

## Report to the Future Melbourne Committee

Agenda item 6.2  
4 May 2021

### Planning Permit Application: TP-2020-472, Unit 1, 32-38 Bourke Street, Melbourne

**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 a planning permit application seeking approval for use of the land for a Hotel and waive the bicycle parking requirement at Unit 1, 32-38 Bourke Street, Melbourne (refer Attachment 2 – Locality Plan).
2. The applicant is Peter Aldred of PAJ Consultants who is acting on behalf of Lino Scidone. The owner is Pacific A Australia Pty Ltd and Pacific B Australia Pty Ltd and the architect is Professional Planning Pty Ltd.
3. The site is located in the Capital City Zone Schedule 1 (CCZ1) and affected by the Heritage Overlay Schedules 500 and 529 (HO500 - Bourke Hill Precinct and HO529 - 32-38 Bourke Street, Melbourne), Design and Development Overlay Schedules 1, 3, and 62 (DDO1, DDO3, and DDO62), and Parking Overlay Schedule 1 (PO1).
4. The application seeks to use one of the ground level tenancies on the land as a Hotel which allows for liquor to be consumed on and off the premises; the use will operate like a combined bar and bottle shop. The proposed use seeks to sell liquor on the premises until 1am and sell liquor for takeaway until 11pm. The proposal originally sought permission for 150 patrons within the 113.5 square metre premises however, the applicant has confirmed they would accept a permit condition that would reduce the number to 120 patrons.
5. The premises contains a single entry / exit at Bourke Street and does not contain any side or rear openings or outdoor areas and will provide background music only.
6. Public notice of the application was undertaken and 18 objections have been received.

#### Key issues

7. The key issues for consideration are the appropriateness of the land use, the proposal's response to the relevant licenced premises policies, the appropriateness of the waiver of bicycle facilities, and the objections received.
8. The proposed use is consistent with all relevant State and Local Planning Policies, responding appropriately to the purpose of the CCZ1, the policy for licenced premises at Clause 22.22, and the policy relating to bicycle parking at Clause 52.34. This conclusion is based on the proposed hours, patronage, lack of live music, and lack of openings / outdoor areas that would otherwise create noise concerns.
9. While a planning permit is not required for a liquor licence in this instance, the proposal responds appropriately to Clause 52.27 (Licenced Premises) as the use will not introduce an unreasonable negative cumulative impact relating to the number of licenced premises within the surrounds.
10. The proposal will contribute to the lively atmosphere of this section of Bourke Street without introducing unreasonable impacts to the nearby residential uses or public realm. The waiver of the required eight bicycle parking spaces is acceptable in this instance as the site is well serviced by public transport and the existing building is not being altered and does not allow for the spaces to be provided on the land.

#### Recommendation from management

11. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant a Permit subject to the conditions set out in the delegate report (refer Attachment 4 of the report from management).

#### Attachments:

1. Supporting Attachment (Page 2 of 30)
2. Locality Plan (Page 3 of 30)
3. Selected Plans (Page 4 of 30)
4. Delegate Report (Page 8 of 30)

**Supporting Attachment**

---

**Legal**

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (the Act) sets out 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 within 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 and waste management, potential amenity impacts and potentially contaminated land that could impact on health and safety have been considered within the planning permit application and assessment process.

**Stakeholder consultation**

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

**Relation to Council policy**

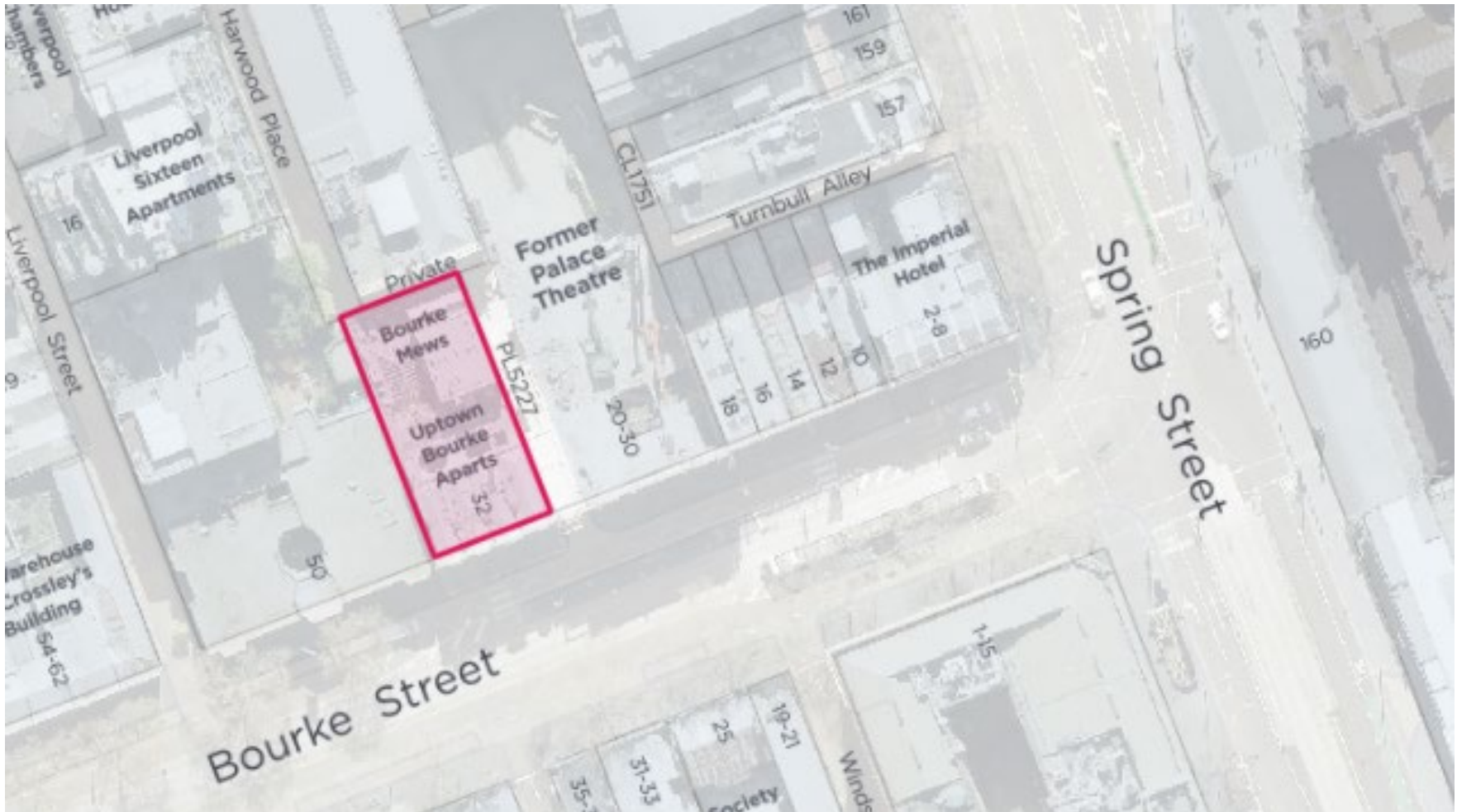
7. Relevant Council policies are discussed in the attached delegate report (refer Attachment 4).

