

**Report to the Future Melbourne Committee****Agenda item 6.2****Planning Permit Application: TP-2021-766  
405-417 Spencer Street, West Melbourne****12 July 2022****Presenter:** Marjorie Kennedy, Head of Statutory Planning**Purpose and background**

1. The purpose of this report is to advise the Future Melbourne Committee of a planning permit application seeking approval for use of the land at 405-417 Spencer Street, West Melbourne for the sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, and the display of business identification signage (refer Attachment 2 – Locality Plan).
2. The applicant is Pistillo Holdings Pty Ltd. The owner is Yarra Bank Developments Pty Ltd. The architect is JCuda Design Studio.
3. The land is located in the Special Use Zone (SUZ) and is affected by the Heritage Overlay Schedule HO779, Design and Development Overlay Schedules 12 and 33 (DDO12 and DDO33), Environmental Audit Overlay (EAO) and Parking Overlay Schedule 14 (PO14). The proposal is also subject to particular provisions related to signs, licenced premises and bicycle facilities (Clauses 52.05, 52.27 and 52.34).
4. The application seeks to allow use of the land for a bar; associated buildings and works; and service of liquor for consumption on the premises. The bar use requires a planning permit as the leasable floor area exceeds 150 square metres. The bar is proposed to operate 12pm to 5pm Monday to Wednesday and 12pm to 11pm Thursday to Sunday with a maximum of 150 patrons at any one time. Background music is proposed to be played within the bar and a solo musician. (refer Attachment 3 – Selected Plans).
5. Public notice resulted in 75 objections and four letters of support being received.

**Key issues**

6. The key issues for consideration of the application are the appropriateness of the proposed licenced premises, use of the land as a bar and matters raised via objections.
7. Objections raised concerns relating to noise, anti-social behaviour, public health and safety, loss of daylight / overshadowing, inconsistencies with the Noise Impact Assessment and the intended land use.
8. Noise will be regulated by the use of noise limiters and a condition will be included requiring the roller door of the premises to be closed at 10pm. These measures are considered to effectively mitigate potentially unreasonable noise impacts. Anti-social behaviour and adverse impacts on public health and safety will be limited by the scale of the proposal and a venue management plan, required by condition.
9. The applicant has provided further information to resolve the inconsistencies with the Noise Impact Assessment and has provided further clarification of the intended land use. There will be no loss of daylight / overshadowing as no external buildings and works are proposed.
10. The proposed buildings and works will be entirely contained within the existing building and are considered appropriate and proportionate to facilitate the proposed bar use.
11. The proposed business identification sign is considered to allow reasonable identification and marketing of the proposed land use. It respects the building style and integrates with the design and architectural forms of the buildings and is therefore considered appropriate.
12. Subject to conditions, the proposed licenced premises is considered to be acceptable as the hours, patron numbers and venue management meet relevant planning scheme requirements which seek to preserve the amenity of the mixed use character of the surrounds.

**Recommendation from management**

13. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Planning Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 – Delegate Report).

**Attachments:**

1. Supporting Attachment (Page 3 of 33)
2. Locality Plan (Page 4 of 33)
3. Selected Plans (Page 5 of 33)
4. Delegate Report (Page 12 of 33)

## Supporting Attachment

### Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and the objectors notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which the objectors may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

### Finance

3. There are no direct financial issues arising from the recommendations contained in this report.

### Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### Health and Safety

5. Relevant planning considerations and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

### Stakeholder consultation

6. Public notice of the application has been undertaken to surrounding owners and occupiers, pursuant to Section 52 of the Act.

### Relation to Council policy

7. Relevant Council policies are discussed in the attached Delegate Report (refer Attachment 4).

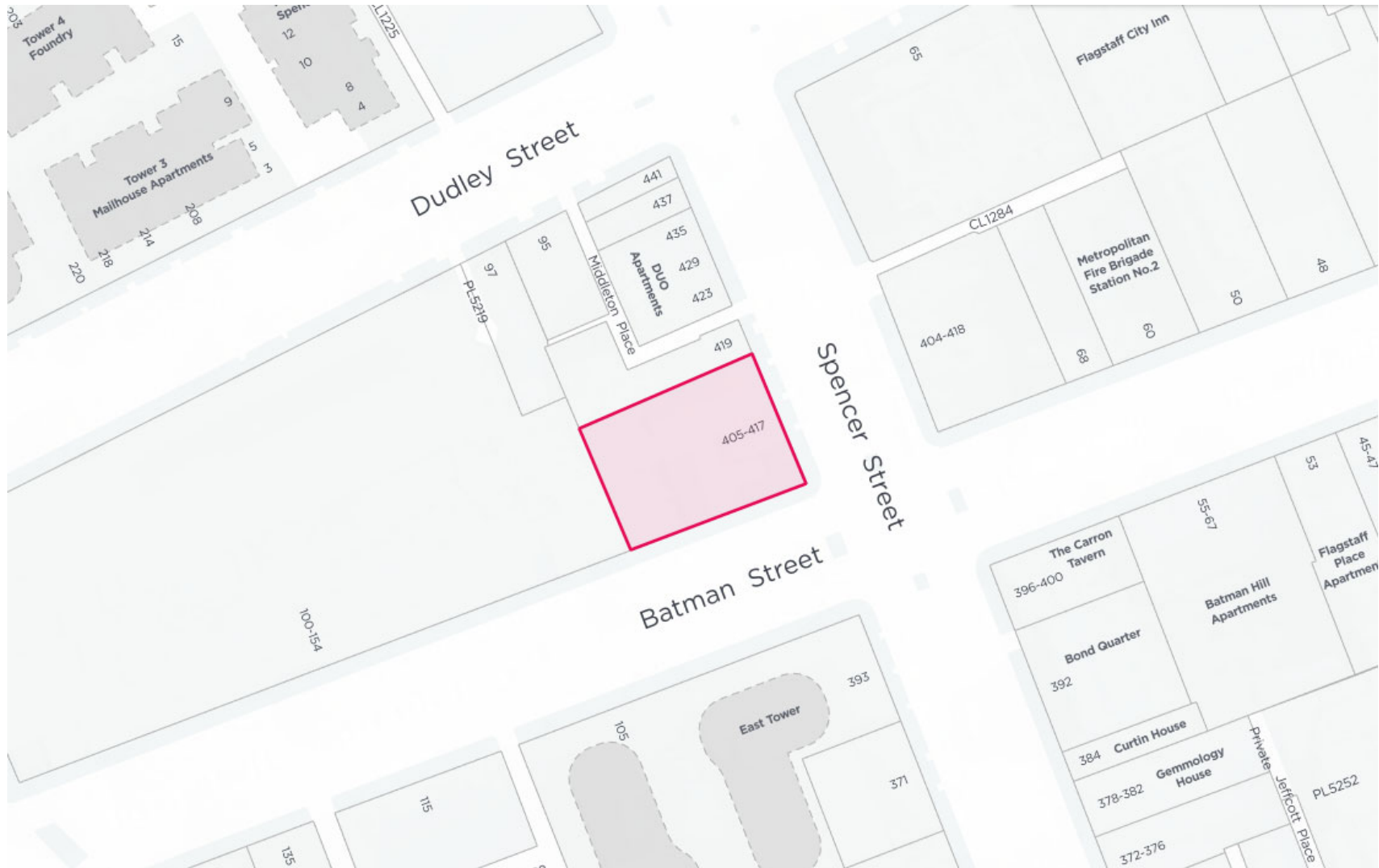
### Environmental sustainability

8. The proposal requires planning permission for minor works to the interior of the building including fit out and creation of a small (15sqm) mezzanine and the requirements set out in in Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management) and Clause 53.18 (Stormwater Management in Urban Development) of the Melbourne Planning Scheme do not apply.

# Locality Plan

Attachment 2  
Agenda item 6.2  
Future Melbourne Committee  
12 July 2022

## 405-417 Spencer Street, West Melbourne



# SUBJECT SITE AND SURROUNDS

↖ Approx. 5 km to CBD

➔ 5 min walk to Witches In Britches,  
84 Dudley St, West Melbourne VIC 3003  
"Operating Hours: Wed - Sun | 6:30PM - 1AM"

⬆ 210 meter walk to Hotel Spencer 475 Spencer St,  
West Melbourne  
"Operating Hours: Tues-Sat, 12pm - Late"

⬇ 750 metres to Anghor Cafe & Restaurant,  
389 Spencer St, West Melbourne  
Operating Hours: 10am - 11pm

