

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

Planning Permit Application: TP-2016-669/B, 268-270 Lonsdale Street, Melbourne

20 April 2021

Presenter: Larry Parsons, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend an existing planning permit, seeking approval for the use of the land at 268-270 Lonsdale Street, Melbourne (refer to Attachment 2, Locality Plan) as two bars.
2. The applicant is Pro Urban Advisory, Planning and Management acting on behalf of 270 Lonsdale Street PTY LTD (the owner). The architect is Jackson Clements Burrows Architects.
3. The site is located within the Capital City Zone (CCZ2) Retail Core and is affected by the Parking Overlay Schedule 1 (PO1), the Design and Development Overlay Schedules 1 (DDO1), 2 (DDO2), 4 (DDO4), and 70 (DDO70).
4. The proposal seeks permission for a ground and first level bar that will be open 7am to 3am with a maximum of 203 patrons and a fourth level bar (rooftop) that will be open 7am to 1am with a maximum of 125 patrons. Both venues currently operate as restaurants with the same number of patrons and liquor licences till 3am and 1am respectively.
5. Public notice of the proposal has been undertaken and a total of 18 objections have been received.

Key issues

6. Key issues for consideration are the appropriateness of the bar land uses and potential amenity impacts on the surrounding area, noting that the venues are existing and in operation as restaurants with a late night liquor licence.
7. The use of the land for a bar is consistent with the purpose of the Capital City Zone Schedule 2 and would not result in any unreasonable offsite amenity impacts. The hours of operation are acceptable in this instance given the venue size, site context, operational management plan provided, and measures proposed to mitigate noise disturbance to the nearby residential uses. The rooftop bar will operate till 1am with a proposed limitation to background music and the enclosed lower bar will operate to 3am but with a proposed limitation that entry and exit be only from Lonsdale Street after 1am.
8. While the use is considered compatible with the immediate and nearby neighbourhood context, conditions relating to noise management and operation are recommended to be included on any amended permit issued to ensure no unreasonable amenity impacts.

Recommendation from management

9. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions outlined in the Delegate Report (refer Attachment 4 of the report from management).

Attachments:

1. Supporting attachment (Page 2 of 51)
2. Locality Plan (Page 3 of 51)
3. Plans (Page 4 of 51)
4. Delegate Report (Page 20 of 51)

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 each objector 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 an objector 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 such as traffic, waste management 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. This is not a relevant matter as the application relates to amending an approved development permit to include a new land use.

Locality Plan

268-270 Lonsdale Street, Melbourne



16-028
PACIFIC HOUSE
268-270 LONSDALE ST
COMMERCIAL DEVELOPMENT

TOWN PLANNING APPLICATION
SECONDARY CONSENT APPLICATION
NOVEMBER 2018

DRAWING SCHEDULE

DRAWING NO.	DRAWING TITLE
-------------	---------------

EXISTING CONDITIONS & CONTEXT ANALYSIS SHEETS

TP0-001	CONTENTS
TP0-100	SITE PLAN
TP0-200	EXISTING FLOOR PLANS
TP0-201	EXISTING FLOOR PLANS
TP0-300	NORTH ELEVATION
TP0-301	EAST ELEVATION
TP0-302	SOUTH ELEVATION
TP0-303	WEST ELEVATION

TOWN PLANNING ARCHITECTURAL DRAWINGS:

PLAN SERIES

TP1-100	BASEMENT AND GROUND LEVEL
TP1-101	FIRST AND SECOND LEVEL
TP1-102	THIRD AND FOURTH LEVEL
TP1-103	ROOF

TP1-104	GROUND LEVEL SOUTH DETAILS
TP1-201	SIGNAGE DETAILS

TP1-200	DEMOLITION FLOOR PLANS
TP1-201	DEMOLITION FLOOR PLANS
TP1-202	DEMOLITION FLOOR PLANS

ELEVATION SERIES

TP2-100	NORTH ELEVATION
TP2-101	EAST ELEVATION
TP2-102	SOUTH ELEVATION
TP2-103	WEST ELEVATION

TP2-200	DEMOLITION ELEVATIONS - NORTH ELEVATION
TP2-201	DEMOLITION ELEVATIONS - EAST ELEVATION
TP2-202	DEMOLITION ELEVATIONS - SOUTH ELEVATION
TP2-203	DEMOLITION ELEVATIONS - WEST ELEVATION

SECTION SERIES

TP3-100	SECTION AA
TP3-101	SECTION BB

TITLE DETAILS

TITLE PLAN: LOT 1, TITLE PLAN 372154F
 VOL 04811 FOLIO 028
 COUNTY: BOURKE
 PARISH: MELBOURNE NORTH
 AREA : 184m²

	AREA	PROPORTION
BUILDING FOOTPRINT	184 m ²	100%
PERMEABLE PRIVATE OPEN SPACE	0 m ²	0%
TOTAL SITE AREA	184 m²	0%

FLOOR LEVEL	AREA (NLA)
LEVEL BASEMENT	104 m ²
LEVEL GROUND	112 m ²
LEVEL 01	109 m ²
LEVEL 02	110 m ²
LEVEL 03	112 m ²
LEVEL 04	111 m ²
TOTAL PROPOSED LEASABLE FLOOR AREA	658 m²

PERSPECTIVE VIEW OF PROPOSED SITE



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LEGEND

EF-01	PAINTED BRICK (WHITE / LIGHT GREY)
EF-02	DARK RED METAL CLADDING
EF-03	DARK METAL CLADDING
EF-04	WHITE METAL CLADDING
EF-05	DARK STEEL
EF-06	GLASS
EF-07	GALVANISED STEEL

REV	DATE	DESCRIPTION
A	01.12.2016	Demo Draw & Leasable Area Added (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFP1
D	31.05.2019	ISSUED FOR SECONDARY CONSENT RFP1
E	24.02.2020	ISSUED FOR SECONDARY CONSENT; REVISED AREAS

CLIENT
HQ GROUP

PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE

DATE	CHECKED	APPROVED
05.08.16	SK	CB

SCALE
 @A1

STATUS
TOWN PLANNING

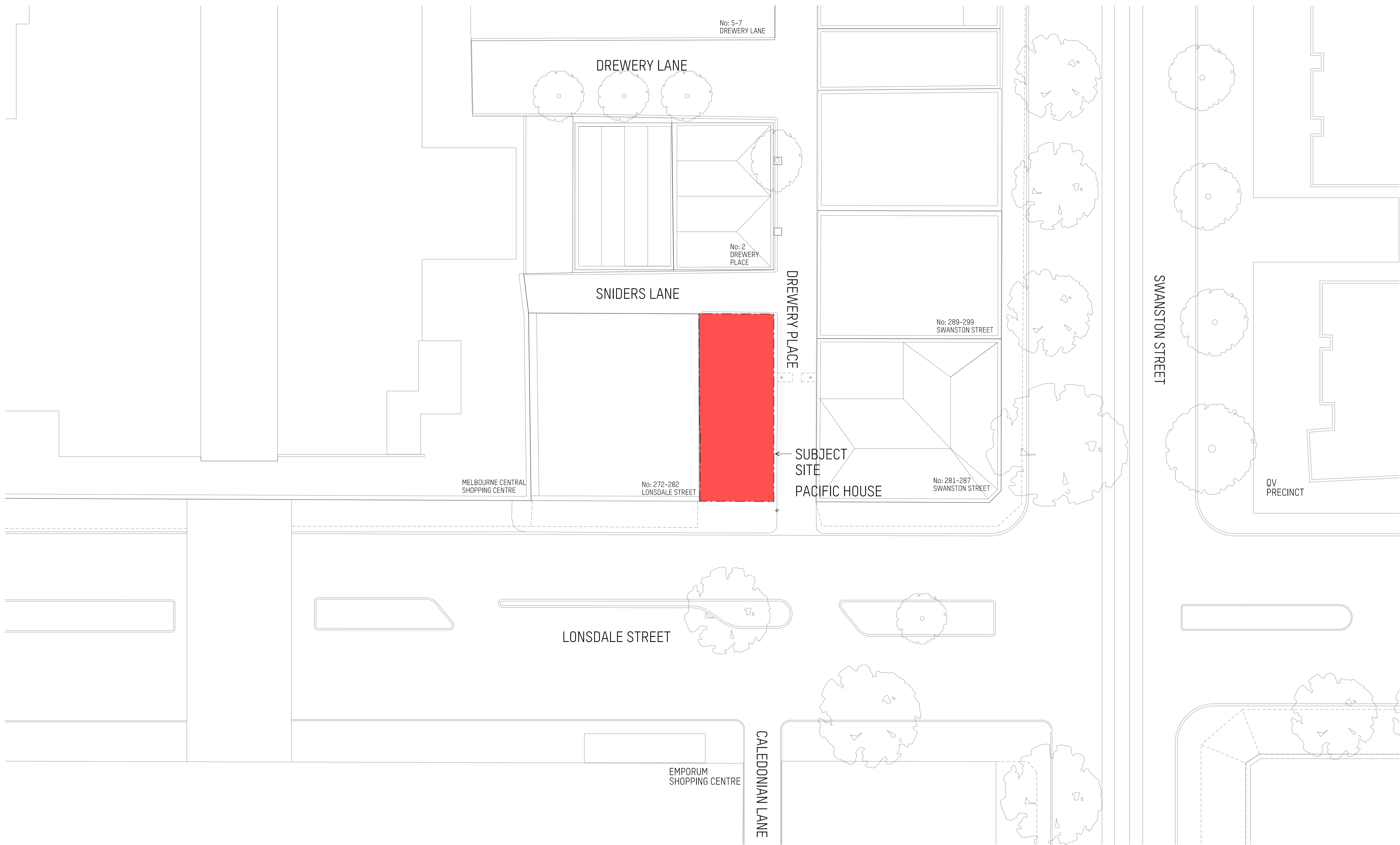
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16-028

DRAWING NUMBER
TP 0-001

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REV	DATE	DESCRIPTION
B	12.11.2016	ISSUED FOR SECONDARY CONSENT

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PROJECT
**PACIFIC HOUSE
 270 LONSDALE STREET
 MELBOURNE VIC**

DRAWING TITLE
SITE PLAN

DATE	CHECKED	APPROVED
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STATUS
TOWN PLANNING

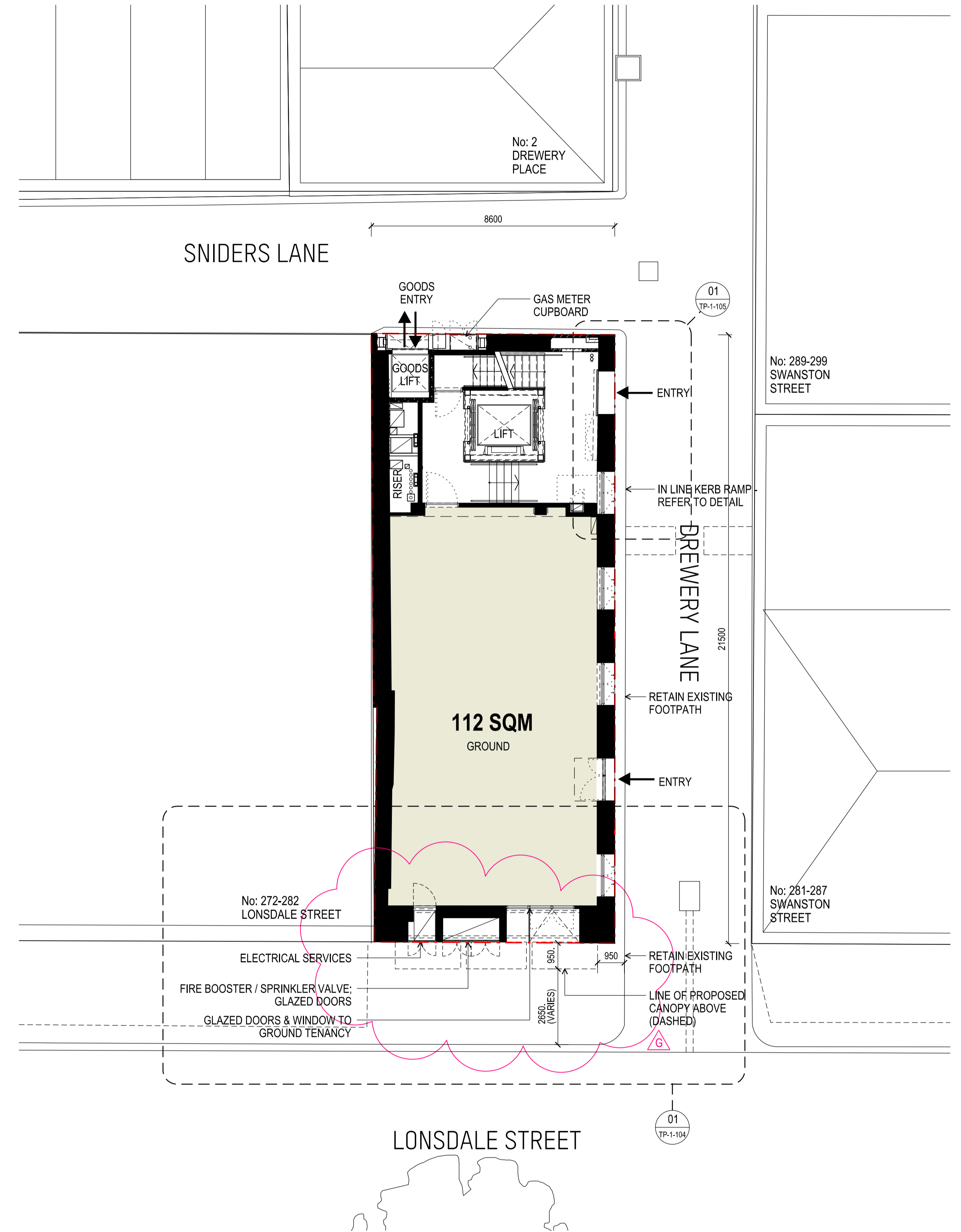
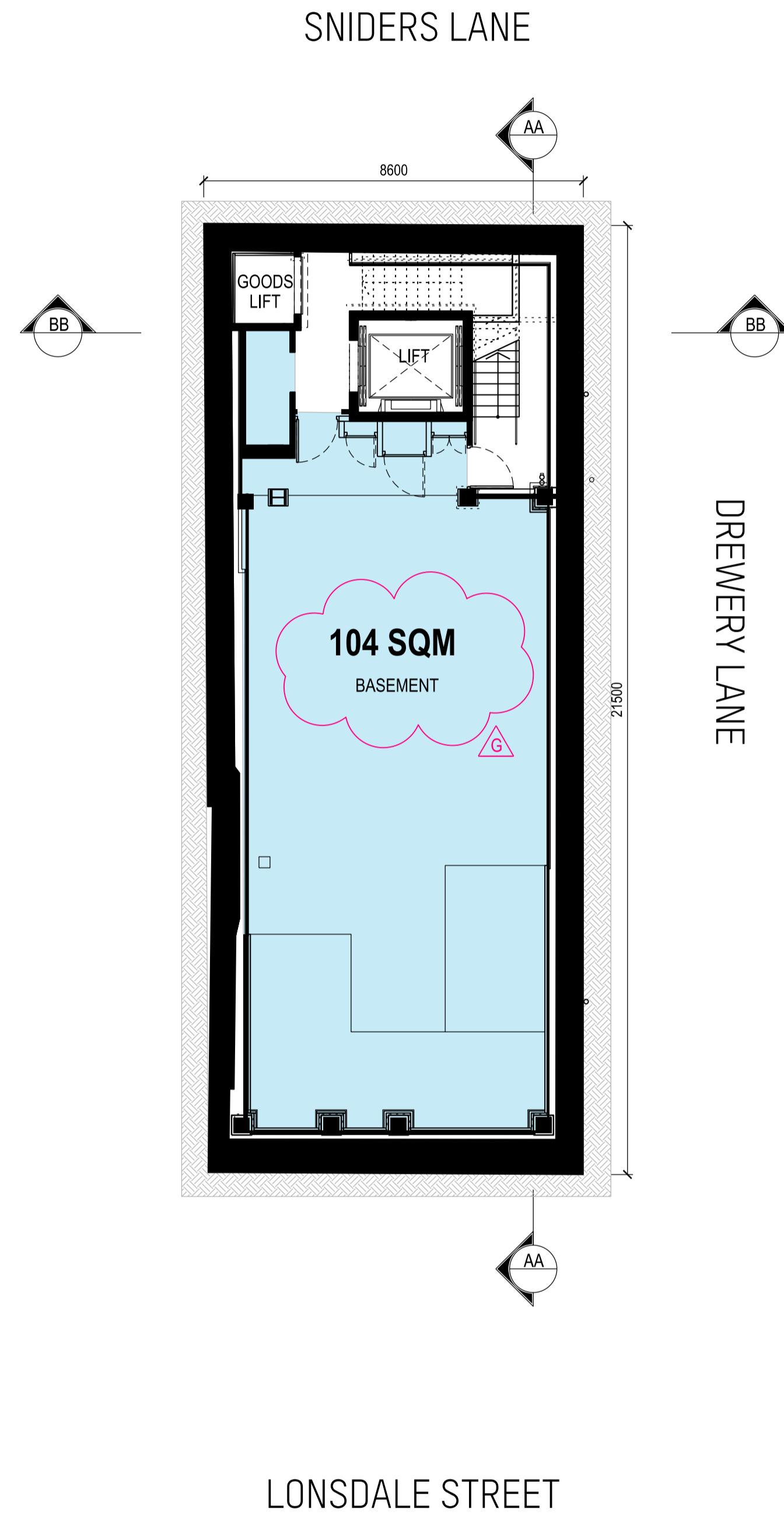
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01 BASEMENT LEVEL

02 GROUND LEVEL

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A	01.12.2016	Indicative Internal Layout Removed (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFI
D	10.04.2019	ISSUED FOR SECONDARY CONSENT RFI
E	30.05.2019	ISSUED FOR SECONDARY CONSENT RFI
F	14.05.2019	ISSUED FOR SECONDARY CONSENT RFI
G	24.02.2020	ISSUED FOR SECONDARY CONSENT; REVISED CANOPY
H	28.05.2020	ISSUED FOR APPROVAL; EXTERNAL KERB WORKS

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PROJECT
**PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC**