**Environmental sustainability**

8. The Waste Management Plan (WMP) submitted with the application confirms the use will achieve the relevant performance measures set out in Clauses 22.19 (Energy, Water and Waste Efficiency) and the WMP has been accepted by the City of Melbourne's waste and recycling department.

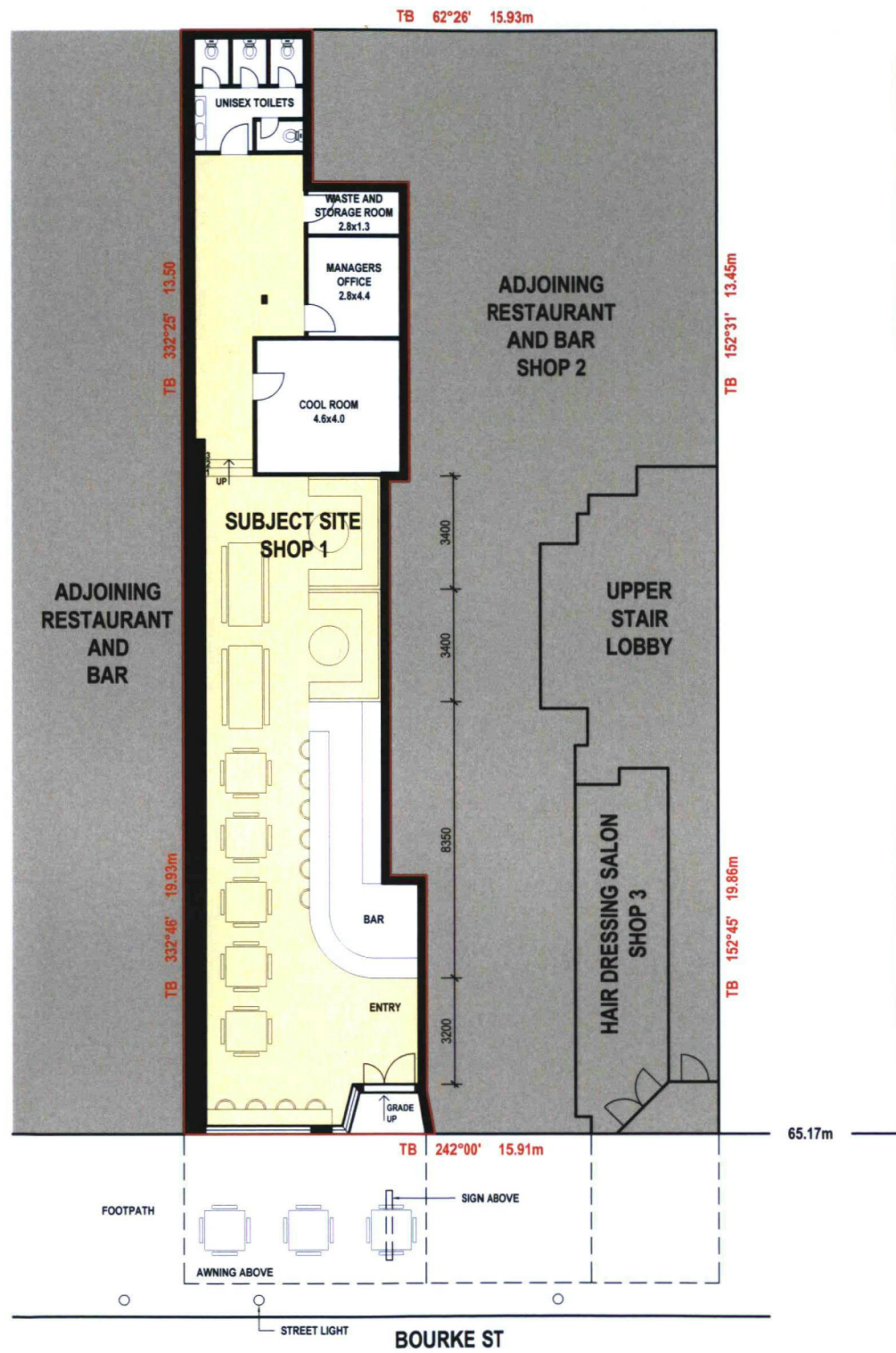
# Locality Plan

TP-2020-472 - Unit 1, 32-38 Bourke Street, MELBOURNE



**PRELIMINARY DRAWINGS ONLY**

Attachment 3  
Agenda item 6.2  
Future Melbourne Committee  
4 May 2021



**SITE & GROUND FLOOR PLAN**  
SCALE 1:100



**SUBJECT SITE**  
VIEW LOOKING NORTH WEST  
FROM BOURKE STREET



**SUBJECT SITE**  
VIEW LOOKING NORTH WEST  
FROM BOURKE STREET



**SUBJECT SITE**  
VIEW LOOKING NORTH EAST  
FROM BOURKE STREET

AMENDMENTS		ORIGINAL SHEET SIZE A1	
DATE	ISSUE	DATE	ISSUE
MAY 2020	REV A		

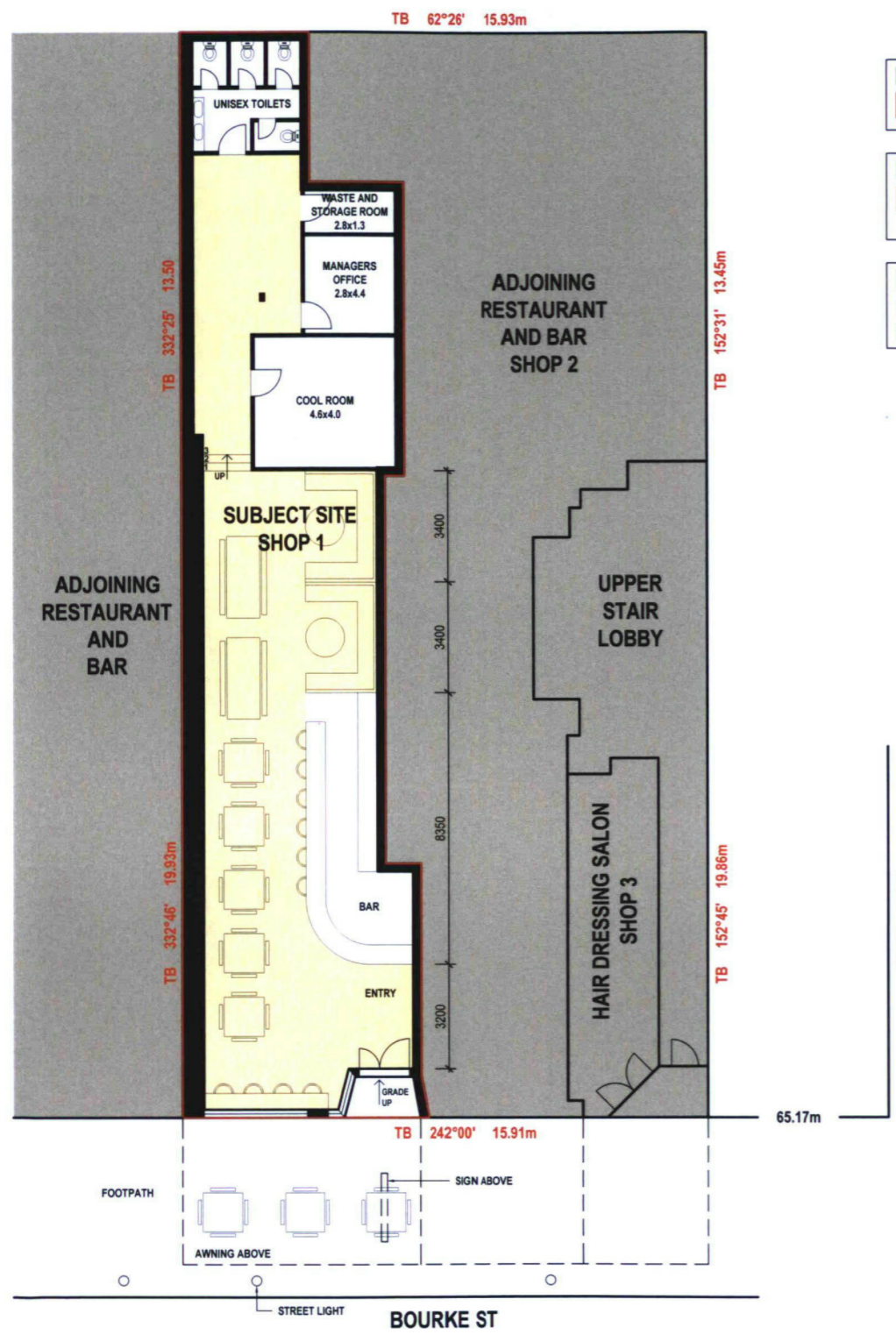
