

**0.0 Planning Application PLA20/0143 at 23-29 Parker Street Templestowe Lower (Templestowe Hotel) for an amendment to Planning Permit PL15/025406, for partial demolition and the construction of buildings and works to the southern façade, construction of decks, enclosing the balcony to the north of the building, variation to the red line area for the serving of liquor, internally illuminated business identification signage, vegetation removal, an amendment to the permit preamble and the addition of new conditions to the permit.**

File Number: IN21/646  
Responsible Director: Acting Director City Planning & Community  
Applicant: Squareback  
Planning Controls: General Residential Zone, Schedule 3 (GRZ3), Heritage Overlay, Schedule 130 (HO130)  
Ward: Ruffey Ward  
Attachments: 1 Decision Plans  
2 Legislative Requirements  
3 Map of Objectors (confidential)

## **EXECUTIVE SUMMARY**

### **Purpose**

1. This report provides Council with an assessment of an application to amend a Planning Permit submitted for the land at 23-29 Parker Street, Templestowe Lower (Templestowe Hotel). This report recommends approval, subject to conditions. The application is being reported to Council as the application has been called in at the request of Councillors.

### **Proposal**

2. Planning Permit PL15/025406 was issued on 27 September 2016 for:
  - Buildings and works for alterations and additions (at basement level) associated with an existing hotel;
  - Use of land to sell and consume liquor –variations to an existing liquor licence (red line plan and hours of operation).

This permit was amended on the 15 August 2017.

3. This application seeks to amend the permit preamble to include the removal of vegetation, the construction and display of internally illuminated business identification signs and removal of reference to buildings and works 'at basement level'.
4. The applicant proposed to amend the existing permit conditions, most notably relating to the hours of operation and patron numbers for the proposed Decks 1 and 2 along with restricting the use of external sound amplification equipment to the deck areas.

5. It is proposed to include new conditions requiring the proposal to be in accordance with the applicant's acoustic report, the provision for noise limiters to restrict music volume and the provision for an amenity/patron management plan to control the hours of operation, patron numbers and management of noise to Deck 1 and 2.
6. Partial demolition and buildings and works are proposed to the modern building addition along the southern façade (south-western section) of the hotel. The original 1868 hotel façade will remain largely unchanged, with the exception of some minor reinstatement works proposed.
7. Further additions are proposed to the northern aspect of the hotel, comprising the construction of two decks for outdoor dining, enclosing the balcony adjacent to the gaming room and the provision of an outdoor smoking room.
8. Other items proposed include increasing the red line area and extending the hours for the sale and consumption of liquor, signage and removing a tree.

### **Consultation/ Notification**

9. Notice of the application was given pursuant to Section 52 of the *Planning and Environment Act 1987* by way of:
  - Letters to all adjacent and nearby properties;
  - Erecting a notice to the James Street frontage; and
  - Erecting a notice to the Parker Street frontage.
10. Six submissions were received, and the notification concluded on 3 February 2021.
11. The objections included concerns primarily relating to:
  - Privacy impacts and overlooking from the proposed decks;
  - Traffic and car parking implications;
  - Noise associated with patrons departing the premise late at night;
  - Noise emanating from the proposed decks during the hours of operation;
  - The proposed hours;
  - The provision of illuminated neon signage on the northern façade to James Street;
  - The maximum proposed patron numbers;
  - Compliance with Condition 12 of the existing Planning Permit;
  - Conditions of the original permit not being met; and
  - The proposed removal of Condition 1 and 1A from the existing Planning Permit.

12. A consultation meeting was held on 4 March 2021, to review the proposal.
13. Subsequently, the application was amended by the applicant on 31 March 2021, to address some of the issues raised at the consultation meeting.
14. This amendment proposed a number of changes to the permit, mainly the retention of Condition 1 and 1A, the provision for noise limiters within Decks 1 and 2 to limit music to a maximum of 88 decibels in accordance with the recommendations of applicant's acoustic report, the provision of a use (amenity/patron) management plan, limiting patron numbers to 300 patrons in the function room, bistro and associated dining areas (including Deck 1 and 2) and the inclusion of music to be played on Deck 1 and 2.
15. The main changes to the plans in this amendment included Sign D being amended to a backlit sign, noise limiters adjacent to the outermost speakers to Decks 1 and 2, the western end of Deck 1 and eastern end of Deck 2 being constructed of a sound insulating material and an updated colour and materials schedule to provide further details of materials to be used for Decks 1 and 2.
16. Further changes as part of the amendment were made to the Planning Report, confirming the intention for the roof to Deck 1 and 2 to remain open after 10pm. An updated Acoustic Report submitted by the applicant provided a further assessment of music levels by undertaking a 3D noise model assessment for the proposed decks.
17. Further notice of the application was given, by sending letters to adjoining and nearby properties, all objectors and erecting notices on the land.
18. Three submissions were received, and notification concluded on 18 August 2021.
19. Further concerns were raised in relation to the following:
  - The provision for music to be played on the deck areas;
  - The noise impacts on the amenity of the surrounding residential area;
  - The proposed operating hours;
  - On-going littering by patrons of the premise;
  - Noise concerns associated with the roofs to Deck 1 and 2 remaining open after 10pm;
  - Absence of a management plan at this stage of the planning process;
  - Inadequate existing boundary fencing heights to limit off-site noise and light spill impacts to the existing adjoining residential allotments.
20. Accordingly, a total of nine submissions were received over the two notice periods from a total of 6 objectors.
21. The location of the objectors are shown on a map in Confidential Attachment 3.

**Key issues in considering the application**

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

- Planning Policy Framework;
- Buildings and Works;
- Liquor Licence;
- Signs;
- Vegetation Removal;
- Objector Concerns.

**Assessment**

23. The proposed buildings and works, liquor licence (red line area) changes, signage and vegetation removal is generally consistent with the relevant objectives, strategies and policies of the Manningham Planning Scheme.

24. The noise impacts from the proposed deck areas have been considered by an independent acoustic engineer engaged by Council and are considered to be acceptable, subject to further conditions. Council Officer's also sought it reasonable to include further conditions which reduce the hours of operation of the outdoor decks and requiring the roof to remain closed after 10pm each evening.

25. An updated acoustic assessment will be required to be submitted by the applicant prior to the commencement of the use. The requirement for an amenity/patron management plan will also ensure the on-going management of the site and proposed decks.

**Conclusion**

26. This report concludes that the proposal complies with the relevant planning policy in the Scheme, and should be supported, subject to additional conditions that seek to minimise off site amenity impacts.

