided by *Clauses 15.01-2 (Urban design principles)*; *21.05 (Urban design)* and *Clause 22.05 (Interface uses policy)*. Only relevant considerations will be considered as part of this assessment.
65. The proposed buildings and works are limited to the works already carried out within the rear courtyard that require a planning permit; i.e. construction of a canopy within the rear courtyard and seating. These works are relatively small in scale (with a maximum building height of 3.27m above NGL for the timber canopy) and will not be visible from the public realm (Nicholson Street), as the works are located behind the existing double-storey building on-site. Furthermore, given the 2m height of the roller door, combined with the 9.4m rear setback of the canopy, the canopy will only be visible from oblique angles when viewed from the ROW.
66. The decision guidelines of *Clause 34.01-8* against which the buildings and works need to be assessed against, include the following:
- (a) *The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.*
  - (b) *The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.*
  - (c) *Defining the responsibility for the maintenance of buildings, landscaping and paved areas.*
  - (d) *Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*
  - (e) *The design of buildings to provide for solar access.*
67. The buildings and works do not alter the existing pedestrian, cyclists and vehicle movements to and from the site, nor along Nicholson Street. The scale of the works is limited to the construction of a canopy and outdoor seating within the rear courtyard and sits well below the height of the existing double-storey building on the site. The canopy and outdoor seating within the rear courtyard will be used by patrons. Given that the canopy will be constructed of timber battens and have a transparent roof above.
68. Given the commercial zoning for the subject site and the north and south-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.

Furthermore, as discussed earlier, there will be no visual bulk impacts or overshadowing from the proposed canopy to the adjacent residential uses, across the ROW to the rear, as a result of the canopy being low in height and the generous setback from the rear boundary (being 9.4m); thereby satisfying the objectives of *Clause 22.05* and *Clause 22.09* which pertain to off-site amenity.

69. For the above reasons, the design of the buildings and works are appropriate for the use and are supported by policy.

#### Sale and consumption of liquor

70. *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 and off-premises, and the possible off-site amenity impacts, including cumulative impacts.
71. *Clause 22.09* of the Scheme is a local policy which guides the assessment of new 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*
72. The subject site is located in the Commercial 1 Zone and in the Nicholson Village NAC. 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*.
73. The area is well served by public transport, having excellent access to the Principal Public Transport Network (PPTN) through the tram networks along Nicholson Street, St Georges Road and Lygon Street, all of which are within a 600m radius and provide connections to the city, northern suburbs, south eastern suburbs and eastern suburbs. Given the site's location within a NAC, it is also considered that taxis and Uber services would be readily available in the area. As such, the location is considered appropriate for the sale and consumption of liquor on and off the premises given the zoning of the area, the transport modes available and due to the as-of-right nature of the use. The site is within close proximity to dwellings directly to the east and the floor above, no unreasonable detriment will be caused to these properties. The interface between commercial buildings and residential properties in or adjacent to a commercial zone has been discussed in detail in previous VCAT cases, e.g. *RPC Architects v Glen Eira CC [2009] VCAT 108*, where Member Cimino noted that residents living in or near commercial zones cannot expect the same level of amenity as residents living in a wholly residential area. As such, the location of the proposed licensed premises is considered acceptable.
74. The venue will be accessed by patrons from Nicholson Street only (i.e. there will be no patron access via the ROW – this will be limited to staff). As such, impacts associated with patron ingress and egress will not unreasonably impact the residential uses across the ROW. Council's Social Planning Unit was also supportive of the proposed access, stating that *while the site adjoins a residential area to the west (beyond the right-of-way), the patron entry/exit points to the licensed premises will be sufficiently separated from adjoining residential uses and out onto Nicholson Street commercial strip. This is acceptable*. A notation on the proposed red-line plan also confirms that the patron access will be limited to Nicholson Street only.

Council's Social Planning Unit has recommended that the western roller door be closed at all times while the venue is operating. This recommendation will be reflected by way of condition on any permit issued.

75. The proposed plan shows an informal queuing area on the Nicholson Street footpath, to the north of the pedestrian entrance. The submitted Noise and Amenity Action Plan (NAAP), prepared by Moosa Bar, outlines that patrons will be greeted by a host inside the venue and will be either seated at a table or offered to wait at the bar while they wait to be seated at a table. However, large / unreasonable patron queueing is not anticipated given the scale of the use; i.e. 100 patrons dispersed over 134.8sqm of leasable floor area, and therefore there is no anticipated risk posed to the amenity of the surrounding area/footpath.
76. With respect to public safety, it is anticipated that patrons arriving and leaving the premises will be likely to concentrate on Nicholson Street (away from adjacent residentially zoned land), where there is access to public transport, taxis etc. The immediate access to tram stops along Nicholson Street would allow for smooth patron egress and dispersal from the site. Given the commercial nature of Nicholson Street it is considered that there will be an appropriate level of patron surveillance, facilitating a high level of public safety. In addition, as discussed earlier in the report, a condition will require the rear roller door to be closed during licensed hours. As a result of this restriction, patron access will be limited to Nicholson Street.

#### *Venue design*

77. *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.
78. As discussed earlier in the report, the entry and exit points of the licensed premise and the areas for queuing fronts Nicholson Street and is away from sensitive land uses to the west of the site and across the ROW. A large part of the licensed area will be internal to the building, which is of brick construction and which will help to minimise noise generated from the premises.
79. The proposal includes a canopy above the rear courtyard area, and whilst it is relatively lightweight and is not designed with any acoustic attenuation, the brick walls surrounding the rear courtyard will provide some level of acoustic attenuation. The proposal seeks to cease the sale and consumption of liquor within the rear courtyard at 10.00pm. In addition to this, smokers will also not be allowed within the courtyard after 10.00pm and will have to move to the front of the site (Nicholson Street) which is acceptable as the abutting sites to the north and south are used for commercial purposes, and the smokers will be away from the sensitive residential interfaces to the rear. The limited acoustic attenuation within the rear courtyard is considered acceptable for the site context.
80. Notwithstanding the above, in order to access the toilets at the rear of the site, patrons will have access to the rear courtyard after 10.00pm. This is acceptable given that the use of the site as a bar does not require a planning permit. Council's Social Planning Unit is supportive of the operation of the rear courtyard, subject to a condition confirming that the rear courtyard will cease licensed operations at 10.00pm, and they confirmed that the proposal is in accordance with local planning policy at *Clause 22.09* of the Scheme.
81. Nevertheless, the NAAP needs to be updated to clarify how the patrons accessing the toilets via the rear courtyard will be managed and how their noise impacts will be minimised. Additionally, a condition will require details relating to lighting in the rear courtyard and at the rear of the building to ensure patron safety as they walk from the bar to the toilet whilst being designed in a way that minimises light impacts to the nearby residential uses.

82. With regard to waste management, the submitted a Waste Management Plan (WMP) prepared by Leigh Design and dated 30 April 2019 (amongst other things) makes the following commitments:
- (a) *A private contractor shall collect waste on the rear laneway.*
  - (b) *The waste collection shall be carried-out by rear-lift vehicles nom. 6.4m long, 2.1m high and 6.4 tonnes gross vehicle mass.*
83. The WMP was referred internally to Council's City Works Department who required additional information regarding *the total size of the bin storage area by M<sup>2</sup>, identify hard waste storage and E-waste area within the bin storage.*
84. As a result, an amended WMP prepared by Leigh Design dated 10 September 2019 was submitted as part of the S57A Amendment and it addresses all of the abovementioned recommendations of Council's City Works Department. The red-line plan has also been amended to clearly outline the location of hard waste (2sqm), E-waste (2sqm) and total bin area (10.6sqm) within the rear courtyard. Council's City Works Department have confirmed that the amended WMP satisfies their recommendations.
85. The NAAP further confirms that the waste collection for the venue will not occur after 10.00pm on any day, before 7.00am Monday to Saturday, or before 9.00am on a Sunday or public holiday. This complies with policy at *Clause 22.09-3* of the Scheme. In addition, bottle crushers are not proposed on-site, therefore, further mitigating any additional noise impacts.

#### *Hours of Operation*

86. The application seeks the sale and consumption of liquor during the following hours:
- (a) Sunday to Thursday 11.00am to 11.00pm
  - (b) Friday to Saturday 11.00am to 1.00am (the following day)
  - (c) The rear courtyard to cease after 10.00pm on any day.
87. *Clause 22.09* provides guidance on licensed hours based on the zoning of the land, site context and the proposed operation of the licence. For this application, of relevance, is the following policy:
- (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.*
88. The proposal relatively complies with the above policy requirements. Specifically:
- (a) the earliest commencement for liquor proposed is 11.00am, which complies with the earliest allowable provided by the policy (9.00am); and
  - (b) the cease of liquor sale and consumption in the rear courtyard is 10.00pm; which complies with the policy recommendation (10.00pm).

89. The subject site is located in a Commercial 1 Zone (with an applicable limit to cease the sale and consumption at 1.00am). The bar use itself can operate at any given time within the Commercial 1 Zone as a planning permit is not required for the use. However, under *Clause 22.09-3* of the Scheme, given the site's proximity (within 30m) of a residential zone, the maximum licensed hours should cease by 11.00pm.
90. The proposal therefore complies with the policy recommendations on five (5) days of the week; between Sundays to Thursdays. However, the proposal does not comply with the policy on a Friday or Saturday, when a close time of 1.00am (on the following day) is proposed, which is two hours beyond the recommended close time of 11.00pm. The policy allows for the recommended hours to be exceeded however if the Responsible Authority is satisfied that it will not adversely affect the amenity of the area. The proposal is for the sale and consumption of liquor within the rear courtyard to cease at 10.00pm. This complies with policy at *Clause 22.09-3* of the Scheme which states *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.*
91. A detailed assessment of noise impacts and the suitability of the proposed licenced hours will be discussed later in this report. Nevertheless, given the limited number of days in which the licensed hours will extend till 1.00am (i.e. two days a week) combined with proposed closure of the rear courtyard at 10.00pm, it is considered that the proposal has taken into consideration the residential interfaces across the ROW.

#### *Patron Numbers*

92. The submitted Building Surveyor's Report concludes that the site has the capacity to accommodate a maximum of 164 patrons. This figure is based on the VCGLR floor area calculation (a ratio of 0.75sqm per patron). The application proposes a maximum of 100 patrons. In order to minimise noise impacts to surrounding sensitive interfaces, the submitted acoustic report suggests that no more than 57 patrons are to be allocated with the rear courtyard. This would leave 43 patrons inside the building during licensed hours. As the acoustic report recommends 57 patrons within the rear courtyard, a condition on the permit will limit the number of patrons to access the rear courtyard during licensed hours to 57. Limiting the number of patrons within the rear courtyard will improve possible off-site amenity impacts to surrounding sensitive interfaces; especially the residential areas, to the rear of the site, across the ROW.
93. Council's Social Planning Unit have calculated that the total area available to patrons (less hallway and dining area) is 111.2sqm, and this area would allow for a maximum of 148 patrons (i.e.  $111.2 / 0.75$ ) to be accommodated on-site. Therefore, Council's Social Planning Unit was satisfied with the total number of patrons proposed on-site.
94. However, it is noted that after 10.00pm, the patrons in the rear courtyard would need to be moved to the internal bar area. The leasable floor area within the internal bar area is limited to 43.1sqm. Based on this internal leasable floor area and the VCGLR floor area calculation per patron (0.75sqm per patron), the internal bar area could only accommodate a total of 57 patrons. As such, this internal bar area will not be able to accommodate a total of 100 patrons. Therefore, a condition of permit will specify that only 57 patrons (maximum) are permitted in the internal bar area after 10.00pm. This has been discussed with the Applicant who has agreed to this patron number restriction in principle.
95. The submitted NAAP will need to be updated to reflect the reduction in the number of patrons internal to the building after 10.00pm, and demonstrate how staff will manage reducing the patron numbers after 10.00pm, and getting patrons to leave the venue etc.

#### *Noise*

96. 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.
97. The submitted acoustic report, prepared by Renzo Tonin & Associates dated 01 July 2019, was independently peer reviewed by SLR Consulting on behalf of Council. SLR were largely supportive of the recommendations made in the acoustic report but have made recommendations that will ensure that noise is appropriately mitigated. These recommendations will be discussed in turn, as follows:
98. The submitted acoustic report identifies the following sites as the most immediate noise-sensitive receivers. SLR agree that these sites are the most sensitive interfaces, and that the adjoining properties to the north and south (commercial uses) are not considered to be sensitive interfaces:
  - (a) The four-storey, mixed-use (ground floor commercial and apartments above) development at No. 650 Nicholson Street.
  - (b) The single-storey dwelling located at No. 532 Station Street, immediately west of the subject site, across the ROW.
99. The submitted acoustic report identifies possible noise sources as being patron noise, music noise and mechanical plant noise. SLR found that the background noise measurement data was obtained within a reasonable time in order to determine limits during the evening and night periods. However, it has been raised that the long term day, evening and night levels have been described as '*period average levels*' which is not considered to be the case as background monitoring data cannot be expected to average out this way in order to determine noise limits. This will be discussed later in this report.
100. SLR advise that internal noise targets for patron noise are not applicable to this application and are typically only applied to new residential development which are in close proximity to an existing outdoor patron area. Rather, external noise targets apply to this application and the external, patron noise targets presented in the acoustic report is acceptable.
101. In addition to the use of a 3D noise model, the submitted acoustic report involved the use of sound power data, and includes *levels for different styles of outdoor patron area, including worst case/ standing consumption, tavern style environments, restaurant dining and small smoking areas*. The submitted acoustic report identifies that the data used correspond with 'Taverns with food offerings' in their assessment. SLR confirm that the use of patron noise data for tavern style environments, as opposed to the louder 'vertical drinking' data, is reasonable for this project, especially given the sale and consumption of liquor within the rear courtyard will cease after 10.00pm.
102. In terms of noise from music; music is proposed to be played at very low background levels, both internal to the building and within the rear courtyard. Live music comprising of solo/duo, acoustic performances are also proposed during the licensed hours. There are no live music premises within 50m of the subject site.
103. The decision guidelines under *Clause 53.06-5* of the Scheme include the following:
  - (a) *the extent to which the siting, layout, design and construction minimise the potential for noise impacts.*
  - (b) *whether existing or proposed noise sensitive residential uses will be satisfactorily protected from unreasonable live music and entertainment noise.*
  - (c) *whether the proposal adversely affects any existing uses.*

104. SEPP N-2 seeks to ensure that the use complies at all times with the State Environment Protection Policy for the Control of Music Noise from Public Premises. Given that low background levels are proposed to be played on-site, along with live music (which is limited to acoustic performances with no DJs on-site), the proposal will comply with SEPP N-2. Furthermore, the single/duo acoustic performances will take place internal to the building, towards Nicholson Street and not within the rear courtyard. This will protect the sensitive residential interfaces at the rear of the subject site, located across the ROW to the west.
105. However, there is a risk that music noise levels will be increased when the venue is operating at full capacity. For this reason, SLR recommend that *the in-house system for the outdoor area incorporate a lockable music noise limiter. The limiter should be set up by a suitably qualified acoustical consultant to ensure that SEPP N-2 compliant levels are not exceeded.* Whilst SLR recommends a noise limiter only for the outdoor area, this will be conditioned for the overall premises. Furthermore, given that occasional amplified music is proposed on-site, the abovementioned condition requiring a noise limiter will be further expanded to include that all amplified music will go through the noise limiter. This will further protect the amenity of the most immediate noise-sensitive receivers identified at paragraph 98 of this report. A condition will also require the acoustic report to be amended to include reference a noise limiter.
106. The submitted indicative assessment of noise from proposed mechanical plant equipment has been conducted to meet SEPP N-1. SLR found the assessment reasonable but recommend that that the kitchen exhaust fan and selection installation location be reviewed during the detailed design phase of the project. The installation of a kitchen exhaust fan doesn't form part of the submitted application and the use of the site as a bar does not require a planning permit. For these reasons, there will be no condition on any permit requiring the location of the kitchen exhaust fan to be reviewed.
107. The submitted acoustic report makes the following key recommendations and assumptions about the proposal:
  - (a) *Whilst typical venue mechanical services are expected to conform with SEPP N-1, the mechanical contractor shall ensure that installed is selected such that it complies with SEPP N-1 at all times.*
  - (b) *Outdoors, no recorded background music shall be played after 10.00pm.*
  - (c) *Music noise levels be maintained at background music levels, per Clause S.9A(5) of the Liquor Control Reform Act 1998, (i.e. "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.").*
    - (i) *As a guide, music noise, in particular outdoors shall be configured to emit a noise level of Leg 67dB(A) at 1metre from speakers.*
    - (ii) *Outdoor speakers are to be located in general accordance with Figure 2 (page 11 of the Acoustic report).*
  - (d) *Music shall be provided via small in-house speakers, selected and controlled so as not to emphasise bass content in the music beyond typical equalisation.*
  - (e) *Windows and doors to areas with music shall be kept closed, except to provide patron access or egress.*
  - (f) *Live music, if provided, shall be provided by solo/duo, amplified through the in house sound system only, such that live music noise levels do not exceed background music levels.*
  - (g) *No more than 57 patrons are to occupy the outdoor area at any one time*
  - (h) *Alcohol is not permitted in the outdoor area after 10.00pm*
  - (i) *After 10.00pm, whilst patrons shall require to pass through the outdoor area to access toilets, patrons shall be encouraged by management not to linger or group in the outdoor area.*
  - (j) *Patrons in the outdoor queuing area shall be managed by security so as to not generate excessive noise.*

- (k) *The Subject Venue shall provide food on site, and management measures consistent with that required of a tavern with food offerings*
  - (l) *Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.*
  - (m) *Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.*
  - (n) *Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.*
108. These recommendations will form part of the final endorsed acoustic report. Recommendations (b), (g), (h), (i), (l), (m) and (n) will either form part of the permit conditions and/or be reflected in the NAAP.
109. Finally, as a result of limiting the sale and consumption of liquor within the rear courtyard to 10.00pm (and limiting patrons to using the area to get to and from the toilet only, combined with no music to be played within the courtyard after 10.00pm, the licenced venue will be consistent with the policy objectives at *Clause 22.09* for venues within 30m of a residential zone.
110. Subject to all of the above conditions placed on any planning permit issued, the proposed licensed hours (including the non-compliance with preferred hours at *Clause 22.09*) is supported.

#### *Noise and Amenity Action Plan*

111. The submitted Noise and Amenity Action Plan (NAAP) commits to a number of management measures which relate to staffing, patron management, waste management, security and access and egress. The key commitments in the NAAP include the following:
- (a) Patrons moved inside after 10.00pm by trained staff and security
  - (b) Patron ingress and egress will be via Nicholson Street only (no access from the ROW)
  - (c) All staff to have Responsible Service of Alcohol training
  - (d) Proprietor or manager on duty at all time
112. Whilst these commitments are acceptable, more are required to ensure the venue is managed appropriately, as discussed throughout this report. The NAAP needs to be updated to provide for the following:
- (a) Detail how the number of patrons will be reduced to 57 prior to the close of the rear courtyard at 10.00pm.
  - (b) Details of how the rear courtyard will be closed to patrons after 10.00pm (except for the use of the toilets) and methods to ensure patrons do not use the rear courtyard after 10.00pm.
  - (c) Clarify how patrons walking through the rear courtyard after 10.00pm to use the toilet facilities will be managed.
113. The additional commitments at items (a), (b) and (c), which are to be conditioned in the amended NAAP will provide greater detail on patron management with respect to managing the rear external area, and ensure strategies that are in place to minimise off site amenity impacts are acted on.

#### *Cumulative Impact*



114. 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.
115. 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

116. 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 required.
117. *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

118. 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.
119. 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.*
120. The submitted survey of licensed premises conducted by Hansen Partnership found that there were 49 licensed premises within a 500m radius of the site, of which:
- (a) 19 licensed premises operate later than 11.00pm;
  - (b) 7 have patron capacity over the proposed 100 on-site; and
  - (c) 18 are restaurants and cafes along Nicholson Street, which operate with restaurant and cafe, on-premises, BYO and limited licenses.
121. 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.
122. There appears to be up to 9 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. Therefore, the addition of a licenced bar within this site context is not considered to be unreasonable.
123. With respect to the immediate vicinity (i.e. within 100m of the site), there is only one licensed premises (bar), being the Neighbourhood Wine located on Nicholson Street located to the south-east of the subject site. The remaining licensed premises within the 100m radius are associated with either restaurants or bottle-shops. 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 relatively low number of licensed premises. It is considered that the area is not characterised by excessive licenced venues or excessive alcohol consumption and the proposed licenced venue would not result in an unreasonable cumulative impact on the amenity of the surrounding area, subject to conditions placed on any planning permit issued, which have been outlined earlier in this report.
124. Furthermore, a condition of permit will require 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. Whilst this is not a recommendation provided by SLR, noise is an issue raised by objectors and this permit condition will allow further assessment of the scope of the liquor licence and will further ensure that there are limited cumulative impacts on the amenity of the surrounding sensitive areas.
125. 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.

#### Objector Concerns

126. The objector concerns are outlined and discussed below:
- (a) *Noise impacts (noise generation from the proposed licence, noise impacts associated with the waste area and noise impacts associated with patrons using the toilet area)*

Noise impacts have been discussed at **paragraphs 77 to 85, 96 to 110 and 111 to 113.**

(b) *Excessive licensed hours*

The proposed licensed hours have been discussed at **paragraphs 86 to 91**.

(c) *Anti-social behaviour and increased litter*

Anti-social behaviour will be mitigated by the site layout and venue design of the licensed premises, as well as additional requirements such as staff and management training in the Responsible Serving of Alcohol outlined in the NAAP will assist in reducing the possibility of anti-social behaviour.

(d) *Impacts to car parking availability*

As outlined at **paragraphs 29 to 32** of this report, the proposal does not provide any on-site car parking spaces. Nevertheless, the proposal does not require a car parking dispensation as it meets the four key requirements outlined under *Clause 52.06-3* of the Scheme (i.e., the subject site is located within a Commercial 1 Zone, there is no increase to the gross floor area of the building, where a reduction in car parking is required it is limited to 4 spaces and the site is not affected by a Parking Overlay). Therefore, a planning permit is not required to reduce the car parking associated with the use of the site as a bar.

Nevertheless, the subject site is located in the Nicholson Village NAC where there is a wide range of both restricted and unrestricted car parking available along Nicholson Street as well as in surrounding local street network, and excellent access to public transport options. Since the proposal is for a liquor licence, it is possible that patrons will be inclined to make alternative travel arrangements rather than drive and park.

(e) *Illegal buildings and works carried out within the courtyard*

The unlawful buildings and works carried out on site without a planning permit form part of this application and retrospective planning approval is therefore being sought, as discussed at **paragraphs 5 and 64 to 69**.

## Conclusion

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

## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN19/0281 for buildings and works and the sale of liquor for consumption on and off premises (general licence) associated with the use of the premises as a bar (an as-of-right use in the zone) with live-music, at 653 Nicholson Street Carlton North VIC 3054, generally in accordance with the "decision plans: and subject to the following conditions:

### Sale and consumption of liquor

1. The sale and consumption of liquor and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
2. Except with the prior written consent of the Responsible Authority, the on and off-premises sale and consumption of liquor may only occur between the following hours:

- (a) Sunday to Thursday 11.00am to 11.00pm
  - (b) Friday to Saturday 11.00am to 1.00am (the following day)
  - (c) The rear courtyard to close at 10.00pm seven (7) days a week (other than to use the toilet facilities)
3. No more than a maximum of 100 patrons are permitted on the premises, with no more than 57 patrons in the rear courtyard at any one time, liquor is being sold or consumed.
4. After 10.00pm on any night, no more than 57 patrons are permitted on premises (within the internal bar area) at any one time.
5. The roller door (at the rear of the site, abutting the ROW) to be closed at all times during licensed hours.
6. After 10.00pm, no music to be played within the rear courtyard.
7. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent uses and to leave in a quiet and orderly manner.
8. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - (d) the presence of vermin;
- to the satisfaction of the Responsible Authority.
9. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
10. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
11. Prior to the commencement of the licensed premises authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
  - (b) be used at all times (when background music is played and when amplified / live music is being played);
  - (c) ensure the emission of noise from amplified music does not exceed the levels specified in the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2); and
  - (d) be maintained and operated at all times.
- to the satisfaction of the Responsible Authority.
12. 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 Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Renzo Tonin & Associates dated 01 July 2019, but modified to include of the following:

- (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 when the venue has doors and windows open.
  - (b) Commitment that all amplified music will go through the noise limiter.
13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
14. 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.

15. 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.

16. Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Moosa Bar and received by Council on 02 July 2019, but modified to include the following:
- (a) Detail how the number of patrons will be reduced to 57 prior to the close of the rear courtyard at 10.00pm.
  - (b) Details of how the rear courtyard will be closed to patrons after 10.00pm (except for the use of the toilets) and methods to ensure patrons do not use the rear courtyard after 10.00pm.
  - (c) Clarify how patrons walking through the rear courtyard after 10.00pm to use the toilet facilities will be managed.
17. 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.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

19. Except with the prior written consent of the Responsible Authority, the collection of waste by a private contractor must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
20. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land must not occur after 10pm on any day, before 8am Monday to Saturday, or before 9am on a Sunday or public holiday.
21. Except with the prior written consent of the Responsible Authority, emptying bottles into bins in outdoor areas must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.

### **Buildings and works**

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

### **Expiry**

26. This permit will expire if:
  - (a) the sale and consumption of liquor is not commenced within two years from the date of this permit;
  - (b) the sale and consumption of liquor is discontinued for a period of two years;
  - (c) the development is not commenced within six (6) months from the 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 periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement.

### **NOTES:**

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

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

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

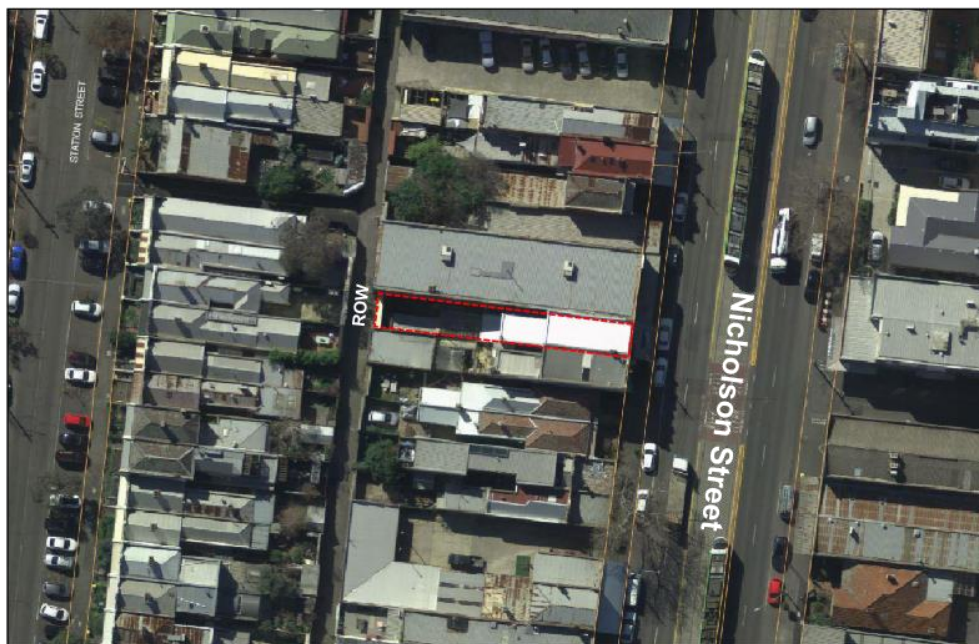
**CONTACT OFFICER:** Nish Goonetilleke  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5005

**Attachments**

- 1** PLN19/0281 - 653 Nicholson Street Carlton North - Site Location Plan
- 2** PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Plans
- 3** PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report
- 4** PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan
- 5** PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report
- 6** PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan
- 7** PLN19/0281 - 653 Nicholson Street Carlton North - Social Planning Comments
- 8** PLN19/0281 - 653 Nicholson Street Carlton North - Compliance Comments
- 9** PLN19/0281 - 653 Nicholson Street Carlton North - SLR Comments
- 10** PLN19/0281 - 653 Nicholson Street Carlton North - Amended Waste Management Referral Comments

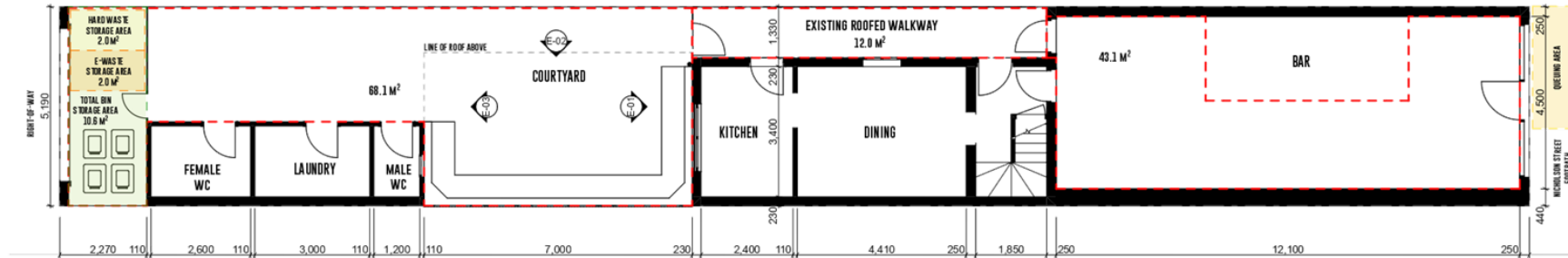
**Attachment 1 - PLN19/0281 - 653 Nicholson Street Carlton North - Site Location Plan**

**SUBJECT LAND: 653 Nicholson Street Carlton North**    ↑ North     **Subject Site**





Attachment 2 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Plans



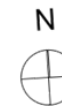
Ground Floor Plan 1:100



Ground Floor Plan 1:200

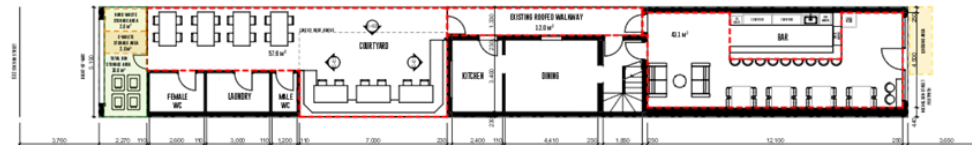
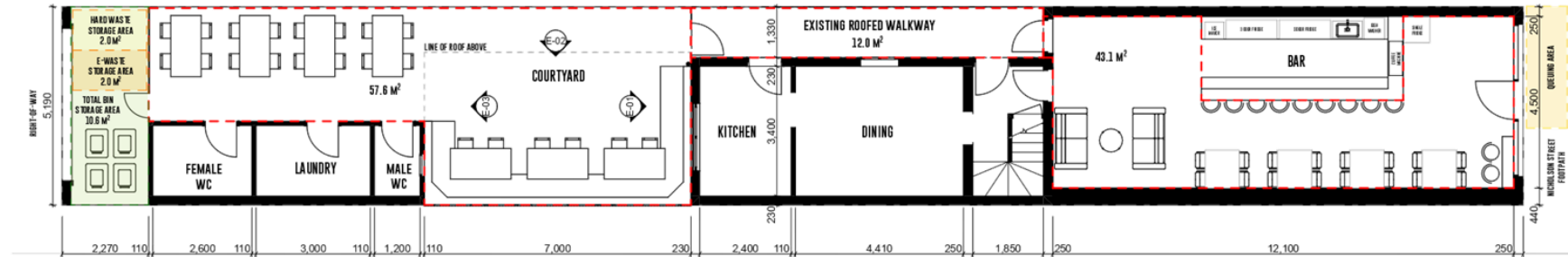
<b>NET LEASABLE FLOOR AREA:</b>	
INDOOR	: 54.7m <sup>2</sup>
WALKWAY	: 12.0m <sup>2</sup>
COURTYARD	: 68.1m <sup>2</sup>
<b>TOTAL AREA</b>	<b>: 134.8m<sup>2</sup></b>

**NOTE:**  
 - PATRON ACCESS IS FROM NICHOLSON STREET ONLY.  
 - PROPOSED BAR IS LIMITED TO GROUND FLOOR ONLY.  
 - OVERALL LEASABLE AREA: 134.8 m<sup>2</sup>



**NO. 653 NICHOLSON STREET, CARLTON NORTH**  
**GROUND FLOOR PLAN**  
**SCALE : AS SHOWN @ A3 DATE: 1/10/2019**

# Attachment 2 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Plans

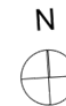


**FLOOR AREA AVAILABLE TO PATRONS:**

INDOOR	: 43.1 M <sup>2</sup>
WALKWAY	: 12.0 M <sup>2</sup>
COURTYARD	: 57.6 M <sup>2</sup>
<b>TOTAL AREA</b>	<b>: 112.7 M<sup>2</sup></b>

**NOTE:**

- PATRON ACCESS IS FROM NICHOLSON STREET ONLY.
- PROPOSED BAR IS LIMITED TO GROUND FLOOR ONLY.
- OVERALL LEASABLE AREA: 134.8 M<sup>2</sup>

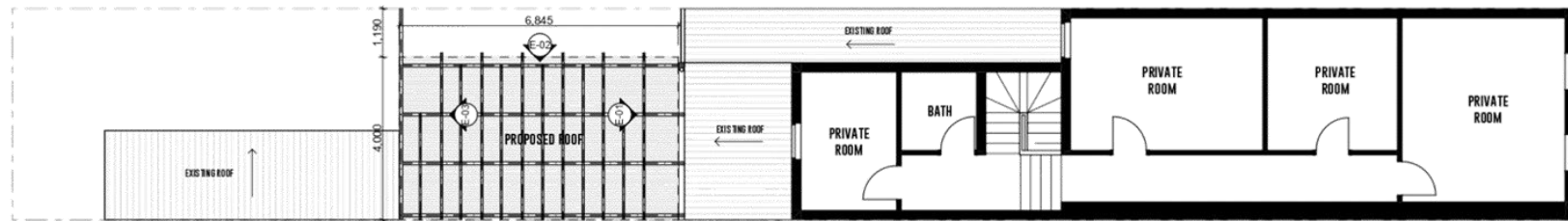


**NO. 653 NICHOLSON STREET, CARLTON NORTH**

**GROUND FLOOR PLAN - FURNITURE LAYOUT**

**SCALE : 1:100 @ A3      DATE: 1/10/2019**

**Attachment 2 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Plans**



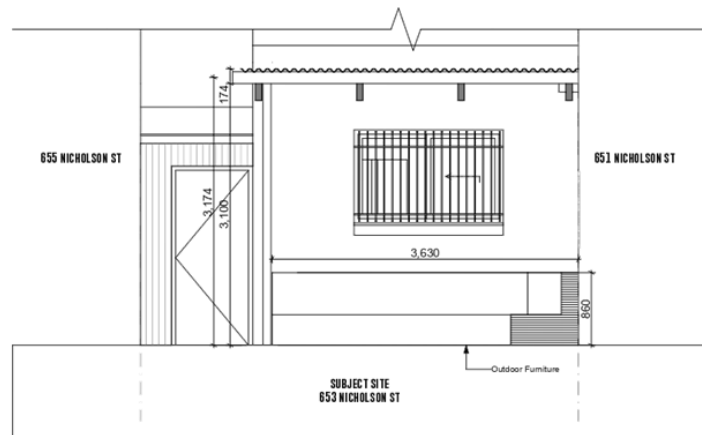
First Floor Plan 1:100

**NOTE:**  
 - PATRON ACCESS IS FROM NICHOLSON STREET ONLY.  
 - PROPOSED BAR IS LIMITED TO GROUND FLOOR ONLY.  
 - OVERALL LEASABLE AREA: 134.8 M<sup>2</sup>

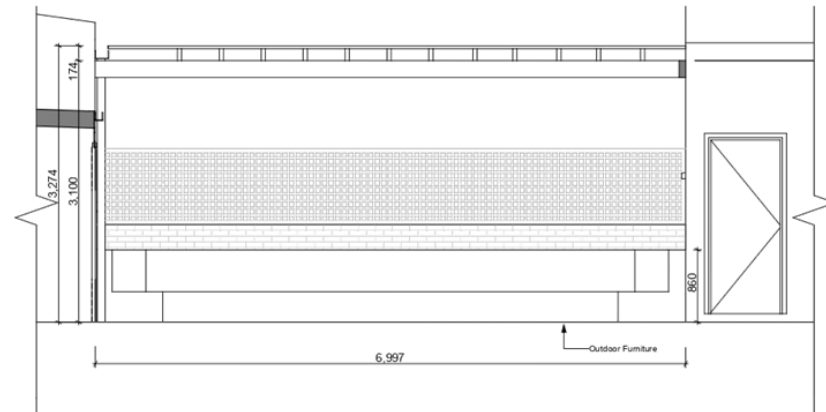


**NO. 653 NICHOLSON STREET, CARLTON NORTH**  
 FIRST FLOOR PLAN  
 SCALE : AS SHOWN @ A3 DATE: 1/10/2019

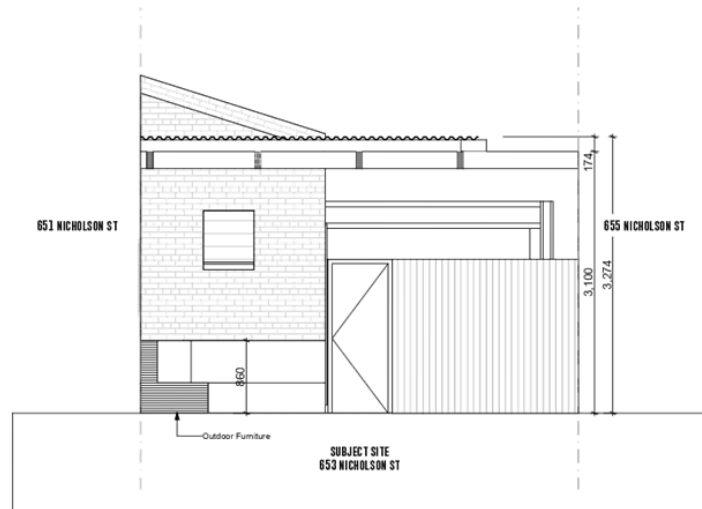
**Attachment 2 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Plans**



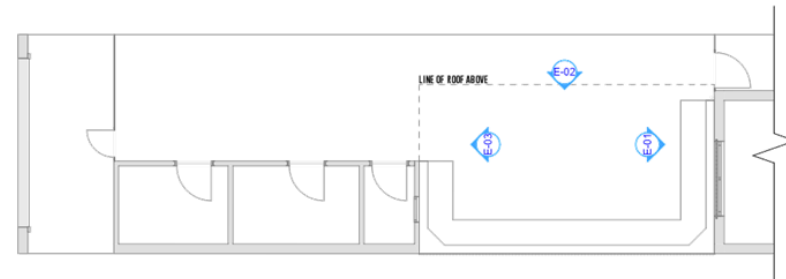
E-01 East Elevation 1:50



E-02 Elevation 1:50



E-03 Elevation 1:50



Key Plan



**NO. 653 NICHOLSON STREET, CARLTON NORTH**  
**ELEVATIONS**  
 SCALE : AS SHOWN @ A3 DATE: 1/10/2019

**Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report**



03 October 2019

Nish Goonetilleke  
Statutory Planning Department  
Yarra City Council  
PO Box 168  
**RICHMOND VIC 3121**

Dear Nish,

**Re: Section 57A Amendment | 653 Nicholson Street, North Carlton**  
**Application No: PLN19/0281**

Hansen Partnership continue to act on behalf of Moosa Bar Pty Ltd in relation to Planning Permit Application PLN19/0281 at the above address. Please find enclosed a Section 57A Amendment application and all required documents. Please note the enclosed Town Planning Report has been amended to include the new buildings and works permit triggers under Clause 34.01-4 Commercial 1 Zone (C1Z) and Clause 43.01-1 Heritage Overlay, Schedule 326 (H0326). The external buildings and works are limited to the addition of an external seat and a canopy to provide weather protection for patrons.

The following documents have been prepared and are included as part of the planning application package:

- 1 x set of Amended Architectural Plans; and
- 1 x Town Planning Report prepared by Hansen Partnership Pty Ltd, dated October 2019.

The associated fee for the Section 57A Amendment is **\$1,101.19**.

Should you require any further clarification please contact James Permezel on 9664 9828, or via email at [jpermezel@hansenpartnership.com.au](mailto:jpermezel@hansenpartnership.com.au)

Yours faithfully,

Gary Wissenden

Gary Wissenden | **Director**



**Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report**



## 653 Nicholson Street, Carlton North

Town Planning Report - Section 57A Amendment

Prepared by **Hansen Partnership** for **Moosa Bar Pty Ltd**

**Updated October 2019**



**Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report**

# APPLICATION SUMMARY

## Permit Preamble

Proposed 'Moosa Bar' in the Commercial 1 Zone (C1Z) within the Nicholson Village activity centre.

As-of-right use of land for a bar and live-music.

## Permit Triggers

Construct a building or construct or carry out works (Clause 34.01-4)

Construct a building or construct or carry out works (Clause 43.01-1)

The use of land to sell or consume liquor (Clause 52.27)

Waiver of one (1) bicycle parking space (Clause 52.34)

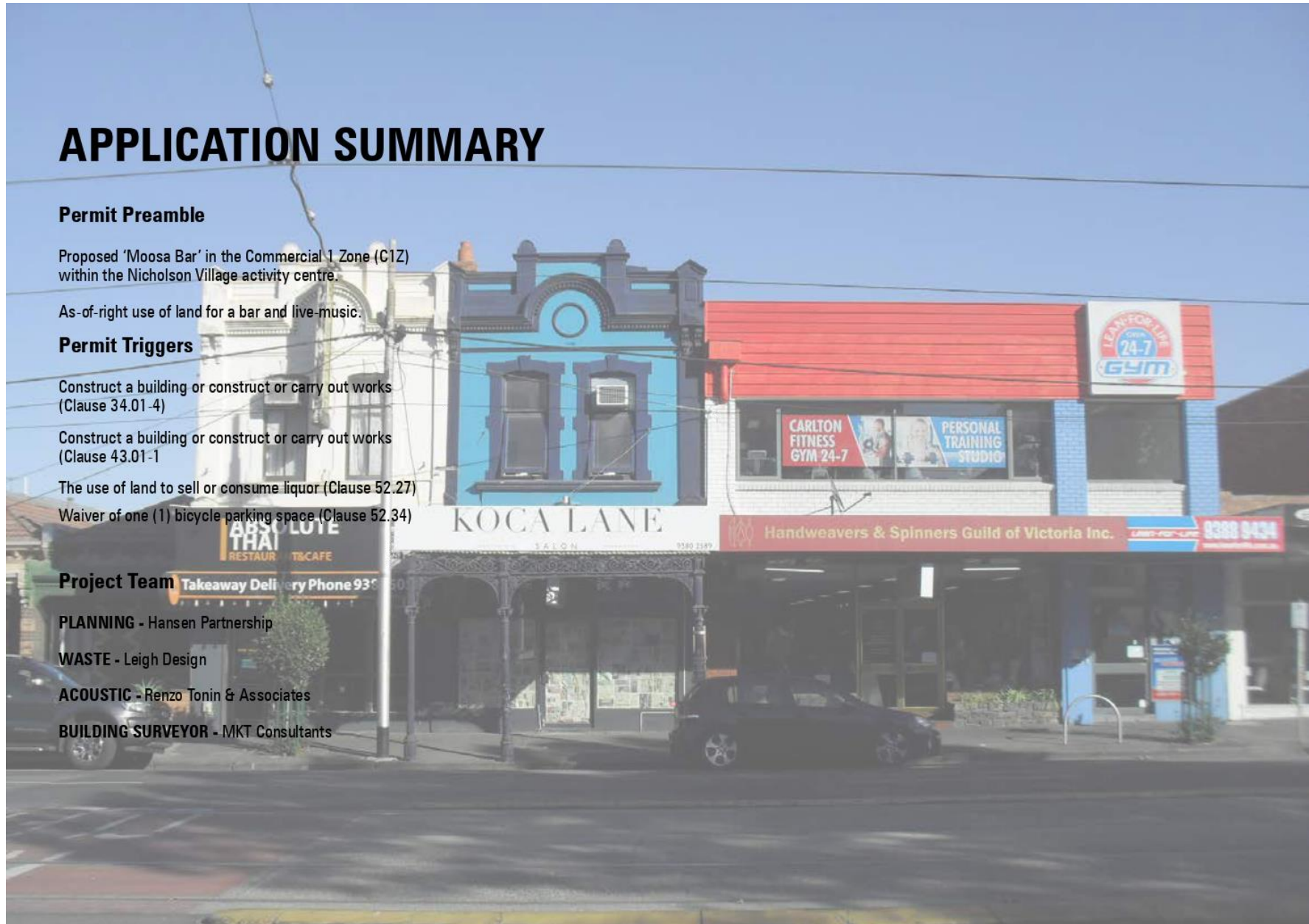
## Project Team

**PLANNING** - Hansen Partnership

**WASTE** - Leigh Design

**ACOUSTIC** - Renzo Tonin & Associates

**BUILDING SURVEYOR** - MKT Consultants



## CONTENTS

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KEY PLANNING CONSIDERATIONS	17
CUMULATIVE IMPACT ASSESSMENT	23
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## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

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# INTRODUCTION

Hansen Partnership has been engaged by the client, Moosa Bar Pty Ltd, and permit applicant to prepare a town planning report for 653 Nicholson Street, Carlton North.

It is proposed to use the land for the purpose of a bar.

Through a planning lens, the site is affected by several planning controls in relation to overlays in addition to the requirements of the Zone.

This report steps through an analysis of the proposal with regard to these controls.

We encourage Council to support the proposal for the following reasons:

- The proposal is consistent with the relevant State and local planning policies;
- The proposal has many exemptions under the Yarra Planning Scheme, the main permit trigger is to use of land to sell or consume liquor;
- The proposal is consistent with the purpose and objectives of the Commercial 1 Zone;
- The proposed bar will result in a greater mix of uses in the Nicholson Village activity centre;
- The proposed bar is small and will not have any adverse affects on surrounding properties.

Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report



## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

# THE SUBJECT SITE & ENVIRONS

## The Site

The site is located along the western side of Nicholson Street, approximately 90m from the intersection with Richardson Street, in the City of Yarra. The site fronts Nicholson Street, and has rear access to an unnamed laneway (Refer to the aerial).

The site is rectangular in shape and has the following dimensions:

- Frontage of 5 metres;
- Length of 39 metres; and
- Total site area of 195 m<sup>2</sup>.

The site is currently unoccupied, however was previously used as a hair salon.

The building is two storeys, being consistent with the abutting buildings. The ground floor frontage contains large glass windows, with an awning extending to the roadside, covering the footpath in front of the subject site. The first floor contains two small windows, and architectural detail matching the twin building to the south.

The subject site contains a small rear courtyard with an associated outbuilding and rear roller door access to the laneway.

The rear of the subject site abuts an unnamed laneway, and an established residential area.



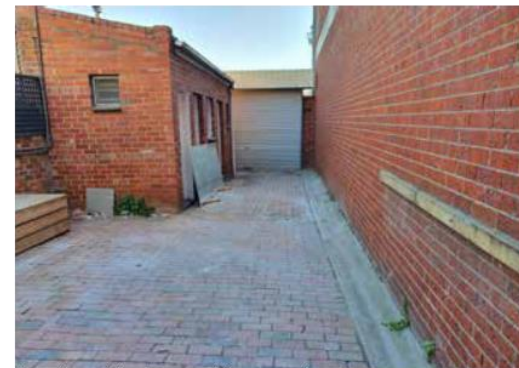
Site - View of Frontage & Abutting Properties



Site - View of Rear Courtyard (facing east)



Rear of Site - From laneway



Site - View of Rear Courtyard (facing west)



**Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report**



## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

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### Surrounding Context

The subject site is located in an established commercial strip, with a residential area to the rear. The commercial strip along Nicholson Street consists of single and double storey buildings, with front awnings being a consistent characteristic throughout.

The commercial strip between Pigdon Street/Scotchmer Street and Nicholson Street (Nicholson Village) contains a range of residential and commercial uses, including retail shops, restaurants, cafes and bars. As stated in the *Nicholson Village Snapshot*, approximately 5 per cent of businesses are bars in Nicholson Village. Nicholson Village (Carlton North) is listed as a local centre, being an appropriate location for modest employment growth.

The number 96 tram runs along Nicholson Street, with the closest tram stops to the subject site located at the corner of Richardson Street/Reid Street and Nicholson Street, approximately 100 metres south of the subject site.

To the **north** of the subject site at 655-657 Nicholson Street is a large double fronted commercial building. The building is two storey, and contains the *'Handweavers & Spinners Guild of Victoria'* on the ground floor, and *'Lean for Life 24-7 Gym'* on the first floor.

Beyond this building are several single and double storey commercial and residential buildings. These buildings contain a range of businesses, such as hair salons and restaurant/bars.

To the **south** of the subject site at 651 Nicholson Street is a two storey commercial building mirrored in design to the subject site building. The building contains *'iAbsolute Thai Restaurant & Cafe'* on the ground floor.

Immediately beyond the abutting building are two single storey residential buildings. Further south along Nicholson street are single and double storey residential and commercial buildings, though Nicholson Village ends at Richardson Street, with only residential buildings beyond this point.

To the **east** of the subject site across the road at 650 Nicholson Street is a large four storey residential building with ground floor commercial space. Adjacent to this building is Bik Lane, which leads to several commercial buildings/warehouses, and a large residential apartment complex. On the south side of Bik Lane is a two storey brown brick building containing a *'Pots Plants Homewares'* business.

To the **west** of the subject site is an unnamed laneway, which lies in between the commercial and residential zones. The residential area to the west contains predominantly single storey Victorian terrace housing with rear extensions. These dwellings are generally located on the western end of the lots, with rear gardens adjacent to the laneway.



**Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report**





## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

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*Buildings Opposite Subject Site on Nicholson Street.*



*Subject Site Context*



*Surrounds - North of site - Tram running along Nicholson Street*



*Buildings Opposite Subject Site on Nicholson Street.*



*Surrounds - View of Nicholson Street (facing south)*



*Surrounds - View of Nicholson Street (facing north)*

## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

# THE PROPOSAL

This application seeks to use land to sell and consume liquor, and undertake external works in the rear courtyard of the property. The proposal is for a Bar at 653 Nicholson Street, Carlton North, and does not include any building and works, and does not include any external alterations to the existing building.

The proposed bar aligns with surrounding land uses in the Nicholson Village activity centre, and will contribute to the mix of land uses provided in the area.

The venue is proposed to be a small bar with a relaxed atmosphere, with a key feature being the sale of a range of craft alcoholic beverages in support small craft breweries.

The venue will operate under a general liquor licence, which authorises the licensee to supply liquor on the licensed premises for consumption on or off the licensed premises.

As discussed in the attached buildings surveyor's report, the venue will accommodate a maximum of 100 patrons, and thus the provided 2 toilets on site is adequate.

The particulars of the proposal include:

- Net Leasable Floor Area of 134.8sqm;
- Floor Area Available to Public of 123.2sqm;
- Rear courtyard with roller door access to laneway - there is to be **no** patron access from the rear roller door;
- Waste collection from rear laneway - as detailed in Waste Management Plan;
- Internal bar area with associated seating and tables; and
- Rear courtyard with seating, toilets and covered area.