© COPYRIGHT HIS DRAWING REMAINS THE PROPERTY OF PROFESSIONAL PLANNING PTY. LTD. IT CANNOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT OF THE PRINCIPAL FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED, IF IN DOUBT ASK.

**EXISTING CONDITIONS PLAN OF BAR**  
AT SHOP 1/32 BOURKE ST, MELBOURNE - GROUND LEVEL

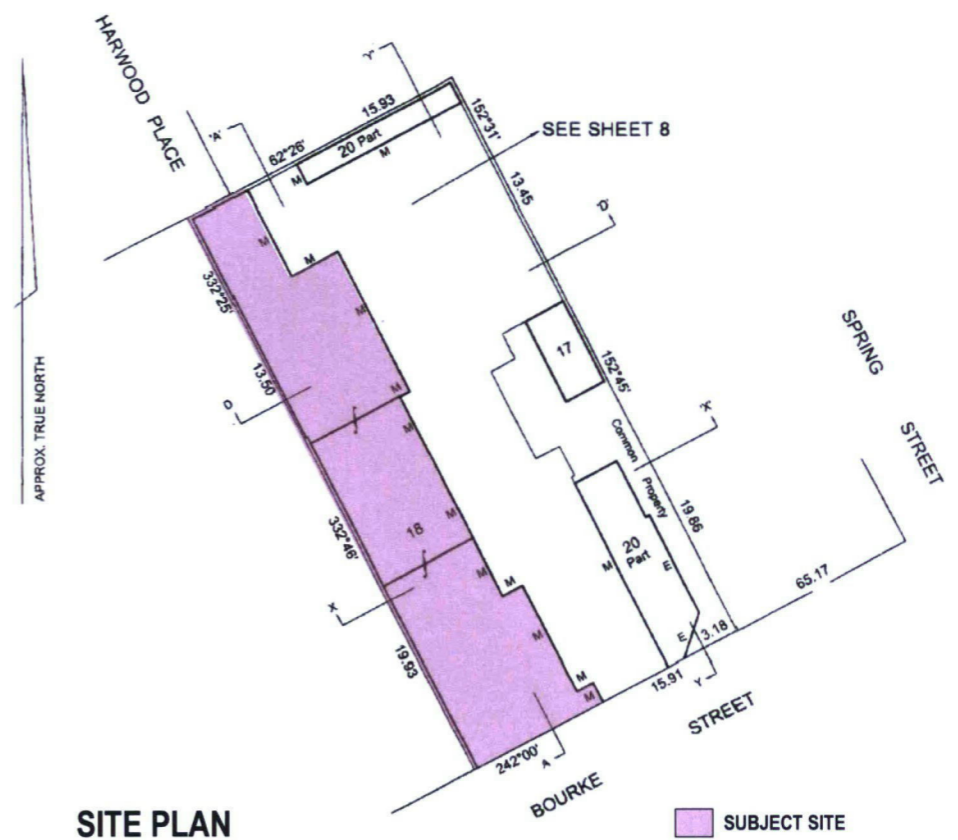
DRAWING TITLE	
<b>EXISTING CONDITIONS PLAN</b>	
ISSUE	DATE: 05 05 2020
	SCALE: 1:100 @ A1
DWG. No: 19-045	DRAWN: SH
SHEET No: 01 OF 01	CHECKED: VC

**PROFESSIONAL PLANNING**  
250 Sydney Road Coburg VIC 3058  
Ph: 9383 1711 Fax: 9384 1143  
Email: info@proplanning.com.au  
Web: www.proplanning.com.au

**PRELIMINARY DRAWINGS ONLY**



**SITE & GROUND FLOOR PLAN**  
 SCALE 1:100



**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST  
 FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST  
 FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH EAST  
 FROM BOURKE STREET