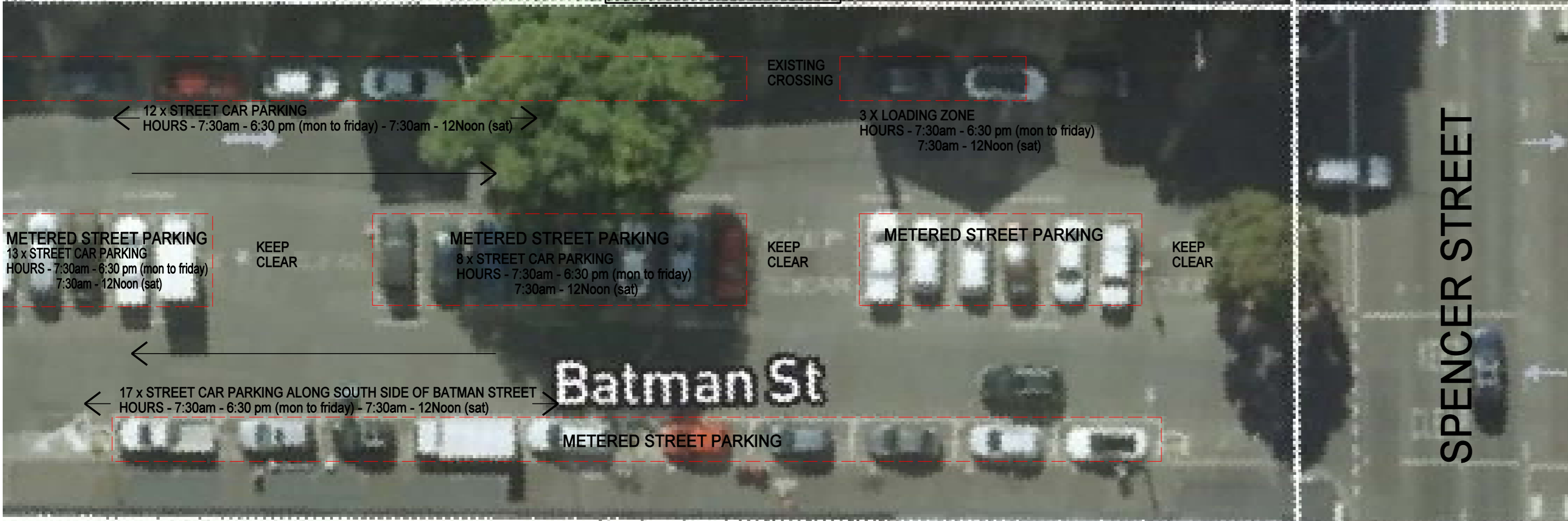
↖ 2km to Festival Hall  
300 Dudley St, West Melbourne  
Operating Hours: Varies on event

⬆ 350 metres to Royal Mail Hotel  
519 Spencer Street, West Melbourne  
Operating Hours: TBC

⬇ 600 meters to Marvel Stadium, Used  
for Football and Entertainment events

➔ 1.0 km to the 65a Drunken Poet  
located on Peel Street  
Operating Hours: 12pm - 1.0am

➔ 1.0 km to the 85 Hello Josie  
located on Peel Street  
Operating Hours: 5pm - 11pm



Project:  
**ANGRY DOG  
405 (REAR) SPENCER STREET,  
MELBOURNE. 3003**

Title:  
**EXISTING SITE PLAN** TP01

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

Project No.	20064	Scale :	1:100	Date :	FEB. 2022	Issue	C
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**JCUDA**  
design studio m. 0411 779 210 e. jaci@bigpond.com

Do not scale drawings. Figured dimensions to take precedence.  
Contractor to verify all Levels & Dimensions prior to commencement of works.

NORTH

No. 100-154  
AUSTRALIAN  
RED CROSS

FOOT PATH

TOILETS

ENTRY

EXISTING WAREHOSE

EXISTING  
CROSSOVER

ROLLER DOOR

No. 421  
VACANT TENANCY

BATMAN STREET

TICKET PARKING

TICKET PARKING

FOOT PATH

No. 405  
VACANT TENANCY

No. 407  
TEMPAORARY  
SITE OFFICE

Project:  
**ANGRY DOG  
405 (REAR) SPENCER STREET,  
MELBOURNE. 3003**

Title:  
**EXISTING CONDITIONS**

TP02

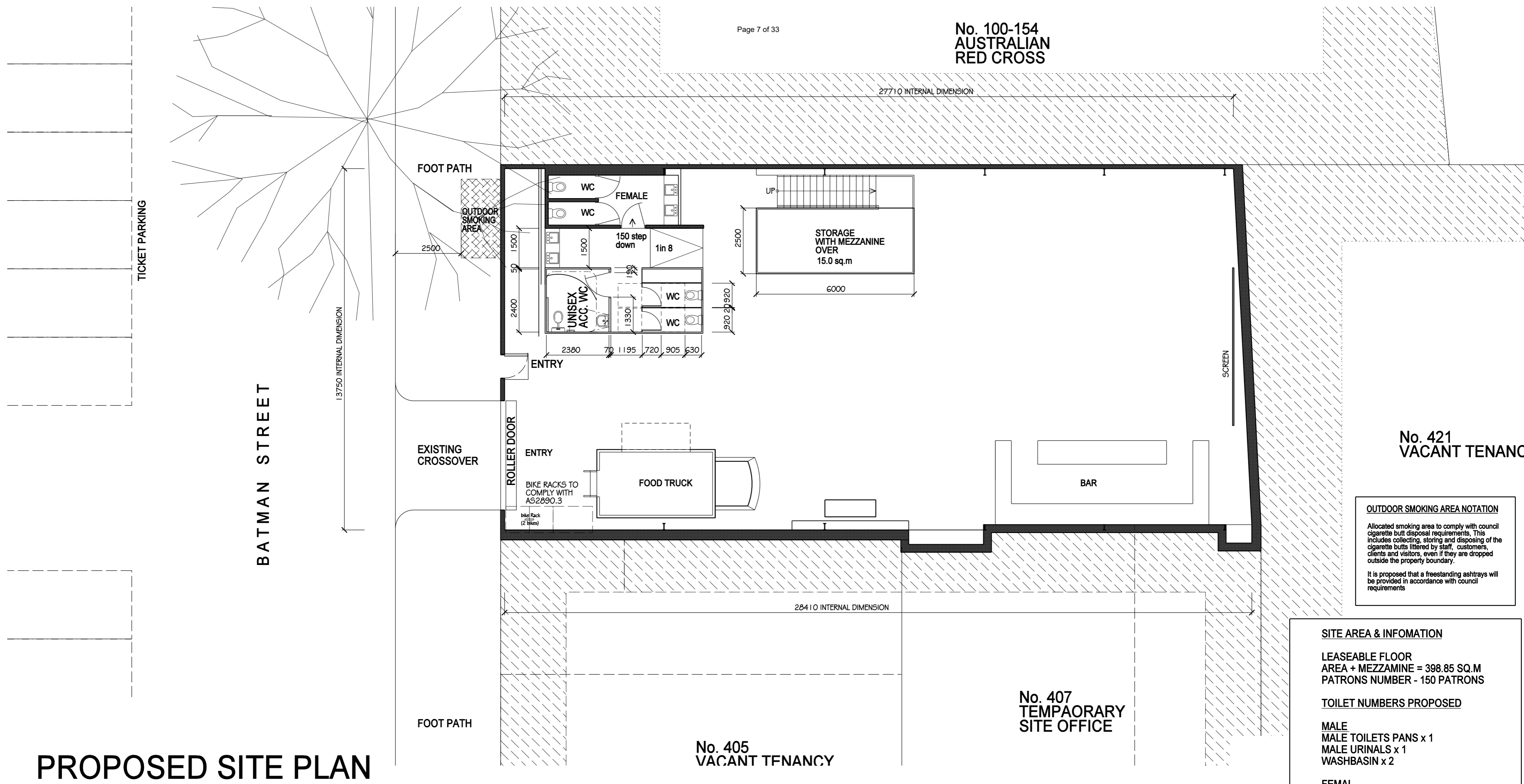
Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
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Project No. 20064 Scale: 1:100 Date: FEB. 2022 Issue C

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DESIGN STUDIO m. 0411 779 210 e. jacent@bigpond.com



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**OUTDOOR SMOKING AREA NOTATION**

Allocated smoking area to comply with council cigarette butt disposal requirements. This includes collecting, storing and disposing of the cigarette butts littered by staff, customers, clients and visitors, even if they are dropped outside the property boundary.

It is proposed that a freestanding ashtrays will be provided in accordance with council requirements