**1. RECOMMENDATION**

**That Council:**

- A. Having considered all objections issue a NOTICE OF DECISION TO AMEND A PLANNING PERMIT in relation to Planning Application PLA20/0143 at 23-29 Parker Street, Templestowe Lower for:**

**Preamble Amended (new/modified additions underlined)**

- **Partial demolition, buildings and works for alterations and additions associated with an existing hotel;**

- Use of the land to sell and consume liquor- variations to an existing liquor licence (red line plan and hours of operation)
- Construction and put up for display internally illuminated business identification signs;
- Vegetation removal

**Subject to the following conditions (new/modified additions underlined)-**

**Amended Plans**

1. Within three months of the permit issue date, or prior to the commencement of the use, whichever occurs first, amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application TP01, TP02, TP03, TP04 & LC01 Rev. A prepared by Enth Degree Architects Pty Ltd, received on 21 September 2015 but modified to show:
  - 1.1 Amended existing ground and basement floor plans, accurately showing existing conditions generally in accordance with the layout of the existing red line plan under Liquor Licence 31914456, with the existing balcony north of the gaming area depicted as 'No Public Access and no storage' on the ground floor plan;
  - 1.2 The proposed floor plan of the basement must clearly show the extent of the proposed extension to the basement level, fully dimensioned in metres;
  - 1.3 Plan showing the extent of any demolition or excavation works, fully dimensioned in metres (where applicable);
  - 1.4 Deleted;
  - 1.5 Deleted;
  - 1.6 The external access ramp to the outdoor area to be depicted as emergency and disabled access only;
  - 1.7 The existing vegetation around the outdoor function area to be retained;
  - 1.8 The location of any new lighting for the outdoor function area, to be fixed no more than 1.5 metres above the existing surface level;
  - 1.9 The erection of a new 2.5 metre high brick fence on the common boundary between the subject land and 23 Ruffey Street, Templestowe Lower.
- 1A. Before the development and use commences, further amended plans must be submitted to and approved by the Responsible Authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application (*Enth Degree Architects Pty Ltd*, job number 1408, dated January 2017) but modified to show:

- 1A.1 Specification of the external materials and finishes of all new buildings and works, to blend with the existing finishes of the Hotel.
- 1A.2 The new doors between the function room and entrance and entrance and outdoor area to be of a self-closing nature.
- 1A.3 Deletion of the notation regarding entry to the function room via existing doors.

**1B. Before the start of the use and development approved under Amendment to Planning Permit PLA20/0143, amended plans drawn to scale and dimensioned must be submitted via email and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by *Enth Degree Architects*, job number 1408, dated 20 April 2021), but modified to show:**

- 1B.1 A notation to indicate that the roof, and all external windows, louvres and openings to Decks 1 and 2 remain closed after 10pm every evening to the satisfaction of the Responsible Authority;**
- 1B.2 A notation to indicate that noise limiters will be installed within 1m of all speakers to Decks 1 and 2, to ensure that any music does not exceed 88 decibels, to the satisfaction of the Responsible Authority;**
- 1B.3 A notation to indicate that all fixed and operable windows and louvres meet a minimum acoustic rating of Rw25 to Decks 1 and 2.**
- 1B.4 A notation to indicate that no live entertainment is permitted on the decks.**
- 1B.5 A notation that the awning along the western wall of the extant 1868 hotel building is to be removed.**
- 1B.6 Details of the signage for off-site patron management in accordance with the Patron/Amenity Management Plan approved under this permit, to the satisfaction of the Responsible Authority;**
- 1B.7 A notation to indicate the use must be in accordance with the Patron/Amenity Management Plan approved under this permit.**
- 1B.8 An amended material and colour schedule to include details of the proposed signage pillars to the north of the existing building.**

#### **Use Management Plan**

- 2. Prior to the use commencing, a Management Plan for the function area must be submitted and approved by the Responsible Authority, outlining measures and procedures regarding the sale and consumption of liquor by patrons associated with the function room. Including, but not limited to:
  - 2.1 Management of the hours of operation of the internal and external areas of the function room;
  - 2.2 Measures to limit and address anti-social behaviour of patrons on site;
  - 2.3 Details of all staffing arrangements, including numbers and working hours of security staff;

- 2.4 Measures to limit and address patron behaviour upon dispersal of patrons after a function ceases;
- 2.5 Standard procedures to be undertaken in the event of a complaint;
- 2.6 Noise control measures containing the following information:
- Identification of all potential noise sources associated with the function room, including air-conditioning, exhaust fan systems and security alarms.
  - Details of the provision of music, including the frequency and hours of entertainment.
  - The location of any existing noise sensitive areas, such as residential uses in close proximity to the venue.
  - Measures to be undertaken to address all noise sources identified, including on and off site noise attenuation measures.
- 2.7 Management of the outdoor function area to include:
- Only to be utilised by patrons of functions;
  - To be used only for smoking purposes after 10:00pm;
  - To be monitored by hotel staff at all times when in use.

#### Endorsed Plans

3. The approved use, development, vegetation removal and signs as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

#### Hours

4. Except with the prior written consent of the Responsible Authority, the use may only operate between the following hours:

##### 4.1 Function Room (internal)

- Sunday & Good Friday Between 10 am and 11pm
- Anzac Day (not being a Sunday) Between 12 noon and 1am the following morning
- Anzac Day (Sunday) Between 12 noon and 11pm
- Monday to Thursday Between 7 am and 11pm
- Friday to Saturday Between 7 am and 1am the following morning except Good Friday

##### 4.2 Function Room (outdoor area)

- Monday to Saturday Between 7 am to 10 pm
- Sunday Between 10 am to 10 pm

##### 4.3 Decks 1 and 2

- Sunday & Good Friday Between 10am and 11pm
- Anzac Day Between 12pm and 11pm
- Monday to Thursday Between 7am and 11pm
- Friday and Saturday Between 7am and 1am the following morning except Good Friday

#### Patron numbers

5. Except with the prior written consent of the Responsible Authority, the maximum number of patrons permitted throughout the function room, bistro and associated dining areas including the external decking areas (Decks 1 and 2) must not exceed 300 patrons at any one time. Further, the maximum patrons must not exceed the following at any one time:

5.1 88 patrons to Deck 1; and

5.2 54 patrons to Deck 2.

Amenity/Patron Management Plan

6. Before the commencement of the use and development approved under Amendment to Planning Permit PLA20/0143, an Amenity/Patron Management Plan must be to and approved by the Responsible Authority. When approved, the plan will then form part of the permit. The plan must include:

6.1 Staffing and security arrangements for the premises designed to ensure the orderly arrival and departure of patrons, including the use of crowd controllers;

6.2 Signage display and location to be used to encourage responsible off-site patron behaviour;

6.3 The training of staff in the management of patron behaviour;

6.4 Measures to control noise emissions from the outdoor dining and smoking areas;

6.5 Measures to manage patron behaviour in the outdoor dining and smoking areas;

6.6 Measures to manage patron dispersal;

6.7 Staff communication arrangements;

6.8 Details of any management measures required to control noise emissions from the premises. (e.g. operation of volume limiter if installed);

6.9 The nomination of the person responsible for the implementation of this management plan;

6.10 Measures to ensure that excessive noise is not generated;

6.11 Measures to ensure that patrons who depart the premises late at night, do so in a manner not likely to cause noise disturbance to nearby residents;

6.12 A documented complaint response procedure to include the provision of a:

6.12.1 Contact point during hours of operation;

6.12.2 Investigation and assessment process;

6.12.3 Record management of complaints and corrective action taken to resolve the concern.

7. The Amenity/Patron Management Plan must be implemented to the satisfaction of the Responsible Authority. The patron management plan must not be modified unless with the further written consent of the Responsible Authority.



**Patron Management**

8. The operator of the use must ensure that patrons who depart the premises late at night, do so in a manner not likely to cause noise disturbance to nearby residents.

**Car Park Management**

9. The rear entry to the carpark from James Street must be closed between the hours of 10:00pm and 7:00am to the satisfaction of the Responsible Authority.

**Vegetation Management**

10. The vegetation surrounding the outdoor function area, as shown on the endorsed plans, must be maintained to the satisfaction of the Responsible Authority.