AMENDMENTS		ORIGINAL SHEET SIZE A1
DATE	ISSUE	INIT
MAY 2020	REV A	SH

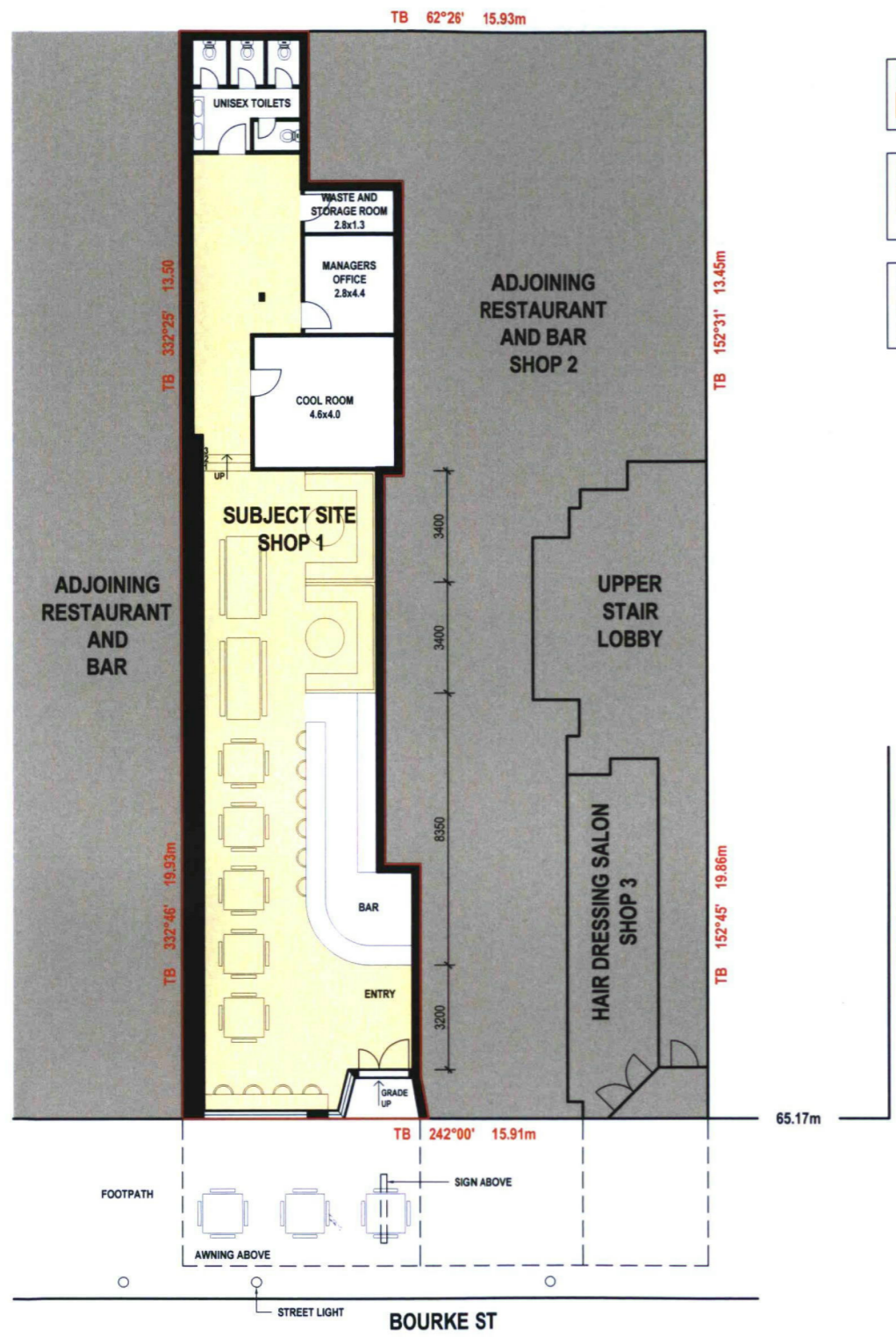
© COPYRIGHT HIS DRAWING REMAINS THE PROPERTY OF PROFESSIONAL PLANNING PTY. LTD. IT CANNOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT OF THE PRINCIPAL. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED, IF IN DOUBT ASK.

**EXISTING CONDITIONS PLAN OF BAR**  
 AT SHOP 1/32 BOURKE ST, MELBOURNE - GROUND LEVEL

DRAWING TITLE	
<b>EXISTING CONDITIONS PLAN</b>	
ISSUE	DATE: 05 05 2020
	SCALE: 1:100 @ A1
DWG. No: 19-045	DRAWN: SH
SHEET No: 01 OF 01	CHECKED: VC

**PROFESSIONAL PLANNING PTY LTD**

250 Sydney Road Coburg VIC 3058  
 Ph: 9383 1711 Fax: 9384 1143  
 Email: info@proplanning.com.au  
 Web: www.proplanning.com.au



**NOTE:**  
 [Red Line] RED LINE FOR LIQUOR LICENSE PURPOSES

**NOTE:**  
 [Yellow Area] FLOOR AREA: 113.5m<sup>2</sup>  
 TOTAL AREA: 210m<sup>2</sup>

**NOTE:**  
 WASTE AND RECYCLE BINS WILL BE COLLECTED FROM BOURKE STREET

**SITE & GROUND FLOOR PLAN**  
 SCALE 1:100

**PRELIMINARY DRAWINGS ONLY**



**SITE PLAN**  
 SCALE 1:200



**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST  
 FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST  
 FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH EAST  
 FROM BOURKE STREET

AMENDMENTS	AMENDMENTS	ORIGINAL SHEET SIZE A1
DATE: MAY 2020	ISSUE: REV A	NIT SH

**EXISTING CONDITIONS PLAN OF BAR**  
 AT SHOP 1/32 BOURKE ST, MELBOURNE - GROUND LEVEL

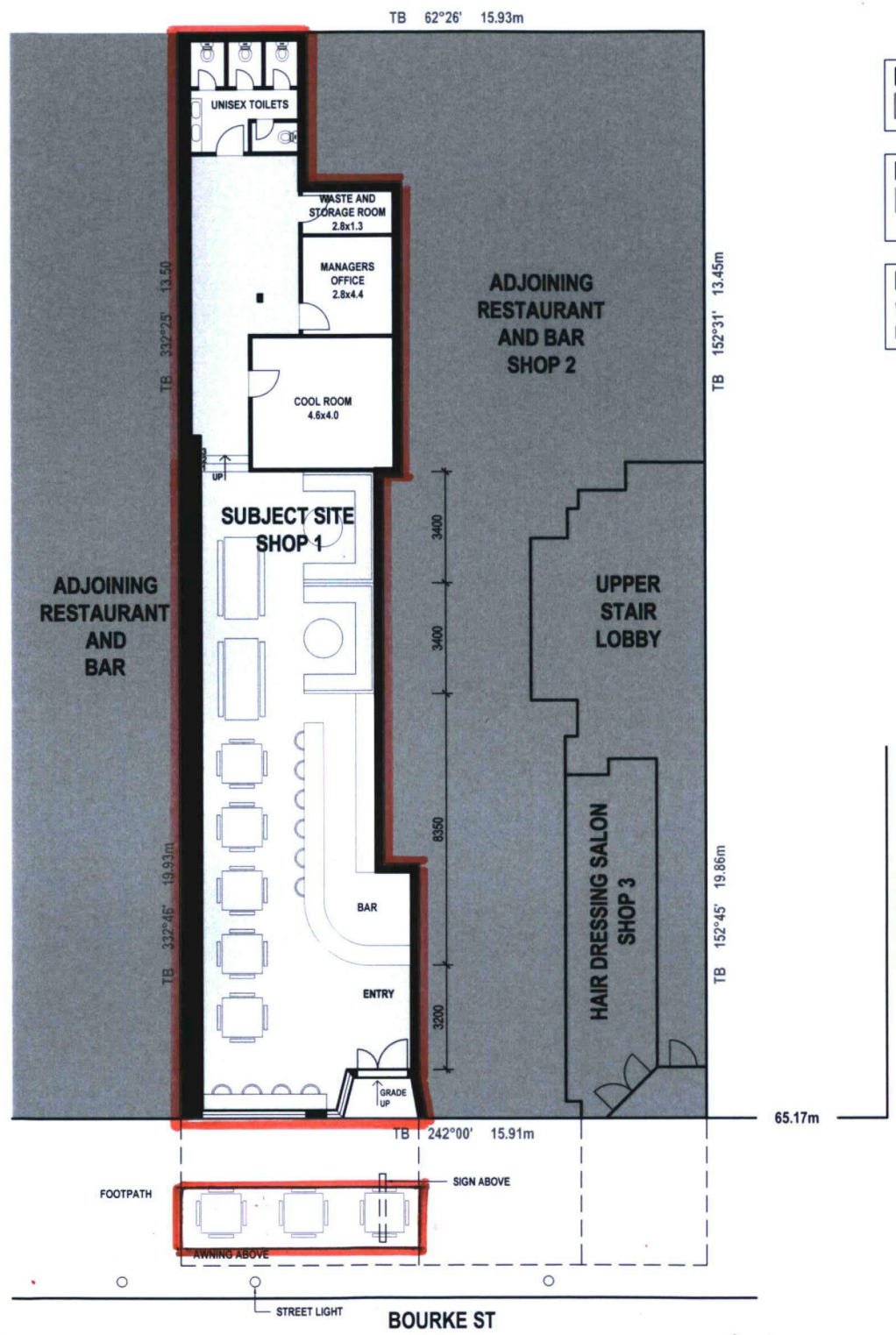
DRAWING TITLE	
<b>EXISTING CONDITIONS PLAN</b>	
ISSUE	DATE: 05 05 2020
	SCALE: 1:100 @ A1
DWG. No: 19-045	DRAWN: SH
SHEET No: 01 OF 01	CHECKED: VC