**SITE AREA & INFOMATION**

LEASEABLE FLOOR AREA + MEZZAMINE = 398.85 SQ.M  
PATRONS NUMBER - 150 PATRONS

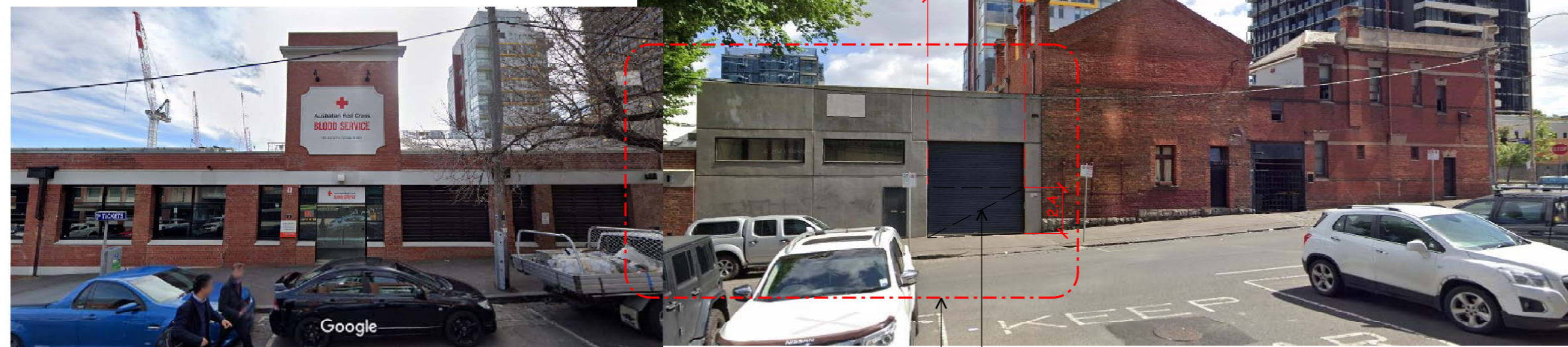
**TOILET NUMBERS PROPOSED**

**MALE**  
MALE TOILETS PANS x 1  
MALE URINALS x 1  
WASHBASIN x 2

**FEMAL**  
FEMAL TOILETS PANS x 2  
WASHBASIN x 2

**ACCESSIBLE TOILETS PROVIED**  
ACCESSIBLE TOILETS x 1

**PROPOSED SITE PLAN**



**STREETSCAPE**

NO CHANGE TO EXISTING FACADE



PROPOSED LOGO

PROPOSED LOGO PAINTED ON EXISTING ROLLER DOOR, AREA ALLOCATED IS 2400H x 4200 WIDE

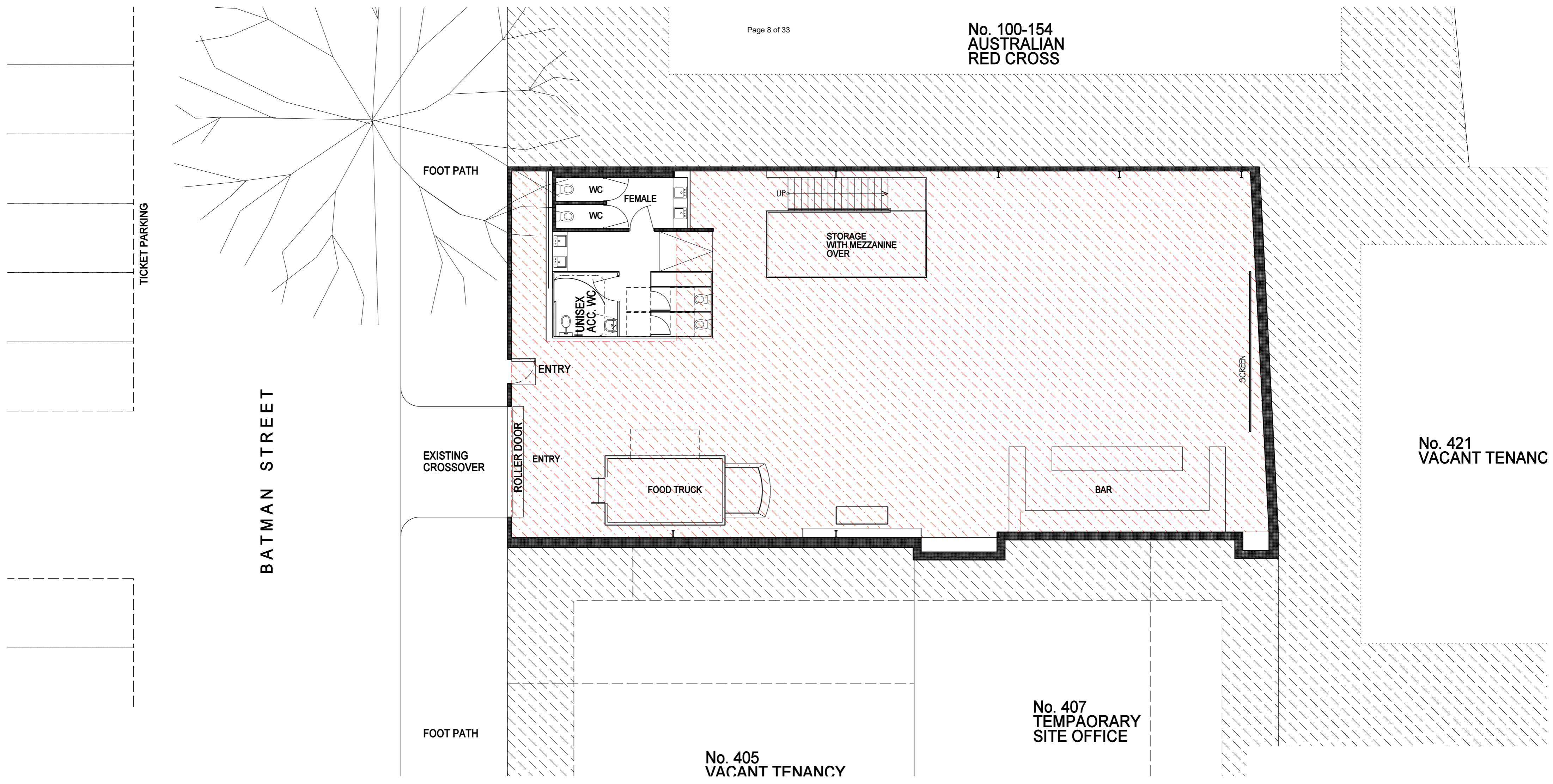
Project: **ANGRY DOG 405 (REAR) SPENCER STREET, MELBOURNE. 3003**

Title: **PROPOSED PLAN & STREETSCAPE TP03**

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

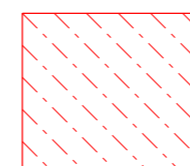
Project No. **20064** Scale: 1:100 Date: FEB. 2022 Issue C

No. 100-154  
AUSTRALIAN  
RED CROSS



# PROPOSED SITE PLAN

## LEGEND



EXTENT OF LIQUOR BOUNDARIES

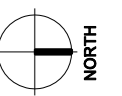
Project:  
**ANGRY DOG**  
 405 (REAR) SPENCER STREET,  
 MELBOURNE. 3003

Title:  
**LIQUOR BOUNDER IRS** TP04

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

Project No. **20064** Scale: 1:100 Date: FEB. 2022 Issue C

**JCUDA**  
 DESIGN STUDIO m. 0411 779 210 e. jaci@bigpond.com



Do not scale drawings. Figured dimensions to take precedence.  
 Contractor to verify all Levels & Dimensions prior to commencement of works.





### LEGEND

 SENSITIVE PROPERTIES WITH 100 METERS OF PROPOSED SITE

100 METER RADIUS

SUBJECT SITE

100 METER RADIUS

No. 423-431

No. 420

No. 392

LOCATION OF BALCONIES

LOCATION OF BALCONIES

LOCATION OF BALCONIES

LOCATION OF BALCONIES

LOCATION OF BALCONIES

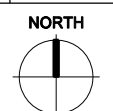
Project:  
**ANGRY DOG**  
 405 (REAR) SPENCER STREET,  
 MELBOURNE. 3003 TP05

Title:  
**SENSITIVE SITE WITHIN 100 METERS**

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

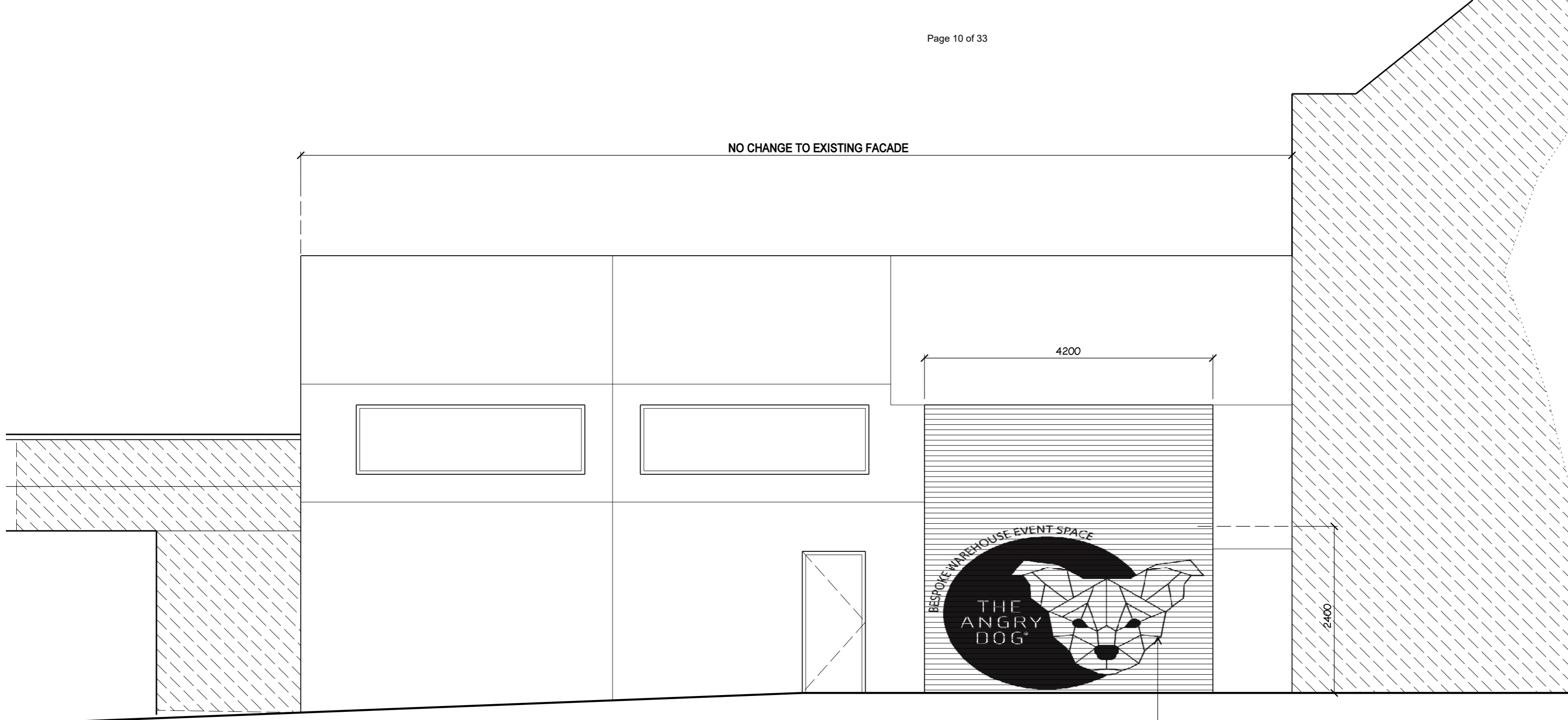
Project No. **20064** Scale: 1:100 Date: FEB. 2022 Issue C

