

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with Administration's response to each comment.

Comments Received in Objection:	Administration Comment:
<p><u>Compatibility with Residential Locality</u></p> <ul style="list-style-type: none"> Large evening events should not be permitted in quiet residential area. The subject site is located within a Residential zone under the City of Vincent Local Planning Scheme No 2, not a Mixed Use zone. The use would be better suited to a Commercial or Mixed Use zone. The proposed ticketed event component of the land use does not meet any of the objectives of the Residential zone and should be refused, noting that other aspects of the use including music tuition, professional music recording services and band rehearsals could be considered compatible with the zone. 	<ul style="list-style-type: none"> The subject site is near commercial properties these include a warehouse and shop located 21.7 metres to the south-west of the site at Nos. 112-118 Brisbane Street. Because of the proximity of the subject and adjoining sites to commercial activities as well Birdwood Square, there is a reduced level of residential amenity than is typical of a residential zone. <p>All noise from performances would be contained within the venue at the rear of the subject site. This has been demonstrated through the applicant's Acoustic Report which has been reviewed by the City's Environmental Health team.</p> <p>Impacts on the amenity of adjoining properties from pedestrian entry and egress is minimised by because of the location and design of these adjoining properties.</p> <ul style="list-style-type: none"> In addition to the response above, the objectives of the Residential zone include the presence of non-residential uses that are compatible with residential uses. <p>The scale and intensity of the land use is limited by conditions of approval. These limit the maximum number of performances per month to six. Restrictions on the intensity of the land use assist in ensuring that the use would continue to be compatible with the Residential zone.</p>
<p><u>Classification of Land Use</u></p> <p>The use as a "music studio" is similar to 'Reception Centre' and 'Nightclub' uses which are listed in the City of Vincent Planning Scheme No. 2 and are 'X' (prohibited) uses in the residential zone. This proposal should have been considered as a Reception Centre use and not permitted in the Residential zone.</p>	<p>Reception Centre is defined as: <i>"premises used for hosted functions on formal or ceremonial occasions"</i>. The music studio is not used as a venue for formal or ceremonial occasions, such as a weddings and birthdays.</p> <p>A Nightclub is defined as <i>"premises the subject of a nightclub licence granted under the Liquor Control Act 1988"</i>. The subject site does not have a liquor licence and cannot be considered to be a nightclub.</p> <p>The land use does not reasonably fall within any of the uses defined under LPS2 or the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> and therefore is required to be considered against the objectives of the zone.</p>

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Comments Received in Objection:	Administration Comment:
<p><u>Traffic and Parking</u></p> <ul style="list-style-type: none"> The operation of the existing venue has resulted in a considerable increase in traffic movement and parking problems on nights where events have been held for 40 people. It has been completely detrimental to residential amenity. Baker Avenue already has additional traffic and parking compared with other streets due to the use of Birdwood Square for sports and activities. Traffic and comings and goings of patrons from the site interrupts adjoining properties' wellbeing and residential amenity. 	<ul style="list-style-type: none"> Baker Avenue contains 34 two-hour limited car parking bays. As the bays are subject to a two-hour time limitation they are only of use for short performances. Car parking bays are available in the Brisbane Street Car Park which contains 156 car parking bays and has no time restriction. <p>The subject site contains two bays for use by the music studio, for a total of three car parking bays. These could be expected to result in an additional four vehicle movements on the site. This is commensurate with the number of trips generated by a residential property, and would be consistent with the Residential zone.</p> <p>Baker Avenue is a cul-de-sac which has access from Bulwer Avenue only. Because the street does not allow through traffic, the number of vehicle movements is reduced. This limits the potential for additional traffic movements along the street. The City has received no complaints in relation to car parking on Baker Avenue on the days on which musical performances have taken place.</p> <ul style="list-style-type: none"> Both Nos. 7 and 11 Baker Avenue have high masonry fences which reduces the impact of traffic movements on these properties. The outdoor living area of No. 11 Baker Avenue is located to the northern corner of the site and is orientated away from the pedestrian entry and exit point to the venue. No. 7 Baker Avenue's outdoor living area.

Note: Submissions are considered and assessed by issue rather than by individual submitter.