**Acoustic Measures**

11. Before the use and development approved under Amendment to Planning Permit PLA20/0143 commences, an amended Acoustic Report must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and form part of the permit. The Acoustic Report must be generally in accordance with the Acoustic Report submitted with the application (prepared by Clarity Acoustics, Revision 1, dated 25 June 2021), but modified to provide an assessment of the smoking area, with any acoustic measures and recommendations incorporated into the design and/or the amenity/patron management plan.
12. Prior to the commencement of the use approved under Amendment to Planning Permit PLA20/0143 (or such further date approved in writing by the Responsible Authority), a report prepared by a suitably qualified acoustic consultant must be provided to the Responsible Authority that details how the noise limiters have been calibrated and confirms that all amplification associated with the decks is connected to the limiter, and will comply with the Environment Protection Regulations and Noise Protocol including times when windows and roofs are opened and closed. The limiter must be capable of logging noise levels continuously with records made available to the Responsible Authority on request. All acoustic measures approved under this permit must be maintained thereafter at all times to the satisfaction of the Responsible Authority.

**Management Plans**

13. The acoustic report and management plans approved under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

**Maintenance**

14. Buildings, paved areas, drainage, landscaping and all external areas must be maintained to the satisfaction of the Responsible Authority.

**Amenity**

15. The use must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:

- 15.1 Transport of materials, goods or commodities to or from the land;
  - 15.2 Storage of goods and wastes;
  - 15.3 Appearance of any building, works or materials;
  - 15.4 Emission of noise, light, vibration, odour & dust.
16. All external plant and equipment must be appropriately located and screened, including acoustic treatment or placed in soundproof housing, to reduce noise to a satisfactory level to the Responsible Authority.
  17. Noise levels emanating from the land must not exceed the requirements of the Environment Protection Regulations 2021 (under the Environment Protection Act 2017) as may be amended from time to time, to the satisfaction of the Responsible Authority.
  18. External sound amplification equipment or loudspeakers are only to be used in association with Deck 1 and 2, and must not affect the amenity of the area, to the satisfaction of the Responsible Authority.
  19. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
  20. Garbage and recycling storage areas must be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority.

#### Signage

21. Without the written consent of the Responsible Authority, the approved signs must not:
  - 21.1 Be altered in any way (including the location, size, and structure).
  - 21.2 Contain intermittent or flashing light;
  - 21.3 Contain a degree of illumination/lighting that causes glare/distraction to motorists or an unreasonable loss of residential amenity.
22. Except with the written consent of the Responsible Authority, the approved internally illuminated signs must only be illuminated during the following times:
  - 22.1 All signs to the northern façade of the building must only be illuminated between 5pm-11pm on Sunday-Thursday, Good Friday and Anzac Day and between 5pm-1am on Friday and Saturdays (except Good Friday);
  - 22.2 All other internally illuminated signs must only be illuminated during the operating hours of the existing hotel.
23. The approved sign/s including all structures and advertising material must at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.

#### Sale and Consumption of Liquor

24. The layout of the red-line are as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
25. The sale and consumption of liquor must not occur outside of the endorsed red-line area without the written consent of the Responsible Authority.
26. The sale and consumption of liquor must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority.

#### Heritage (Demolition)

27. Demolition is only permitted to sections of the building(s) as identified in the approved plan. The remainder of the building(s) must be retained in its entirety to the satisfaction of the Responsible Authority. No fabric of retained portion(s) of building(s) must be removed unless further written consent is provided by the responsible authority.

#### Permit Expiry

28. This permit will expire if one of the following circumstances applies:
  - 28.1 The use and development is not started within two (2) years of the date of this permit;
  - 28.2 The development is not completed within four (4) years of the date of this permit;

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

- 28.3 The use and development authorised by Amendment to Planning Permit PLA20/0143 must be completed to the satisfaction of the Responsible Authority within four (4) years of the issue date of this amendment;
- 28.4 The construction and/or putting up for display of the signs approved by Amendment to Planning Permit PLA20/0143 must completed within four (4) years of the issue date of this amendment;
- 28.5 The vegetation removal approved by Amendment to Planning Permit PLA20/0143 must completed within four (4) years of the issue date of this amendment.
29. The approved signs expire 15 years from the issue date of the Amendment to Planning Permit PLA20/0143.
30. Upon expiry of the approved signs, all signs and structures built specifically to support or illuminate them must be removed, to the satisfaction of the Responsible Authority.

## 2. BACKGROUND

- 2.1 The application was submitted to Council on 6 October 2020.
- 2.2 A request for further information was sent on 30 October 2020, raising a number of concerns with the proposal.
- 2.3 The application was amended on 23 December 2020, to include an additional red line area for the sale and consumption of liquor and vegetation removal.
- 2.4 The application was amended again on 14 January 2021, to include additional details of the building on the plans.
- 2.5 All requested further information was received on 14 January 2021.
- 2.6 Notice of the application was given for a two week period, which concluded on 3 February 2021.
- 2.7 A consultation meeting was held on 4 March 2021.
- 2.8 Following the consultation meeting, the application was amended on 30 March 2021. The main changes to the proposal as part of this amendment are as follows:
  - Amendments to the permit including the retention of Conditions 1 and 1A, the provision for noise limiters within Decks 1 and 2 to limit music to a maximum of 88 decibels in accordance with the recommendations of the applicant's acoustic engineer, the provision for an amenity/patron management plan, limiting patron numbers to 300 patrons in the function room, bistro and associated dining areas (including Deck 1 and 2) and the provision for music to be played on Decks 1 and 2.
  - Amendments to the plans - Sign D being modified to a backlit sign, noise limiters to Deck 1 and 2, the western end of Deck 1 and eastern end of Deck 2 to be constructed of sound insulating material and an updated colour and material schedule to provide further details of materials to the decks.
  - Further changes as part of the amendment were made to the Planning Report, confirming the intention for the roof to Decks 1 and 2 to remain open after 10pm. The applicant's updated Acoustic Report provided a further assessment of music levels by undertaking a 3D noise model assessment.
- 2.9 A request for further information was sent on 28 April 2021, which raised a concern regarding the noise generation from the proposal on the surrounding residential properties.
- 2.10 The requested further information was received 23 July 2021.
- 2.11 Notice of the amended application was given for a two week period, which concluded on 18 August 2021.
- 2.12 The statutory timeframe for considering a planning application is 60 days, which fell on 11 October 2021.
- 2.13 The land is subject to Section 173 Agreement (Instrument AJ027249K) in relation to Planning Permit PL10/021713, which approved a two lot subdivision.

2.14 The proposal will not impact on the requirements of the above mentioned Section 173 Agreement.

2.15 The land is not affected by a Registered Restrictive Covenant.

### **Planning History**

2.16 There have been a number of past permits issued at the subject land relating to buildings and works, signage, gaming and subdivision.

### **Existing Planning Permit**

2.17 Planning Permit PL15/025406 was issued on 27 September 2016 for:

- Buildings and works for alterations and additions (at basement level) associated with an existing hotel;
- Use of land to sell and consume liquor –variations to an existing liquor licence (red line plan and hours of operation).

2.18 Specifically, this Planning Permit gave approval for:

- Alterations to the internal layout of the existing basement;
- Construction of buildings and works to rearrange the layout and extend the basement to the south;
- Modification to the licensed area;
- Restricting live or amplified music in the outdoor area adjacent to the function room;
- Hours of operation of the existing liquor licence altered to match the bistro and gaming areas.

2.19 This Planning Permit was amended on 15 August 2017 and included the following main changes:

- Inclusion of 'partial demolition' in the permit pre-amble;
- Partial demolition of a wall on the northern and eastern sides;
- Replacement of the existing door on the northern wall with new double glass doors;
- Addition of a pergola/canopy over the new double glass doors;
- Replacement of existing grate vents on the northern wall with a window;
- Addition of new internal walls to create an entry space;
- Partial extension of the building on the eastern side;
- Relocation of the existing external entry/exit door to the function room;
- Addition of a new external access door from the entry to the outdoor area;

- Reconfiguration of the existing ramp;
- Deletion of Condition 1.4 and 1.5;
- Addition of Condition 1A.