**JCUDA**  
 DESIGN STUDIO m. 0411 779 210 e. jaci@bigpond.com

NORTH  


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NO CHANGE TO EXISTING FACADE



PROPOSED LOGO PAINTED ON EXISTING ROLLER DOOR, AREA ALLOCATED IS 2400H x 4200 WIDE

# FRONT ELEVATION WITH LOGO

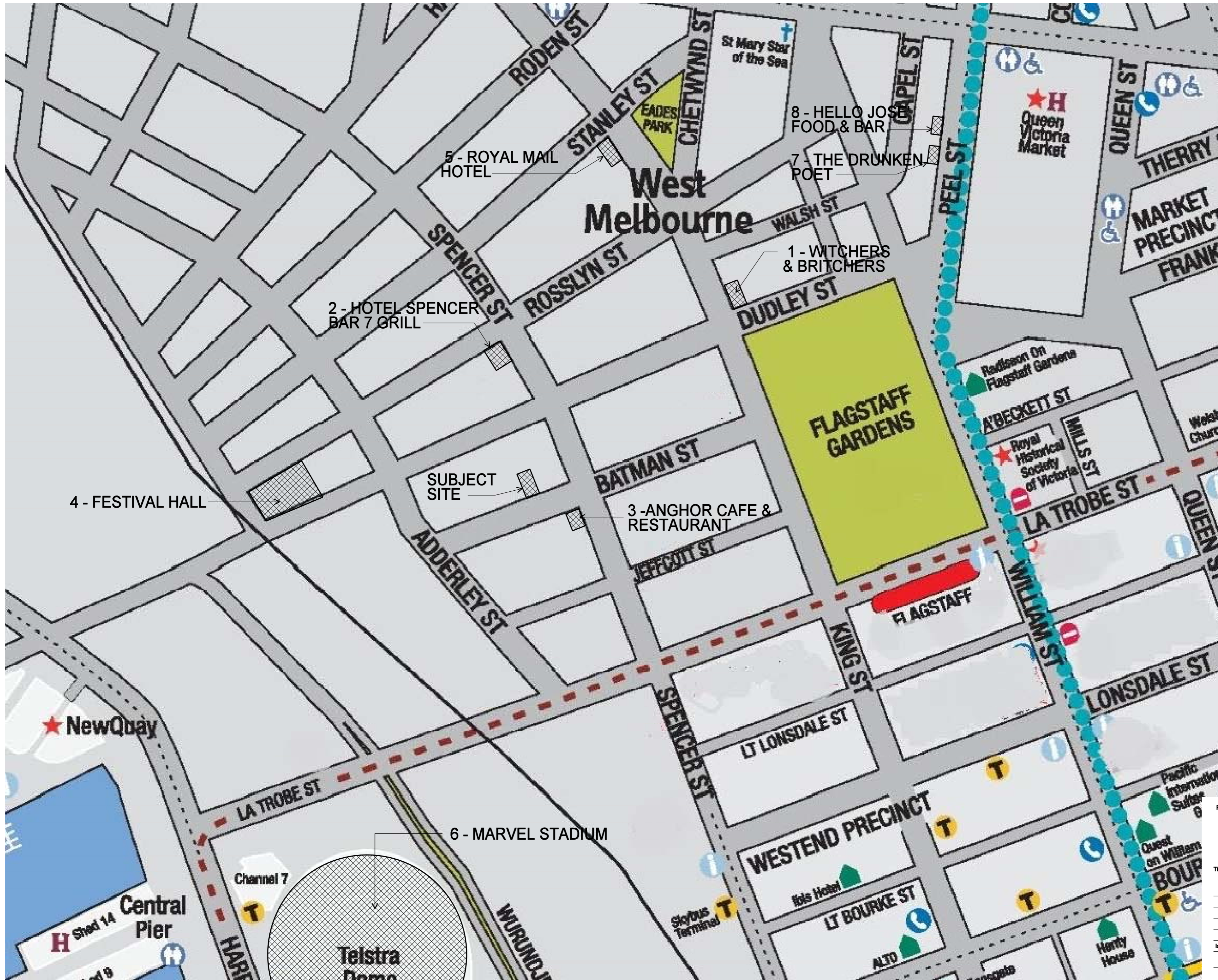
Project:  
**ANGRY DOG**  
 405 (REAR) SPENCER STREET,  
 MELBOURNE. 3003

Title: **FRONT ELEVATION** TP06

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

Project No. **20064**    Scale : 1:50    Date : FEB. 2022    Issue **C**





**LEGEND**

Approx. 5 km to CBD

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84 Dudley St, West Melbourne VIC 3003  
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West Melbourne  
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- 8 1.0 km to the 85 Hello Josie  
located on Peel Street  
Operating Hours: 5pm - 11pm

OTHERS BARS & CLUBS

Project:  
**ANGRY DOG**  
405 (REAR) SPENCER STREET,  
MELBOURNE. 3003

Title: **LOCATION PLAN** TP07

Issue	Revisions	Date
C	RE-ISSUED FOR TOWN PLANNING	15.03.22
B	RE-ISSUED FOR TOWN PLANNING	25.02.22
A	ISSUED FOR TOWN PLANNING	20.11.21

Project No. 20064    Scale: 1:100    Date: FEB. 2022    Issue C

**JCUDA**  
DESIGN STUDIO    m. 0411 779 210    e. jclent@bigpond.com

NORTH

Do not scale drawings. Figured dimensions to take precedence.  
Contractor to verify all Levels & Dimensions prior to commencement of works.

## DELEGATED PLANNING APPLICATION REPORT

<b>Application number:</b>	TP-2021-766
<b>Applicant:</b>	Pistillo Holdings Pty Ltd
<b>Owner:</b>	Yarra Bank Development Pty Ltd
<b>Address:</b>	405-417 Spencer Street, WEST MELBOURNE VIC 3003
<b>Proposal:</b>	The sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, and the display of business identification signage
<b>Cost of works:</b>	\$100,000
<b>Date of application:</b>	20 November 2021
<b>Responsible officer:</b>	Rochelle Fleming

### 1 SUBJECT SITE

The subject site (the Site) is located on Batman Street, approximately 30 metres west of Spencer Street and comprises an existing warehouse with a floor area of approximately 384 square metres. The warehouse has a boundary to Batman Street of approximately 14 metres and features a roller door and single width pedestrian door in the Batman Street façade.

The Site is part of a larger parcel of land on the north-west corner of the intersection of Spencer Street and Batman Street. It comprises two lots which together form a semi-regular shaped site with a frontage to Spencer Street of 30.42 metres and a frontage to Batman Street of 28.51 metres. The total site area is approximately 1,202 square metres.

Aside from the single storey warehouse on the Site, the larger parcel of land includes buildings associated with the former Dalston Bakery. The two-storey former bakery building at 405-407 Spencer Street is identified as having a Significant grading in Council's Heritage Places Inventory February 2020 Part A (Amended May 2021).

### 2 SURROUNDS

The following buildings are located in the surrounding area:

- West – the Australian Red Cross Blood Service at 100-154 Batman Street is housed in a low rise refurbished brick warehouse on a land area of 8930 m<sup>2</sup>.
- North – a completed 16 storey residential building known as the 'DUO Apartments' at 429 Spencer Street.
- East - across Spencer Street is 404-418 Spencer Street currently under development approved by Planning Permit TP-2018-63 for buildings and works associated with the construction of a 20 storey mixed use building

(apartments and shops), partial change of use of land to shop, a reduction of car parking requirements pursuant Clause 52.06 and alterations of access arrangements to a Road Zone Category 1; and

57-77 Dudley Street which has been developed in accordance with Ministerial Planning Permit PA2010016083A-2 which allowed the construction of a 40 storey residential apartment building.

- South - over Batman Street at 83-113 Batman Street, construction has been completed for two residential buildings of 20 storeys and 26 storeys approved under Ministerial Planning Permit 2012000444.

Diagonally opposite the subject site to the south-east is a two-storey building at 396-400 Spencer Street on the south-east corner of Spencer Street and Batman Street with approval under TP-2020-549 for the construction of a multi storey mixed use building (12 storeys; ground retail, office above) and reduction in the car parking requirement.