**PROFESSIONAL PLANNING**

250 Sydney Road Coburg VIC 3058  
 Ph: 9383 1711 Fax: 9384 1143  
 Email: info@proplanning.com.au  
 Web: www.proplanning.com.au

© COPYRIGHT HIS DRAWING REMAINS THE PROPERTY OF PROFESSIONAL PLANNING PTY. LTD. IT CANNOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT OF THE PRINCIPAL FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED, IF IN DOUBT ASK

**PRELIMINARY DRAWINGS ONLY**



**NOTE:**  
 [Red Line] RED LINE FOR LIQUOR LICENSE PURPOSES

**NOTE:**  
 [Blue Area] FLOOR AREA: 113.5m<sup>2</sup>  
 TOTAL AREA: 210m<sup>2</sup>

**NOTE:**  
 WASTE AND RECYCLE BINS WILL BE COLLECTED FROM BOURKE STREET

**SITE & GROUND FLOOR PLAN**  
 SCALE 1:100

*Proposed Licensed Area.*  
*\* Only required for 52-27 but provided for info only*



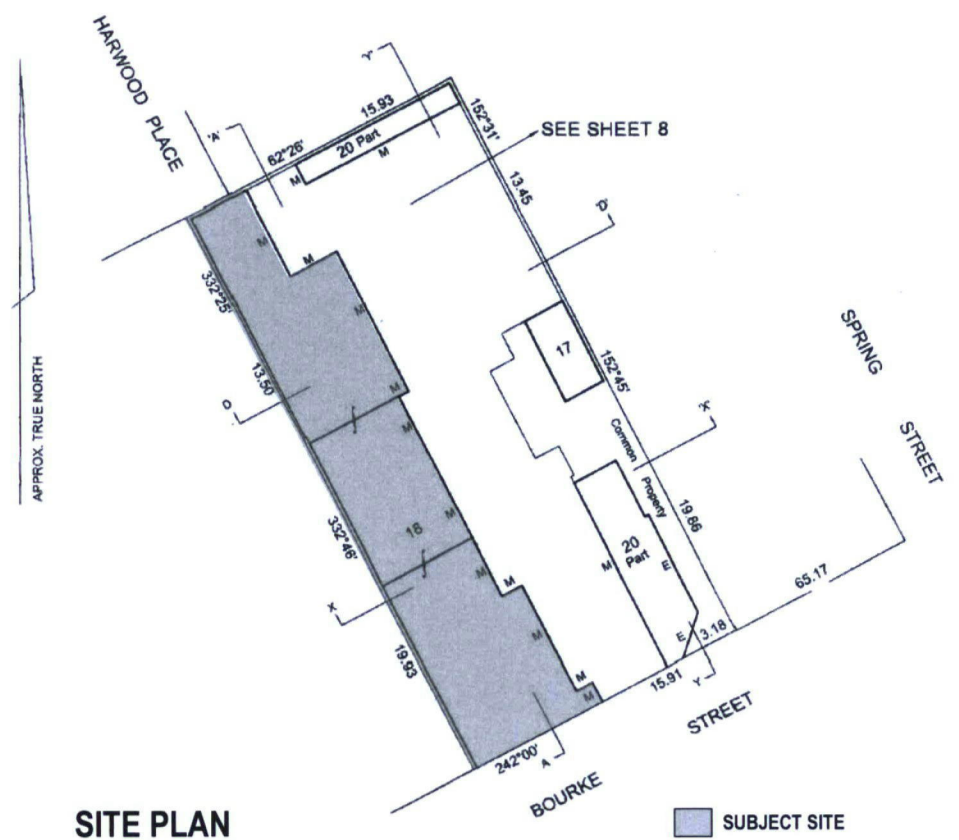
**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH WEST FROM BOURKE STREET



**SUBJECT SITE**  
 VIEW LOOKING NORTH EAST FROM BOURKE STREET



**SITE PLAN**  
 SCALE 1:200

AMENDMENTS	ORIGINAL SHEET SIZE A1
DATE	ISSUE
DATE	ISSUE
MAY 2020	REV A

**EXISTING CONDITIONS PLAN OF BAR**  
 AT SHOP 1/32 BOURKE ST, MELBOURNE - GROUND LEVEL

DRAWING TITLE	
<b>EXISTING CONDITIONS PLAN</b>	
ISSUE	DATE: 05 05 2020
	SCALE: 1:100 @ A1
DWG No: 19-045	DRAWN: SH
SHEET No: 01 OF 01	CHECKED: VC

**PROFESSIONAL PLANNING**

250 Sydney Road Coburg VIC 3058  
 Ph: 9383 1711 Fax: 9384 1143  
 Email: info@proplanning.com.au  
 Web: www.proplanning.com.au

© COPYRIGHT HIS DRAWING REMAINS THE PROPERTY OF PROFESSIONAL PLANNING PTY. LTD. IT CANNOT BE REPRODUCED IN ANY FORM WITHOUT WRITTEN CONSENT OF THE PRINCIPAL. FIGURED DIMENSIONS TAKE PRECEDENCE OVER SCALED, IF IN DOUBT ASK.

**DELEGATED PLANNING APPLICATION REPORT**

<b>Application number:</b>	TP-2020-472
<b>Applicant:</b>	Peter Aldred of PAJ Consultants on behalf of Lino Scidone
<b>Owner:</b>	Pacific A Australia Pty Ltd & Pacific B Australia Pty Ltd
<b>Architect:</b>	Professional Planning Pty Ltd
<b>Address:</b>	Unit 1, 32-38 Bourke Street, MELBOURNE VIC 3000
<b>Proposal:</b>	Use of the land for a Hotel and waive the bicycle parking requirement.
<b>Cost of works:</b>	\$0 (No works, land use only)
<b>Date of application:</b>	14 July 2020
<b>Responsible officer:</b>	Ryan Cottrell, Senior Urban Planner

**1 SUBJECT SITE AND SURROUNDS****1.1 The Site**

This permit application relates to the land known as Lot 18 on Plan of Subdivision 342442 H (Volume 10252, Folio 960) which is also known as Unit 1, 32-38 Bourke Street, Melbourne. In this report, 32-38 Bourke Street, Melbourne is to be referred to as 'the Site' and Unit 1 is to be referred to as 'the Tenancy'.

