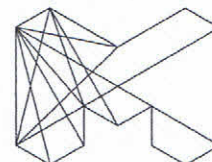


City of Melbourne

City Planning and Infrastructure,
PO Box 1603, Melbourne Vic 3001
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CITY OF MELBOURNE

OBJECTION TO GRANT OF PLANNING PERMIT

Planning and Environment Act 1987

Is this form for me? This is the form to object to a planning permit application where the City of Melbourne is the decision maker. Please do not use this form to object to Ministerial applications.

Who is objecting?

Name:	Carlton Residents Association Inc.....				
Postal Address:	PO Box 1140.....				
	Carlton.....			Postcode:3053
The following information is not mandatory, but will assist in keeping you informed during the application process.					
Telephone No. (H)	(W)	9663 4163.....	(M)	0418 351 968.....
Fax No:	Email Address:	planningcra@gmail.com		

Which application do you object to?

What is the permit application number? TP-2016-188.....

What is the address of the land? 291-299 Lygon Street & 222-224 Faraday Street Carlton.....

What are the reasons for your objection?

The Carlton Residents Association objects to the granting of this planning permit for the following reasons:

1. Inappropriate use for a premises in this location
2. Inadequate provision for noise containment
3. No additional car parking proposed
4. Compromised provision for unloading
5. Inappropriate modifications to a graded heritage building in a graded streetscape
6. Management plans for traffic and crowd control of venue patrons not well defined
7. Hours of operation unsuitable for a venue in this location

1. Proposed use of the site is incompatible with the council planning direction for Carlton

In the applicant's proposal and their venue management plan, the description of the site with a rooftop bar area, live DJ, an emphasis on beverage service, featuring roving venue 'ambassadors', door security staff outside the venue, and managing a queue on the sidewalk with bollards, suggest that the predominant use of the site will be as a late-night 'nightclub/bar' venue.

The applicant's management plan notes an expected mix of 30% food and 70% beverage (liquor) consumption in their financial modeling, indicating that the proposed use is predominantly as a late-night bar. There are no similar nightclub/bar venues in this area of Carlton, so residents and businesses could justifiably expect more instances of challenging behavior associated with intoxication on the surrounding streets than normal.

The management plan also anticipates problems with noise and alcohol service, and aims to provide mitigating actions. While these are responsible considerations, they are required because the application expects noise and challenging behaviour resulting directly from the proposed use of the venue as a nightclub/bar venue. A queue of patrons on the sidewalk could possibly also cause disruption at the corner of Lygon and Faraday Streets.

Late-night public transport options are limited and with no extra parking provided, it is expected that patrons will mill around seeking taxi transport home, or wander the surrounding residential streets to cars parked further afield.

The Carlton Residents Association is concerned that the proposed use of the site as a late-night nightclub/bar, particularly with an open rooftop bar area where noise can freely emanate, does not respect the 'Lygon Street character' of the site's location, and is incompatible with current council planning direction for this area.

In the Melbourne Planning Scheme, Municipal Strategic Statement Clause 21.16-3 outlines the importance of maintaining Carlton as a dynamic, diverse area, accommodating a range of uses from residential, retail, entertainment, leisure and cultural activities. It also considers the tensions that arise from these different uses and in particular, states that the needs of local residents and retailers of the Commercial Zone of Lygon Street, need to be balanced.

Specifically, the 'Economic Development' section of the clause indicates that the council will make decisions on appropriate site use so as to:

- Ensure Lygon Street (north of Grattan Street) continues to provide for the convenience retail needs of the local residents and working community while discouraging the encroachment of restaurants and entertainment uses.
- Support the ongoing tourism, cultural and entertainment role of Lygon Street (south of Grattan Street), Melbourne Museum and the Royal Exhibition Building.
- Support the ongoing regional role of Lygon Street (south of Grattan Street) as a retail, restaurant and entertainment precinct.

This guidance is also reinforced by the Melbourne Planning Scheme's Local Planning Policy Clause 21.15, which sets out that:

- In accordance with the Lygon Street Action Plan 1984, Lygon Street north (north of Grattan Street) and Elgin Street are the local retailing and community focus of the area, and Lygon Street south (south of Grattan Street) is the regional restaurant and entertainment focus.

The subject site of the permit application is North of Grattan Street and South of Elgin Street, and so is located where the planning scheme seeks to discourage restaurant and entertainment use in order to balance the needs of local residents and retailing businesses.

From this, it appears that the permit application is misdirected in stating that the proposal is consistent with Clause 21.15 and that it "contributes to the dual local shopping centre and regional restaurant/entertainment role of Lygon/Elgin Street shopping centre". The proposal's limited retailing facilities may well contribute to the regional business role of this part of Lygon Street during day-time use, but the proposal for the venue as a late-night entertainment venue will not.