DRAWING TITLE
BASEMENT & GROUND LEVEL

DATE
05.08.16

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STATUS
TOWN PLANNING

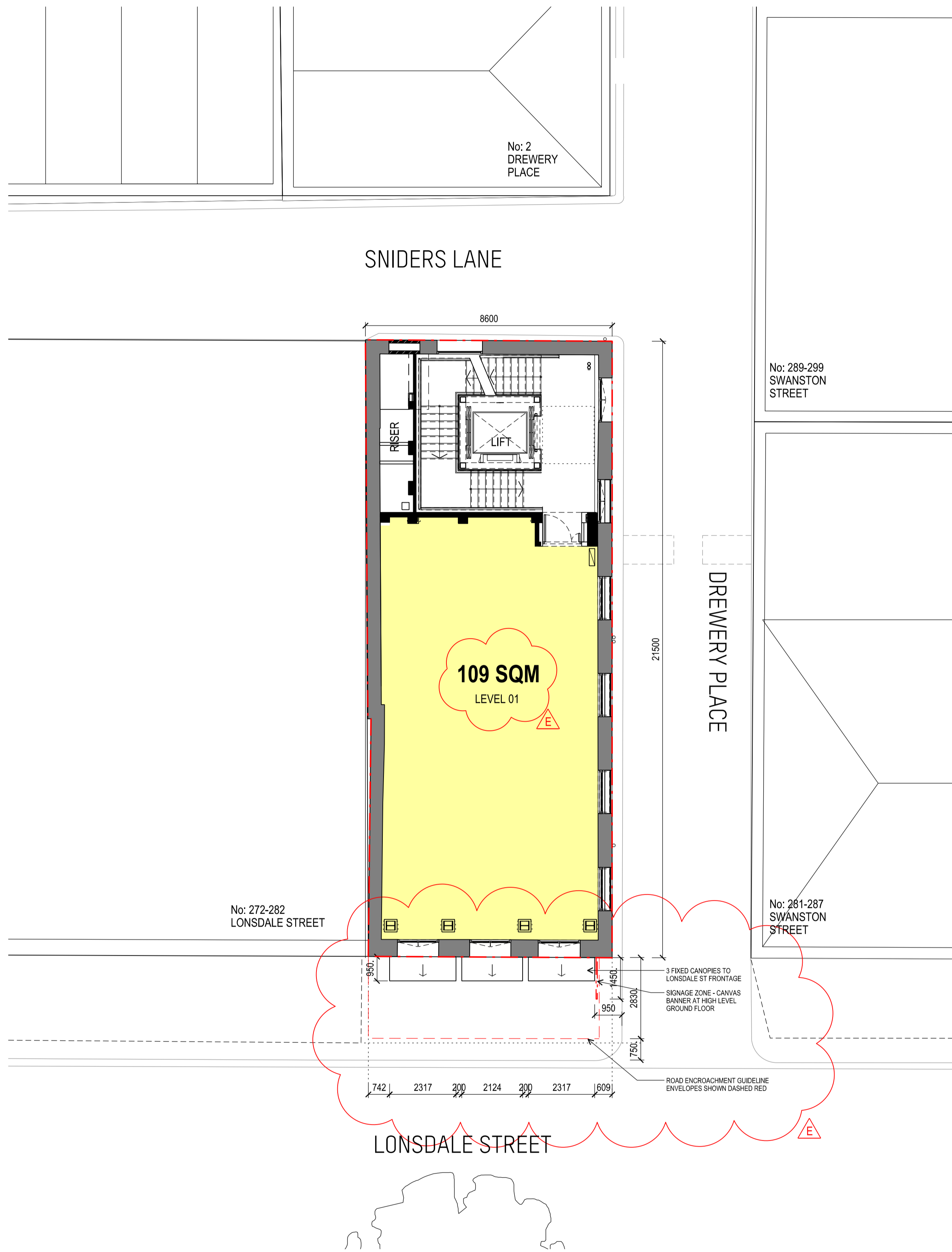
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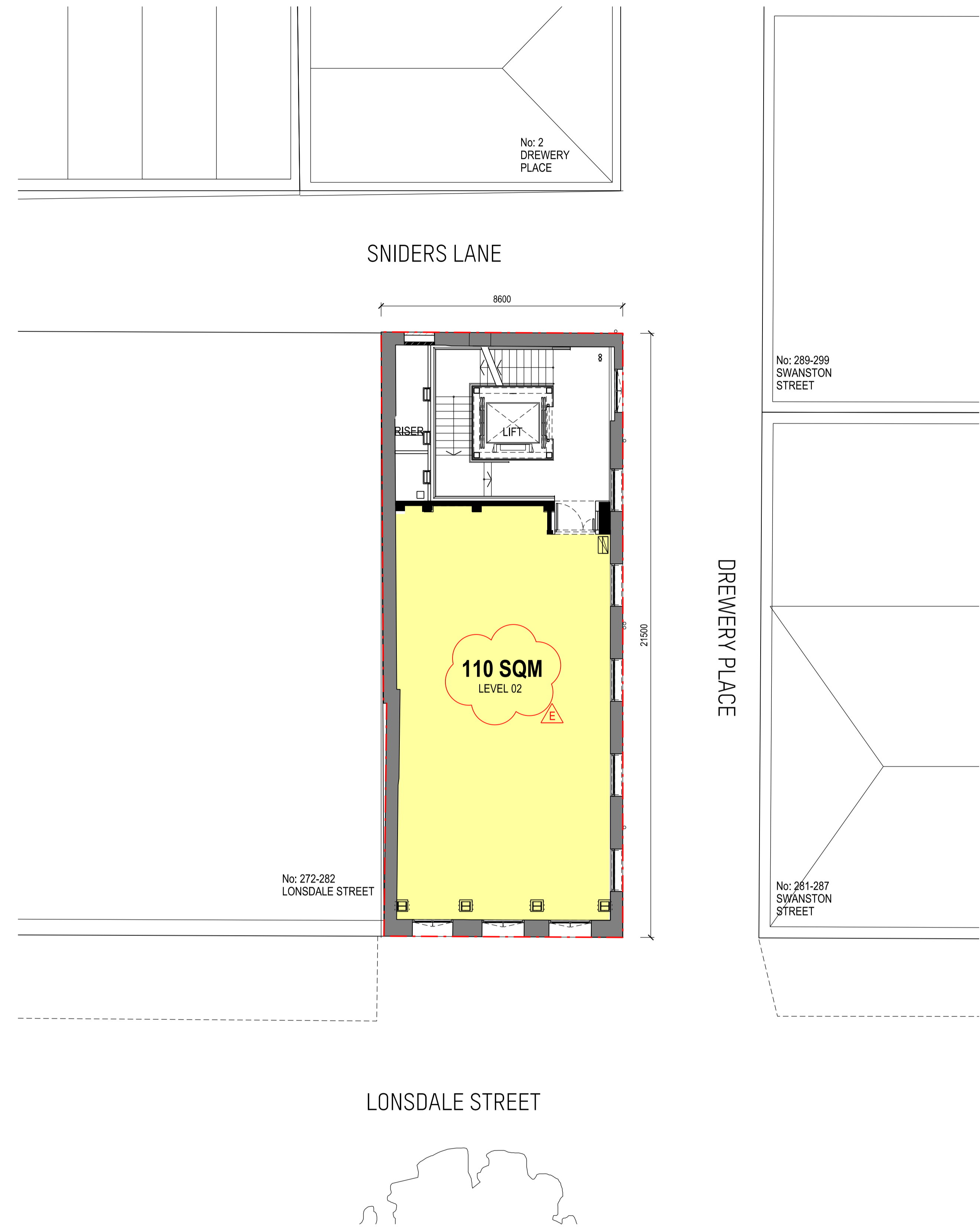
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01 FIRST LEVEL



02 SECOND LEVEL

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REV	DATE	DESCRIPTION
A	01.12.2016	Canopy Notes & Layout Removed (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFI
D	31.05.2019	ISSUED FOR SECONDARY CONSENT RFI
E	24.02.2020	ISSUED FOR SECONDARY CONSENT, REVISED CANOPY

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PROJECT
**PACIFIC HOUSE
 270 LONSDALE STREET
 MELBOURNE VIC**

DRAWING TITLE
FIRST & SECOND LEVEL

DATE
05.08.16

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STATUS
TOWN PLANNING

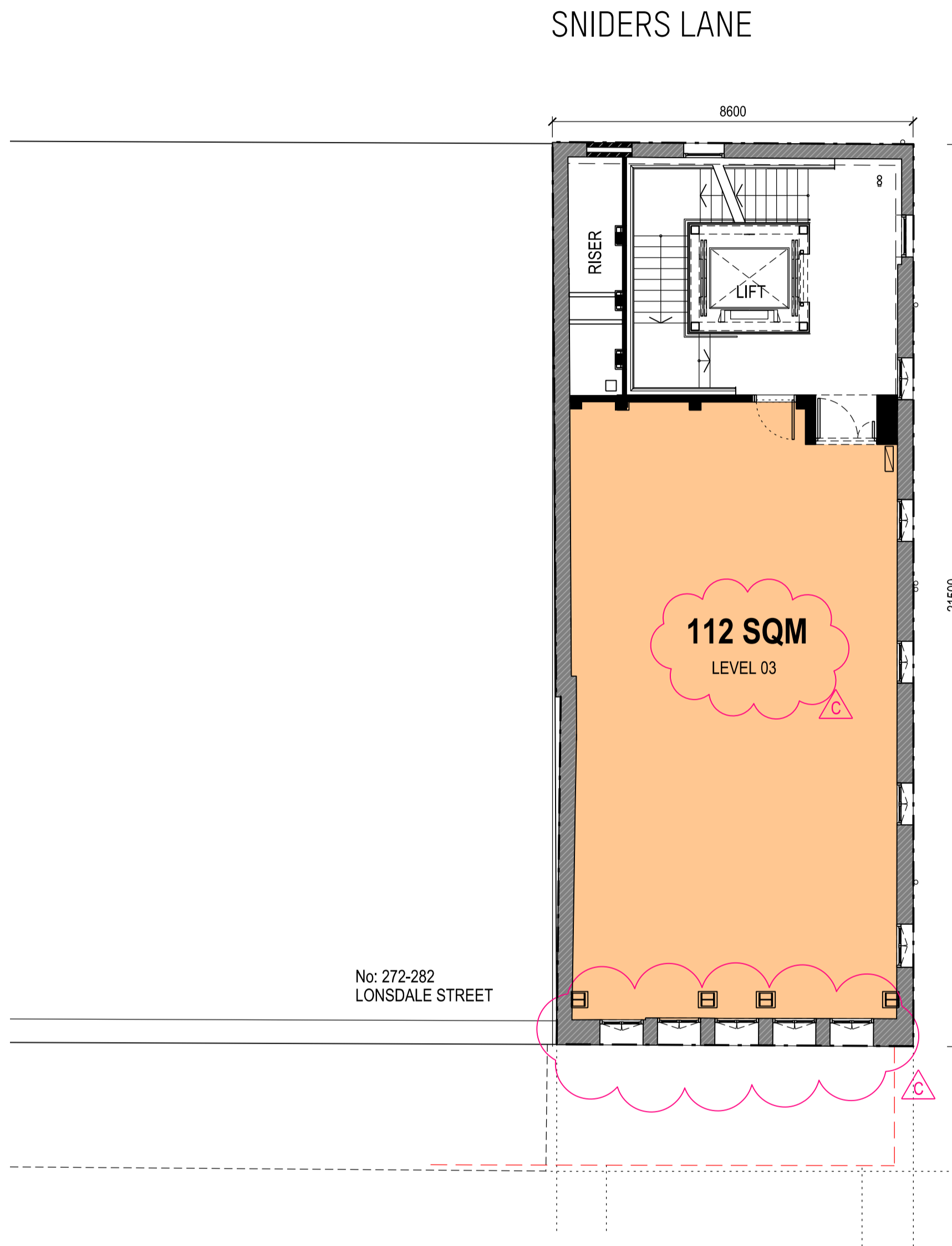
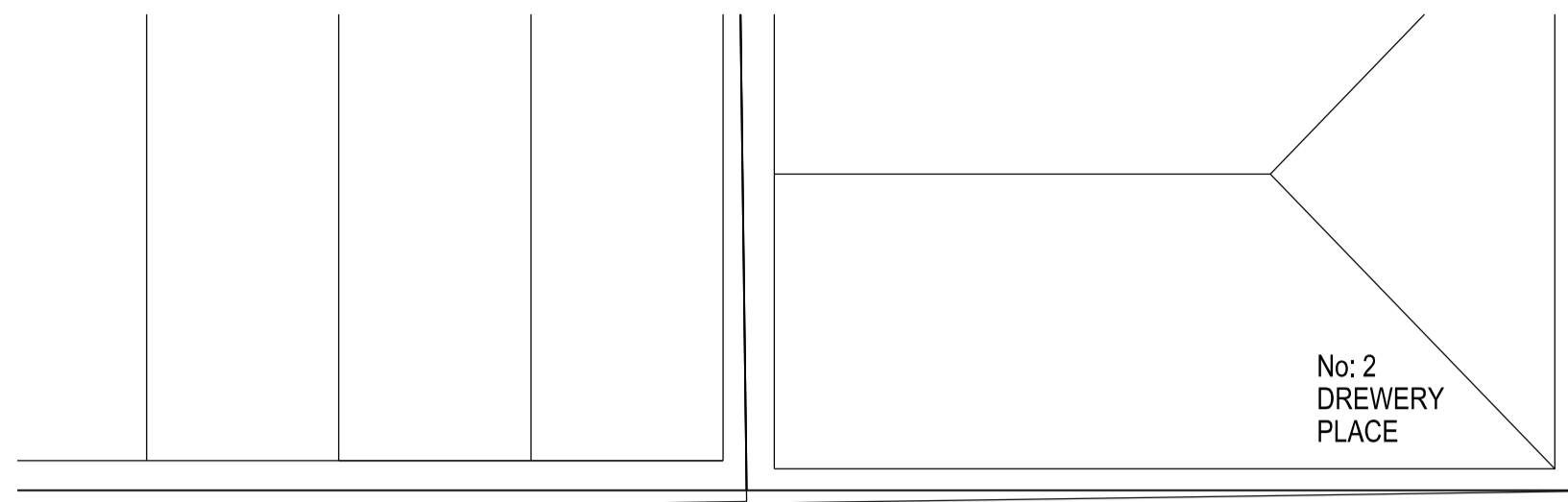
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PROJECT #
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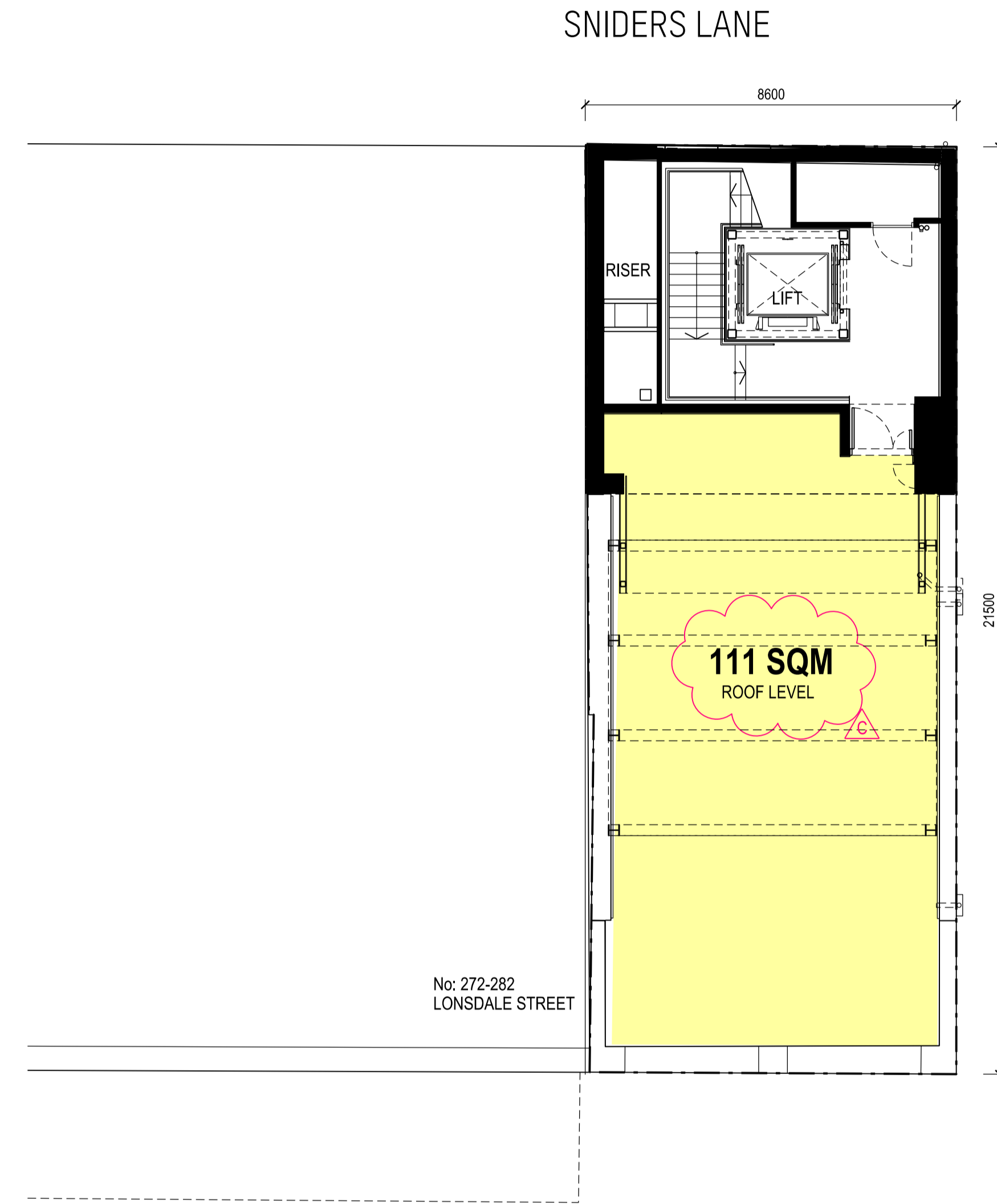
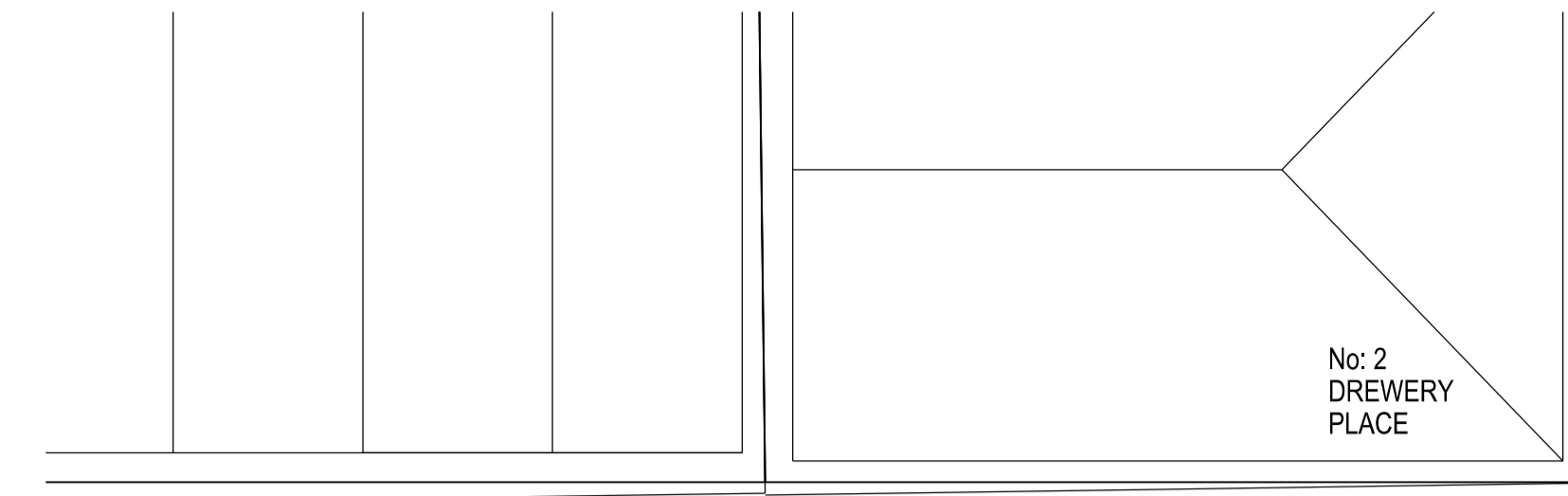
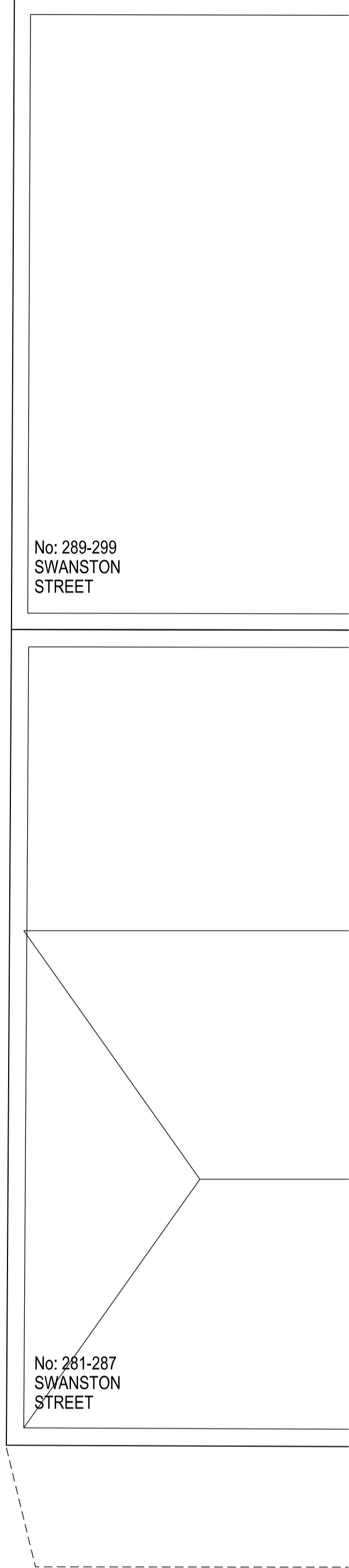
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LONSDALE STREET

01 THIRD LEVEL



LONSDALE STREET

02 FOURTH LEVEL

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REV	DATE	DESCRIPTION
A	01.12.2016	Canopy Notes & Layout Removed (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFI

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PROJECT
**PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC**