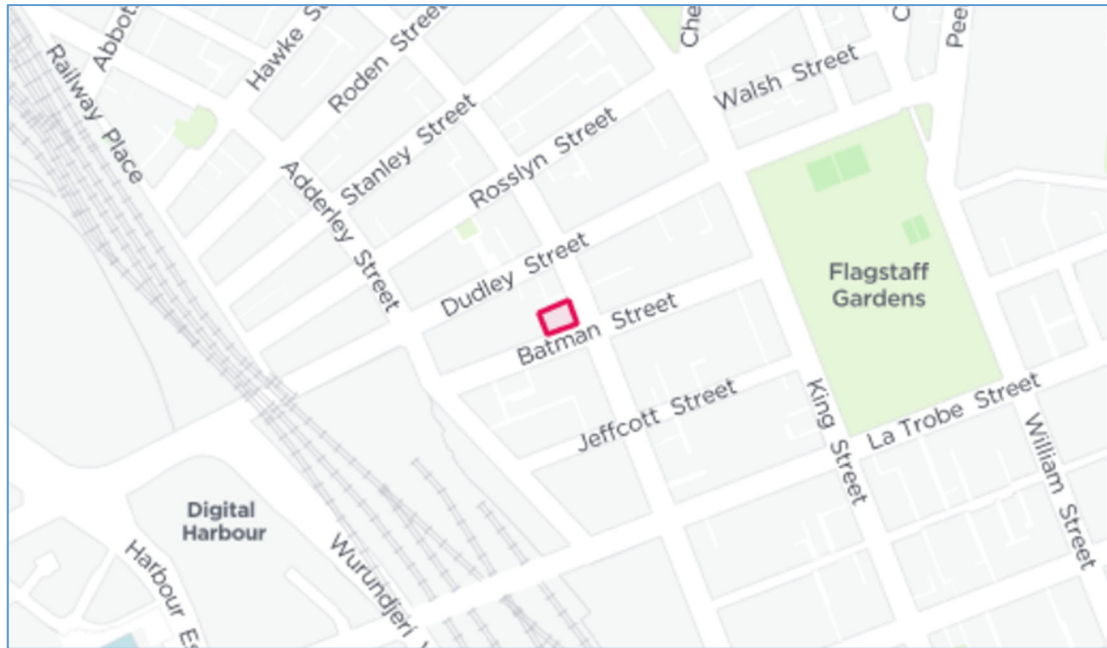
**Figure 1: Subject site – warehouse on left – adjoining former Dalston Bakery (Source: Google Street View)**



**Figure 2: Former Dalston Bakery from corner of Spencer and Batman Streets with subject site on the left (Source: Google Street View)**



**Figure 3: Aerial image of 405-417 Spencer Street with subject site shaded red (Source: Compass)**



**Figure 4: Site location (Source: Compass)**

### **3 BACKGROUND AND HISTORY**

#### **3.1 Pre-application discussions**

The applicant met with Council officers prior to lodging the application.

#### **3.2 Planning Application History**

The following application has been previously considered for the Site:

<b>TP number</b>	<b>Description of Proposal</b>	<b>Decision &amp; Date of Decision</b>	<b>Officer Comment</b>
TP-2016-722	<ul style="list-style-type: none"> <li>• Use of land for a food and drink premises, and for offices, in the Mixed Use Zone.</li> <li>• To construct two or more dwellings on a lot in the Mixed Use Zone.</li> <li>• Demolition, alterations and additions to a building in Heritage Overlay 779.</li> <li>• To construct a building and carry out works for noise sensitive uses in Design and Development Overlay Schedule 12.</li> <li>• To construct a building and carry out works in</li> </ul>	Permit issued by VCAT 29 June 2017	<p>Permit issued for land at 405-421 Spencer Street, including the subject site.</p> <p>The permit was amended by Council as the Responsible Authority on 19 October 2021 (TP-2016-722/A).</p> <p>Plans have been endorsed.</p> <p>An Extension of Time was issued on 22 June 2020. The permit will therefore expire if the development has not started by 29 June 2022 and not completed by 29 June 2025.</p>

	<p>Design and Development Overlay Schedule 33.</p> <ul style="list-style-type: none"> <li>To reduce the required number of car parking spaces.</li> <li>To alter an existing access to a road in a Road Zone Category 1 in accordance with the endorsed plans.</li> </ul>	<p>Should this permit be acted on it would result in the full demolition of the warehouse proposed to be used as a bar.</p> <p>No further extension of time has been sought for this permit at the time of writing this report.</p>
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#### 4 PROPOSAL

The application seeks approval for the sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, and the display of business identification signage.

The applicant describes the bar as a ‘bar and event space’, stating that it is intended that food trucks (driven inside the Site) will provide food, and events such as trivia nights, corporate events, movie nights and similar will be held.

The application proposes a maximum of 150 patrons at any one time and the following hours of operation:

- Monday to Wednesday: 12pm to 5pm.
- Thursday to Sunday: 12pm to 11pm.

Background music is proposed to be played within the bar during business hours, with the potential for a solo musician at times.

Buildings and works generally comprise the internal fit out of the warehouse for the bar and additional bathroom facilities.

A mezzanine with a floor area of 15 square metres will also be constructed on the north side of the warehouse, resulting in a total leasable floor area of 398.85 square metres.

Business identification signage will include a single sign in the form of a painted logo on the roller door facing Batman Street.

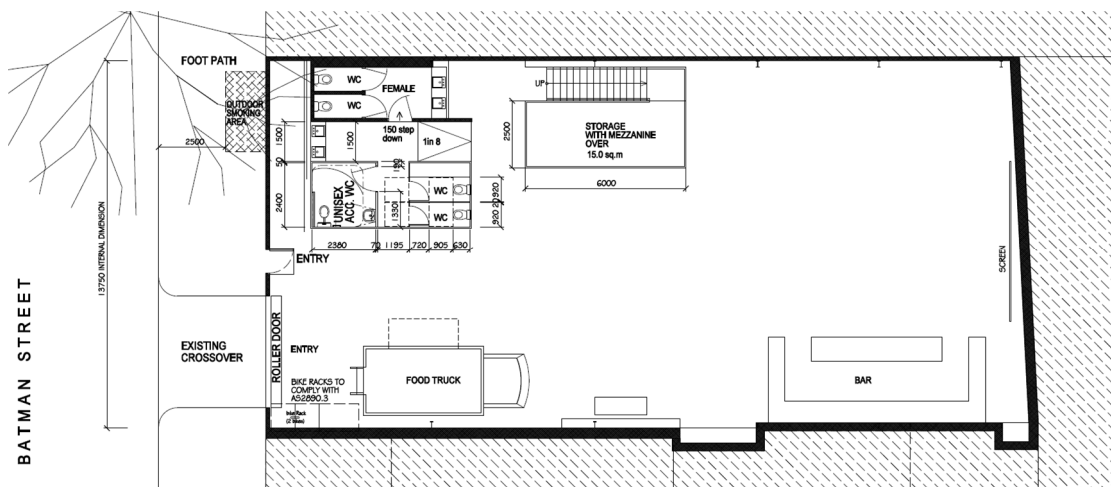
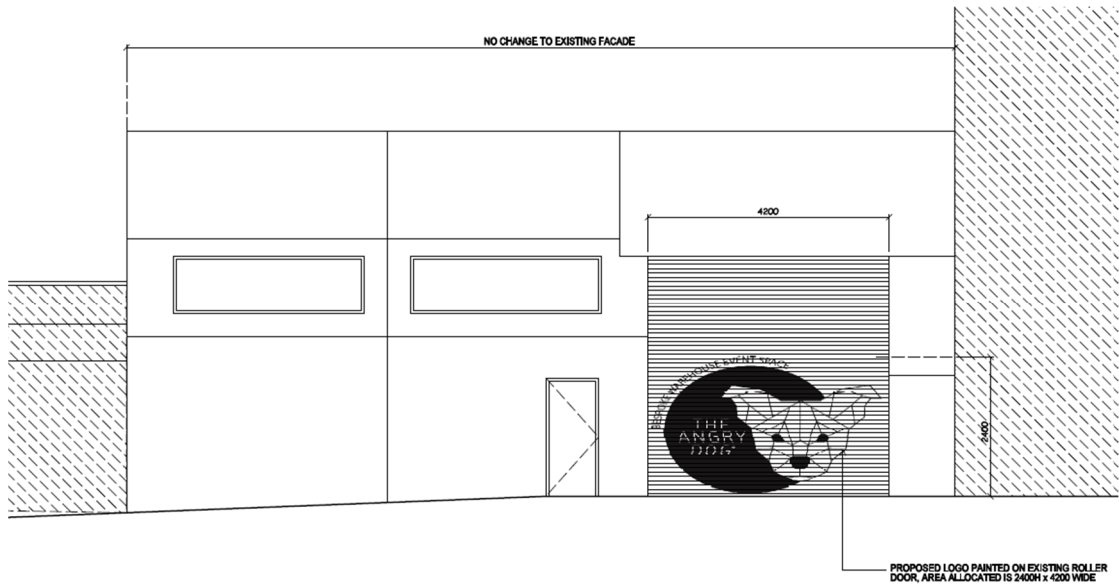


Figure 5: Proposed internal warehouse arrangement (Source: Applicant)






**Figure 6: Proposed signage on roller door (Source: Applicant)**

## 5 STATUTORY CONTROLS

The following clauses in the Melbourne Planning Scheme require a planning permit for this proposal:

Clause	Permit Trigger
<p>Clause 37.01 Special Use Zone (SUZ) Schedule 6 West Melbourne</p>	<p><b>Permit required – use and buildings and works</b></p> <p>Pursuant to Clause 37.01-1, a permit is not required for use as a food and drink premises (Bar) if the leasable floor area does not exceed 150 square metres. However, the proposed use has a leasable floor area greater than 150 square metres (398.5 m<sup>2</sup>) and therefore, a permit is required.</p> <p>Pursuant to Clause 37.01-4, a permit is required to construct a building or construct or carry out works.</p> <p>Pursuant to Clause 37.01-5 sign requirements are at Clause 52.05. This zone is in Category 3 unless a schedule to this zone specifies a different category.</p>
<p>Clause 43.01 Heritage Overlay HO779 (405 Spencer Street, West Melbourne)</p>	<p><b>Permit not required</b></p> <p>Pursuant to Clause 43.01-1, a permit is required to construct or display a sign. However, it is noted that the land at 405-417 Spencer Street is only partially affected by a Heritage Overlay.</p> <p>As shown below, the location of the Site is outside the Heritage Overlay and, therefore, a permit is not required.</p>

	 <p><b>Figure 7: Area of land affected by Heritage Overlay shown shaded green (Source: Compass)</b></p>
<p>Clause 43.02 Design and Development Overlay, Schedule 12 - Noise Attenuation Area (DDO12)</p>	<p><b>Permit not required</b></p> <p>Pursuant to Clause 43.02-2, a permit is required to construct a building or construct or carry out works, unless a schedule to the overlay specifically states that a permit is not required.</p> <p>Schedule 12 specifies that a permit is required for buildings and works associated with new, refurbished or converted developments for noise sensitive uses.</p> <p>The application does not propose a noise sensitive use and, therefore, a permit is not required.</p>
<p>Clause 43.02 Design and Development Overlay, Schedule 33 – West Melbourne – Flagstaff Precinct</p>	<p><b>Permit required – buildings and works</b></p> <p>Pursuant to Clause 43.02-2 a permit is required to construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Schedule 33 specifies that a permit is not required to construct a building or carry out works at ground level to provide access for persons with disabilities that comply with all legislative requirements. As Schedule 33 does not provide any relevant exemption, the proposed buildings and works require a permit.</p>
<p>Clause 45.03 Environmental Audit Overlay</p>	<p><b>Permit not required</b></p> <p>Pursuant to Clause 45.03-1, before a sensitive use (residential use, child care centre, kindergarten, pre-school centre, primary school, even if ancillary to another use), children's playground or secondary school commences or before the construction or carrying out of buildings and works in association with these uses commences, it must be demonstrated that the land is suitable for the use.</p> <p>The application does not propose any of the sensitive uses listed above and, therefore, a permit is not required.</p>
<p>Clause 45.09 Parking Overlay Schedule 14 West Melbourne</p>	<p><b>Permit not required</b></p> <p>Schedule 14 states that a permit is not required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in the Table to this schedule.</p>

Clause	Particular Provision
Clause 52.05 Signs	<b>Permit required</b> Pursuant to Clause 52.05-13, a permit is required to display a business identification sign.
Clause 52.27 Licenced premises	<b>Permit required</b> Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if any of the following apply, inter alia: <ul style="list-style-type: none"> <li>• A licence is required under the Liquor Control Reform Act 1998.</li> </ul>
Clause 52.34 Bicycle parking	<b>No permit required</b> Pursuant to Clause 52.34-1, a new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land. Pursuant to Clause 52.34-2, a permit may be granted to vary, reduce or waive any requirement of Clause 52.34-5 and Clause 52.34-6. Bar is nested under retail premises and the following rates are of relevance: <ul style="list-style-type: none"> <li>• 1 space to each 300 square metres of leasable floor area for employees; and</li> <li>• 1 space to each 500 square metres of leasable floor area for patrons.</li> </ul> The leasable floor area of 398.85 square metres generates a requirement for 1 employee bicycle space only, and none for patrons. The application proposes 2 bicycle parking spaces and, therefore, no permit is required. No change rooms are required based on the number of employee spaces.
Clause	General Provisions
Clause 65 Decision guidelines	Includes the matters set out in Section 60 of the Planning and Environment Act 1987.
Clause 66 Referral and notice provisions	Set out the kinds of applications which must be referred under section 55 of the Act or for which notice must be given under section 52(1)(c) of the Act.

## 6 STRATEGIC FRAMEWORK

### 6.1 State Planning Policy Framework (PPF)

The relevant provisions of the PPF are summarised as follows:

- Clause 11 – Settlement
- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development

### 6.2 Local Planning Policy Framework (LPPF)

#### 6.2.1 Municipal Strategic Statement (MSS)

- Clause 21 - Municipal Strategic Statement

- Clause 21.02 - Municipal Profile
- Clause 21.06 - Built Environment and Heritage
- Clause 21.08 - Economic Development
- Clause 21.11 - Local Areas
- Clause 21.16-6 – West Melbourne

### **6.2.2 Local Policies**

- Clause 22.07 – Advertising signs
- Clause 22.22 - Policy for Licenced Premises that require a Planning Permit.

## **7 PLANNING SCHEME AMENDMENTS**

Planning Scheme Amendment C385 was gazetted on 10 May 2022 and implements the West Melbourne Structure Plan 2018 by rezoning land to the Special Use Zone (SUZ), introducing new schedules to the Design and Development Overlay, a new schedule to the Parking Overlay and making other consequential changes to the Melbourne Planning Scheme.

Of relevance to the current application, the Site is now within the Special Use Zone rather than a Mixed Use Zone, and within a Parking Overlay that exempts the requirement for a permit for a reduction (including a reduction to zero) of car parking.

## **8 PUBLIC NOTIFICATION**

It was determined that the proposal may result in material detriment. Notice of the proposal was given by ordinary mail to the owners and occupiers of surrounding properties and by posting one notice on the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

It is noted that the application was advertised prior to the gazettal of Amendment C385 with the following preamble:

*The sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, the display of business identification signage, and a reduction (to zero) in the car parking requirement at Clause 52.06.*

Following the gazettal of Amendment C385, the Site is now affected by a Parking Overlay, PO14, that exempts the requirement for a permit for a reduction (including a reduction to zero) of car parking.

## **9 OBJECTIONS**

A total of 75 objections were received, and raised the following concerns with the proposal:

- Noise of patrons outside the venue
- Noise emanating from the venue, particularly operating with roller door open
- Intoxicated patrons in public
- Increase in crime
- 'Smoke drift' from patrons smoking outside affecting nearby residents
- Fire hazard from alcohol storage
- Adverse impact on public health and safety

- Loss of daylight / overshadowing
- Reduction in car parking not appropriate
- Inconsistencies with the Noise Impact Assessment
- Intended land use.

In addition to the above, 4 letters of support were received which cited a lack of similar venues in the area for residents and the added vibrancy such a use would bring to the area.

All issues raised in the objections will be given due consideration in the following assessment.

## **10 CONSULTATION**

Given the receipt of the above objections, the objections were forwarded to the applicant for their consideration. The applicant provided a copy of their small business proposal for Council's information to demonstrate the type of premises the applicant seeks to operate, but did not opt to make any amendments to the proposal.

## **11 REFERRALS**

The application was referred internally to the following internal departments:

### **11.1 Internal - Waste**

The Waste Management Plan is unsatisfactory and the following needs to be addressed:

- Page 15 states that the property will dispose of up to 2.2 m<sup>2</sup> of both general waste and recycling each week. It is likely that the applicant means to use cubic metres here (and it should be 3.12 m<sup>3</sup>, as shown in the table), but it is best to use litres throughout the WMP to match waste generation estimates and standard bins sizes (which are in litres). Please edit to 3120 L.
- The bin store diagram shown on page 17 only shows one garbage bin and one recycling bin. Please provide a scaled diagram showing all 6 bins lined up along the wall. If the bin store is 7.03 m long, there is plenty of room for 4 x 660 L and 2 x 240 L bins. Please ensure this plan drawing is big enough to see clearly.

These comments have been passed on to the applicant and can be included as conditions on any permit to issue to ensure the waste arrangements for the use are satisfactory.

### **11.2 External**

No external referrals were required.

## **12 ASSESSMENT**

The application seeks a permit for the sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, and the display of business identification signage. The key issues for consideration in the assessment of this application are:

- The appropriateness of the use.
- Policies relating to licenced premises.
- Buildings and Works.

- Signage.
- The objections received.

## **12.1 Land use**

Clause 73.03 defines a 'Bar' as:

*Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.*

It is nested under the 'retail premises group' in 'food and drink premises' at Clause 73.04-11.

Pursuant to Clause 37.01-1, a permit is not required for use as a food and drink premises if the leasable floor area does not exceed 150 square metres. However, the proposed use has a leasable floor area greater than 150 square metres. Therefore, a permit is required.

The purposes of the Special Use Zone at Schedule 6 of relevance to the application include:

- To implement the West Melbourne Structure Plan 2018 and support the development of West Melbourne as a vibrant, mixed use inner city neighbourhood with a genuine mix of retail, commercial, education and residential uses and affordable housing.
- To retain and increase employment and facilitate an increase in jobs in West Melbourne.

Decision guidelines at Clause 37.01-2 include:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any guidelines in the schedule to this zone.

The proposed land use as a bar is consistent with the objectives of the Special Use Zone as it will contribute to a vibrant, mixed use neighbourhood by introducing a new non-residential land use in the locality.

It will also support the local activity centre proposed along Spencer Street (between Dudley and Hawke Streets) by attracting patrons to the local area. The property is currently vacant, as such, the proposed use will also create new employment opportunities for West Melbourne.