2.20 The existing Planning Permit includes a condition (Condition 4) that restricts the use to the following hours:

- Function Room (internal)
  - Sunday & Good Friday                      Between 10 am and 11pm
  - Anzac Day (not being a Sunday)      Between 12 noon and 1am the following morning
  - Anzac Day (Sunday)                      Between 12 noon and 11pm
  - Monday to Thursday                      Between 7 am and 11pm
  - Friday to Saturday                      Between 7 am and 1am the following morning except Good Friday
- Function Room (outdoor area)
  - Monday to Saturday                      Between 7 am to 10 pm
  - Sunday    Between 10 am to 10 pm

2.21 Further existing conditions require use management practices for the function area, limitations around patron numbers, the operator to manage the departure of patrons, the closure of the James Street access between 10pm-7am and preventing the use of external sound amplification equipment or loudspeakers.

### 3. THE SITE AND SURROUNDS

#### The Site

- 3.1 The subject land has an area of approximately 9347m<sup>2</sup> with boundaries bordering Parker and James Streets. The site and immediate surrounds are within the General Residential Zone (Schedule 3).
- 3.2 The site has a street frontage of 97.21 metres to Parker Street and 80.25 metres to James Street, 100.74 metres to the western boundary and a stepped boundary alignment to the east.
- 3.3 The land is occupied by the Templestowe Hotel, a split level public bar/hotel originally known as "Sheahan's Hotel". The hotel was established in 1868. The hotel is part single storey (to the Parker Street frontage) and part double-storey to the rear, facing James Street to the north. The historic hotel is constructed of weatherboard with hipped roof of corrugated iron with gable ends. The bottle shop and the remainder of the hotel is a modern construction, with flat and part mansard roof form. The hotel is listed on the Victorian Heritage Database being of local significance as an early timber hotel.

- 3.4 The hotel comprises a symmetrical timber, corrugated iron gable roofed building with a skillion verandah set between two projecting gables. The hotel has been subject to a number of extensions and renovations over the years, and has been substantially altered from its original state. Part of the original building facing Parker Street was preserved when the hotel was remodelled and extended in 1964.
- 3.5 The site is sparsely vegetated throughout, generally limited to the site boundaries and to the perimeter of the hotel building.
- 3.6 An extensive area of on-site car parking is located to the north, east (in-part) and west of the hotel.
- 3.7 The hotel comprises a Bistro with an associated buffet and centralised bar, public sports bar with associated gambling facilities, function room facilities, a drive-through bottle-shop and associated beer cool room, party room, amenity facilities and a gaming room.



Figure 1: The site

### The Surrounds

- 3.8 The Yarra River and associated parklands (Finns Reserve) are located approximately 1 kilometre to the north and north-west of the subject site, accessible via the Ruffey Trail.
- 3.9 Approximately 50 metres to the east of the site along Parker Street is the intersection of Parker, High/Ruffey Streets. Located approximately 800 metres east of this intersection is the Templestowe Village Activity Centre, comprising a variety of shops and restaurants along Anderson and James Streets. The Manningham Templestowe Leisure Centre and Templestowe RSL are located on the periphery of this centre.
- 3.10 The hotel is located in an established residential area, with the site sharing direct interfaces with private residential properties to the north-east, east and west. The Fronditha Lower Templestowe Aged Care facility is also to the west, along Parker Street.

3.11 There are some non-residential uses including a veterinary clinic and panel repair premises within proximity to the site to the east, along Parker Street.

3.12 Details of the residential abutments are described as follows:

<b>Direction</b>	<b>Address</b>	<b>Description</b>
<b>North-East</b>	24 James Street	This lot is directly north-east of the car park and contains a single-storey brick dwelling.
<b>East</b>	26 James Street	This lot is a partial abuttal to the east and contains a double-storey dwelling.
<b>East</b>	23 Ruffey Street	This lot is directly east of the car park and contains a single-storey brick dwelling.
<b>East</b>	2/21 Ruffey Street	This lot is directly east of the car park and contains a two storey dwelling.
<b>East</b>	33-35 Parker Street	This lot is directly east of the hotel and has access to Parker and Ruffey Street. The lot contains a single-storey veterinary clinic.
<b>West</b>	Units 2, 3, 4 and 5 at 12 Omar Street	These lots are directly west of the hotel, partly adjacent to the drive-through bottle-shop. The dwellings are all two-storey.
<b>West</b>	12 James Street	This lot is directly west of the car park and contains a single-storey brick dwelling.
All abutting properties listed above are located within the General Residential Zone (Schedule 3) and are not affected by any planning overlays.		

#### 4. THE PROPOSAL

4.1 Details of the proposed amendments to the plans and permit are set out in the table below:

<b>AMENDMENT TYPE</b>	<b>DETAIL OF PROPOSED CHANGES</b>
Amendment to the plans	<ul style="list-style-type: none"> <li>• Addition of a playroom located to the east of the drive through bottle shop at ground floor level;</li> <li>• New decorative balustrade screens to the side of the existing front courtyard;</li> </ul>



	<ul style="list-style-type: none"> <li>• Two outdoor decks located to the north of the building;</li> <li>• Enclosure of the balcony located to the north of the gaming room;</li> <li>• A smoking area located to the north of the gaming room, to be enclosed on all sides, with an open roof;</li> <li>• Display of internally illuminated business identification signage;</li> <li>• Variation and extension of the red line area;</li> <li>• Vegetation removal;</li> <li>• Internal alterations.</li> </ul>
Amendment to permit pre-amble	<p>To include:</p> <ul style="list-style-type: none"> <li>• Construction and put up for display internally illuminated business identification signage;</li> <li>• Remove vegetation.</li> </ul> <p>To remove reference to alterations and additions '(at basement level)'.</p>
Proposed amendments to conditions	<ul style="list-style-type: none"> <li>• Amend Condition 5 to include reference to the decking areas;</li> <li>• Amend Condition 12 to include reference to the outdoor area of the function room.</li> </ul>
Proposed additional conditions	<p>Amend the existing permit to include the following conditions:</p> <ul style="list-style-type: none"> <li>• No more than 88 patrons on Deck 1 at any one time.</li> <li>• No more than 54 patrons on Deck 2 at any one time.</li> <li>• Decks 1 and 2 must only be used between the following times: <ul style="list-style-type: none"> <li>• Monday to Saturday between 7am and 1am;</li> <li>• Sunday and Good Friday between 10am and 11pm;</li> <li>• Anzac Day between 12pm and 11pm.</li> </ul> </li> <li>• The use of Decks 1 and 2 must be in accordance with the endorsed Acoustic Assessment Report.</li> </ul>

	<ul style="list-style-type: none"> <li>• The installation of noise limiters to Decks 1 and 2 to ensure that any music does not exceed 88 decibels, measured at a distance of 1 metre from the speaker.</li> <li>• Prior to the use commencing, a Management Plan for the decking areas must be submitted and approved by the Responsible Authority, outlining measures regarding the operation and use of the decking areas, including, but not limited to: <ul style="list-style-type: none"> <li>• Management of the hours of operation;</li> <li>• Management of the patron numbers within each decking area;</li> <li>• Management of the noise control measures.</li> </ul> </li> </ul>
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4.2 Details of the location, size and type of signage is detailed in the table below:-