Permitting a nightclub/bar venue of the size indicated in the proposal (total 200 patrons) would set an undesirable precedent in an area where the planning scheme is actively seeking to discourage the encroachment of restaurant and entertainment uses. It is even less appropriate when the proposal itself expects significant night-time noise and patron movements in surrounding streets, which would cause a reduction in amenity and safety for nearby residents. Existing residents and businesses in the area need be afforded greater support and protection against inappropriate use of a premises in close proximity to their properties.

2. Noise Issues

The acoustic assessment provided by Renzo Tonin & Associates for the applicant does not clearly state whether the live DJ music from the rooftop bar is to be considered as that from an indoor venue or from an outdoor venue. The EPA's guidance in SEPP N-2 (Control of Music Noise from Public Premises) considers noise limits differently in each of these cases.

In the EPA's clarification of 'outdoor venue noise': "For the purpose of SEPP N-2, an outdoor venue means a public premises where music is played in the open air. Venues where the facilities allow music to be played indoors, such as a hotel with an indoor band room and an outdoor beer garden, are considered an indoor venue."

The acoustic assessment report does not provide sufficient information on the expected sound transmission loss for music noise to the nearest residential properties that it states are as close as 15 metres away.

Considering that the most vulnerable residential property is within 15 metres of the proposed noise source, CRA asserts that the proposed use, in a semi-enclosed (open air) environment, will generate unacceptable noise, which will not be reduced to an acceptable level by mitigation. The noise emanating from the rooftop bar will be the most difficult to control and most likely cause the greatest disturbance to nearby residential properties.

More detail needs to be provided from the acoustic consultants on their modeling of sound transmission loss to the closest nearby residential properties so as to give reassurance that noise levels will remain well within the limits during the night period. If noise levels remain unacceptable, the only solution likely to be effective is a change to the nature of the use/operation ie. non live/ non amplified music.

3. Parking Issues

The combined patronage of the rooftop bar and the ground floor facilities is in the order of 370. With limited late-night public transport options and with on-street car parking surrounding the subject site having been saturated for the last decade or more, to suggest that the proposed use would generate insignificant additional parking demand appears unrealistic.

4. Loading Issues

With regard to the waiving of unloading provisions requested by the application the suggested solution to use Godfree Lane jointly with patrons, other pedestrians and adjoining businesses can only be the outcome of a relatively superficial assessment of the full extent of issues that need to be addressed.

5. Heritage Issues

Proposed alterations to a 'C'-graded building in a 'Level 2' heritage streetscape warrants assessment by the council's heritage adviser and a heritage report to be commissioned.

6. Venue Management Plans

The application's management plans for the venue are vague and do not provide reassurance for local businesses or residents but generate apprehension. Statements such as the following:

"Licensed security staff in conjunction with trained door staff, would host the entrance during peak trading times specifically for orderly queue management within King and Godfree Lane."

"Our management check lists include pre, during and post service responsibilities. These include rostered local neighborhood walk pasts and a consultative approach to surrounding residents and business owners and any necessary remedial action taken."

The need to engage trained security staff to man the entry of the venue is incompatible with the character of Lygon Street and Carlton and creates ill ease, as does the need to patrol the locality.

7. Hours of Operation

Generally, most of the hospitality venues in Lygon Street and Carlton will have been vacated before 10.30 pm, as they cater for wining and dining rather than late-night partying. The hours and goals of the patrons under the proposed use of the site would be considerably different to all neighbouring venues, and current nearby residents would be subjected to inappropriate levels of discomfort

In Summary, the Carlton Residents Association considers the proposal to be inappropriate for this area of Carlton, and that it would be particularly detrimental to the character and 'family atmosphere' of Lygon Street and the amenity of nearby residents. The council's planning scheme intends the area surrounding the subject site to be the local retailing and community focus of the Lygon Street precinct of Carlton.

How will you be affected by this proposal?

The Carlton Residents Association advocates on behalf of its members to:

Support the retention of the heritage assets of the Carlton community and to discourage new development that fails to respect these assets.

Maintain the quality of the public realm with a focus on maintaining access to sunlight and sky views and a pedestrian friendly scale.

Interpret and apply the performance based provisions of the Melbourne Planning Scheme fairly so that the interests of no one party are unfairly privileged over the interests of another party.

(If there is not enough room, attach a separate page)

Signature:

Nancy D. Green

Date: ...19 May 2016.....

for Carlton Residents Association

Please lodge the completed and signed form and all relevant documents to:

Planning Department
City of Melbourne
PO Box 1603
Melbourne VIC 3001

or

planning@melbourne.vic.gov.au

Important notes about the objection to permit application

1. Your objection and the personal information on this form is collected by The City of Melbourne for the purposes of the planning process, as set out in the Planning and Environment Act 1987 (the Act). If you do not provide your name and address, the City of Melbourne will not be able to consider your objection.
2. Your objection will be available at the City of Melbourne office for any person to inspect and copies may be made available on request to any person for the relevant period set out in the Act.
3. You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright. You can request access to your personal information by contacting the City of Melbourne.

See also [Objecting to a planning permit application](#)