The proposed operating hours of the venue are as follows:

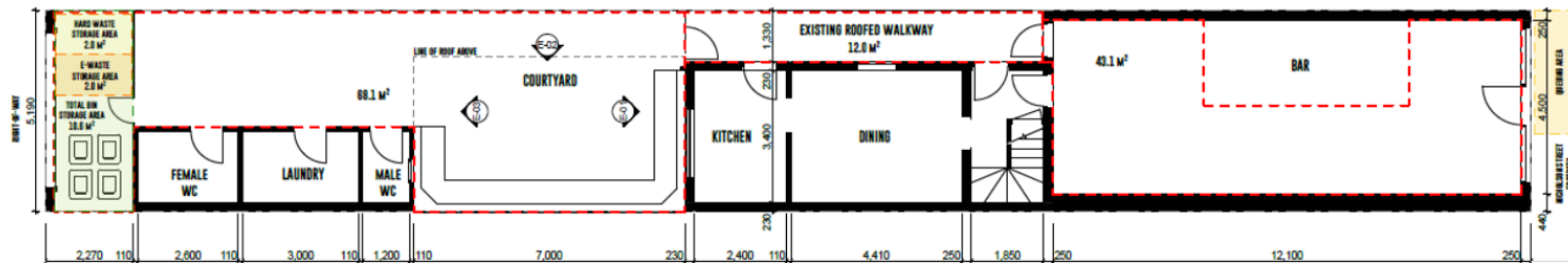
- Sunday to Thursday - 8am to 11pm\*
- Friday and Saturday - 8am to 1am the next day\*

The proposed trading hours for liquor consumption *on and off* the licensed premises are as follows:

- Sunday to Thursday - 11am to 11pm\*
- Friday and Saturday - 11am to 1am the next day\*
- Good Friday & Anzac Day - 12pm to 11pm\*

\*Note the rear courtyard will close at 10pm every day.

The venue will serve coffee and snacks between the hours of 8am and 11am/12pm when liquor is not to be sold.



Proposed Ground Floor Plan

Hansen Partnership



## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

# THE PLANNING CONTEXT

## Planning Policy Framework

The following clauses of the Planning Policy Framework (PPF) relate to this proposal.

- *Clause 15 Built Environment and Heritage* seeks to ensure that land use and development appropriately responds to its surrounding landscape and character. Of particular relevance is Clause 15.03-1S (Heritage Conservation), which seeks to ensure the conservation of places of heritage significance.
- *Clause 17 Economic Development* seeks to foster economic growth and a strong and innovative economy. Clause 17.01-1S (Diversified Economy) aims to strengthen and diversify the economy through facilitating growth in a range of employment sectors. Clause 17.02-1S (Business) seeks to provide local communities with a range of retail, entertainment, and other commercial services.

## Municipal Strategic Statement

The following clauses of the Yarra Planning Scheme Municipal Strategic Statement (MSS) relate to this proposal.

- *Clause 21.02 Municipal Profile* outlines the context of the City of Yarra. This clause outlines the importance of specialised shopping strips with a range of services, as well as the important local role of Neighbourhood Activity Centres.
- *Clause 21.03 Vision* outlines the vision for the City of Yarra in the year 2020. The vision includes increased opportunities for employment, a mix of land uses to provide for a range of activities, as well as retail strip shopping providing for the needs of local residents.
- *Clause 21.04 Land Use* provides objectives relating to future land use management. Objective 3 notes the need to reduce potential amenity conflicts between residential and other uses through application of the Interface Uses Policy and Licensed Premises Policy.
- *Clause 21.05 Built Form* seeks to protect and enhance Yarra's heritage places, and retain Yarra's existing urban framework and identity.
- *Clause 21.08 Neighbourhoods* sets out locally specific implementation of objectives and strategies for North Carlton. The Nicholson Village activity centre is noted to include a range of businesses, including retail, restaurants and cafes.

## Local Planning Policy Framework

The following clauses of the Yarra Planning Scheme Local Planning Policy relate to this proposal.

- *Clause 22.02 Development Guidelines for Sites Subject to the Heritage Overlay* applies to all land within a Heritage Overlay. This policy seeks to conserve Heritage places in the City of Yarra. It is noted that this Clause is not applicable to the site as no external buildings and works are to occur as part of the application.
- *Clause 22.09 Licensed Premises* applies to all application under Clause 52.27. This policy seeks to manage potential amenity impacts between licensed venues and other land uses.

## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

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### General and Particular Provisions

The following clauses of the Particular and General provisions relate to this proposal.

- *Clause 52.06 Car Parking.*

Pursuant to Clause 52.06-3 a permit is not required for a reduction in car parking to zero.

*A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:*

- *The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.*
- *The gross floor area of the building is not increased.*
- *The reduction does not exceed 10 car parking spaces.*
- *The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.*

The net leasable floor area of the subject site is 134.8sqm, and therefore 4 car parks are proposed to be reduced (within PPTN - Column B). This is under the threshold of 10 spaces. As the proposal meets all of the above requirements, a planning permit is not triggered for the waiver of car parking under the provisions of Clause 52.06.

- *Clause 52.27 Licensed Premises*

As per Clause 52.27 a permit is required to use land or sell or consume liquor.

- *Clause 52.29 Land Adjacent to a Road Zone, Category 1, or a Public Acquisition Overlay for a Category 1 Road.*

The proposal does not create or alter access to Nicholson Street (Category 1 Road).

- *Clause 52.34 Bicycle Facilities*

Pursuant to Clause 52.34-5, the required number of bicycle parking spaces for the proposal is 1. As such, a permit is required to waive the provision of bicycle parking.

- *Clause 53.06 Live Music and Entertainment Noise*

Pursuant to Clause 53.06-1, this Clause applies to an application under any zone to use land for, or to construct a building or construct or carry out works associated with a live music entertainment venue. A Food and Drink Premises (bar) is included within the definition of a live music entertainment venue.

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### Zoning

The subject site is within the Commercial 1 Zone (C1Z).

The purpose of the C1Z is:

*To implement the Municipal Planning Strategy and Planning Policy Framework;*

*To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses; and*

*To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Pursuant to Clause 34.01-1, a permit is not required for the use of land for a Retail Premises (Bar) within the zone. 'Bar' is nested under Retail Premises in the Yarra Planning Scheme, and there is no reference to a bar use in the use class tables, therefore no permit is required.

As per Clause 34.01-2 (Use of land), a use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land;
- Appearance of any building, works or materials; or
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

As the proposal does not trigger a permit for the use of land, Clause 34.01-2 does not apply. However, as the proposal has no detrimental amenity impacts, the abovelisted affects been addressed in the Response to Commercial 1 Zone.

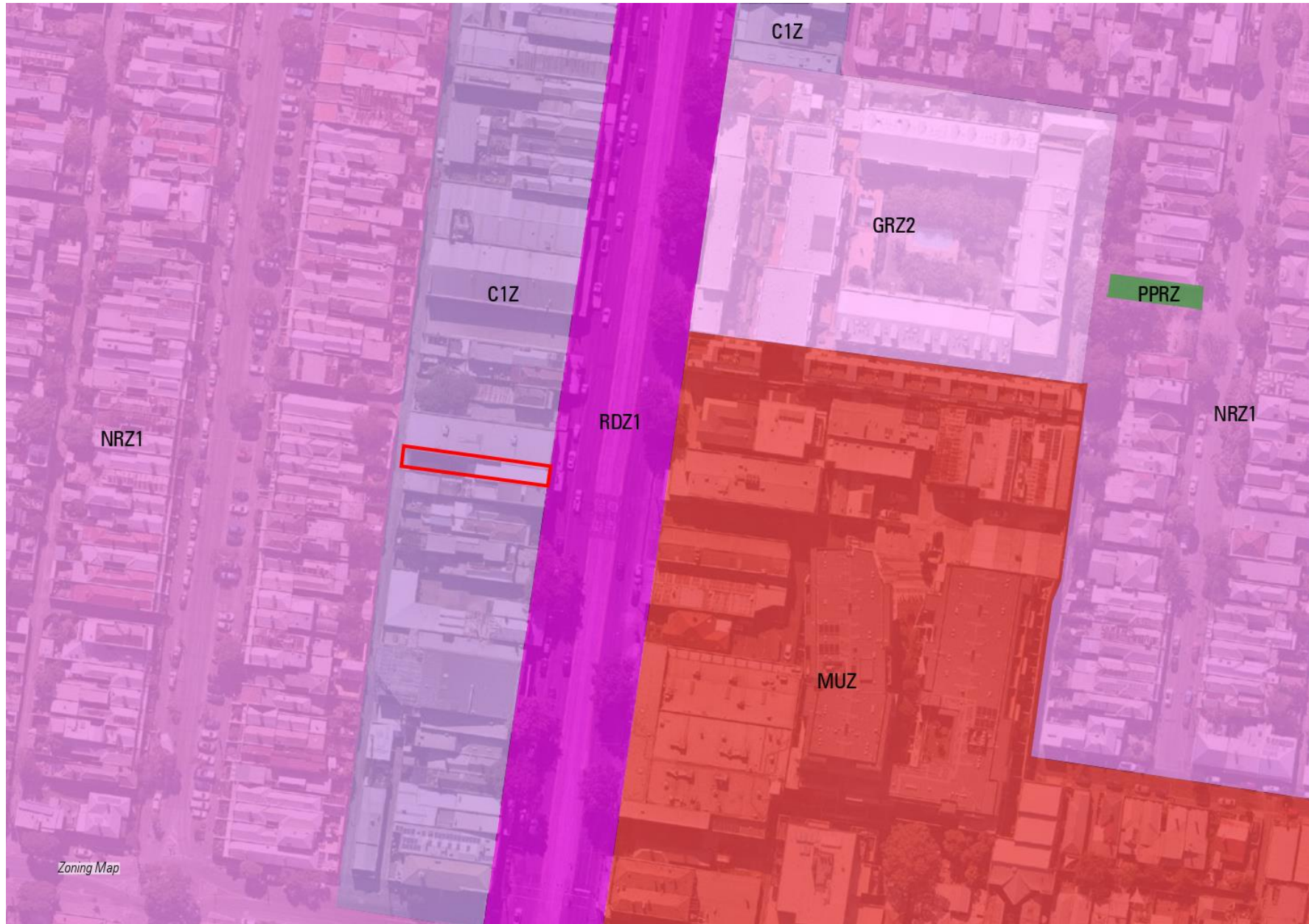
Clause 34.01-4 (Buildings and works) states a permit is required to construct a building or construct or carry out works. The proposal includes minor external works in the rear courtyard, and therefore triggers a planning permit under this Clause.

The external works include construction of a 'bench' style seat along the southern wall of the rear courtyard, and an associated canopy cover in order to provide weather protection for patrons.

Clause 34.01-9 (Signs) notes that signs within the zone are under the requirements of Category 1 of Clause 52.05 (Signs).

The subject site is abutting properties to the east that are within the Neighbourhood Residential Zone, Schedule 1 (NRZ1). The western abuttal is Nicholson Street, a Road within the Road Zone, Category 1 (RDZ1).

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### Overlays

The subject site is affected by several overlays, including the Heritage Overlay, Schedule 326 - North Carlton Precinct (Clause 43.01 - H0326) and Environmental Audit Overlay (Clause 45.03 - EAO).

#### Heritage Overlay - North Carlton Precinct

The purpose of the Heritage Overlay is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework;*

*To conserve and enhance places of natural or cultural significance;*

*To conserve and enhance those elements which contribute to the significance of heritage places;*

*To ensure that development does not adversely affect the significance of heritage places; and*

*To conserve specified heritages places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

The subject site is within the precinct Heritage Overlay, Schedule 326. This precinct is characterised by Victorian Period (1851-1901), and Federation/Edwardian Period (1902-1918) buildings. The subject site is an example of an attached two-storey shop and residence in the major north-south streets, and is therefore considered contributory to the Heritage precinct.

The proposal includes minor buildings and works in the rear courtyard, and therefore requires a permit under the Heritage Overlay (Clause 43.01-1).

#### Environmental Audit Overlay

The purpose of the Environmental Audit Overlay is:

*To implement the Municipal Planning Strategy and the Planning Policy Framework; and*

*To ensure that potentially contaminated land is suitable for a use which could be significantly adversely affected by any contamination.*

Pursuant to Clause 45.03-1, the proposed use is not listed as 'sensitive', and therefore a certificate of environmental audit is not required to be issued.



Heritage Overlay



Environmental Audit Overlay

## KEY PLANNING CONSIDERATIONS

Having regard to the relevant State and Local planning policies, the zoning and overlay provisions and the decision guidelines of Clause 66, it is submitted that the proposed bar is an appropriate response to the existing site context and will result in a positive contribution to Nicholson Village and Carlton North.

It is submitted that the development can be supported under the current planning context and that the key matters for consideration are as follows:

- Permit Triggers and Exemptions;
- Response to overarching State and Local planning policies;
- Response to Zone;
- Response to Heritage Considerations;
- Discussion of Liquor Licensing & Surrounding Venues; and;
- Waste Management Procedures.

### Permit Triggers

#### *Clause 34.01 Commercial 1 Zone*

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

#### *Clause 43.01-1 Heritage Overlay, Schedule 326*

Pursuant to Clause 43.01-1, a permit is required to construct a building or construct or carry out works.

#### *Clause 52.27 Licenced Premises*

The purpose of Clause 52.27 is:

*To ensure that licenced premises are situated in appropriate locations; and*

*To ensure that the impact of the licences premises on the amenity of the surrounding area is considered.*

A planning permit is required to use land to sell or consume liquor.

#### *Clause 52.34 Bicycle Facilities*

Pursuant to Clause 52.34-5, the required number of bicycle parking spaces for the proposal is 1. The leasable floor area of the venue is 134.8sqm, with a bicycle parking requirement of 1 space per 300sqm (employee) and 1 space per 500sqm (visitor). The bicycle parking requirement is above 0.5, and as such, the provision of bicycle parking is required. A permit is required to waive the provision of bicycle parking.

There is existing bicycle parking directly outside the venue on the Nicholson Street footpath, and therefore the waiver of 1 bicycle parking space is considered appropriate in this case.

### Permit Exemptions

#### *Clause 34.01 Commercial 1 Zone*

Pursuant to Clause 34.01-1, a permit is not required for the use of land for a Retail Premises (Bar) within the zone.

#### *Clause 52.06 Car Parking*

Pursuant to Clause 52.06-3 a permit is not required for a reduction in car parking to zero.

*A permit is not required to reduce the required number of car parking spaces for a new use of an existing building if the following requirements are met:*

- The building is in the Commercial 1 Zone, Commercial 2 Zone, Commercial 3 Zone or Activity Centre Zone.
- The gross floor area of the building is not increased.
- The reduction does not exceed 10 car parking spaces.
- The building is not in a Parking Overlay with a schedule that allows a financial contribution to be paid in lieu of the provision of the required car parking spaces for the use.

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### Response to Planning Policy

State and local planning policy support new businesses in Commercial areas that are responsive and respectful of any identified heritage, character elements and surrounding land uses.

Under Council's identified vision for land use (Clause 21.03), Yarra will have increased opportunities for employment, a complex mix of land uses, and exciting retail strips. Additionally, Clause 21.04 (Land Use) seeks to reduce potential amenity conflicts between residential and other uses. The proposal helps achieve the land use vision for the municipality, seeking to increase the diversity of commercial activity in the Nicholson Village activity centre. The proposal seeks to reduce adverse impacts to surrounding residential areas, through shortened operating hours and no amplified music to be played in the rear courtyard.

Clause 22.09 (Licensed Premises) seeks to protect the amenity of nearby properties and areas of effectively managing the location, size, operation and hours of licensed premises. The proposal is located in an established commercial strip, and is proposed to hold a maximum of 100 patrons at any time. The small size of the venue, and the proposed operating hours will result in minimal impact to surrounding dwellings.

### Response to Commercial 1 Zone (C1Z)

As per the Commercial 1 Zone (C1Z), a planning permit is not required to use land for the purpose of a retail premises (bar). Although a permit is not required, the proposal still meets the objectives of the zone, and does not detrimentally affect the amenity of the neighbourhood. The C1Z seeks to create vibrant mixed use commercial centres. The proposal achieves this objective, providing a greater mix of entertainment uses in the established Nicholson Village activity centre.

Although the use of land for a bar does not require a planning permit, the bar must not detrimentally affect the amenity of the neighbourhood (Clause 34.01-2), including through the:

- *Transport of materials, goods or commodities to or from the land;*

The transport of materials, goods or commodities to and from the land will occur from the front of the venue, and will have no impact on surrounding residential properties.

- *Appearance of any building, works or materials; or*

The appearance of the existing building will not be altered. The minor works in the rear courtyard do not impact the overall appearance of the existing building.

- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*

The proposed venue will not impact any surrounding properties through noise, artificial light, or any other of the abovementioned impacts. Background music is to be played throughout the venue, though the rear courtyard is to close at 10pm every night. Amplified music (live music) will be played for occasional events. When live music is played, it will only occur at the front of the premises (Nicholson Street end). Patrons are to be moved inside at the 10pm, and background music will be stopped, reducing the potential impacts to neighbouring residential properties.

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### Response to Heritage Considerations

#### *Heritage Overlay*

The site is within the North Carlton Precinct Heritage Overlay (H0326). As per the Heritage Overlay, a planning permit is required to construct a building or construct or carry out works.

The subject site building is included as a contributory building in the Heritage Overlay, and according to the Heritage Council of Victoria, is of good integrity.

A contributory building is defined as:

*"The place is a contributory element within a larger heritage place. A contributory element could include a building, building groups and works, as well as building or landscape parts such as chimneys, verandahs, wall openings, rooflines and paving."*

The proposed works are minor in nature and confined to the rear courtyard of the property. The works will not adversely affect the significance, character or appearance of the heritage place.

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

This policy provides guidance for the protection and enhancement of the City of Yarra's identified places of cultural and heritage significance.

The proposed minor buildings and works are consistent with the objectives of Clause 22.02, with the works being in the rear courtyard of the property and not impacting on the contributory heritage elements of the building facade.

The works will not be visible from the street, and do not cause detriment to surrounding properties. It is noted that the property to the north contains a large brick building extending the length of the land parcel. Additionally, the property to the south contains a rear garage accessible via the laneway, and a similar canopy structure to what is proposed. As such, we believe there to be no material detriment caused by the proposed seating and canopy structure in the rear courtyard.

These additions will create an improved outcome for patrons of the venue, and also serve to reduce any potential noise and smoke impacts to surrounding properties.



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### Response to Licensed Premises (Clause 22.09-3)

#### *Location and Access*

- The land is not zoned residential.
- 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.
- This is a low-key venue of a scale and type which is not commonly associated with significant adverse amenity impacts.
- The venue has a capacity less than 200 patrons, and is therefore permitted to be located in the Nicholson Village precinct.
- The venue is located in a Commercial 1 Zone (C1Z), and as discussed in the provided cumulative impact assessment, the venue will not result in any adverse amenity impacts.
- The venue is located on a busy main road, with public transport access, and therefore there is a high level of public safety and surveillance as patrons enter and leave the premises.

#### *Venue Design*

- The venue layout and design incorporates the safe design principles detailed in the *Design Guidelines for Licensed Venues*. Clear lines of sight are maintained, with the venue designed to reduce congestion at the entrance.
- The low number of patrons also allows for better communication between staff and patrons, and ensures the venue will not result in any adverse amenity impacts to adjacent properties.
- Waste management and storage is provided on site, and no bottle crushers are to be used on site.

#### *Hours of Operation*

- The licensed premises is within 30 metres of a residential zone to the rear of the venue. However, the 1am closing time for Friday and Saturday will not adversely affect the amenity of the area, as discussed in the provided Acoustic Report.
- The sale and consumption of liquor in the rear courtyard will not occur after 10pm.
- The waste collection for the venue will not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. Additionally, the emptying of bottles into bins in outdoor areas will not occur within the above listed hours. This can be controlled with a permit condition.

- The use of land for a bar and associated live music entertainment lends itself to a 'general' liquor licence.
- The surrounding area includes primarily commercial uses, though residential uses are also nearby in all directions.
- Surrounding commercial uses include:
  - Restaurant & Cafe
  - Gym
  - Beauty Salon
  - Consultant
  - Real Estate Agency

#### *Patron Numbers*

- The number of patrons does not exceed the safe and amenable operating capacity of the premises. The patron numbers reflect the strategic and physical context of the site, being located in a Commercial 1 Zone, on a major road and with convenient access to public transport.

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### Noise

- The noise emitted from the operation of the venue will not have unreasonable impact on the amenity of the area. The noise emissions will comply with SEPP N-2, as specified in the provided Acoustic Report, prepared by Renzo Tonin & Associates.
- The venue does not have any acoustic attenuation measures in effect as this is not required.
- Live performances will only occur within the indoor area of the venue.

### Noise and Amenity Action Plan

- The venue will be managed in accordance with the provided Noise and Amenity Action Plan (NAAP).

### Response to Live Music and Entertainment Noise (Clause 53.06-4)

#### Site analysis

- A site analysis including plans detailing the existing and proposed layout of the building has been provided. The location of doors, windows and open space areas of properties in close proximity has also been provided.

#### Noise Sensitive Residential Use

- There are no live music entertainment venues within 50m of the site.

#### Live Music Entertainment Venue

- Noise sensitive residential uses within 50m of the site have been detailed in the site analysis. The hours of operation and live music hours of the proposed venue is discussed within this Report, the Acoustic Report, and the NAAP.

#### Acoustic Attenuation

- The venue does not require any specific noise attenuation measures, as supported by the provided acoustic report, prepared by Renzo Tonin & Associates.

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### Liquor Licence & Surrounding Venues

The proposed venue will be operating under a general liquor licence. A general licence authorises the supply of liquor for consumption both on and off the licensed premises.

A general licence is required in this instance to allow the sale of alcohol to take off premises, primarily to assist in servicing the next door restaurant 'iAbsolute Thai', which currently operates under a BYO Permit.

Several surrounding businesses operate with liquor licences, with Nicholson Village (between Pigdon St & Richardson St) containing five (5) restaurant and cafe licences, one (1) on-premises and limited licence, and one (1) general licence.

The Empress Hotel is currently the only venue in this area that operates under a general licence.

The proposed operating hours of the venue are sympathetic to the sensitive residential area to the west, with the outdoor area closing at 10pm on all days to reduce noise impacts, and the indoor area closing at 11pm from Sunday to Thursday.

The 'redline' plan shown below indicates that the consumption of liquor will occur throughout the venue, including in the rear courtyard. However, as previously noted, the outdoor area will close at 10pm as to avoid potential noise impacts on surrounding properties.

The seating provided in the venue is considered adequate as to not promote 'vertical drinking'.

Bar snacks are to be served at the venue.

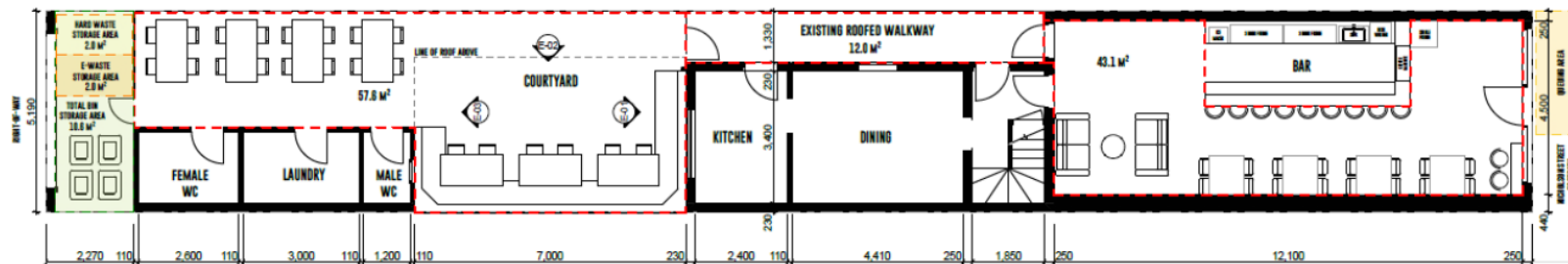
In this circumstance, it is considered that the most appropriate type of liquor licence is general.

### Waste Management Procedures

The venue will comply with the terms of the endorsed Waste Management Plan prepared by Leigh Design. This report is included within the planning permit application.

As per the Waste Management Plan, four (4) bins will be provided on site (2 garbage, 2 recycling). Rubbish collection will occur from the rear laneway of the property, for ease of access to the bin area (as seen on plans). The waste will be collected by a private contractor using a small rear-load truck. The rear laneway provides adequate space for a rear-load truck, without the need for reversing.

The waste collection for the venue will not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday. Additionally, the emptying of bottles into bins in outdoor areas will not occur within the above listed hours.



Proposed Redline Plan

# CUMULATIVE IMPACT ASSESSMENT

## Key Details

Key details of the proposed bar are as follows:

- Seating ratio - seating for approximately 65 people will be provided (65% of patrons).
- Bar snacks will be available on the premises.
- Management procedures are outlined in the accompanying Noise and Amenity Action Plan (NAAP).
- Live music is to be played on the premises (occasionally).
- Capacity 100 patrons maximum.
- Trading Hours for consumption on and off the licensed premises:
  - Sunday to Thursday - 11am to 11pm
  - Friday and Saturday - 11am to 1am the next day
  - Good Friday & Anzac Day - 12pm to 11pm
- The rear courtyard will close at 10pm every day.
- Transport and Parking - no parking provided on site; on-street parking available in surrounding area; trams (number 96) along Nicholson Street.

## Policy Provisions

- The proposed use of the site as a bar will achieve an outcome consistent with the objective Clause 13.07-1S by using a vacant building for an appropriate use which will have minimal impact on the nearby residential area.

- The proposed use will contribute to the mix and vibrancy of this part of Carlton North, providing employment and activity in a highly accessible location, consistent with Clause 17.01-1S.
- The proposed use of the site responds to this need and the ongoing demand for craft beer and venues where it can be enjoyed in an intimate and casual environment. This is consistent with Clause 17.02-1S.
- The proposed use raises no issues in relation to Clause 21.08 - Neighbourhood and will complement the mix of uses in the area around Nicholson Street.

## Surrounding Land Use Mix

- The surrounding area contains a mix of uses, including residential and commercial uses. The proposed bar fits well within this mix, being unaffected by commercial uses and having very little impact on nearby residential uses.

## Transport and Dispersal

- Transport and dispersal is facilitated by the location of the site near multiple intersections, within close proximity to public transport (number 96 tram), and in an easily identifiable position on Nicholson Street.

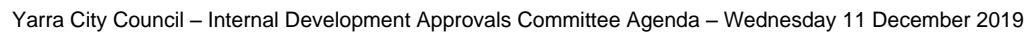
## Impact Mitigation

- Impact Mitigation is outlined in the NAAP accompanying the application and demonstrates that a range of appropriate measures will be implemented to mitigate impacts on the surrounding area, such as closing the rear courtyard at 10pm.

## Cluster Analysis

- A cluster of licenced premises does exist in the area, with 49 licenced premises within a radius of 500m from the subject land.
- 18 of the licenced premises within this 500m radius are restaurants and cafes along Nicholson Street, which operate with restaurant and cafe, on-premises, BYO and limited licenses.
- Venues within 500m of the subject site which operate as bars/pubs have been identified on the accompanying map (page 22).
- A summary of the licence type, hours of operation, patron numbers and music restrictions for these premises is summarised in the accompanying table (page 24 & 25).
- Of the 49 premises identified, 19 have liquor licenses allowing them to open later than 11pm. 7 of these venues have a patron capacity above the proposed venue (100 patrons).
- In this context, the proposed bar will operate without contributing any significant increase to the cumulative impact on the area.
- The suitable number of patrons on the premises (100) is expected to disperse gradually and can readily move to other venues within the surrounding area.
- The proposed live music will not cause any adverse amenity impacts to surrounds.
- The high seating ratio (65%) discourages 'vertical' drinking.







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	Venue Type	Licence Number	Licence Type	Hours	Patrons	Music
Carolina Café & Bar	Café / Bar	32304727	Restaurant and Café	No later than 11pm; no earlier than 12pm	48	SEPP N-2 Condition.
Pickle 161	Restaurant	32339340	Restaurant and Café	No later than 1am; no earlier than 7am	30	SEPP N-2 Condition.
Green Park Dining	Restaurant	32319015	Restaurant and Café	No later than 11pm; no earlier than 10am	120	Background music levels at all times in external areas.
Handlewell Supermarket	Convenience	32000080	Packaged Liquor	No later than 11pm; no earlier than 9am	N/A	N/A
Bar Fred	Bar	32251990	Restaurant and Café	No later than 1am; no earlier than 7am	62	No live music (or higher than background music level)
Maria's Coffee House & Deli	Café	32051748	Packaged Liquor	No later than 11pm; no earlier than 9am	N/A	N/A
Figs Café	Café	32223701	Restaurant and Café	No later than 11pm; no earlier than 7am	40	No live music (or higher than background music level)
Railway Hotel	Bar / Beer Garden	31911547	General	No later than 1am; no earlier than 7am	300	Live or amplified music until 1am on Thurs, Fri & Sat. Only low level amplified or acoustic permitted in beer garden between 12pm & 8pm (Sat & Sun).
Boxx Café	Café	31820584	On-Premises	No later than 11pm; no earlier than 7am	81	SEPP N-2 Condition.
Wine Republic	Convenience	36128212	Limited	No later than 11pm; no earlier than 10am	N/A	N/A
Great Northern Hotel	Bar / Beer Garden	31906631	General	No later than 1am; no earlier than 7am	406	SEPP N-2 Condition.
Lucky's Pizzeria	Restaurant	31279725	BYO	No later than 11pm; no earlier than 7am	N/A	N/A
Liquor on Rathdowne / Carlton Topend Cellars	Convenience	32067749	Packaged Liquor	No later than 9pm; no earlier than 9am	N/A	N/A
Nik@Nicholson	Function / Restaurant	31822455	On-Premises	No later than 11pm; no earlier than 7am	N/A	SEPP N-2 Condition.
Afro Hub	Restaurant	32289202	Restaurant and Café	No later than 11pm; no earlier than 7am	37	No live music (or higher than background music level)
Happy Inn Restaurant	Restaurant	31261188	BYO	No later than 11pm; no earlier than 10am	N/A	N/A
Babajan	Restaurant	32334578	Restaurant and Café	No later than 11pm; no earlier than 7am	30	No live music (or higher than background music level)
The Empress Hotel	Bar / Beer Garden	31905130	General	No later than 1am; no earlier than 7am	315	SEPP N-2 Condition.
Tim Ward Wines	Convenience	36134823	Limited	N/A	N/A	N/A
Sortino Social Club	Club	31423227	Restricted Club	No later than 12am; no earlier than 9am	200	SEPP N-2 Condition.
Dench Bakers	Café	36127460	Limited	No later than 11pm; no earlier than 9am	N/A	N/A
Café Milato	Restaurant / Café	32290041	Restaurant and Café	No later than 1am; no earlier than 7am	N/A	No live music (or higher than background music level)
Colonial Cellars	Convenience	32054908	Packaged Liquor	No later than 11pm; no earlier than 9am	N/A	N/A
Two Tall Chefs	Restaurant / Café	36133097	Limited	No later than 8pm; no earlier than 9am	N/A	N/A
Two Tall Chefs	Restaurant / Café	32250473	On-Premises	No later than 11pm; no earlier than 7am	47	SEPP N-2 Condition.
I Absolute Thai	Restaurant	31245548	BYO	No later than 1am; no earlier than 12pm	N/A	N/A
1000 Lire	Restaurant	32259134	Restaurant and Café	No later than 1am; no earlier than 7am	100	No live music (or higher than background music level)
Ryne	Restaurant	32299401	Restaurant and Café	No later than 1am; no earlier than 9am	146	No live music (or higher than background music level)
Underwood Wine Bar	Bar	32293560	On-Premises	No later than 1am; no earlier than 8am	20	SEPP N-2 Condition.
Konstantine's	Restaurant	32259972	Restaurant and Café	No later than 11pm; no earlier than 9am	N/A	No live music (or higher than background music level)
Horn Please	Restaurant	31821611	On-Premises	No later than 11pm; no earlier than 7am	90	SEPP N-2 Condition.
Red Gallery	Gallery	36066169	Limited	No later than 8pm; no earlier than 12pm	N/A	SEPP N-2 Condition.
Edinburgh Cricket Club	Club	36130887	Limited	No later than 12am; no earlier than 12pm	N/A	SEPP N-2 Condition.
The Hungarian Reformed Church of Australia	Religious	31287825	BYO	No later than 1am; no earlier than 12pm	N/A	N/A



## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

North Fitzroy Arms Hotel	Bar / Beer Garden	31909778	General	No later than 1am; no earlier than 7am	116	No amplified music or discotheque style.
No Premises Name Given	N/A	36115544	Limited	N/A	N/A	N/A
Sibling by Kinfolk	Restaurant	32348860	Restaurant and Café	No later than 11pm; no earlier than 9am	88	No live music (or higher than background music level)
L'Osteria	Restaurant	32222690	Restaurant and Café	No later than 11pm; no earlier than 9am	N/A	No live music (or higher than background music level)
Woodstock Deli	Restaurant / Café	32236500	Restaurant and Café	No later than 1am; no earlier than 7am	N/A	No live music (or higher than background music level)
Carlton Cellars	Convenience	32000072	Packaged Liquor	No later than 11pm; no earlier than 9am	N/A	N/A
Alice Ross Catering	Catering	36152740	Limited	No later than 12am; no earlier than 11am	N/A	N/A
Rhapsody's Café	Café	36144941	Limited	No later than 8pm; no earlier than 11am	N/A	N/A
Enoteca (Vino Boutique)	Convenience	33700829	Pre-Retail	No later than 11pm; no earlier than 7am	N/A	N/A
Chubs & Chilly	N/A	36147915	Limited	No later than 1am; no earlier than 8am	N/A	N/A
Zafeera's Fine Malaysian Indian Cuisine	Restaurant	31288342	BYO	No later than 10pm; no earlier than 11am	N/A	N/A
Little Andorra	Bar	31956369	General	No later than 1am; no earlier than 2pm	60	Background music only.
The Thai Classic	Restaurant	32222878	Restaurant and Café	No later than 11pm; no earlier than 7am	172	No live music (or higher than background music level)
Il Carretto Pizza Restaurant	Restaurant	32307767	Restaurant and Café	No later than 12am; no earlier than 12pm	167	No live music (or higher than background music level)
Neighbourhood Wine	Bar	32312178	Restaurant and Café	No later than 12am, no earlier than 11am	99	No live music (or higher than background music level)

### SURROUNDING LICENCED VENUE QUEUING ARRANGEMENTS

The queuing arrangements of licenced venues within the Nicholson Village Activity Centre (between Richardson St and Park St) are as follows:

*Sibling by Kinfolk* - No Queuing Area (footpath if required)

*Neighbourhood Wine* - No Queuing Area (footpath if required)

*L'Osteria* - No Queuing Area (footpath if required)

*Two Tall Chefs* - No Queuing Area (adjacent car park/footpath if required)

*iThai Restaurant* - No Queuing Area (footpath if required)

*Collonial Cellars* - N/A

*The Empress Hotel* - Informal queuing Area on Nicholson St footpath

*Cafe Milato* - No Queuing Area (footpath if required)

*Babajan* - Informal queuing Area on Nicholson St / Pigdon St footpath

*Happy Inn Restaurant* - No Queuing Area (footpath if required)

*Afro Hub* - Informal queuing Area on Nicholson St footpath

*Figs Cafe* - No Queuing Area (footpath if required)

*Nik@Nicholson* - No Queuing Area (footpath if required)

*Maria's Coffee House & Deli* - No Queuing Area (footpath if required)

*Bar Fred* - Informal queuing Area on Nicholson St/Scotchmer St footpath (if required)

*Handlewell Supermarket* - N/A

*Boxx Cafe* - No Queuing Area (footpath if required)

*Railway Hotel* - Informal queuing Area on Nicholson St footpath (if required)

It is noted that premises that do not have a queuing area could potentially accommodate a queue of patrons on the footpath in front/to the side of the premises. Though in most cases a queue is unlikely due to the nature of the venue (e.g. Restaurant or Cafe).

The proposed venue includes an informal queuing area on the Nicholson Street footpath to the north of the entrance. Patron queuing is not expected to occur for the proposed venue.



## Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

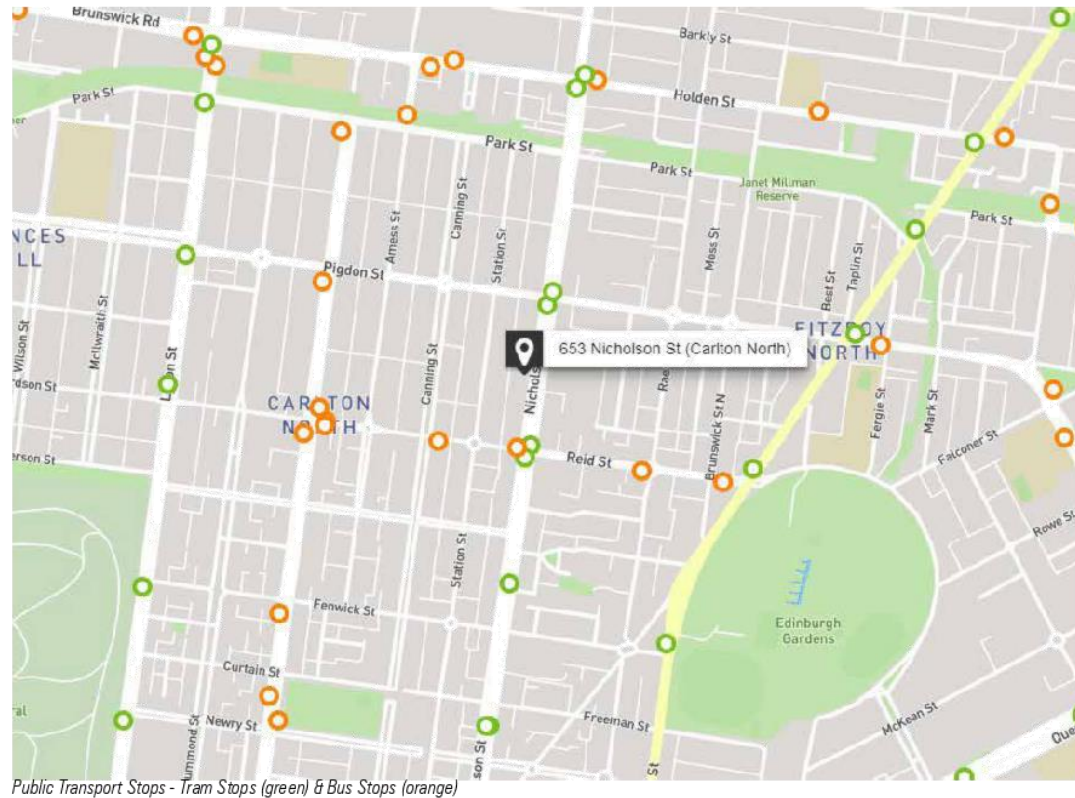
TOWN PLANNING REPORT | 653 NICHOLSON STREET, CARLTON NORTH

### PUBLIC TRANSPORT ACCESS

The subject site has access to a range of public transport options, including:

- Number 96 tram along Nicholson Street;
- Numbers 1 & 6 tram along Lygon Street;
- Number 11 tram along St Georges Road;
- Number 504 bus along Richardson Street; and
- Numbers 250 & 251 bus along Rathdowne Street.

The range of options will allow patrons to disperse easily and efficiently from the venue after closing. Additionally, it is expected patrons will utilise ride-share apps such as Uber, Ola and DiDi.



## CONCLUSION

It is submitted that the proposed use of land to sell or consume liquor, and the associated buildings and works are suitable for approval for the following reasons:

- The proposal is consistent with the relevant State and local planning policies;
- The proposed use is as-of-right in the Commercial 1 Zone (C1Z).
- The permit triggers are for minor matters, including to use the land to sell or consume liquor, minor buildings and work, and the waiving of one (1) bicycle parking space;
- The proposal is consistent with the purpose and objectives of the Commercial 1 Zone;
- The proposed bar will result in a greater mix of uses in the Nicholson Village activity centre;
- The proposed venue has access to a range of public transport option for patrons; and
- The proposed bar has minimal adverse amenity impacts on surrounding properties.

Accordingly, we respectfully request that Council issue a planning permit for the proposal.



# Attachment 3 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Town Planning Report

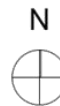


## LEGEND:

- SUBJECT SITE
- PRIVATE OPEN SPACE
- TRAM TRACKS
- ON STREET PARKING
- HABITABLE ROOM WINDOW

NAME OF LICENSED PREMISE  
HOURS OF OPERATION  
PATRON NUMBERS

\*SEE TOWN PLANNING REPORT FOR FULL LIST  
OF OTHER LICENSED PREMISES NEARBY



NO. 653 NICHOLSON STREET, CARLTON NORTH

LOCAL CONTEXT

SCALE : N/A

DATE: 1/10/2019



## Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan

### **MOOSA BAR** **Noise and Amenity Action Plan** 653 Nicholson Street, North Carlton

#### **Purpose**

This Noise and Amenity Action Plan (NAAP) is a necessary management strategy for the operation of the venue 'Moosa Bar' at 653 Nicholson Street, North Carlton. The venue is a bar, located on the ground floor of an existing commercial building. This plan has been prepared to guide and ensure the operation of the licensed premises occurs in a responsible and appropriate manner consistent with council and community expectations.

#### **Venue Layout**

Please refer to the Floorplan attached to this document. This layout shows the seating layout and bar location in the venue. Seating is provided as follows:

- Indoor – Seats for approx. 31 patrons
- Rear courtyard – Seats and Tables/Benches for approx. 36 patrons

#### **Operating Hours**

The venue will be open earlier than the liquor license allows, in order to provide coffee and snack services from 8am. The venue will operate under the following hours:

##### *Indoor*

- Sunday to Thursday – 8am to 11pm
- Friday and Saturday – 8am to 1am the next day

##### *Outdoor*

- On any day – 8am to 10pm

#### **Liquor Licence Hours**

The venue will operate under a General Liquor License. A general license authorises the licensee to supply liquor on the licensed premises for consumption on or off the licensed premises during the following trading hours:

##### *Indoor*

- Sunday to Thursday – 11am to 11pm
- Friday and Saturday – 11am to 1am the next day
- Good Friday & Anzac Day – 12pm to 11pm

##### *Outdoor*

- On any day – 11am to 10pm
- Good Friday & Anzac Day – 12pm to 10pm

#### **Music**

- Background music will play at all times during the opening hours throughout the venue. However, there will be no music played in the rear courtyard past 10pm on any night.
- Live music will occasionally be played within the indoor area of the venue.

## Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan

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- Live music performance will largely be limited to solo/duo performances and will utilise the in-house speaker system.
- Live music will not be played past 12am on any day.
- All music will be limited in accordance with the dB requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2).
- No acoustic attenuation measures are required due to the layout of the venue and the physical characteristics of the building (doors, windows etc.)

### How we will manage our patrons

A Venue Manager will be onsite to supervise the venue and staff during all opening hours.

All venue bar staff will be qualified for the Responsible Serving of Alcohol (RSA). The venue requires that all bar staff refresh their knowledge of RSA every two years.

All venue staff will be trained in the following areas:

- *No underage drinking*  
Under no circumstances will minors be permitted to enter the venue during trading hours.  
Venue staff have the best opportunity to effectively monitor the behaviour of patrons, both within the venue and in the surrounding area. For the above reasons, where venue staff identify a patron either:
  - Nearing intoxication;
  - Being violent;
  - Becoming or appears to be drug affected.
- *Proof of Age:*  
Staff will be trained to only accept appropriate evidence of age documents.
- *Refusal of Service*  
Staff will be trained to:
  - Be polite when telling a patron they will not be served anymore;
  - Management may offer a non-alcoholic drink. Suggest water, juice or soft drinks;
  - Notify the manager or licensee.
- *Drugs*  
We have a zero tolerance policy with regard to trafficking or consuming illicit drugs. Patrons reasonably suspected of consuming or trafficking will be removed from the premises, provided this does not place them in danger.
- *Smoking*  
As per Victoria's anti-smoking laws, patrons will not be permitted to smoke indoors or in areas where food is being served. There will be a dedicated smoking area provided in the rear courtyard.

## **Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan**

### **Venue Maintenance**

The venue will be maintained in a safe condition, suitable for occupation by patrons. With that in mind, the venue manager shall ensure that the venue is inspected (and where necessary – equipment tested) on a daily operation basis.

### **Waste Management**

The venue will comply with the terms of the endorsed Waste Management Plan prepared by Leigh Design. The waste collection for the venue will not occur after 10pm on any day, before 7 am Monday to Saturday, or before 9am on a Sunday or public holiday. Additionally, the emptying of bottles into bins in outdoor areas will not occur within the above listed hours.

### **Patron Numbers**

The venue is permitted to allow no more than 100 patrons on the ground floor at any one time, with considerable seating available for patrons. The Venue Manager will ensure that accurate numbers of patrons are maintained in the premises at all times. At the closing of the venue, patrons will be asked to leave the area in order to avoid loitering around the venue.

### **Patron Dispersal**

It is not anticipated that patrons will loiter outside the venue once it closes. Patrons are likely to either go home or travel to venues that are open later. The movement and exit of patrons will be managed by staff, as required.

### **Group Bookings**

In the case of a large group booking, Moosa Bar will be available to be closed to the public. In any other case, groups will be able to book tables, or the outdoor area of the venue.

### **Pass Outs**

Pass outs will only be allowed when a live music event is in progress at the venue. These events may be charged events, depending on the performer and details of the event. These events will occur irregularly.

### **Minimising Queues**

Guests will be greeted by a host inside the venue and will be either seated at a table or offered to wait at the bar while they wait for a table. Queues are not anticipated outside of the venue.

The indicative queuing area outside the venue is indicated on the endorsed architectural plans. In the event of a patron queue forming outside the venue, Moosa Bar management will ensure the queue does not impact the movement of people along the footpath.

### **Rear Courtyard**

The venue includes a licensed outdoor area. This area will be closed at 10pm nightly, in order to respect neighbours, particularly nearby residential properties. At 10pm, patrons will be moved to the front indoor area of the venue in order to reduce noise and potential impacts to neighbours.

The rear courtyard will be utilised (before 10pm) as the designated smoking area for Moosa Bar. After this time, patrons will be asked to smoke at the front of the venue.

## **Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan**

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### **Management of Complaints**

A complaints register kept on the premises will be activated and maintained. The manager on duty will take the complaint and pass on all information to the manager of the venue to appropriately deal with the issue.

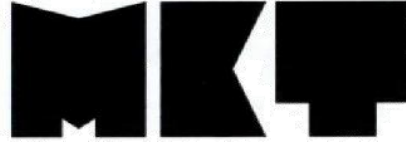
### **Monitor and Review of Procedures**

The venue's procedures are intended to be continuously reviewed and refined. Staff are to be regularly trained and briefed in the details of the planning permit, venue management plan, and liquor licence, particularly as part of the induction process.



**Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan**

Our Ref: Shop Ground Floor 653 Nicholson Street, Carlton North VIC



2 / 603 Keilor Road, Niddrie VIC 3042  
P: 03 9379 0009 F: 03 9379 7909 E: office@mktconsultants.com.au  
www.mktconsultants.com.au

28 June 2019

Agent: Nick Troung  
[nick\\_truong@live.com.au](mailto:nick_truong@live.com.au)

Dear Sir,

**Re: Ground floor– 653 Nicholson Street, Carlton North VIC  
Patron Numbers for Liquor Licence for a Tavern (BCA class 6)**

Upon review of the architectural plans provided, we can confirm the effective floor space available to patrons in the premise is as follows:-

Part of Building:	Floor Area Available to Public (m <sup>2</sup> ):	Liquor Licence: (calculation of patrons i.e. 0.75m <sup>2</sup> per person)
Ground floor	123 m <sup>2</sup>	123 ÷ 0.75 = 164
<b>TOTAL:</b>	<b>123 m<sup>2</sup></b>	<b>164 People</b>

The following areas are excluded from the above area calculations:

- Bar
- Kitchen area
- Bathrooms

## Attachment 4 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Noise and Amenity Action Plan

### Occupancy Permit Number

BCA Table D1.13 – Use as Tavern - the maximum number of persons accommodated in the building is 1m<sup>2</sup> per person

123 m<sup>2</sup> ÷ 1m<sup>2</sup> per person = 123 people

BCA F2.3 – Sanitary Facility requirements (number of toilets available within the premises)

	Pans (WC) Provided	Washbasin Provided	Urinal	Disabled WC	Total Occupants
Male	1	1	0	-	50
Female	1	1	-	-	50

Note: Clause F2.3 (d) NCC BCA 2019 Vol 1, allows that employees and the public may share the same facilities in a class 6 building provided that the number of facilities provided is not less than the total number of facilities required for employees plus those required for the public.

### BCA D1.6 – Dimension of Exit Width

The minimum unobstructed width of an exit is 1000 mm except for doorways. In this case based on plans submitted the minimum is achieved. Furthermore, the owner must ensure to maintain the unobstructed width of 1000 mm between tables / chairs.

### CONCLUSION

Based on the above requirements, in my opinion, the maximum Occupancy Number is **100 people**.

Trusting the above is suitable for your use, if you require any further information please don't hesitate to contact me.

Regards,  
MKT BUILDING SURVEYORS PTY LTD



**MINH TRAN**  
Building Surveyor (BS-U 27714)

**Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report**



Acoustics  
Vibration  
Structural Dynamics

## 653 NICHOLSON STREET, NORTH CARLTON

### Acoustic Report

1 July 2019

Moosa Bar Pty Ltd

MC961-01F01 Acoustic Report (r2).docx



## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN &amp; ASSOCIATES

1 JULY 2019

### Document details

Detail	Reference
Doc reference:	MC961-01F01 Acoustic Report (r2).docx
Prepared for:	Moosa Bar Pty Ltd
Attention:	Denzel Truong

### Document control

Date	Revision history	Non-issued revision	Issued revision	Prepared	Instructed	Authorised
24.06.2019	Draft	0		J.Lee		
25.06.2019	Issued		1	J.Lee	N.Peters	N.Peters
01.07.2019	update		2	N.Peters		N.Peters

#### Important Disclaimer:

The work presented in this document was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001.

This document is issued subject to review and authorisation by the Team Leader noted by the initials printed in the last column above. If no initials appear, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

This document is prepared for the particular requirements of our Client referred to above in the 'Document details' which are based on a specific brief with limitations as agreed to with the Client. It is not intended for and should not be relied upon by a third party and no responsibility is undertaken to any third party without prior consent provided by Renzo Tonin & Associates. The information herein should not be reproduced, presented or reviewed except in full. Prior to passing on to a third party, the Client is to fully inform the third party of the specific brief and limitations associated with the commission.

In preparing this report, we have relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, we have not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions, as expressed in this report may change.

We have derived data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination and re-evaluation of the data, findings, observations and conclusions expressed in this report.

We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

MOOSA BAR PTY LTD  
MC961-01F01 ACOUSTIC REPORT (R2).DOCX

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653 NICHOLSON STREET, NORTH CARLTON  
ACOUSTIC REPORT

## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN &amp; ASSOCIATES

1 JULY 2019

### Executive summary

Renzo Tonin & Associates has conducted an acoustic assessment for a proposed venue, to be located at 653 Nicholson Street, Carlton North (Subject Site/Venue).

City of Yarra 'Request-for-Further-Information' dated 3 June 2019, regarding the planning application PLN19/0281, contains the following request:

8. Whilst the courtyard is proposed to close at 10pm at all nights, please provide an Acoustic Report prepared by a qualified acoustician in order for Council to determine the potential for any noise disturbance to residents within close proximity to the site;

Renzo Tonin & Associates has reviewed the proposed application and associated supporting materials. The proposed operational details are understood to be:

Predominant activity	Indoors:	Small bar, selling craft alcoholic beverages and bar snacks
	Outdoors:	As above
Provision of music:	Indoors:	Recorded music indoors at background music levels, provided by fixed small scale in-house speakers, solo/duo live music.
	Outdoors:	Recorded music at background music levels until 10pm. After 10pm, no music outside.
Provision of food		Yes
Patron capacities:	Total:	100
	Indoors:	Assumed 43, based on 1 patron per square metre
	Outdoors:	Not more than 57 - based noise assessment
Trading hours:	Indoors:	Friday and Saturday: 8am to 1am the next day Other days: 8am to 11pm
	Outdoors:	Service in rear courtyard area to cease at 10:00pm

The Subject Venue proposes to implement the following noise control measures for noise limit and criteria compliance.