## **12.2 Licenced premises**

The proposal is considered to be an acceptable response to the relevant licenced premises policies at Clause 52.27 and Clause 22.22 based on the following reasons:

- The proposal would not result in a negative cumulative impact that would unreasonably impact the amenity of the surrounds.
- The hours and patronage are limited and considered appropriate.
- The proposal appropriately limits noise impacts.
- The proposal meets the objectives and performance standards of Clause 22.22.

The decision guidelines at Clause 52.27 are also considered in the assessment of the application. These are as follows:

- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area;
- The impact of the hours of operation on the amenity of the surrounding area; and
- The cumulative impact of any existing licences premises and the proposed licenced premises on the amenity of the surrounding area.

The City of Melbourne’s mapping and records show that there are 9 licences within approximately 100 metres of the Site including at least two premises which are not trading. These licences and their respective proximities to the Site are listed below. A breakdown of the types of licences found within the 100 metre radius is as follows:

- General Licences: 1 (11.11 per cent)
- Restaurant and Café Licences: 1 (11.11 per cent)
- Limited Licences: 2 (22.22 per cent)
- On Premise Licence: 3 (33.22 per cent)
- Packaged Liquor Licence: 2 (22.22 per cent).



**Figure 7 – Surrounding liquor licences within 100 metres**

Surrounding Liquor Licences				
Address	Distance from the Site (approx.)	Type of Licence	Land Use	No of Licences

419-421 Spencer Street, West Melbourne	41 metres	Restaurant and Café Licence	Shop	1
423-435 Spencer Street, West Melbourne	49 metres	Packaged Liquor Licence	Office	1
437-439 Spencer Street, West Melbourne	70 metres	On Premises Licence	Shop	1
111 Batman Street, West Melbourne	42 metres	1 x Packaged Liquor Licence  1 x Limited Licence	Residential, Office and Shop	2
396-400 Spencer Street, West Melbourne	66 metres	General Licence	Office	1
197-231 Rosslyn Street, West Melbourne	103 metres	Renewal Limited Licence	Tourist Hotel/Retail/Residential	1
50 Bateman Street, West Melbourne	119 metres	On Premises Licence	Tourist Hotel	1
45 Dudley Street, West Melbourne	138 metres	On Premises Licence	Current Re- development Site – Commercial	1
<b>Total</b>				<b>9</b>

The surrounding area contains various small licenced premises that contribute to the mixed use nature of this part of West Melbourne. The total number of licences within the surrounds is not considered to be high.

The application proposes a maximum of 150 patrons at any one time and the hours will be limited to 5pm (Monday – Wednesday) and 11pm (Thursday to Sunday).

The scale of the proposed bar use is considered appropriate for the zone as it does not present a high risk regarding amenity impacts or introduce concern relating to a negative cumulative impact. This is confirmed by the Special Use Zone not requiring a land use permit for a food and drink premises (includes a bar) when the leasable floor area is less than 150 square metres.

The Site is well serviced by public transport and is accessible to taxis and rideshare vehicles. This will contribute to the reduction of the likelihood of patrons disturbing the surrounds when leaving the venue.

The proposed licenced premises does not present as high risk or introduce concern relating to cumulative impact as it will operate within the hours recommended at Clause 22.22. The limited 150 patronage is considered to be appropriate given the land is located in the Special Use Zone.



Furthermore, the applicant has advised it is intended that a food truck will operate within the building which will reduce the likelihood of abuse of liquor and ensure the use aligns with the nearby venues and contributes positively to the surrounds.

It is noted that there has been enforcement action (ref. ENF-2020-42) undertaken in 2020 in relation to complaints that the Site had been in use as a Nightclub. Following the initial enforcement action undertaken the unlawful use of the site ceased and no further complaints were received.

While these complaints largely related to noise, it is considered that via proper management of the proposed bar use, rather than an unlawful and unregulated use, the potential noise impacts can be appropriately mitigated and this is discussed further below. It should also be noted that the complaints did not relate to the proposed bar proprietor associated with this application.

The performance standards at Clause 22.22-3 are individually assessed below.

### **12.2.1 Noise**

Clause 22.22 states that licenced premises should be operated to ensure that noise emissions from the premises:

- Will not have an unreasonable impact on the amenity of the surrounding area.
- Comply with the standards as specified in the State Environmental Protection Policies (SEPP).
- Are regulated and monitored, making use of noise limiters where appropriate.

The proposal is acceptable for the following reasons:

- The use will have background music only, with the potential for solo musicians at times. Within the submitted Management Plan the Applicant has committed to the use of sound limiters, which can be secured via condition. A condition will also be included on any permit issued restricting live music to solo / acoustic musicians in accordance with the applicant's submission.
- The bar is contained entirely within the building which assists in ensuring the use will not generate unreasonable noise. The small outdoor space indicated on the submitted plans is designated as a smoking area only.
- Noise impacts relating to the collection of waste have been considered. Waste will be stored within the building and will be collected only between 7am and 6pm and in accordance with the recommended hours at Clause 22.22. This will ensure noise from waste storage and collection will not be unreasonable.

A Noise Impact Assessment has been submitted with the application which includes the results of music noise testing conducted inside and outside the venue between the hours of 6pm and 11pm. For the noise testing music was played through a sound system at a volume deemed reasonable for the proposed bar use. The background noise levels were also established. The noise measurements were taken adjoining the façade of the nearest noise sensitive properties located on the southern side of Batman Street, opposite the Site. The Noise Impact Assessment concluded that background noise in the area generally consisted of traffic and plant noise. The noise testing found that although the music noise was audible through the background noise, it was consistently at lower levels than the background noises.

The results of the measurements indicates that music noise from the venue at the nearest noise sensitive properties will have minimal impact on the ambient noise levels even with the premises operating with the roller door open. However, notwithstanding the conclusions of the Noise Impact Assessment, given the proximity

of nearby residential uses it is considered reasonable to require the roller door to close at 10pm. This is considered reasonable as it will mitigate the potential for patron noise to cause disturbance within the surrounding area and to the nearest noise sensitive uses.

It is recommended that standard noise conditions be applied to any permit issued. This will include a condition that will require a further acoustic report if the City of Melbourne determines one is required as a result of any ongoing noise issues experienced from the site. Noting there is no specific requirement under the Environmental Protection Authority (EPA) for patron noise, the recommended conditions will ensure there is appropriate management of the use of the premises.

It is also recommended that a Venue Management Plan (VMP) be required via a permit condition. The Applicant has submitted a Management Plan which forms part of the submitted Town Planning Assessment. While this Management Plan covers the key requirements of Clause 22.22 it lacks sufficient detail to endorse in its current form to provide the City of Melbourne with the ability to reasonably regulate the licenced premises. The permit condition will require a VMP with additional detail provided regarding:

- Complaint management procedures including method of recording, investigation and resolution and availability of contact details of the operator.
- Updated operating hours reflecting the permit condition requiring the roller door to close at 10pm.
- Management of the designated smoking area.
- Management of patron behaviour and noise control.
- Arrangement for waste storage and disposal.

### **12.2.2 Patron numbers**

The maximum number of patrons permitted in a licenced premise should be limited to manage any unreasonable impact on amenity of the surrounding uses and area and the maximum occupancy capacity of the premises, as determined by *the Building Act 1993*.

The licenced premises will have a patronage of 150 people. This is considered to be appropriate for the Special Use Zone which supports a mix of uses.

It is recommended a permit condition be applied to any permit issued to restrict the licenced premises to the patronage applied for.

### **12.2.3 Hours of operation**

Clause 22.22 states that an application to extend beyond the hours specified for indoor and outdoor areas will only be supported where the extended hours will not unreasonably impact on the amenity of the surrounding area.

Clause 22.22 does not provide specific guidance for hours of operation within the Special Use Zone. Clause 22.22 does however provide guidance for the MUZ, which is considered to be similar in intent to the SUZ in this locale (and was the zone in place for the site prior to Amendment C385 being gazetted).

Clause 22.22 provides the following guidance for the MUZ:

- New licenced premises are discouraged in the Mixed Use Zone where the predominate surrounding land use is residential.

- Hours of operation of licenced premises in the Mixed Use Zone should be limited to 11pm.

The application seeks to comply with the recommended hours for the proposed land use. In this instance, there are residential uses within the surrounds, however there is a strong commercial presence amongst the properties that have a direct interface with the Site which itself contains no residential uses. The proposed hours for the premises are as follows:

- Monday to Wednesday: 12pm to 5pm.
- Thursday to Sunday: 12pm to 11pm.

Having regard to the relevant policy the hours are therefore considered reasonably limited to avoid unreasonable adverse amenity impacts.

### **12.3 Buildings and works**

The proposal involves creation of a mezzanine with a floor area of 15 square metres which will be constructed on the north side of the warehouse. Associated buildings and works generally comprise the internal fit out of the warehouse for the bar and additional bathroom facilities.

The proposed buildings and works will be entirely contained within the existing building and will not create a significant amount of additional floor area at the mezzanine level when considering the building as a whole. The proposed buildings and works are therefore considered appropriate and proportionate to facilitate the proposed bar use.

Schedule 33 to Clause 43.02 Design and Development Overlay relates to built form outcomes in the Flagstaff Precinct and requires an assessment of building height, street wall height, building setbacks, floor to ceiling heights and overshadowing. As there are no external alterations proposed the requirements of Schedule 33 are not relevant to this assessment.