Sign	Location	Wording	Size	Type
<b>A</b>	Southern façade to Parker Street, adjacent to the proposed play room addition	'The Tempy Hotel'	1.92m x 1.098m	Internally illuminated (neon)  Business identification
<b>B</b>	Upgrading the existing Pylon Signage on the eastern side of the south-western access from Parker Street	Updating the hotel logo, inclusion of fox sports logo and inclusion of the words 'outdoor decks'	4.5m x 1.7m (existing)	Internally illuminated  Business identification
<b>C</b>	To the proposed pillar north of Deck 2	'Function Room'	5.93m x 0.34m	Internally illuminated  Business identification
<b>D</b>	To the proposed pillar to the north of future smoking area and outdoor function room area	'Sheahan's Room'	1.98m x 0.69m	Internally illuminated  Business identification

E	Eastern façade, adjacent to the entry to the gaming room	'Gaming Lounge Entry'	4.88 x 3m	Internally illuminated  Business identification
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4.3 The following internal alterations are proposed:

- The removal of the play room from the south-east corner of the building to a more central location that connects between the upper bistro and sports bar.
- The bistro area (upper and lower) remodelled and by removing the buffet area and replacing it with a bar that wraps around the kitchen and into the sports bar. This also includes a new reception area.
- Reshaping and upgrades to the Gaming Room and associated bar.
- A new kitchen area.
- The size of the beer cool room linked to the drive through bottle shop reduced.

## 5. LEGISLATIVE REQUIREMENTS

5.1 Refer to Attachment (Planning & Environment Act 1987, Manningham Planning Scheme, other relevant legislation policy)

5.2 A planning permit is required for the proposal under the following Clauses of the Manningham Planning Scheme:

- Clause 32.08 General Residential Zone (Schedule 3) - A permit is required to construct a building or construct or carry out works for a use in Section 2 (Food and Drink premises- Hotel).
- Clause 43.01 Heritage Overlay (Schedule 130) - A permit is required to demolish or remove a building, construct a building, construct or display a sign and remove a tree.
- Clause 52.05 Signs- A permit is required to construct or put up for display internally illuminated business identification signs.
- Clause 52.27 Licensed Premises- A permit is required to use land to sell or consume liquor where the area that liquor is allowed to be consumed or supplied under a licence is to be increased.

5.3 Section 73(2) of the Planning and Environment Act 1987 limits Council's assessment to only the amendment request:

*73 (2) If the responsible authority decides to grant an amendment to a permit subject to conditions, the conditions must relate to the amendment to the permit.*

## 6. REFERRALS

## External

6.1 There are no statutory referrals required as part of the application.

## Internal

6.2 The application was referred internally to Council's Heritage Advisor. Comments are summarised as follows:

- The proposed additions to the northern façade are supported.
- The proposed buildings and works to the west of the extant 1868 hotel building and partial demolition on the southern façade are supported.
- Notations are required on the plans to ensure the existing awning along the western wall of the extant 1868 hotel building is removed.
- The applicant has indicated that a Cultural Heritage Management Plan is not required for the proposal.
- The proposed vegetation removal and signs are considered acceptable from a heritage perspective.

6.3 The application was referred to an independent acoustic consultant engaged on behalf of Council to review the applicant's submitted Acoustic Report. Their comments are summarised as follows:

- The monitoring location, duration and conditions appear satisfactory.
- Permit conditions should be amended to reflect the policy reform and update any obsolete policy reference.
- It is recommended to include a condition requiring the closure of all windows, louvres and openings on the deck facades from 10pm, all nights of the week.
- All fixed and operable windows and louvres must meet a minimum acoustic rating of Rw25.
- A report prepared by a suitably qualified acoustic consultant must be provided to the Responsible Authority prior to the commencement of the use to detail how the noise limiters have been calibrated. Ensuring that all amplification associated with the decks is connected to the limiter, including times when windows are opened and closed.
- Noise limiters must be capable of logging noise levels continuously with records made available to the Responsible Authority upon request.
- No live entertainment is allowed on Deck 1 and 2.
- The applicant's Acoustic Report only provides noise modelling results, but does not actually show any noise modelling undertaken. The source levels selected appear reasonable and generally consistent with standard practice.

6.4 The application was referred internally to Council's Planning Compliance Unit. Their comments are as follows:

- There are no objections to the proposal.
- The addition of planning controls will assist in handling any issues that may arise (e.g. operating hours, patron numbers and requiring the decks to be in accordance with the applicant's submitted Acoustic Report).

## 7. CONSULTATION / NOTIFICATION

7.1 Notice of the application was given by way of:

- Letters to all adjacent and nearby properties;
- Erecting a notice to the James Street frontage;
- Erecting a notice to the Parker Street frontage.

7.2 Six submissions were received, during the notification period which concluded on 3 February 2021.

7.3 The objections include concerns primarily relating to:

- Privacy impacts and overlooking from the proposed decks;
- Traffic and car parking implications;
- Noise associated with patrons departing the premise late at night;
- Noise emanating from the proposed decks during the hours of operation;
- The proposed hours;
- The provision of illuminated neon signage on the northern façade to James Street;
- The maximum proposed patron numbers;
- Compliance with Condition 12 of the existing Planning Permit;
- Conditions of the original permit not being met;
- The proposed removal of Condition 1 and 1A from the existing Planning Permit.

7.4 A consultation meeting was held over Zoom on 4 March 2021.

7.5 Subsequently, a Section 57A Amendment was lodged on 31 March 2021 to address some of the issues raised at the consultation meeting.

7.6 The main changes to the permit as part of the amendment included the retention of Condition 1 and 1A, the provision for noise limiters within Decks 1 and 2 to limit music to a maximum of 88 decibels in accordance with the applicant's acoustic report, the provision for an amenity/patron management plan to be required, limiting patron numbers to 300 patrons in the function room, bistro and associated dining areas (including Decks 1 and 2), and including the provision for music to be played on Decks 1 and 2.

- 7.7 The main changes to the plans as part of the amendment included Sign D being amended to a backlit sign, noise limiters adjacent to the speakers on Decks 1 and 2, the western end of Deck 1 and eastern end of Deck 2 being constructed of a sound insulating material and an updated colour and material schedule to provide further details of materials to be used to Decks 1 and 2.
- 7.8 Further changes as part of the amendment were made to the Planning Report, confirming the intention for the roof to Decks 1 and 2 to remain open after 10pm. An updated Acoustic Report prepared by the applicant provided a further assessment of music levels by undertaking a 3D noise model assessment for Deck 1 and 2.
- 7.9 Notice of the application was given, by sending letters to adjoining and nearby properties and erecting notices on the respective frontages of the subject land.
- 7.10 Three submissions were received, and the notification concluded on 18 August 2021.
- 7.11 The objections included further concerns relating to:
- The provision for music to be played on the deck areas;
  - The cumulative noise impacts on the amenity of the surrounding residential area as a result of the proposal;
  - The proposed operating hours;
  - On-going littering presumably by patrons of the premise;
  - Noise concerns associated with the roof remaining open after 10pm to Decks 1 and 2;
  - Absence of a management plan at this stage of the planning process;
  - Inadequate existing boundary fencing heights to limit off-site noise and light spill impacts to the existing adjoining residential allotments.
- 7.12 Accordingly, a total of nine submissions were received over the two notice periods from a total of 6 objectors.

## **8. ASSESSMENT**

- 8.1 The assessment of the proposed application to amend a Planning Permit is limited to only the changes proposed.
- 8.2 The proposal has been assessed against the relevant state and local planning policies, the zone and the relevant particular provisions and general provisions of the Scheme.
- 8.3 The assessment is made under the following headings:
- Planning Policy Framework;
  - Buildings and Works;
  - Liquor Licence;

- Signs;
- Vegetation Removal;
- Objector Concerns.