- Whilst typical venue mechanical services are expected to conform with SEPP N-1, the mechanical contractor shall ensure that installed is selected such that it complies with SEPP N-1 at all times
- Outdoors, no recorded background music shall be played after 10pm
- Music noise levels be maintained at *background music* levels, per Clause 5.9A(5) of the Liquor Control Reform Act 1998, (ie. "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.")
  - As a guide, music noise, in particular outdoors shall be configured to emit a noise level of  $L_{eq}$  67dB(A) at 1 metre from speakers.
  - Outdoor speakers are to be located in general accordance with Figure 2
- Music shall be provided via small in-house speakers, selected and controlled so as not to emphasise bass content in the music beyond typical equalisation.
- Windows and doors to areas with music shall be kept closed, except to provide patron access or egress
- Live music, if provided, shall be provided by solo/duo, amplified through the in house sound system only, such that live music noise levels do not exceed background music levels



## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN & ASSOCIATES

1 JULY 2019

- No more than 57 patrons are to occupy the outdoor area at any one time
- Alcohol is not permitted in the outdoor area after 10pm
- After 10pm, whilst patrons shall require to pass through the outdoor area to access toilets, patrons shall be encouraged by management not to linger or group in the outdoor area.
- Patrons in the outdoor queuing area shall be managed by security so as to not generate excessive noise
- The Subject Venue shall provide food on site, and management measures consistent with that required of a tavern with food offerings
- The following typical Noise and Amenity Action Plan control measures should be implemented:
  - Demonstrate incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'.
  - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises
  - The maintenance of a complaints register
  - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register
  - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation
  - Details of training provide for bar staff in the responsible serving of alcohol.
  - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

With the incorporation of the proposed control measures, Renzo Tonin & Associates expects that the Subject Venue can operate without adverse noise impact on residential amenity in the area.

## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN &amp; ASSOCIATES

1 JULY 2019

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# **Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report**

RENZO TONIN & ASSOCIATES

1 JULY 2019

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## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN &amp; ASSOCIATES

1 JULY 2019

### 1 Introduction

Renzo Tonin & Associates was engaged to conduct an acoustic assessment for a proposed venue, to be located at 653 Nicholson Street, Carlton North (Subject Site/Venue).

City of Yarra 'Request-for-Further-Information' dated 3 June 2019, regarding the planning application PLN19/0281, contains the following request:

8. Whilst the courtyard is proposed to close at 10pm at all nights, please provide an Acoustic Report prepared by a qualified acoustician in order for Council to determine the potential for any noise disturbance to residents within close proximity to the site;

We understand that the proposed operating conditions are as follows:

Predominant activity	Indoors:	Small bar, selling craft alcoholic beverages and bar snacks
	Outdoors:	As above
Provision of music:	Indoors:	Recorded music indoors at background music levels, provided by fixed small scale in-house speakers, solo/duo live music.
	Outdoors:	Recorded music at background music levels until 10pm. After 10pm, no music outside.
Provision of food		Yes
Patron capacities:	Total:	100
	Indoors:	Assumed 43, based on 1 patron per square metre
	Outdoors:	Not more than 57 - based noise assessment
Trading hours:	Indoors:	Friday and Saturday: 8am to 1am the next day Other days: 8am to 11pm
	Outdoors:	Service in rear courtyard area to cease at 10:00pm

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001. Appendix A contains a glossary of acoustic terms used in this report.

## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

RENZO TONIN &amp; ASSOCIATES

1 JULY 2019

## 2 Site overview

Table 1: Land uses surrounding the subject site

Subject Site	<p>653 Nicholson Street</p> <ul style="list-style-type: none"> <li>Commercial 1 Zone (C1Z)</li> <li>Two-storey commercial building</li> <li>Rear of Subject site: Roller door approximately 2.8 metres in height</li> <li>Subject Venue</li> </ul>
North of Subject Site	<p>655-657 Nicholson Street</p> <ul style="list-style-type: none"> <li>Commercial 1 Zone (C1Z)</li> <li>Two-storey commercial building</li> <li>Ground floor: Handweavers &amp; Spinners Guild of Victoria</li> <li>Level 1: Lean for Life 24-7 Gym</li> </ul>
East of the Subject Site	<p>Nicholson Street</p> <ul style="list-style-type: none"> <li>Commercial 1 Zone (C1Z)</li> <li>Four lanes, 50km/h</li> <li>Tram line, Route 96</li> </ul> <p>650 Nicholson Street</p> <ul style="list-style-type: none"> <li>Mixed Use Zone (MUZ)</li> <li>Four-storey mixed-use building</li> <li>Ground floor: cafe and commercial</li> <li>First floor to third floor: residential dwellings</li> <li>Approximately 29 metres from Subject venue, across Nicholson Street</li> </ul>
South of the Subject Site	<p>651 Nicholson Street</p> <ul style="list-style-type: none"> <li>Commercial Zone (CRZ1)</li> <li>Two-storey commercial premises</li> <li>Ground floor: Restaurant &amp; café</li> <li>Level 1: Storage</li> </ul>
West of the Subject Site	<p>532 Station Street</p> <ul style="list-style-type: none"> <li>Neighbourhood Residential Zone 1 (NRZ1)</li> <li>Single storey residential building</li> <li>Rear of 532 station street: Roller door approximately 2.8 metres in height</li> <li>Separated from the Subject Site by laneway, approximately 4 metres across</li> <li>Worst affected receiver location</li> </ul>



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Figure 1: Site overview



WDCSA RRP Pty Ltd  
VIC951-0121 ACOUSTIC REPORT (R01.DOCX)

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## 3 Existing noise environment

Renzo Tonin & Associates has conducted measurements of noise levels in the area, at locations described in Table 2 and shown in Figure 1. Appendix B presents noise monitor result graphs.

**Table 2: Environmental noise measurements**

ID	Location	Details
M1	165 Rae Street: south boundary	<ul style="list-style-type: none"> <li>Monitoring period: Friday 13th to Friday 20th July 2018</li> <li>The microphone was set up 4.5 metres above ground level</li> <li>The monitor was set to record broadband and spectral noise descriptors, and audio to assist in source recognition</li> </ul>
M2	Playground Garden, abutting 303 Park Street	<ul style="list-style-type: none"> <li>Monitoring duration: Tuesday 24th May to Tuesday 3rd March 2015</li> <li>Microphone was protruded from window of first floor of building</li> <li>The monitor was set to record broadband and spectral noise descriptors, and audio to assist in source recognition</li> </ul>
M3	Rear laneway abutting 653 Nicholson Street (Subject Venue)	<ul style="list-style-type: none"> <li>Attended measurement: Wednesday 19th June 2019</li> <li>The microphone was set up 1.5 metres above ground level</li> <li>The monitor was set to record broadband and spectral noise descriptors, and audio to assist in source recognition</li> </ul>

Notes: Three NTI-XL2 Class 1 noise monitors were used for the campaign. The calibration of the devices was checked in the field immediately before and after the measurement using a Brüel & Kjær Type 4231 calibrator; no drift in calibration was observed. The noise monitors conform with IEC 61672-3:2013 and IEC 61260-3:2016; the sound calibrator conforms with IEC 60942:2017; and, all carry manufacturers certification or NATA certification detailing Standard conformance testing within the last two years and one year respectively.

**Table 3: Period average background noise levels**

Location	Period average background noise level, $L_{90}$ dB(A)		
	Day	Evening	Night
M1	49	49	43
M2	46	46	39
M3	-	-	-

Period Definitions: Day: 7am-6pm; Evening: 6-10pm; Night: 10pm-7am.

Notes: Period average background levels for each period, over the duration of monitoring.

Table 4 below presents relevant background noise measurements.

**Table 4: Background noise measurement summary**

Description	Background noise level $L_{90}$ dB, at frequency band (Hz):							
	dB(A)	63	125	250	500	1k	2k	4k
<b>M1, 165 Rae Street: south boundary</b>								
Monday 16 July 2018, 11:15-11:30pm	42	47	44	41	38	37	30	18
Saturday 14 July 2018, 00:45-01:00pm	43	48	46	43	40	37	28	15
<b>M2, Playground Garden, abutting 303 Park Street</b>								
Saturday 28th February 2015, 01:15-1:30am	36	46	43	35	32	30	25	18
Monday 2nd March 2015, 11:15-11:30pm	36	46	44	36	32	31	26	18



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Description	Background noise level $L_{50}$ dB, at frequency band (Hz):							
	dB(A)	63	125	250	500	1k	2k	4k
Monday 2nd March 2015, 10:00-10:15pm	39	48	46	40	35	35	30	22
<b>M3, Rear of 653 Nicholson Street (Subject Site)</b>								
Wednesday 19th June 2019, 9:00pm-9:15pm	38	42	42	37	33	32	26	18
Wednesday 19th June 2019, 10:43am-10:58am	39	43	44	38	35	33	27	18

## 3.1 Noise source measurements

The following noise source measurements have been referred to in this assessment

Table 5: Typical mechanical services noise levels

Description	Noise level $L_{eq}$ dB(A) at distance
Kitchen exhaust fan	68 dB(A) at 1 metre
Three refrigeration compressors side by side	65 dB(A) at 1 metre
Toilet exhaust fan	57 dB(A) at 0.5 metres
Outdoor air conditioner cassette	60 dB(A) at 1 metre

Notes: Proposed mechanical services are yet to be installed at the Subject Site. As such the above previously measured noise levels have been referred to, from a similar venue.

Table 6: Patron sound power levels: YPS Amendment GC37 (C/- Marshall Day)

Area use category	Average sound power level per patron, $L_{W,eq}$ dB(A)	Maximum sound power level from 2 patrons shouting $L_{W,max}$ dB(A)	Area use definition
Vertical drinking ('worst-case' crowd)	88	104 (does not scale with patron number)	Standing patrons drinking and talking. Focus of activity on drinking and socialising.
Taverns with significant food offerings	83	104 (does not scale with patron number)	Predominantly seated patrons, drinking, dining and talking. Focus of activity on drinking, whilst dining and socialising.
Restaurant dining	78	98 (does not scale with patron number)	Seated patrons, drinking, dining and talking. Focus of activity on dining and socialising.
Small smoking areas, <40 patrons	73	98 (does not scale with patron number)	Patrons using area for smoking. Focus of activity on smoking rather than socialising (data also includes outdoor areas with alcohol consumption).

Notes: Acoustic consultants in Melbourne have measured patron noise levels from numerous venues at varying distances and under various operational conditions with a significant degree of variation in results.

As part of acoustic evidence for Yarra Planning Scheme Amendment GC73, Marshall Day Acoustics presented the following commentary regarding patron noise for the purpose of predicting noise levels from external patron areas (quotations in grey, understood paraphrase or comments in black). Renzo Tonin & Associates has measured noise levels consistent with these.

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Area use category	Average sound power level per patron, $L_{W,eq}$ dB(A)	Maximum sound power level from 2 patrons shouting $L_{W,max}$ dB(A)	Area use definition
	Sound power levels appear to be generally referenced from Lazarus, H 1986, 'Prediction of verbal communication in noise – a review: Part 1', Applied Acoustics, vol. 19, pp., as cited in Hayne et al 2011, 'Prediction of noise from small to medium sized crowds', in Acoustics 2011: Breaking New Ground, Proceedings of the Annual Conference of the Australian Acoustical Society, AAS Queensland Division 2011, Gold Coast, paper number 133.		
$L_{W,eq}$	Scaled as 3 dB per doubling/halving of patron numbers, assuming that at any one time, two patrons will be listening quietly for every patron talking (Per Figure from MDA Evidence)		
$L_{W,max}$	Maximum sound power level from two patrons shouting simultaneously, facing in opposite directions such that noise emissions may be modelled as omnidirectional. This sound power level does not scale with patron number.		

## 4 Criteria

### 4.1 SEPP N-1 commercial noise legislation

Within the Melbourne metropolitan region, noise from commercial plant affecting residential properties is governed by the Victorian EPA *State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1* (SEPP N-1); which is legislated by way of the *Environment Protection Act 1970*. SEPP N-1 noise limits are calculated from planning overlays and background noise levels measured within an area in absence of intrusive commercial noise sources. Table 7 presents the applicable noise limits.

Table 7: SEPP N-1 criteria

Period	SEPP N-1 limit $L_{eq}$ dB(A)
Day	55
Evening	48
Night	43
Period:	Day: Weekdays 7am - 6pm; Saturdays 7am - 1pm; Sundays NA
Definitions:	Evening: Weekdays 6pm - 10pm; Saturdays 1pm - 10pm; Sundays 7am - 10pm
	Night: All days 10pm - 7am

Notes: 1. The day, evening and night noise limit have been determined using neutral background noise methodology.

The applicable location of assessment is summarised below. Assessment is conducted of noise impacts over a 30 minute period.

	External assessment location	Internal assessment location
Assessment location	Outside a dwelling, at locations where impact on normal domestic activities (in particular sleep during night) may occur.	Inside habitable rooms of applicable premises, with windows and doors closed.
Reason for measuring at this location	All instances except...	... Where an outdoor assessment does not represent the noise impact within the habitable room, A +15dB adjustment is applied for indoor assessments

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### 4.2 SEPP N-2 music noise legislation

Music noise emissions from public premises are controlled and assessed in accordance with *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2), which is legislated by way of the *Environmental Protection Act 1970*. The goal of SEPP N-2 is to

*... protect residents from levels of music noise that may affect the beneficial uses ... in particular, sleep in the night period... while recognising the community demand for a wide range of musical entertainment.*

SEPP N-2 applies the following noise limits for indoor venues:

#### Indoor venues

- For the day/evening period: Music noise  $L_{eq}$  dB(A) shall not exceed the background noise  $L_{90} + 5$  dB(A)
- For the night period: Music noise  $L_{OCT10}$  dB shall not exceed the background noise  $L_{OCT90} + 8$  dB

The night time criteria are generally more stringent than those applied during the day/evening periods; in particular at bass frequencies. Therefore, compliance with night period criteria generally indicate compliance with the day and evening period criteria.

The applicable location of assessment is summarised below. Assessment is conducted of noise impacts over a 15 minute period.

	Internal assessment location	External assessment location
<b>Reason for measuring at this location</b>	Where an outdoor measurement does not represent the noise exposure within the habitable room	All other instances
<b>Day /evening</b>	Inside a habitable room	Outside, near a habitable room
<b>Night</b>	Inside a room used for the purposes of sleep	Outside a room used for the purposes of sleep

Noise limits derived from the measured background noise levels are presented below.

Table 8: SEPP N-2 day/evening music noise limits

Description	Background noise level, $L_{90}$ dB(A)	SEPP N-2 limit, $L_{eq}$ dB(A)
Day, until 6pm	46	+5 = 51
Evening	38	+5 = 43

Period Definitions: For venues that operate more than three times a week, the day/evening periods are defined as:  
Saturdays 10am – 10pm; Sundays 12noon – 9pm; Other 9am – 10pm

Notes:

- Background noise levels from Table 3 and Table 4

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Table 9: SEPP N-2 night music noise limits

Description	Noise level, at frequency band (Hz):						
	63	125	250	500	1k	2k	4k
Background $L_{ocn}$ dB, 9-to-11pm	42	42	37	33	32	26	18
	+8=	+8=	+8=	+8=	+8=	+8=	+8=
SEPP N-2 limit, $L_{ocn}$ dB, 9-to-11pm	50	50	45	41	40	34	26
Background $L_{ocn}$ dB, to 1am Friday and Saturday	42	42	35	32	30	25	18
	+8=	+8=	+8=	+8=	+8=	+8=	+8=
SEPP N-2 limit, $L_{ocn}$ dB, to 1am Friday and Saturday	50	50	43	40	38	33	26

Period Definitions: For indoor venues that operate more than three times a week, the day/evening periods are defined as follows:

Saturdays 10am – 10pm; Sundays 12am – 9pm; Other 9am – 10pm

Night is defined as all other times

Notes: Background noise levels from Table 4

## 4.2.1 Background music noise

The term background music noise is defined by Clause S.9A(5) of the Liquor Control Reform Act 1998, which states:

...background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

Generally, noise levels from speaker configurations set up to achieve background music levels indoors will achieve compliance with stated SEPP N-2 limits.

## 4.3 Criteria for patron noise

There are currently no legislated policies or guidelines in Victoria for the control or assessment of noise from patrons at venues. However following from Planning Panel and VCAT precedents, Amendment GC73 to the Yarra Planning Scheme 37.01 *Special Use Zone* set out the following criteria for patron noise:

### 2.0 Use of land

#### Management of Noise

The use of land must be managed so as to limit noise in accordance with the following Patron Noise Criteria:

For LAeq noise levels, the less stringent of the following:

- a. If noise is assessed external to a Noise Sensitive Building, noise emissions must comply with the following patron noise design targets: (nb. average outdoor patron noise targets)
  - Day period (from 0700 to 1800) – 50 dB or background noise (LA90) + 10 dB, whichever is higher.
  - Evening period (from 1800 to 2200) – 45 dB or background noise (LA90) + 10 dB, whichever is higher.
  - Night period (from 2200 to 0700) – 40 dB or background noise (LA90) + 5 dB, whichever is higher.
- b. If noise is assessed internal to a Noise Sensitive Building, noise emissions must achieve the lower of the design sound level range for (whichever is relevant) houses and apartments in inner city areas, entertainment districts, or near major roads, as provided in Australian Standard AS2107:2016 'Acoustics—Recommended design sound levels and reverberation times for building interiors'



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- o For  $L_{max}$  noise levels, during the hours of 10pm-7am: (nb. maximum patron noise targets)  
 'Sleep Disturbance Criteria', being a noise level of 55dB  $L_{max}$ , assessed inside a habitable room of a Noise Sensitive Building normally used for the purpose of sleeping.

The above criteria were derived from:

- Average outdoor patron noise targets developed by Marshall Day Acoustics (MDA), where (paraphrasing MDA commentary):
  - Target exceedance up to 2 dB have no likely impact
  - Target exceedance of 3-to-5 dB has possibility of impact: Provisions for managerial and engineering controls may be appropriate
  - Target exceedance of 6-to-8 dB has strong possibility of impact: Provisions for managerial and engineering controls should be incorporated
  - Target exceedance more than 8 dB will result in noise impacts: major changes to the design and/or operation of the proposed outdoor area will be required
- Average indoor noise targets based on *Australian Standard AS2107:2016 'Acoustics— Recommended design sound levels and reverberation times for building interiors.'* This document sets a target of  $L_{eq}$  35 dB(A) within habitable rooms of houses near major roads or entertainment districts
- Maximum (or event peak) noise targets based on a survey of studies on sleep disturbance documented in NSW EPA document *Environmental Criteria for Road Traffic Noise, 1999* (ECRTN) and the subsequent New South Wales Office of Environment and Heritage *Road Noise Policy, March 2011* (RNP) – these documents set a target of  $L_{max}$  50-55 dB(A)

When a window to a room is open (such as might be required for natural ventilation during the night), it is commonly accepted that the noise level inside the room due to external sources would be 10dB(A) lower than the noise level outside the room.

To summarise, the applicable criteria for the Subject Venue are presented in Table 10 below. These have been adopted as targets for patron noise. A 15-minute duration is considered appropriate for assessment over. Note that the following limits are based on background noise levels collected on the Bell Street side of the development as these provide the more stringent noise goals.

Table 10: Patron noise targets

Noise type	Period	Criterion	
Average patron noise level	Day	$L_{eq}$ 56 dB(A) outside	(nb. $L_{90}46 + 10 = 56$ )
	Evening	$L_{eq}$ 48 dB(A) outside	(nb. $L_{90}38 + 10 = 48$ )
	Night, to 11pm	$L_{eq}$ 43 dB(A) outside	(nb. $L_{90}38 + 5 = 43$ )
	Night, to 1am Fri and Sat	$L_{eq}$ 41 dB(A) outside	(nb. $L_{90}36 + 5 = 41$ )
Maximum (or event peak) patron noise level	Night:	$L_{max}$ 50-55 dB(A) inside a bedroom	
		or $L_{max}$ 60-65 dB(A) outside an open bedroom window	
Period Definitions: Day: 7am - 6pm; Evening: 6pm - 10pm; Night: 10pm - 7am			

## 4.4 Deliveries to- and waste collection from retail tenancies

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines to mitigate the impact of deliveries and waste collection on residential amenity.



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### 4.4.1 Deliveries

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for deliveries:

*Schedule: Deliveries to shops, supermarkets & service stations*

- 7 am — 10 pm Monday to Saturday
- 9 am — 10 pm Sundays and public holidays

*(Outside these hours)... deliveries should be inaudible in a habitable room of any residential premises ... regardless of whether any door or window ... is open*

### 4.4.2 Waste collection

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for waste collection:

- Refuse bins should be located at sites that provide minimal annoyance to residential premises.
- Compaction should be carried out while the vehicle is moving
- Noisy verbal communication between operators should be avoided where possible.

The following times are recommended for waste collection:

*One collection per week*

- 6:30 am - 8 pm Monday to Saturday
- 9 am - 8 pm Sunday and public holidays

*Two or more collections per week*

- 7 am - 8 pm Monday to Saturday
- 9 am - 8 pm Sunday and public holidays

### 4.4.3 Glass disposal

EPA Publication 1254 *'Noise Control Guidelines'* does not provide explicit guidance for disposal of glass. However, Yarra Planning Scheme 22.09 provides the following best practice guidance:

- *The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017).*
- *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*
- *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.*

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## 5 Noise impact assessment

### 5.1 Noise propagation model

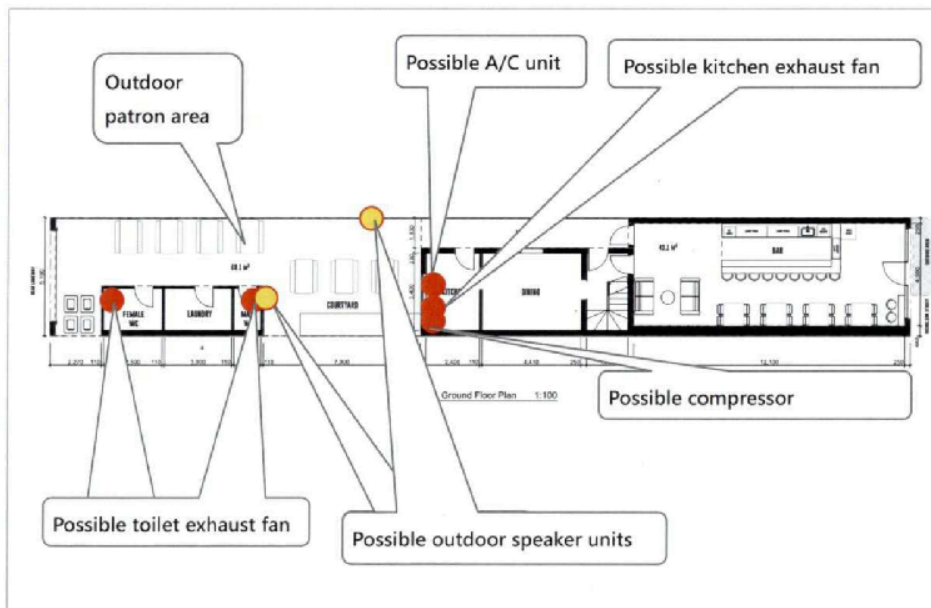
A CadnaA three-dimensional noise model, implementing ISO 9613 noise propagation algorithms was built, to calculate noise propagation from the Subject venue to surrounding residential premises.

The built form of the Subject venue and surrounding dwellings were integrated into the model. The following propagation effects were included in the predictive model:

- Mitigation of noise with distance, including geometrical spreading and air absorption
- Reflections from buildings and environment
- Barrier effects due to obstructions between noise sources and residential receivers
- Ground absorption effects where appropriate
- Local topography

There are currently no operational mechanical services or speakers on site. As such Renzo Tonin & Associates has made the following assumptions about possible locations of these, in Figure 2. These noise sources shall be located no nearer to dwellings to the west than shown.

Figure 2: Assumed locations of possible noise sources



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### 5.2 Mechanical services noise assessment

Table 11 presents the results from the noise modelling and compares them to SEPP N-1 noise criteria. As shown, noise levels from typical mechanical services are expected to conform with SEPP N-1 noise criteria

Table 11: Noise assessment for typical mechanical services

Noise source	Predicted noise level $L_{eq}$ dB(A) at 532 Station Street	Complies with SEPP N-1 ?		
		Day, 55 dB(A)	Evening, 48 dB(A)	Night, 43 dB(A)
Combined mechanical services noise levels	38	✓	✓	✓
Notes: <ul style="list-style-type: none"> <li>• Paths/locations of noise sources described in Figure 2</li> </ul>				

Renzo Tonin & Associates recommend that the following control measure is employed:

- The mechanical contractor shall ensure that installed is selected such that it complies with SEPP N-1 at all times.

### 5.3 Music noise

The Subject Venue is proposed to operate under the following conditions:

Provision of music:	Indoors:	Recorded music indoors at background music levels, provided by fixed small scale in-house speakers, solo/duo live music.
	Outdoors:	Recorded music at background music levels until 10pm. After 10pm, no music outside.

The term *background music* is defined by Clause S.9A(5) of the Liquor Control Reform Act 1998, which states:

"...background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree."

Noise levels from speaker configurations set up to achieve background music levels indoors are expected to achieve compliance with stated SEPP N-2 limits, in particular with windows and doors closed at night. Note that the Subject Venue already possesses an effective airlock between the main bar area and the outdoor courtyard.

Table 12 presents the results from the music noise predictions and compares them to SEPP N-2 noise criteria established in Section 4.2.

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Table 12: Predicted music noise levels from outdoor speakers ( $L_{eq}$  67 dB(A) at 1 metre)

Receiver location	Time period		dB(A)	Octave band centre frequency - Hz (dBZ)						
				63	125	250	500	1k	2k	4k
532 Station Street	Day/Evening	Predicted noise level, $L_{eq}$	30	-	-	-	-	-	-	-
		Noise limit, $L_{eq}$	43	-	-	-	-	-	-	-
		Compliance (✓/X)	✓							
	Night	Predicted noise level, $L_{10}$	-	39	38	36	30	28	25	22
		Noise limit, $L_{10}$	-	50	50	45	41	40	34	26
		Compliance (✓/X)		✓	✓	✓	✓	✓	✓	✓

Notes: \* Worst affected receiver location presented.

Music noise levels are predicted to comply with SEPP N-2 criteria at the identified noise sensitive receiver location.

Renzo Tonin & Associates recommends the Subject Venue employs the following management measures to assist with maintaining ongoing conformance with SEPP N-2:

- Outdoors, no recorded background music shall be played after 10pm
- Music noise levels be maintained at *background music* levels, per Clause 5.9A(5) of the Liquor Control Reform Act 1998, (ie. "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.")
  - As a guide, music noise, in particular outdoors shall be configured to emit a noise level of  $L_{eq}$  67dB(A) at 1 metre from speakers.
  - Outdoor speakers are to be located in general accordance with Figure 2
- Music shall be provided via small in-house speakers, selected and controlled so as not to emphasise bass content in the music beyond typical equalisation.
- Windows and doors to areas with music shall be kept closed, except to provide patron access or egress
- Live music, if provided, shall be provided by solo/duo, amplified through the in house sound system only, such that live music noise levels do not exceed background music levels



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### 5.4 Patron noise

Table 13 presents the results from the patron noise predictions and compares them to night-time noise targets determined in accordance with criteria presented in Section 4.3.

Table 13: Predicted patron noise levels

Receiver location	Predicted noise level	Criterion	Conformance (✓/X)
<b>Evening noise assessment</b>			
<b>Assuming 57 patrons outdoors with noise levels per tavern with food offering</b>			
532 Station Street dwelling	$L_{eq}$ 48 dB(A)	$L_{eq}$ 48 dB(A)	✓
<b>Night noise assessment,</b>			
<b>Assuming, outdoor area closed with no alcohol permitted, assuming 10 incidental patrons smoking</b>			
532 Station Street dwelling	$L_{eq}$ 32 dB(A)	$L_{eq}$ 41 dB(A)	✓
532 Station Street dwelling	$L_{max}$ 52 dB(A)	$L_{max}$ 60-65 outside a bedroom window	✓
<b>r2 1 July 2019 update: night noise assessment of recently added east outdoor queueing area assuming 10 incidental patrons controlled by security (noise emissions per smoking area)</b>			
650 Nicholson Street	$L_{eq}$ 41 dB(A)	$L_{eq}$ 41 dB(A)	✓
650 Nicholson Street	$L_{max}$ 60 dB(A)	$L_{max}$ 60-65 outside a bedroom window	✓

Patron noise levels are predicted to comply with the nominated noise criteria at the identified noise sensitive receiver locations, with appropriate noise management measures, detailed following:

- No more than 57 patrons are to occupy the outdoor area at any one time
- Alcohol is not permitted in the outdoor area after 10pm
- After 10pm, whilst patrons shall require to pass through the outdoor area to access toilets, patrons shall be encouraged by management not to linger or group in the outdoor area.
- Patrons in the outdoor queueing area shall be managed by security so as to not generate excessive noise
- The Subject Venue shall provide food on site, and management measures consistent with that required of a tavern with food offerings
- The following typical Noise and Amenity Action Plan control measures should be implemented:
  - Demonstrate incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)';
  - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises
  - The maintenance of a complaints register
  - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register
  - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation
  - Details of training provide for bar staff in the responsible serving of alcohol.
  - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.



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### 5.5 Activity scheduling

Renzo Tonin & Associates recommends that venue maintenance activities be scheduled in accordance with the following, per Section 4.4

- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

## Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

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1 JULY 2019

### 6 Conclusion

Renzo Tonin & Associates has conducted an acoustic assessment for a proposed venue, to be located at 653 Nicholson Street, Carlton North (Subject Site/Venue).

City of Yarra 'Request-for-Further-Information' dated 3 June 2019, regarding the planning application PLN19/0281, contains the following request:

8. *Whilst the courtyard is proposed to close at 10pm at all nights, please provide an Acoustic Report prepared by a qualified acoustician in order for Council to determine the potential for any noise disturbance to residents within close proximity to the site;*

Renzo Tonin & Associates has reviewed the proposed application and associated supporting materials. The proposed operational details are understood to be:

Predominant activity	Indoors:	Small bar, selling craft alcoholic beverages and bar snacks
	Outdoors:	As above
Provision of music:	Indoors:	Recorded music indoors at background music levels, provided by fixed small scale in-house speakers, solo/duo live music.
	Outdoors:	Recorded music at background music levels until 10pm. After 10pm, no music outside.
Provision of food		Yes
Patron capacities:	Total:	100
	Indoors:	Assumed 43, based on 1 patron per square metre
	Outdoors:	Not more than 57 - based noise assessment
Trading hours:	Indoors:	Friday and Saturday: 8am to 1am the next day Other days: 8am to 11pm
	Outdoors:	Service in rear courtyard area to cease at 10:00pm

The Subject Venue proposes to implement the following noise control measures for noise limit and criteria compliance.

- Whilst typical venue mechanical services are expected to conform with SEPP N-1, the mechanical contractor shall ensure that installed is selected such that it complies with SEPP N-1 at all times
- Outdoors, no recorded background music shall be played after 10pm
- Music noise levels be maintained at *background music* levels, per Clause 5.9A(5) of the Liquor Control Reform Act 1998, (i.e. "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.")
  - As a guide, music noise, in particular outdoors shall be configured to emit a noise level of  $L_{eq}$  67dB(A) at 1 metre from speakers.
  - Outdoor speakers are to be located in general accordance with Figure 2
- Music shall be provided via small in-house speakers, selected and controlled so as not to emphasise bass content in the music beyond typical equalisation.
- Windows and doors to areas with music shall be kept closed, except to provide patron access or egress
- Live music, if provided, shall be provided by solo/duo, amplified through the in house sound system only, such that live music noise levels do not exceed background music levels

# Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

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1 JULY 2019

- No more than 57 patrons are to occupy the outdoor area at any one time
- Alcohol is not permitted in the outdoor area after 10pm
- After 10pm, whilst patrons shall require to pass through the outdoor area to access toilets, patrons shall be encouraged by management not to linger or group in the outdoor area.
- Patrons in the outdoor queuing area shall be managed by security so as to not generate excessive noise
- The Subject Venue shall provide food on site, and management measures consistent with that required of a tavern with food offerings
- The following typical Noise and Amenity Action Plan control measures should be implemented:
  - Demonstrate incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'.
  - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises
  - The maintenance of a complaints register
  - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register
  - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation
  - Details of training provide for bar staff in the responsible serving of alcohol.
  - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

With the incorporation of the proposed control measures, Renzo Tonin & Associates expects that the Subject Venue can operate without adverse noise impact on residential amenity in the area.

# Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

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## APPENDIX A Glossary of terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Ambient noise	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.
Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).
Decibel [dB]	The units that sound is measured in. The following are examples of the decibel readings of every day sounds: 0dB The faintest sound we can hear 30dB A quiet library or in a quiet location in the country 45dB Typical office space. Ambience in the city at night 60dB CBD mall at lunch time 70dB The sound of a car passing on the street 80dB Loud music played at home 90dB The sound of a truck passing on the street 100dB The sound of a rock band 120dB Deafening
dB(A)	A-weighted decibels. The A-weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.
dB(C)	C-weighted decibels. The C-weighting noise filter simulates the response of the human ear at relatively high levels, where the human ear is nearly equally effective at hearing from mid-low frequency (63Hz) to mid-high frequency (4kHz), but is less effective outside these frequencies.
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.
L <sub>Max</sub>	The maximum sound pressure level measured over a given period.
L <sub>10</sub>	The sound pressure level that is exceeded for 10% of the time for which the given sound is measured.
L <sub>90</sub>	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).
L <sub>eq</sub>	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.
Sound	A fluctuation of air pressure which is propagated as a wave through air.
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.



**Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report**

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1 JULY 2019

**APPENDIX B**      Noise monitor results

MOOSA BAR PTY LTD  
MC961-01F01 ACOUSTIC REPORT (R2).DOCX

19

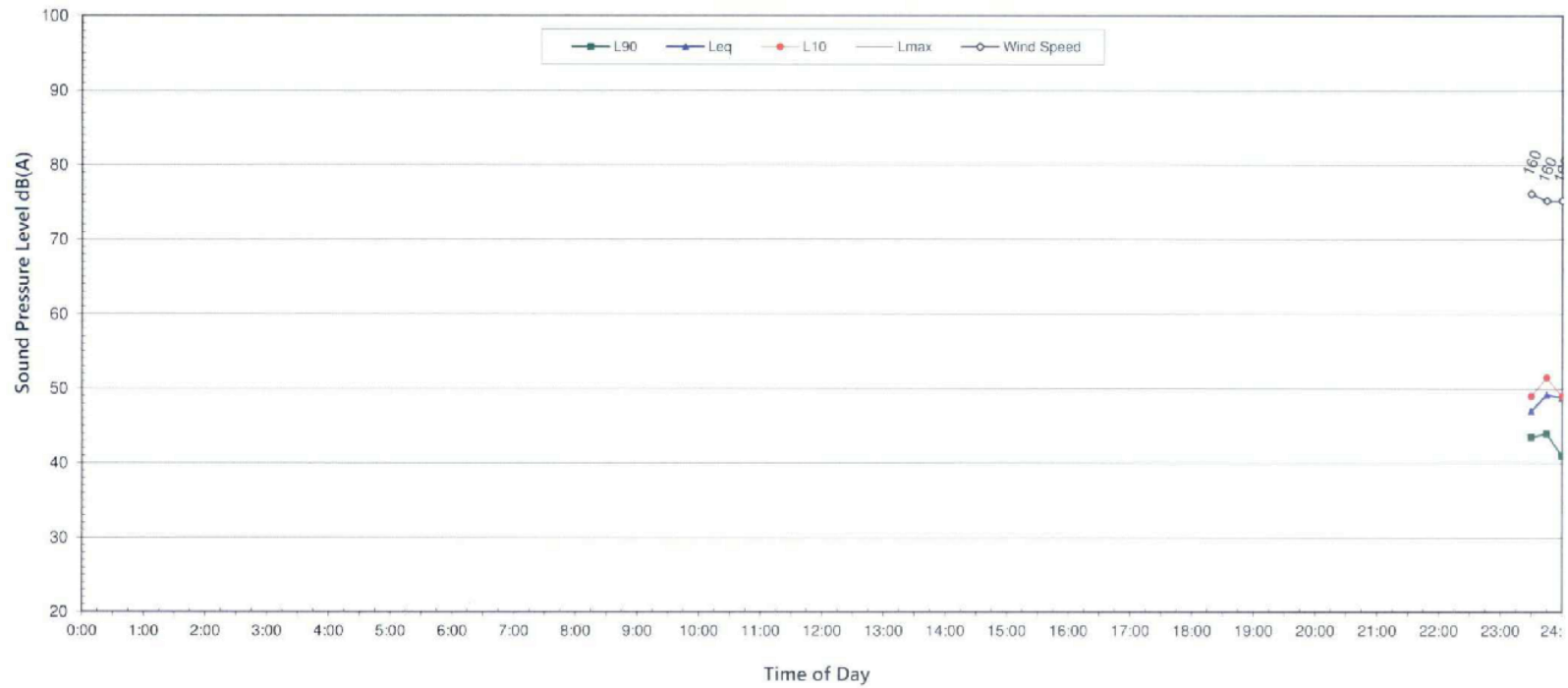
653 NICHOLSON STREET, NORTH CARLTON  
ACOUSTIC REPORT



**Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report**

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

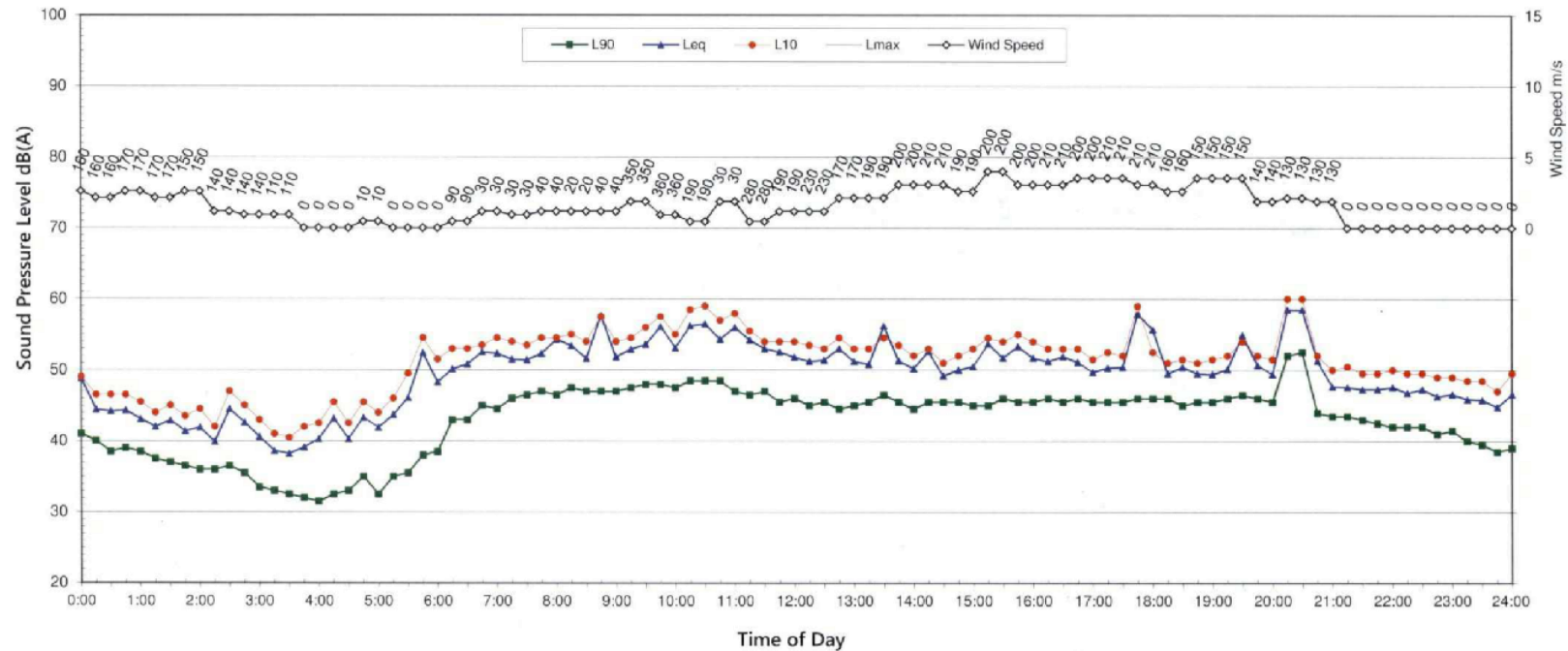
Tuesday, 24 February 2015



# Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Wednesday, 25 February 2015



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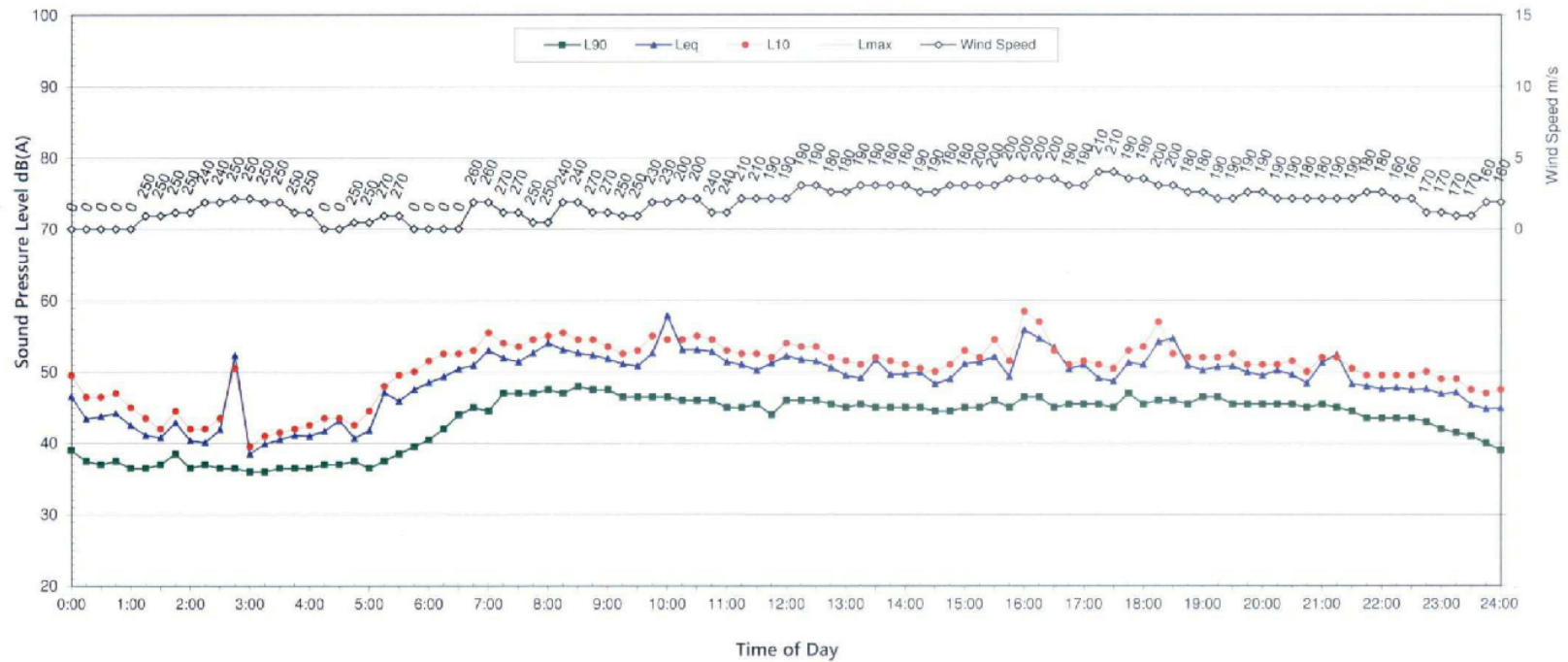
MB306-04L01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

# Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

## Unattended Noise Monitoring Results Playground Garden abutting 303 Park Street

Thursday, 26 February 2015



Data file: 2015-02-24\_23-00-00\_003\_RTAV.xls

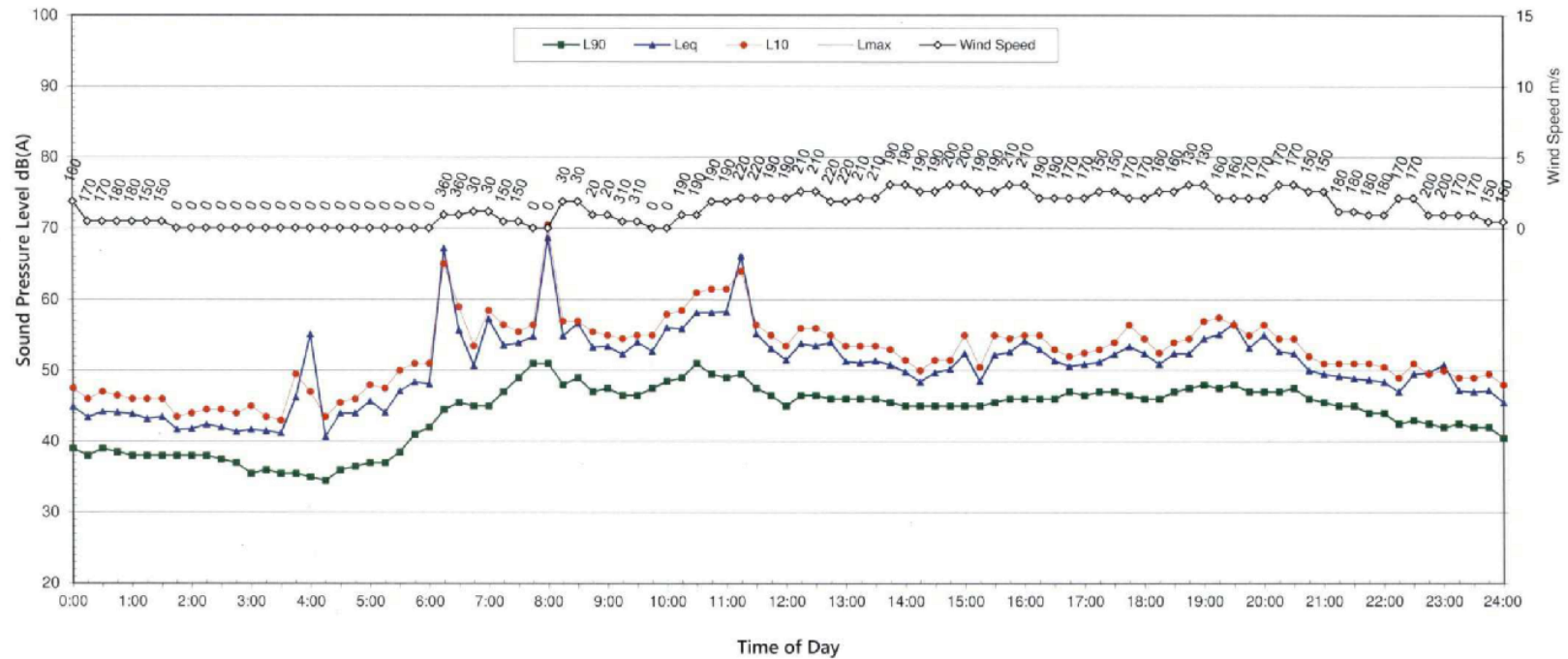
MB305-04/L1 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Friday, 27 February 2015



Data file: 2015-02-24\_23-00-00\_003\_RTAxis

M8306-04L01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Saturday, 28 February 2015



Data file: 2015-02-24\_23-00-00\_003\_RTAxis

MB306-04L01 - Green Park Logger

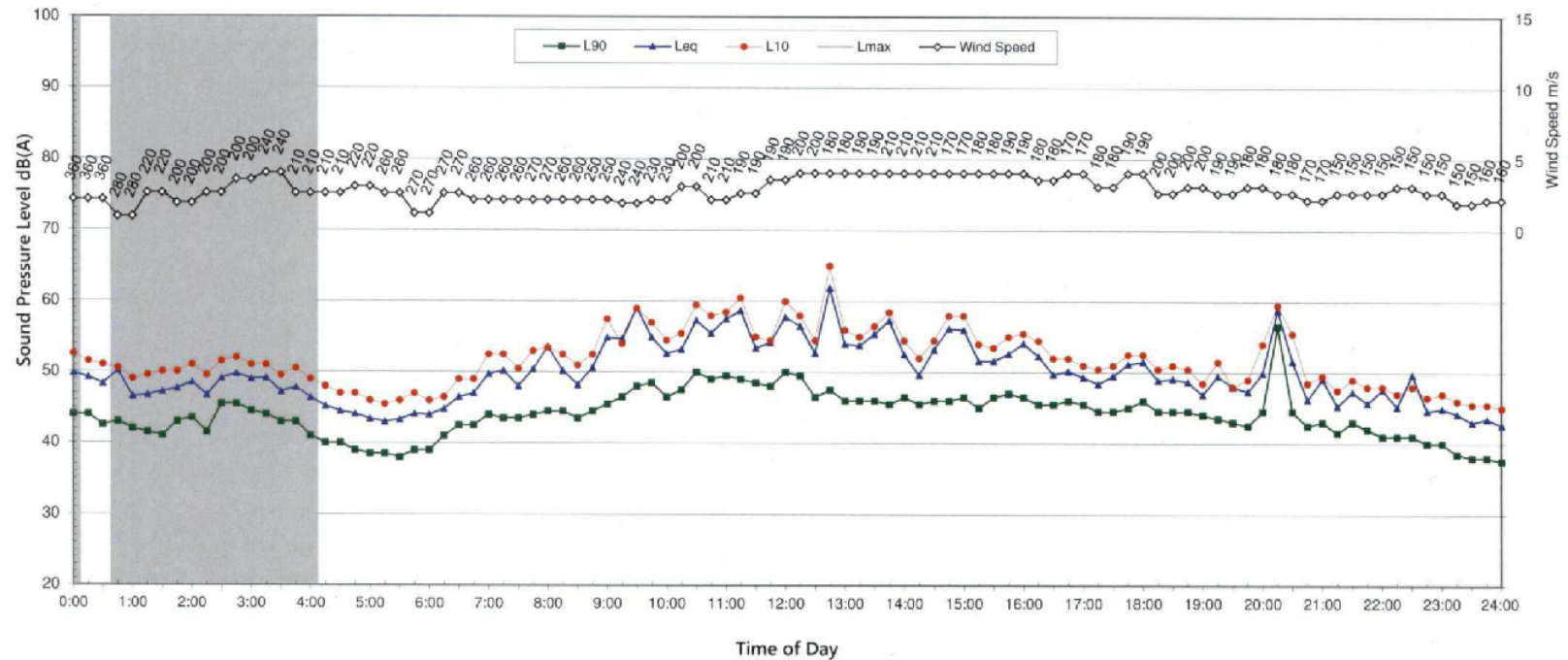
Template: QTE-02 (rev 49) Melbourne Logger Graphs



Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Sunday, 1 March 2015



Data File: 2015-02-24\_23-00-00\_003\_RTAXLS

MB306-04L01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Monday, 2 March 2015



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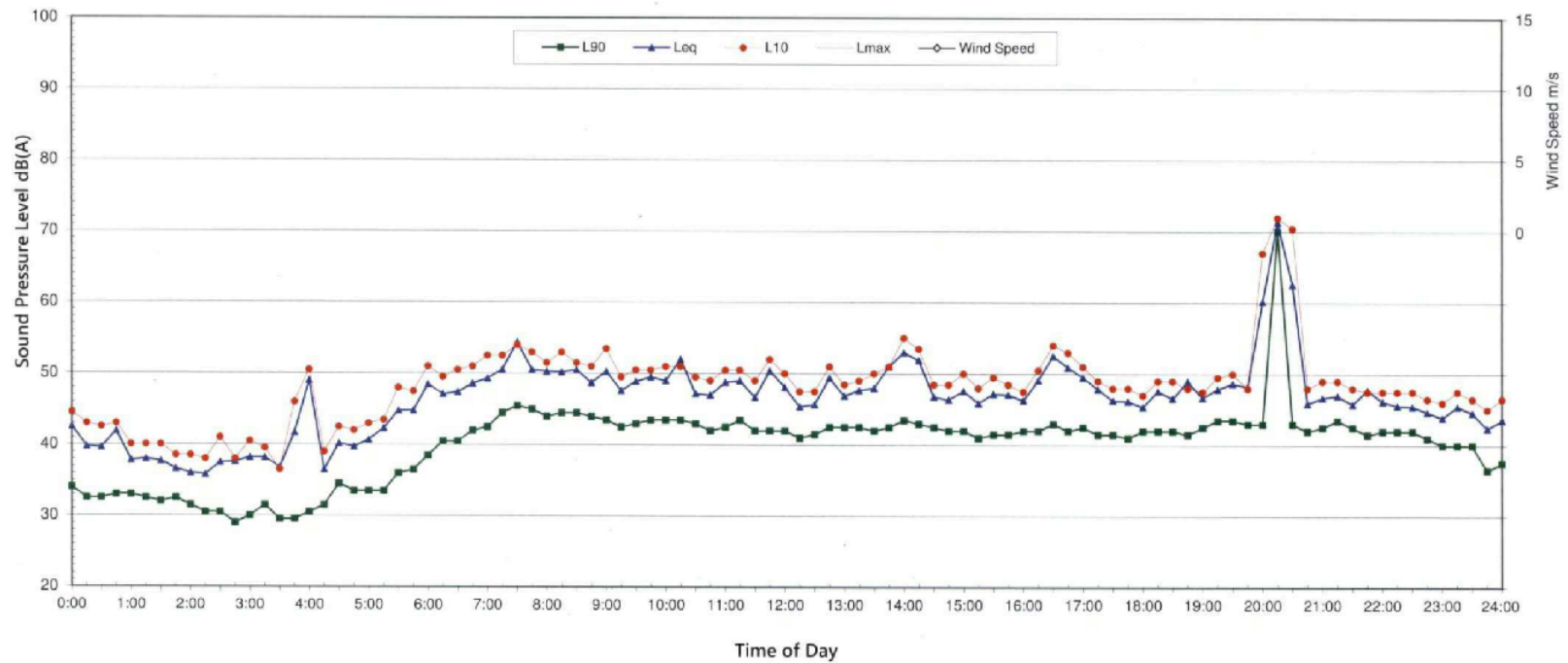
WB306-04.01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

**Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report**

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Tuesday, 3 March 2015



Data file: 2015-02-24\_23-00-00\_003\_RTAX.xls

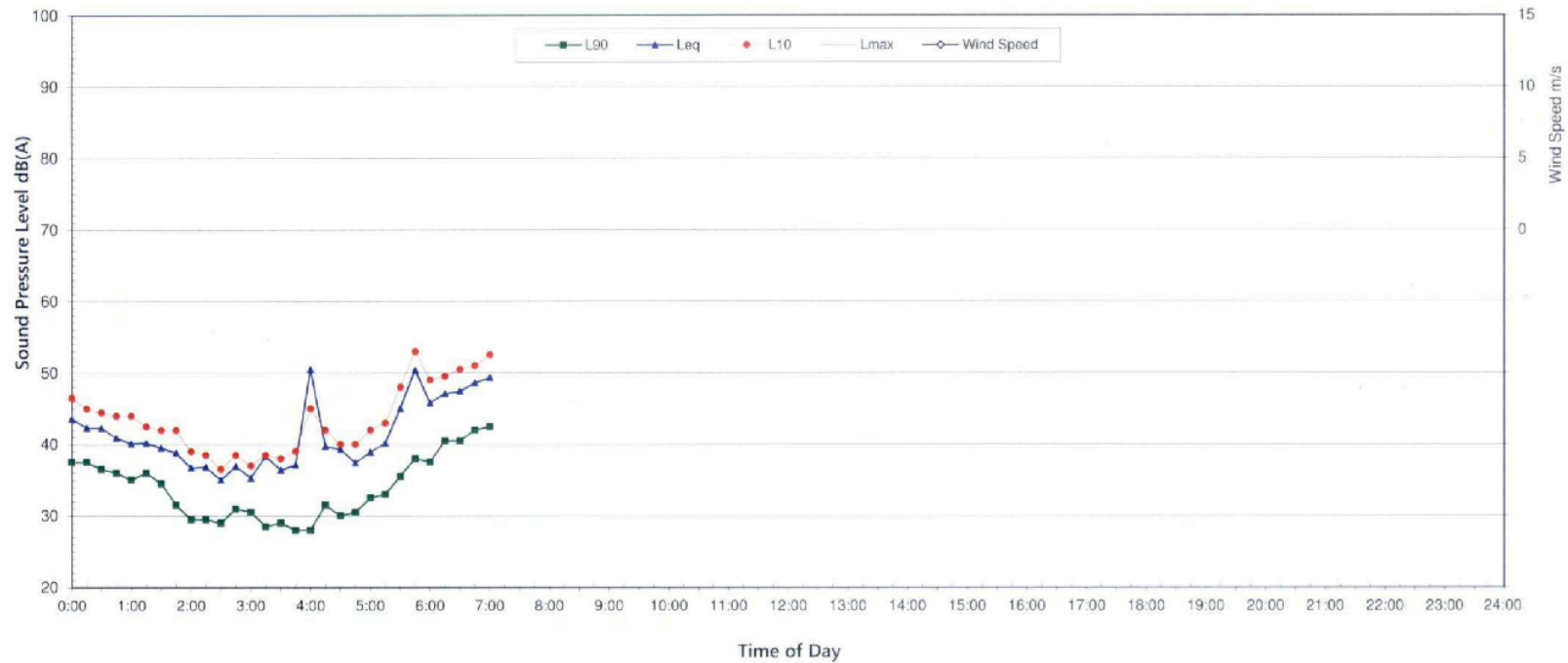
M8306-04L01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

# Attachment 5 - PLN19/0281 - 653 Nicholson Street Carlton North - S52 Advertised Acoustic Report

Unattended Noise Monitoring Results  
Playground Garden abutting 303 Park Street

Wednesday, 4 March 2015



Data file: 2015-02-24\_23-00-00\_003\_RT\_A.xls

MB305-04/01 - Green Park Logger

Template: QTE-02 (rev 49) Melbourne Logger Graphs

**Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan**

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<i>waste management plans for all urban developments</i>	E <a href="mailto:info@leighdesign.com.au">info@leighdesign.com.au</a> I <a href="http://www.leighdesign.com.au">www.leighdesign.com.au</a>

## **WASTE MANAGEMENT PLAN**

**Proposed Development:**  
**653 Nicholson Street, Carlton North, Victoria**

**Prepared for:**  
**Moosa Bar Pty Ltd**

<b><u>Document Control</u></b>
<b>Report Date:</b> 10 September 2019 (supersedes report dated 30-04-19)
<b>Prepared By:</b> Andrew McIntosh, Associate
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## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

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### **WASTE MANAGEMENT SUMMARY**

- The operator, as defined below, shall be responsible for managing the waste system, and for developing and implementing adequate safe operating procedures.
- Waste shall be stored within the development (hidden from external view).
- Users shall sort their waste, and dispose garbage and recyclables into collection bins.
- Waste shall be collected on the rear laneway. The collection contractor shall transfer bins between the waste areas and the truck.
- A private contractor shall provide waste collection services.