DRAWING TITLE
THIRD & FOURTH LEVEL

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05.08.16	SK	CB

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STATUS
TOWN PLANNING

DRAWING NUMBER
TP 1-102

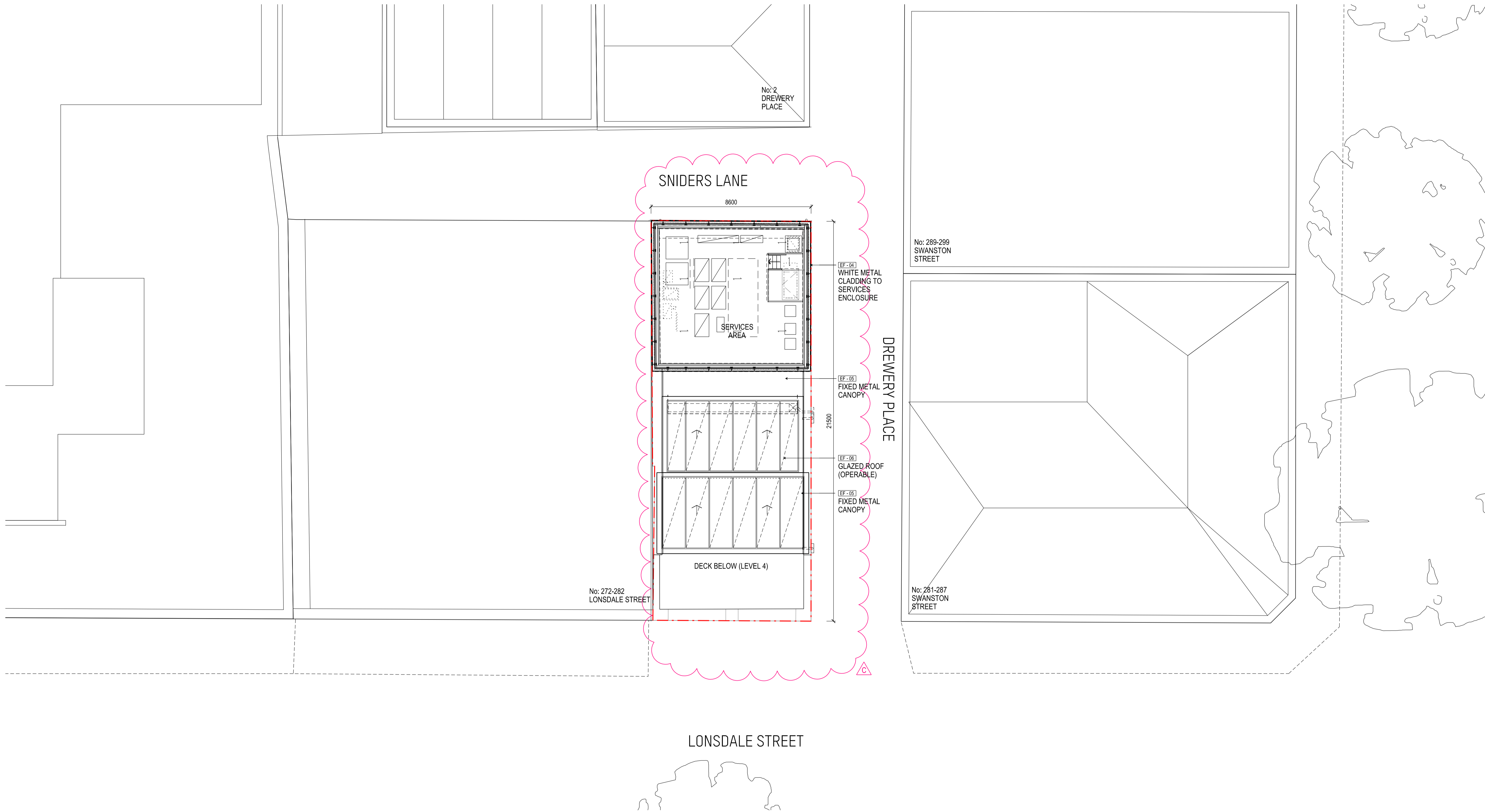
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01 ROOF LEVEL

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REV	DATE	DESCRIPTION
A	01.12.2016	Indicative Internal Layout Removed (Planning Permit Condition)
B	05.02.2019	ISSUED FOR SECONDARY CONSENT
C	24.02.2020	ISSUED FOR SECONDARY CONSENT

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PROJECT
**PACIFIC HOUSE
 270 LONSDALE STREET
 MELBOURNE VIC**

DRAWING TITLE
ROOF LEVEL

DATE
05.08.16

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APPROVED
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STATUS
TOWN PLANNING

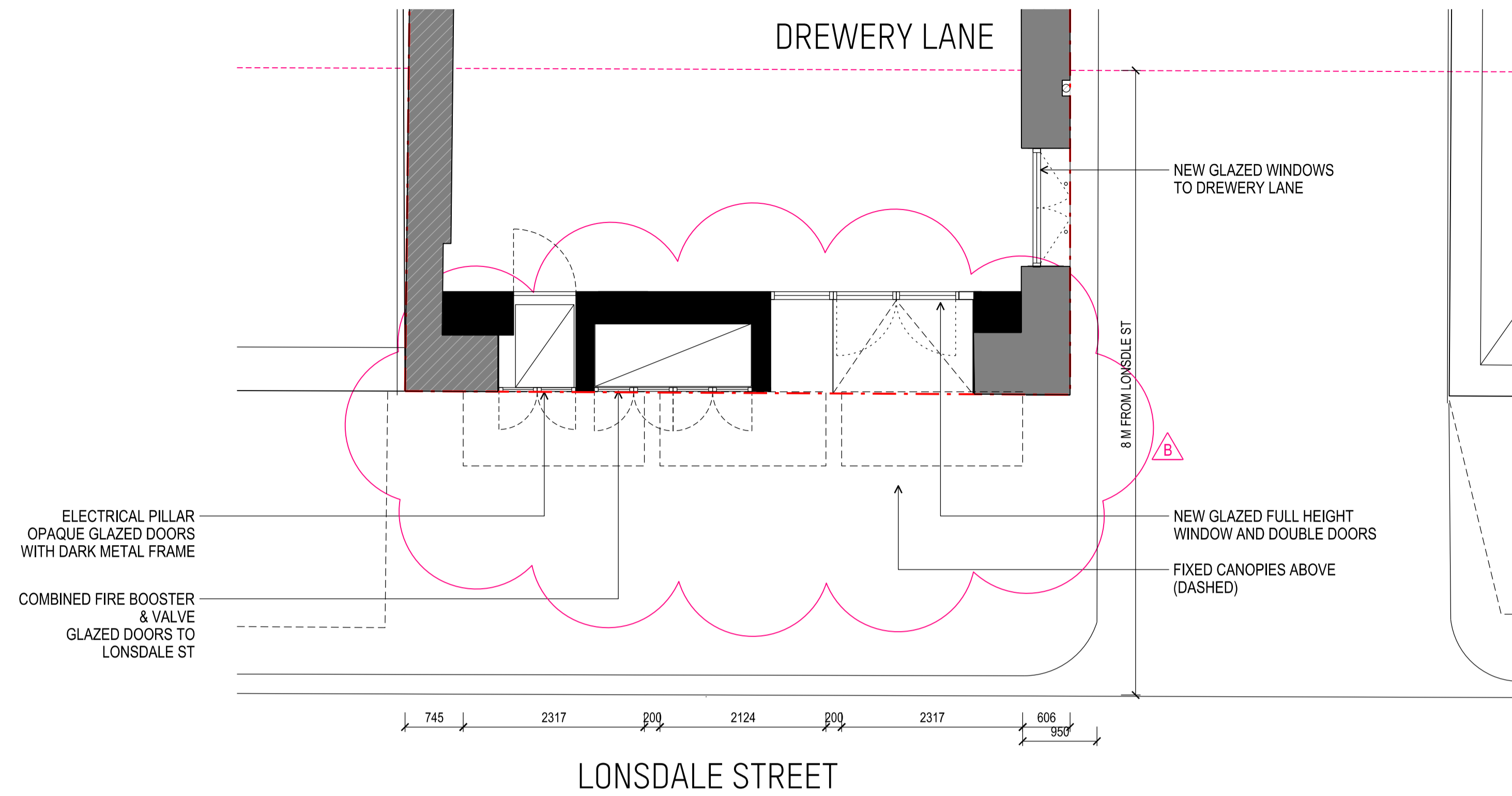
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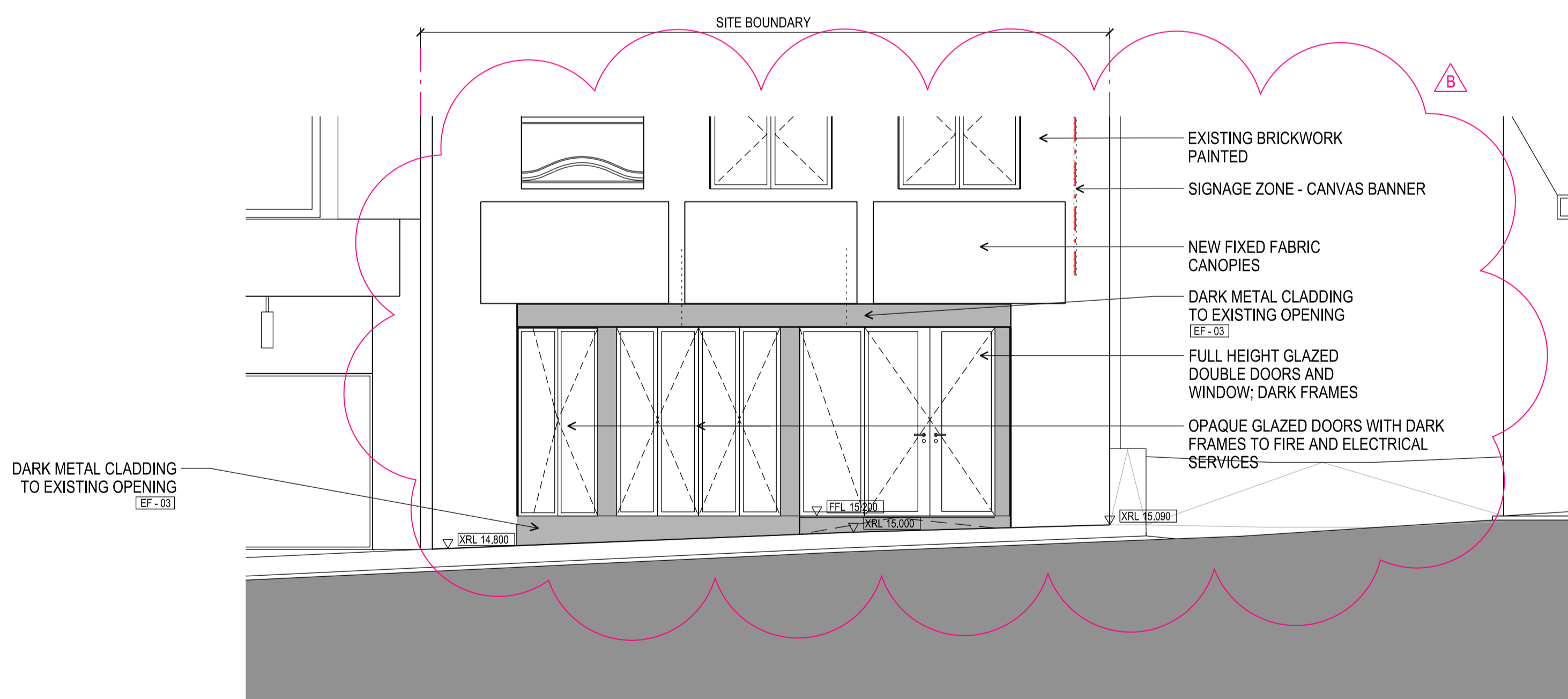
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02 GROUND LEVEL
- PLAN



02 GROUND LEVEL
- ELEVATION

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[EF-05]	DARK STEEL
[EF-06]	GLASS
[EF-07]	GALVANISED STEEL

REV	DATE	DESCRIPTION
A	31.05.2019	ISSUED FOR SECONDARY CONSENT RFI
B	24.02.2020	ISSUED FOR SECONDARY CONSENT; REVISED CANOPY

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PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE
BASEMENT & GROUND LEVEL

DATE	CHECKED	APPROVED
05.08.16	SK	CB

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STATUS
TOWN PLANNING

PROJECT #
16-028

DRAWING NUMBER
TP 1-104

REVISION
B

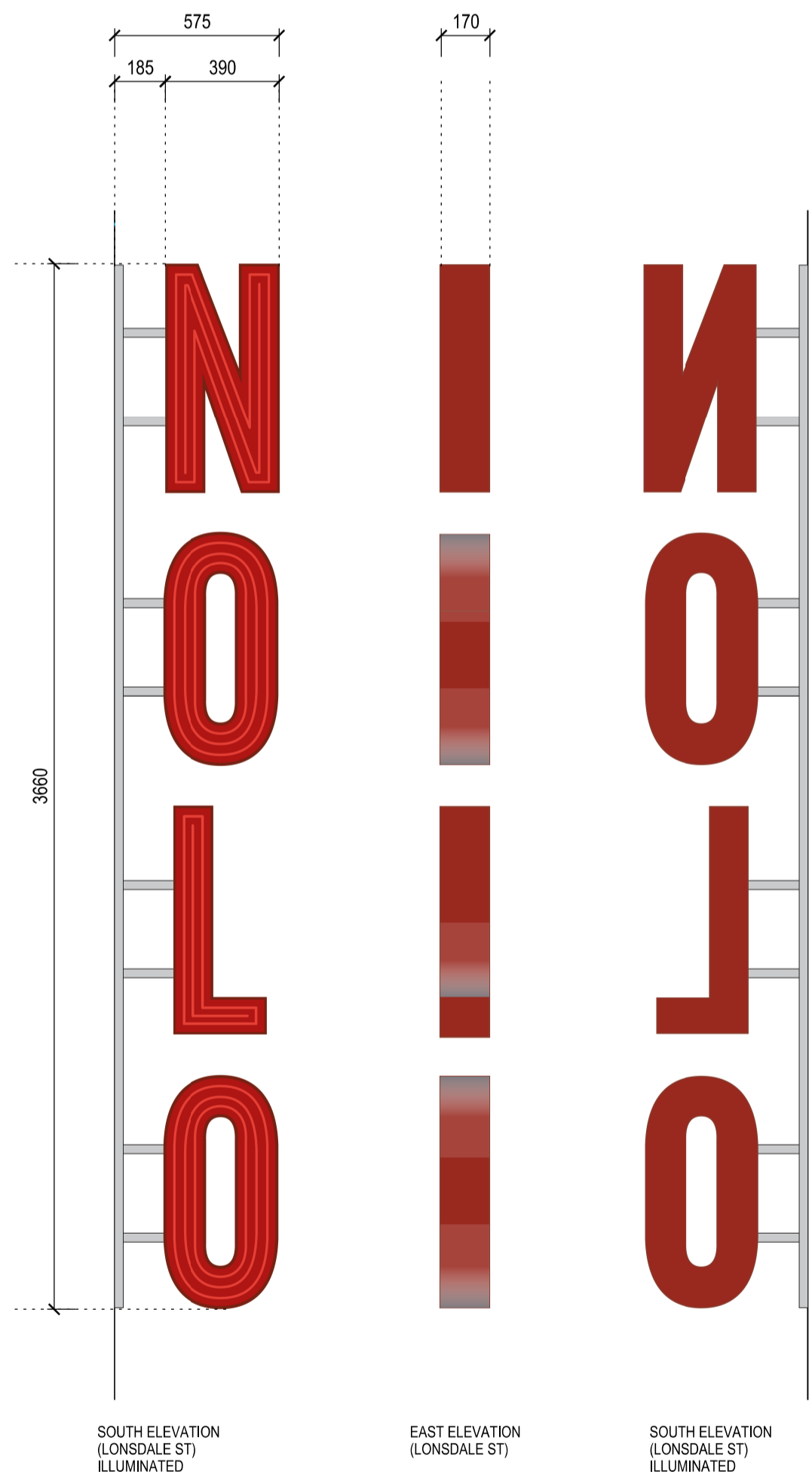
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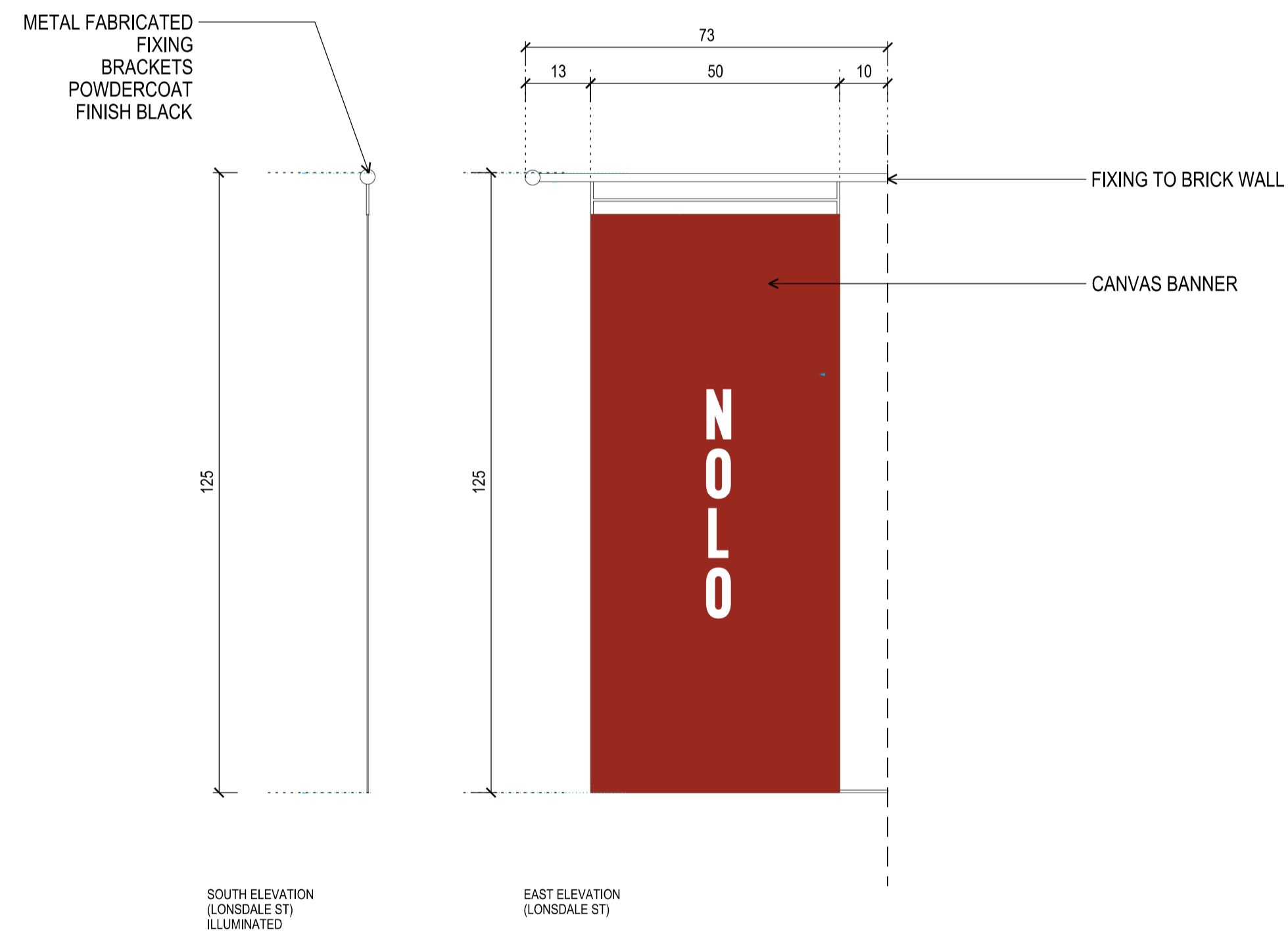


REFERENCE IMAGES:
FIXED CANVAS CANOPY
(NEW YORK)
NEON SIGNAGE
(MELBOURNE)

ILLUMINATED SIGNAGE DETAILS



BANNER SIGNAGE DETAILS



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REV	DATE	DESCRIPTION
-	15.06.2020	ISSUED FOR SECONDARY CONSENT, REVISED CANOPY

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PROJECT
**PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC**