The Site is located on the north side of Bourke Street, approximately 64 metres west of Spring Street (Figure 1).

The Site is rectangular and has a Bourke Street frontage that measures approximately 16 metres. Rear access is possible to the Site via a northern boundary interface with Harwood Place (City of Melbourne lane).

The Site is presently developed with a three storey stuccoed brick building with basement parking, ground level retail and upper level apartments. The building was constructed in 1892.

The ground level of the building has been extensively altered to accommodate access to a lobby for the residential uses on the east side of the frontage, a restaurant at the centre, and a former bottle shop on the west side (the Tenancy). The Tenancy is presently being used as an office for the construction company who are working at the adjoining site to the east.

The City of Melbourne's Heritage Places Inventory February 2020 (Amended July 2020) Part A affords the Site a 'Significant' heritage category.



Figure 1 – Locality map

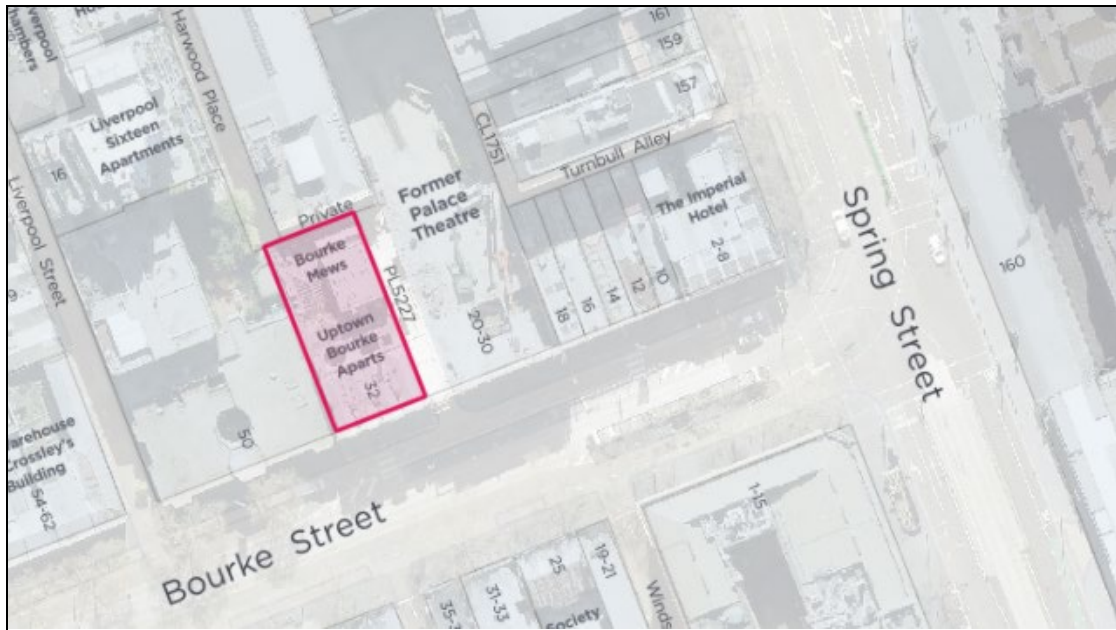


Figure 2 – The Site (street view)



Figure 3 – The Site (street view)

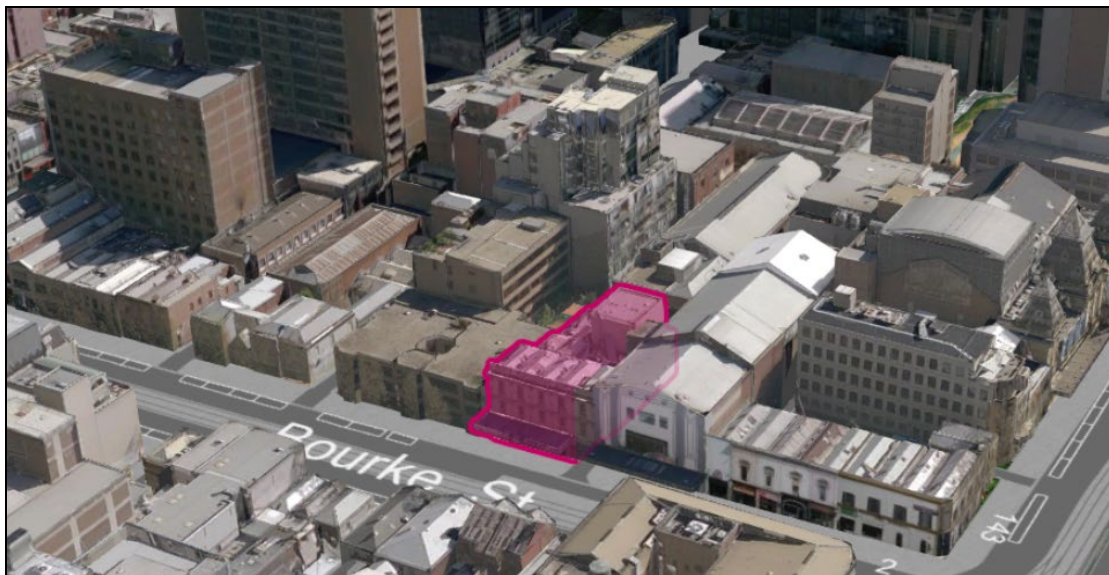


## 1.2 Surrounds

The immediate surrounds contain a mix of uses including retail, food and drink premises, office, and residential.

The built form in the immediate surrounds contain a range of historic and contemporary buildings ranging between two and four storeys. The built form beyond the immediate neighbours of the Site increases in height to the north, east, and west (Figure 4).

Figure 4 – 3D view of the Site and surrounds



A description of the neighbouring properties is found at Table 1:

Table 1 – Surrounding Context		
North		
Address	Description	Land Use
27-35 Little Bourke Street, Melbourne	A three storey building constructed to all boundaries except for a narrow rear (southern) private lane.	Retail and office
16 Liverpool Street, Melbourne	An 11 storey concrete apartment building with residential windows facing east towards windows.	Ground level retail with apartments above.