### Planning Policy Framework

- 8.4 Clause 13.02-1S Bushfire Planning is relevant to the proposal as the Templestowe Hotel is located within a Bushfire Prone Area and falls within a use category for which bushfire risk should be considered.
- 8.5 In assessing bushfire risk, consideration can cover people, property and community infrastructure. Where risk is identified, appropriate bushfire protection measures can be required to be implemented to address such risk.
- 8.6 The applicant submits that the site will be appropriately managed through patron and vegetation management. Furthermore, the proposed building additions will be constructed to comply with the relevant BAL Rating requirements as part of the building regulations, thus minimising the risk to human life.
- 8.7 As part of the use of the land for dining, alcohol consumption and gaming purposes, the hotel provides an evacuation management plan.
- 8.8 Finns Reserve, to the north-west and the Ruffey Creek Linear Park to the east are the closest landscape features that may present a bushfire risk to the hotel. The reserve is located approximately 100m from the subject site and the park approximately 80m. The hotel building is even further setback. There is a buffer of a number of roads and relatively dense residential lots between the site and reserves, as well as a large paved car park.
- 8.9 The site is within the coverage of Fire Rescue Victoria and is relatively close to a fire station on Williamsons Road. The subject land contains minimal vegetation.
- 8.10 There are three, well-spaced, points of vehicular access. Two are to Parker Street, with the first being a two-way accessway at the south-western corner with access to the drive-through bottle shop and the second, being a one-way vehicular access providing entry only from Parker Street at the south-eastern corner. The third vehicular access is at the rear of the site, providing an entry/exit point to the north, via James Street. The dual entry/exit arrangement enables patrons to safely evacuate the premises, if required, in the event of a fire.
- 8.11 Taking into consideration all of the above and recognising that the proposed use will not cause an increase in overall patron numbers within the hotel at any one time, the proposal does not unreasonably increase the risk to human life relating to the possible impact of a bushfire.
- 8.12 Clause 13.05-1S Noise Abatement has as its objective *“To assist the control of noise effects on sensitive land uses”* and this is intended to be achieved through ensuring *“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”*.

- 8.13 The noise emissions being assessed in this instance are from the proposed deck areas, which are located at least 28 metres to the closest residential interface, being designed to an acceptable acoustic rating of Rw25 (subject to condition).
- 8.14 Noise mitigation measures have been proposed by the applicant to reduce the potential amenity impacts. Details of the key measures proposed are as follows:
- Music levels in Decks 1 and 2 must not exceed a maximum of 88 decibels;
  - The walls proposed to the western side of Deck 1 and eastern side of Deck 2 to be constructed of a material with a minimum sound insulation rating of 25 dB Rw, being free of any holes and gaps;
  - The closable louvres and windows to the western, northern and eastern façade of Deck 1 must remain closed after 10pm;
  - The closable louvres and windows to the western and northern façade of Deck 2 must remain closed after 10pm.
- 8.15 These measures have been thoroughly reviewed by an independent Acoustic Engineer on behalf of Council and have been deemed reasonable and acceptable from an acoustic perspective, subject to conditions that are further discussed below.
- 8.16 The operation of the decks are also restricted to further limit the off-site noise impacts, through limiting the number of patrons on Deck 1 to 88 and Deck 2 to 54, installing noise limiters within the deck areas to monitor music, introducing a management plan for the deck areas and constructing the decks of acoustically treated material.
- 8.17 However, the proposal to allow the roof of the decks to remain open after 10pm is considered unreasonable given their proximity to the sensitive residential interfaces. A permit condition will therefore require the roofs to be closed after 10pm on all evenings to further reduce the potential noise impacts, especially from patrons.
- 8.18 Conditions will be required in accordance with the recommendations of Council's independent Acoustic Engineer, including the closure of all louvres/windows and openings from 10pm each evening.
- 8.19 A further condition will require the roof to remain closed after 10pm to each deck, a further acoustic assessment and amenity/patron management practices for the proposed smoking area, to ensure any noise emanating is appropriately minimised and managed.
- 8.20 No live entertainment will be permitted on the decks.
- 8.21 An assessment of the noise impacts from the use of the car park was considered necessary due to the proposed operating hours of the deck exceeding those set out on the existing permit for internal and external functions. Although this was requested it has not been submitted with the application.
- 8.22 As such, it is considered reasonable to reduce the potential noise impacts by restricting the operating hours of the decks to be in line with the internal function room. This is considered reasonable given the closure of the deck roofs will enable the decks to be deemed as internal spaces.



- 8.23 The existing hours of operation for the hotel exceed the operating hours for the existing internal function room (as allowed by a permit condition).
- 8.24 It is proposed to use the deck areas in association with the existing hotel operating hours however it is considered that the operating hours of the deck areas should be in conjunction with the existing operating hours of the internal function room.
- 8.25 The applicant has not undertaken or provided an assessment of the noise impacts of the car park and as such the additional hours and potential increased activity/use of the decks are considered to be excessive and detrimental to the overall amenity of the surrounding residential area.
- 8.26 As such, conditions will require that proposed operating hours of the decks to be in line with those approved under the existing permit for the internal function area as follows:
- Monday to Thursday: Between 7am and 11pm;
  - Friday to Saturday: Between 7am and 1am (the following morning);
  - Sunday and Good Friday: Between 10am and 11pm;
  - Anzac Day: Between 12pm and 11pm.
- 8.27 The existing conditions relating to the noise levels emanating from the land will be updated to reference the new Environment Protection Regulations 2021 (formally the Environment Protection Act 2017).
- 8.28 Clause 13.07-1S Land Use Compatibility seeks *“To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”*
- 8.29 Following on from the above discussion, Council Officers have determined that the proposal has been designed in manner to appropriately minimise any adverse off-site impacts (by way of conditions).
- 8.30 Clause 17.02-1S seeks to encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.
- 8.31 The Templestowe Hotel is accessible via the existing bus routes along Parker Street and is within an established residential area. As a long established and well-presented entertainment venue with a variety of services and functions, the hotel is well supported by local and wider spectrum patronage.
- 8.32 The construction of the deck areas assists in diversifying the operations of the hotel and provides outdoor dining facilities that are otherwise limited by the current operations and layout of the hotel.
- 8.33 Clause 19.02.4S seeks to provide *“fairer distribution of and access to, social and cultural infrastructure.”*
- 8.34 As previously discussed, the hotel is well located on a main road, with access to public transport and existing bike and pedestrian links.