DRAWING TITLE
SIGNAGE DETAILS

DATE	CHECKED	APPROVED
05.08.16	SK	CB

SCALE
1:100
@A1

STATUS
TOWN PLANNING

DRAWING NUMBER
TP 1-201

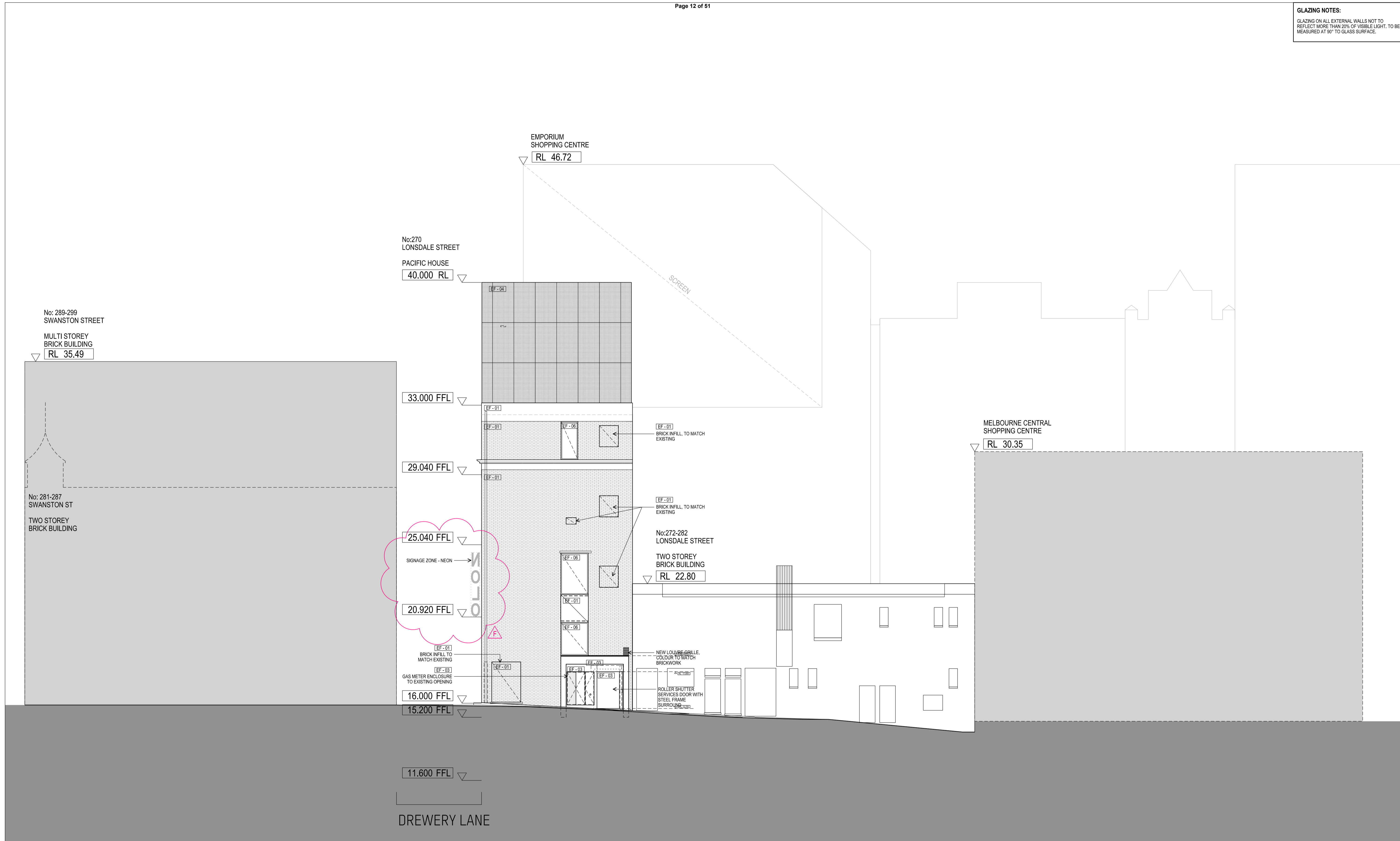
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GLAZING NOTES:
GLAZING ON ALL EXTERNAL WALLS NOT TO REFLECT MORE THAN 20% OF VISIBLE LIGHT. TO BE MEASURED AT 90° TO GLASS SURFACE.



NORTH ELEVATION

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REV	DATE	DESCRIPTION
A	10.10.2016	Fresh Air Intake Vents Added
B	01.12.2016	Glazing Notes Added (Planning Permit Condition)
C	12.11.2018	ISSUED FOR SECONDARY CONSENT
D	05.02.2019	ISSUED FOR SECONDARY CONSENT RPI
E	31.05.2019	ISSUED FOR SECONDARY CONSENT RPI
F	24.02.2020	ISSUED FOR SECONDARY CONSENT

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PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE
PROPOSED
NORTH ELEVATION - SNIDERS LANE

DATE	CHECKED	APPROVED
05.08.16	SK	CB

SCALE
1:100

0 0.5 1 2 3 5.0M

STATUS
TOWN PLANNING

DRAWING NUMBER
TP 2-100

PROJECT #
16-028

REVISION
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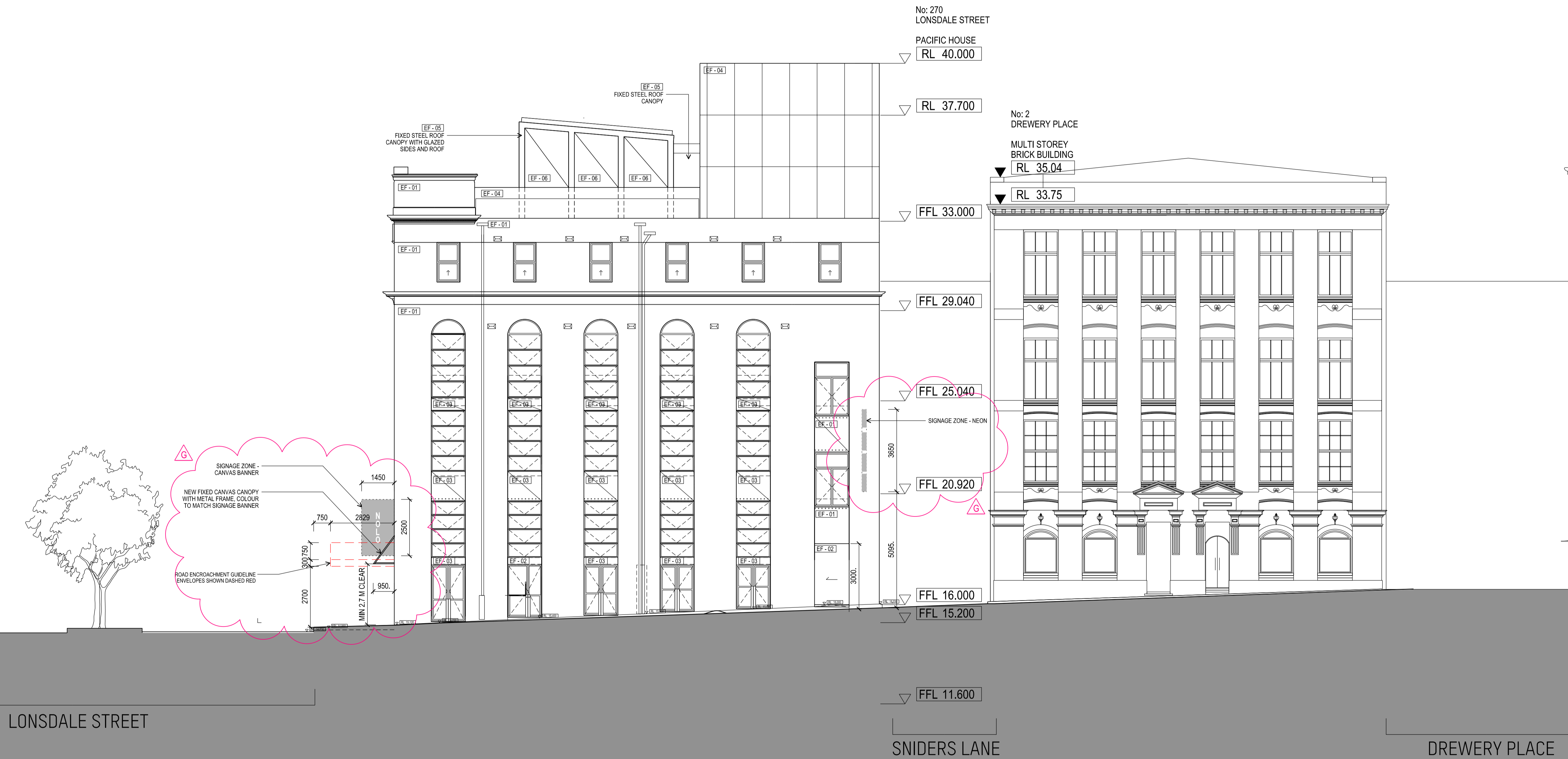
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EMPORIUM SHOPPING CENTRE
RL 46.72

No: 5-7 DREWERY LANE
MULTI STOREY BRICK BUILDING



EAST ELEVATION

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LEGEND	
EF-01	PAINTED BRICK (WHITE / LIGHT GREY)
EF-02	DARK RED METAL CLADDING
EF-03	DARK METAL CLADDING
EF-04	WHITE METAL CLADDING
EF-05	DARK STEEL
EF-06	GLASS
EF-07	GALVANISED STEEL

REV	DATE	DESCRIPTION
A	01.12.2016	Glazing & Canopy Notes Added (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFI
D	10.04.2019	ISSUED FOR SECONDARY CONSENT RFI
E	30.05.2019	ISSUED FOR SECONDARY CONSENT RFI
F	14.06.2019	ISSUED FOR SECONDARY CONSENT RFI
G	24.02.2020	ISSUED FOR SECONDARY CONSENT, REVISED CANOPY

CLIENT
HQ GROUP

PROJECT
**PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC**

DRAWING TITLE
**PROPOSED
EAST ELEVATION - DREWERY LANE**

DATE
05.08.16

CHECKED
SK

APPROVED
CB

SCALE
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STATUS
TOWN PLANNING

DRAWING NUMBER
TP 2-101

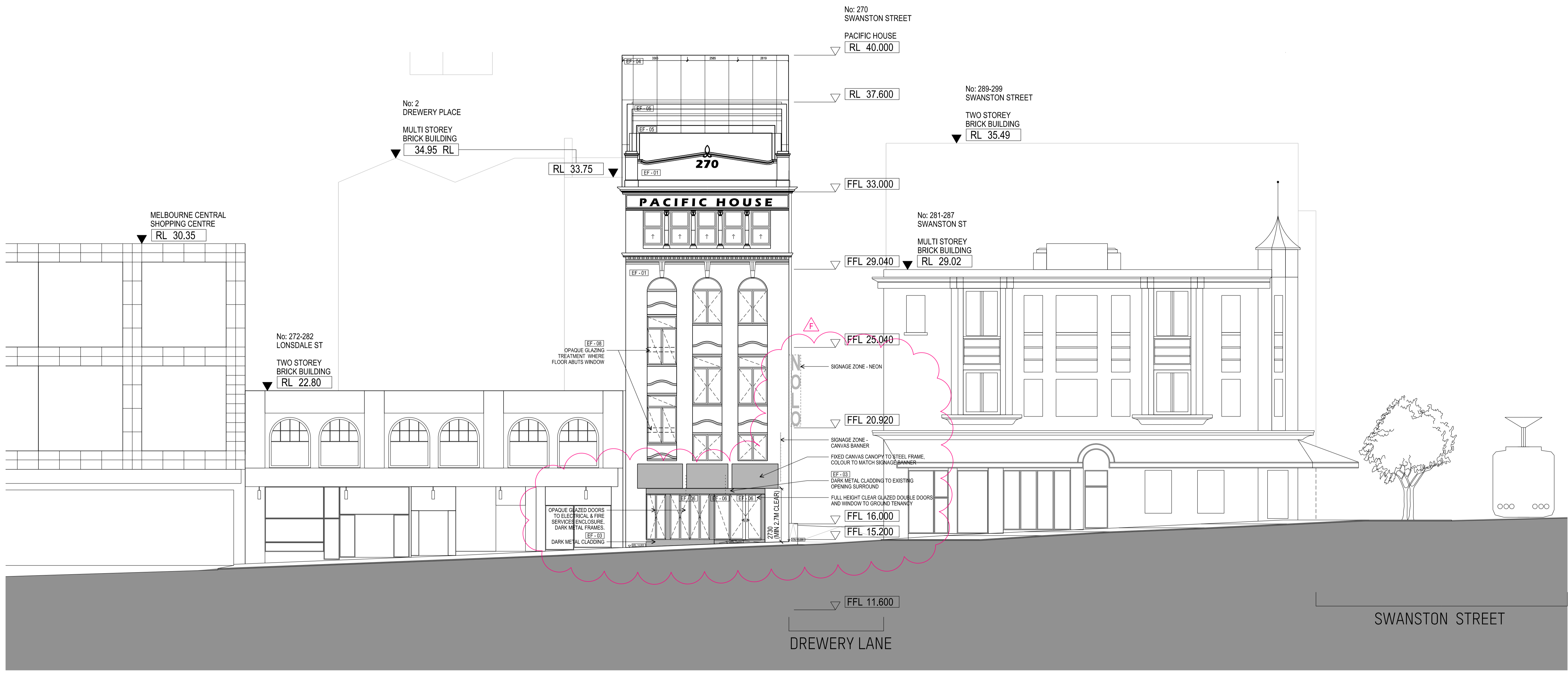
PROJECT #
16-028

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GLAZING NOTES:
 GLAZING ON ALL EXTERNAL WALLS NOT TO REFLECT MORE THAN 20% OF VISIBLE LIGHT. TO BE MEASURED AT 90° TO GLASS SURFACE.



SOUTH ELEVATION

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LEGEND

[EF-01]	PAINTED BRICK (WHITE / LIGHT GREY)
[EF-02]	DARK RED METAL CLADDING
[EF-03]	DARK METAL CLADDING
[EF-04]	WHITE METAL CLADDING
[EF-05]	DARK STEEL
[EF-06]	GLASS
[EF-07]	GALVANISED STEEL

REV

REV	DATE	DESCRIPTION
A	01.12.2016	Glazing & Canopy Notes Added (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RPI
D	10.04.2019	ISSUED FOR SECONDARY CONSENT RPI
E	31.05.2019	ISSUED FOR SECONDARY CONSENT RPI, REVISED SOUTH ELEVATION
F	24.02.2020	ISSUED FOR SECONDARY CONSENT, REVISED CANOPY

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HQ GROUP

PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE
PROPOSED SOUTH ELEVATION - LONSDALE ST.

DATE 05.08.16 **CHECKED** SK **APPROVED** CB

SCALE
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STATUS TOWN PLANNING **PROJECT #** 16-028

DRAWING NUMBER TP 2-102 **REVISION** F

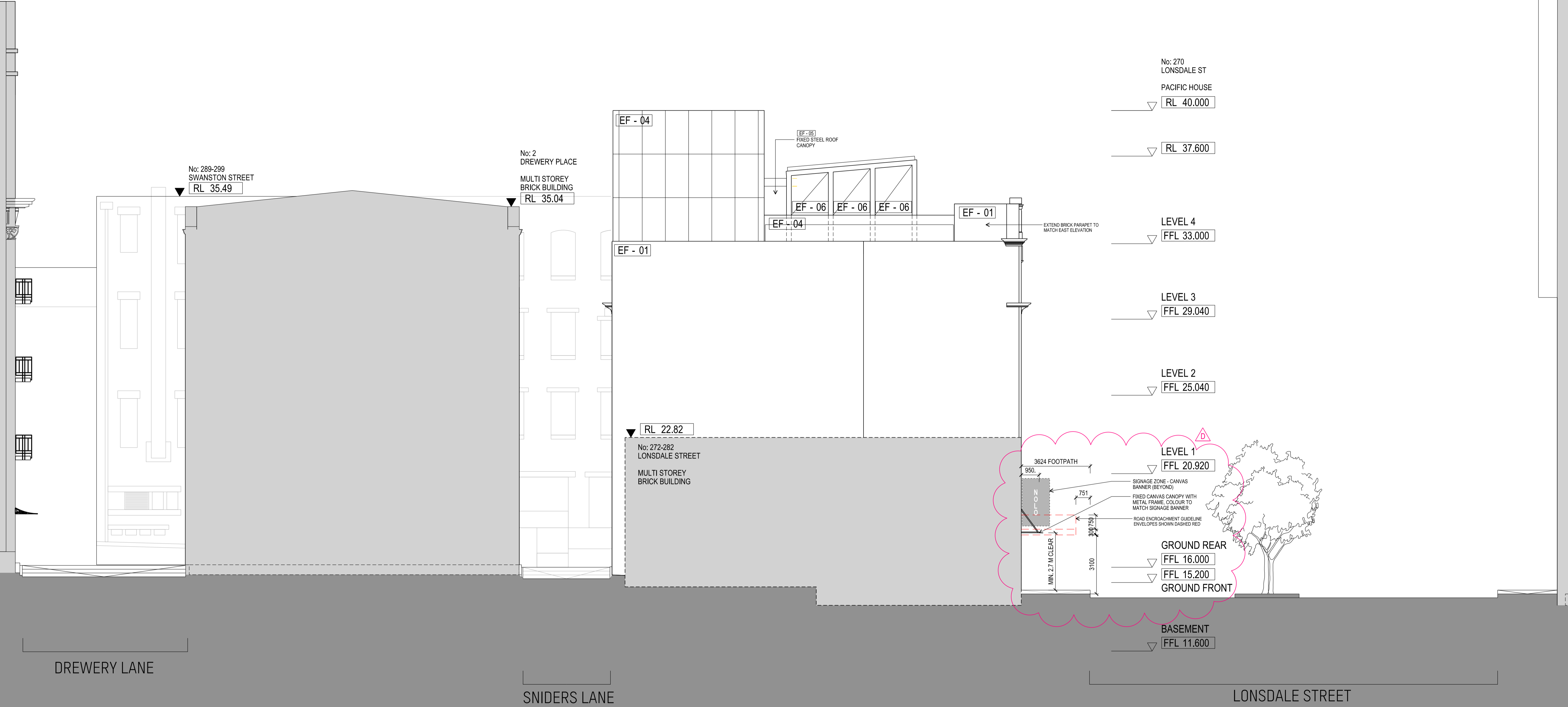
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No: 5-7
DREWERY LANE
MULTI STOREY
BRICK BUILDING

EMPORIUM
SHOPPING CENTRE
46.72 RL



00 WEST ELEVATION

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LEGEND

EF-01	PAINTED BRICK (WHITE / LIGHT GREY)
EF-02	DARK RED METAL CLADDING
EF-03	DARK METAL CLADDING
EF-04	WHITE METAL CLADDING
EF-05	DARK STEEL
EF-06	GLASS
EF-07	GALVANISED STEEL

REV

REV	DATE	DESCRIPTION
A	01.12.2016	Glazing & Canopy Notes Added (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	10.04.2019	ISSUED FOR SECONDARY CONSENT - RFI
D	24.02.2020	ISSUED FOR SECONDARY CONSENT; REVISED CANOPY

CLIENT
HQ GROUP

PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE
PROPOSED
WEST ELEVATION

DATE
05.08.16

CHECKED
SK

APPROVED
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STATUS
TOWN PLANNING