19-25 Little Bourke Street, Melbourne	A six storey concrete building with residential windows facing west towards the Site.	Ground level retail with upper level apartments.
37-41 Little Bourke Street, Melbourne	A four storey brick building.	Ground level retail and office above.
<b>East</b>		
<b>Address</b>	<b>Description</b>	<b>Land Use</b>
20-30 Bourke Street, Melbourne	The former Palace Theatre. This site is presently under construction for a multi-level building that is to be used as a residential hotel.	Development site that will contain a residential hotel (accommodation) when complete.
10-18 Bourke Street, Melbourne	A row of two storey late Victorian style buildings constructed to their boundaries.	Retail (restaurants) and one bar.
2-8 Bourke Street, Melbourne	The Imperial Hotel. A two storey building with rooftop area.	Hotel (pub).
<b>South</b>		
<b>Address</b>	<b>Description</b>	<b>Lane Use</b>
Bourke Street road reserve	A 60 metre wide road that contains tram lines.	Road and public transport.
1-15 Bourke Street, Melbourne.	A multi storey heritage building.	Hotel (Accommodation)
19-21 Bourke Street, Melbourne.	A two storey building built to its boundaries.	Ground level retail and office above.
25 Bourke Street, Melbourne.	A two storey building built to its boundaries.	Retail.
31-33 Bourke Street, Melbourne.	A two storey building with north facing residential windows facing the Site.	Ground level retail and dwelling above.
35 Bourke Street, Melbourne.	A two storey building with north facing residential windows facing the Site.	Ground level retail and dwelling above.
39-43 Bourke Street, Melbourne	Three two storey buildings.	Retail / food and drink premises
45-49 Bourke Street, Melbourne.	A three storey building.	Ground level retail and office above.
<b>West</b>		
<b>Address</b>	<b>Description</b>	<b>Land Use</b>
40-50 Bourke Street, Melbourne	A three storey building known as the Bourke Hill Apartments. This building contains residential windows facing east towards the Site.	Ground level retail with dwellings above.

Figure 5 below shows the sites containing residential uses immediately adjoining / adjacent to the Site as per the City of Melbourne’s records as listed in Table 1.

**Figure 5 – Residential uses immediately adjoining / adjacent to the Site**



**2 BACKGROUND AND 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 – Permits of relevance		
Reference	What the permit allows	Comments
TP-2014-64	Part demolition of existing buildings and works and development of a multi-level residential hotel including basement levels in accordance with the endorsed plans and dispensation from hotel visitor bicycle parking.	This building is proposed to be constructed to the south half of the boundary shared with the Site to a height of 40 metres with no west facing habitable room windows.

TP-2020-274	Demolition and alterations and additions to accommodate a new hotel use	This application relates to a late night licenced premises and Hotel land use where the City of Melbourne resolved to issue a notice of decision to grant a permit. The applicant has lodged a conditions appeal with VCAT relating to the conditions included in the notice that restrict the hours of operation from 3am to 1am.
-------------	---	--

## 2.1 Existing Liquor Licences

### 2.1.1 The Site

The Tenancy has an existing packaged liquor licence with the Victorian Commission for Gambling and Liquor Regulation (VCGLR). The existing liquor licence (No. 32055954) relates to the bottle shop however this use is presently not operating. The licence allows the following operating hours:

On any day other than Sunday, Good Friday, ANZAC Day or Christmas Day:  
between 9am and 11pm

Sunday: Between 10am and 11pm.

ANZAC Day: 12noon and 11pm.

This licence does not list patronage as it is for takeaway liquor.

### 2.1.2 Surrounds

The applicant has provided a list of the existing liquor licences between Spring Street and Exhibition Street which accounts for approximately 80 metres either side of the Site. Within this area, the applicant has identified 30 liquor licences. Of the licences, there are:

- 7 late night licences
- 5 on-premises licences
- 3 general licences
- 12 restaurant and café licences
- 1 packaged liquor licence (the Tenancy)
- 2 limited licences.

A review of the City of Melbourne's records produced the following relevant licences within 100 metres of the Site (Table 3) (Figure 6):

Table 3 – Licences within 100 metres of the Site				
Address	Licence Type	Distance from the Site (approx.)	Land use	No. of licences
18 Bourke Street, Melbourne	General Licence	23 metres	Restaurant	1
14-16 Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ General Licence</li> <li>▪ Restaurant and Café Licence</li> </ul>	29 metres	Restaurant	2
2-8 Bourke Street, Melbourne	General Licence	46 metres	Bar / Hotel	1
157 Spring Street, Melbourne	General Licence	38 metres	Retail (small grocery store)	1

24-38 Little Bourke Street, Melbourne	General Licence		Accommodation (serviced apartments)	1
159 Spring Street, Melbourne	General Licence	46 metres	Restaurant	1
161 Spring Street, Melbourne	General Licence	48 metres	Restaurant	1
163-181 Spring Street, Melbourne	General Licence	57 metres	Theatre	1
19-25 Little Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ General Licence</li> <li>▪ Limited Licence</li> </ul>	66 metres	Restaurant	2
45-55 Little Bourke Street, Melbourne	General Licence	84 metres	Accommodation (hotel) and bar	1
76 Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ General Licence</li> <li>▪ On Premises Licence</li> <li>▪ Restaurant and Café Licence</li> </ul>	103 metres	Restaurant	3
1-15 Bourke Street, Melbourne	General Licence	39 metres	Accommodation (hotel)	1
174-192 Exhibition Street, Melbourne	<ul style="list-style-type: none"> <li>▪ Late Night General Licence</li> <li>▪ Limited Licence</li> </ul>	93 metres	Accommodation (hotel)	2
11-25 Crossley Street, Melbourne	Late Night General Licence	72 metres	Restaurant	1
12 Bourke Street, Melbourne	Late Night General Licence	52 metres	Bar	1
20-30 Bourke Street, Melbourne	Late Night On Premises Licence	Immediately adjoining to the east	Former Palace Theatre	1
21 Liverpool Street, Melbourne	<ul style="list-style-type: none"> <li>▪ Late Night On Premises Licence</li> <li>▪ On Premises Licence</li> </ul>	70 metres	Bar	2
26 Liverpool Street, Melbourne	<ul style="list-style-type: none"> <li>▪ Limited Licence</li> <li>▪ Restaurant and Café Licence</li> <li>▪ On Premises Licence</li> </ul>	70 metres	Restaurant	3
10 Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ On Premises Licence</li> <li>▪ Restaurant and Café Licence</li> </ul>	42 metres	Restaurant	2
54-62 Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ On Premises Licence</li> <li>▪ Restaurant and Café Licence</li> </ul>	52 metres	Restaurant	2
70 Bourke Street, Melbourne	On Premises Licence	91 metres	Restaurant / cafe	1
10-26 Crossley Street, Melbourne	On Premises Licence	69 metres	Restaurant	1
27-29 Crossley Street, Melbourne	On Premises Licence	98 metres	Restaurant	1
37-41 Little Bourke Street, Melbourne	<ul style="list-style-type: none"> <li>▪ On Premises Licence</li> <li>▪ Restaurant and Café Licence</li> </ul>	76 metres	Restaurant	2