### **12.4 Business Identification Signage**

The application seeks approval for display of a business identification sign on the roller door of the Site, fronting Batman Street. The business identification sign will be painted on the roller door covering an area of 2.4 metres in height and 4.2 metres in width.

The proposed signage is considered appropriate with regard to Clause 22.07 (Advertising Signs) and Clause 52.05 (Signs) as follows:

- The sign is considered to allow reasonable identification and marketing of the proposed land use.
- The sign respects the building style and integrates with the design and architectural forms of the building.
- The sign will be applied directly to the building, via paint and will not be illuminated.
- The signage style and detail is to an acceptable quality and is consistent with the commercial nature of the site and surrounds.
- The sign is not expected to detract from nearby heritage places or any views or vistas.

### **12.5 Objections**

The matters raised by objectors are individually addressed below:

<b>Issue</b>	<b>Assessment</b>
Noise of patrons outside the venue.	The proposed bar use is contained entirely within the building. While a small outdoor smoking area is proposed it is not of a size which is considered likely to result in unreasonable amenity impacts to surrounding sensitive uses. Additionally, the Site is well serviced by public transport and is accessible to taxis and rideshare vehicles. This will contribute to the reduction of the likelihood of patrons disturbing the surrounds when leaving the venue.
Noise emanating from the venue, particularly operating with the roller door open.	<p>The potential for noise impacts is considered in detail at Section 12.2.1 above. In summary, the use will have background music only, with the potential for solo musicians at times, which will be controlled via a condition. The use of noise limiters, to regulate amplified music, will also be secured via condition.</p> <p>As the bar is contained entirely within the building the use will not generate unreasonable noise, subject to the recommended conditions.</p> <p>A Noise Impact Assessment has also been submitted in support of the application with the results indicating that music noise from the venue, including when operating with the roller door open, will have minimal impact on the ambient noise levels of the surrounding area and for the nearest noise sensitive uses.</p> <p>However, in order to mitigate the potential for disturbance from patron noise, a condition will be included on any permitted issued requiring the roller door to be closed at 10pm.</p> <p>Standard noise conditions will also be applied to any permit issued. This will include a condition that will require an acoustic report if the City of Melbourne determines one is required.</p>
Intoxicated patrons in public.	Anti-social behaviour by patrons is to be limited by the scale of the proposal and by a venue management plan that must be approved prior to the commencement of the use (if a permit is granted).
Increase in crime.	
Adverse impact on public health and safety.	
'Smoke drift' from patrons smoking outside affecting nearby residents.	A small dedicated smoking area has been indicated on the submitted plans. This designated smoking area will measure 3 m x 1.5 m and is located to the Batman Street frontage, close to the boundary with the property to the west, 100-154 Batman Street which is currently occupied by the Australian Red Cross. This smoking area is located approximately 30 metres from the nearest residential properties. Given the small size of the designated smoking area, which is located a distance from the nearest residential properties it is considered that any potential amenity impact from smoke is negligible.

Fire hazard from alcohol storage.	The requirement for adequate fire protection systems and emergency plans is covered by health and safety legislative frameworks and the building regulations.
Loss of daylight / overshadowing.	No external alterations are proposed. As such, there is no potential for loss of daylight or additional overshadowing as a result of the proposed development.
Reduction in car parking not appropriate.	<p>Since the application was first lodged, the Melbourne Planning Scheme has changed, following the gazettal of Planning Scheme Amendment C385 with the Site now zoned as Special Use Zone – Schedule 6 and affected by the Parking Overlay – Schedule 14.</p> <p>Schedule 14 to Clause 45.09 (Parking Overlay) specifies that a permit is not required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in the Table to Schedule 14. As such, the car parking provision (zero) is considered acceptable and in accordance with the objectives of the Parking Overlay – Schedule 14.</p>
Inconsistencies with the Noise Impact Assessment	<p>An objector has identified that the Noise Impact Assessment lists the operating hours as 10am – 11pm Monday – Sunday. It was also identified that the Site is incorrectly identified on the site location plan included within the report.</p> <p>The hours of operation have been confirmed as 12pm to 5pm Monday to Wednesday and 12pm to 11pm Thursday to Sunday. These hours will be controlled via a permit condition.</p> <p>The Applicant has also provided an updated Noise Impact Assessment which correctly identifies the location of the Site. The Applicant has confirmed that the incorrect identification of the Site was a graphic error only and that the acoustic testing was undertaken at the subject site.</p>
Intended land use	<p>An objector has raised concerns that the premise may be used as an events space.</p> <p>This application has been assessed on the basis of the information provided by the Applicant who has sought permission for use of the Site as a bar. The Applicant has confirmed that it is their intention to operate the premises as a bar and that the site will be open to the public. They have also confirmed that private functions held at the premises will be sectioned off within a reserved area while the rest of the premises would remain open to the public.</p>

## 12.6 Conclusion

It is considered that the proposal is consistent with the relevant sections of the Melbourne Planning Scheme, as discussed above, and that a Notice of Decision to Grant a Permit be issued for the proposal subject to the below conditions.

## 13 RECOMMENDATION

Having considered all relevant provisions of the Melbourne Planning Scheme, in addition to the matters required under Section 60 of the *Planning and Environment Act 1987*, Planning recommends that the Future Melbourne Committee issue:

- A Notice of Decision to Grant a Permit, subject to the conditions set out below.

## 14 CONDITIONS

### 14.1 Preamble

The sale and consumption of liquor associated with the use of the existing warehouse as a bar, buildings and works, and the display of business identification signage.

### 14.2 Conditions

#### Compliance with Endorsed Plans

1. The use and development as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

#### Patronage

2. The maximum number of patrons on the premises must be no more than 150 at any one time unless with the prior written consent of the Responsible Authority.

#### Hours of Operation

3. Except with the prior written consent of the Responsible Authority, the use of the land as a bar hereby permitted and sale and consumption of liquor must only occur between the following hours:

Monday to Wednesday	12pm – 5pm
Thursday to Sunday	12pm – 11pm

#### Venue Management Plan

4. Prior to the commencement of the use, a Venue Management Plan (VMP) shall be prepared, submitted and approved by the Responsible Authority. The VMP must be prepared on the basis of the approved development; and be generally in accordance with the Management Plan contained within the Town Planning Assessment dated March 2022 but also describing:
  - a) Complaint management procedures.
  - b) Hours of operation including requirement for roller door to close at 10pm.
  - c) Management of designated smoking area.
  - d) Management of patron behaviour and noise control.
  - e) Arrangements for waste storage and disposal.

Once approved, the VMP will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed VMP unless with the prior written consent of the Responsible Authority.

## **Waste Management**

5. Prior to the commencement of the use and development, an amended Waste Management Plan (WMP) shall be prepared, submitted and approved by the Melbourne City Council – Waste and Recycling.

The WMP must be prepared on the basis of the approved development; and be generally in accordance with the WMP prepared by Speedie Waste Pty Ltd (V2) dated March 2022 but amended to show:

- a) Reference to waste generated in litres, rather than cubic metres.
- b) A scaled diagram showing all 6 bins lined up along the wall, ensuring the drawing is at a scale appropriate to show the detail required.

When to the satisfaction of the Responsible Authority, the WMP submitted in accordance with this condition will be endorsed to form part of this permit.

6. No garbage bin or waste materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Responsible Authority.

## **Noise**

7. Prior to the commencement of the use, an amended Noise Impact Assessment (NIA) shall be prepared, submitted and approved by the Responsible Authority.

The NIA must be prepared on the basis of the approved development; and be generally in accordance with the NIA prepared by Melbourne Acoustics dated 10 February 2022 but amended to include details of the installation and maintenance of a Noise Limiter (“the Device”) in accordance with the Management Plan within the Town Planning Assessment dated March 2022. The Device must be set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of EPA Victorian Publication Noise Limit and Assessment Protocol 1826.4 to the satisfaction of the Responsible Authority.

8. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the Environment Protection Regulation 2021, or other equivalent policy to the satisfaction of the Responsible Authority.
9. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with EPA Publication 1826.4 (or subsequently updated publication): Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.
10. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.
11. A sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave the premises in a quiet and

orderly fashion. The sign must be to the satisfaction of the Responsible Authority.

12. No bottles or other waste material may be removed from the site between the hours of 9pm and 7am the following morning, seven days a week.
13. Empty bottles from the operation of the premises must be deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.
14. All amplified live music is restricted to solo / acoustic musicians only unless with the prior written consent of the Responsible Authority.

### **Advertising Signage**

15. The location, size, material of construction, colours, wording and degree of illumination of the sign shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
16. The sign, including the structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
17. The sign shall only contain an advertisement which provides or supplies information relating to the business conducted on the land to the satisfaction of the Responsible Authority.
18. The sign must not be illuminated by external or internal light.
19. The sign must not be animated or contain any flashing light.
20. No bunting, streamers, wind vanes or the like shall be displayed unless with the prior written consent of the Responsible Authority.
21. This permit (as it relates to advertising signage) expires 15 years from the date of issue, at which time the signage and all supporting structures must be removed and the site made good to the satisfaction of the Responsible Authority.

### **Permit Expiry**

22. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.
  - c) The use is not started within two years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

### **Notes**

This planning permit does not constitute Owners Corporation approval for development within common property on the site. The consent of the Owners Corporation of the property must be obtained for any works undertaken within the common property.



This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

The premises must comply with the Food Act 1984 and the Food Standards Code and must be registered with Council's Health Services Unit prior to the commencement of the use.