DRAWING NUMBER
TP 2-103

PROJECT #
16-028

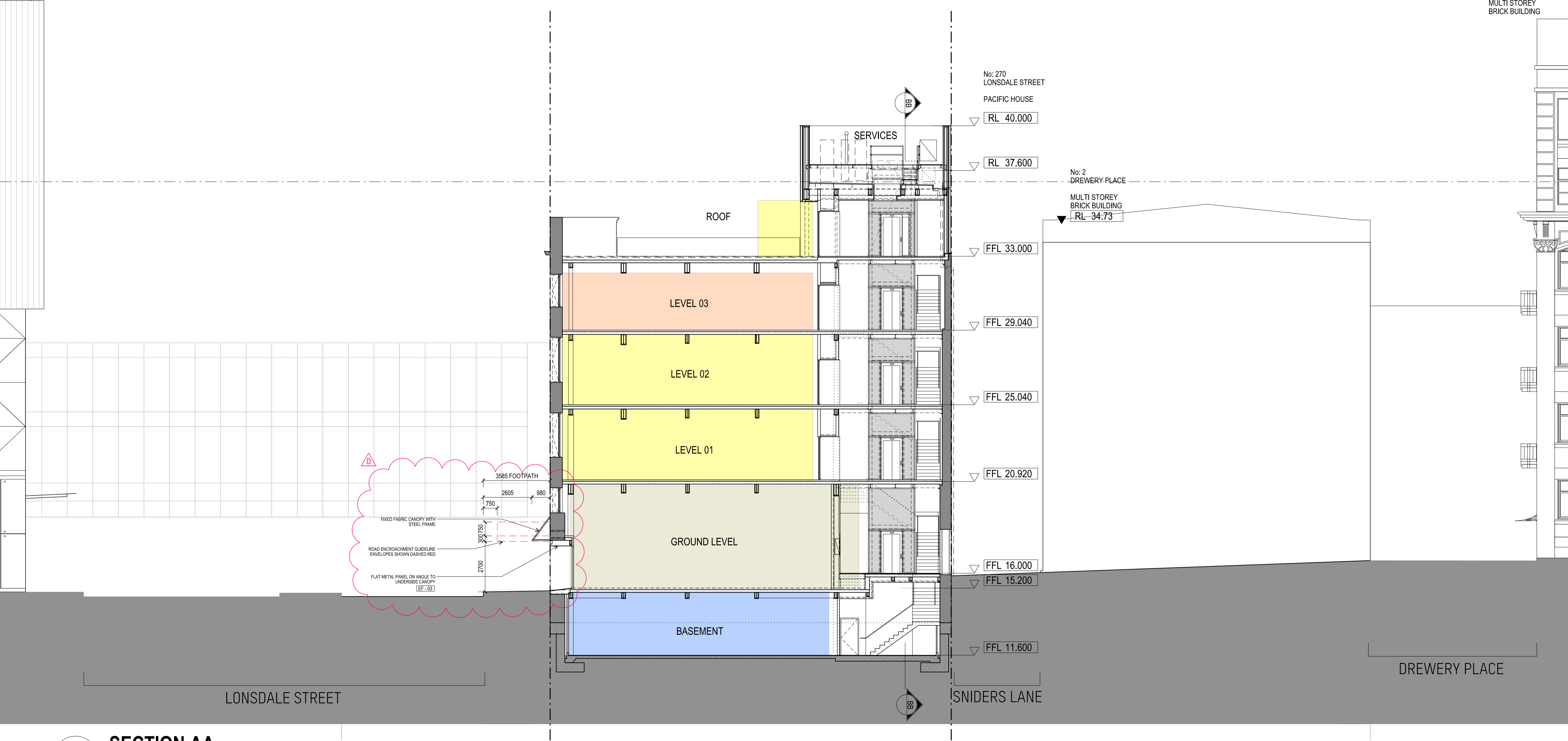
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EMPORIUM SHOPPING CENTRE
RL 46.72

No: 5-7
DREWERY LANE
MULTI STOREY
BRICK BUILDING



AA SECTION AA

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LEGEND	
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[EF-02]	DARK RED METAL CLADDING
[EF-03]	DARK METAL CLADDING
[EF-04]	WHITE METAL CLADDING
[EF-05]	DARK STEEL
[EF-06]	GLASS
[EF-07]	GALVANISED STEEL

REV	DATE	DESCRIPTION
A	01.12.2016	Canopy Notes Added (Planning Permit Condition)
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2019	ISSUED FOR SECONDARY CONSENT RFI
D	24.02.2020	ISSUED FOR SECONDARY CONSENT; REVISED CANOPY

CLIENT
HQ GROUP

PROJECT
**PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC**

DRAWING TITLE
**PROPOSED
SECTION AA**

DATE
05.08.16

CHECKED
SK

APPROVED
CB

SCALE
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STATUS
TOWN PLANNING

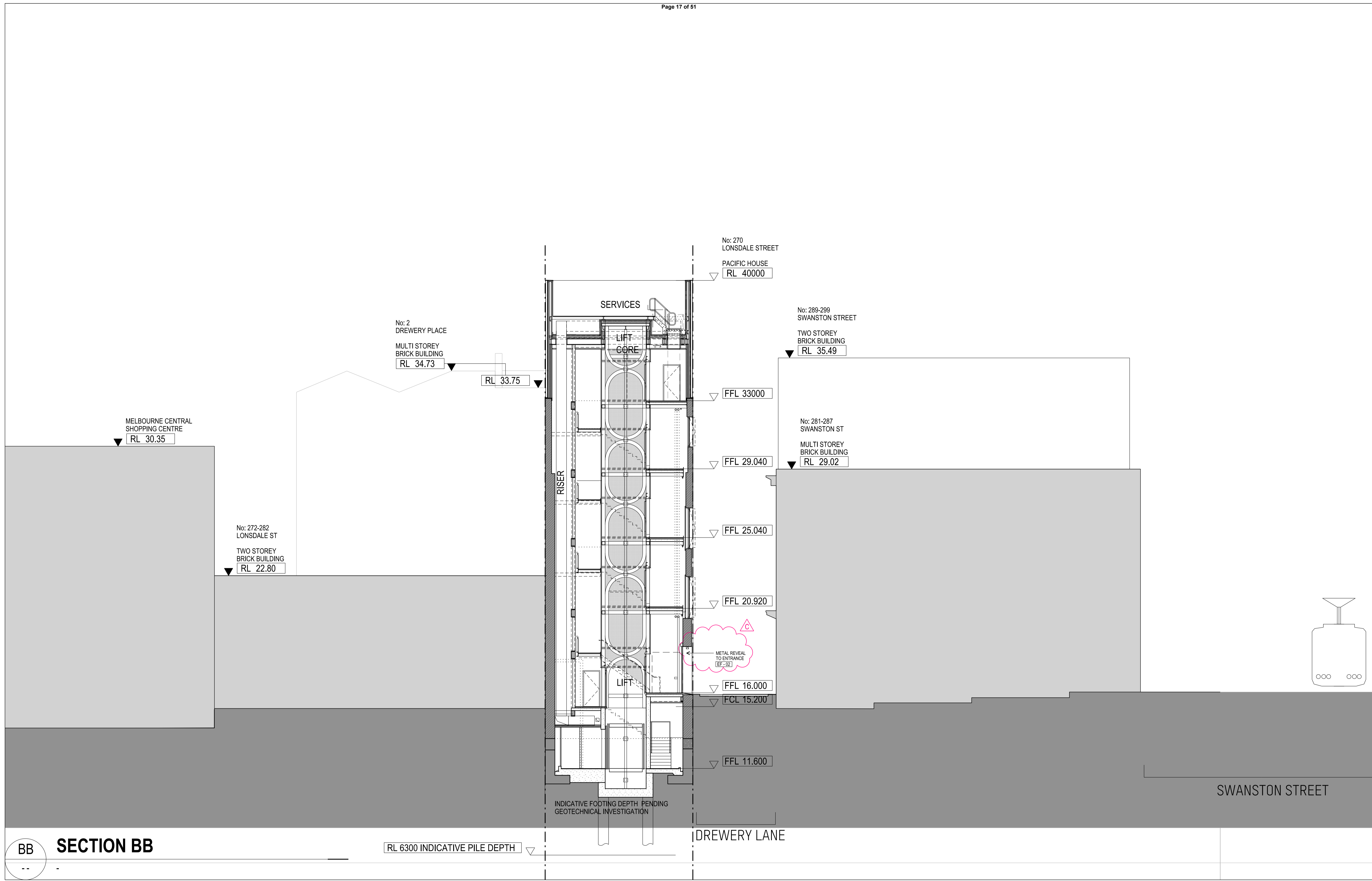
DRAWING NUMBER
TP 3-100

PROJECT #
16-028

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BB SECTION BB

RL 6300 INDICATIVE PILE DEPTH

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LEGEND

EF-01	PAINTED BRICK (WHITE / LIGHT GREY)
EF-02	DARK RED METAL CLADDING
EF-03	DARK METAL CLADDING
EF-04	WHITE METAL CLADDING
EF-05	DARK STEEL
EF-06	GLASS
EF-07	GALVANISED STEEL

REV	DATE	DESCRIPTION
A	10.10.16	LIFT OVERRULN RL AND INDICATIVE FOOTINGS ADDED
B	12.11.2018	ISSUED FOR SECONDARY CONSENT
C	05.02.2018	ISSUED FOR SECONDARY CONSENT RFI

CLIENT
HQ GROUP

PROJECT
PACIFIC HOUSE
270 LONSDALE STREET
MELBOURNE VIC

DRAWING TITLE
PROPOSED SECTION BB

DATE 05.08.16 **CHECKED** SK **APPROVED** CB

SCALE
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 @A1

STATUS
TOWN PLANNING

DRAWING NUMBER
TP 3-101

PROJECT #
16-028

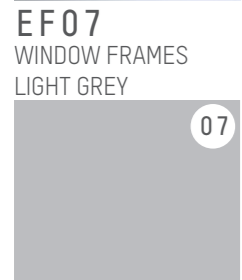
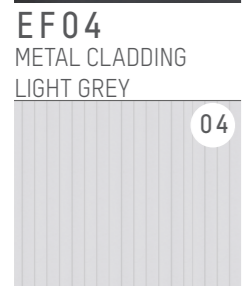
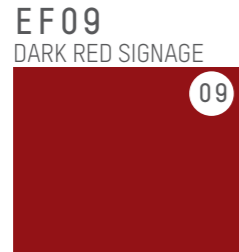
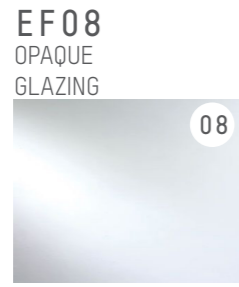
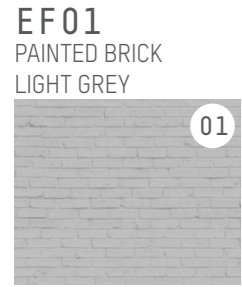
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DESIGN RESPONSE

DESIGN FEATURES + MATERIALITY

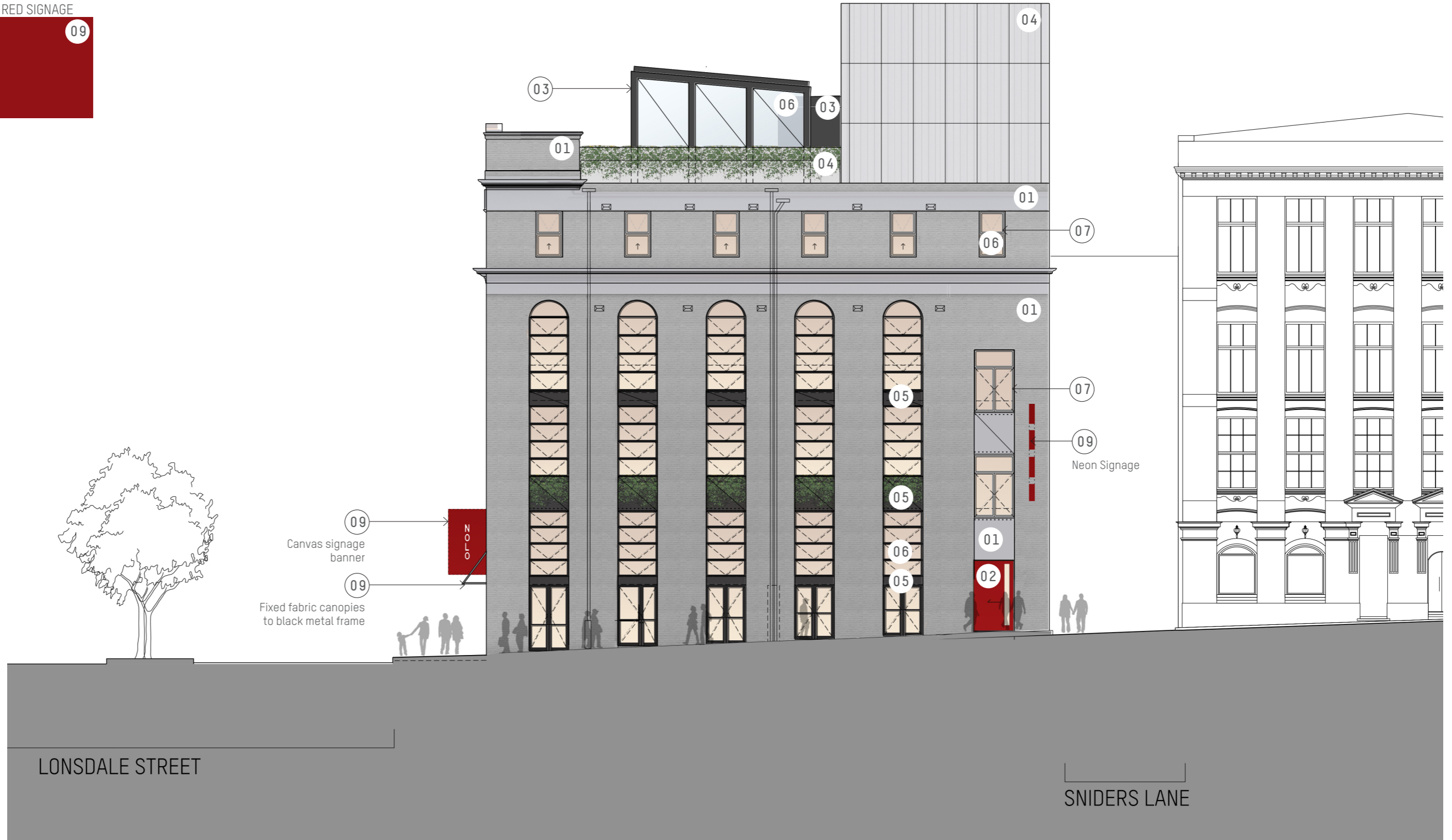
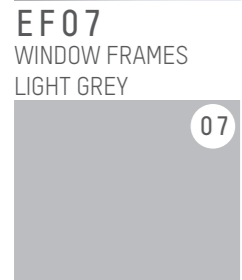
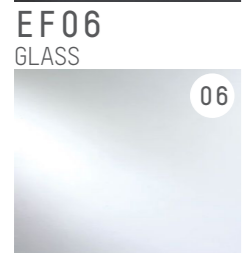
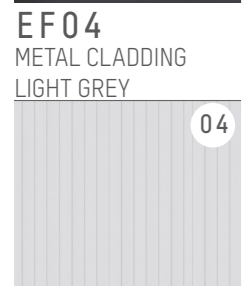
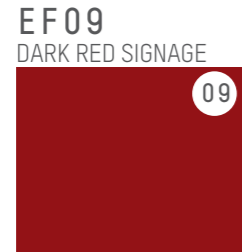
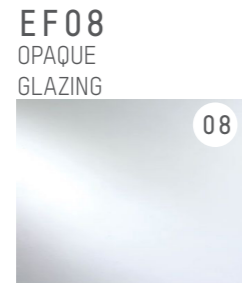
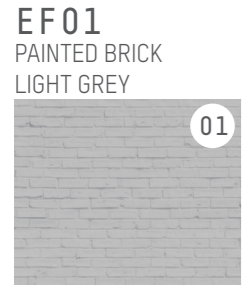


PACIFIC HOUSE

South Elevation - Lonsdale Street

DESIGN RESPONSE

DESIGN FEATURES + MATERIALITY



DELEGATE REPORT

APPLICATION TO AMEND A PLANNING PERMIT

Application number:	TP-2016-669/B
Applicant:	270 Lonsdale Street PTY LTD
Owner:	270 Lonsdale Street PTY LTD
Address:	268-270 Lonsdale Street, MELBOURNE VIC 3000
268-270 Lonsdale Street Proposal:	Amending the description of what the permit allows to authorise use of the land for a Bar and amending the plans endorsed under the permit to reflect the use.
Difference in Cost of works:	\$0
Date of application:	12 December 2019
Responsible officer:	Ryan Cottrell, Senior Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 The Site

This amended permit application relates to the land known as:

- 268-270 Lonsdale Street Melbourne (the Site) and / or
- Lot 1 on Title Plan 372154 F (Volume 4829 / Folio 638) (the Site).

The Site is located on the north side of Lonsdale Street, approximately 25 metres west from the intersection of Lonsdale Street and Swanston Street, Melbourne (Figure 1).

The Site is rectangular, has a Lonsdale Street frontage (south boundary) that measures 8.15 metres, a Drewery Lane interface (east boundary) that measures 21.42 metres, and a Sniders Lane interface (north boundary) that measures 8.62 metres.

The Site is presently developed with a five storey cement rendered brick building of the Edwardian architectural period (Figure 2). The City of Melbourne's Central City Heritage Review Study 1993 affords the Site a 'C' grading. The Site was not included in the City of Melbourne's latest heritage review study that was approved under Melbourne Planning Scheme Amendment C258 which introduced updated heritage inventories.

It should be noted that the Site is not affected by a Heritage Overlay.

Figure 1 – Locality map



Figure 2 – The Site (street view)



1.2 Surrounds

The immediate surrounds contain a mix of uses including retail, food and drink premises, and residential. The built form in the immediate surrounds contains a range of historic and contemporary buildings ranging between two and seven storeys (Figure 3).

Figure 3 – The Site and surrounding properties to the north



A description of the neighbouring properties is as follows (Table 1):

Table 1 – Description of surrounding properties	
Heading	Description
North	<ul style="list-style-type: none"> ▪ Across Sniders Lane to the north, at 2-20 Drewery Place, is a four storey late Victoria period building that contains office and nightclub land uses. <ul style="list-style-type: none"> ○ This site contains a nightclub that operates from 6pm to 4am Friday and 8pm to 4am Saturday (closed during current Covid-19 restrictions). ▪ Across Sniders Lane to the north-west, at 22 Drewery Place, is a two storey Edwardian period warehouse building that contains retail and warehouse land uses. ▪ Further north, at 5-7 Drewery Lane, is a 7 storey residential building. This building contains windows relating to dwellings that face south towards the Site.
South	<ul style="list-style-type: none"> ▪ On the south side of Lonsdale Street, at 275 Swanston Street, is a three storey building used for a food and drink premises. ▪ On the south side of Lonsdale Street, at 287 Lonsdale Street, is the Emporium Complex. This complex predominately contains retail and food and drink premises.
East	<ul style="list-style-type: none"> ▪ Across Drewery Lane, at 281-287 Swanston Street, is a three storey brick building that contains retail, food and drink, and bar land uses. ▪ Fronting Swanston Street to the east of the Site, at 289-299 Swanston Street, is a row of two and three storey buildings that are used for retail

	at the ground level and offices above.
West	<ul style="list-style-type: none"> ▪ Adjoining the Site to the west, at 272-282 Lonsdale Street, is a two storey brick building that contains retail and food and drink premises. ▪ Further west of the Site, at 211 La Trobe Street, is the Melbourne Central Complex. This complex contains retail, food and drink, bar, office, and car parking land uses.

2 BACKGROUND AND HISTORY

2.1 Planning Application History

The following applications, listed as considered relevant to the current proposal, have previously been considered for the subject site and/or adjoining sites (Table 2):

Table 2 - Planning Application History		
TP number	Description of Proposal	Decision & Date
TP-2006-293 (281-287 Swanston Street, Melbourne)	Use first and second floor of premises as a Tavern (Karaoke Bar) for a maximum of 243 patrons to the following trading hours: 1pm to 4am the following day - seven days per week	Permit issued: 05/06/2006.
TP-2015-1138 (211 La Trobe Street, Melbourne)	Use of the existing building as a Tavern	Permit Issued: 06/04/2016.
TP-2016-669 (the Site)	Partial demolition, external alterations and additions to the existing building and associated works, waiver of the loading and unloading requirements and waiver of the bicycle facilities requirements.	Permit issued: 25/11/2016.
TP-2018-206 (Melbourne Central)	Use of the premises as an Amusement Parlour with an associated tavern and waiver of the bicycle parking requirements	Permit issued: 22/05/2018.
TP-2018-638 (Melbourne Central)	Change of use to a restricted recreation facility and associated buildings and works	Permit issued: 28/01/2019.
TP-2016-669/A (the Site)	Amended proposal incorporates signage into the permits and plans	Amended Permit issued: 27/12/2019.
TP-2020-274 (54- 62 Bourke Street, Melbourne)	Demolition of existing buildings, construction of a new building, use of the land as a hotel and reduction of bicycle parking requirements.	Permit issued: 11/01/2021.