- 8.35 The proposal seeks to improve the social infrastructure of this precinct through providing additional outdoor dining facilities. The hotel is easily accessible for people of limited mobility, ensuring there is an ability to service a variety of patronage, in terms of age and physical ability.
- 8.36 The objectives of Clause 21.11 Heritage aim *“To enhance cultural heritage through the retention and protection of significant buildings”*.
- 8.37 The proposal is supported from a heritage perspective.
- 8.38 A condition will require a notation that the existing awning along the western wall of the extant 1868 hotel building be removed.
- 8.39 The applicant has provided sufficient information to demonstrate that a cultural heritage management plan is not required for the proposal.
- 8.40 The historical significance of the site is preserved through ensuring an adequate link is in place to create a clear distinction between the old and the new, thus, preserving the heritage significance of the original southern façade of the hotel to Parker Street.
- 8.41 The objectives of Clause 22.05 Non-Residential Uses in Residential Areas in a general sense, seek to:
- *Ensure siting, design, scale and appearance of development reflects either the existing or preferred residential and streetscape character;*
  - *Ensure the layout meets the highest standard of accessibility;*
  - *Provide for a high level of privacy and protection from unreasonable overlooking;*
  - *Ensure that residential amenity is not detrimentally affected by the operation of non-residential uses including the effects of noise, car parking and traffic, light, odour and waste;*
  - *Encourage design of frontage to offer visual interest and passive surveillance.*
- 8.42 The siting, design and scale of the proposed additions are cohesive with the existing form, being an appropriate design response to the character of the area.
- 8.43 The provision for a solid wall for the entire eastern wall of Deck 2 and majority of the western wall to Deck 1 serves to minimise the potential for overlooking into the adjoining residential allotments. It is acknowledged that the setbacks of the additions to the respective boundaries are substantial, and thus the potential for overlooking is nominal.
- 8.44 There is adequate fencing to the northern and southern facades to provide visual and passive surveillance. Further interest is provided to the design through the variation in material and colour finishes to the respective perspectives.
- 8.45 The objectives of relevance at Clause 22.06 Eating and Entertainment Premises Policy seek to:

- *Ensure premises are appropriately located having regard to patrons, hours of operation, location of access points, adequate provision of car parking and traffic management;*
- *To ensure the design, scale and appearance of development is consistent with the residential character and streetscape of the area;*
- *To ensure adequate access is provided for people with limited mobility;*
- *To ensure residential amenity is not detrimentally affected by the operation of eating and entertainment premises including the effects of loss of privacy, noise, car parking and traffic, light spillage, odour and waste.*

8.46 The existing premise is well located on a main road with good access to public transport and the surrounding road network. The proposal in itself is not seeking to allow any additional patrons on the premises at any one time, thus an assessment of the car parking and traffic impacts is not required.

8.47 The proposed design respects the residential character of the area.

8.48 The existing split level design and availability of lifts in the hotel enables good access for people with limited mobility to access the hotel.

8.49 Overall, it is deemed through the provision of an amenity/patron management plan and restricted operating hours (via conditions) that the proposal will not adversely impact the amenity of the nearby residential area.

### **Buildings and works**

8.50 The southern façade is provided with a varied roof heights, which creates visual interest to the street, whilst ensuring the new additions remain secondary to the original hotel façade.

8.51 The deck additions are well integrated into the existing northern elevation, being generally in line with the existing roof ridge, whilst maintaining sufficient glazing to provide interest to the façade.

8.52 The deletion of the balcony and balustrading to increase the internal floor area of the hotel improves the functionality of this space, whilst minimising any adverse amenity impacts through confining the addition entirely within the existing building. The enclosing of the 'future smoking room' is of little consequence to the design, being concealed by the proposed feature pillar supporting the function room signage.

8.53 Overall the design, height and setbacks of the proposed additions to the hotel are of a scale and intensity that is compatible with the residential uses and complement the existing form of the hotel, whilst maintaining the original feature heritage components.

8.54 A condition will require the material and colour schedule to be updated to include the finish to the function room signage pillar.

8.55 The internal alterations are minor in the scale of the proposal and inconsequential from an external amenity perspective. The modifications are

required to ensure the hotel can continue its operation and function within the requirements of patrons and staff, and are therefore acceptable.

### Liquor Licence

8.56 The proposal seeks to amend the hours (to include Deck 1 and 2) and increase the area that liquor is allowed to be consumed under an existing licence. The proposed changes to the red line area are outlined in the images below. The proposed hours to the external decks are in line with the existing hours approved for the gaming room and bistro areas under the current liquor licence.