### **GLOSSARY**

**Operator:** refers to the Owners Corporation/Site Management, who shall manage site operations (via cleaners, staff and contractors, if required).

**User:** refers to site staff and cleaners, who shall utilise the waste system.

## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

### 1 SPACE AND SYSTEM FOR WASTE MANAGEMENT

#### 1.1 Development Description and Use

This development shall consist of a commercial tenancy (floor-areas are stated in Table 1, below).

#### 1.2 Estimated Garbage and Recycling Generation

The following table summarises the waste estimate (m<sup>3</sup>/week):

Table 1: Waste Estimate

Waste Source	Base Qty (est.)	Garbage	Commingled Recycling
Retail (bar)	area (m <sup>2</sup> ) = 200	0.90	0.86
<b>TOTAL (m<sup>3</sup>/wk)</b>		<b>0.90</b>	<b>0.86</b>

Note: Waste figures are based on adjusted Sustainability Victoria Guidelines.

#### 1.3 Collection Services

Municipal services would be insufficient as these are limited to a pair of weekly wheelie bins per tenement for household-type waste. Therefore, a private contractor shall be engaged to collect waste. The operator shall choose a waste collection provider, negotiate a service agreement and pay for these services.

##### Notes:

- Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
- Thirty days prior to occupation, the operator shall organise a site meeting with Council's Waste Management Coordinator and demonstrate adequate implementation of this Waste Management Plan.

#### 1.4 Location, Equipment and System Used for Managing Waste

The waste management system is summarised as follows:

- Tenancy receptacles at internal areas.
- Bin Store located at Ground Level.
- Collection bins (kept within the Bin Store - refer to Table 2).

The various collection waste-streams are summarised as follows:

Garbage: General waste shall be placed in tied plastic bags and stored within bins.

Recycling: All recyclables shall be commingled into a single type of collection bin (for loose paper, cardboard, glass, aluminium, steel and plastics).

Green Waste: Based on minor landscaping, minimal garden waste generation is anticipated (however, the operator shall engage a contractor, if required).

Compost: At this development, composting is considered impractical, as there would be minimal onsite demand for compost.

## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

Other Waste Streams: The disposal of hard/electronic/liquid and other wastes (polystyrene, batteries, paint, chemicals and detox items, etc) shall be organised with the assistance of the operator.

These items (including e-waste) shall remain within the development until the operator arranges a private collection from the subject land in accordance with requirements from the relevant authority. In particular e-waste must not be disposed in landfill.

The following table summarises bin quantity/capacity, collection frequency and area requirements (based on Table 1):

Table 2: Bin Schedule and Collection Frequency

Waste Source	Waste Stream	Bin Qty	Bin Litres	Collections per Week	Net Area m <sup>2</sup>
Whole Development (dedicated private bins)	Garbage	2	240	2	1.0
	Recycling	2	240	2	1.0
	Hard/Other Waste	-	-	At Call	2.0
	E-waste	-	-	At Call	2.0
<b>Net Waste Storage Area (excludes circulation), m<sup>2</sup>:</b>					<b>6.0</b>

Notes:

- Private bins shall be sourced by the operator (either purchased from a supplier or leased from the collection contractor).
- Subject to stakeholders' preference/capability (and as built constraints), bin sizes and quantities can be changed. Also, recyclables can be either commingled or split into bins for separate recycling streams.

### 1.5 Planning Drawings, Waste Areas and Management of the Waste System

The plans illustrate sufficient space for onsite bin storage, as required by the above schedule. Hard/other waste, including e-waste, shall be stored within the tenancy.

Notwithstanding the above, collection days shall be staged appropriately, and the operator shall stipulate procedures for effective management of the available space.

### 1.6 Collection Bin Information

The following bins shall be utilised (see Sect. 4.4 for signage requirements):

Table 3: Bin Details

Capacity (litres)	Height (mm)	Width (across front, mm)	Depth (side on, mm)	Empty Weight (kg)	Average* Gross Weight (kg)
240	1060	585	730	13	45

Notes:

- \* = Average Gross Weight is based on domestic waste studies (which vary subject to locality and waste-type). Expect greater weight for wet or compacted waste.
- Use the above details as a guide only – variations will occur. The above is based on Sulo plastic (HDPE) flat-lid bins.

# Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

Table 4: Yarra Colour Coding

<b>Bin</b>	<b>Garbage</b>	<b>Commingled Recycling</b>
Lid	Green	Yellow
Body	Green	Green

Note: For private bins, AS4123.7 bin colours can be adopted. Private bins shall be labelled to identify the waste generator and site address.

## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

### 2 ACCESS FOR USERS, COLLECTORS AND COLLECTION VEHICLES

#### 2.1 User Access to Waste Facilities

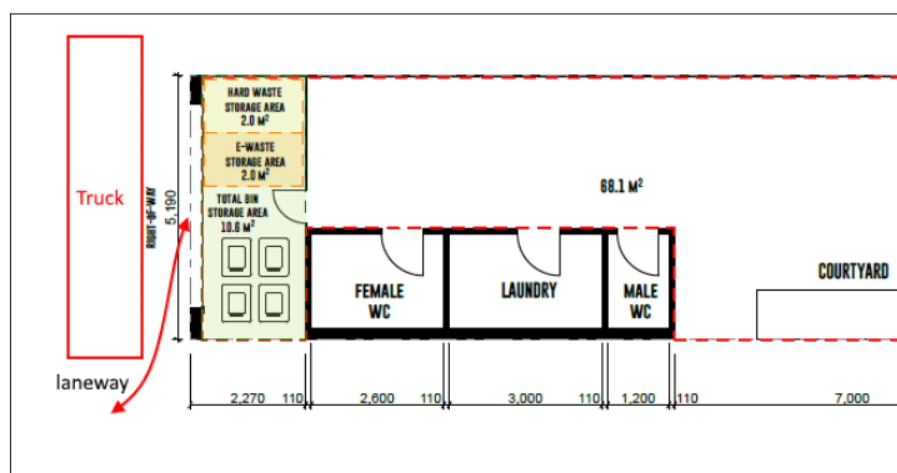
Users shall transfer waste from the internal receptacles to the bins located within the Bin Store (if required, using a suitable trolley).

**Note:** The operator shall ensure the orderly-filling of bins to avoid a higher number of partially-filled ones, rotating the bins so that users are able to reach them. Also, the operator shall ensure that bins are not overloaded.

#### 2.2 Collection Arrangements and Access to Waste Facilities

- A private contractor shall collect waste on the rear laneway.
- Collection staff shall have access to the Bin Store, and transfer bins to the truck and back to the store.
- The waste collection shall be carried-out by rear-lift vehicles nom. 6.4m long, 2.1m high and 6.4 tonnes gross vehicle mass).

The collection point is illustrated as follows:



#### Notes:

- For improved safety, waste collections and bin transfers shall be carried-out during off-peak traffic periods.
- The project's traffic engineer shall provide traffic management information.



## **Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan**

### **3 AMENITY, LOCAL ENVIRONMENT AND FACILITY DESIGN**

#### **3.1 Noise Minimisation Initiatives**

- Collection bins shall feature rubber wheels for quiet rolling during transfers.
- Waste areas shall meet BCA and AS2107 acoustic requirements.
- Local laws shall be observed for all operations in public and private areas. In particular, note the requirements of Yarra's Environmental Local Law Part B, Sect. 10, and Part C, Sect. 17-29, which can be found at: [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au).
- As specified in Council's Local Law No. 3, waste shall not be collected between: 8pm Sunday and 7am the following Monday; 8pm on any day between Monday and Friday inclusive and 7am on the following day; or 8pm any Saturday and 9am the following Sunday. Also, the waste collector shall protect the acoustic amenity by minimising noise during the collection.

#### **3.2 Litter Reduction and Prevention of Stormwater Pollution**

The operator shall be responsible for:

- Promoting adequate waste disposal into the bins (to avoid waste-dumping).
- Securing the waste areas (whilst affording access to users/staff/contractors).
- Preventing overfilled bins and keeping lids closed.
- Abating any site litter, and taking action to prevent dumping and/or unauthorised use of waste areas.
- Requiring the collection contractor to clean-up any spillage that might occur when clearing bins.

The above will minimise the dispersion of site litter and prevent stormwater pollution (thus avoiding impact to the local amenity and environment).

#### **3.3 Ventilation, Washing and Vermin-Prevention Arrangements**

Waste areas shall feature:

- Ventilation in accordance with Australian Standard AS1668.
- Tight-fitting doors (all other openings shall have vermin-proof mesh or similar).
- Impervious flooring (also, smooth, slip-resistant, and appropriately drained).
- A graded bin wash area, hot/cold mixing hosecock, hose and a suitable floor-waste connected in accordance with relevant authority requirements (alternatively, the operator shall engage a contractor to conduct off-site bin washing). The bin and wash areas may overlap, as stored bins can be moved so that a bin can be washed.

The operator shall regularly clean waste areas/equipment. Also, access doors and bin-lids shall be kept closed.

## **Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan**

### **3.4 Design and Aesthetics of Waste Storage Areas and Equipment**

Waste shall be placed within collection bins and stored in designated onsite areas (hidden from external view). Following waste collection activities, bins shall be returned to the storage areas as soon as practicable.

Waste facilities shall be constructed of durable materials and finishes, and maintained to ensure that the aesthetics of the development are not compromised. These facilities and associated passages shall be suitably illuminated (this provides comfort, safety and security, to users, staff and contractors). Access doors shall feature keyless opening from within.

The design and construction, of waste facilities and equipment, shall conform to the Building Code of Australia, Australian Standards and local laws.

## **Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan**

### **4 MANAGEMENT AND SUSTAINABILITY**

#### **4.1 Waste Sorting, Transfer and Collection Responsibilities**

Garbage shall be placed within tied plastic bags prior to transferring into collection bins. Cardboard shall be flattened, and recycling containers un-capped, drained and rinsed prior to disposal into the appropriate bin. Bagged recycling is not permitted.

Refer to Section 2 for waste transfer requirements and collection arrangements.

#### **4.2 Facility Management Provisions to Maintain & Improve the Waste System**

The operator shall manage site operations (refer to the glossary in page 2).

It shall be the responsibility of the operator to maintain all waste areas and components, to the satisfaction of users, staff and the relevant authority (users shall maintain their internal waste receptacles).

The operator shall ensure that maintenance and upgrades are carried-out, on the facility and components of the waste system. When required, the operator shall engage an appropriate contractor to conduct services, replacements or upgrades.

#### **4.3 Arrangements for Protecting Waste Equipment from Theft and Vandalism**

It shall be the responsibility of the operator to protect the equipment from theft and vandalism. This shall include the following initiatives:

- Secure the waste areas.
- Label the bins according to property address.
- The private collection contractor shall transfer bins between the waste areas and the truck (bins shall not be placed on the street).

#### **4.4 Arrangements for Bins/Equipment Labelling, and Ensuring Users and Staff are Aware of How to Use the Waste System Correctly**

- The operator shall provide appropriate signage for the bins. Signage is available at the following internet address: [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au).
- The operator shall publish/distribute "house rules" and educational material to:
  - Inform users/staff about the waste management system and the use/location of the associated equipment (provide the summary in page 2 of this report).
  - Improve facility management results (lessen equipment damage, reduce littering and achieve cleanliness).
  - Advise users/staff to sort and recycle waste with care to reduce contamination of recyclables.

## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

### 4.5 Sustainability and Waste Avoidance/Reuse/Reduction Initiatives

The *Environment Protection Act 1970* includes principles of environment protection and guidance for waste management decision making. Also, the *Sustainability Victoria Act 2005* established Sustainability Victoria as the statutory authority for delivering programs on integrated waste management and resource efficiency.

From a design perspective, the development shall support the acts by providing an adequate waste system with ability to sort waste.

The operator shall promote the observance of the acts (where relevant and practicable), and encourage users and staff to participate in minimising the impact of waste on the environment. For improved sustainability, the operator shall consider the following:

- Observe the waste hierarchy in the *Environment Protection Act 1970* (in order of preference): a) waste avoidance, b) reuse, c) recycle, d) recovery of energy, e) treatment, f) containment and g) disposal.
- Peruse the Sustainability Victoria website: [www.sustainability.vic.gov.au](http://www.sustainability.vic.gov.au).
- Participate in Council and in-house programs for waste minimisation.
- Establish waste reduction and recycling targets; including periodic waste audits, keeping records and monitoring of the quantity of recyclables found in landfill-bound bins (sharing results with users/staff).

### 4.6 Waste Management Plan Revisions

For any future appropriate Council request, changes in legal requirements, changes in the development's needs and/or waste patterns (waste composition, volume or distribution), or to address unforeseen operational issues, the operator shall be responsible for coordinating the necessary Waste Management Plan revisions, including (if required):

- A waste audit and new waste strategy.
- Revision of the waste system (bin size/quantity/streams/collection frequency).
- Re-education of users/staff.
- Revision of the services provided by the waste collector(s).
- Any necessary statutory approval(s).

## Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan

### 5 SUPPLEMENTARY INFORMATION

- The operator shall observe local laws and ensure that bins aren't overfilled or overloaded.
- Waste incineration devices are not permitted, and offsite waste treatment and disposal shall be carried-out in accordance with regulatory requirements.
- For bin traffic areas, either level surfaces (smooth and without steps) or gentle ramps are recommended, including a roll-over kerb or ramp. Should ramp gradients, bin weight and/or distance affect the ease/safety of bin transfers, the operator shall consider the use of a suitable tug.
- The operator and waste collector, shall observe all relevant OH&S legislation, regulations and guidelines. The relevant entity shall define their tasks and:
  - Comply with Worksafe Victoria's Occupational Health and Safety Guidelines for the Collection, Transport and Unloading of Non-hazardous Waste and Recyclable Materials (June 2003).
  - Assess the Manual Handling Risk, and prepare a Manual Handling Control Plan for waste and bin transfers (as per regulatory requirements and Victorian COP for Manual Handling).
  - Obtain and provide to staff/contractors; equipment manuals, training, health and safety procedures, risk assessments and adequate personal protective equipment (PPE) to control/minimise risks/hazards associated with all waste management activities. As a starting point, these documents and procedures shall address the following:

Task (to be confirmed)	Hazard (TBC)	Control Measures (TBC)
Sorting waste and cleaning the waste system	Bodily puncture. Biological & electrical hazards	Personal protective equipment (PPE). Develop a waste-sorting procedure
Bin manual handling	Sprain, strain, crush	PPE, staff training. Maintain bin wheel-hubs. Limit bin weight. Provide mechanical assistance to transfer bins
Bin transfers and emptying into truck	Vehicular strike, run-over	PPE. Develop a Hazard Control Plan for transfers and collections. Maintain visibility. Use a mechanical bin-tipper
Truck access	Vehicular incident, strike, run-over	PPE. Use a trained spotter. Develop a truck-maneuvring and traffic-control procedure

Note: The above shall be confirmed by a qualified OH&S professional, who shall also prepare site-specific assessments, procedures and controls (refer to Section 6).



## **Attachment 6 - PLN19/0281 - 653 Nicholson Street Carlton North - S57B Advertised Amended Waste Management Plan**

### **6 CONTACT INFORMATION**

**City of Yarra** (local Council), ph 03 9205 5555

**iDump** (private waste collector), ph 1300 443 867

**Kartaway** (private waste collector), ph 1300 362 362

**Waste Wise Environmental** (private waste collector), ph 1300 550 408

**Eco-Safe Technologies** (odour control equipment supplier), ph 03 9706 4149

**FJP Safety Advisors Pty Ltd** (OH&S consultant), ph 03 9255 3660

**Electrodrive Pty Ltd** (tug & trailer supplier – for bin transfers), ph 1800 033 002

**Warequip** (tug supplier – for bin transfers), ph 1800 337 711

**Sabco Commercial** (supplier of cleaner's trolleys), ph 1800 066 522

**Sulo MGB Australia** (bin supplier), ph 1300 364 388

**One Stop Garbage Shop** (bin supplier), ph 03 9338 1411

Note: The above includes a complimentary listing of contractors and equipment suppliers. The stakeholders shall not be obligated to procure goods/services from these companies. Leigh Design does not warrant (or make representations for) the goods/services provided by these suppliers.

### **7 LIMITATIONS**

The purpose of this report is to document a Waste Management Plan, as part of a Planning Permit Application.

This report is based on the following conditions:

- Operational use of the development (excludes demolition/construction stages).
- Drawings and information supplied by the project architect.
- The figures presented in this report are estimates only. The actual amount of waste will depend on the development's occupancy rate and waste generation intensity, the user's disposition toward waste and recycling, and the operator's approach to waste management. The operator shall make adjustments, as required, based on actual waste volumes (if the actual waste volume is greater than estimated, then the number of bins and/or the number of collections per week shall be increased, STCA).
- This report shall not be used to determine/forecast operational costs, or to prepare feasibility studies or to document operational/safety procedures.

**Attachment 7 - PLN19/0281 - 653 Nicholson Street Carlton North - Social Planning Comments**



# MeMO

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**TO:** Nish Goonetilleke, Senior Statutory Planner  
**FROM:** Julia Bennett-Mitrovski, Senior Planner (Community Health and Safety)  
**DATE:** 5 September 2019  
**ADDRESS:** 653 Nicholson Street, Carlton North  
**APPLICATION NO:** PLN19/0281  
**DESCRIPTION:** Sale of liquor for consumption on and off premises (general licence) associated with an as-of-right use as a bar with live-music, for a maximum of 100 patrons on-site, with liquor sold between 11.00am to 11.00pm Sun-Thu and 11.00am to 1.00am the next day Fri-Sat (rear courtyard closing at 10.00pm everyday), including a reduction in the bicycle parking requirements.

---

Social Policy and Research has been requested to make comments on the proposal from a social planning perspective.

## **PROPOSAL**

Key aspects of the site and proposal include:

- The site is located in the Commercial 1 Zone and is surrounded by commercial uses to the north and south and residential to the west.
- The subject site is affected by several overlays, including the Heritage Overlay, Schedule 326 - North Carlton Precinct (Clause 43.01 - H0326) and Environmental Audit Overlay (Clause 45.03 - EAO).
- The site is occupied by a two storey commercial building and was previously used as a hair salon.
- The ground floor is to be used for the purposes of a tavern. It is unclear what the first floor is to be utilised for.
- The proposal includes the sale and consumption of liquor (associated with a bar with live music), with licenced hours from 11am - 11pm (Sunday -Thursday), 11am – 1am (Friday-Saturday), Good Friday & Anzac Day - 12pm to 11pm. The outdoor area is proposed to close at 10pm on all days (with access to toilets remaining open).
- A maximum of 100 patrons are proposed.
- The applicant has indicated that seating ratio - seating for approximately 67 people will be provided (67% of patrons).

## **COMMENTS / RECOMMENDATIONS**

## Attachment 7 - PLN19/0281 - 653 Nicholson Street Carlton North - Social Planning Comments

- The mix of licensed premises within the local area includes predominantly restaurant / café licenses and packaged liquor licenses, and also some limited licenses and late night (on premises) licenses.
- There are 10 licensed premises within 100 metres of the subject site (including the site) and 51 licensed venues within 500 metres, with most concentrated along Nicholson Street and St. Georges Road.
- It is considered that there are reasonable public transportation options from the subject site such as Tram Route 96 operating along Nicholson Street, with tram stops close to the site.
- In 2008, the Victorian Government introduced a freeze on new post 1am liquor licences being issued in the City of Yarra, City of Melbourne (including the Docklands), City of Port Phillip and City of Stonnington. In July 2019 the freeze was extended until 30 June 2021. In addition to extending the freeze in July 2019, a number of exemptions were also introduced. In summary, the decision making guidelines enable the Victorian Commission for Gambling and Liquor Regulation (VCGLR) to allow the supply of liquor after 1am in a limited number of circumstances, provided that regard is given to the guidelines.
- The criteria is aimed at allowing low risk venues to supply alcohol past 1am. Criteria includes the premises being used for accommodation (with alcohol being ancillary), or a venue that regularly provides live music entertainment, or a venue that provides food at all times when liquor can be supplied. The criteria also includes patrons not exceeding 200 people.
- Given that the proposal does not seek to operate beyond 1am, the freeze is not applicable.
- The proposed *General liquor licence* in one of the higher risk liquor licence types.
- Practice Note 61 also notes that: *Premises that provide little or no seating are associated with excessive alcohol consumption and potential for increased violence. Patrons from these venues are therefore more likely to have an adverse impact on the surrounding area.*
- The use is proposed to be a tavern. Limited information has been submitted to suggest that the land is used to prepare and sell food and drink for immediate consumption on, or off, the premises. Therefore, it is considered that 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*. The area available to patrons (excluding the hallway and dining area) is calculated as being 111.2m<sup>2</sup>. Based on this guideline, a maximum number up to 148 patrons (i.e. 111.2 / 0.75) may be accommodated. The submitted application states a maximum of 100 patrons. This is considered acceptable.
- An on-premises licence type allows the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours (i.e. this is not permitted under a Restaurant and café licence). Given the interface of the site, and agent of change principles, careful consideration should be given to potential music related amenity impacts and conditions to reduce such impacts, even if not yet proposed or contemplated as part of this current application. Restrictions by way of conditions of approval could mitigate this.
- 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. Given that the outdoor area is proposed to close at 10pm, this is considered a sufficient. A condition should

## Attachment 7 - PLN19/0281 - 653 Nicholson Street Carlton North - Social Planning Comments

specify no patrons in the outdoor courtyard area after 10pm (other than to access the toilet), to the satisfaction of the Responsible Authority – it is recommended that this must be managed via a patron management plan or otherwise.

- It is recommended that a condition of any approval require deliveries to and waste collection from a licensed premises to 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.
- It is recommended that a condition of any approval require emptying bottles into bins in outdoor areas to not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday
- While the site adjoins a residential area to the west (beyond the right-of-way), the patron entry/exit points to the licensed premises will be sufficiently separated from adjoining residential uses and out onto Nicholson Street commercial strip. This is acceptable. It is recommended that the western roller door be closed at all times while the venue is operating, to be included as a condition of any approval.
- General conditions for amenity related matters (including noise) 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.
- As stated in the submitted acoustic report, outdoors, no recorded background music shall be played after 10pm. This is supported.
- The application states that live music, if provided, shall only be provided by solo/duo, amplified through the in-house sound system, such that live music noise levels do not exceed background music levels. This is supported.
- The NAAP specified that no live music will not be played past 12am on any day. This is supported.
- The NAAP also specified that all music will be limited in accordance with the dB requirements of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2). The acoustic report has not been expertly assessed as part of this referral and is recommended for independent review.

**Attachment 8 - PLN19/0281 - 653 Nicholson Street Carlton North - Compliance Comments**

# MeMO

---

**TO:** Nish GOONETILLEKE  
**cc:**  
**FROM:** Brad Speechley  
**DATE:** 2 December 2019  
**APPLICATION:** PLN19/0281  
**SUBJECT:** Amenity Enforcement Referral

---

Dear Nish,

Thank you for your referral dated 27 November 2019, in relation to 653 Nicholson Street Carlton North.

Planning Enforcement has received no complaints in relation to the 'use' of the land. I have reviewed the documentation supplied and given the use is proposed for 100 patron's onsite, between 11am to 11pm, Sunday to Thursday and 11am to 1am, Friday and Saturday, and for the sale of alcohol for consumption on and off the premises, this proposal poses a low amenity risk.

The Compliance branch does not have any concern with the application.

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

Regards,



**Brad Speechley**  
**Coordinator – Civic Compliance**



## Attachment 9 - PLN19/0281 - 653 Nicholson Street Carlton North - SLR Comments



13 August 2019

640.10090.06070 653 Nicholson St Carlton Nth 20190813.docx

Yarra City Council  
PO Box 168  
RICHMOND 3121

**Attention: Nish Goonetilleke**

Dear Nish

### 653 Nicholson Street, North Carlton Development Application Acoustic Review PLN19/0281

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 a bar at 653 Nicholson Street, North Carlton.

Details of the report are as follows.

- Title: 653 Nicholson Street, North Carlton, Acoustic Report
- Date: 1 July 2019
- Reference: MC961-01F01
- Prepared for: Moosa Bar Pty Ltd
- Prepared by: Renzo Tonin & Associates (RTA)

## 1 Background Information

*(Sections 1 and 2 of the acoustic report)*

The proposal is for new bar. The acoustically significant aspects of the proposal are identified as:

- Indoor and outdoor areas with patron capacities of:
  - 43 indoors (estimated)
  - 57 outdoors (recommended maximum)
- The proposed trading hours are:
  - Indoors:
    - Friday and Saturday, 8 am to 1 am the following morning
    - Other nights, 8 am to 11 pm
  - Outdoors:
    - 8 am to 11 pm all days

---

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

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- Provision of music
  - Indoors, recorded music at background levels and live music comprising solo/duo performances during the proposed operating hours of the bar
  - Outdoors, recorded music at background levels up until 10 pm
- The nearest noise sensitive receivers are identified as:
  - 532 Station Street, to the west (potentially most impacted receiver). This and neighbouring dwellings are separated from the subject site by a laneway. Both the residences and the subject site have roller doors onto the lane (approximately 2.8 m high).
  - Multi-level mixed use development on the eastern side of Nicholson Street.
- Potential noise impacts from the proposed use are identified in later sections of the report as patron, music and mechanical plant noise.

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

## 2 Background Noise Levels

*(Section 4 of the report)*

Background noise measurement data was obtained to assist in setting noise limits.

Attended measurements of background noise were conducted in the lane at the rear of the subject site (Location M3) on Wednesday 19 June 2019 in the evening (9 pm to 9:15 pm) and the night (10:43 pm to 10:58 pm) periods. The latter measurement is documented as having been undertaken during the day, however RTA have confirmed that this is a typo. The results are presented in Table 4. The levels for these periods, including the octave band data, were similar (38 to 39 dBA L<sub>90</sub>).

Data from unattended noise logging conducted by RTA for other projects is also presented in the report. This monitoring was undertaken some distance from the subject site (500 m to the north and south east respectively). The day, evening and night average background noise levels, and octave band levels for specific times are provided in Tables 3 and 4.

**SLR Comments:** *The attended background noise data was conducted at reasonable times for determining limits during the evening and night periods.*

*We assume the long term logging data is provided for context, however information about how the data is proposed to be used is not provided in this section of the report.*

*The long term day, evening and night levels are described as 'period average levels' for the duration of monitoring. This is of some potential concern because we would not expect background monitoring data to be averaged in this way for the determination of noise limits. See 'Noise Limits' for further comment on this matter.*

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### 3 Patron Noise

#### 3.1 Patron Noise Criteria

*(Section 4.3 of the report)*

Patron noise is proposed to be assessed to:

- External  $L_{eq}$  (or average) targets of 'background +10 dB' during the day and evening periods and 'background + 5 dB' at night.
- Internal  $L_{max}$  targets of 55 dBA  $L_{max}$
- Internal  $L_{eq}$  targets consistent with the lower end of the AS/NZS2107 recommended ranges. These are 35 dBA  $L_{eq}$  in bedrooms and 40 dBA  $L_{eq}$  in living rooms.

RTA reference Amendment GC73 of the Yarra Planning Scheme to support the application of these targets.

**SLR Comments:** *The external noise targets proposed by RTA are reasonable. Internal targets for patron noise are not appropriate on this project, and are typically only applied to new residential developments in the vicinity of an existing outdoor patron area.*

*Additionally, Amendment GC73 of the Yarra Planning Scheme pertains specifically to the Collingwood Arts Precinct, and was developed in recognition of precinct's cultural significance and to protect the use from residential encroachment. The patron noise targets developed for that site do not apply to other outdoor patron venues in the City of Yarra. More onerous patron noise targets, particularly for patron noise indoors, are typically used.*

*However, indoor targets have not been implemented by RTA on this project, so this issue does not need to be addressed in any further detail relative to this application.*

#### 3.2 Patron Noise Limits

*(Section 4.3 of the report)*

Noise limits are presented in Table 10 of the report. These are:

- Day: 56 dBA  $L_{eq}$  (outside), based on daytime background levels of 46 dBA
- Evening: 48 dBA  $L_{eq}$  (outside), based on evening background levels of 38 dBA
- Night (up to 11 pm): 43 dBA  $L_{eq}$  (outside), based on background levels of 38 dBA
- Night (11 pm to 1 am): 41 dBA  $L_{eq}$  (outside), based on background levels of 36 dBA

**SLR Comments:** *The evening and night limits correlate well with the attended measurement results, and the identified limits for these periods are reasonable.*

*The daytime limits are considerably higher, and appear to be based on the average daytime background noise levels measured in Rae Street, 500 m away from the site. We would expect the lowest measured hourly level to be used for determining background based noise limits for patron noise. However, the daytime noise limits do not drive the patron noise assessment, so further attention to them is not warranted.*

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### 3.3 Patron Noise Levels

(Section 3.1 of the report)

RTA propose to use sound power data consistent with that presented by Marshall Day Acoustics for the Collingwood Arts Precinct. The data is reproduced in Table 6 of the acoustic report, and includes levels for different styles of outdoor patron area, including worst case/ standing consumption, tavern style environments, restaurant dining and small smoking areas. The data is presented as the average sound power level per patron. In Section 5.4 of the report RTA clarify that they have used data commensurate with 'Taverns with food offerings' in their assessment.

**SLR Comments:** *The use of patron noise data for tavern style environments, as opposed to the louder 'vertical consumption' data is probably reasonable for this project given that:*

- *The maximum patron density proposed appears to be less than 1 person per square meter*
- *Alcohol is not proposed to be served in the area after 10 pm (i.e. at times when food service is unlikely).*
- *The overall capacity of the outdoor area is limited to 57 patrons.*

*There is nevertheless a risk that patron noise will be louder than RTA have assumed, and we would be particularly concerned if any exceedance of the identified targets were predicted with the sound power data used on the project.*

### 3.4 Patron Noise Predictions

(Sections 5.1 and 5.4 of the report)

A 3-D noise model has been prepared to assist in the prediction of all noise from the subject site, including patron noise. Generic information about the model is provided in Section 5.1. The predicted patron noise levels are provided in Table 13. The predicted levels are 48 dBA  $L_{eq}$  for the day and evening periods, when the area may be fully occupied and 32 dBA  $L_{eq}$  for the night period, when the area is proposed to be used by smokers only (no alcohol permitted).  $L_{max}$  levels of up to 52 dBA are predicted externally at night.

The predicted noise levels comply with the nominated limits.

**SLR Comments:** *Our indicative calculations of patron noise to the potentially most impacted receiver are in general agreement with RTA's.*

## 4 Music Noise

### 4.1 Music Noise Criteria

(Section 4.2 of the report)

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

The SEPP N-2 day/evening limit is equal to the background noise level + 5 dB. The identified limits are 51 dBA for the period up until 6 pm and 43 dBA for the period from 6 pm to 10 pm. Octave band limits for the night period are presented in Table 9 of the report, and are based on the lowest octave band background noise levels measured by RTA on a Wednesday.

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**SLR Comments:** *The identified limits for the day period have been determined from average background levels measured at another site and are presented as 51 dBA based on a 46 dBA background noise level. SEPP N-2 compliance with 'background + 5 dB' needs to be achieved at all times, which effectively means meeting noise limits based on the lowest background noise levels. This appears likely to be lower than 46 dBA. However, the assessment will be driven by the evening noise limit, which is lower. On this basis, while we note that the daytime limit presented in the report is not appropriate, further consideration of them in this review is not warranted.*

### 4.2 Music Noise Controls and Assessment

*(Sections 5.3 of the report)*

Background music only is proposed to be played both inside the venue and in the rear courtyard. The recommended maximum music levels are provided in Table 12 of the report and are 67 dBA  $L_{eq}$  at 1 m from outdoor loudspeakers.

**SLR Comments:** *The proposed levels of music are very low, and we agree that they are likely to comply with the SEPP N-2 limits identified in the report. Our main concern is that music may be increased during the late evening periods, particularly if the outdoor patron area is full. For this reason we recommend that the in-house system for the outdoor area incorporate a lockable music noise limiter. The limiter should be set up by a suitably qualified acoustical consultant to ensure that SEPP N-2 compliant levels are not exceeded.*

## 5 Mechanical Plant Noise

### 5.1 Noise Limits

*(Sections 4.1 of the report)*

Noise from mechanical services is proposed to be assessed to SEPP N-1. SEPP N-1 zoning levels are presented as the noise limits.

**SLR Comments:** *Our calculations of the SEPP N-1 zoning levels agree with RTA's. We also agree that these can be used as the interim SEPP N-1 noise limits on this project, as there is a low risk of lower noise limits being identified for critical operating periods.*

### 5.2 Mechanical Plant Noise Levels

*(Sections 3.1 of the report)*

RTA has based their assessment of mechanical noise on data obtained at a similar venue, due to the fact that the equipment for this site has not been installed. The data is presented in Table 5 of the report.

Noise from the equipment has been predicted to the nearest noise sensitive location (532 Station Street). The predicted noise level is 38 dBA  $L_{eq}$ , and complies with all relevant SEPP N-1 noise limits.

**SLR Comments:** *The estimated mechanical plant noise levels are reasonable, and we agree that SEPP N-1 compliance will be achieved if the equipment does not exceed the estimated levels.*



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*However, there is potential for noise from the kitchen exhaust fan to exceed the nominated levels, and for this reason we recommend that the selection and layout be reviewed by a suitably qualified acoustical consultant to ensure that SEPP N-1 limits are not exceeded.*

## **6 Summary**

A review of the acoustic report prepared to address noise from the bar proposed for 653 Nicholson Street, Carlton North has been conducted. The report addresses patron, music and mechanical plant noise. A summary of our findings and recommendations is provided below.

### **Patron Noise**

The patron noise assessment is based on the assumption that patrons will converse at 'tavern' style levels. This assumption appears generally reasonable. Patron noise is proposed to be managed in the application by restricting use of the outdoor area to the day and evening periods. Access to the area after 10 pm is proposed to be limited to up to 10 smokers only, and no alcohol is proposed. This is an appropriate management strategy and is expected to satisfactorily address the issue of patron noise on the project.

### **Music Noise**

Music is proposed to be played at very low background levels only. If this assumption is correct we agree that music will comply with SEPP N-2. However, there is a risk that levels will be increased when the venue is operating at capacity. For this reason it is recommended that the in-house system for the outdoor area incorporate a lockable music noise limiter. The limiter should be set up by a suitably qualified acoustical consultant to ensure that SEPP N-2 compliant levels are not exceeded.

### **Mechanical Plant**

An indicative assessment of noise from proposed mechanical plant has been conducted to SEPP N-1. The assessment is reasonably, however we recommend that the kitchen exhaust fan and selection installation location be reviewed during the detailed design phase of the project.

Regards,



Dianne Williams  
Associate – Acoustics

Checked/Authorised by: JA

## Attachment 10 - PLN19/0281 - 653 Nicholson Street Carlton North - Amended Waste Management Referral Comments

### Dawes-Robb, Ruby

---

**From:** Athanasi, Atha  
**Sent:** Wednesday, 11 September 2019 8:44 AM  
**To:** Goonetilleke, Nish  
**Subject:** RE: HPE CM: RE: PLN19/0281 - 653 Nicholson Street Carlton North - Waste Management Referral Comments

Hi Nish,

The waste management plan for 653 Nicholson Street, Carlton North authored by Leigh Design and dated 10/9/19 is satisfactory from a City Works branch's perspective.

Regards,

**Atha Athanasi**  
Contract Management Officer

City Works Services  
*Parks, Resource Recovery, Cleansing*

City of Yarra – City Works Depot  
168 Roseneath St CLIFTON HILL VIC 3068  
T (03) 9205 5547 F (03) 8417 6666  
[Atha.Athanasi@yarracity.vic.gov.au](mailto:Atha.Athanasi@yarracity.vic.gov.au)  
[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)



---

**From:** Goonetilleke, Nish  
**Sent:** Tuesday, 10 September 2019 4:43 PM  
**To:** Athanasi, Atha <[Atha.Athanasi@yarracity.vic.gov.au](mailto:Atha.Athanasi@yarracity.vic.gov.au)>  
**Subject:** RE: HPE CM: RE: PLN19/0281 - 653 Nicholson Street Carlton North - Waste Management Referral Comments

Hi Atha,

The Applicant for 653 Nicholson Street Carlton North has amended the WMP. Please find attached. I have gone through the amended WMP and it looks satisfactory. Are you able to let me know if this is acceptable?

Thank you.

**Kind Regards,**  
**Nish Goonetilleke**  
Senior Statutory Planner  
STATUTORY PLANNING  
City of Yarra PO Box 168 Richmond 3121  
T (03) 9205 5005  
E [Nish.Goonetilleke@yarracity.vic.gov.au](mailto:Nish.Goonetilleke@yarracity.vic.gov.au)

## Attachment 10 - PLN19/0281 - 653 Nicholson Street Carlton North - Amended Waste Management Referral Comments

W [www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)



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

---

**From:** Athanasi, Atha  
**Sent:** Friday, 30 August 2019 9:11 AM  
**To:** Goonetilleke, Nish <[Nish.Goonetilleke@yarracity.vic.gov.au](mailto:Nish.Goonetilleke@yarracity.vic.gov.au)>  
**Subject:** HPE CM: RE: PLN19/0281 - 653 Nicholson Street Carlton North - Waste Management Referral Comments

Hi Nish,

The waste management plan for 653 Nicholson Street Carlton North authored by Leigh Design and dated 30/4/19 is not satisfactory from a City Works branch's perspective. Issues to be rectified include, but may not be limited to the following:

1. Please provide the total size of the bin storage area by M<sup>2</sup>
2. Please identify hard waste storage area within the bin storage area diagram
3. Please identify E waste storage area within the bin storage area diagram

Regards,

**Atha Athanasi**  
Contract Management Officer

City Works Services  
*Parks, Resource Recovery, Cleansing*

City of Yarra – City Works Depot  
168 Roseneath St CLIFTON HILL VIC 3068  
T (03) 9205 5547 F (03) 8417 6666  
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[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)



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**From:** Goonetilleke, Nish  
**Sent:** Monday, 26 August 2019 10:11 AM  
**To:** Athanasi, Atha <[Atha.Athanasi@yarracity.vic.gov.au](mailto:Atha.Athanasi@yarracity.vic.gov.au)>  
**Subject:** PLN19/0281 - 653 Nicholson Street Carlton North - Waste Management Referral Comments

Hi Atha,

## **Attachment 10 - PLN19/0281 - 653 Nicholson Street Carlton North - Amended Waste Management Referral Comments**

The following waste management plan is for 653 Nicholson Street Carlton North.

The application is for the sale of liquor for consumption on and off premises (general licence) associated with an as-of-right use as a bar with live-music, for a maximum of 100 patrons on-site, with liquor sold between 11.00am to 11.00pm Sun-Thu and 11.00am to 1.00am the next day Fri-Sat (rear courtyard closing at 10.00pm everyday), including a reduction in the bicycle parking requirements.

Please find attached:

- Certificate of title.
- Plans.
- Town Planning Report.
- Waste Management Plan.

Please advise if the Waste Management Plan is acceptable. Let me know if you need any more information.

Thank you.

**Kind Regards,**  
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- 1.2 PLN19/0109 - 23-25 Gipps Street, Collingwood - Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys) and a reduction in car parking requirements associated with an office (no permit required for use)**
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## **Executive Summary**

### **Purpose**

1. This report provides an assessment of buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building and a reduction in the car parking requirements associated with an office use at 23-25 Gipps Street, Collingwood.

### **Key Planning Considerations**

2. Key planning considerations include:
- (a) Built form and Urban Design;
  - (b) Off-site amenity impacts; and
  - (c) Car and bicycle parking.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
- (a) Policy and physical context;
  - (b) Built form;
  - (c) Internal amenity;
  - (d) Off-site amenity impacts;
  - (e) Car parking and bicycle provision;
  - (f) Waste management; and
  - (g) Objector concerns.

### **Submissions Received**

4. Twelve (12) objections were received to the application, these can be summarised as:
- (a) Height and Massing;
  - (b) Non-compliances with the requirements of Schedule 11 to the Design and Development Overlay (DDO11);
  - (c) Lack of design integration with the surrounding heritage buildings;
  - (d) Off-site amenity impacts in regards to overshadowing and visual bulk to commercial properties;
  - (e) Increased traffic and reliance on on-street car parking in the surrounding area;
  - (f) Disruptions during construction and to the surrounding infrastructure;
  - (g) Ownership issues regarding building upon the existing building structure; and
  - (h) Concern elements of design detail will not be enforced, or will be later removed through future amendments.

### **Conclusion**

5. Based on the following report, the proposal (following the submission of a Section 57A amendment) is considered to comply with the relevant planning policy and should therefore be supported.

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



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**1.2 PLN19/0109 - 23-25 Gipps Street, Collingwood - Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys) and a reduction in car parking requirements associated with an office (no permit required for use)**

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Reference: D19/176712  
 Authoriser:

**Proposal:** Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys) and a reduction in car parking requirements associated with an office (no permit required for use)

**Existing use:** Office/warehouse development

**Applicant:** Gipps Street Developments Pty Ltd  
 Contour Consultants (Aus) Pty Ltd

**Zoning / Overlays:** Commercial 2 Zone  
 Design and Development Overlay, Schedule 11  
 Heritage Overlay, Schedule 131 (southern part of accessway only)

**Date of Application:** 28 February 2019

**Application Number:** PLN19/0109

**Planning History**

1. Planning Permit PL09/0333 was issued on 5 August 2009 for the development of the land for a warehouse extension, including a reduction in the car parking requirements and a waiver of loading bay facilities.
2. A secondary consent amendment was approved in respect of this permit on 24 January 2011 for the retrospective installation of a storage room in the basement of the building.
3. A Section 72 Amendment to Planning Permit PL09/0333 was issued on 7 April 2015 to allow for buildings and works (including the construction of a meeting room and increased building height), a reduction in the extent of built form (deletion of rear three storey addition), partial change of use to offices (no permit required for use) and associated changes to the permit conditions and preamble.
4. Planning Permit Application PLN13/0993 was lodged on 15 November 2013 seeking the use of the land for a residential hotel (serviced apartments) and construction of associated additions and alterations to the existing building. This application was later withdrawn on 8 October 2014.

**Background**

5. The application was lodged on 28 February 2019, with further information submitted in June 2019. The application was advertised, with 12 objections received. A planning consultation meeting was held on 17 September 2019, where the key issues raised in the objections were discussed with the permit applicant, objectors and planning officers present.
6. Whilst this process was occurring, Council sought and received advice from Council's internal units including Urban Design, City Works, Engineering, Strategic Transport and Environmental Sustainable Development (ESD). Referral advice is attached to this report.

Lodgement of S57A plans

7. Following advertising and the consultation meeting on 17 September 2019, in response to concerns raised by Council's planning officers, internal units and objectors, amended plans were submitted pursuant to Section 57A of the *Planning and Environment Act 1987* on 11 October 2019. Key changes include:

- (a) Reduction to the proposed building envelope to provide increased setbacks to Rokeby Street, the southern boundary and the western boundary resulting in a reduction in leasable floor area from 4,647sqm to 3,763sqm.
- (b) Amendment to the architectural expression and materiality of the new building, as identified below in Figure 1 and Figure 2:



Figure 1: Superseded proposal



Figure 2: Amended proposal (S57A)

- (c) Increased provision of bicycle spaces from 24 employee and 6 visitor spaces to 48 employee and 10 visitor spaces to meet the requirements of Council's Strategic Transport Unit.
- (d) Internal modifications to facilitate the upgrading of the existing lift to ensure it can service the entire building (previously did not extend up into new levels).

## The Proposal

- 8. The application is for the construction of a four storey addition above the first floor car park to the rear of the existing building and a reduction in car parking requirements associated with an office.
- 9. Key features of the proposal include:

### *Use and layout*

- (a) A total of 3,762sqm of open-plan office space contained across four levels above the existing first floor car park at the rear of the subject site. Access to this new office space is from the existing entry/exit points of the retained building. Access can be gained from the centralised pedestrian entry from Gipps Street or the secondary entrance from Rokeby Street.
- (b) The proposal results in an additional 29 car parking spaces (first floor) on an existing concrete apron, deletion of two car spaces to facilitate a 48 on-site bicycle parking area (basement) and end of trip facilities (second floor). Two unallocated car parking spaces associated with the existing building, to the south of the ground floor, are also proposed to be re-allocated to the proposed new office development.
- (c) The proposal provides an additional 222sqm of outdoor area at the second floor and 125sqm at the fourth floor.

### *Construction*

#### *Basement*

- (d) Conversion of two car parking spaces on Lot 18 into a bicycle parking facility for 48 employee bicycle parks.

#### *Ground Floor*

- (e) To the south of the existing built form, and under the ramp providing access to the first floor car parking area, the bin storage area will be located.
- (f) The existing lift will be upgraded to service all new and existing floors.

#### *First Floor*

- (g) Construction of a lift core and stairwell to the south of the existing lift core and another stairwell on the western side of the central vehicular accessway.
- (h) Construction of support beams along the perimeter of the new car parking area with planter boxes provided between.
- (i) Twenty-nine car parking spaces will be formalised in this area to the south of the existing car parking area upon an existing concrete apron.

#### *Second Floor*

- (j) This floor will be constructed with a width parallel to Rokeby Street of 23 metres, and a length parallel to Gipps Street of 59 metres and will be constructed around the existing meeting space/central lift core. A 5.4 metre by 3 metre 'cut out' is provided along the southern elevation in the centre of the development. A floor area of 1096 sqm is proposed.
- (k) This floor will be setback a minimum 1.05 metres from Rokeby Street, 8.3 metres from the northern building, 7.3 metres from the western title boundary and 11.8 metres from the southern title boundary (where dimensions have not been provided these have been determined using Trapeze Desktop [Imaging software that provides the ability to scale and measure plans]. A condition will require these dimensions to be shown on the plans).
- (l) To the north of the new built form, two balconies are proposed. To the west of the meeting room the balcony will adopt an area of 149sqm, to the east of the meeting room the balcony will adopt an area of 73sqm. These balconies match the finished floor level of the existing buildings south-facing walkway.
- (m) End of trip facilities are provided on this level, comprising four showers with changing areas.