Planning permit TP-2020-274 is relevant as the City of Melbourne resolved to issue a planning permit for a use that included liquor within the CBD. In determining to issue this permit, it was considered appropriate to limit the proposal to 1am rather than the 3am which the applicant applied for. The reasons for this were:

- The use sought permission for a Hotel (similar to a bar however allows the sale of liquor for consumption off the premises).
- The application originally applied to contain 957 patrons. This was later reduced to 673.
- The proposal contained outdoor areas, although with a closable glazed roof.
- The site is in close proximity to numerous residential apartments.

2.2 History of the Permit

Planning permit TP-2016-669 was issued on 25 November 2016 for:

Partial demolition, external alterations, and additions to the existing building and associated works, waiver of the loading and unloading requirements and waiver of the bicycle facilities requirements.

Plans were endorsed on 12 December 2016. This approval allowed a new addition on part of the Site that is 7m above the finished floor level of the rooftop which is to be used as a restaurant space. The rooftop floor contains a canopy with glazed sides and a glazed roof (Figure 4 and 5). This development is nearing completion.

The plans were later amended on 17 June 2019 to show minor modifications including:

- Reduction in the overall leasable floor area.
- Relocation of the lift and stairs and alterations to the internal layout.
- Increase in the setback of the canopy from the western boundary.
- Increase in the extent of demolition – all internal walls and windows are to be demolished.
- Alterations to the rooftop canopy and associated structures, including shape and finishing materials/colours. The overall height of the addition will remain unaltered.
- Partial extension of brick parapet on the west elevation to match the east elevation.
- Changes to the facades of the building, including type of windows, materials, window/door openings and alterations to the shopfront facing Lonsdale Street (Figure 6).

Amended Planning Permit TP-2016-669/A was issued on 27 December 2019 for:

Partial demolition, external alterations, and additions to the existing building and associated works, waiver of the bicycle facilities requirements and the erection and display of internally illuminated business identification signage in accordance with the endorsed plans.

This amendment introduced signage to be permitted on the land and removed the loading requirements of the permit which no longer applied as they were removed from the Melbourne Planning Scheme.

Plans were not endorsed as information relating to the canopy and signage had not been provided to the actioning officer's satisfaction. These matters are captured by Condition 1d and 1f of planning permit TP-2016-669/A (refer to section 3.2.2 of this report for further information).

Figure 4 – Approved roof top floor plan

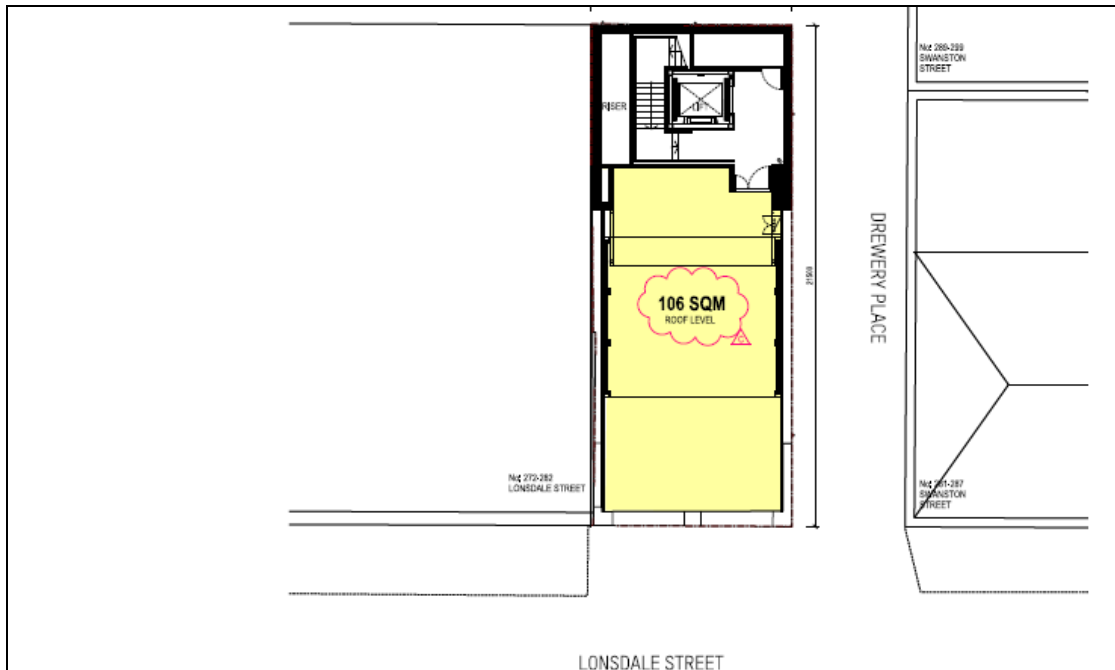


Figure 5 – Approved Drewery Lane interface / elevation

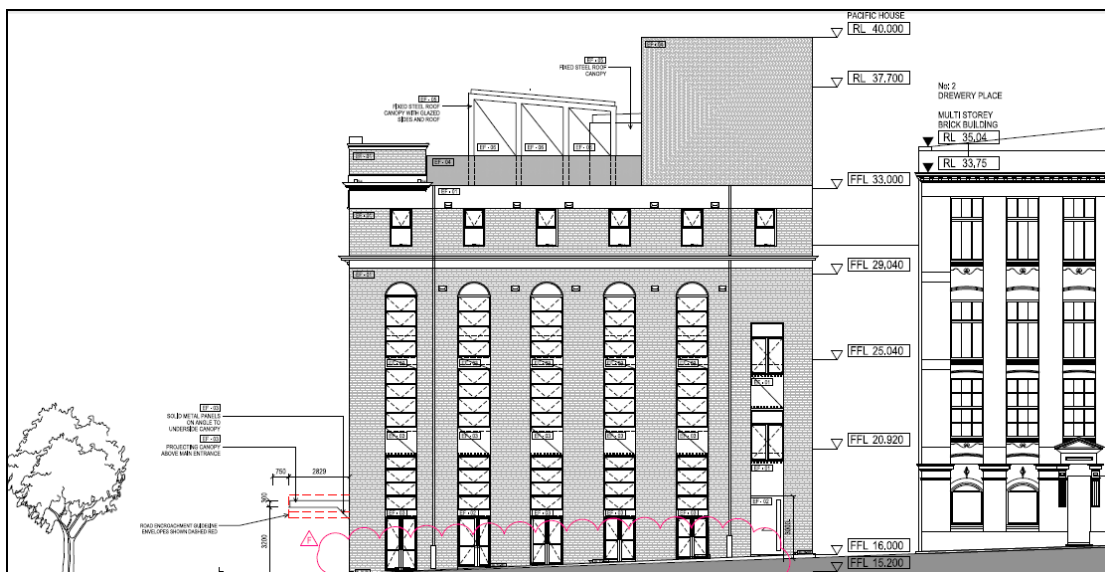
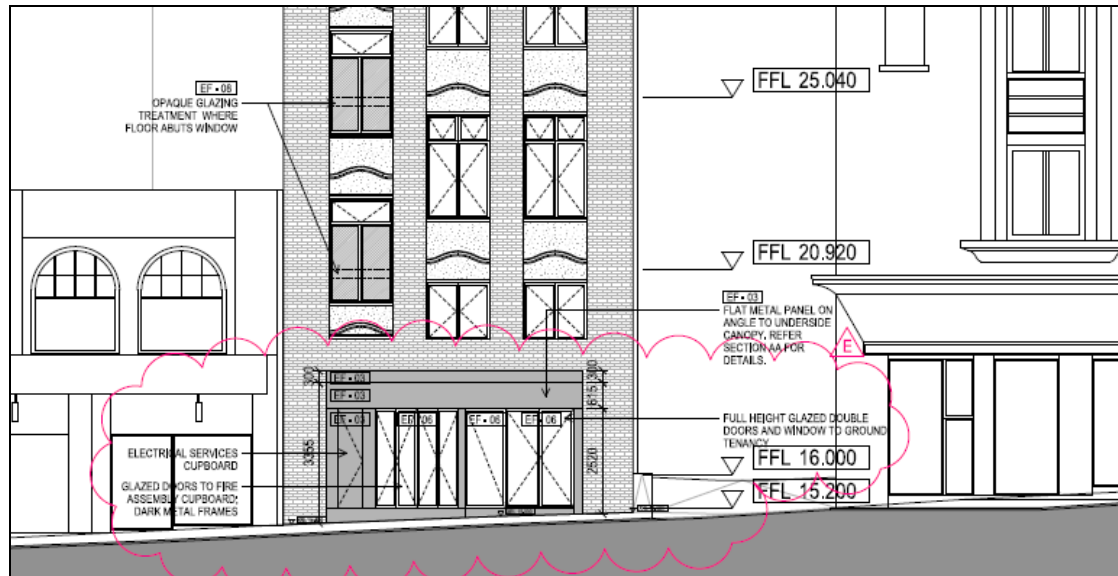


Figure 6 – Approved Lonsdale Street interface



2.3 Existing Liquor licences

The existing approved development at the Site contains restaurant / food and drink land uses which do not require a planning permit. As such, these uses and their capacity are not regulated by the Melbourne Planning Scheme or City of Melbourne.

This information however is included in the liquor licences relating to the restaurants. The following liquor licence information is relevant:

- Restaurant and Café licence No. 32341478 includes the ground and first floors of the Site, permitting a total of 114 patrons at the ground floor and 89 patrons at the first floor (total 203). This licence allows operation until 3am. This licence is currently pending approval to be varied to an on-premises licence to align with the proposed bar use.
- Restaurant and Café licence No. 32341452 includes the second and third floors of the Site, permitting a total of 122 patrons at the second floor and 58 patrons at the third floor (total 180). This licence allows operation until 3am
- Restaurant and Café licence No. 32341460 includes the rooftop floor of the Site, permitting a total of 125 patrons. This licence allows operation until 1am. This licence is currently pending approval to be varied to an on-premises licence to align with the proposed bar use.

The existing liquor licences at the Site allow for a total of 508 patrons across all the levels.

2.4 Updated Reports

Upon completing notice of the application, the officer assessment of the submission material found that there should be two separate venue management plans provided seeing as the application relates to two separate bars as well as a venue management plan for the entire building. The assessment also found the recommendations in the acoustic assessments for both venues to be lacking in clear recommendations.

The applicant was advised that two separate venue management plans and updated acoustic assessments with clear findings and recommendations were required to assist planning officers to make a considered decision.

The applicant provided the requested documents on 19 March 2021. These reports are referred to at Section 3 of this report at Table 3.

3 PROPOSAL

3.1 Plans / Reports considered in assessment

The plans and reports which have been considered in this assessment are identified in Table 3 below:

Table 3 - Plans / Reports considered in assessment		
Plan / Report Title	Drawing/ Report No.	Date Stamped / dated
Copy of Title	Volume 04811, Folio 028.	12/12/2019
Planning Report	ProUrban Advisory Planning Management	20/03/2020
Response to RFI Letter	ProUrban Advisory Planning Management	20/03/2020
Development Plans (provided as a response to the City of Melbourne's request for further information.	TP0-001, TP0-100, TP1-100, TP1-101, TP1-102, TP1-103, TP1-104, TP1-201, TP2-100, TP2-101, TP2-102, TP2-103, TP3-100, and TP3-101.	05/08/2016
Venue Management Plan	HQ Group – Sniders and Abraham's Building – Plan of Management (updated on 19 March 2021 to be referred to as HQ Group – Pacific House Building – Plan of Management)	Not dated.
Upper level Venue Management Plan	HQ Group – Second Floor and Third Floor – Plan of Management	Not dated.
Lower level Venue Management Plan	HQ Group – Ground Floor and First Floor – Plan of Management	Not dated.
Building Surveyors Report	Calabro Building Surveyors Pty Ltd	14/05/2019
Waste Management Plan	Leigh Design	18/03/2020
Acoustic Assessment (Ground Floor and First Floor)	Octave Acoustics	13/03/2020
Acoustic Assessment (Fourth Floor – Roof top)	Octave Acoustics	13/03/2020
Acoustic Assessment - Ground / Level 1	Octave Acoustics	25/02/2021
Acoustic Assessment - Rooftop Level / Level 4	Octave Acoustics	25/02/2021

3.2 Summary of proposal

3.2.1 Land use

The application seeks to amend the existing permit under Section 72 of the Planning and Environment Act 1987 in the following manner:

- Amending the description of what the permit allows to authorise use of the land for a Bar.
- Amending the plans endorsed under the permit to reflect the use.

The specific details are at Table 4:

Table 4 – Proposal details	
Bar 1 – Ground Floor and First Floor	
Hours	7am – 3am (except Good Friday and ANZAC Day where the use will open at 12 noon).
Floor area	221 square metres (112 square metres (Ground Floor) + 109 square metres (First Floor))
Patronage	Total of 203 patrons (114 at the Ground Floor and 89 at the First Floor).
Bar 2 – Roof top (Fourth Floor)	
Hours	7am – 1am (except Good Friday and ANZAC Day where the use will open at 12 noon).
Floor area	111 square metres.
Patronage	Total of 125 patrons.

The submitted Venue Management Plans (VMP) contain the following relevant information for both proposed bars (Table 5):

Table 5 - Management Plan	
Access	The ground level is accessed via two points; one at Lonsdale Street and one located in the centre of the Drewery Lane frontage. Levels 1-4 are accessed via a door at the northern end the Site's frontage to drewery Lane which contains stairs and an elevator.
Queuing	If one of the venues is at capacity, patrons are to be encouraged to move throughout the levels of the building while waiting to enter a specific level.
Smoking	The venue is to be a smoke free zone so that it may serve food.
Security	The venue is to employ security guards at peak hours. Guards will be employed from 5pm on Fridays and Saturdays at the level 1-4 entrance at Drewery Lane. In this instance security is to be provided for the entire building to ensure that the same security staff are aware of any potential issues, rather than individual premises security.
Drugs	The venue has a zero tolerance to drugs and other illegal activity and will call

	on Victoria Police to assist with these matters.
Noise	The proposed venues intends on providing pre-recorded and DJ mixed music from speakers. The rooftop level seeks only to provide music at background levels.
Food	Food will be available to patrons of the bars until 11pm.

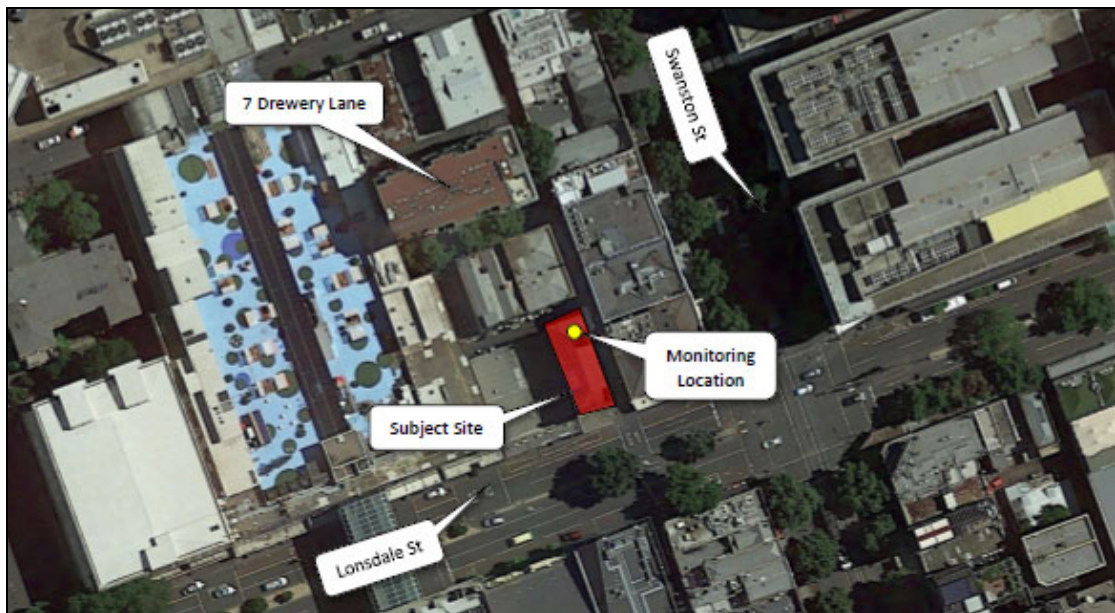
While the overall building will have centralised security, the proposal does seek approval for two separate bars. For this reason the application has provided two separate venue management plans as well as an overall building management plan which are listed at Table 3.

The VMPs note the existing ground and first floor premises (proposed lower bar) and rooftop premises (proposed rooftop bar) have two separate Restaurant and Café Liquor Licences that are pending variation with the VCGLR. The licences are proposed to be varied to on-premises liquor licences which are the common liquor licence for a bar. The relevant liquor licence numbers are 32341478 (lower bar) and 32341452 (rooftop bar).

The submitted Acoustic Assessment (Ground Floor and First Floor) has been summarised below to assist with understanding the noise implication of the proposal:

- 5-7 Drewery Lane is identified as the most likely affected residential use in the immediate surrounds.
- Acoustic engineers attended the site on Monday 23rd of September 2019 to inspect existing conditions. Unattended noise monitoring was carried out from 23 September 2019 (Monday) to Tuesday 1 October 2019 (Tuesday). The monitor was located on the 4th storey of the building, atop the exposed slab during construction (Figure 7).
- The assessment acknowledges potential noise impacts from music, patrons, and plant (the approved development contains plant at the north side of the fourth level).
- The modelling carried out suggests that the levels of noise from the music, patrons, and plant will comply with the requirements of the *EPA State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2) and with *State Environment Protection Policy Control of Noise from Commerce, Industry and Trade No. N-1* (SEPP N-1). SEPP N-1 is subordinate legislation under the Environment Protection Act 1970 (EP Act) and compliance is mandatory when noise levels are assessed at residential properties.
- The acoustic assessment recommends that music played within the venue does not exceed 100dB.
- Music played at the venue will comply with the applicable SEPP N-2 noise limits for the day, evening and night periods. A recommendation for the installation of a tamper-proof noise limiter to the bar's sound system, to ensure compliance with SEPP N-2, has additionally been provided.
- Noise from patrons is expected to comfortably comply with best practice patron noise criteria, during both the evening and night period.
- Mechanical plant associated with the venue's operation is expected to also comfortably comply with SEPP N-1 during all periods, given the solid plant enclosure as shown in Appendix B is present (it is understood that this enclosure is already constructed on site).

Figure 7 – Noise monitoring location



The submitted Acoustic Assessment (Fourth Floor – Roof top) provides the same methodology as above however is applied to potential noise emitting from the rooftop. The findings of this assessment are similar however it is recommended by the acoustic engineers that only background level music be played at the rooftop to ensure compliance with the noise relevant legislation.

The updated acoustic assessments contain the following recommendations (Table 6):

Table 6 – Updated acoustic assessment recommendations	
Report	Recommendations
Acoustic Assessment - Ground / Level 1	<ul style="list-style-type: none"> ▪ Results of analysis show that music played within both levels of the Venue is expected to comply with SEPP N-2 at the potentially most affected residential receivers, providing that music played within the Venue does not exceed 100dB(A). ▪ In order to ensure compliance with SEPP N-2 during all periods in a robust manner, it is recommended that an octave band noise limiter be installed to the sound system of the bar. The limiter shall be fitted with a feedback loop microphone that monitors music noise levels within the venue and facilitates automatic reduction in music noise levels should any exceedance occur. ▪ It is recommended that the music noise limiter be calibrated and commissioned by a suitable qualified acoustic engineer such that music noise levels within the bar do not exceed the background music noise levels as set out in Table 7. All music at the bar should only be played on the house sound system incorporating the stated music noise limiter. ▪ Finally, the noise limiter should be installed within a tamper proof box, or the limiter itself should be locked/password protected such that only venue management and the nominated acoustic engineer has access to the system. ▪ There are no specific further recommendations for the mitigation of noise from mechanical plant and patrons.