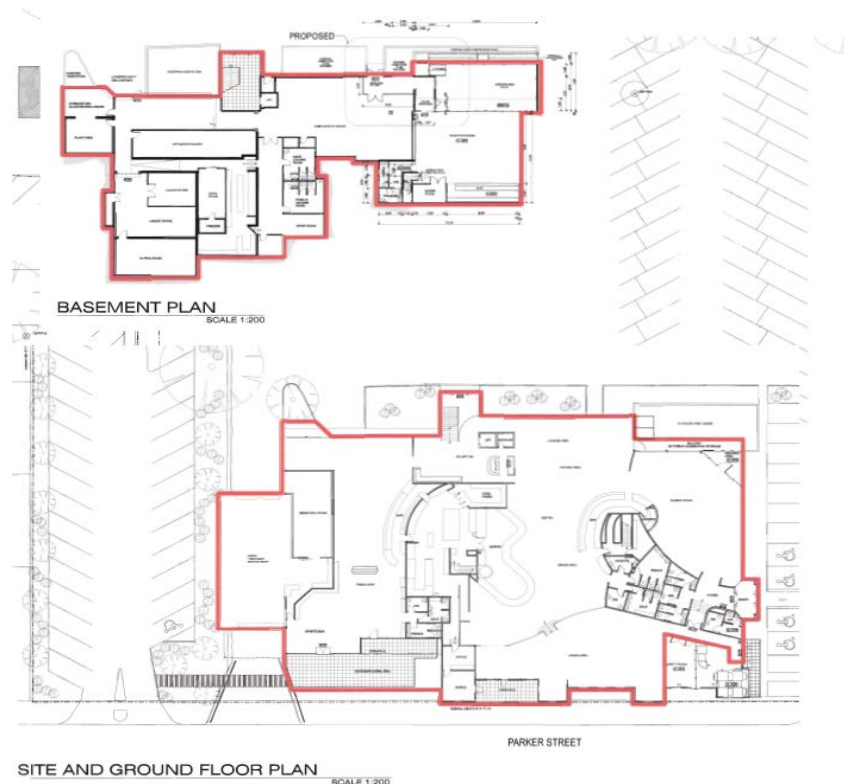


Figure 2: Existing red line area

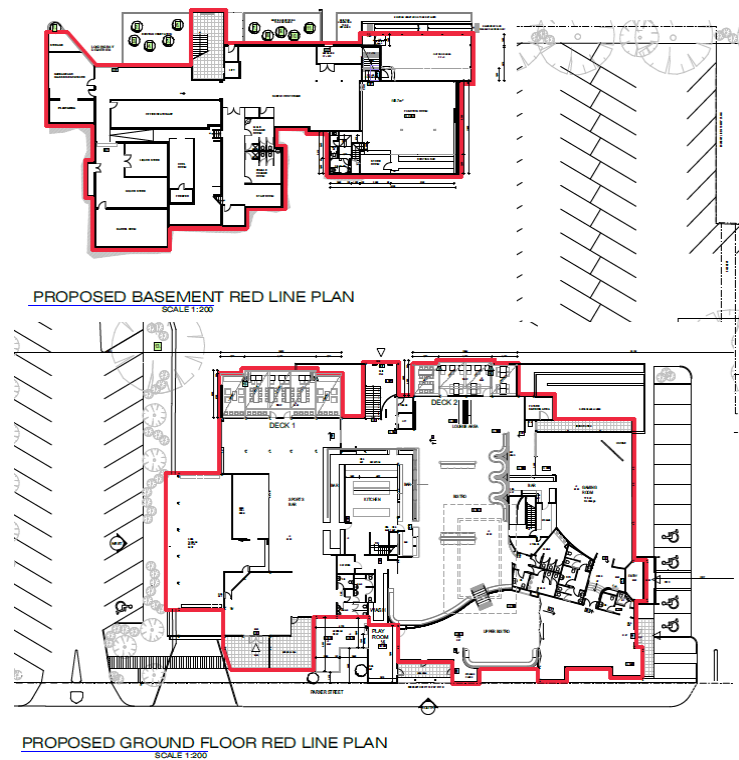


Figure 3: Proposed red line area

- 8.57 Clause 52.27 (Licensed Premises) seeks to locate licensed premises appropriately to ensure that the impact on the amenity of the surrounding area is minimised. In this instance, the Templestowe Hotel is an existing premise, however an assessment of the appropriateness of the modifications to the red line area and hours comprising the construction of the outdoor alfresco dining warrants an assessment of the amenity impacts.
- 8.58 As detailed above, it is considered that the recommended acoustic measures are sufficient to ensure the impacts to the amenity of the surrounding area will be adequately minimised, with the inclusion of conditions restricting the openings of the windows and roofs to the deck areas and reducing the hours in line with the existing internal function room.
- 8.59 In addition to the discussions above, the cumulative impacts from the proposed hours, number of patrons and additional operating area (red line area) are considered unreasonable, due to the proposed hours and the intention for the roof of the deck areas to remain open after 10pm.
- 8.60 A condition will limit the use of the deck areas to correspond with the existing hours approved for the internal and external function room at Condition 4.1 and 4.2 of the existing permit. These (conditioned) hours are also consistent with the current liquor licence for consumption on the licensed premises.
- 8.61 Furthermore, the restriction of patrons through Condition 5 and the additional conditions limiting the patron numbers of Deck 1 to 88 patrons and Deck 2 to 54 patrons will provide further restrictions to ensure no unreasonable amenity impacts will result from the proposal.

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- 8.62 Existing conditions of the Planning Permit provide restrictions to ensure patrons departing the premises late at night do so in an orderly manner, and that the James Street rear entry to the car park must be closed between 10pm and 7am.
- 8.63 A condition will also require an Amenity and Patron Management Plan to be submitted to and approved by Council, prior to the use of the decks for the sale and consumption of liquor.
- 8.64 As a result of the above requirements and the implementation of the various acoustic mitigation measures, the proposal is deemed satisfactory given the extensive on-site management that the operator is required to adhere to through the various conditions and the Amenity/Patron Management Plan.
- 8.65 Conditions will be required and updated in accordance with Council's standard amenity conditions, to further manage the use.

### **Signs**

- 8.66 The application seeks approval for five internally illuminated business signs associated with the existing hotel.
- 8.67 The Outdoor Advertising Policy (Clause 22.07) promotes fewer signs that are more effective and ensure consideration of adjacent land uses and existing signs to protect visual clutter.
- 8.68 The policy promotes business identification signs associated with non-residential uses to be designed in a manner that is clear, well-designed and uncluttered. Illuminated signs must be located to minimise light spill onto adjoining residential areas.
- 8.69 The proposal includes the provision of at least one internally illuminated business identification sign to the northern, eastern and southern interfaces of the hotel.
- 8.70 The northernmost signs 'C' and 'D' present to the on-site car park, adjacent to James Street, albeit with an appreciation of this perspective from the adjoining residential allotments to the east, given its proximity. The proposed 'Function Room' and 'Sheahan's Room' signage to the new pillars is well located to serve as a form of identification for patrons seeking to access these components of the hotel from the rear car park, whilst limiting the impacts of potential light spill to the eastern adjoining residential allotments, given the separation.
- 8.71 The only existing signage to this interface is the existing 'Templestowe Hotel' sign at the entrance to the hotel. Given the size of the signage in comparison to the building, the provision for three signs comprising lettering only and the limited visibility from adjoining allotments, the signs are considered acceptable, and do not result in an excessive clutter of signage to this perspective.
- 8.72 The 'Gaming Lounge Entry' sign 'E' is well located at the entry to the gaming room being adjacent to the adjoining Veterinary clinic on the eastern adjoining allotment. This proposed sign is the only one to the eastern façade, thus being designed in a manner to avoid visual clutter.
- 8.73 The southern perspective presents to Parker Street, being a main arterial road and the least sensitive interface in terms of the adjoining land uses. The

easternmost aspect of the façade is particularly significant, being the original fabric of the circa extant 1868 hotel building.

- 8.74 The proposed signage to the existing pylon sign seeks to upgrade the wording and logos in line with the existing use of the land. The changes are discreet and provide a good overview for the operations of the site, whilst reducing the reliance on additional signage throughout by updating existing signs. The illuminated components are discrete and will ensure passers-by are able to appreciate each element.
- 8.75 The application proposes sign 'A' which reads 'The Tempy Hotel', being a 1.92m high illuminated sign atop the play room addition to Parker Street. The proposed sign is modest, discreet and complements the design of the building, being typeface only. The sign is reasonable, given it is associated with the newer component of the building, whilst being the only sign that identifies the name of the hotel to the Parker Street frontage.
- 8.76 Conditions will ensure the illuminated components of the aforementioned signage is appropriately designed to limit impacts to motorists and the amenity of the surrounding area.
- 8.77 Furthermore, from a heritage perspective the proposed signs (particularly to the eastern and southern facades) have been designed to ensure the significance, character and appearance of the heritage place is not adversely impacted, with the extant 1868 weatherboard component remaining a stand out component of the respective perspectives.

### **Vegetation removal**

- 8.78 Pursuant to Schedule 130 of Clause 43.01 (Heritage Overlay) a permit is required to remove a tree, as it specifies the heritage place as one where tree controls apply.
- 8.79 Consequently a permit is required to remove the small tree/shrub within the southern setback to Parker Street to facilitate the proposed addition to the southern façade of the hotel.
- 8.80 The heritage citation is silent regarding significant trees at the subject land. In any case, an assessment is required to determine the appropriateness of the removal to facilitate the additions.



Figure 4- Existing Photinia Serratifolia tree (to be removed)

- 8.81 The tree in question (as highlighted at Figure 4 above) is located to the south-west of the proposed play room addition to the southern façade, being a Photinia (*Photinia Serratifolia*).
- 8.82 An assessment of the historical imagery of the subject land, suggests the tree may have been planted early in 2009.
- 8.83 From a heritage perspective, the removal of this tree is inconsequential, given it forms no significance in relation to this heritage place. The absence of its canopy will enable a further appreciation for the western wall of the original hotel.
- 8.84 The removal of this tree is therefore acceptable.

### Objector Concerns

- 8.85 New conditions that reduce the hours of use of the proposed deck areas generally address the concerns of neighbours in relation to the cumulative noise impacts on the amenity of the surrounding area from patronage and music noise emanating from the premise.
- 8.86 A condition will require the louvres/windows and roof to Decks 1 and 2 to remain closed after 10pm to reduce the ability for music within the venue to escape.
- 8.87 It is proposed to manage the amenity impacts through an Amenity/Patron Management Plan, particularly at the end of the night when guests are departing the premise and noise will likely be generated from the car park as patrons' access vehicles and other transportation services.
- 8.88 Staff training, general patron management and signage can clearly regulate and limit the use of the decks and smoking area in accordance with the proposed conditions.
- 8.89 The existing venue also has management limitations imposed by their liquor licence and existing conditions of the Planning Permit.
- 8.90 The applicant sought to retain Condition 1 and 1A on the permit as a result of issues raised by objectors at the consultation meeting.



- 8.91 A condition will require garbage and recycling storage areas to be maintained in a neat and tidy condition to the satisfaction of the Responsible Authority to address concerns regarding aesthetic impacts to the area from excess littering and waste.
- 8.92 The proposed conditions appropriately limit off-site impacts from the illuminated signage to an acceptable level.
- 8.93 Council has limited scope to require other aspects raised by objectors, namely, the provision for higher fencing to the common boundaries.

**9. DECLARATION OF CONFLICT OF INTEREST**

- 9.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.