#### *Third Floor*

- (n) This floor will be constructed similar to the floor below, with the exception of built form above the existing meeting room and lift core so that the entire northern building façade will be setback 8.3 metres from the existing built form to the north. A floor area of 1148 sqm is proposed.

#### *Fourth Floor*

- (o) The northern elevation of this floor is proposed to align with the floor below. All other setbacks are proposed to be modified. This floor will be setback between 2.5 metres and 3.74 metres from Rokeby Street, 7.9 metres from the western title boundary and 18.175 metres from the southern title boundary. A floor area of 759 sqm is proposed.
- (p) Along the northern and southern elevations, two, 2.4 metre by 1 metre 'cut outs' are provided for articulation.
- (q) A 2.3 metre wide and 51.6 metre long balcony is located directly to the south of this level with an overall area of 125sqm.

#### *Fifth Floor*

- (r) This floor will be constructed in accordance with the floor below, with the exception of no balcony provided.

#### *Roof level*

- (s) Service screening at 1.7 metres in height is proposed around the perimeter of the rooftop services and will be setback approximately 1 metre from the northern building edge, 14.6 metres from the eastern building edge, 6.2 metres from the southern building edge and 15 metres from the western building edge.
- (t) Solar panels (16) are proposed to be accommodated to the west of the screened off service area.
- (u) The proposed development will adopt a maximum building height of 23.859 metres and an overall height of 25.559 metres including the rooftop plant screening.

#### *Colours and materials*

- (v) The second and third levels are to be constructed with cement render in light grey ('RN1').
- (w) The fourth and fifth levels are to be constructed with cement render in dark grey ('RN2').
- (x) The supporting beams provided around the perimeter of the first level car park are to be half RN2 (lower part) and RN1 (topmost part).
- (y) Glazing will be utilised throughout the development with black frames shown (materiality not specified).
- (z) 1.7m high screening is proposed around the rooftop plant equipment (materiality not specified).

#### *Environmentally Sustainable Design Features*

- (aa) All internal sealants and paints, adhesives, and carpets will be low VOC. All engineered timber products will be E0.
- (bb) A 10% improvement on minimum energy requirements.
- (cc) Lighting power consumption reduced by 20% as compared to BCA Standards.
- (dd) A 4kw solar photovoltaic system (16 x 250w, typically 1 metres x 1.6 metres each in size).
- (ee) Water efficient fittings and fixtures.
- (ff) Windows on all building elevations resulting in excellent access to daylight.
- (gg) Separate metering for each office and common area.
- (hh) Provision of electric charging infrastructure for one vehicle, within the first floor car parking area on the eastern wall of the new lift core.
- (ii) 20,000 litre rainwater tank proposed to be used for toilet flushing throughout the development (not shown).
- (jj) End of trip facilities on the second floor and a Green Travel plan has been provided.



Figure 3: View from Rokeby Street of the proposed development looking south-west

## **Existing Conditions**

### Subject Site

10. The subject site comprises several allotments on plan of subdivision 421685Q, Lot 18, B and Common Property 1, 2, 3 and 4. The front part of the site has been developed in accordance with planning permit PL09/0333 where a three storey addition atop an existing warehouse/basement were approved. The existing development contains ten warehouses at basement level, fifteen warehouses, one cafe and two gymnasiums at the ground level, eight offices at the first floor, and eight, two level offices at the second floor.
11. The proposed development will be sited above the rear first floor car park area. The majority of this land is known as Lot B. Following the completion of the development pursuant to PL09/0333 the subject site was subdivided, and Lot B created to anticipate a future addition above the existing built form. As the proposal also relies on land within Common Property 1, 2, 3 and 4 the subject site is known as 23-25 Gipps Street, Collingwood.
12. The subject site has a front boundary to Gipps Street and rear boundary measuring approximately 68 metres and side boundaries of approximately 63 metres, yielding an area 4284sqm. The western and southern perimeters of this allotment is located in common property and is occupied by access ways that service the development. These accessways also provide access to the buildings, including car parking, associated with No. 36 – 54 and No. 121 Rokeby Street to the south.
13. The original ground floor warehouse building is built to the Gipps Street and Rokeby Street property boundaries, and built to the edge of the southern and western accessways. The three storey addition is setback 2.98 metres at first level to Gipps Street, with the first and second floors setback 3.75 metres. All levels of the three storey addition are setback 1.38 metres from Rokeby Street and 1.07 metres from the western access way. The rear wall of the three storey building is setback 31 metres from the southern wall of the ground floor warehouse, with the exception of a walkway on the second floor that protrudes into this setback and a two storey addition associated with a meeting room that adjoins the rear of the three storey addition (centrally located) and measures 12.4 metres deep by 15.7 metres in width.
14. A vehicle ramp descends to the basement level from the rear western corner of the building where additional car parking and nine tenancies are located. A vehicle ramp at the rear of the building also ascends to the roof top, providing access to twenty-two car parks associated with the existing tenancies. Access to eight tenancies is also possible from this level. The rooftop area to the south is currently utilised as car parking, however, this is informal and not associated with Planning Permit PL09/0333.
15. The three storey addition has an overall height of 16.3 metres above natural ground and can be seen in Figure 4 and Figure 5.



Figure 4: View from Gipps Street, looking south down Rokeby Street (Source: Officer image, taken 15/11/2019)





Figure 5: View from Rokeby Street, looking north toward Gipps Street (Source: Officer image, taken 15/11/2019)

### Title Documents

16. Whilst several caveats are registered to the six titles submitted (not relevant to this planning application) there are no other restrictions or easements apart from Covenant AH636926N. This covenant is registered to Lot 18, and requires that this allotment will not at any time use or permit to be used the land for the purpose of a café which engages in the retail sale of eat-in and take-away food, coffee or other hot or cold beverages. The restrictions of this covenant will not be breached as a result of this amendment.

### Surrounding Land

17. The site is located in an area which contains a variety of built form and uses. The immediate area is primarily commercial and industrial in character, however a small pocket of dwellings extend along the northern side of Gipps Street to the east of the subject site. The subject site and these dwellings are located within the Commercial 2 Zone (C2Z).
18. The closest residential areas are located approximately 80 metres south-west of the subject site, with this area within the Mixed Use Zone (MUZ). A pocket of MUZ and Neighbourhood Residential Zoning (NRZ) is also located approximately 100 metres north of the subject site. The mix of zoning is demonstrated in Figure 6 and surrounding built form shown in Figure 7.

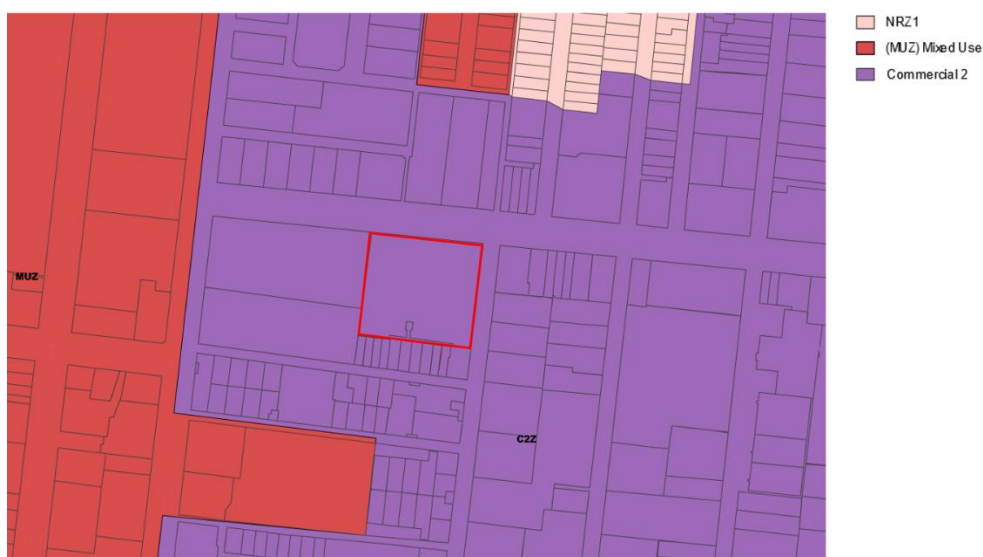


Figure 6: The subject site and surrounding land shown as C2Z, with MUZ to the west (Source: City of Yarra GIS)

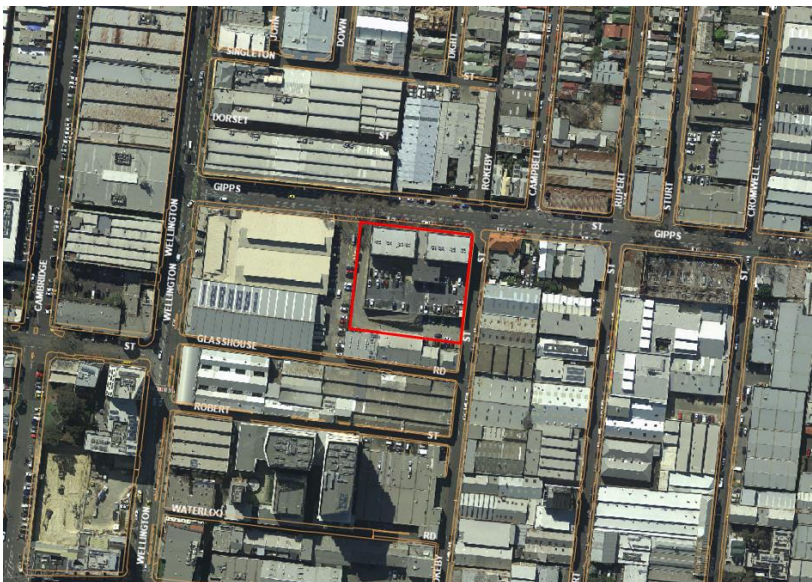


Figure 7: Aerial imagery of the subject site and surrounding built form  
(Source: City of Yarra GIS: Sept 2019)

19. The surrounding area has undergone considerable change in recent years, with the redevelopment of former industrial and warehouse buildings for mixed-use residential and commercial purposes.
20. A number of medium (5-8 storeys) and higher density tower developments (10-17 storeys) have been approved and/or are under construction, particularly around the intersection of Wellington Street and Langridge Street. Figure 8 shows the spread of developments approved over six storeys in height within the broader surrounds:



Figure 8: Sites with approval for six storeys and above shown as a green circle

21. The site is approximately 380m to the east of the Smith Street Major Activity Centre (MAC), which provides convenience retailing that services the local community. The site also has good access to a range of public transport services, as follows:



- (a) Smith/Gertrude Streets (400m to the west) - serviced by Tram Route 86 (Bundoora RMIT - Waterfront City Docklands).
- (b) Victoria Parade (430m to the south) - provides connections to Tram Routes 12 (Victoria Gardens - St Kilda) and 109 (Box Hill - Port Melbourne) and Bus Routes 302 (City - Box Hill via Belmore Road and Eastern Freeway), 303 (City - Ringwood North), 305, 905 and 908 (City - The Pines Shopping Centre, Templestowe), 309 (City - Donvale), 318 (City - Deep Creek), 350 (City - La Trobe University), 684 (Eildon - Melbourne), 906 (City - Warrandyte) and 907 (City - Mitcham).
- (c) Hoddle Street (300m to the east) also provides access to the abovementioned bus routes.
- (d) Collingwood Train Station (450m to the east).

22. The site's immediate interfaces are as follows:

*North*

23. To the north of the subject site, across Gipps Street, are a series of warehouse buildings that can be described as follows:

- (a) No. 2 – 14 Gipps Street is sited on the corner with Wellington Street, extending 120 metres to the east and is double storey in scale. The site is a converted industrial building now used as offices.
- (b) No. 32 – 36 Gipps Street, a double-storey, converted industrial building now used as a shared office space known as the 'Commons'.
- (c) No. 48 – 50 Gipps Street, a single-storey converted industrial building utilised for office. Planning Permit PLN18/0902 was issued on 9 August 2019 for this site, approving the development of the site for the construction of a six-storey building and a reduction in the car parking requirement associated with office use.

24. On the northern side of Gipps Street, and to the east of Rokeby Street, are four buildings constructed as dwellings located at No. 52 – 58 Gipps Street. These four buildings are graded 'individually significant' within the Campbell Street Heritage Precinct, Collingwood. Three of these buildings appear to be used as dwellings (Nos. 52, 54 & 56 Gipps Street).

*South*

25. To the south, across the accessway associated with the site, are several two to three storey converted industrial buildings that are utilised as offices and known as No. 36 – 54 Glasshouse Road and No. 121 Rokeby Street. The building at No. 121 Rokeby Street is 'individually significant' to a site specific overlay, for the former United Tannery and Boot Factory. Whilst the other buildings are included within the Heritage Overlay, they are not listed as 'individually significant,' 'contributory' or 'not-contributory.'

26. These buildings are dual aspect, with windows proposed facing north and south, as shown below in Figure 9 and Figure 10.



Figure 10: View of the northern elevation of the buildings at No. 36-54 Glasshouse Rd & No. 121

*Figure 9: View of the southern elevation of the buildings at No. 36-54 Glasshouse Rd & No. 121 Rokeby St (Source: Officer image, taken 15/11/2019)*

27. These buildings are setback approximately 6 metres from the vehicle ramp and a minimum 11.8 metres from the balance of the built form, associated with the existing building. Car parking associated with these buildings can be accessed from the shared accessway with the subject site.

#### *East*

28. The buildings on the eastern side of Rokeby Street can be described as follows:
  - (a) No. 51-55 Gipps Street is a double storey hotel known as the Glasshouse Hotel. This building is graded 'individually significant' within a site specific overlay for the Glasshouse Hotel.
  - (b) No. 116 and No. 118 Rokeby Street are single storey warehouse buildings and appear to be utilised for the storage/selling of reclaimed timber and for a converted office space (currently vacant), respectively.

#### *West*

29. To the west of the subject site along Gipps Street is the site known as No. 128-144 Wellington Street. This is a large warehouse tenancy. Car parking and an accessway associated with this use is located adjoining the common boundary.
30. Planning Permit application PLN19/0719 is currently before Council, with further information requested on 6 November 2019 yet to be provided. The application proposes a two lot subdivision and the development and use of the land for two buildings (14 & 15-storeys) containing a food and drink premises, offices and a residential hotel, and a reduction in the statutory car parking requirement.
31. To the south-west of the site is a storage warehouse, located at No. 110 Wellington Street. Car parking and an accessway associated with this use is located adjoining the common boundary, a continuation from the property referenced above.

### **Planning Scheme Provisions**

#### Zoning

##### *Clause 34.02 – Commercial 2 Zone*

32. The site is located within the Commercial 2 Zone (C2Z). The purpose of the C2Z is as follows:
  - (a) *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
  - (b) *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
  - (c) *To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses.*
33. Pursuant to Clause 34.02-1 of the Yarra Planning Scheme (the Scheme) a planning permit is not required for the proposed 'office' use.
34. Pursuant to Clause 34.02-4, a planning permit is required to construct a building or construct or carry out works.

#### Overlays

##### *Clause 43.02 – Design and Development Overlay (Schedule 11)*

35. The site is located within the Design and Development Overlay (Schedule 11). Pursuant to Clause 43.02-2 of the Scheme, a planning permit is required to construct a building or construct or carry out works within this overlay.
36. Schedule 11 to the DDO relates to the Gipps Street Precinct, and outlines a preferred future character for this neighbourhood as follows;
  - (a) *A built form business and commercial environment which builds on the existing fine grain industrial nature of the area that allows for innovation and interest.*
  - (b) *A vibrant and safe street environment due to an increasing amount of street oriented development, particularly on Gipps and Langridge Street.*
  - (c) *A consistent streetscape with active street-frontages and well-articulated buildings with street facades built to a height of up to 3-4 storeys. Taller built form will be set back from property boundaries and spaced to create new interest and variety in building forms.*
37. With regards to building heights and setbacks, Schedule 11 notes that;
  - (a) *Taller built form may be appropriate on larger sites able to provide adequate setbacks that respect the narrow streetscape character of the Precinct and avoid overshadowing of neighbouring properties.*
  - (b) *Development above 4 storeys should:*
    - (i) *Demonstrate a high standard of architectural design*
    - (ii) *Minimise overshadowing of adjoining streets, public spaces or private properties*
    - (iii) *Be set back from along the northern side of the following streets:*
      - *Gipps Street*
      - *Langridge Street.*
38. With regards to building design, the overlay notes that;
  - (a) *Development should be designed to:*
    - (i) *have active and attractive frontages.*
    - (ii) *address street activity in its interface design, avoiding recessed car parking at street level.*
    - (iii) *be well articulated and modulated.*
    - (iv) *use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network.*

*Clause 43.01 - Heritage Overlay (Schedule 131)*

39. As Figure 11 demonstrates, the Heritage Overlay covers land associated with the subject site along the southern boundary of the allotment and does not apply to the area where buildings and works are proposed, above the existing building/car parking area.



Figure 11: Location of Heritage Overlay in relation to the subject site  
(Source: DELWP, Planning Maps Online)



40. The requirements of the Heritage Overlay therefore do not apply.

### Particular Provisions

#### *Clause 52.06 – Car Parking*

41. Clause 52.06-1 requires that a new use must not commence until the required car spaces have been provided on the land. A permit is required to reduce (including reduce to zero) the requirement to provide the number of car parking spaces required under this clause.
42. Under clause 52.06-5, the following parking rates are required:

Proposed Use	Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Office	3,763sqm	3 spaces to each 100m <sup>2</sup> of net floor area	112	29

43. Further to the above statutory requirement, the proposal seeks to remove four car parking spaces associated with existing use.
44. As a result of the above, a planning permit for a reduction of 87 car parking spaces is required.

#### *Clause 52.34 – Bicycle Facilities*

45. Pursuant to clause 52.34, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land. The purpose of the policy is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces
46. Under the provisions of Clause 52.34-3 of the 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)	3,763sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000sqm	13 employee spaces	46 employee spaces
		1 visitor space to each 1000sqm of net floor area if the net floor area exceeds 1000sqm	4 visitor spaces	0 visitor spaces
<b>Showers / Change rooms</b>		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>1 shower / change room</b>	<b>4 showers / change room</b>

47. The application did not include permission for a bicycle parking reduction for the visitor spaces (4 visitor spaces short). A condition will require the bicycle parking provision to be as per clause 52.34 of the Scheme.
48. Pursuant to clause 52.34-3, the rate for the provision of showers/change rooms is 1 to the first 5 employee spaces and 1 to each additional 10 employee spaces. Therefore, 1 shower and 1 change room is required. These facilities have been provided.
49. Clause 52.34-4 provides design standard for bicycle spaces and signage.

### General Provisions

50. 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 Municipal Planning Strategy and the Planning Policy Framework., 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 offered in further in this report

Planning Policy Framework (PPF)

*Clause 15.01 – Built Environment*

*Clause 15.01-1S – Urban Design*

51. The objective of this clause is to *‘create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity’.*

*Clause 15.01-2S – Building Design*

52. The objective of this clause is to *‘achieve building design outcomes that contribute positively to the local context and enhance the public realm’.*

*Clause 15.01-5S – Neighbourhood Character*

53. The objective of this clause is to *‘recognise, support and protect neighbourhood character, cultural identity, and sense of place’.*

(a) Relevant strategies include;

- (i) *Ensure development responds to cultural identity and contributes to existing or preferred neighbourhood character.*

*Clause 15.02 – Sustainable Development*

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

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

*Clause 17.02 – Commercial*

*Clause 17.02-1S – Business*

55. The objective of this clause is to *‘encourage development that meets the community’s needs for retail, entertainment, office and other commercial services’.*

*Clause 18.01 – Integrated transport*

*Clause 18.02-1S – Sustainable personal transport*

56. The objective of this clause is to *‘promote the use of sustainable personal transport’.*

(a) Relevant strategies include;

- (i) *Encourage the use of walking and cycling by creating environments that are safe and attractive.*  
(ii) *Develop high quality pedestrian environments that are accessible to footpath-bound vehicles such as wheelchairs, prams and scooters.*

*Ensure provision of bicycle end-of-trip facilities in commercial buildings.*

Local Planning Policy Framework (LPPF)

*Clause 21.05 – Built Form*

57. Relevant objectives and strategies include;

- (a) *Objective 14 To protect and enhance Yarra's heritage places.*
  - (i) *Strategy 14.6 Protect buildings, streetscapes and precincts of heritage significance from the visual intrusion of built form both within places and from adjoining areas*

*Clause 21.05-2 – Urban Design*

58. Relevant objectives and strategies include:

- (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 17.1 Ensure that development outside activity centres and not on Strategic Redevelopment Sites reflects the prevailing low-rise urban form.*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern.*
  - (i) *Strategy 18.2 Enhance the amenity of laneways by applying the Development Abutting Laneway policy at Clause 22.07.*
- (d) *Objective 19 To create an inner city environment with landscaped beauty.*
  - (i) *Strategy 19.2 Encourage opportunities for planting suitable trees and landscape areas in new development.*
- (e) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric.*

*Clause 21.06 – Transport*

*Clause 21.06-1 Walking and cycling*

59. Relevant objectives and strategies include;

- (a) *Objective 30 To provide safe and convenient pedestrian and bicycle environments.*
  - (i) *Strategy 30.1 Improve pedestrian and cycling links in association with new development where possible.*

*Clause 21.06-2 – Public transport*

60. Relevant objectives and strategies include;

- (a) *Objective 31 To facilitate public transport usage.*
  - (i) *Strategy 31.1 Require new development that generates high numbers of trips to be easily accessible by public transport.*

*Clause 21.06-3 – The road system and parking*

61. Relevant objectives include;

- (a) *Objective 32 To reduce the reliance on the private motor car.*
- (b) *Objective 33 To reduce the impact of traffic.*

*Clause 21.07 – Environmental Sustainability*

*Clause 21.07-1 Environmentally sustainable development*

62. Relevant objectives and strategies include;

- (a) *Objective 34 To promote environmentally sustainable development.*

- (i) *Strategy 34.1 Encourage new development to incorporate environmentally sustainable design measures in the areas of energy and water efficiency, greenhouse gas emissions, passive solar design, natural ventilation, stormwater reduction and management, solar access, orientation and layout of development, building materials and waste minimisation.*
- (ii) *Strategy 34.2 Apply the environmental sustainability provisions in the Built Form and Design policy at clause 22.10-3.5*
- (iii) *Strategy 34.3 Apply the Environmentally Sustainable Development policy at clause 22.17*

*Clause 21.08 – Neighbourhoods*

*Clause 21.08-5 – Collingwood*

63. This clause outlines the Collingwood neighbourhood as follows:

- (a) *Much of Collingwood is industrial in character with the residential precincts surrounded by or interspersed with industrial buildings.*
- (b) *The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses. To allow flexibility for large sites which may have difficulty in finding new industrial tenants, rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain.*

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

64. This policy applies to applications for use or development within the commercial zone. The relevant objective is as follows;
- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

*Clause 22.10 – Built form and design policy*

65. Relevant objectives include;
- (a) *Ensure that new development positively responds to the context of the development and respects the scale and form of surrounding development where this is a valued feature of the neighbourhood character.*
  - (b) *Ensure that new development makes a positive contribution to the streetscape through high standards in architecture and urban design.*
  - (c) *Limit the impact of new development on the amenity of surrounding land, particularly residential land.*
  - (d) *Design buildings to increase the safety, convenience, attractiveness, inclusiveness, accessibility and ‘walkability’ of the City’s streets and public spaces.*
  - (e) *Create a positive interface between the private domain and public spaces.*
  - (f) *Encourage environmentally sustainable development.*

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

66. Under this clause it is policy to:

- (a) *Require that development applications provide for the achievement of the best practice performance objectives for suspended solids, total phosphorus and total nitrogen, as set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- (b) *Require the use of stormwater treatment measures that improve the quality and reduce the flow of water discharged to waterways. This can include but is not limited to:*
  - (i) *collection and reuse of rainwater and stormwater on site*
  - (ii) *vegetated swales and buffer strips*
  - (iii) *rain gardens*
  - (iv) *installation of water recycling systems*
  - (v) *multiple uses of water within a single manufacturing site*
  - (vi) *direction of flow from impervious ground surfaces to landscaped areas.*
- (c) *Encourage the use of measures to prevent litter being carried off-site in stormwater flows, including:*
  - (i) *appropriately designed waste enclosures and storage bins, and*
  - (ii) *the use of litter traps for developments with the potential to generate significant amounts of litter.*
- (d) *Encourage the use of green roofs, walls and facades on buildings where practicable (to be irrigated with rainwater/stormwater) to enhance the role of vegetation on buildings in managing the quality and quantity of stormwater.*

#### *Clause 22.17 – Environmentally Sustainable Design*

- 67. This policy applies to commercial development with a gross floor area greater than 100sqm. 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.

#### Other relevant documents

##### *Gipps Street Local Area Plan*

- 68. The Gipps Street Local Area Plan (GSLAP) was adopted by Council in February 2010. This plan includes objectives, strategies and actions which deal with future land use and form of development, physical improvements and infrastructure investments. It provides the strategic basis for future development and activity mix, preferred future character, a guide for new public works and infrastructure, design guidance and an overall approach to implementation and priorities.
- 69. This plan pre-dates the rezoning of the subject land from Industrial to Commercial and influenced the implementation of Schedule 11 to the Design and Development Overlay affecting the site.
- 70. The GSLAP acknowledges that Wellington, Langridge and Gipps Streets offer greater exposure and accessibility for activities like showrooms and larger office developments. The plan also aims to reduce car travel into the precinct, as follows;
  - (a) *A broader policy objective to implement Council's Strategic Transport Statement is to reduce the proportion of trips into and out of the precinct by car.*
  - (b) *Reduced car travel will depend primarily on broader initiatives beyond the scope of this plan.*
  - (c) *Local initiatives should aim to improve walking and cycle access and connections to public transport and slowing car and other vehicle traffic in and around the precinct.*

##### *Spatial Economic and Employment Strategy*



71. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
72. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
73. The Gipps Street Precinct (located between Smith, Johnston and Hoddle Streets and Victoria Parade) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street south, Cremorne and Victoria Parade.
74. A Strategy of the Spatial Economic and Employment Strategy relevant to this application is Strategy 2: Retain and grow Yarra's Major Employment precincts:

*To accommodate projected demand for commercial floor space Yarra's two large consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities.*

*These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts.*

75. The strategy includes the following precinct specific directions for the Gipps Street precinct:

*Given projected demand for employment floor space, and office floor space in particular, the precinct should retain its employment focus. Recent zoning changes have already provided greater flexibility in the range of permissible employment land uses.*

*Although there are many retail and hospitality business beyond the immediate Gipps Street precinct, the lack of retail within the precinct could be a barrier to attracting new businesses. The collection of smaller business on Glasshouse Road at the western edge of the precinct might be interpreted as evidence of the attractiveness of the more vibrant quarters of the precinct.*

*More detailed built form guidance would provide greater clarity about opportunities for additional development and the scale and form envisaged.*

*This precinct could accommodate future demand for floor space generated by both the Victoria Parade health precinct and the Johnston Street Activity Centre, where capacity for growth is more constrained.*

## **Advertising**

76. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 1,489 letters sent to surrounding owners and occupiers and by a sign displayed on both the Rokeby and Gipps Street frontages. Council received twelve (12) objections, the grounds of which are summarised as follows):

- (a) Height and Massing;
- (b) Non-compliances with the requirements of Schedule 11 to the Design and Development Overlay (DDO11);
- (c) Lack of design integration with the surrounding heritage buildings;
- (d) Off-site amenity impacts in regards to overshadowing and visual bulk to commercial properties;
- (e) Increased traffic and reliance on on-street car parking in the surrounding area;
- (f) Disruptions during construction and to the surrounding infrastructure;
- (g) Ownership issues regarding building upon the existing building structure; and

- (h) Concern elements of design detail will not be enforced, or will be later removed through future amendments.
- 77. A planning consultation meeting was held on 17 September 2019 and attended by three objectors, the applicant and Council planning officers to discuss all issues and concerns raised in the letters of objection.
- 78. The applicant provided sketch plans of a potential revised scheme, this was discussed with the objector parties on the night and formed the basis for the formally amended plans pursuant to Section 57A.
- 79. The Section 57A amended plans largely increase setbacks and reduce the scale of the proposal and have not been re-advertised as they would not cause increased material detriment to any person. The plans however, have been sent to the objectors with the invitations to this IDAC meeting for their reference.

## Referrals

### Internal Referrals

- 80. The application was referred to the following units within Council:
  - (a) Urban Design Unit;
  - (b) ESD Advisor;
  - (c) Engineering Services Unit;
  - (d) City Works Branch; and
  - (e) Sustainable Transport Unit.
- 81. Referral comments have been included as attachments to this report and are based on the Section 57A plans. The original comments from the Engineering Services Unit and the Strategic Transport Unit have also been included as these comments provide additional assessment relevant to the current proposal.

## OFFICER ASSESSMENT

- 82. The primary considerations for this application are as follows:
  - (a) Policy and physical context;
  - (b) Built form;
  - (c) Environmentally Sustainable Development (ESD);
  - (d) Internal amenity;
  - (e) Off-site amenity impacts;
  - (f) Car parking and bicycle provision;
  - (g) Waste management; and
  - (h) Objector concerns.

### Policy and physical context

- 83. The proposed development has strong strategic support at State and local level. The subject site is located within a C2Z, this zone has a key purpose *to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*
- 84. Consistent with the zone, the use of the land for office does not require a planning permit and only the buildings and works are triggered by this provision. This indicates strong strategic support for office use within the precinct. Additionally, policies (such as clauses 11.03-1R and 18.01-1S) encourage the concentration of development near activity centres and more intense development on sites well connected to public transport.

85. The site and adjacent land to the east, west and south are located in the C2Z and forms part of the Gipps Street Industrial Precinct. Whilst not identified as a strategic redevelopment site, the site has many of the attributes of one, including the overall size of the site, the underutilised development capacity, proximity to public transport corridors and services within the surrounding area.
86. The proposal complies with the strategic direction outlined for this precinct within the SEES by continuing the industrial/commercial use of the site in a more intensive form, in order to facilitate greater employment opportunities in the area.
87. At a State level, the metropolitan planning strategy *Plan Melbourne* seeks to create 20-minute neighbourhoods, where people can access most of their everyday needs (including employment) within a 20-minute walk, cycle or via public transport. These neighbourhoods must be safe, accessible and well connected for pedestrians and cyclists.
88. The site fulfils this criteria, with tram routes along Smith Street and Victoria Parade, bus routes along Hoddle Street and Johnston Street and the Collingwood Train Station approximately 460m to the east, thereby encouraging the use of alternative modes of transport to and from the site rather than encouraging the reliance on motor vehicles. This is encouraged by clauses 18.02 – *Movement Networks*; 21.06-3 – *The Road System and Parking*; and 21.03 – *Vision of the Scheme*. Further, the site is located within proximity to a comprehensive cycling network; with particular regard to the 'Copenhagen-style' bicycle lanes established along Wellington Street to the west.
89. The zoning of the land preferences uses such as offices to occur. This outcome is further supported by both the *GSLAP* and the *SEES*, two documents referenced earlier in this report that aim to promote the Gipps Street area, and in particular, land with the C2Z as neighbourhoods where larger office developments are encouraged. This site is clearly located within an area where higher intensity commercial uses have been directed to be located.
90. The site is located in an area suitable for redevelopment, with a proposed built form that generally includes some elements of diverse pattern of urban form in the neighbourhood, creates a new built form character and would result in no unreasonable off-site amenity impacts due to the surrounding commercial uses, corner block location and separation distances from the southern and western title boundaries.
91. Having regard to the above, the proposed further development of the site for a greater provision of floor area for office is considered to have strategic planning support, however regard must be had to the appropriate scale of the proposal, based on the individual context and constraints of the land. This aspect of the development will be discussed below.

### Built Form

92. The following is a detailed assessment of the proposal against the design objectives of Clause 22.10 – Built Form and Design Policy and Schedule 11 of the Design and Development Overlay (DDO11). The assessment will also consider the decision guidelines of the Commercial 2 Zone, and the urban design principles provided at Clause 15.01-2.
93. All of the provisions and guidelines support a development outcome that responds to the existing or preferred neighbourhood character and provides a contextual urban design response reflective of the aspirations for the area.

### *Urban form, character and context*

94. It is important for any assessment of building height and neighbourhood character to balance the range of influencing factors affecting this area, including policy provisions, existing height characteristics of nearby built form and preferred future character development of the area.
95. The proposal is an appropriate response to the site's strategic context and makes efficient use of relatively under-utilised land. Strategically, the subject site is appropriately located for a higher-density development, being within proximity to an Activity Centre and within the C2Z with excellent access to public transport, services and facilities.
96. Whilst these considerations have previously been outlined above, it is important to identify the recent strategic work presented within the SEES specifically references that there is significant capacity for commercial employment within the Gipps Street precinct. The Gipps Street precinct is an area of renewal, as identified as identified within Plan Melbourne (2014). Furthermore, the SEES specifically states at Page 46:

*The Cremorne/Church Street South and Gipps Street precincts have been identified as having significant floor space capacity if existing lower scale development is replaced by multi-storey development.*

97. The proposed development is six storeys overall in height with an overall height of 23.859 metres proposed. The addition will be approximately 7.4 metres higher than the four storey built form along Gipps Street associated with the already developed portion of the subject site.
98. Extensive change in the Collingwood area is clearly evident, with a considerable number of recent approvals surrounding the subject site, as identified previously in Figure 8. The subject site presents as a unique opportunity where the staged development of the site has allowed for further development to occur with little to no off-site amenity impacts due to the design and siting of the earlier additions and the design and siting of the proposed additions that are the subject of this application.
99. Furthermore, the site has two street interfaces to the north and east, as well as separation to the south and west by internal accessways, thereby providing a degree of separation from the adjacent sites. It would therefore be a reasonable expectation that this site would experience a degree of intensification.
100. The area the proposed works are located in is not located within a heritage overlay. The sites to the south fronting Glasshouse Road are located in a site specific heritage overlay regarding the former United tannery and boot factory on the north-eastern corner of Glasshouse Road and Rokeby Street, with the site on the north-eastern corner of Gipps Street and Rokeby Street also in a site specific overlay regarding the Glasshouse Hotel.
101. The proposed development is sufficiently separated, in excess of 11 metres to the south and 9 metres to the east, from these heritage buildings to minimise any detrimental impact on heritage grounds. Furthermore, this separation distance and the material palette used will distinguish the new built form from the existing heritage buildings.
102. Particular regard must be given to the acceptability of the design in terms of height and massing, street setbacks and relationships to adjoining buildings. In terms of the specific design responses, the following applies:

*Gipps Street*

103. Figure 12 provides a rendered image of the development, showing the proposal as it will be seen from Gipps Street:



Figure 12: View from Gipps Street of the proposed development behind existing development

104. As can be seen, the existing four storey form constructed along the length of Gipps Street would adequately screen views of the development when viewed from Gipps Street, the main thoroughfare.
105. Oblique views when looking south down Rokeby Street will be possible. It is considered that the fenestration and building materials whilst not identical with the existing material palette and fenestration detailing will complement the existing built form and distinguish the two buildings. This is evident when viewing the Proposed North Elevation – Gipps Street Frontage, as presented in Figure 13 below:



Figure 13: Proposed North Elevation – Gipps Street Frontage

### Rokeby Street

106. Council's Urban Design Unit raised two issues with the proposal. One issue is with the landscape detail and this will be discussed further later in the report. Only one concern was raised in regards to the form of the building and this was the setback of the upper levels (the fourth and fifth floor) to Rokeby Street.
107. The DDO11 seeks street facades built to a height of up to 3-4 storeys. The proposal retains the existing ground floor form built to the Rokeby Street boundary. Above, the beams proposed around the perimeter of the car parking area will be constructed flush to the boundary and angled away at the upper limit. The second and third floors will be setback 1.05 metres from Rokeby Street with the upper two levels setback 2.5 metres from Rokeby Street.



108. Council's Urban Design Unit is supportive of the setbacks provided by the car parking columns and two levels above but have recommended that the setback be increased to 4 metres from the Rokeby Street boundary (an additional 1.5 metres) for the upper two levels. Council's Urban Design Unit are of the opinion that this modification would result in a more clearly defined setback and a better response to the narrow width of Rokeby Street.
109. With regard to potential sightlines from the eastern side of Rokeby Street it is considered that the additional 1.5 metre setback would provide a negligible benefit. Similar concealment of the upper levels could be achieved if the second and third levels above the car parking area were built to the Rokeby Street boundary, in accordance with the DDO11 streetwall expectations. These options are shown below in Figure 14.

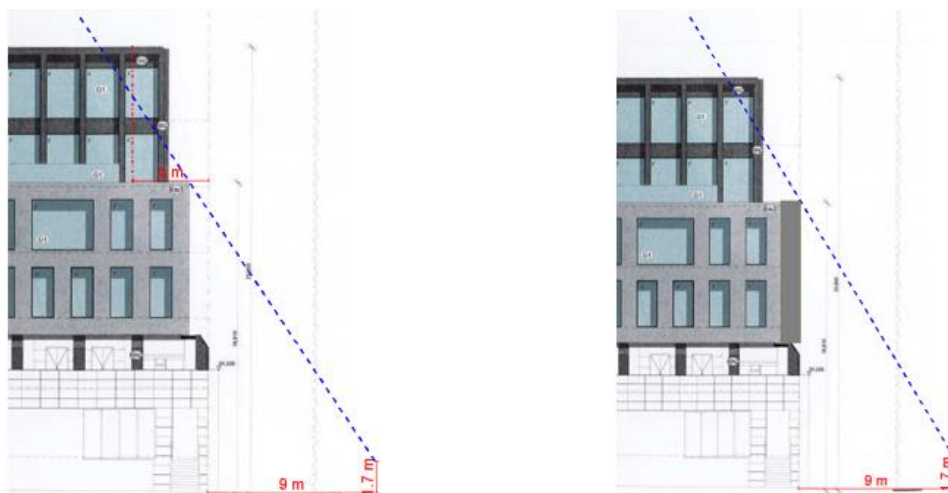


Figure 14: Visibility of the upper levels as proposed and with the additional setback of the fourth/fifth levels (left) and visibility of the upper levels in a scenario where the second/third levels are located on the boundary (right).

110. However, the design has proposed a series of subtle terracing away from the street and it is considered that this terracing combined with the two toned render utilised provides a response to Rokeby Street that is first and foremost site responsive, successfully providing a sense of visual relief at the upper levels.
111. The slight setback of the second and third levels responds well to the existing built form at the front of the site. The lower built form of the retained buildings essentially wraps around the corner along Rokeby Street, with the upper levels clearly distinguished in both colour and setback.
112. With regard to the narrow width of Rokeby Street, it is considered that the setbacks would provide an appreciable massing to the street when considering the pedestrian experience.
113. With regard to the interface to the south, it is considered that the deep setback of the upper levels in addition to the setback in excess of 11 metres provided by the internal accessway, would provide an adequate transition to the lower built forms fronting Glasshouse Road.

#### *Height and Architectural Quality*

114. Turning to the height of the buildings, the proposed addition will extend to a maximum height of six storeys, or 23.8 metres with plant screening being an additional 1.7 metres. Whilst it is acknowledged that the building will be taller than the existing adjoining developments and the existing four storey form on-site, the addition will be lower in height than the Yorkshire Brewery development (50.38m) to the south and comparable to recent office approvals in the Commercial 2 Zone which range between seven and 13 storeys in height. Some of which have been constructed or are under construction.

115. This proposal is in-line with the emerging character of the area and generally consistent with local and state policy. Additionally, the additional storeys are well setback from Gipps Street, with a distance of 27 metres, ensuring the new development is read as being more in the background, rather than the forefront of the existing built form on site.
116. The issue of development which is higher than surrounding built form was further discussed in the Red Dot Tribunal decision, *Pace Developments v Port Phillip CC* (includes Summary) (Red Dot) [2012] VCAT 1277:  
  
[58] We accept that the building will be taller and will be seen, but the notion of respectful development does not mean that new buildings must replicate that which exists nor does it imply that they will not result in change. As we have noted, change must be contemplated in an area where growth is encouraged by the MSS and chance to improve, or perhaps in this case repair, the urban environment.
117. Continuing the discussion regarding visibility of taller built form, the following comments were made by the Tribunal in *Rowcliffe Pty Ltd v Stonnington CC* [2004] VCAT 46 (29 January 2004):  
  
[54] If mere visibility becomes the test across metropolitan Melbourne, then it will be virtually impossible to construct buildings above the prevailing scale. This, in turn, would render it impossible to achieve the clearly stated urban consolidation objectives expressed in the Planning Scheme, objectives which Clause 11 requires us "to give effect to". The Tribunal rejects the notion that, because some of the buildings would be visible above the existing built form, they are therefore unacceptable. Rather, the test is whether the proposal is complementary to the surrounding area, and of a scale that can be assimilated without unreasonably disturbing the surrounding built environment.
118. The DDO11 contemplates taller built form that is well set back from property boundaries and spaces to create new interest and variety in building forms. Given the proposed setbacks of the new built form from existing buildings, property boundaries and the separation distance provided by Rokeby Street it is clear that due to the opportunities of the subject site it is a prime candidate to 'hold' higher development.
119. The DDO11 requires development above four storeys to demonstrate a high level of architectural design (achieved, as discussed below), minimise overshadowing of adjoining streets, public spaces or private properties (achieved, as discussed further later in this report under light and shade and off-site amenity impacts) and be set back along the northern side of Gipps Street (the development is to the south of Gipps Street).
120. As will be discussed, the proposal meets all of these factors. The mixed character of the existing streetscape, separation distance from existing residential properties and the way in which the development responds to surrounding built form allows a higher scale to be supported.
121. In terms of architectural quality, policy at clause 15.01-2S encourages high standards in architecture and urban design, with design guidelines at DDO11 noting that development should be designed to have attractive frontages, be well articulated, and use materials and finishes which complement adjacent development. This overlay also seeks to ensure that *building design responds to the inherent industrial character of the Precinct*.
122. The development is considered to be of good architectural quality with common and durable materials proposed and in that regard responds to the design objectives of clause 15.01-2S of the Scheme.

123. The simple design is appropriate and responds well to this part of Collingwood with the design offering a modern built form that responds to the existing addition to the north within the same site as well as the retained building base upon which it will be built. This is an important aspect of the design and simple material palette utilised. The use of render in light and dark will not look at odds with the existing built form that this addition will be part of and will appear consistent with the existing structures.
124. The proposal improves interaction with the street frontages by providing generously sized openings, and upper level communal areas. This also provides articulation to the upper level form, with the different sized windows providing visual interest to the building expression.
125. Council's Urban Design Unit commented that *the building also provides recesses along the northern and southern elevations (at second-third and fourth-fifth floors). These changes to the materials and provision of recessed elements is an improvement – it achieves greater definition of the mid and upper levels, better articulation of the northern and southern elevations, and assists in breaking down the overall building mass.*
126. There are elements of the proposal in regards to materials used that have not been identified and should be required to be provided by way of condition. This includes details of the materials to be utilised for the terrace balustrades, the window frames, roofing and service screening. A materials and finishes schedule should be provided, including a sample board and coloured drawings outlining colours, materials and finishes of all building elements to ensure that materials to be utilised for the development are reviewed prior to construction to ensure they are of a high architectural quality in accordance with the plans submitted to date.
127. On this basis, the proposed design is considered to be of a high architectural standard, offering a modern built form that revitalises the street and successfully references the existing character of the surrounding neighbourhood.

#### *Landmarks, Views and Vistas*

128. It is policy at clause 15.01-2S of the Scheme that important landmarks, views and vistas be protected or enhanced. The proposed development does not compete with any identified landmarks given its location and is considered to be an acceptable response to the local policy direction under clause 22.03-4 of the Scheme. The proposed building would not result in the loss of any significant view lines to the clocktower of Collingwood Town Hall.

#### *Light and Shade*

129. In regard to sunlight access within the public realm, the proposed development will not shadow Gipps Street given it is to the south of the street. In the afternoon, the proposed development will create shadow on the eastern side of Rokeby Street from approximately 1:40pm onward for the balance of the day.
130. Given the context of the land and the discussion earlier within this report, the height of the development as proposed is considered acceptable. A double or triple-storey building would not make efficient use of the land, with higher built form supported by Council. The narrow width of Rokeby Street would make it difficult to prevent any additional overshadowing in the afternoon hours if any development of height on the site is approved.
131. The increase in shadowing is considered acceptable on the basis that Rokeby Street is not a primary pedestrian thoroughfare, and provides predominately local access via narrow footpaths.

#### *Site Coverage*

132. The proposed additions will not modify the site coverage, given that an addition constructed above existing built form is proposed. Commercial and industrial buildings in this precinct traditionally have high levels of site coverage with this characteristic being evident throughout the Gipps Street Precinct in Collingwood.

#### *Landscape architecture*

133. Landscaping is not a typical feature of commercial land in the Collingwood area; however the proposal seeks to provide landscaping through the provision of planter boxes around the perimeter of the first level car park.
134. Council's Urban Design Unit commented that the amended plans removed the provision of climbing plants around the car park and substituted these with shrubs, a change that raised concern as the benefits of the climbing plants, to screen the car parking area, would be removed. Council's Urban Design Unit requested that this detail be reinstated with a landscape plan prepared showing the updated planting. This is considered reasonable.
135. The level of landscaping proposed is supported, the provision of climbing plants in lieu of shrubs would allow for an opportunity to green an existing car parking area. This accords with guidelines of the DDO11, which notes that landscaping should be considered as a means of providing attractive street frontages.

#### Internal Amenity

##### *Daylight and Ventilation*

136. The proposed development is considered to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for the office space due to the extensive setbacks provided from property boundaries or adjoining built form.
137. A daylight assessment report was submitted with the amended application documents and demonstrated that the project achieved a 2% daylight factor for 69.3% of the overall proposed office areas, exceeding the BESS standards that require a daylight factor of 2% for at least 30% of floor area.
138. With regard to ventilation, the Sustainability Management Plan submitted with the application indicates that mechanical exhausts will be provided to assist with cross-ventilation on each level. Council's ESD Advisor reviewed this aspect advising that the applicant must demonstrate that outside air is provided at rates that exceed the requirements of AS 1668.2-1991 by at least 50% or if natural ventilation is provided.
139. Council's ESD Advisor has confirmed that this item can be addressed via condition of permit. Notwithstanding the use of mechanical ventilation systems, the plans demonstrate that some windows on the second and third floors on the northern, western and southern elevations are operable as well as some south-facing windows at the third and fourth levels. The proposed development is adequately ventilated to meet Council's sustainable design standards, subject to this condition.

##### *Circulation Spaces*

140. The main pedestrian entrance from Gipps Street provides access to the lift core that will provide access to all existing and new levels. Access to this lift is straightforward and easily identifiable upon entering the existing building. A new lift, and stairwell, will commence at level one and service the new levels only.

141. The entrance and lift lobby area is provided with adequate sightlines from the street so people can see both in and out when entering or leaving. The circulation spaces afford a good level of amenity to future building occupants.
142. Stair access from the basement to the new levels can be gained through the utilisation of the existing and proposed stairwells. It is considered that this arrangement would be utilised by workers within the development who would, over time, learn the intricacies of the building. Similarly, this would be the case for the secondary access from Rokeby Street, where access to the main lift core can be gained from the south-eastern corner of the development.

#### *Facilities*

143. Communal facilities are provided at each level for the office tenants. Bicycle parking and end-of-trip facilities are also incorporated into the design in the basement area and level 02. External terraces are provided at the second and fourth floor providing substantial external shared areas. These features will further enhance the amenity of the development.

#### *Environmentally Sustainable Development (ESD)*

144. Policy at clauses 15.01-2S, 21.07, 22.16 and 22.17 of the Scheme encourage ecologically sustainable development, with regard to water and energy efficiency, building construction and ongoing management. The proposal seeks to deliver a highly sustainable outcome, with a number of ESD commitments outlined with the Sustainable Management Plan (SMP) and incorporated into the design. These include the following:
- (a) All internal sealants and paints, adhesives, and carpets will be low VOC. All engineered timber products will be E0.
  - (b) A 10% improvement on minimum energy requirements.
  - (c) Lighting power consumption reduced by 20% as compared to BCA Standards.
  - (d) A 4kw solar photovoltaic system (16 x 250w, typically 1.0 metres x 1.6 metres each in size)
  - (e) Water efficient fittings and fixtures.
  - (f) Windows on all building elevations resulting in excellent access to daylight.
  - (g) Separate metering for each office and common area.
  - (h) Provision of an electric charging vehicle.
  - (i) 20,000 litre rainwater tank proposed used for toilet flushing throughout the development.
  - (j) The retention and reuse of the existing building structures.
  - (k) The provision of communal open space for office employees.
  - (l) End of trip facilities and a Green Travel plan has been provided.
145. Council's ESD Advisor confirmed that the proposal largely meets Council's ESD standards, however a number of additional details were requested to ensure that this outcome would be achieved. These include the following:
- (a) As previously identified, the applicant must demonstrate by way that outside air is provided at rates that exceed the requirements of AS 1668.2-1991 by at least 50% OR if natural ventilation is provided.
  - (b) The applicant must provide more information on what type of HVAC system is to be provided.
146. Conditions can ensure that these further requirements are provided. A condition will also require the location of the 20,000 litre water tank to be shown.

#### Off-site amenity impacts



147. The relevant policy framework for amenity considerations is contained within clause 22.05 (Interface uses policy) and DDO11 of the Scheme. In this instance the site is surrounded by land within the C2Z, in which residential use is prohibited.
148. There are dwellings located on the northern side of Gipps Street within the C2Z and whilst approximately 30 metres from the site, these dwellings will be located 50 metres from the proposed works themselves to which the existing building at the front of the site will provide a buffer.
149. The decision guidelines at Clause 22.05-6 specify that Council should consider (as appropriate);
- (a) *The extent to which the proposed buildings or uses may cause overlooking, overshadowing, noise, fumes and air emissions, light spillage, waste management and other operational disturbances that may cause unreasonable detriment to the residential amenity of nearby residential properties.*
150. The decision guidelines within the DDO11 specify that consideration should be given to how *the design, height and visual bulk of buildings on the site address potential negative amenity impacts on surrounding development.* Furthermore, it is policy of the DDO11 that development above four storeys should minimise overshadowing of adjoining streets, public spaces or private properties.
151. The subject site has limited off-site amenity impacts as there are no sensitive uses abutting it, however, the DDO11 requires off-site amenity impacts to be assessed with regards to all private properties, regardless of whether a sensitive use is occurring or not. Potential off-site amenity impacts will be discussed in turn below, with waste management to be discussed further later in this report.

#### *Noise*

152. Given that the office use does not require a planning permit the noise from this use cannot be considered. However, other components will be discussed below.
153. Clause 22.05 – *Interface uses policy* of the Scheme seeks to ensure new commercial development is adequately managed having regard to its proximity to residential uses.
154. Given the separation between the subject site and existing residential uses in the C2Z as well as the location of sensitive land uses in excess of 80 metres from the site, the proposal is unlikely to result in unacceptable noise emissions given that the building would be used for offices. The use of the land for offices does not require a planning permit within the C2Z.
155. Looking specifically at the noise sources, services/plant equipment are located on the roof and appropriately screened by 1.7 metre high screening. A condition will require noise and emissions from plant equipment to comply at all times with the *State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N1)*.
156. It is not anticipated that an office use would require a large number of deliveries to the site and a condition can require deliveries and waste collections to be undertaken in accordance with the times prescribed by Council's Local Law. This would assist in minimising noise disruption to the surrounds from these noise sources.