<p>Acoustic Assessment - Rooftop Level / Level 4</p>	<ul style="list-style-type: none"> ▪ Results of analysis show that music played at background level at the rooftop bar is expected to comply with SEPP N-2 at the potentially most affected residential receivers, providing that music played within the venue does not exceed background level (refer Table 7). ▪ In order to ensure compliance with SEPP N-2 during all periods in a robust and transparent manner, it is recommended that an octave band noise limiter be installed to the sound system of the rooftop bar. ▪ The limiter shall be fitted with a feedback loop microphone that monitors music noise levels within the bar and facilitates automatic reduction in music noise levels should any exceedance occur. ▪ It is recommended that the music noise limiter be calibrated and commissioned by a suitable qualified acoustic engineer such that music noise levels within the bar do not exceed the background music noise levels as set out in Table 7. All music at the bar should only be played on the house sound system incorporating the stated music noise limiter. ▪ Finally, the noise limiter should be installed within a tamper proof box, or the limiter itself should be locked/password protected such that only venue management and the nominated acoustic engineer has access to the system. ▪ There are no specific further recommendations for the mitigation of noise from mechanical plant and patrons.
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3.2.2 Development / endorsement of plans

In addition to amending the permit regarding land use, the application is also providing plans for endorsement that respond to the requirements of condition 1d and 1f of planning permit TP-2016-669/A which are outstanding. This condition reads:

1. *Prior to the commencement of the development hereby approved, including demolition and bulk excavation, two copies of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans received on 15 August 2016 but amended to show:*
 - a. *Details of the extent of demolition required to enable construction of the development hereby approved.*
 - b. *Deletion of the indicative internal layout for each floor of the development.*
 - c. *The leasable floor area (square metres) for each floor of the development.*
 - d. *Detailed dimensions for the approved new canopy, which must comply with Council's Road Encroachment Operational Guidelines (Clause 8.3 – Canopies and Verandahs).*
 - e. *Glazing materials used on all external walls being of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.*
 - f. *Business identification signage, as detailed in the plans prepared by 21-19 Pty Ltd dated 25 July 2019 (Job No. HQG2870).*

Conditions 1a, 1b, 1c, and 1e were applied to the original permit and have been satisfied under the endorsed plans and (dated 12 December 2016) amended endorsed plans (dated 17 June 2019).

The submitted design of the canopy (condition 1d) contains three fixed fabric sections that project 0.95 metres from the Lonsdale Street façade with a clearance of 2.7 metres to the footpath surface (Figure 8 and 9).

The drawings submitted in this application contain the signage referred to in Condition 1f.

It is understood that Condition 1f was required as the previous amended permit application (TP-2016-669/A) drawings did not include the building, only drawings for the signs. For completeness, amended plans were required showing the development approved by TP-2016-669 and the signs approved by TP-2016-669/A in one package.

Refer the delegate report for TP-2016-669/A, dated 27 December 2019 for more information on the signage. It is noted that the submitted drawings do not seek to make any changes to the signs previously applied for and approved.

Figure 8 – Proposed weather canopy (Lonsdale Street elevation)

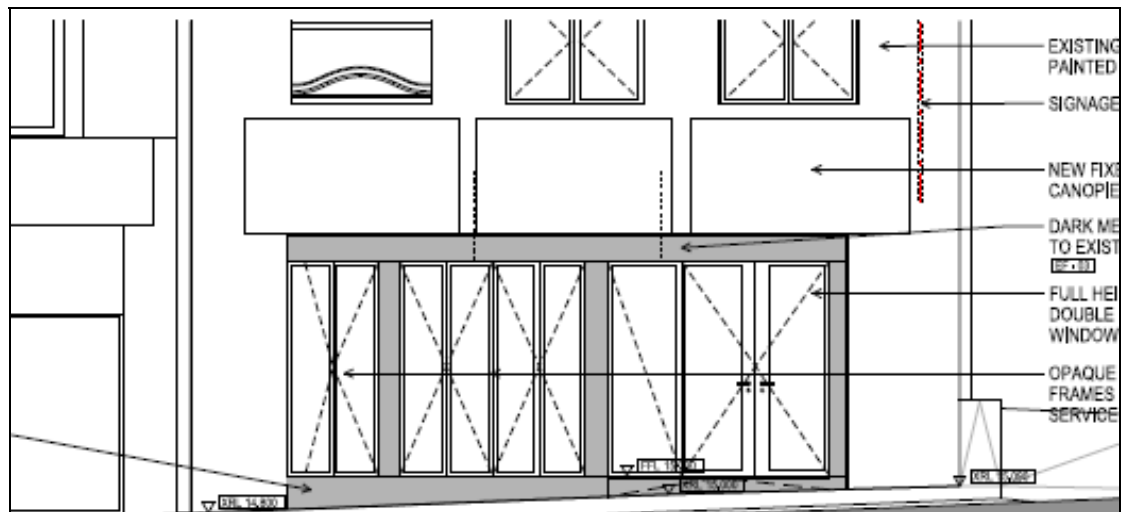
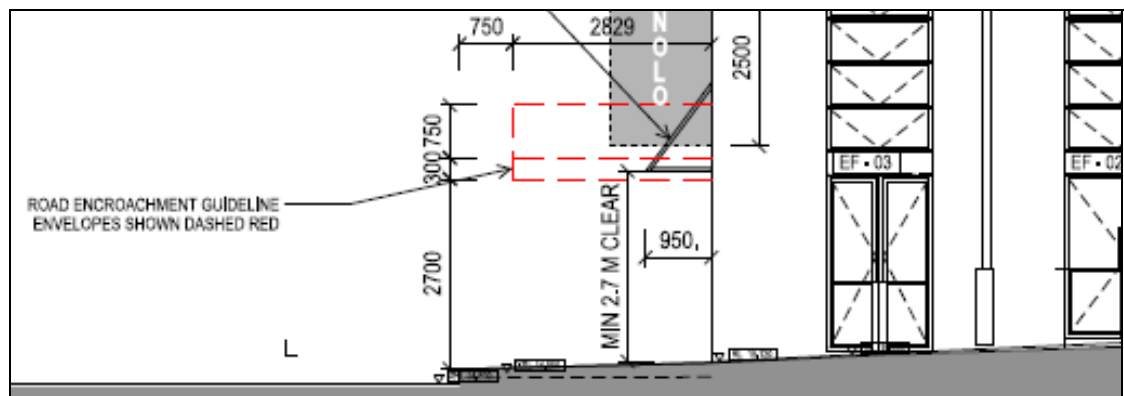


Figure 9 – Brewery Lane elevation



4 STATUTORY CONTROLS

The Site is in the Capital City Zone, Schedule 2 (CCZ2), and affected by the following overlays:

- Design and Development Overlay, Schedule 1 – Area 1 (Active Street Frontage Area 1) (DDO1)
- Design and Development Overlay, Schedule 2 – Area 1 (Built form Hoddle Grid Area 1) (DDO2)
- Design and Development Overlay, Schedule 4 (Weather Protection) (DDO4).
- Design and Development Overlay, Schedule 70 (Melbourne Metro Rail Project) (DDO70).

These are the same controls that applied to the land at the time of the assessment of TP-2016-669/A. Refer to the Delegates report dated 27 December 2019 (DM# 13150400). Note the proposed canopy was captured in the original application; as such, this element of the application does not trigger a new permit requirement.

This application seeks to include a new land use within the permitted development. As such, the following clauses in the Melbourne Planning Scheme require a planning permit for this proposal (Table 7):

Table 7 – Permit Requirements	
Clause	Permit Trigger
Clause 37.04 Capital City Zone Schedule 2	Pursuant to Clause 1.0 of Clause 37.04, Schedule 2, a bar is a Section 2 use. A <u>permit is required</u> .
Clause 43.02 Design and Development Overlay Schedule 1 - Area 1 (Active Street Frontage Area 1) Schedule 2 - Area 1 (Built form Hoddle Grid Area 1) (DDO2) Schedule 4 (Weather Protection) Schedule 70 (Melbourne Metro Rail Project)	Clause 43.02, and the relevant schedules, does not relate to land use. As such, a permit is not required.
Clause 45.09 Parking Overlay Schedule 2 (PO2).	Pursuant to Clause 45.09, Schedule 2, no car parking spaces are required for any use. As such, a permit is not required.
Clause 52.34 Bicycle Facilities	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 therefore has already been considered by the original permit application for the development. It is noted that a permit was granted for a waiver of the bicycle facilities required for a retail premises.
Clause 52.27 Licensed Premises	<p>Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if any of the following apply: A licence is required under the Liquor Control Reform Act 1998.</p> <p>This does not apply if the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.</p> <p>Pursuant to Clause 1.0 of the Schedule to Clause 52.27, a permit is not required within the Capital City Zone. This applies to all licences required under the Liquor Control Reform Act 1998.</p> <p>As such, a permit is not required to use the land to sell and/or consume liquor.</p>

5 STRATEGIC FRAMEWORK

5.1 Planning Policy Framework (PPF)

- Clause 15 - Built Environment and Heritage
- Clause 17 - Economic Development

5.2 Local Planning Policy Framework (LPPF)

5.2.1 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 21.12 - Hoddle Grid

5.2.2 Local Policies

- Clause 22.01 - Urban Design within the Capital City Zone
- Clause 22.04 - Heritage Places within the Capital City Zone
- Clause 22.22 - Policy for Licenced Premises that require a Planning Permit.

6 PARTICULAR PROVISIONS

- Clause 52.27 - Licensed Premises.
- Clause 53.06 - Live Music and Entertainment Noise.

7 GENERAL PROVISIONS

- Clause 65 - Decision Guidelines.
- Clause 66.03 - Referral of permit applications under other state standard provisions.

- Clause 66.05 - Notice of permit applications under state standard provisions.

8 OTHER RELEVANT DOCUMENTS

Upcoming Melbourne planning Scheme Amendment C308 is of relevance as it seeks to refresh Design and Development Overlay Schedule 1 (DDO1) through consolidating several Design and Development Overlays and bringing them into line with best practice.

Amendment C308 is of relevance to this application as it inserts stronger policy relating to high quality, pedestrian oriented built form; this includes merging DDO4 (weather protection) into the new DDO1.

For this reason, the assessment of the submitted design of the canopy will respond to the existing requirements of DDO4 as well as the requirements of the proposed DDO1.

9 PUBLIC NOTIFICATION

Clause 37.04 (Capital City Zone) does not exempt the proposal from public notice.

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 Lonsdale Street frontage and one notice on the Sniders Lane frontage of the site for a 14 day period, in accordance with Section 52 of the *Planning and Environment Act 1987*.

10 OBJECTIONS

A total of 18 objections were received, and raised the following concerns with the proposal:

- Cumulative impact of licenced premises within the surrounds
- The hours 1am and 3am will impact the amenity of the surrounds.
- Offsite amenity resulting from people queuing such as noise and light spill
- Litter
- Preloading the venue will result in unsafe conditions outside the venue.
- The patronage capacity will impact the amenity of the surrounds.
- Council should take advice from Victoria Police Liquor Licence Unit.
- The application seeks to alter the land use and licence type.
- There is a late night liquor licence freeze.
- The immediate surrounds cannot accommodate the proposed use / licence type as there is an existing issue with noise.
- The use of the lane adjoining the land should not be permitted in association with the use.
- Disruption of traffic due to patrons queuing and street furniture.
- The proposed use will promote car parking.
- Drewery Place illegally used by vehicles to drop off privileged patrons of one venue.
- Anti-social behaviour (fighting, urination, drug use, and chatting).

- CoM cannot appropriately manage rooftop venues.
- CoM should prohibit music at the rooftop.
- The bar use exceeds the advertised restaurant use.
- Rooftop patronage too high.
- Hours are too late.
- The rooftop should be smoke free.
- Increased waste generated by the use will be hazardous and an eyesore.
- The noise impact assessment advertised is theoretical and there are no criteria for the venue to be held against.
- Deliveries until 10 pm, 7 days a week, will cause a disturbance.
- The proposed development is not in keeping with the built form context within the immediate surrounds and Drewery Lane Precinct.
- Impacts the proposal may have on the development of adjacent properties.
- Smells coming from the rooftop (gas from heaters and smoke).
- Approving this application would result in a precedent that means other applications would be approved.
- The proposal will adversely impact small business in Drewery Lane.
- The Responsible authority favours applicants over objectors.
- Victoria's planning system is flawed and would be improved by incorporating the interests or residents, commercial operators, and the community into the planning regulations.

These matters are addressed at Section 14 of this report.

11 CONSULTATION

Given the receipt of the above objections, the objections were forwarded to the applicant for their consideration. The applicant provided a written response to the objections and did not opt to make any amendments to the proposal.

12 INTERNAL REFERRALS

The application was referred internally to the following internal departments:

12.1 Waste

The application was referred to the City of Melbourne's waste services team. They provided the following comment:

"We have reviewed the WMP for this development and found it to be **acceptable**.

Waste Condition:

The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 18th March 2020.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

The WMP is at DM#13750889, p.98.

Note: Had this building not already been constructed, the use of larger bins and a larger bin storage area would have been required.”

Planner’s Response

The City of Melbourne’s waste team are accepting of the supplied WMP. The waste element of the proposal is not required to be further assessed.

- It is recommended that the supplied permit condition be included on any permit issued.

12.2 Street trading

Despite the application documents not explicitly stating the proposed uses within the Site will rely on Drewery Lane for queuing, the application was referred to the City of Melbourne’s street trading team based on objections received relating to queuing.

The City of Melbourne’s street trading team did not provide any comment. It should be noted that any use of the footpath or public realm will be held to the City of Melbourne’s Local Laws.

13 EXTERNAL REFERRALS

The application was not required to be referred externally. Clause 52.27, Clause 66.03, and Clause 66.05 only trigger the requirement for an external referral to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) and the Chief Commissioner of Victoria Police for a bar operating after 1am when a permit is required under Clause 52.27. In this instance, a permit is not required under Clause 52.27.

14 ASSESSMENT

The application seeks planning approval to amend the existing permit to include bar land uses and submit plans for endorsement regarding the weather-protection canopy at Lonsdale Street and the signage approved by TP-2016-669/A.

The key items for consideration include:

- The appropriateness of the use.
- The policies relating to licenced premises.
- The current VCGLR Late night liquor licence freeze.
- The City of Melbourne’s determination of permit application TP-2020-274.
- The 18 objections received.
- The design response of the proposed canopy regarding the relevant built environment and heritage policies.

14.1 Land Use

The purpose of the Capital City Zone (CCZ) is:

- To enhance the role of Melbourne’s central city as the capital of Victoria and as an area of national and international importance.
- To recognise or provide for the use and development of land for specific purposes as identified in a schedule to this zone.

Specifically, the purpose of Schedule 2 to the CCZ is to provide for the intensification of retail and other complementary commercial, community and entertainment uses within the established retail core.

The proposed bar land use is an acceptable response to the purpose and decision guidelines of the CCZ2. The following points are relevant:

- The proposed use is consistent with the purpose of the CCZ which seek to facilitate the intensification of entertainment land uses. The Site and surrounds are within an established commercial locality with the CBD and the continuation of this is supported.
- The proposed venue management plan provides for onsite management of patrons to ensure use can function without introducing unreasonable amenity impacts to the surrounding residential uses within the 24 hour City.

To ensure that the amenity of the nearby residential uses is preserved, it is recommended that the venue management plan is updated to require the patrons of the lower level bar (that seeks to operate until 3am) to exit via the Lonsdale Street entrance to the building after 1am. This will not unreasonably burden the applicant and will reduce the likelihood of disturbance to residents.

It is recommended that the two submitted venue management plans are updated to include a coordinated response to security that refers to each venue within the building as well as detailing how patrons exiting the building from both venues will be managed.

It is recommended this be facilitated through requiring an amended venue management plan via a permit condition.

- The layout and design of the building containing the proposed use adequately allows for the patrons of the proposed bar to queue within the Site, avoiding unreasonable disruption to the movement of pedestrians and other traffic.
- The hours and patron numbers of the levels where the proposed bars are located are the same as the existing restaurant uses liquor licences.
- The supplied acoustic assessments conclude that the proposed use will be able to achieve compliance with the relevant state noise regulations. This includes limiting music levels within the lower bar and limiting music at the rooftop to background music only. In addition to these measures, it is understood that the structure located on the northern side of the rooftop will act in mitigating noise, (as well as light pollution) to the residential uses to the north.

The updated acoustic assessments dated 25 February 2021 recommend noise limiters be installed to ensure noise does not exceed the relevant noise regulations and that background music only is played at the rooftop level.

It is recommended these measures be required for the use through referencing the reports and the recommendations in permit conditions.

- The waste generated by the use can be effectively managed on-site under the supplied waste management plan that has been accepted by the City of Melbourne's waste services team.
- To ensure that the proposed use does not unreasonably detract from the amenity of the nearby residential uses, it is recommended that standard noise, waste, and operational conditions be applied to any permit issued.
- Food will be available with the proposed bars until 11pm, reducing the likelihood of the abuse of liquor.
- The site is well serviced by public transport and easily accessed by taxis / ride share options which ensures that people can safely leave the premises.

14.2 Licensed Premises

In addition to the above assessment, the proposal is considered to be an acceptable response to Clause 52.27 (Licensed Premises) and Clause 22.23 (Policy for licensed premises) 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 acceptable.
- The proposal appropriately limits noise impacts.
- The proposal meeting the objectives and performance standards of Clause 22.23.

Though a permit is not required to sell and consume alcohol on site, the provisions of Clause 52.27 (Licensed premises) nevertheless apply. As such, the stated decision guidelines of this clause must be considered. These are:

- *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;*
- *The impact of the number of patrons on the amenity of the surrounding area;* and
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

The submitted cumulative impact report relating to the proposed use outlines that many of the 47 licenced premises within 100 metres of the Site are food oriented (this number is approximate however appears to be consistent with the City of Melbourne's mapping layer that indicates the location of licenced premises) (Figure 10).

In this instance there are fewer licenced premises within a 50 metre radius of the Site than other sections of the CBD: including sites along Swanston Street, Russell Street, and Elizabeth Street (Figure 11).

Based on the 47 licenced premises within 100 metres, proposing to introduce an addition two licenced premises would increase the number of licence premises by approximately 4 per cent. This increase is not unreasonable considering the surrounds is zoned to promote 24 hour entertainment. It should also be noted that both venues currently operate as restaurants with liquor licences.

Figure 10 – Licenced premises locations surrounding the Site (Source: applicant)

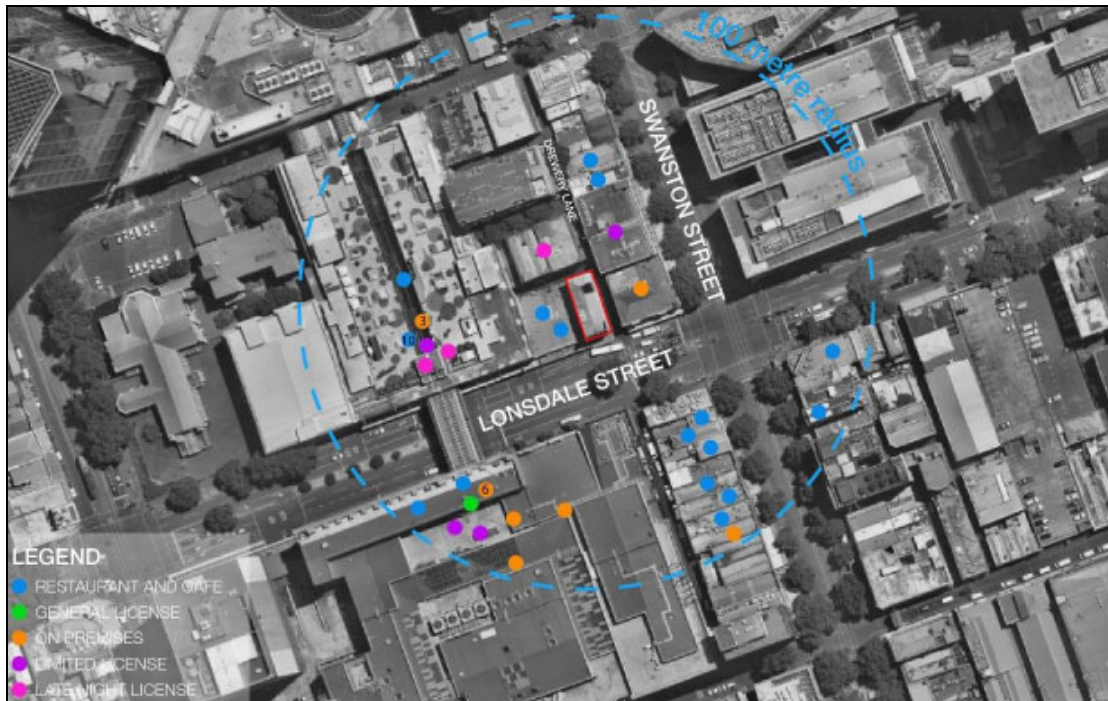
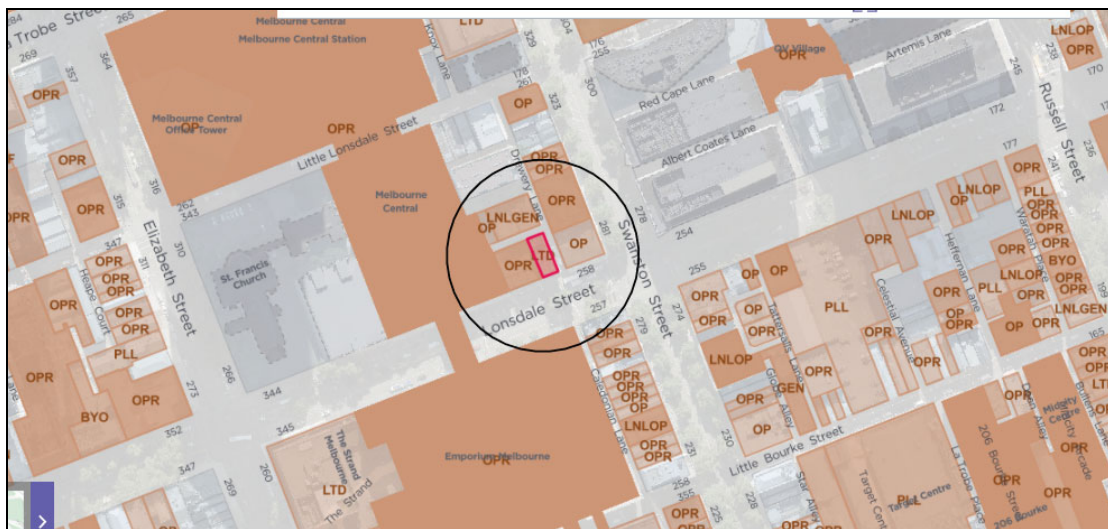


Figure 11– Licenced premises locations with the surrounds and 50 metre radius of the Site (50m radius shown as a black circle) (image from City of Melbourne mapping)



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

14.2.1 Noise

Clause 22.22 states licensed 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; and
- Are regulated and monitored, making use of noise limiters where appropriate.