#### *Visual bulk and overlooking*

157. In relation to overlooking, it is an accepted principle that overlooking only occurs between habitable rooms (i.e. bedrooms and living rooms) and private open spaces within a 9 metre radius. The proposed development is for an office and therefore is not subject to the same requirements as would be afforded to other built form typologies, such as an apartment building.
158. Regardless, it is considered that the proposal has substantial setbacks (in excess of 8 metres) to existing built form in the surrounds that would largely mitigate the perception of overlooking between businesses. These separation distances would also assist in ensuring the development limits visual bulk to the surrounds, and are as follows.
159. The addition is separated from the existing built form within the subject site along Gipps Street by a distance of 8.3 metres. This distance combined with the dual aspect of the existing built form would result in an acceptable outcome.
160. Outside of the subject site, the proposal is separated from the businesses on the eastern side of Rokeby Street by the street itself, with a width of 9 metres. To the south, the proposed office is setback from the title boundary in excess of 11 metres. And to the west the proposal adopts a minimum setback of 7.3 metres to the title boundary, with a further buffer provided due to the adjoining properties car parking area.
161. With regard to the above it is clear that the proposal results in an appropriate outcome with regard to the potential for overlooking and visual bulk.

#### Overshadowing

162. As discussed earlier in the report, the proposed development would increase the shadow impact into the public domain to the east only. There is no secluded area of private open space associated with any existing dwelling that would be impacted by the additional shadows cast.
163. The DDO11 requires consideration of overshadowing on private properties. The Section 57A plans were submitted in part to address these concerns. These plans provide shadow diagrams, provided in Figure 15, to demonstrate that the shadows fall at the foot of the buildings to the south and would not unreasonably overshadow any existing north-facing windows. The shadows will primarily fall on the common accessway.

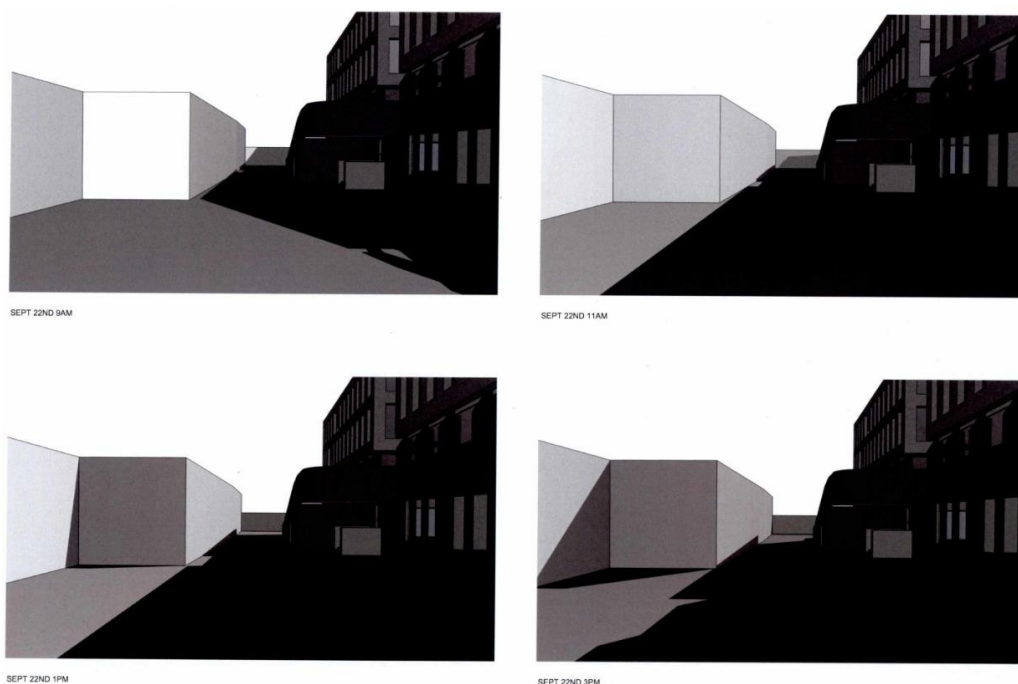


Figure 15: Overshadowing study

164. It is therefore considered that the proposal has adequately limited overshadowing impacts on neighbouring private properties and is an acceptable response.

*Fumes and air emissions, light spillage*

165. The majority of the office space is enclosed and the use conducted indoors (with the exception of the outdoor terraces). The proposed use is not considered to result in unreasonable air emissions, with light spill from the upper level offices limited due to the nature of the use that is anticipated to operate primarily during the day. There would be no fumes associated with the office use.

*Equitable Development*

166. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered.
167. In this instance, the proposed subject site adopts generous separation distances from the new built form to existing built form and adjoining properties, as previously discussed.

Car parking and bicycle provision

168. Under clause 52.06 of the Scheme, the applicant is seeking a parking reduction of 87 car parking spaces, with 29 on-site car parking spaces proposed.
169. To support the reduction in the statutory rate, a car parking demand assessment was undertaken by TTM Consulting, with parking availability in the neighbourhood also reviewed. This report, and the Engineering Unit's assessment of the car parking reduction and increased traffic, is based on the original proposal for an additional 4647sqm of office area, now revised to 3763sqm.

*Parking Availability*

170. Council's Engineering Unit provided on-street parking occupancy surveys of the surrounding area that were taken on Friday 22 June 2018 between 8:00am and 8:00pm of sections of Rupert Street and Langridge Street by IMPACT Traffic Engineering for the site at No. 92 Rupert Street, Collingwood (Planning Permit PLN18/0878).
171. The occupancy surveys revealed that there was a high parking demand in the area with limited opportunity to park on-street.
172. These findings were echoed within the on-street parking occupancy surveys taken on 19 October 2019 between 8:00am and 6:00pm in Down Street, Dight Street, Sturt Street, Singleton Street, McCutcheon Way, and sections of Campbell Street, Cromwell Street, Wellington Street, Rokeby Street, Rupert Street, and Gipps Street by Ratio Consultants for the site at 48-50 Gipps Street, Collingwood (Planning Permit PLN18/0902).
173. The survey demonstrated that the availability of on-street parking in the vicinity of the site that could potentially be utilised by future employees is highly constrained, given that the majority of on-street parking is time-restricted throughout the day.
174. Council's Traffic Engineer confirmed that the limited availability of long-term on-street parking would discourage employees from driving to work, and encourage them to travel by alternative forms of transport. It is also evident that during the middle of the business day there are short stay car parking bays available for use by visitors accessing the site for short periods of time. The availability of alternative transport methods will be discussed in turn.

### *Parking Demand*

175. With regards to the car parking demand generated by the proposed office use, it is acknowledged that the statutory car parking rates outlined in the Scheme are conservative when applied in this instance, given the inner-city location of the subject site and proximity to alternative transport means.
176. It is well documented through recent decisions made by the Victorian Civil and Administrative Tribunal (VCAT) that modal shifts to reduce the reliance on the use of private motor vehicles is not only welcomed, but required, to ensure that a holistic planning approach to commercial precincts that are designated for greater change is applied.
177. A VCAT decision *Grocon (Northumberland St) Developer Pty Ltd v Yarra CC* [\[2017\] VCAT 753](#) regarding an office development at No. 2 – 16 Northumberland Street, Collingwood, discusses this specific precinct with regard to supporting a significant reduction in car parking (386 car parking spaces) with the following assessment made:
- [54] We have concluded that the reduced car parking provision is justified in the circumstances of this application. In doing so, we have had regard to the location within an inner city environment that is earmarked as an employment precinct, with convenient access to a range of alternative transport modes and a constrained supply of on-street parking. We consider that the reduced parking provision will not compromise the viability of the development or precinct, nor will it result in an unacceptable demand for on-street parking, given the saturated conditions that are presently experienced.
- [55] We agree that employees who are not allocated a car space will utilise alternative transport modes rather than attempt to seek out long term parking in the surrounding street network. This may well include walking to the site for persons who reside in the nearby residential and mixed-use areas. To constrain development of the land for a purpose that is in accordance with the zone purpose on the basis of car parking provision would not be consistent with the policy framework when read as a whole. This includes policies aimed at fostering economic development, employment and environmental sustainability. We reach this conclusion mindful of the site's strategic and physical context and its accessibility by a range of transport modes. In a different context without the level of policy support and more remote from alternative transport modes, there may be less justification for a reduction of the magnitude proposed here.
178. This site is comparable to the subject site in regard to location, located 200 metres to the south, within the Gipps Street Precinct.
179. Further to the above decision, in the VCAT Red Dot Decision *Ronge v Moreland CC* [\[2017\] VCAT 550](#) the Tribunal made the following key statements:

Our roads are already congested and will be unimaginably so if a 'business-as-usual' approach is accepted through until 2050. The stark reality is that the way people move around Melbourne will have to radically change, particularly in suburbs so well served by different modes of public transport and where cycling and walking are practical alternatives to car based travel.

A car parking demand assessment is called for by Clause 52.06-6 when there is an intention to provide less car parking than that required by Clause 52.06-5.

However, discussion around existing patterns of car parking is considered to be of marginal value given the strong policy imperatives about relying less on motor vehicles and more on public transport, walking and cycling. Census data from 2011 or 2016 is simply a snapshot in time, a base point, but such data should not be given much weight in determining what number of car spaces should be provided in future, for dwellings with different bedroom numbers.

Policy tells us the future must be different.

Oversupplying parking, whether or not to comply with Clause 52.06, has the real potential to undermine the encouragement being given to reduce car based travel in favour of public transport, walking and cycling.

One of the significant benefits of providing less car parking is a lower volume of vehicle movements and hence a reduced increase in traffic movements on the road network.

Based upon the findings within this recent decision, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.

180. Based upon the findings within these decisions, it would be inappropriate to merely adopt current car parking trends for the proposed development. Consideration needs to be given to the context and opportunities to encourage sustainable transport alternatives.
181. In support of the reduced car parking on-site, examples of existing offices within the City of Yarra with reduced on-site car parking were provided by Council Engineers. Details of these offices are provided as follows:

Development Site	Approved Office Parking Rate
<b>Cremorne</b>	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m <sup>2</sup> (200 on-site spaces; 27,653 m <sup>2</sup> )
<b>Collingwood</b>	
71-93 Gipps Street PLN16/1150 issued 30 August 2017	0.96 spaces per 100 m <sup>2</sup> (86 on-site spaces; 8,923 m <sup>2</sup> )
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> )

182. Given the reduced floor area proposed within the amendment, the proposed development results in the provision of car parking at a rate of 0.66 per 100sqm. Whilst lower than the examples provided above, the subject site provides a unique opportunity for an office addition utilising existing built form structure.
183. A review of other planning permits issued within proximity of the site demonstrate that the provision of zero car parks to service office developments is becoming increasingly common and supported in the area:
- (a) Planning Permit PLN18/0902 issued for No. 48-50 Gipps Street (opposite the site) was approved with a full reduction of car parking associated with the 1871sqm of office area.
  - (b) Planning Permit PLN18/0158 issued for No. 89 Rokeby Street (south of the site) was approved with a full reduction of car parking associated with the 615sqm of office area.
184. The provision of car parking at this lower rate would encourage a modal shift from private vehicle use to more sustainable travel. This accords with the GSLAP, which aims to reduce the proportion of trips into and out of the precinct by car. In combination with the over provision of bicycle spaces on-site, it is considered that the proposal provides incentives and opportunities for alternative sustainable transport options.
185. Specifically in relation to the particular benefits of the site location, the reduction being sought by the proposal is further supported by the following:
- (a) The site is well serviced by public transport, including the Collingwood Train Station and bus services along Hoddle Street, both within 450m of the subject site.



- (b) The surrounding area has a good bicycle network, which includes the Wellington Street 'Copenhagen lanes' proximate to the site. The proposal includes employee bicycle parking spaces and end of trip facilities in excess of rates specified within the Scheme to encourage staff to ride to work.
- (c) Office land uses are particularly conducive to alternative transport modes given that trips typically occur within peak hour when public transport services are most frequent. The regularity and familiarity of the journey is also a factor that encourages alternative travel modes. Employees are also more likely to cycle to avoid peak hour traffic delays.
- (d) There is limited on-street parking in the area, with restrictive parking controls acting as a disincentive for employees to travel to work by car. Occupant or visitor parking permits will not be issued for the development and building tenants would be entering leases aware of the on-site parking availability. Therefore businesses with a high reliance on car parking are unlikely to take up a lease at the site.
- (e) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as public transport, cycling or taxis;
- (f) Council's Engineering Unit are supportive of the application on the basis that it is in line with the objectives of Council's *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

#### *Traffic*

- 186. For the additional car parking spaces accommodated on-site, Council's Engineering Unit quantified peak hour volumes of an additional 13 vehicle movements both within the morning and afternoon peak.
- 187. The car parking area to be utilised on Level 01 for the additional car spaces is presently used as informal car parking, and therefore the increase in the volume of traffic generated by the additional development can be considered to be already absorbed within the surrounding road network.
- 188. Council's Engineering Unit confirmed that the additional traffic volume is not unduly high and would not adversely impact on the traffic operation of Rokeby Street and Gipps Street.

#### *Access and layout*

- 189. Clause 52.06-9 (Design standards for car parking) of the Scheme relates to the design of car parking areas and contains 7 standards and requirements relating to access way, car parking spaces, gradients, mechanical parking, urban design, safety and landscaping.
- 190. These details have been reviewed by Council's Engineering Unit who is satisfied with the layout of the car parking area as shown within the amended design.

#### *Bicycle parking and facilities*

- 191. The proposal provides a total of 48 bicycle parking spaces on-site for employees, with end-of-trip facilities provided at Level 02. The applicants also propose the upgrading of services along Gipps Street through the provision of five bicycle hoops along the Gipps Street frontage to cater to 10 bicycle spaces.

192. The number of bicycle spaces for employees exceeds both the statutory rate outlined in Clause 52.34 (which requires 13 employee spaces) and the rate outlined in Category 6 of the Built Environment Sustainability Scorecard (BESS), which recommends 37 employee spaces be provided.
193. Council's Strategic Transport Unit reviewed the amended plans and advised that the number of bicycle racks is satisfactory but raised concern with the layout and whether it met the requirements of the Australian Standard for Parking Facilities, Part 3: Bicycle parking (AS 2890.3).
194. The applicant supplied a specific sheet for the particular bicycle rack to be utilised in the development (Cora Bike Rack – E3ST & E3GP), upon review this was deemed to be acceptable by Council's Strategic Transport Unit and a condition will be included to ensure that a notation be included to ensure the Cora Bike Rack – E3ST & E3GP is utilised.
195. The Strategic Transport Unit also requested the details of the bicycle area be provided, in regards to whether the bicycle spaces are within a lockable and secure compound. A condition will require this to be shown on the plans.
196. Whilst the provision of additional on-street bicycle spaces is admirable, this does not remove the requirement for on-site visitor bicycle spaces to be required. The statutory rate outlined in Clause 52.34 requires 4 visitor spaces and the rate outlined in Category 6 of the (BESS, recommends 1 visitor space to each 500sqm of office floor area resulting in a recommendation for 7 spaces.
197. Given a reduction in the visitor bicycle requirement has not been sought, the proposed additional floor area and the reduction in car parking proposed, it is considered that the scheme requirement for visitor bicycle parking should be met. A condition will be requiring this. Whilst the BESS recommendation is for 7 spaces, it is considered that the additional on-street bicycle parking spaces for visitors will adequately cater to the development.
198. Council's Strategic Transport Unit recommended that the on-street bicycle hoops be located parallel to the curb and positioned outside of the 'car door zones' of the adjacent on-street car parking bays and in accordance with Council's requirements for street furniture, bicycle hoops. A condition will require this element to be updated on the plans. A further condition will require the additional bicycle hoops to be installed along the Gipps Street frontage at the permit holder's cost and in a location and manner that satisfies the requirements of the responsible authority, prior to the occupation of the development.

#### *Green Travel Plan*

199. A Green Travel Plan was submitted. This document was referred to Council's Strategic Transport Officer, who requested that it be updated to include the following information:
  - (a) Employee welcome packs (e.g. provision of Myki/transport ticketing).
  - (b) Details of bicycle parking.
  - (c) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces).
  - (d) The types of lockers proposed within the change room facilities, with at least 50 per cent of lockers providing hanging storage space.
  - (e) Security arrangements to access the employee bicycle storage spaces.
  - (f) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
  - (g) Provisions for the green travel plan to be updated not less than every five years.
200. These modifications to the GTP can be facilitated via conditions. A condition will also require the Green Travel Plan be updated to accord with the amendments to the plans made 11 October 2019 and the requirements of condition 1, where relevant.

### Waste Management

201. An initial Waste Management Plan (WMP) was submitted by the Applicant and reviewed by Council's City Works Branch, who requested the following additional information/changes:
- (a) *Please include how food waste will be diverted from landfill.*
  - (b) *Please detail how hard waste will be managed at the site.*
  - (c) *Please detail how e-waste will be managed in accordance with legislation.*
  - (d) *Please detail facilities for bin washing in the waste storage area.*
202. An amended WMP (prepared by Frater and dated 3/10/19) was prepared to address these initial comments and the revised design of the building. The updated report provided the following additional information:
- (a) To divert food from landfill, 2 x 240L bins will be provided for the development.
  - (b) Space in the bin storage area (2m<sup>3</sup>) will be allocated for hard waste.
  - (c) A 1 x 120L bin will be provided to collect e-waste generated by the development.
  - (d) An isolated bin wash area will be provided within the development.
203. A private contractor will be utilised to service the development, with the contractor responsible for transferring all bins between the waste room and the truck. All collection is to take place on site.
204. The details outlined in the amended WMP were considered to be appropriate from a City Works Branch's perspective.

### Objector Concerns

205. Many of the objector issues have been discussed within the body of the report as shown below:

#### *Height and Massing*

- (a) Paragraphs 114 to 127.

#### *Non-compliances with the requirements of Schedule 11 to the Design and Development Overlay (DDO11).*

- (b) Paragraphs 92-135 (built form) and 147-167 (off-site amenity impacts).

#### *Lack of design integration with the surrounding heritage buildings.*

- (c) Paragraphs 100-101.

#### *Off-site amenity impacts in regards to overshadowing and visual bulk to commercial properties.*

- (d) Paragraphs 147-167.

#### *Increased traffic and reliance on on-street car parking in the surrounding area.*

- (e) Paragraphs 168-190.

206. Outstanding issues raised are as follows:

#### *Disruptions during construction and to infrastructure.*

- (a) This is not a planning consideration and these matters will be handled at the building permit and construction stage.

*Ownership issues within existing building.*

- (b) The applicant has provided the relevant documentation to accompany the application, with a signed declaration provided indicating that all lot owners the application pertains to have been notified of the application being made.  
Furthermore, this is not a planning consideration.

*Concern elements of design detail will not be enforced, or removed through amendment.*

- (c) If supported, the decision plans would be endorsed (with the changes requested pursuant to Condition 1) and would become the endorsed plans of permit to which the development must be built in accordance with. If the design detail of the proposed development were to be modified, an amendment to the planning permit would be required and assessed on its merits.

## **Conclusion**

207. The proposal, subject to the conditions recommended throughout this report, is considered to achieve an acceptable planning outcome that demonstrates clear compliance with the relevant council policies, and approval of the development is recommended.

## **RECOMMENDATION**

That having considered all objections and relevant planning documents, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit (PLN18/0109) for development of the site for buildings and works to construct a multi-storey addition and a reduction in car parking requirements at 23-25 Gipps Street, Collingwood 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, project number 19005, drawn by office, received by Council on 11 October 2019, but modified to show:
  - (a) All floor plans to be shown in relation to all title boundaries, with minimum and maximum setbacks dimensioned.
  - (b) The planter boxes along the perimeter of the level one car parking to provide climbing plants, in lieu of shrubs.
  - (c) The employee bicycle spaces within a secure and lockable compound.
  - (d) The provision of four visitor bicycle spaces on-site.
  - (e) A notation included identifying that the employee bicycle spaces will be the 'Cora Bike Rack – E3ST & E3GP' model.
  - (f) The on-street bicycle hoops located parallel to the curb and positioned outside of the 'car door zones' of adjacent on-street car parking bays, in accordance with Council's requirements for 'street furniture, bicycle hoops'.
  - (g) A materials and finishes schedule should be provided, including a sample board and coloured drawings outlining colours, materials and finishes of all building elements including screening to rooftop plant.
  - (h) The location of the 20,000 litre water tank with end uses annotated.
  - (i) Any changes to the plans as a result of the amended Sustainable Management Plan required at Condition 4.

- (j) Any changes to the plans as a result of the amended Landscape Plan required at Condition 6.
  - (k) Any changes to the plans as a result of the amended Green Travel Plan required at Condition 8.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

#### **Sustainable Management Plan**

4. 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 Frater dated 3 October 2019, but modified to include or show:
- (a) In respect of the mechanical exhaust system, demonstration that outside air is provided at rates that exceed the requirements of AS 1668.2-1991 by at least 50% OR if natural ventilation is provided.
  - (b) More information on what type of HVAC system is to be provided.
5. 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**

6. 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 amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Davidson Design Studio, dated 12/04/2019, but modified to include:
- (a) Revised to accord with the updated scheme with respect to Condition 1 (a).
7. 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.

#### **Green Travel Plan**

8. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit.



The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by TTM Consulting, dated 29.04.2019, but modified to include or show:

- (a) Updated to accord with the amendments to the plans made 11 October 2019 and the requirements of condition 1, where relevant.
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing).
  - (c) Details of bicycle parking.
  - (d) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces).
  - (e) The types of lockers proposed within the change room facilities, with at least 50 per cent of lockers providing hanging storage space.
  - (f) Security arrangements to access the employee bicycle storage spaces.
  - (g) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
  - (h) Provisions for the green travel plan to be updated not less than every five years.
9. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

10. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Frater and dated 03.10.2019) must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Car Parking**

12. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.

### **Lighting**

13. 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.

### **Infrastructure**

14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
15. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
16. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, five bike racks must be installed along the Gipps Street frontage:
  - (a) at the permit holder's cost; and
  - (b) in a location and manner,

to the satisfaction of the Responsible Authority.

### **General**

17. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
18. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
20. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
21. All redundant property drains are to be removed and reinstated with paving, kerb and channel to Council's satisfaction and at the Permit Holder's cost.
22. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
23. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **Construction Management Plan**

24. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (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;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.  
In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (s) vehicle borne material must not accumulate on the roads abutting the land;
- (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

25. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
26. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
27. 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 5585 to confirm.

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

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

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

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

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

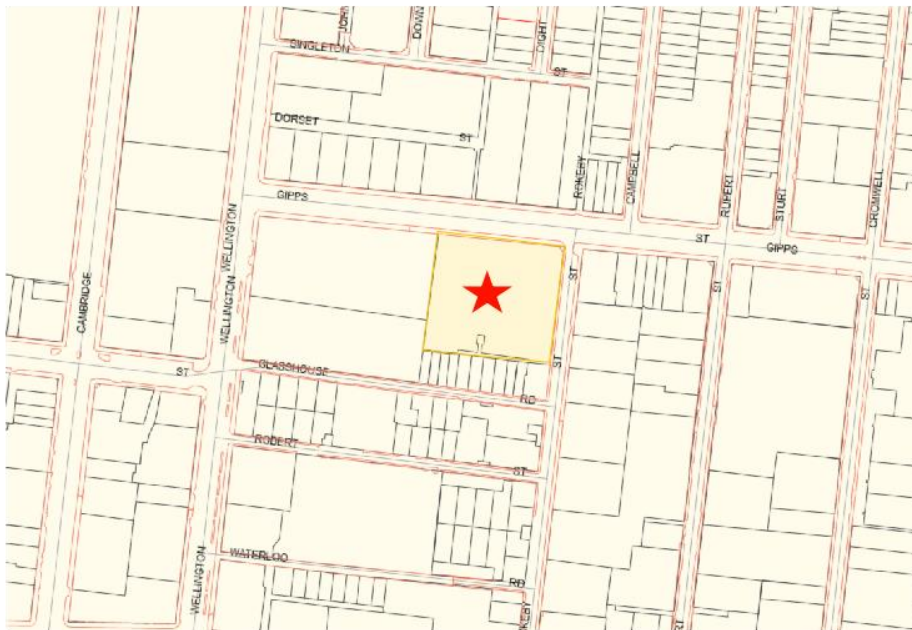
**Attachments**

- 1 PLN19/0109 - 23-25 Gipps Street Collingwood - Site Plan
- 2 PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans
- 3 PLN19/0109 - 23-25 Gipps Street Collingwood - Urban Design referral (decision plans)
- 4 PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (decision plans)
- 5 PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)
- 6 PLN19/0109 - 23-25 Gipps Street Collingwood - ESD referral (decision plans)
- 7 PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (decision plans)
- 8 PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (superseded proposal)
- 9 PLN19/0109 - 23-25 Gipps Street Collingwood - City Works referral (decision plans)

**Attachment 1 - PLN19/0109 - 23-25 Gipps Street Collingwood - Site Plan**

**ATTACHMENT 1**

**SUBJECT LAND: 23-25 Gipps Street, Collingwood**



↑ North

★ Subject Site



## Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans

# GIPPS STREET OFFICES

## 23-25 GIPPS STREET, COLLINGWOOD

### TOWN PLANNING APPLICATION

ARCHITECTURAL DRAWING SCHEDULE	
DRAWING NO.	LAYOUT NAME
TP000	COVER PAGE
TP001	DEVELOPMENT SUMMARY
TP002	SITE CONTEXT PLAN
TP003	SITE CONTEXT
TP004	EXISTING ELEVATIONS
TP005	EXISTING ELEVATIONS
TP100	EXISTING BASEMENT
TP101	EXISTING GROUND FLOOR
TP102	EXISTING FIRST FLOOR
TP103	EXISTING SECOND FLOOR
TP104	EXISTING THIRD FLOOR
TP105	EXISTING FOURTH FLOOR
TP106	PROPOSED BASEMENT 1:100
TP107	PROPOSED GROUND FLOOR 1:100
TP108	PROPOSED FIRST FLOOR 1:100
TP109	PROPOSED SECOND FLOOR 1:100
TP110	PROPOSED THIRD FLOOR 1:100
TP111	PROPOSED FOURTH FLOOR 1:100
TP112	PROPOSED FIFTH FLOOR 1:100
TP113	PROPOSED ROOF PLAN 1:100
TP114	PROPOSED BASEMENT 1:200
TP115	PROPOSED GROUND FLOOR 1:200
TP116	PROPOSED FIRST FLOOR 1:200
TP117	PROPOSED SECOND FLOOR 1:200
TP118	PROPOSED THIRD FLOOR 1:200
TP119	PROPOSED FOURTH FLOOR 1:200
TP120	PROPOSED FIFTH FLOOR 1:200
TP121	PROPOSED ROOF PLAN 1:200
TP200	PROPOSED SOUTH ELEVATION
TP201	PROPOSED NORTH ELEVATION
TP202	PROPOSED EAST ELEVATION
TP203	PROPOSED WEST ELEVATION
TP300	PROPOSED SECTION AA
TP301	PROPOSED SECTION BB
TP302	PROPOSED SECTION CC
TP400	9AM 22 SEPT SHADOW DIAGRAM
TP401	11AM 22 SEPT SHADOW DIAGRAM
TP402	1PM 22 SEPT SHADOW DIAGRAM
TP403	3PM 22 SEPT SHADOW DIAGRAM
TP404	SHADOW PERSPECTIVES
TP600	MATERIALS SCHEDULE

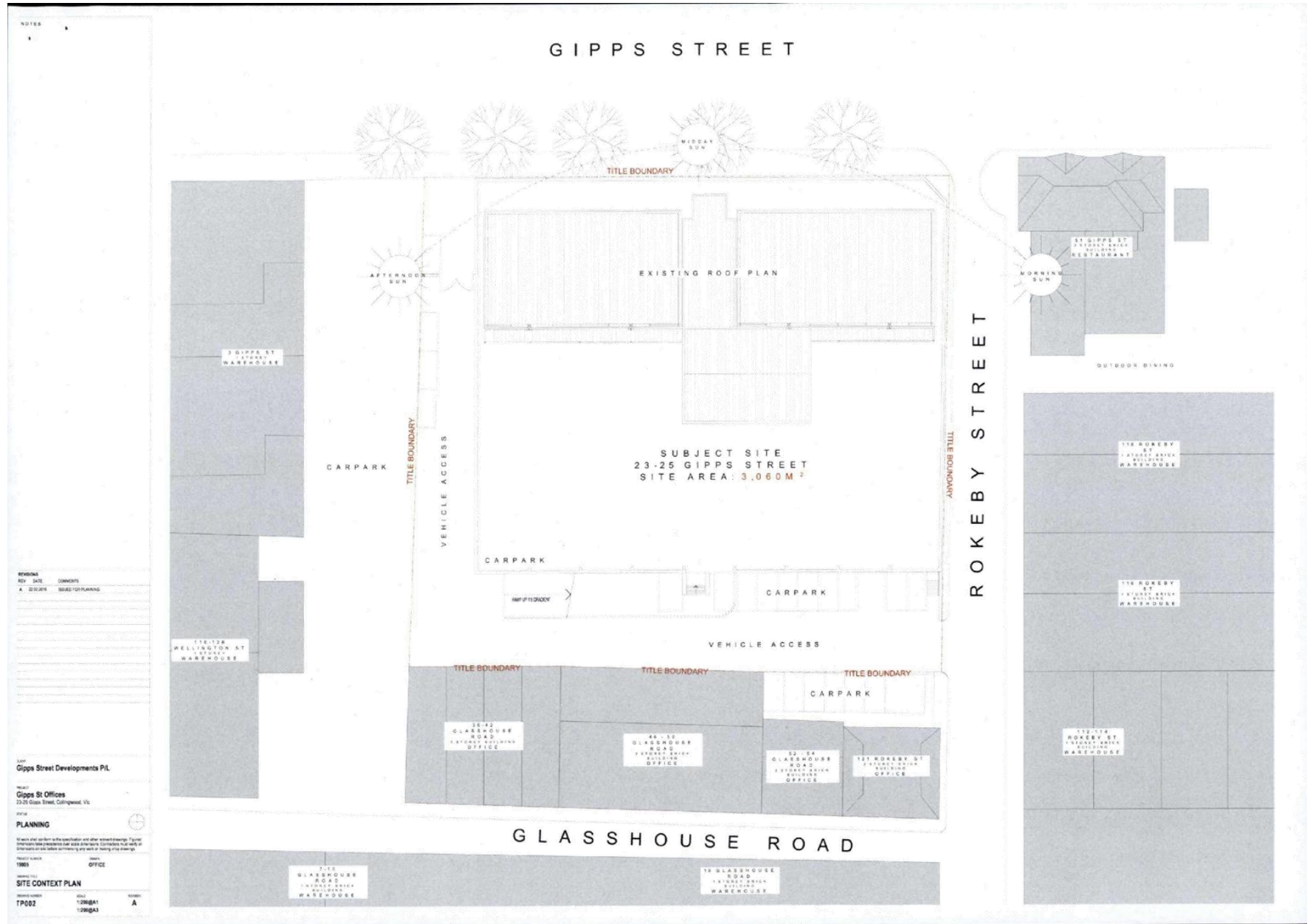


**Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans**

DEVELOPMENT SUMMARY		
EXISTING OFFICE NLA SCHEDULE		
LEVEL	TYPE	AREA
<b>BASEMENT</b>		
	EXISTING WAREHOUSE	959.1
<b>GROUND FLOOR</b>		
	EXISTING COMMERCIAL	2,355.4
<b>LEVEL 1</b>		
	EXISTING OFFICES	766.0
<b>LEVEL 2</b>		
	EXISTING OFFICES	966.7
<b>LEVEL 3</b>		
	EXISTING OFFICES	761.4
		<b>5,808.6 m<sup>2</sup></b>

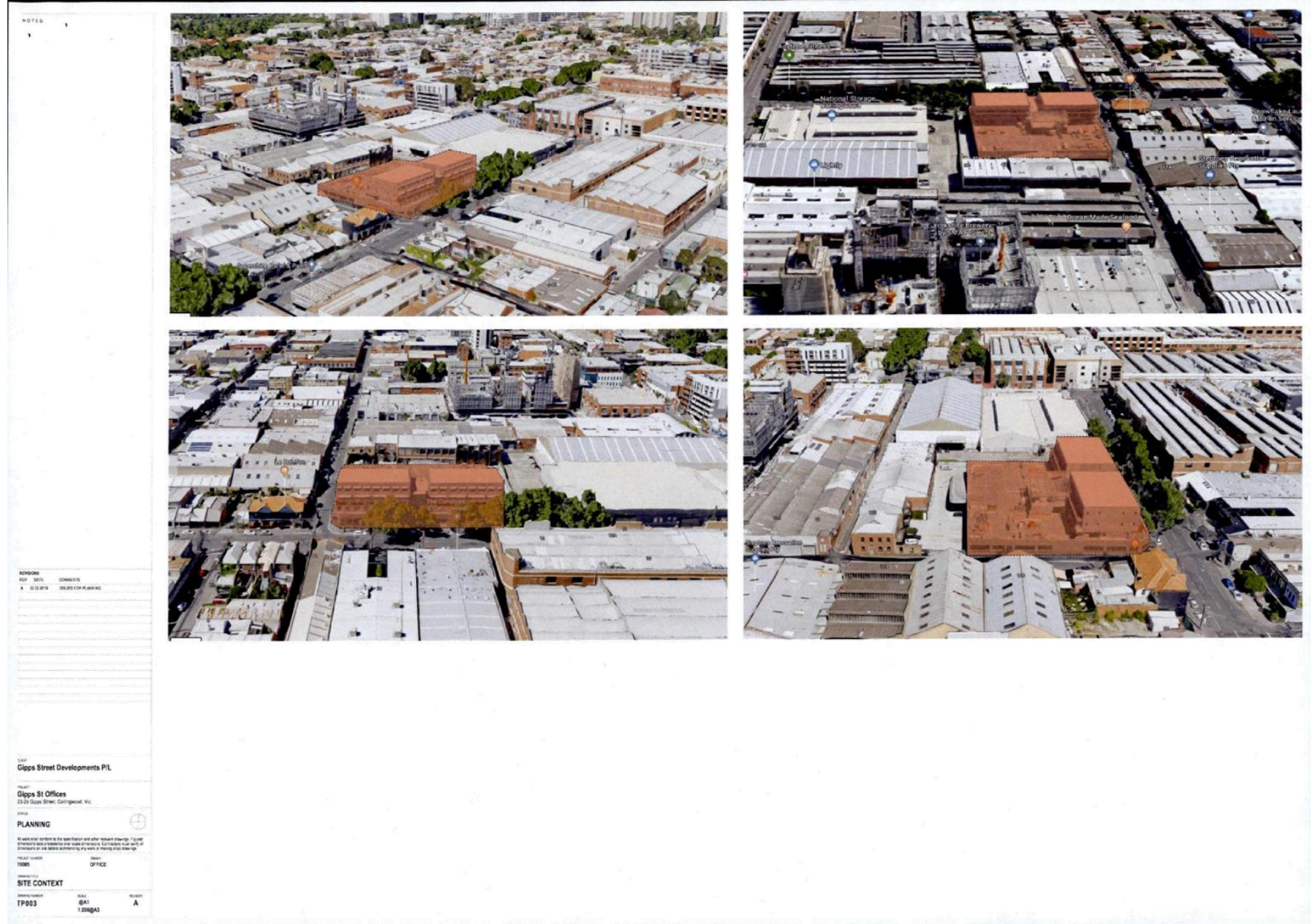
PROPOSED OFFICE NLA SCHEDULE		
LEVEL	TYPE	AREA
<b>LEVEL 2</b>		
	OFFICE	1,095.7
<b>LEVEL 3</b>		
	OFFICE	1,148.4
<b>LEVEL 4</b>		
	OFFICE	759.2
<b>LEVEL 5</b>		
	OFFICE	759.2
		<b>3,762.5 m<sup>2</sup></b>

**Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans**





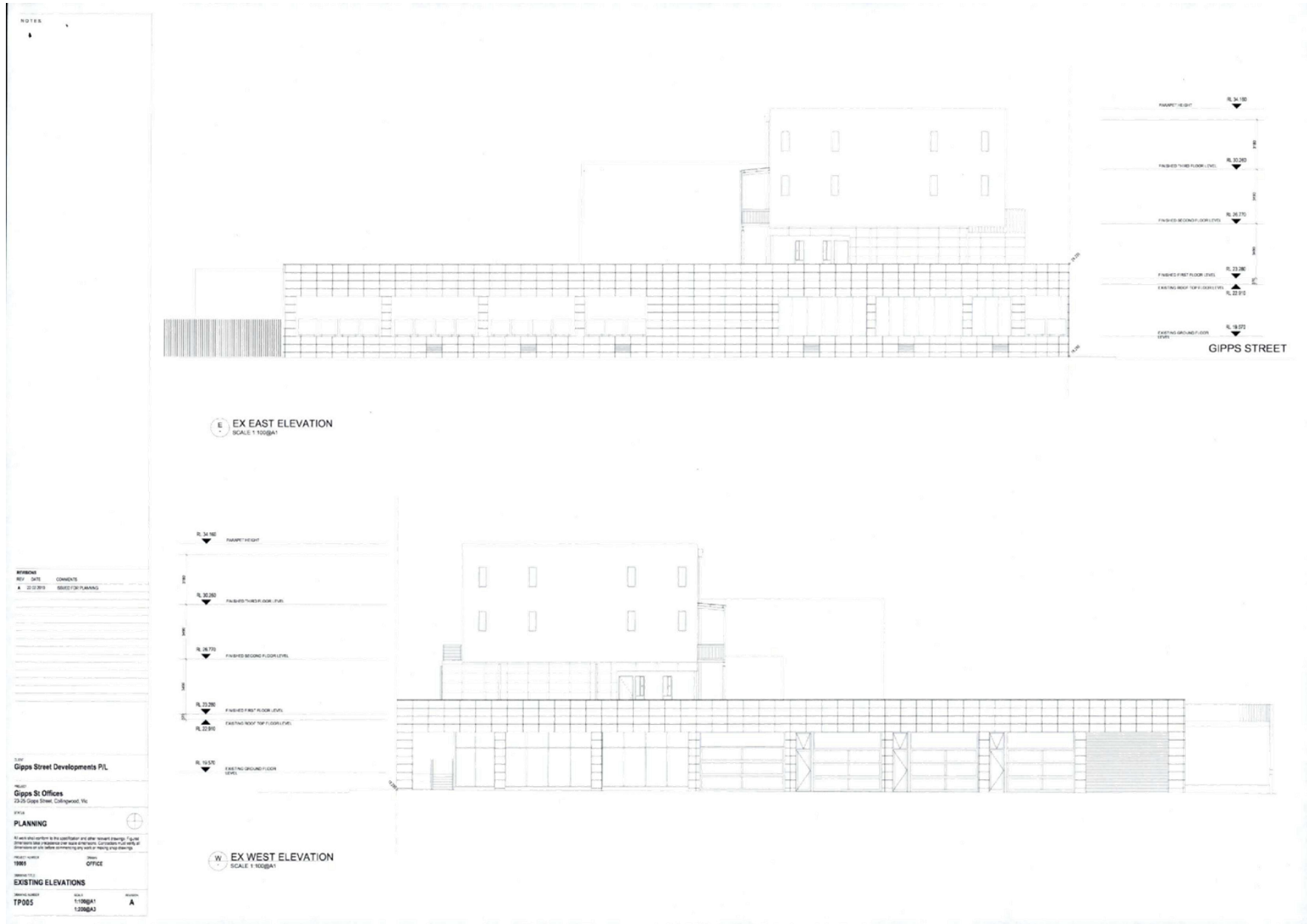
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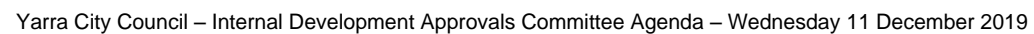
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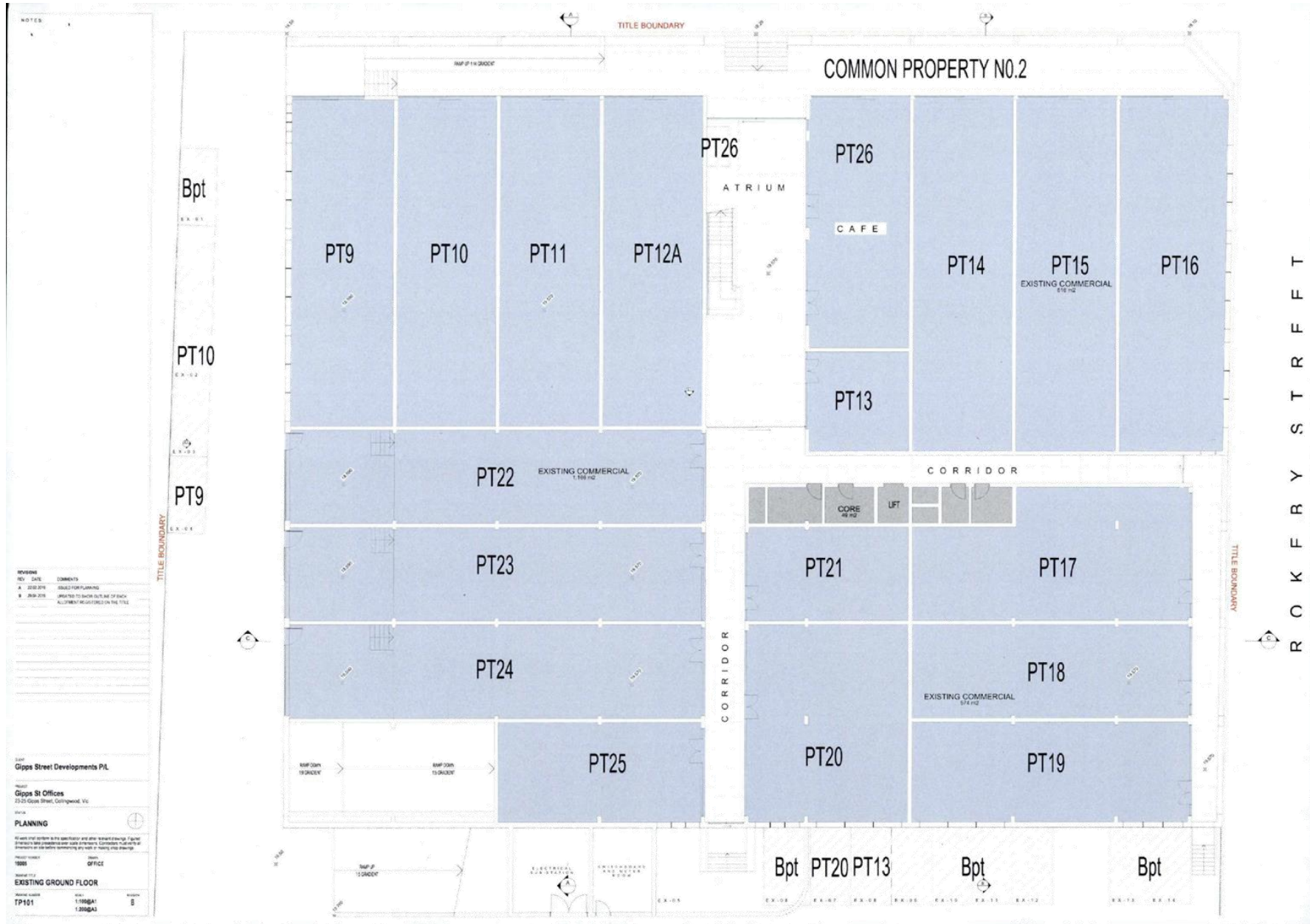
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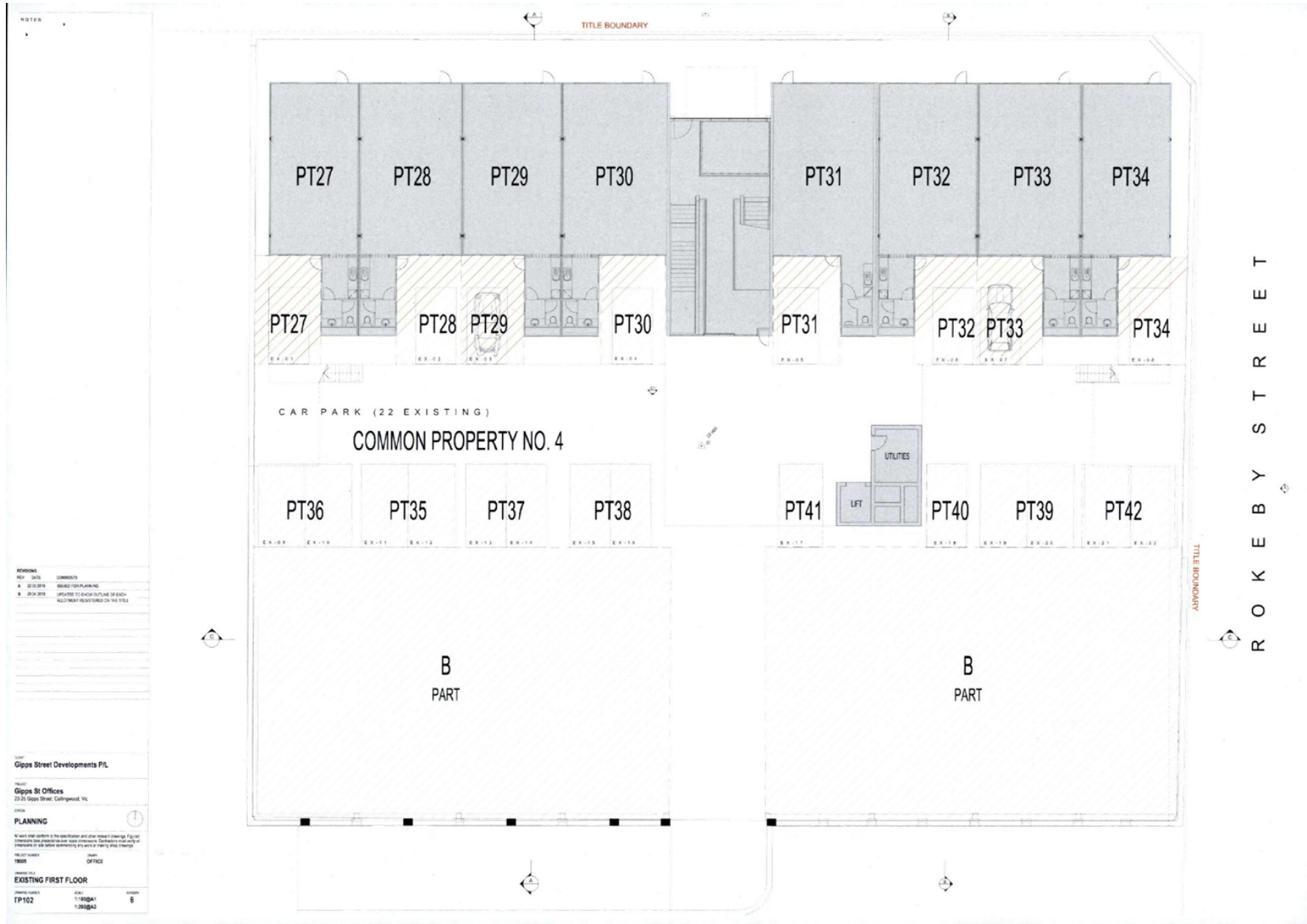




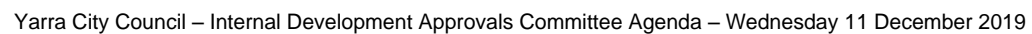
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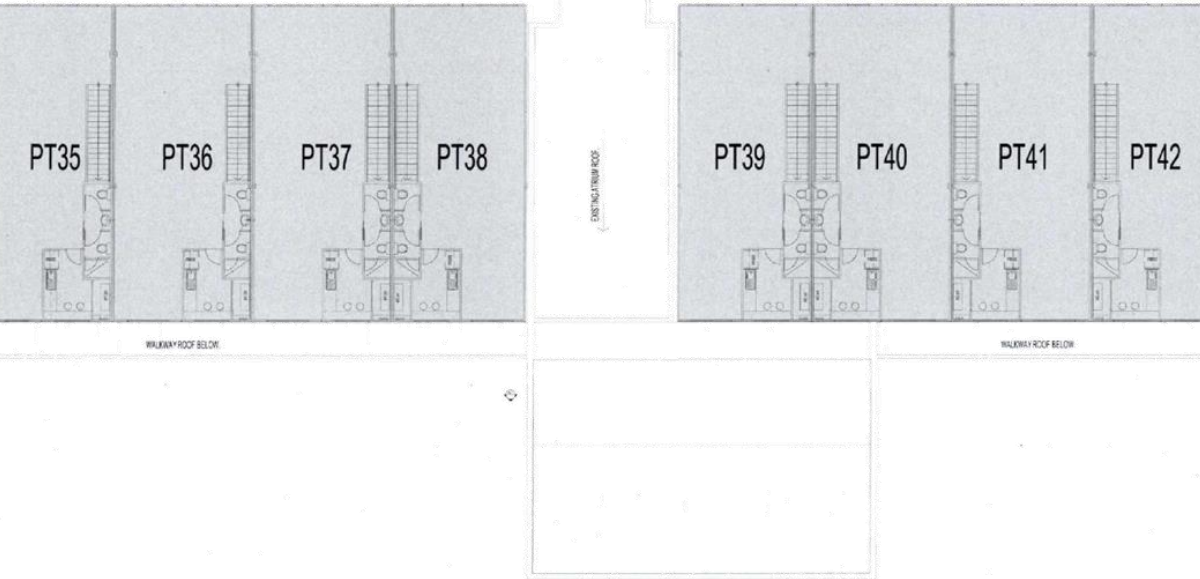


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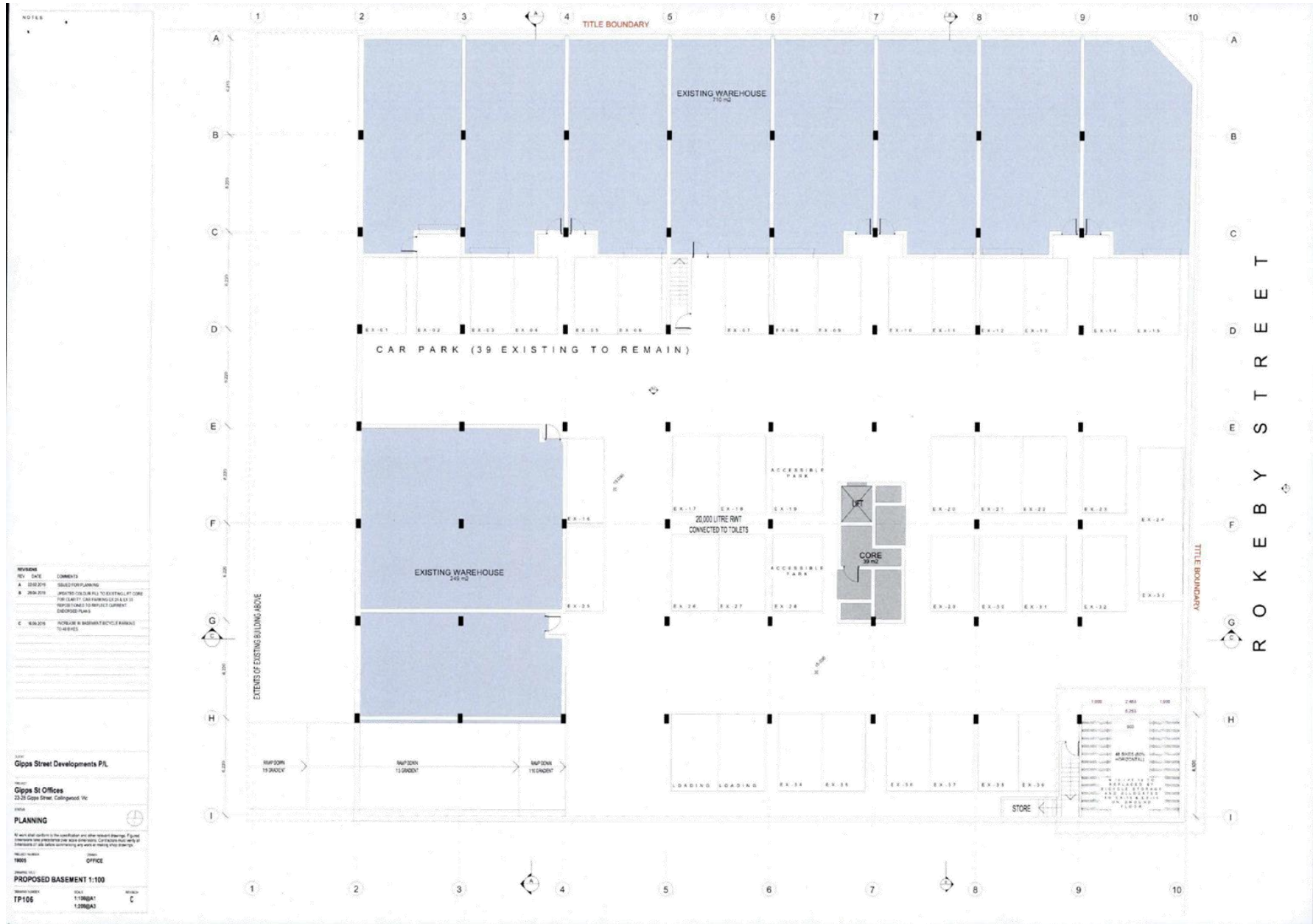


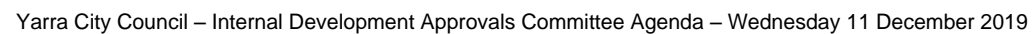




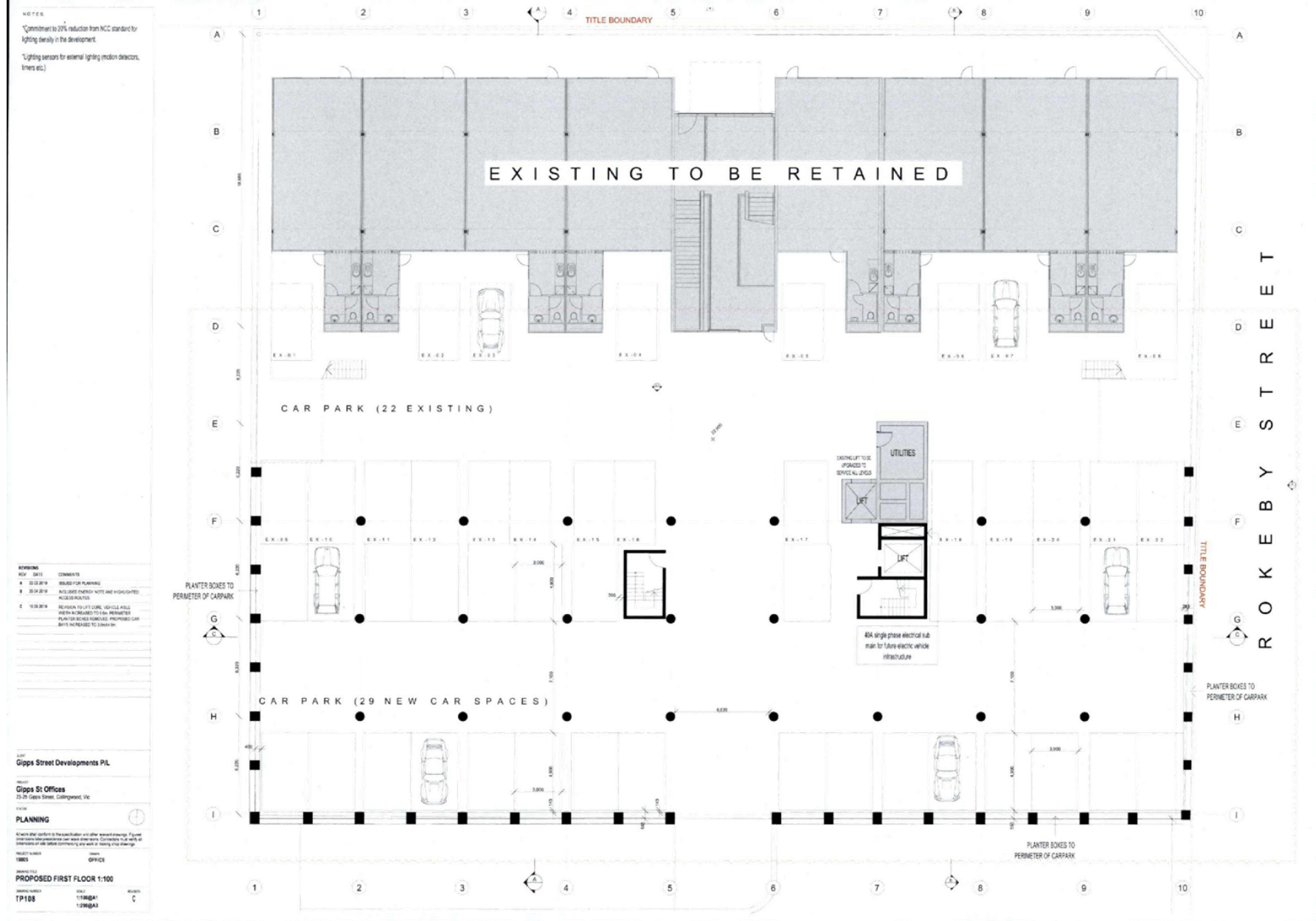


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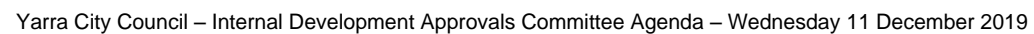




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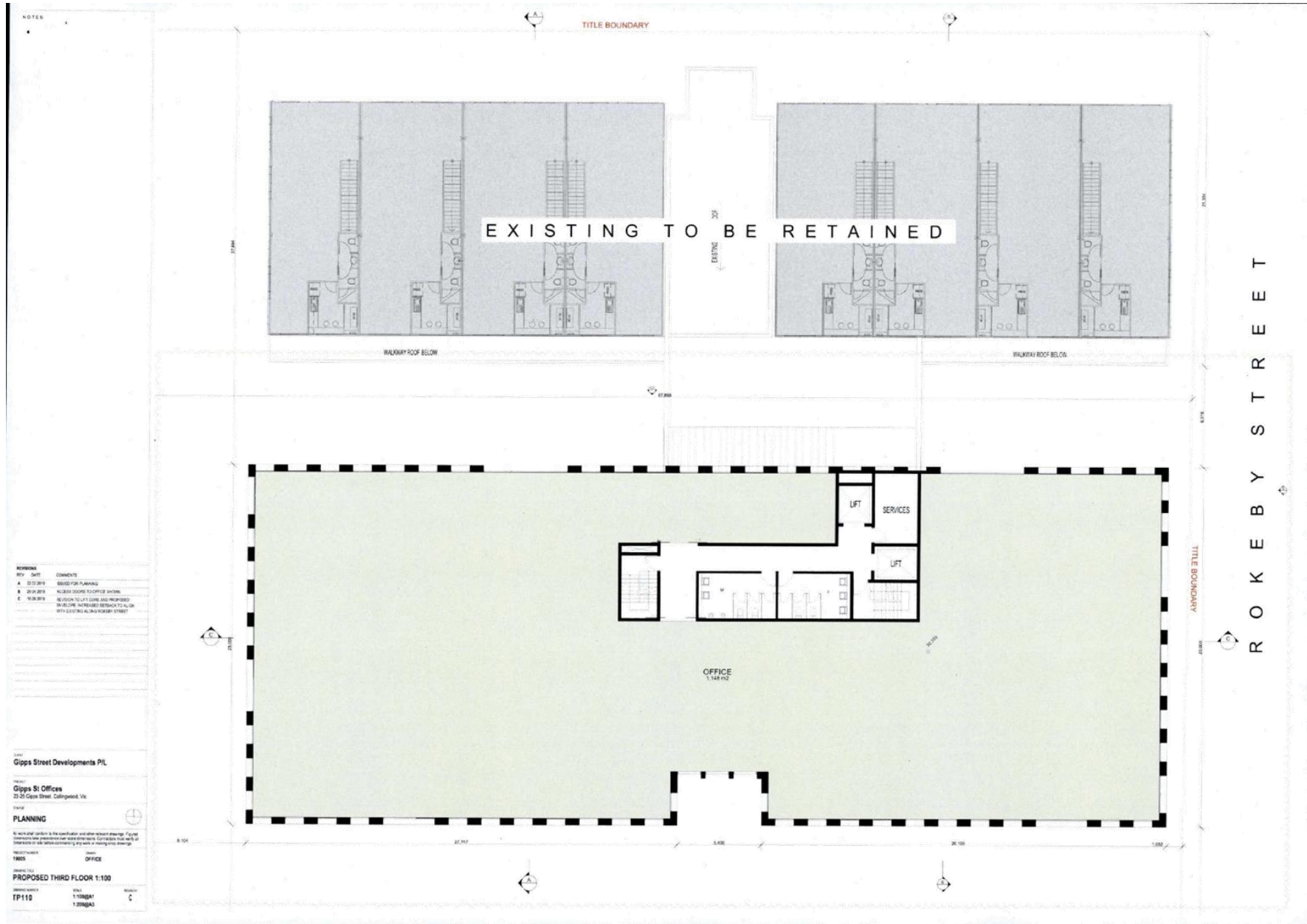


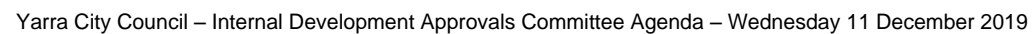




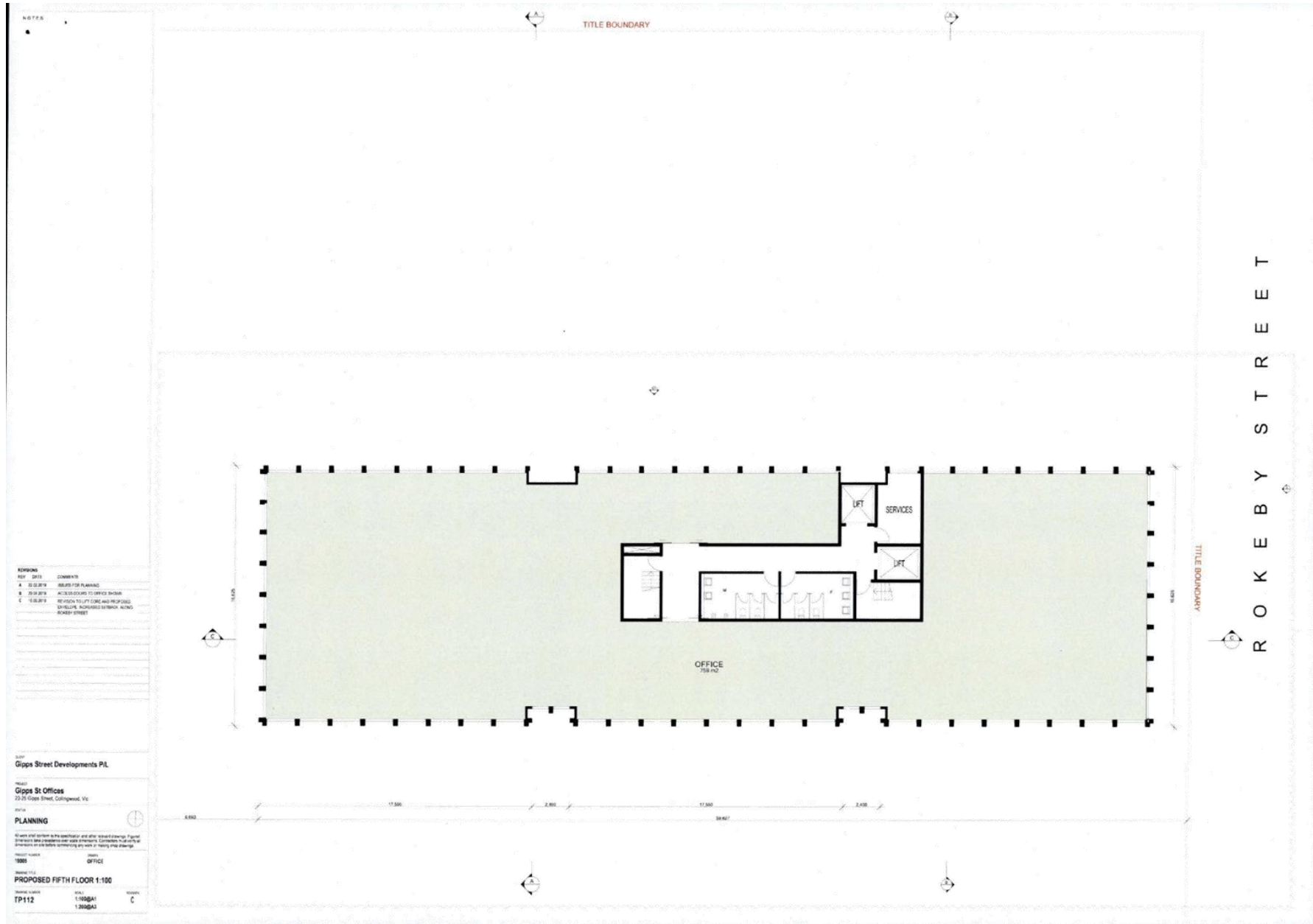


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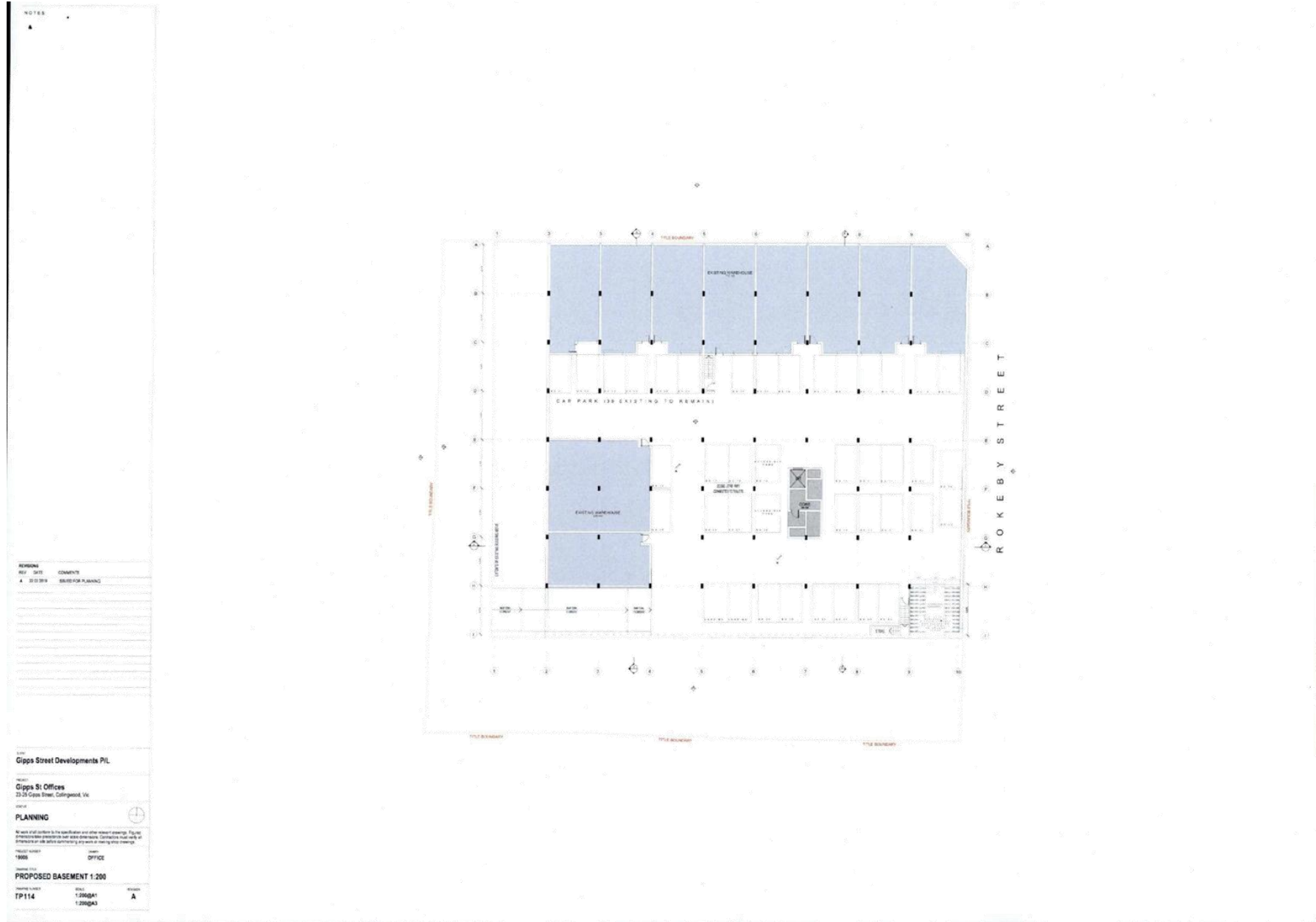


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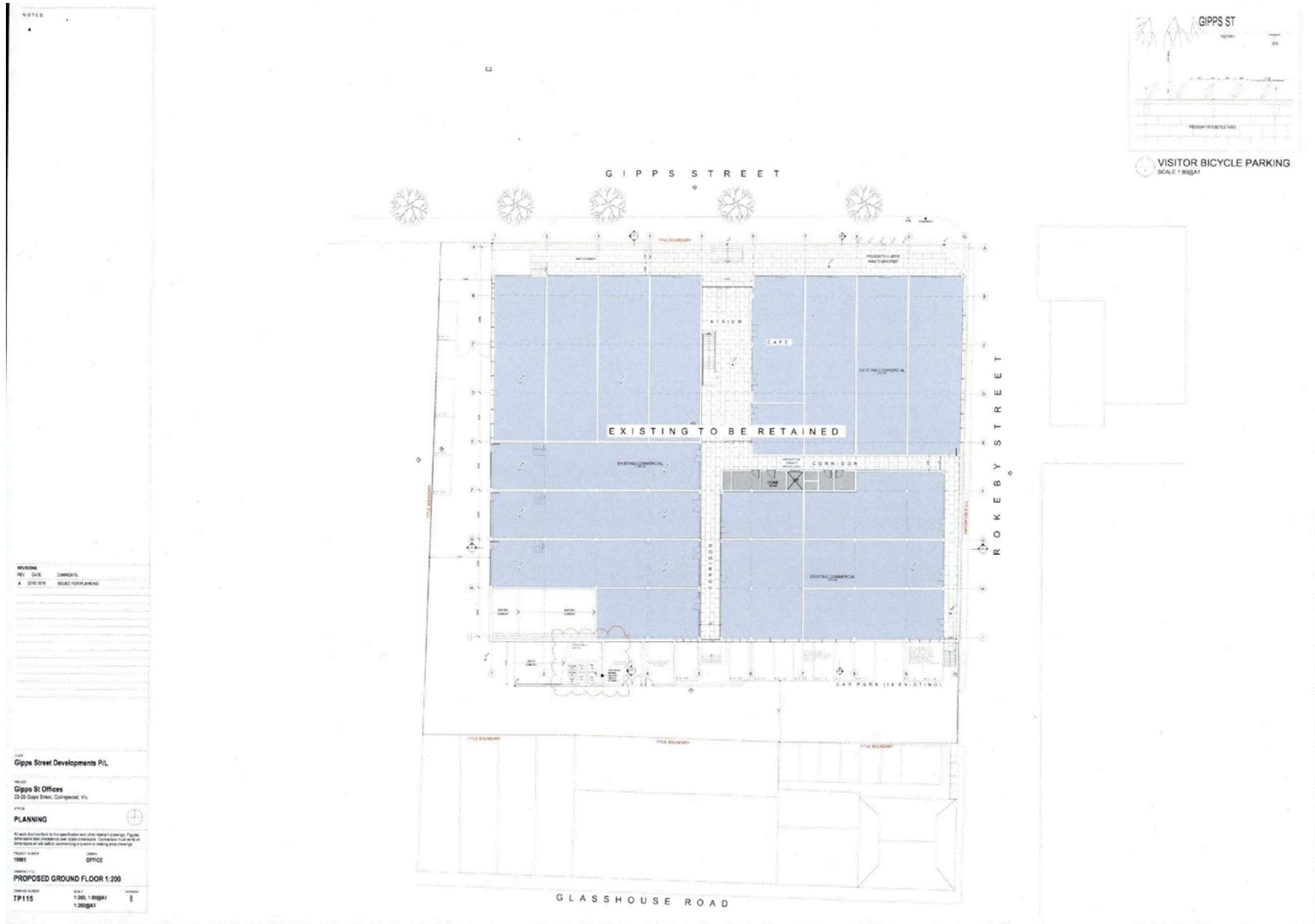


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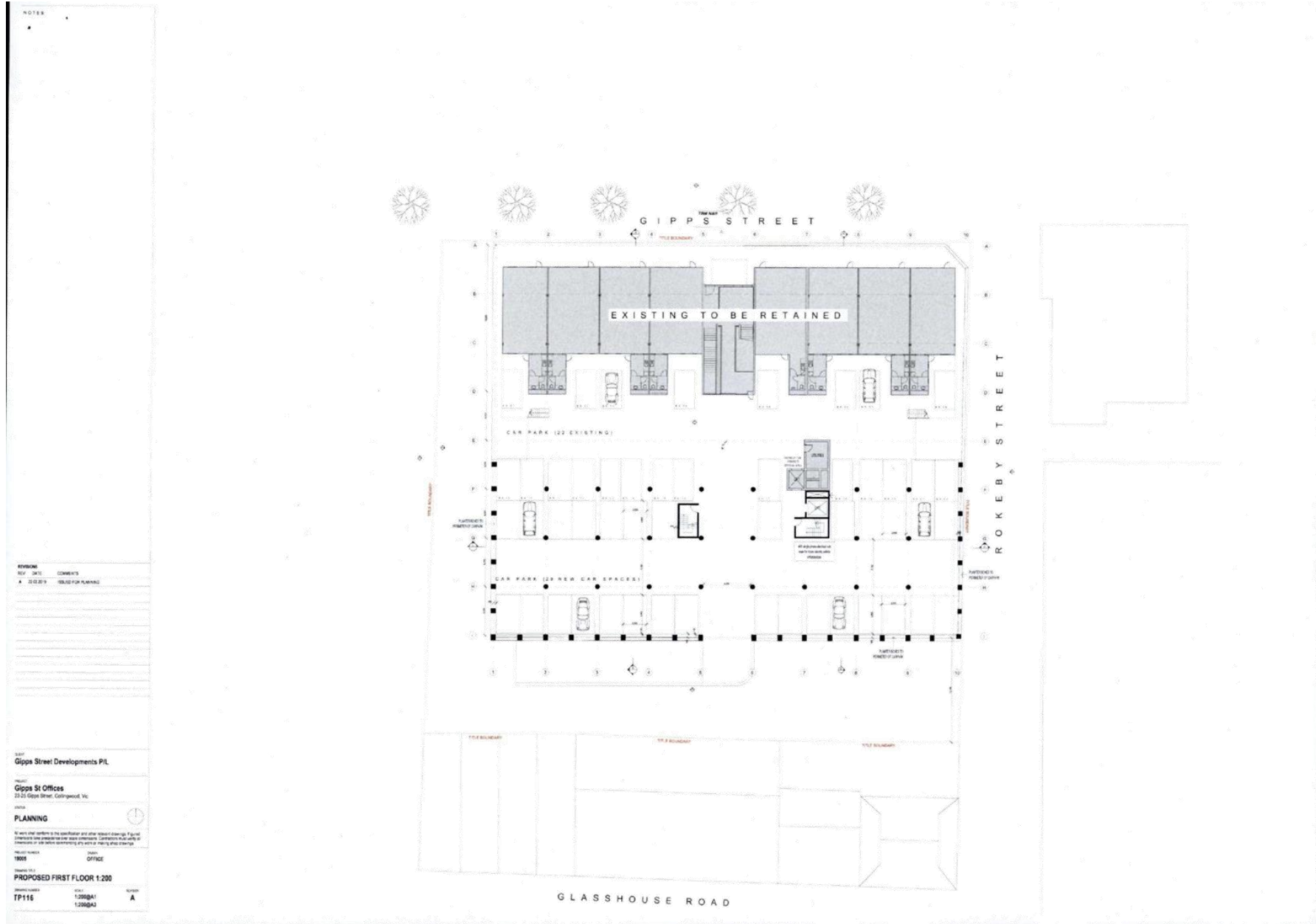




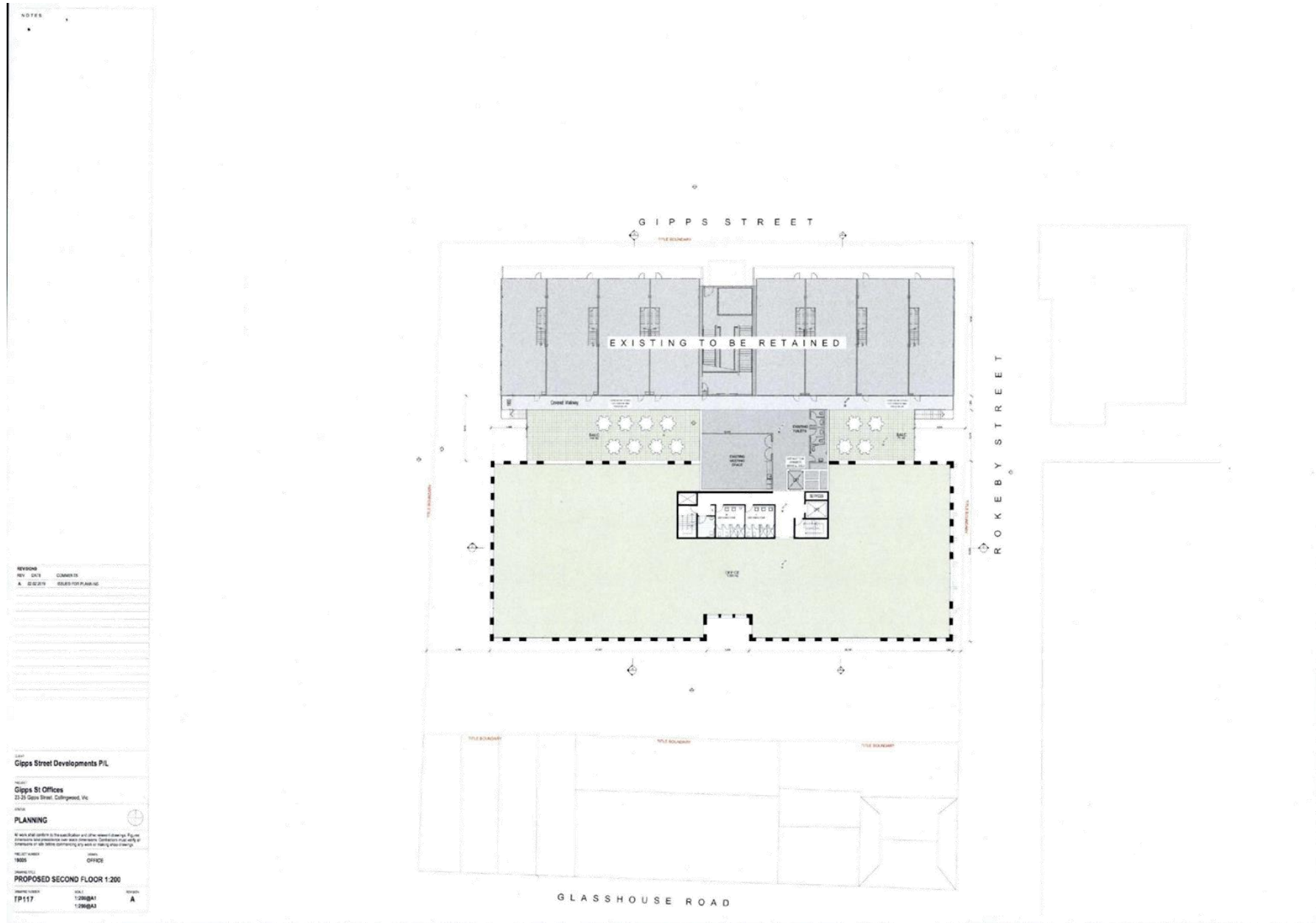
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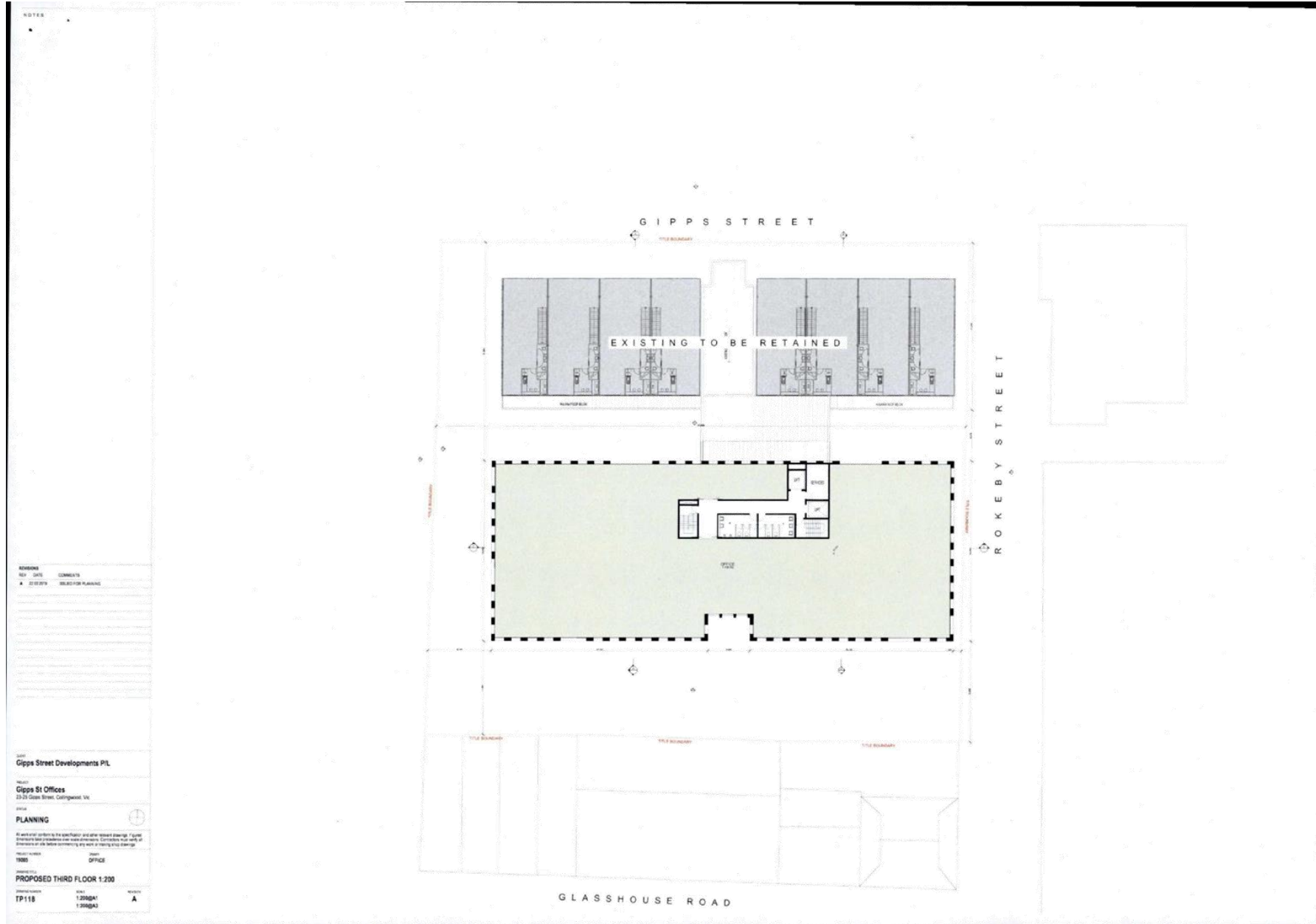
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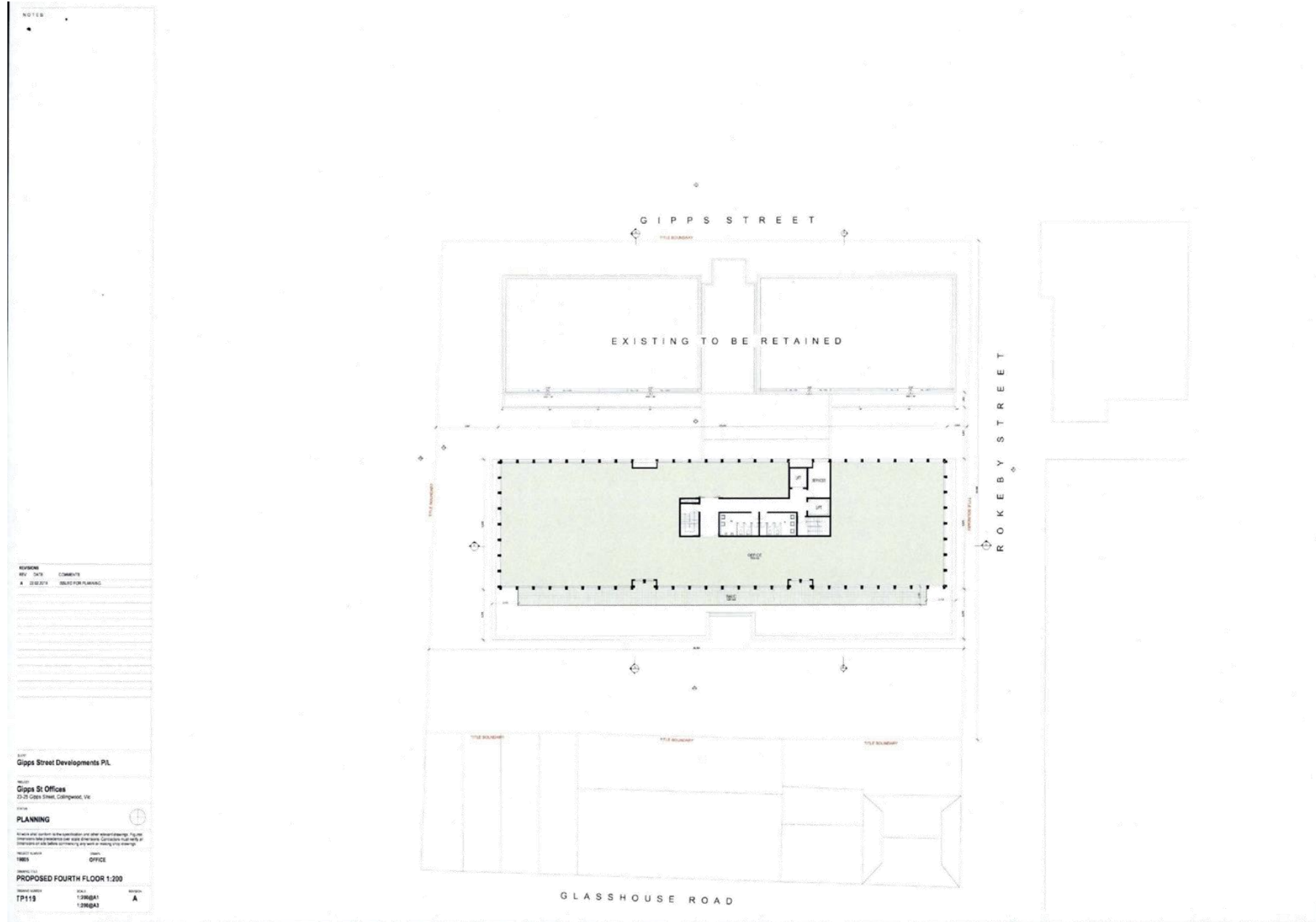
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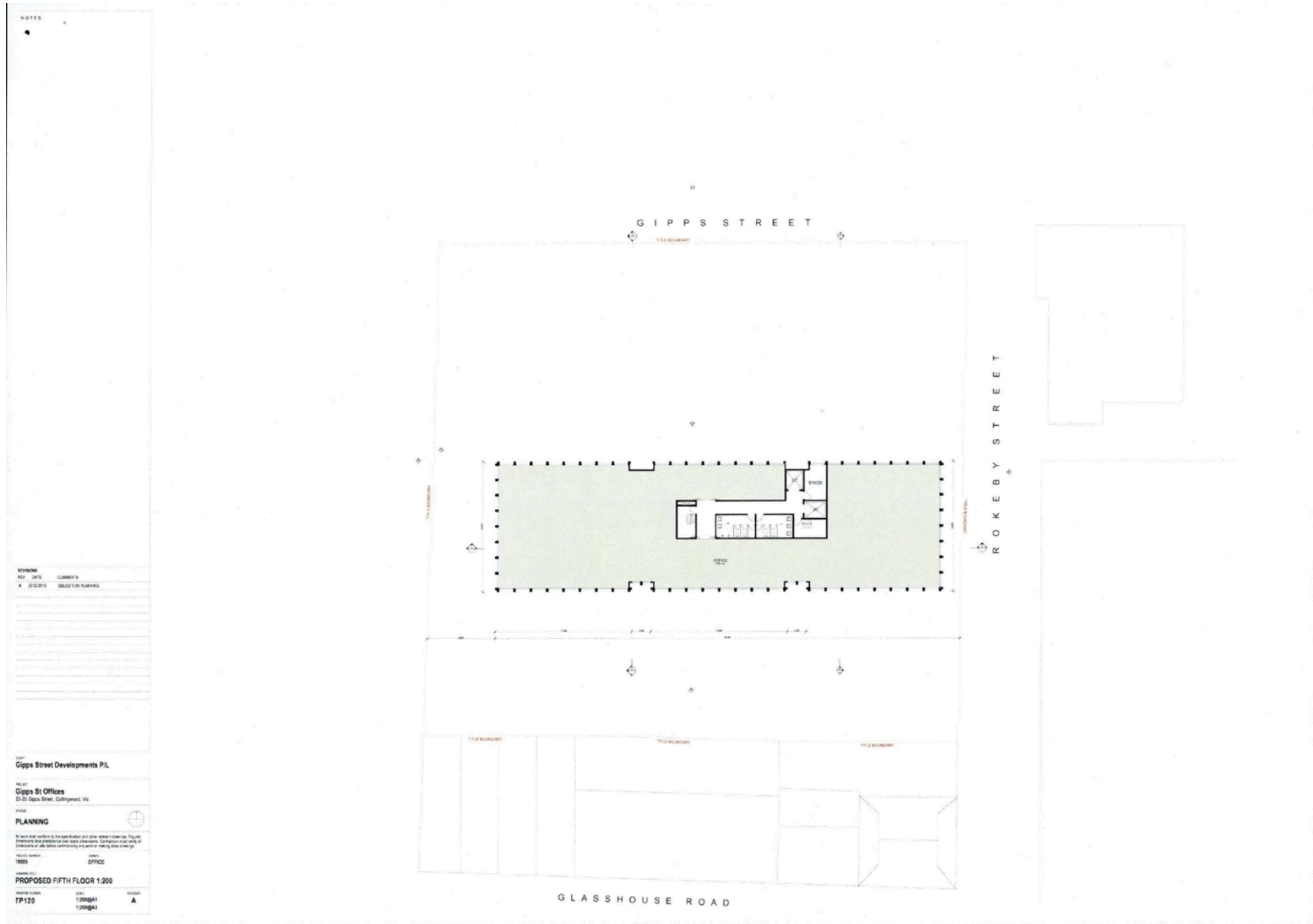


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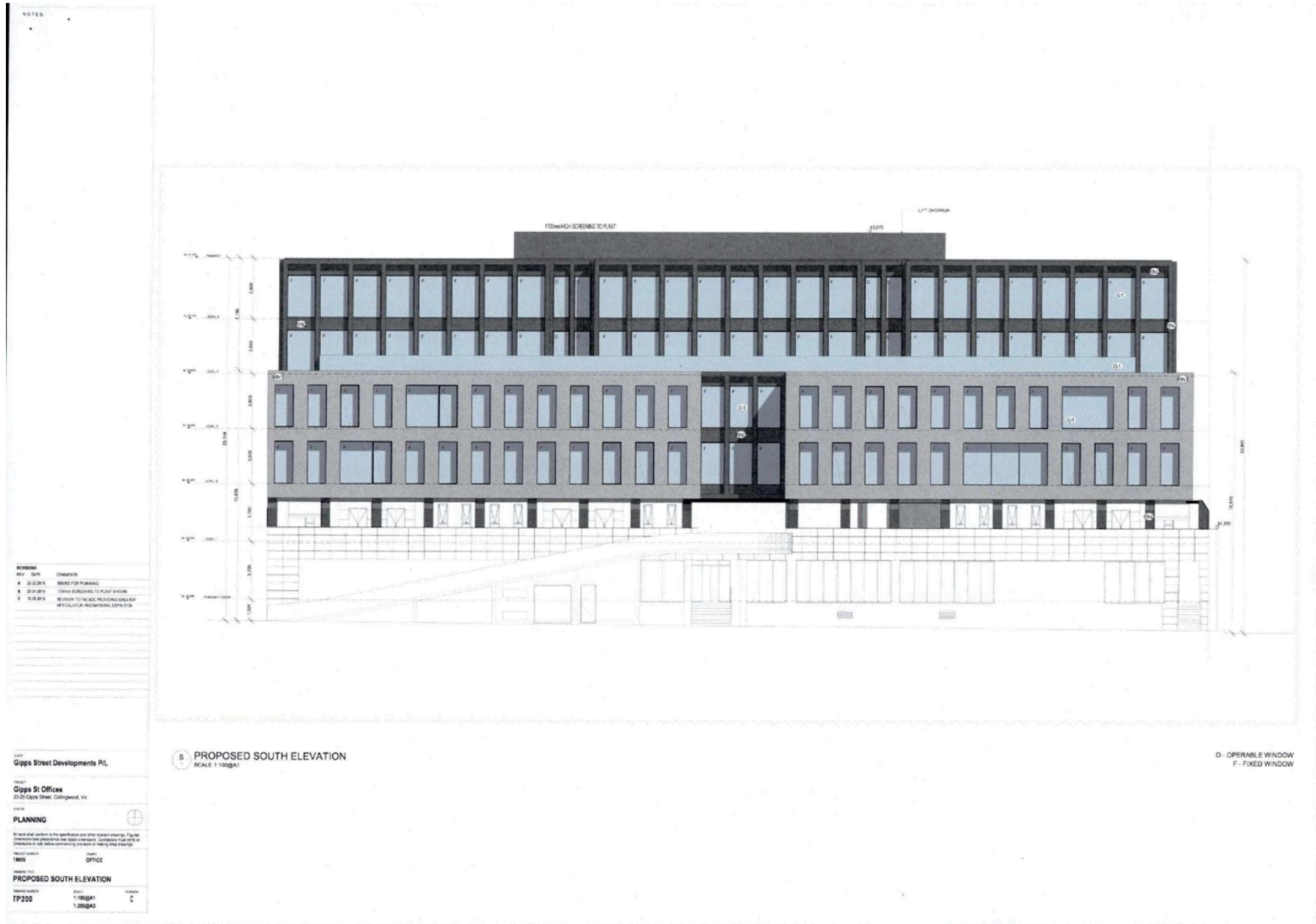


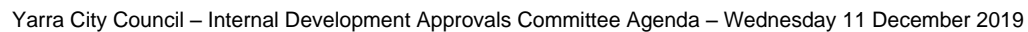
**Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans**



Yarra City Council – Internal Development Approvals Committee Agenda – Wednesday 11 December 2019

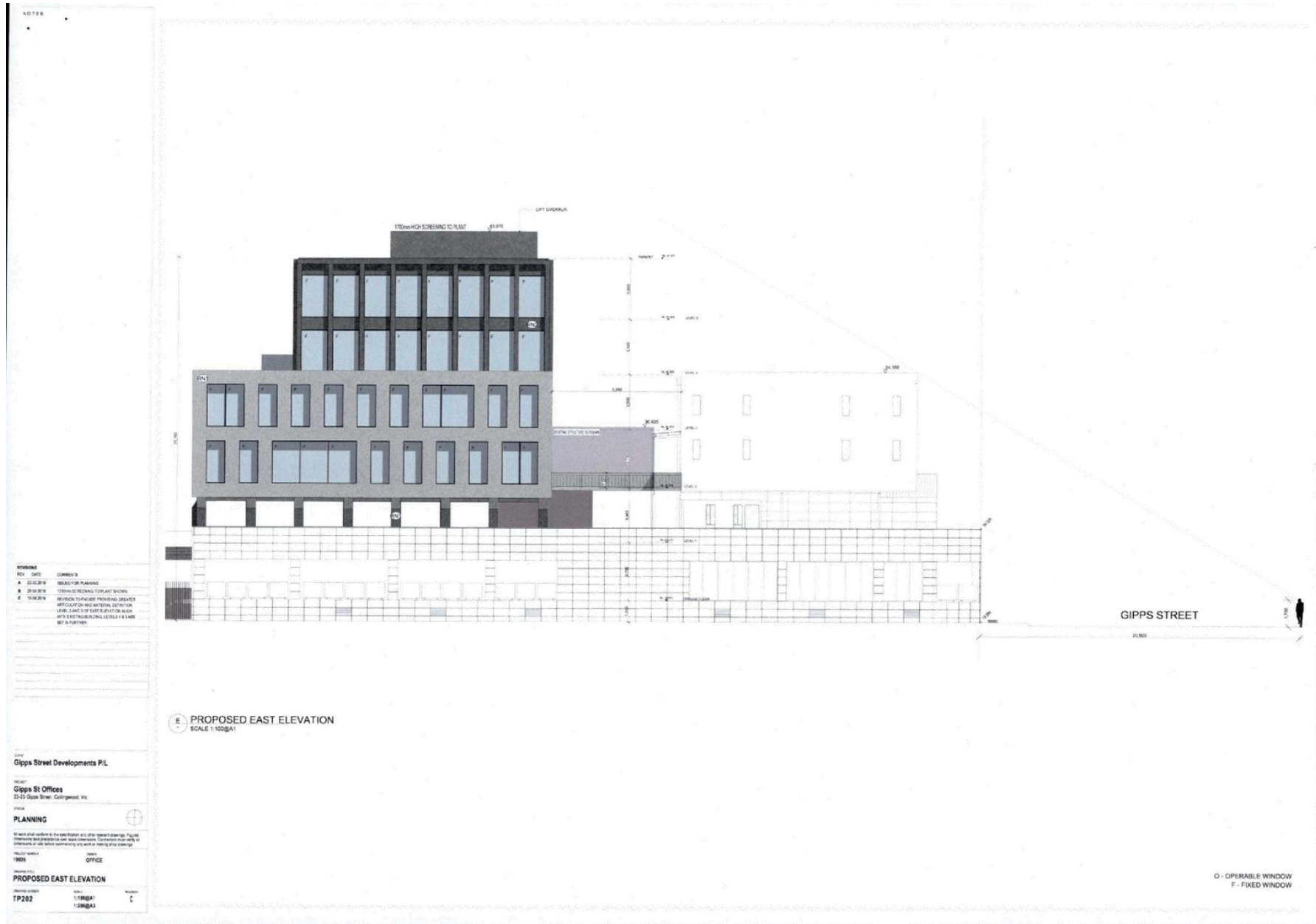
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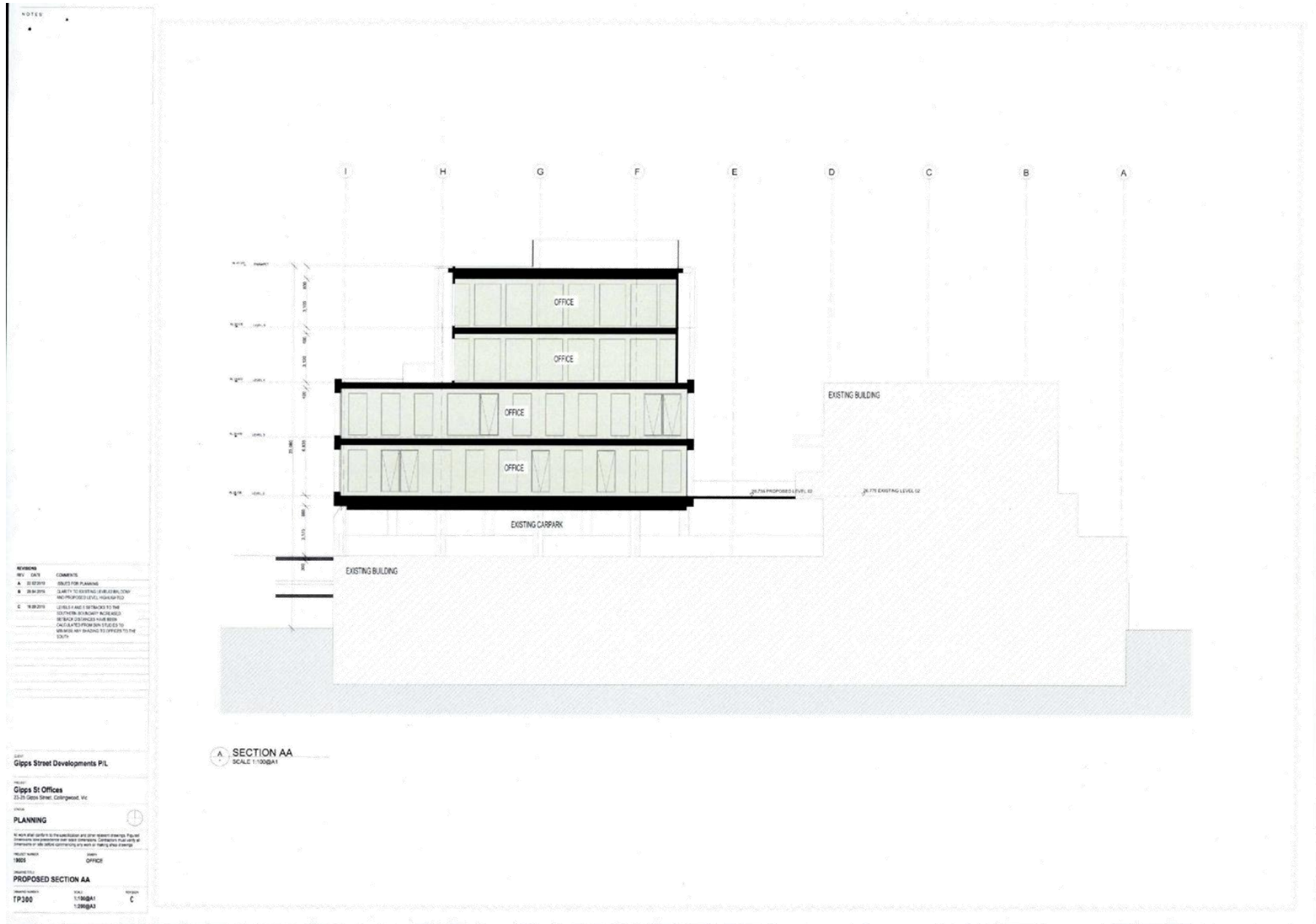