The proposal is acceptable for the following reasons:

- The supplied acoustic assessments states the use can comply with the standards as specified in the State Environmental Protection Policies. The recommendations in the report that require noise limiters and background music only at the rooftop level will adequately ensure that noise from music is not unreasonable and able to comply with the relevant control legislation.
- Noise impacts relating to the collection of waste have been considered and the submitted waste management plan indicates collections will occur within the hours set out by the Environmental Protection Authority (EPA) as well as the recommended hours at Clause 22.22.
- The application does not seek to include live music at the rooftop level, only background music. Refer to Section 14.3 of this report for further details relating to Clause 53.06 (Live Music and Entertainment Venues), only the rooftop is not subject to the live music requirements.

14.2.2 Patron numbers

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

The application documents contain a statement from a building surveyor which confirms the building can accommodate the proposed patronage. Any permit issued will limit the ground and first floor venue to 203 patrons and the rooftop to 125 patrons.

Additionally, the provided acoustic assessment states the use can comply with the standards as specified in the State Environmental Protection Policies, provided their recommendations are implemented. This will ensure the patron numbers will not unreasonably impact on the amenity of the immediate surrounds.

14.2.3 Hours of operation

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

Clause 22.22 provides the following guidance for the CCZ:

- Hours of operation for a bar should be limited to 1am.
- Outdoor areas (including rooftops) should not be occupied past 1am and in sensitive areas alcohol should not be consumed in those areas after 11pm.

The application seeks to extend the recommended hours at the lower level bar to 3am and extend the outdoor areas associated with the rooftop bar to 1am. The proposal is acceptable in this instance based on the following reasons:

- The recommendations in the supplied acoustic assessment will ensure compliance with the relevant state noise regulations (SEPP-N1/SEPPN2).
- The lower bar is enclosed with no openings at the northern side of the site that would emit noise that would unreasonably disturb the residential properties to the north.
- The rooftop bar level contains structures that act as a noise barrier in the form of the lift core and services structure located on the northern side of the rooftop. This combined with music being only played at background levels at

the rooftop will ensure that the amenity of the nearby residential uses is not unreasonably affected.

14.2.4 Late Night Liquor Licence Freeze

While a planning permit is not required in this instance for a liquor licence, the current late night liquor licence freeze imposed by the Victorian State Government since 2015 is relevant as this will have implications for the operation of a bar in the municipality of Melbourne.

In June 2019, the State Government issued revised Decision Making Guidelines for applications for liquor licences to trade after 1:00am in inner Melbourne.

The proposed land uses by the subject application have been considered having regard to these decision making guidelines as published in the Victoria Government Gazette No. S 278, Saturday 29 June 2019, as follows:

Accommodation and licences allowing consumption on the premises

It is the policy of the Victorian Government that no new liquor licence or BYO permit shall be granted, or existing liquor licence or BYO permit relocated or varied by the commission to allow the supply of liquor after 1.00 am in the inner Melbourne municipalities, except where the commission is satisfied that:

(1) the premises is, or will be, used as:

- a) an accommodation hotel, being a hotel whose primary purpose is providing accommodation and where the supply of alcohol is ancillary to that purpose; or*
- b) a venue that supplies liquor for consumption on the premises provided that food is available at the venue at all times when alcohol can be supplied; and*

(2) the applicant can satisfy the commission that:

- a) it has in place, or will put in place, a Venue Management Plan in the form required by the commission; and*
- b) the economic and social benefit of granting the licence or permit will outweigh the impact of the licence or permit on alcohol misuse and abuse and community amenity; and*
- c) the patron capacity of the premises or proposed premises does not, or will not, exceed 200 persons.*

The proposed lower bar seeks to operate until 3am with a proposed capacity of 203 patrons, serving food until 11pm. In this bar's proposed form, it would not meet the VCGLR's decision making guidelines.

Noting a permit is not required in this instance for a liquor licence, it is the City of Melbourne's role to assess if the proposed bars are an acceptable response to the relevant policies relating to land use and amenity.

In this instance, the application is considered to respond appropriately to the relevant policies and can be managed through a range of permit conditions.

When the VCGLR is assessing the correlating liquor licence application relating to this proposal for land use, they will decide if the hours, access to food, and capacity is acceptable or not.

If they do issue a liquor licence with more restrictive conditions for the sale and consumption of liquor; that will not impact the way the building is used for the bar except for how liquor is distributed as the most restrictive conditions will apply.

14.3 Live Music and Entertainment Noise

The application includes the proposal for live music at the premises in the form of amplified DJ music at the lower bar within the building. Clause 53.06 (Live Music Entertainment Venues) applies to a live music venue. Clause 53.06-3 states that:

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

A noise sensitive residential use must be designed and constructed to include acoustic attenuation measures that will reduce noise levels from any:

- *Indoor live music entertainment venue to below the noise limits specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N2).*
- *Outdoor live music entertainment venue to below 45dB(A), assessed as an Leq over 15 minutes.*

Residential properties exist within 50 metres of the host premises at Drewery Place to the north of the site.

As discussed at Section 14.1 and 14.2.1 of this report, the recommendations in the acoustic assessments dated 25 February 2021 provide specific recommendations that will limit noise for the lower bar that would adequately allow for the control and enforcement of noise emissions from the proposed use.

In addition to the above and as has been discussed throughout this report, live and amplified music at the lower bar can achieve the requirements of the relevant state regulations and is acceptable with conditions.

14.4 The City of Melbourne's determination of permit application TP-2020-274

In addition to the assessment of the proposal against Clause 52.27 and Clause 22.23, it is important to consider the City of Melbourne's decision relating to TP-2020-274 which imposed a condition restricting the proposal's hours of operation from 3am to 1am.

In this instance there are clear distinctions between the applications relating to the use itself, the layout of the use and the patronage. The differences include:

- TP-2020-274 sort to allow the sale of liquor to be consumed off the premises.
- The proposal was for 673 patrons which is more than double the patronage of this proposal.
- The outdoor areas for this application seek to be operate until 1am only with the lower level operating until 3am with no outdoor areas.
- This noise from music and patrons would require a retractable roof to ensure compliance with SEPP No. N-2.

There is a clear distinction between the scale and operation of this application and permit TP-2020-274. Given the differences, imposing restricted hours for this application is not recommended.

14.5 Objections

The matters raised by objectors that are not addressed in the above assessment are individually addressed below:

- Litter

The provided waste management plan has been accepted by the City of Melbourne's waste team, indicated that off-site waste will not be an issue resulting from the use.

- Preloading the venue will result in unsafe conditions outside the venue.

The application documents state that venues will direct patrons to the other food and drink businesses within the building in the event the bars are at capacity. The venue management plan states security will be present on Friday and Saturday nights to ensure that patrons behave appropriately. This is acceptable.

- Council should take advice from Victoria Police Liquor Licence Unit.

The application was not required to be referred to the Victorian Police Liquor Licencing Unit as a permit is not required under Clause 52.27.

- The application seeks to alter the land use and licence type.

Section 72 of the Planning and Environment Act 1987 facilitates an application to amend a permit, including amending a permit to include land use. The proposal is not a transformation of the existing permit as the proposed use is still a food and drink / retail land use.

In this instance, a permit is not required for a liquor licence.

- The use of the lane adjoining the lane should not be permitted in association with the use.

The application documents do not refer to the queueing of patrons in the adjoining lanes. If the public realm is to be used in this manner, a permit from the City of Melbourne's Local Laws team may be required.

- The proposed use will promote car parking.

The application is not required to provide car parking pursuant to the Parking Overlay (PO1) that applies to the land. It is likely that patrons will be dropped off near the Site by vehicles, like many other land uses within the City of Melbourne.

- Drewery Place is illegally used by vehicles to drop off patrons of one venue.

This is not the fault of the permit application.

- Anti-social behaviour (fighting, urination, and drug use).

The venue management plan prepared outlines its response to anti-social behaviour which is to rely on security and Victoria Police.

- CoM cannot appropriately manage rooftop venues.

The venue management plan and application documents are relied on when assessing permit application relating to rooftops. Compliance with any requirement placed on a venue containing a rooftop is expected. Failure to comply with any requirement will be investigated if Melbourne City Council is alerted.

- CoM should prohibit music at the rooftop.

Noise related permit conditions and restricting rooftop music to background levels and specific hours will provide for reasonable conditions and noise emissions from the Site.

- The rooftop should be smoke free

The venue is proposed to be smoke free so that it may serve food to patrons.

- The noise impact assessment advertised is theoretical and there are no criteria for the venue to be held against.

Providing acoustic assessments prepared through testing and theoretic scenarios is standard practice. If it is determined that noise emissions exceed the EPA regulations, the recommended permit conditions will provide for this issue to be resolved.

- Deliveries until 10 pm, 7 days a week, will cause a disturbance.

This is not uncommon in the CBD.

- The proposed development is not in keeping with the built form context within the immediate surrounds and Drewery Lane Precinct.

The only proposed built form change is the street front canopy which is assessed at Section 14.1 of this report. The remaining built form shown in the advertised documents is already approved under TP-2016-669 and TP-2016-669/A.

- Impacts the proposal may have on the development of adjacent properties.
- Smells coming from the rooftop (gas from heaters and smoke).

Noting there is a structure at the northern side of the rooftop, it is not likely that smells from gas heaters from the southern side of the rooftop will unreasonably impact on the residential properties that are approximately 31 metres to the north.

- Approving this application would result in a precedent that means other applications would be approved.

The City of Melbourne's planning team assess each application on its merits and consider a cumulative impact on a location regarding bars.

- The proposal will adversely impact small business in Drewery Lane.

The Site already accommodates food and drink premises. It is not likely that the conversion of two floors of the existing building to bars will significantly impact on the existing businesses along Drewery Lane.

- The Responsible Authority (Melbourne City Council) favours applicants over objectors.

The City of Melbourne's planning team reviews each application and objection received and assesses its merits under the relevant requirements of the Melbourne Planning Scheme.

- Victoria's planning system is flawed and would be improved by incorporating the interests of residents, commercial operators, and the community into the planning regulations.

Notice of the application has been given. This process allows for any affected party to raise their concerns so that Responsible Authority can make a considered decision.

14.6 Built Environment

The proposed street front weather canopy is an acceptable response to the relevant built environment policies as well as the requirements of DDO4 and the proposed DDO1 based on the following:

- The canopy will deliver, albeit it limited, pedestrian comfort from rain.

- While the proposed canopy is reduced in size compared to the canopy originally assessed under TP-2016-669, the high quality design is respectful of the building which is graded however not protected by a Heritage Overlay.
- The canopy is of a human scale and appropriate height to deliver weather protection.

It is noted that the signage shown on the plans is consistent with the requirements of Condition 1f of the existing permit. If the amended permit is granted, it is recommended that the plans showing the signs be endorsed.

15 RECOMMENDATION

It is recommended that a Notice of Decision to Grant an Amended Permit be issued subject to conditions.

16 WHAT WILL THE AMENDED PERMIT ALLOW?

The preamble for the recommended amended permit should read:

Use of the Land for bars, partial demolition, external alterations, additions to the existing building and associated works, waiver of the bicycle facilities requirements, and the erection and display of internally illuminated business identification signage in accordance with the endorsed plans.

17 CONDITIONS

The following conditions are recommended to be included on the amended permit (the conditions in blue text are the existing conditions on the current permit – TP-2016-669/A):

Amended Plans / Compliance with Endorsed Plans

1. Prior to the commencement of the development hereby approved, including demolition and bulk excavation, electronic copies of plans, which are drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans received on 15 August 2016 but amended to show:
 - a. Details of the extent of demolition required to enable construction of the development hereby approved.
 - b. Deletion of the indicative internal layout for each floor of the development.
 - c. The leasable floor area (square metres) for each floor of the development.
 - d. Detailed dimensions for the approved new canopy, which must comply with Council's Road Encroachment Operational Guidelines (Clause 8.3 – Canopies and Verandahs).
 - e. Glazing materials used on all external walls being of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
 - f. *Business identification signage, as detailed in the plans prepared by 21-19 Pty Ltd dated 25 July 2019 (Job No. HQG2870).*

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. 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.
3. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.
4. No permanent architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above the finished roof level, unless with the prior written consent of the Responsible Authority.

Construction Management Plan

5. Prior to the commencement of the development hereby approved, including any demolition and bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group.

This construction management plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

- a) Public safety, amenity and site security.
 - b) Operating hours, noise and vibration controls.
 - c) Air and dust management.
 - d) Stormwater and sediment control.
 - e) Waste and materials reuse.
 - f) Traffic management.
 - g) Protection of street trees.
 - h) Street Trees.
6. Council trees must not be interfered with in any way. This includes any pruning or maintenance. No part of the building may come into direct contact with Council's trees. Any queries regarding this condition should be directed to Council's Urban Landscapes Branch.

Civil Engineering

7. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
8. Prior to the commencement of the development hereby approved, including bulk excavation and excluding demolition, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
9. Existing street levels in Lonsdale Street, Drewery Lane and Sniders Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.
10. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration

has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

11. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

Environmentally Sustainable Design

12. The performance commitments specified in the Environmentally Sustainable Design (ESD) Statement prepared by Ark Resources Pty. Ltd. dated 29 July 2016 must be achieved in the completed development.

Prior to the commencement of the development hereby approved, including bulk excavation and excluding demolition, any change during detailed design that prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority.

Waste Management

13. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Leigh Design dated 18th March 2020.

The submitted WMP must not be altered without prior consent of the City of Melbourne – Waste and Recycling.

14. Waste storage and collection arrangements as shown in the endorsed WMP must not be altered without the prior consent of the City of Melbourne - Engineering Services.
15. 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.

3D Digital Model

16. Prior to the occupation of the buildings hereby approved, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, the Responsible Authority. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Melbourne City Council may be shared with other government organisations for planning purposes. The Melbourne City Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to, and be to the satisfaction of, the Responsible Authority.

Advertising Signs

17. Advertising signs must not be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the exemption provisions of the Melbourne Planning Scheme.

Public Transport Victoria Conditions (Determining Referral Authority)

18. The permit holder must take all reasonable steps to ensure that disruption to the bus operations along Lonsdale Street are kept to a minimum during the

construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior.

19. Prior to the occupation of the buildings hereby approved, the bus stop, and all associated works must be constructed to the satisfaction of the Public Transport Victoria and at no cost to Public Transport Victoria.
20. Prior to the occupation of the buildings hereby approved, the bus stop and all associated works must be provided and available for use and be:
 - a. Compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002.
21. If a temporary bus stop in an alternative location is required during construction, the temporary bus stop must be provided in consultation with, and to the satisfaction of Public Transport Victoria. Once the new stop is deemed suitable for operation, the temporary stop must be removed in consultation with Public Transport Victoria. All works associated with the temporary bus stop must be provided at no cost to Public Transport Victoria.
22. Public Transport Victoria requires notice of the relocation of the existing bus stop and all associated infrastructure two weeks prior to relocation.

Permit Expiry

23. 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.

Advertising Sign Conditions (Amendment TP-2016-669/A)

24. The location, size, materials of construction, content and degree of illumination of the signs as shown on the endorsed plans must not be altered or modified without the written consent of the Responsible Authority.
25. The signs, including their structure and advertising material therein as shown on the endorsed plans, shall at all times be maintained in good order and condition to the satisfaction of the Responsible Authority.
26. All outdoor lighting associated with the signs must be designed to comply with Australian Standard AS4282-1997 (Control of the Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority so that:
 - The lighting does not dazzle, distract or obstruct the view of motorists or pedestrians, obscure traffic signals or constitute a road safety hazard in any way; and
 - The lighting does not cause any adverse effects on adjoining land (including the roadway).

The sign hereby permitted must not be animated or contain any flashing light.

27. This permit, in respect of the advertising signage, expires 15 years from the date of issue, at which time the signs and all supporting structures must be removed and the site made good to the satisfaction of the responsible authority.
28. The time for the commencement of the erection or display of the advertising signs hereby approved is two years from the date of issue and the time for completion is specified as two years from the date of such commencement.

Noise conditions (Amendment TP-2016-669/B)

29. Prior to commencement of the use the recommendations contained within the Acoustic Reports titled Acoustic Assessment - Ground / Level 1 and Acoustic Assessment - Rooftop Level / Level 4, prepared by Octave Acoustics, both dated 25 February 2021, must be implemented at no cost to the Melbourne City Council and be to the satisfaction of the Responsible Authority.
30. 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 *State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade), No. N-1*, and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*. The recommendations of the report must be implemented by the applicant to the satisfaction of the Responsible Authority.
31. No outdoor amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.
32. The noise generated by the premises must at all times comply with the requirements of the *State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1*, and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*, to the satisfaction of the Responsible Authority.

Hours of Operation

33. Except with the prior written consent of the Responsible Authority, the premises must only be open for the use between the following hours:

	Ground floor and first floor bar	Fourth floor bar (rooftop)
Monday – Sunday	7am – 3am	7am – 1am
Good Friday and Anzac Day)	12noon – 3am	12noon – 1am

Patronage

34. The maximum number of patrons on the ground floor and first floor bars must be no more than 203 at any one time unless with the prior written consent of the Responsible Authority.
35. The maximum number of patrons on the fourth floor (rooftop) bar must be no more than 125 at any one time unless with the prior written consent of the Responsible Authority.

Venue Management Plan

36. Prior to the commencement of the use, amended Venue Management Plans (VMP) must be prepared and submitted to the satisfaction of the Responsible Authority. The amended VMPs must be generally in accordance with the Venue Management Plans titled HQ Group – Pacific House building – Plan of Management, HQ Group – Ground Floor and First Floor – Plan of Management, and HQ Group – Second Floor and Third Floor – Plan of Management, both received by the City of Melbourne on 19 March 2021, but modified to detail:
- a. That patrons entering and leaving the ground and first level bar will only use the direct Lonsdale Street access after 1am.
 - b. A coordinated security plan which details the management of all patrons entering and existing the building and venues and how they will preserve the amenity of Drewery Lane.
 - c. The ways in which staff are to be made aware of the conditions attached to this permit.

The amended Venue Management Plans must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plans will be endorsed to form part of this permit. The operation of the use must be carried out in accordance with the Venue Management Plans unless with the prior written consent of the Responsible Authority.

37. A sign must be attached to a wall in a prominent position adjacent to the premises 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.

18 DETAILS OF THE AMENDMENT

Amending the permit under Section 72 of the Planning and Environment Act 1987 in the following manner:

- Amending the description of what the permit allows to authorise use of the land for a Bar.
- Amending the plans endorsed under the permit to reflect the use.
- Include land use in condition 2.
- Replace condition 13, referencing the latest WMP.
- Insert a permit expiry condition for the use at Condition 23c.
- Insert conditions 29 to 37.