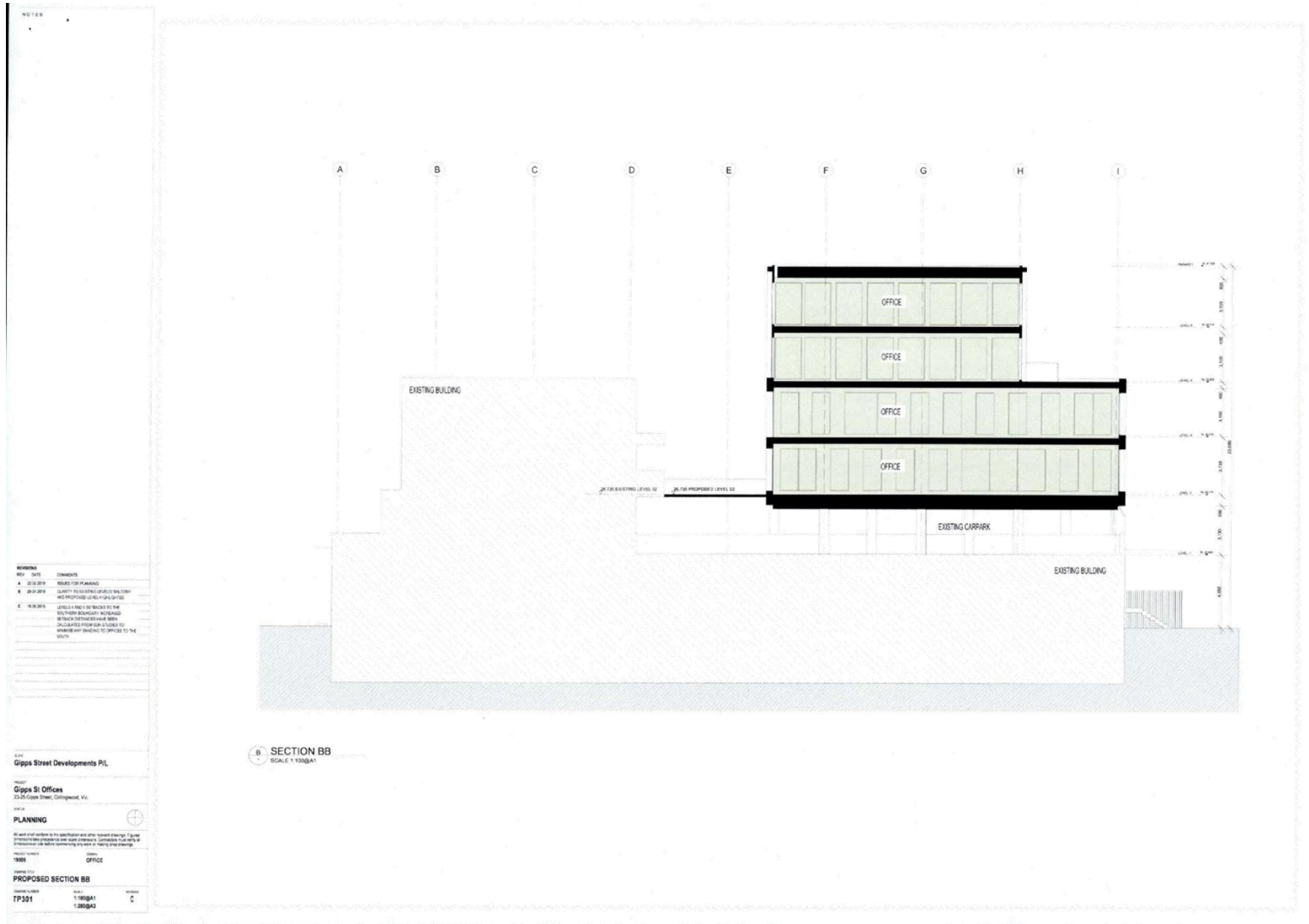
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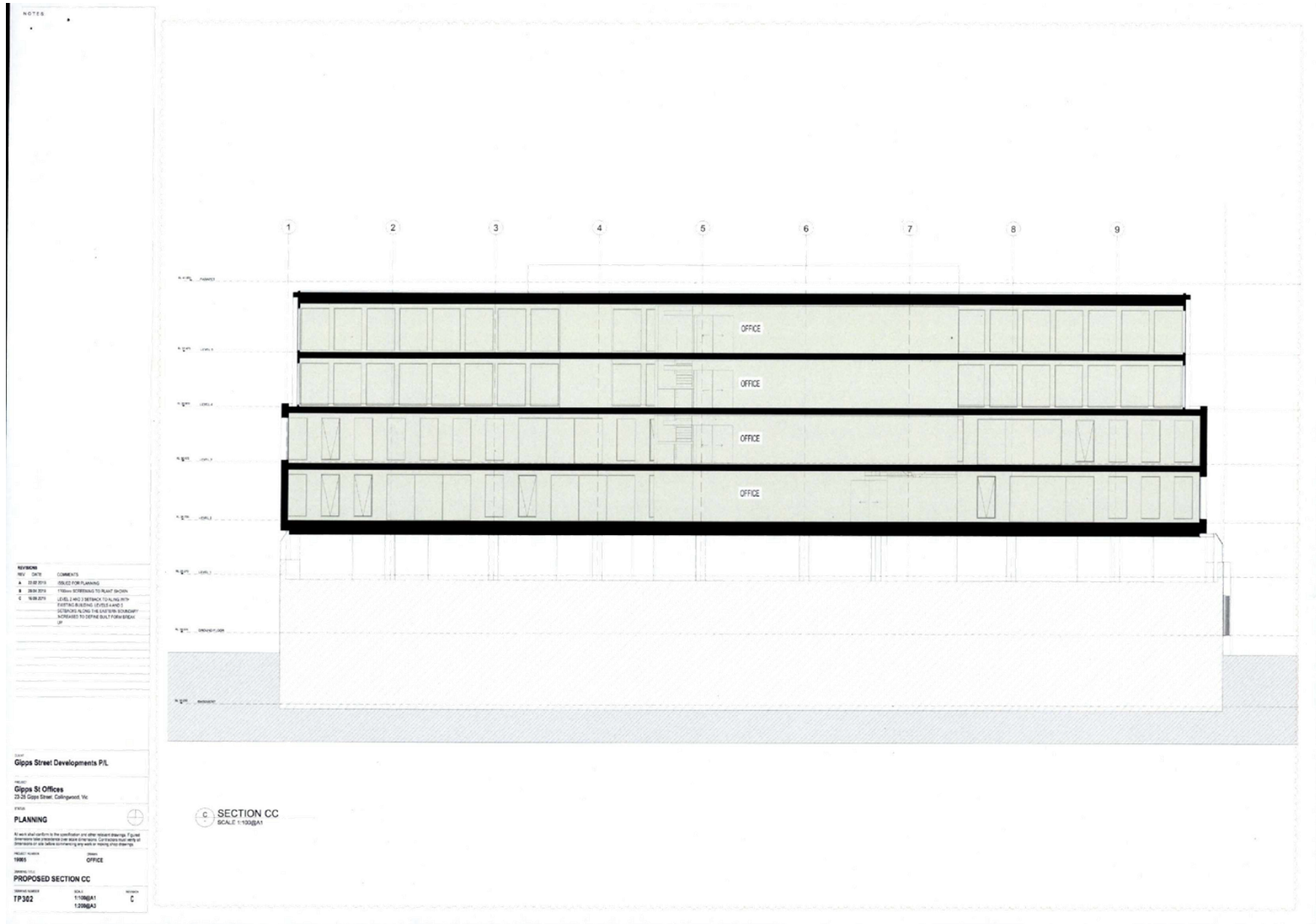
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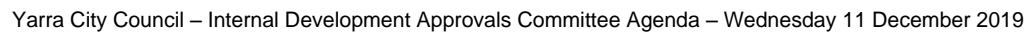
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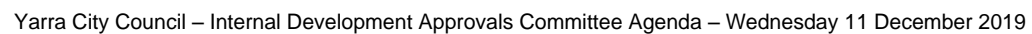
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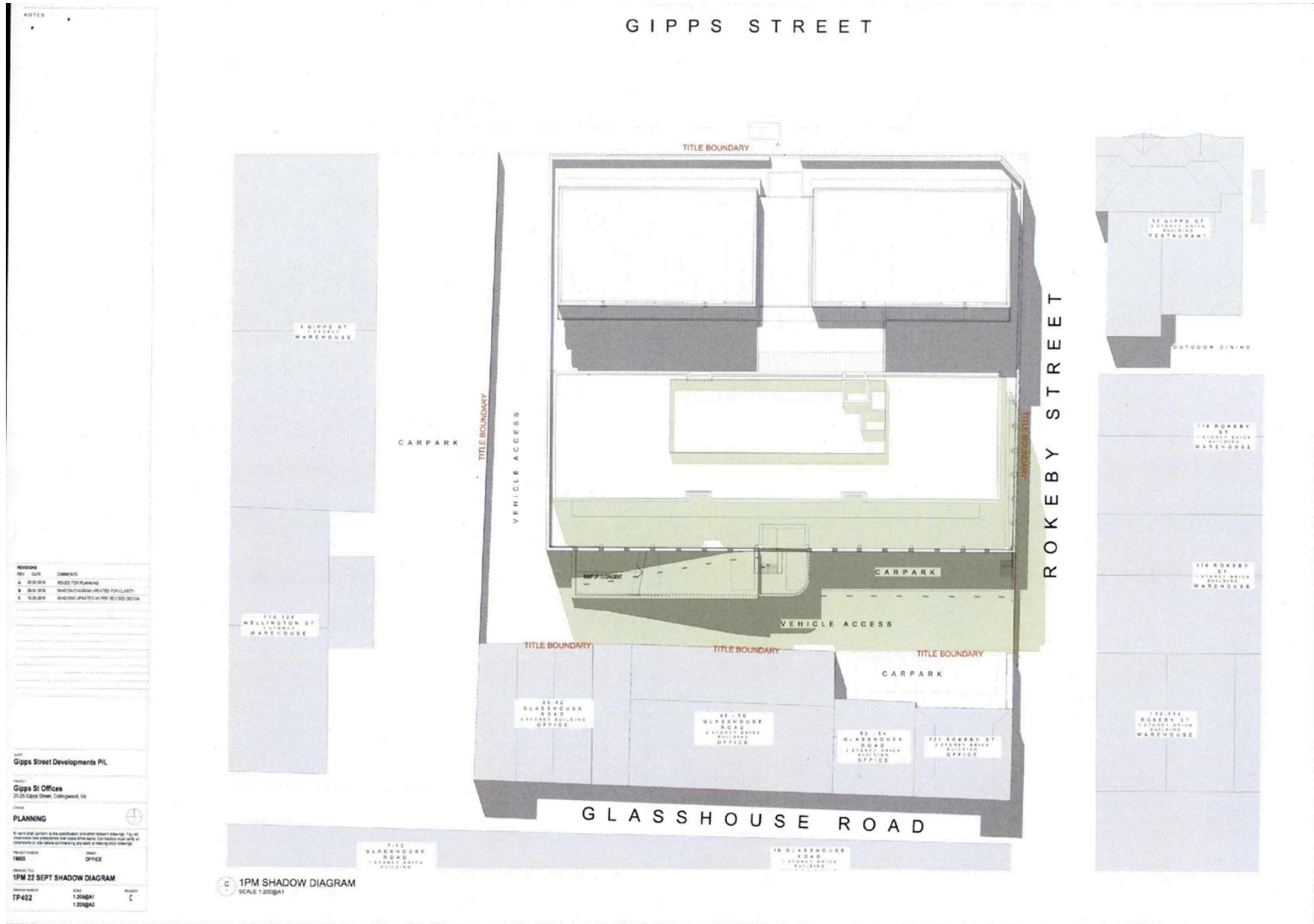




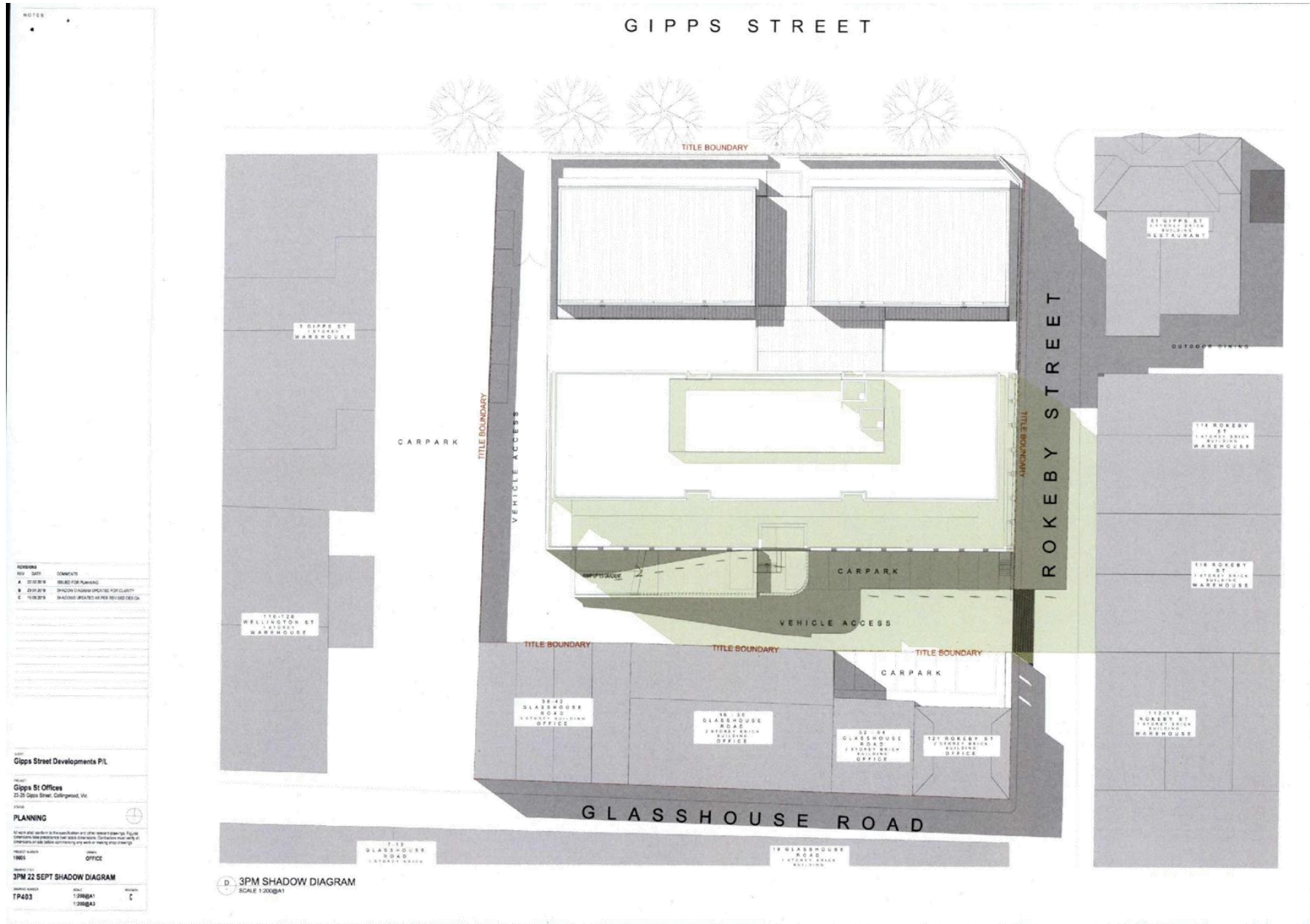




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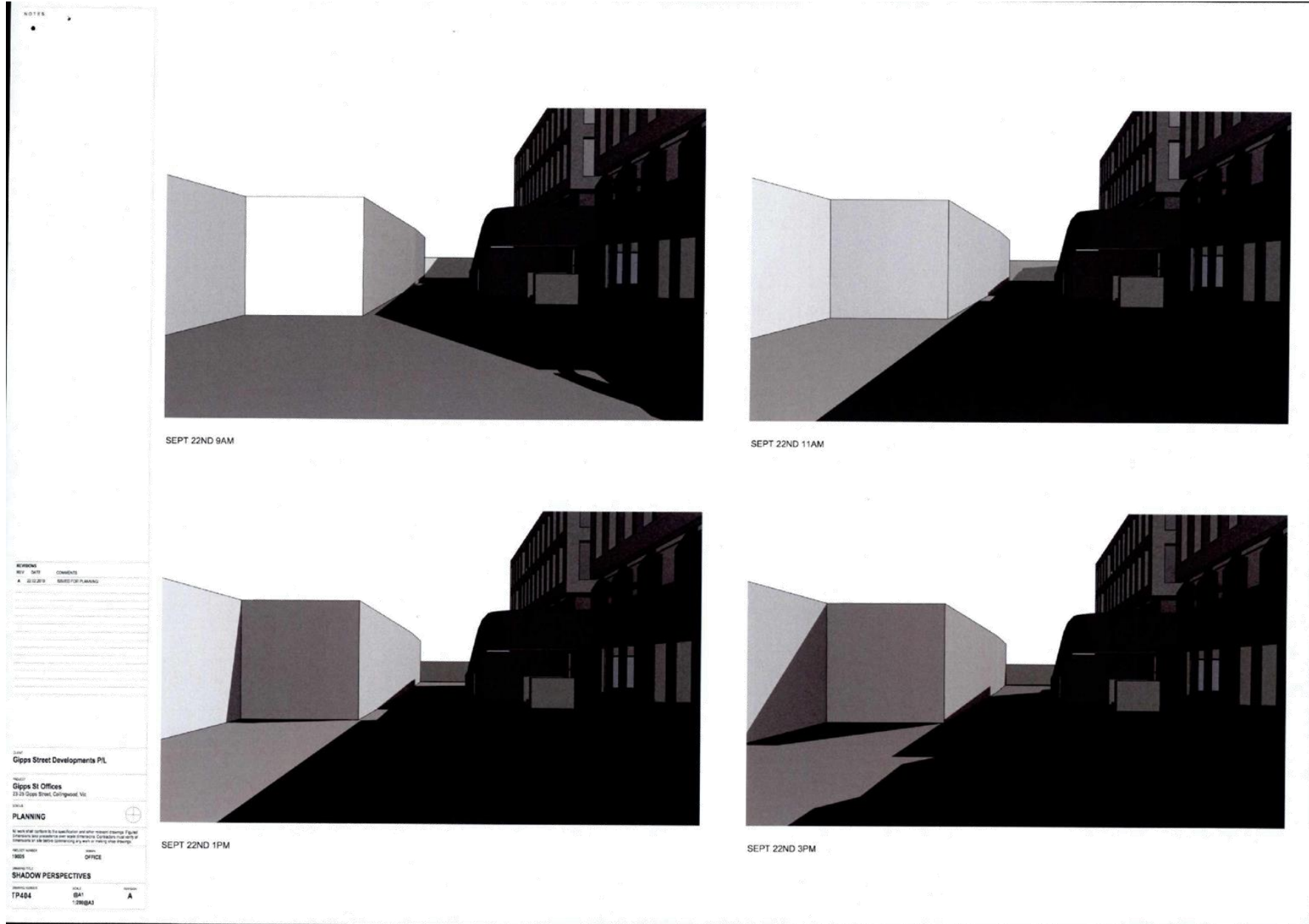


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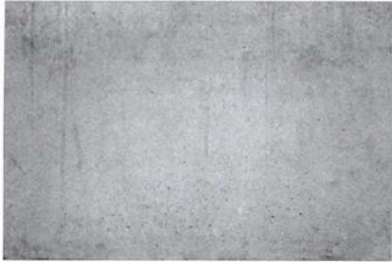






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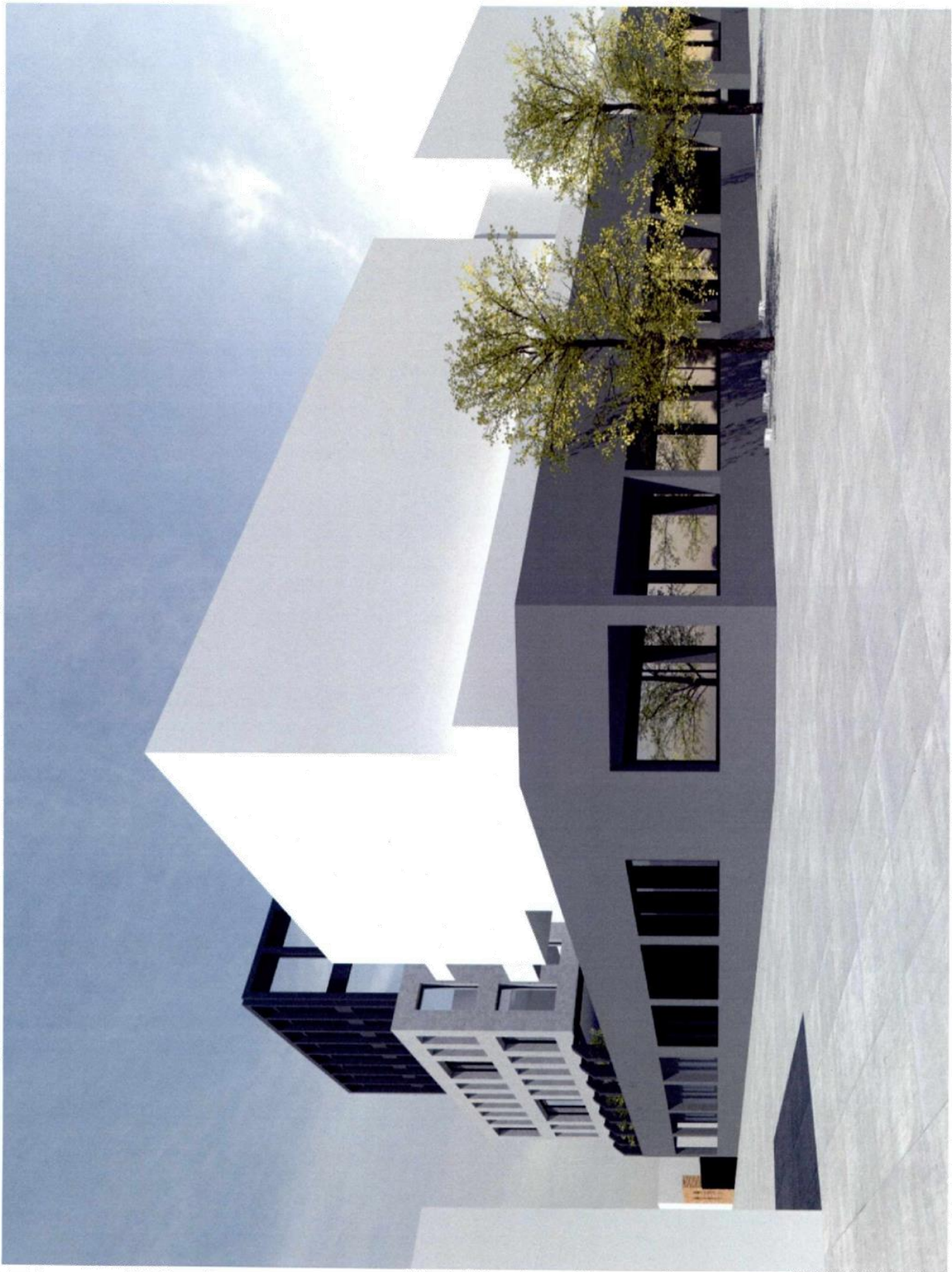


## Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans

NOTES																	
<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  <p><b>RN1 CEMENT RENDER</b> COLOUR: LIGHT GREY</p> </div> <div style="text-align: center;">  <p><b>RN2 CEMENT RENDER</b> COLOUR: DARK GREY</p> </div> <div style="text-align: center;">  <p><b>GL01 GLAZING</b></p> </div> </div>																	
<table border="1"> <thead> <tr> <th>REVISION</th> <th>DATE</th> <th>COMMENTS</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>20/01/2019</td> <td>SELECT FOR PLANNING</td> </tr> <tr> <td>B</td> <td>20/01/2019</td> <td>PROVIDED METAL GLAZING REFERENCE</td> </tr> <tr> <td>C</td> <td>19/08/2019</td> <td>UPDATED FOR CLARITY</td> </tr> <tr> <td colspan="3">MATERIALS SCHEDULE</td> </tr> </tbody> </table>			REVISION	DATE	COMMENTS	A	20/01/2019	SELECT FOR PLANNING	B	20/01/2019	PROVIDED METAL GLAZING REFERENCE	C	19/08/2019	UPDATED FOR CLARITY	MATERIALS SCHEDULE		
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<p>23/25 Gipps Street Developments P/L</p> <p>23/25 Gipps Street, Collingwood, VIC</p> <p>PLANNING</p> <p>1000 OFFICE</p> <p>MATERIALS SCHEDULE</p> <p>TP000 001 1.200000</p>																	



**Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans**



**Attachment 2 - PLN19/0109 - 23-25 Gipps Street Collingwood - Decision Plans**





**Attachment 3 - PLN19/0109 - 23-25 Gipps Street Collingwood - Urban Design referral (decision plans)**



# MeMO

---

TO:	Michelle King (Statutory Planning)
FROM:	Hayley McNicol (Urban Design)
DATE:	7 November 2019
SUBJECT:	23-25 Gipps Street, Collingwood
APPLICATION NO:	PLN19/0109
DESCRIPTION:	Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys) and a reduction in car parking requirements associated with an office (no permit required for use) – revised plans submitted

---

## COMMENTS SUMMARY

Urban Design comments were previously provided on 6 August 2019 on the advertised proposal (plans issued 29 April 2019), raising the following issues:

- The six storey building should be set back from the eastern and southern boundary to respect the narrow street character and reduce extent of overshadowing.
- The metal cladding should be changed to an alternative material, and more articulation should be provided (particularly on the northern and southern elevations) to break down the building mass.
- Maintenance of the climbing plants around the car park edge needs to be secured to ensure that this landscaped screening is established and maintained.
- The lift access to the upper floors should be revisited to avoid using two sets of lifts.

Revised plans have been submitted (submitted 8 October 2019) which have made some considerable changes to the design and massing. The new proposal is an improvement from the original scheme and mostly resolves the previous issues raised. The key outstanding issue relates to the setbacks of the upper floors from Rokeby Street, which in our view are minimal and do not respect the narrow street character or achieve recessive upper levels. This aspect of the revised proposal is not supported, and it is recommended to increase the fourth and fifth floor setbacks from Rokeby Street. Furthermore, it is recommended to update the landscape plans to account for the revised planting around the car park. These recommendations could be addressed via condition.

The proposed changes and comments are set out under the previous memo format for completeness, with comments on the new proposal shown in blue text.

As mentioned previously, there are no known planned/approved capital works around the site which are being led by the Urban Design team.

# Attachment 3 - PLN19/0109 - 23-25 Gipps Street Collingwood - Urban Design referral (decision plans)

## URBAN DESIGN FEEDBACK

### Building presentation – overall built form and articulation

The site is located on the south-west corner of Gipps and Rokeby Streets. Gipps Street is one of the main connecting routes through this precinct and is generally made up of former warehouses and industrial buildings of one and two storeys in height. The existing four storey building presents a slightly larger scale to its neighbours along the street. Gipps Street is a relatively wide street (20 metres wide). Rokeby Street extends along the eastern boundary of the site. It is a narrow former industrial street (10 metres wide) and is characterised by predominately single story warehouses, built directly to the front boundary.

The site is not located in a heritage precinct but there are a few Individually Significant heritage buildings directly around the site, in particular the Glasshouse Hotel on the south-east corner of Gipps and Rokeby Streets.

The site is covered by the Gipps Precinct DDO11. In terms of building heights and setbacks, Section 3.0 states that *“taller built form may be appropriate on larger sites able to provide adequate setbacks that respect the narrow streetscape character of the Precinct and avoid overshadowing of neighbouring properties”*.

Concerns were raised previously with the design, as the proposed six storey form was built directly to Rokeby Street which did not appropriately respond to the narrow streetscape character and scale of buildings along Rokeby Street, and also resulted in some overshadowing impacts.

The proposal provides increased setbacks from the southern boundary which are welcomed, as it reduces the size of the upper levels and retains any overshadowing to the south within the site boundary.

The revised design proposes the following setbacks from the eastern (Rokeby Street) boundary, as shown on the perspective and elevation below.

- Second and third floors set back 1.052 metres
- Fourth and fifth floors set back 2.542 metres (this is approximately 1.5 metres additional setback from the levels below)



## Attachment 3 - PLN19/0109 - 23-25 Gipps Street Collingwood - Urban Design referral (decision plans)

The setbacks as shown on the elevation and perspective are minimal in our view and still do not appropriately respond to the narrow streetscape character and scale of buildings along Rokeby Street. In particular, the fourth and fifth floors are only set back 1.5 metres from the second and third floors below, and therefore still appear dominant when viewed from along Rokeby Street and do not provide a clearly defined setback between the mid and upper sections of the building. It is recommended that the fourth and fifth storey setback (measured from the levels below) is increased from 1.5 metres to 3 metres (this equates to an overall setback of approximately 4 metres measured from the eastern property boundary). This would achieve a more recessive upper form when viewed from Rokeby Street, a more clearly defined setback, and would more appropriately respond to the narrow width of Rokeby Street and the scale of buildings along the street.

### Building presentation – materials and finishes

Section 3.0 of DDO11 states that *“development should be designed to ... use materials and finishes which complement adjacent development and enhance the appearance of the narrow street network”*.

Concerns were previously raised on the use of MC1 Profiled Metal Cladding and the lack of articulation on the southern and northern elevations (each about 60 metres long).

The revised proposal has replaced the MC1 Profiled Metal Cladding with cement render, and has provided light grey render at the second and third floors and dark grey levels on the fourth and fifth floors. The building also provides recesses along the northern and southern elevations (at second-third and fourth-fifth floors). These changes to the materials and provision of recessed elements is an improvement – it achieves greater definition of the mid and upper levels, better articulation of the northern and southern elevations, and assists in breaking down the overall building mass.

### Other matters

Previous comments noted that the car parking would be clearly noticeable from Rokeby Street and the proposed climbing plants are important to achieve screening to the car park, and need to be adequately maintained.

The revised proposal has replaced the climbing plants with new shrubs, and other aspects of the landscaping (e.g. trees) has been removed. Limited details have been provided on the planting around the car park. We recommend that the landscape plans that were previously submitted are updated to show the revised planting.

Previous comments raised concerns with the convoluted access to the new building, which required people to use two sets of lifts.

The revised proposal has improved the access arrangements to allow for the lift to service all levels, which is welcomed.



# Attachment 4 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (decision plans)



## MEMO

**To:** Michelle King  
**From:** Mark Pisani  
**Date:** 25 October 2019  
**Subject:** Application No: PLN19/0109  
 Description: Four-Storey Addition  
 Site Address: 23-25 Gipps Street, Collingwood

I refer to the above Planning Application received on 16 October 2019 in relation to the proposed development at 23-25 Gipps Street, Collingwood. Council's Civil Engineering unit provides the following information:

### AMENDED DRAWINGS

TTM Consulting (Vic) report dated 23 September 2019

TTM Swept Path Analysis dated 12 September 2019

Applicant's drawings No. TP116 Revision A dated 22 February 2019

### Car Parking Modules

Item	Details
Car Parking Spaces	In the revised car parking layout, the parking spaces now measure 3.0 metres by 4.9 metres. The minimum width of the aisle (at locations where there are circular columns in the aisle) measures approximately 6.1 metres. The parking module (space and aisle combination) satisfy <i>Table 2: Minimum dimensions of car parking spaces and accessways</i> of Clause 52.06-9. This item has now been addressed.
Columns Depths and Setbacks	With the bays being 3.0 metres in width, the columns are located outside the clearance envelopes of the spaces. This item has now been addressed.
Clearances to Walls	Clearances of no less than 400 mm have been provided and are dimensioned on the drawings. This item has now been addressed.
Vehicle Turning Movements	The swept path diagrams for the B85 design vehicle satisfactorily demonstrate vehicle turning movements into and out of the parking bays. This item has now been addressed.

# Attachment 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)



## MEMO

**To:** Michelle King  
**From:** Artemis Bacani  
**Date:** 22 July 2019  
**Subject:** Application No: PLN19/0109  
 Description: Construction of Four Additional Levels  
 Site Address: 23-25 Gipps Street, Collingwood

I refer to the above Planning Application received on 28 June 2019 and the accompanying Traffic Impact Assessment Report prepared by TTM Consulting in relation to the proposed development at 23-25 Gipps Street, Collingwood. 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:

Land Use	Floor Area (Existing Use)	Floor Area (Proposed Use)	Change in Floor Area	No. of Spaces Required	No. of Spaces Allocated	
					Proposed Spaces	Removed Spaces
Office	5,964.8 m <sup>2</sup>	10,612 m <sup>2</sup>	+4,647.3 m <sup>2</sup>	139	29	-4
Total				139 Spaces	25 Spaces	

\* Since the site is located within the Principal Public Transport Network Area, the parking rates in Column B of Clause 52.06-5 now apply.

A reduction of 114 parking spaces is sought by applicant.

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.

## Attachment 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)

### Car Parking Demand Assessment

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand for Office.*

Parking associated with office type developments is generally long-stay parking for employees and short term parking (say up to two hours' duration) for customers and clients. The actual parking demand generated by the office is expected to be lower than the statutory parking rate of 3.0 spaces per 100 square metres of floor space, since the area has very good access to public transport services.

The site would be providing 25 additional on-site parking spaces for the additional floor area, which equates to a rate of 0.54 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:

Development Site	Approved Office Parking Rate
<b>Cremorne</b>	
60-88 Cremorne Street PLN17/0626 issued 21 June 2018	0.72 spaces per 100 m <sup>2</sup> (200 on-site spaces; 27,653 m <sup>2</sup> )
<b>Collingwood</b>	
71-93 Gipps Street PLN16/1150 issued 30 August 2017	0.96 spaces per 100 m <sup>2</sup> (86 on-site spaces; 8,923 m <sup>2</sup> )
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 0.54 spaces is considered appropriate, having regard to the site's excellent 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 Victoria Parade and Smith Street. Buses along Hoddle Street and the Collingwood railway station can also be reached on foot.

### 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.*

To assess the car parking demands in the surrounding area, the car parking occupancy survey undertaken by IMPACT Traffic Engineering for the site at 92 Rupert Street, Collingwood (Application Number PLN18/0878), has been referenced. On-street parking occupancy surveys were undertaken of the surrounding area on Friday 22 June 2018 between 8:00am and 8:00pm. The survey area included sections of Langridge Street and Rupert Street. An inventory of 39 publicly available parking spaces were identified. The results of the survey indicate that the peak parking occupancy in the study area occurred at 12:00pm with 92 % of spaces occupied or 3 vacant spaces. The very limited opportunity to park on-street would encourage both employees and visitors to use more sustainable forms for transport to commute to and from the site.

## Attachment 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)

Given the high parking demand in the surrounding area, employees and visitors would be more inclined to commute to the site by public transport or cycle or walk.

- *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.
- *Access to or Provision of Alternative Transport Modes.*  
The site has very good accessibility to public transport and connectivity to the on-road bicycle network. The site is also in proximity to on-street car share pods. A GoGet car share pod is located in Peel Street, approximately 250 metres west of the site.

### Adequacy of Car Parking

From a traffic engineering perspective, the waiver of parking associated with the proposed office use is considered appropriate in the context of the development and the surrounding area. The operation of the office use should not adversely impact on existing parking conditions in the surrounding area.

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

### 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 (25 spaces)	0.5 trips per space per peak hour	Not Provided	12.5 (13)	12.5 (13)

The peak hour volumes generated by the development are not unduly high and should not adversely impact on the traffic operation of Rokeby Street and Gipps Street.

### DEVELOPMENT LAYOUT DESIGN

Drawing Nos. TP108 Revision B dated 29 April 2019

#### Layout Design Assessment

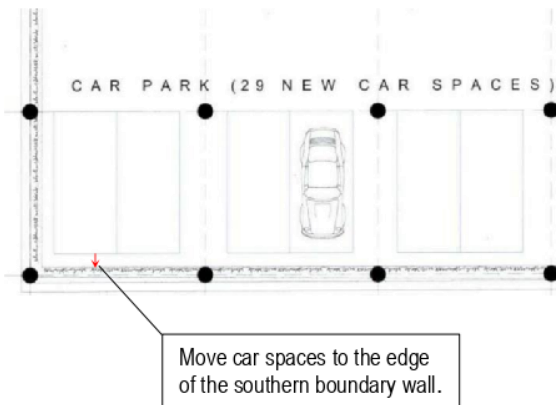
Item	Assessment
<b>Car Parking Modules</b>	
Car Parking Spaces	The dimensions of the proposed parking spaces of 2.6 metres by 4.9 metres are insufficient and does not satisfy <i>Design standard 2: Car parking spaces</i> .
Aisles	A minimum aisle width of 6.06 metres has been provided. The aisle width is considered unsuitable for the car spaces with the dimensions of 2.4 metres by 4.9 metres.
Column Depths and Setbacks	The column depths and setbacks satisfy <i>Diagram 1 Clearance to car parking spaces</i> of <i>Design standard 2</i> .
Clearances to Walls	Not dimensioned on the drawings.

## Attachment 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)

### Layout Design Assessment

Item	Assessment
<b>Other</b>	
Vehicle Turning Movements – Car Parking Spaces	Not provided.

### Design Items to be Addressed

Item	Details
Car Parking Spaces - (2.6 metres by 4.9 metres)	<p>Off a 6.06 metre wide aisle, the parking spaces are to have a minimum width of 2.73 metres.</p> <p>Alternatively, the parking spaces along the southern boundary of the car park could be moved up to the edge of the southern boundary wall to increase the width of the aisle by approximately 500 mm, as shown below.</p>  <p style="text-align: center;">CAR PARK (29 NEW CAR SPACES)</p> <p style="text-align: center;">Move car spaces to the edge of the southern boundary wall.</p>
Column Depths and Setbacks	To be dimensioned on the drawings and satisfy AS/NZS 2890.1:2004.
Clearances to Walls	To be dimensioned on the drawings.
Vehicle Turning Movements – Car Parking Spaces	Using a B85 design template, the applicant must demonstrate that vehicles can adequately enter and exit the new parking spaces.

### Capital Works Programme

A check of the Capital Works Programme for 2019/20 indicates that Gipps Street between Wellington Street and Rupert Street will be re-sheeted, including the reconfiguration of the bicycle lanes.



## Attachment 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral (superseded proposal)

### 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

#### 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.

### 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 5 - PLN19/0109 - 23-25 Gipps Street Collingwood - Engineering referral  
(superseded proposal)**

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Attachment 6 - PLN19/0109 - 23-25 Gipps Street Collingwood - ESD referral (decision plans)



# MeMO

**TO:** Michelle King  
**CC:**  
**FROM:** Gavin Ashley, ESD Advisor  
**DATE:** 4.11.2019  
**SUBJECT:** 23 – 25 Gipps Street, Collingwood

Dear Michelle,

I have reviewed the updated SMP 03/10 in the context of my original ESD advice.

The following deficiencies were noted in the previous advice.

- A Building Users Guide explaining optimal usage of building services to minimise energy and water consumption is required. Scoping out of credit is not satisfactory. ***This has been updated and is now satisfactory.***

The following outstanding information was note in the previous advice.

- Clarify provision of outdoor air to office spaces on all levels. ***The updated SMP notes mechanical exhausts will be provided. The applicant must demonstrate by way that outside air is provided at rates that exceed the requirements of AS 1668.2-1991 by at least 50% OR if natural ventilation is provided. This could be achieved via a permit condition.***
- Daylight modelling required to support assertion that 60% of the office space will be greater than 2% Daylight Factor. ***Modelling has been provided and this is now satisfactory.***
- No modelling has yet been completed to demonstrate benchmark. A JV3 report is required as the new office area is above 1000sqm. ***A modelling report has been provided. This is now satisfactory.***
- More information is required on how the commercial building will be serviced with HVAC. A benchmark has been provided for HVAC servicing. ***The applicant must provide more information on what type of HVAC system is to be provided. This could be achieved via a permit condition.***
- More information is required. It appears that the balcony area which are part of the new development component has been excluded from the assessment. Confirmation is required alongside an assessment as to the potential to plumb existing roofspace to the new tank(s). ***This has been updated and is now satisfactory.***
- More information required as to how many car parks will be provided with EV charging and whether these will be installed as part of the development or just pre-wired. ***This has been updated and is now satisfactory.***
- More information is required including an assessment of adequacy of waste volumes and allocated space. Waste areas should be clearly nominated on plans. ***An operational waste management plan has now been provided. This is satisfactory, however should also be reviewed by Councils waste department.***
- An assessment of common spaces and landscaping is required. ***Balconies have been assessed as common space in the tool and landscaping has been scoped out as there is no landscaping on site. The landscaping credit should not be scoped out, however this has not affected the BESS score materially. This is satisfactory.***
- An assessment of the building against urban heat reduction objectives is required. ***The SMP has been updated to include reference to high reflectivity materials. This is satisfactory.***

## Attachment 6 - PLN19/0109 - 23-25 Gipps Street Collingwood - ESD referral (decision plans)

An assessment is required on how energy and water management systems will be commissioned in accordance with the manufacturer's specifications is required. ***Building services will be commissioned as per industry standards / manufacturer's specifications and will be fine-tuned during the first 12 months of occupation in line with best practice requirements. This is satisfactory.***

In summary, the vast majority of information requirements have been met and the remaining can be met through an appropriately worded planning condition.

**Gavin Ashley**

Environmental Sustainable Development Advisor

City of Yarra PO Box 168 Richmond 3121

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E [gavin.ashley@yarracity.vic.gov.au](mailto:gavin.ashley@yarracity.vic.gov.au)

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**Attachment 7 - PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (decision plans)**

**King, Michelle**

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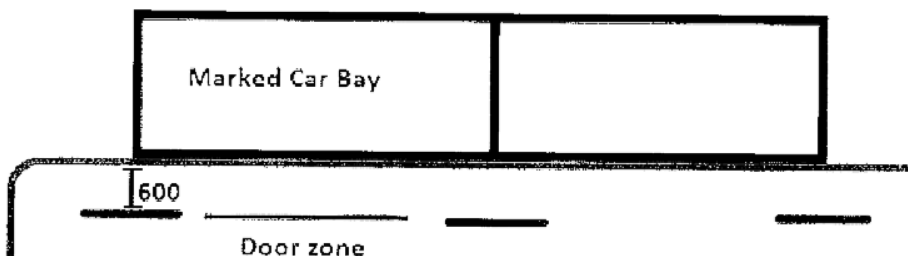
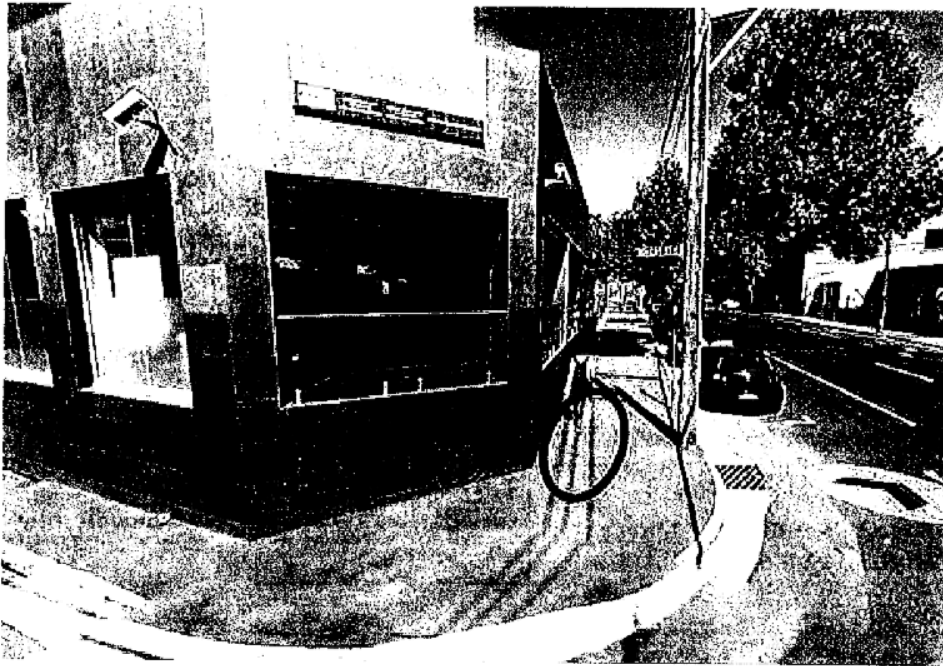
**From:** Wright, Chloe  
**Sent:** Tuesday, 12 November 2019 11:55 AM  
**To:** King, Michelle  
**Subject:** RE: PLN19/0109 – 23-25 Gipps Street, Collingwood - Re-referral (S57A Plans)  
**Attachments:** Bike Hoop Placement Details.pdf

Hi Michelle,

I'm so sorry for the delay in responding to this one. I've reviewed the revised plans – see comments below. Please let me know if you have any questions.

**Visitor Parking**

The proposed location for the 5 hoops at Gipps St would obstruct pedestrian access at this section of the footpath (see below). Due to the width of the footpath, it is recommended that bike hoops are parallel to the kerb. The hoops should be positioned outside of the car 'door zones' of adjacent parking bays (see example diagram below). Also see specifications in the attached Bike hoop placement details.



**Employee Parking**



**Attachment 7 - PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (decision plans)**

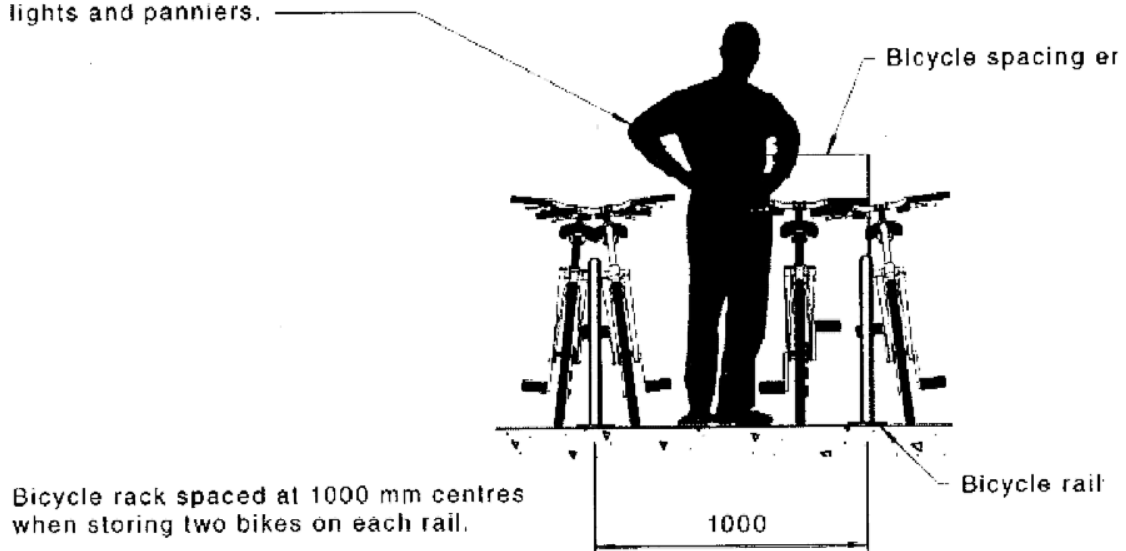
The number of racks is adequate, however clarification is required to demonstrate the layout complies with clearance requirements of AS 2890.3

The plans note 48 bikes (comprising 50% horizontal) however all racks appear to be the same – the type/number of wall racks and horizontal racks is unclear. There are 24 racks, and noting 48 spaces indicates that they are either double sided hoops or two-tiered racks. Double sided horizontal hoops requires 1m spacing between racks (see below) However the plans show racks are spaced 500mm apart.

Could the applicant please clarify the type of rack/s proposed, and if an alternative to a hoop is proposed could they please provide a product sheet to demonstrate the clearances are being met. Could they also please confirm the employee bike parking is within a secure facility – it is unclear if the bike store is within a cage or room with a lockable door.

11

Cyclists need to be able to access their bicycles quickly and easily. It is necessary to consider the bicycle envelope in both design and installation of bicycle parking facilities. The bicycle envelope allows the cyclist to place and remove their bicycle in the bike rack without bike or body clashes or strain e.g. clashes with an adjacent bicycle's oily chain. The envelope also allows the cyclist access to lock both front and back wheels easily and to remove accessories such as lights and panniers.



**FIGURE 2.2 BICYCLE SPACING ENVELOPE APPLICATION**

**From:** King, Michelle

**Sent:** Monday, 4 November 2019 10:44 AM

**To:** Strategic Transport Referrals <StrategicTransportReferrals@yarracity.vic.gov.au>

**Subject:** FW: PLN19/0109 – 23-25 Gipps Street, Collingwood - Re-referral (S57A Plans)

Morning Team,

Just after an update on when I can receive comments for this one?

# Attachment 8 - PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (superseded proposal)



## Planning Referral

**To:** Michelle King  
**From:** Chloe Wright  
**Date:** 05/08/2019  
**Subject:** Strategic Transport Comments  
**Application No:** PLN19/0109  
**Description:** Buildings and works to construct a four storey addition above the first floor car park to the rear of the existing building (overall height of six storeys)  
**Site Address** 23-25 Gipps Street Collingwood

I refer to the above Planning Application referred on 28/06/2019, and the accompanying Traffic report prepared by TTM engineering in relation to the proposed development at 23-25 Gipps Street, Collingwood. Council's Strategic Transport unit provides the following information:

### Access and Safety

No access or safety issues have been identified.

### 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	4647 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	15 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	5 visitor spaces	
Bicycle Parking Spaces Total			15 employee spaces	24 employee spaces
			5 visitor spaces	0 visitor spaces
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	2 showers / change rooms	2 showers / change rooms

### Adequacy of visitor spaces

The provision of visitor spaces is inadequate for the following reasons:

- The traffic report refers to 3 existing bike hoops at Gipps Street as provision of the visitor spaces for the development. The existing bike hoops currently provide visitor parking for the adjacent uses at Gipps Street and are not accepted as the visitors spaces required for the proposed development.

## Attachment 8 - PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (superseded proposal)

- Council's best practice rate<sup>1</sup> generates a recommended provision of 9 visitor spaces.
- Visitor parking should be located in an area that is visible from the public realm and easily accessible to visitors at the site.
- All visitor spaces should be provided as horizontal at-grade spaces as per requirements of AS2890.3

### Adequacy of employee spaces

#### *Number of spaces*

24 employee spaces are proposed within the basement car park, which does not meet Council's best-practice rate<sup>2</sup> of 47 spaces.

#### *Design and location of employee spaces and facilities*

The location and design of employee bike parking is inadequate for the following reasons:

- The bike store room does not appear to be a secure facility i.e. access is limited to permitted persons with controlled security access devices such as keys, codes or swipe cards. Pursuant to Clause 52.34-3 & Australian Standard AS2890.3 bicycle spaces for employees must be provided in a bicycle locker, or in a lockable compound. A secure car park does not constitute a lockable compound.
- It would be acceptable if a further reduction in car parking spaces was sought to provide a secure area for the employee bike spaces.
- The types of bicycle racks is not specified on the plans or in the traffic report. All employee spaces noted on the plans appear to be wall racks. Pursuant with AS2890.3, at least 20% of bicycle storage spaces should be provided as horizontal at ground-level spaces.
- Employee bicycle spaces and access ways must be in accordance with the clearance requirements of AS2890.3.

### **Electric vehicles**

Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). Whilst it is acceptable no EV charging points are installed during construction, to allow for easy future provision for electric vehicle charging, all car parking areas should be electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

### **Green Travel Plan**

It is noted the applicant has supplied a Green Travel Plan (GTP). The GTP is generally adequate, however should be modified to include:

- (a) Employee welcome packs (e.g. provision of Myki/transport ticketing).
- (b) Details of bicycle parking.
- (c) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces).
- (d) The types of lockers proposed within the change room facilities, with at least 50 per cent of lockers providing hanging storage space.
- (e) Security arrangements to access the employee bicycle storage spaces.
- (f) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
- (g) Provisions for the green travel plan to be updated not less than every five years.

<sup>1</sup> Category 6 of the Built Environment Sustainability Scorecard (BESS) recommends 1 visitor space to each 500sqm of office floor space.

<sup>2</sup> Category 6 of the BESS offers the following for best-practice guidance 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. The Statutory Rates are adequate for the remaining proposed uses.

**Attachment 8 - PLN19/0109 - 23-25 Gipps Street Collingwood - Strategic Transport referral (superseded proposal)**

***Recommendations***

The following should be shown on the plans before endorsement:

1. A minimum of 9 visitor bicycle spaces provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority.
2. A minimum of 47 employee bicycle spaces must be provided in a lockable compound.
3. At minimum 20% of employee bicycle spaces must be provided as horizontal bicycle rails.
4. Notations indicating the type of bicycle parking devices to be used should be shown on the plans, as well as dimensions of bicycle storage spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority.
5. The car park must be electrically wired to be EV ready. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose.

The Green Travel Plan should be updated with the information outlined previously.

Regards

**Chloe Wright**

Sustainable Transport Officer  
Strategic Transport Unit

**Attachment 9 - PLN19/0109 - 23-25 Gipps Street Collingwood - City Works referral (decision plans)**

**King, Michelle**

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**From:** Athanasi, Atha  
**Sent:** Monday, 28 October 2019 2:20 PM  
**To:** King, Michelle  
**Subject:** RE: PLN19/0109 – 23-25 Gipps Street, Collingwood - Re-referral (S57A Plans)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Michelle,

The waste management plan for 23-25 Gipps St, Collingwood authored by Frater and dated 3/10/19 is satisfactory from a City Works branch's perspective.

Regards,

**Atha Athanasi**  
Contract Management Officer

City Works Services  
*Parks, Resource Recovery, Cleansing*

City of Yarra – City Works Depot  
168 Roseneath St CLIFTON HILL VIC 3068  
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[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)





**Attachment 9 - PLN19/0109 - 23-25 Gipps Street Collingwood - City Works referral (decision plans)**