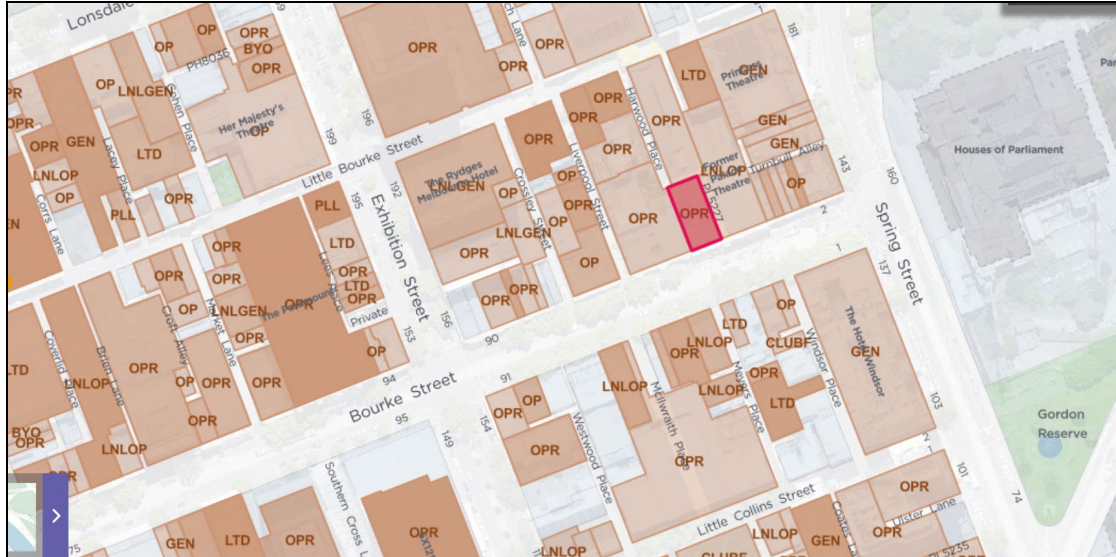
The Site	<ul style="list-style-type: none"> <li>▪ Restaurant and Café Licence</li> <li>▪ Packaged Liquor Licence</li> </ul>	N/A	<ul style="list-style-type: none"> <li>▪ Restaurant</li> <li>▪ Bottle Shop</li> </ul>	2
27-35 Little Bourke Street, Melbourne	Restaurant and Café Licence	Immediately adjoining to the north	Restaurant	1
50 Bourke Street, Melbourne	Restaurant and Café Licence	Immediately adjoining to the west	Restaurant	1
72-74 Bourke Street, Melbourne	Restaurant and Café Licence	80 metres	Restaurant	1
78-84 Bourke Street, Melbourne	Restaurant and Café Licence	92 metres	Restaurant	1
168 Exhibition Street, Melbourne	Restaurant and Café Licence	86 metres	Restaurant	1
11-19 Liverpool Street, Melbourne	Restaurant and Café Licence	37 metres	Restaurant	1
16 Liverpool Street	Restaurant and Café Licence	15 metres	Restaurant	1
45-55 Little Bourke Street	Restaurant and Café Licence	76 metres	Restaurant	1
39-43 Bourke Street, Melbourne	Restaurant and Café Licence	30 metres	Restaurant	1
45-49 Bourke Street, Melbourne	Restaurant and Café Licence	33 metres	Restaurant	1
51 Bourke Street, Melbourne	Restaurant and Café Licence	42 metres	Restaurant	1
59-63 Bourke Street, Melbourne	Restaurant and Café Licence	58 metres	Restaurant	1
85 Bourke Street, Melbourne	Restaurant and Café Licence	100 metres	Restaurant	1
87-91 Bourke Street, Melbourne	Restaurant and Café Licence	112 metres	Restaurant	1
136 Exhibition Street, Melbourne	Restaurant and Café Licence	101 metres	Restaurant	1
20 Meyers Place, Melbourne	Restaurant and Café Licence	65 metres	Restaurant	1
12-18 Meyers Place, Melbourne	Restaurant and Café Licence	73 metres	Restaurant	1
34-60 Little Collins Street, Melbourne	Restaurant and Café Licence	55 metres	Restaurant	1
<b>Total Number of Licences</b>				<b>55</b>

The City of Melbourne's mapping and records show that within 100 metres of the Site, there are 55 licences. The breakdown of those licences is below (Figure 4):

- General Licence 12 (22 per cent)
- Restaurant and Café Licence 25 (45 per cent)
- Late Night General Licence 3 (5.5 per cent)
- Limited Licence 3 (5.5 per cent)
- On Premises Licence 9 (16 per cent)
- Late Night On Premises Licence 2 (4 per cent)
- Packaged Liquor Licence 1 (2 per cent).

**Note:** Some of these licences may no longer be relevant as many business have closed due to the COVID-19 pandemic.

**Figure 6 – City of Melbourne mapping showing the existing liquor licences surrounding the Site.**



### 3 PROPOSAL

#### 3.1 Plans / Reports considered in assessment

The plans and reports which have been considered in this assessment are identified in Table 4 below:

Table 4 - Plans / Reports considered in assessment		
Plan / Report Title	Drawing/ Report No/ Author.	Date Stamped / dated
Copy of Title	Volume 10252, Folio 960.	09/06/2020
Planning Report	Peter Aldred	14/07/2020
Response to RFI Letter	Peter Aldred	16/08/2020
Floor plans and red line plan prepared by Professional Planning Pt Ltd	Drawing No. 19-045.	05/05/2020
Venue Management Plan	Application Requirements	14/07/2020 Addendum date stamped 10/03/2021.
Building Surveyors Report	Professional Planning Pty Ltd	19/06/2020
Waste Management Plan	Peter Aldred	16/08/2020, revised 27/09/2020.
Cumulative Impact Assessment	Peter Aldred	Date stamped 10/03/2021.



## 3.2 Summary of proposal

### 3.2.1 Land use

The application seeks planning approval to use the land as a Hotel as well as carry out internal works to accommodate the new use. Essentially the use will operate as a bar that also includes an option to purchase takeaway liquor.

Clause 73.03 provides the following definition of a Hotel:

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

The above definition centres on the sale of liquor on and off the premises. It also provides that the use may include accommodation, food, and entertainment however, those additional activities are not required for the use to meet the definition.

The specific details are at Table 5:

<b>Table 5 – Proposal details</b>	
<b>Bar 1 – Ground Floor and First Floor</b>	
Hours	<p><b><u>On premises consumption of liquor</u></b> Between 7am to 1am except for ANZAC Day. ANZAC Day: Between midday and 1am.</p> <p><b><u>Packaged liquor for off premises consumption</u></b> On any day other than Sunday, Good Friday, ANZAC Day or Christmas Day: between 9am and 11pm Sunday: Between 10am and 11pm. ANZAC Day: midday and 11pm.</p>
Floor area	113.5 square metres.
Patronage	Maximum of 150 patrons.
Works	Internal fitout works.

The submitted management plan contains the following relevant information (Table 6):

<b>Table 6 - Management Plan Details</b>	
Access	Access via Bourke Street only.
Queuing	Queuing is not anticipated. In the event it occurs, it will be managed by the duty manager.
Smoking	The venue is to be a smoke free zone.
Security	Security is not proposed. The entire venue will be monitored by CCTV.
Noise	The proposed venues intends on providing background level music only.
Food	Snacks and refreshments will be available at all times the premises is in

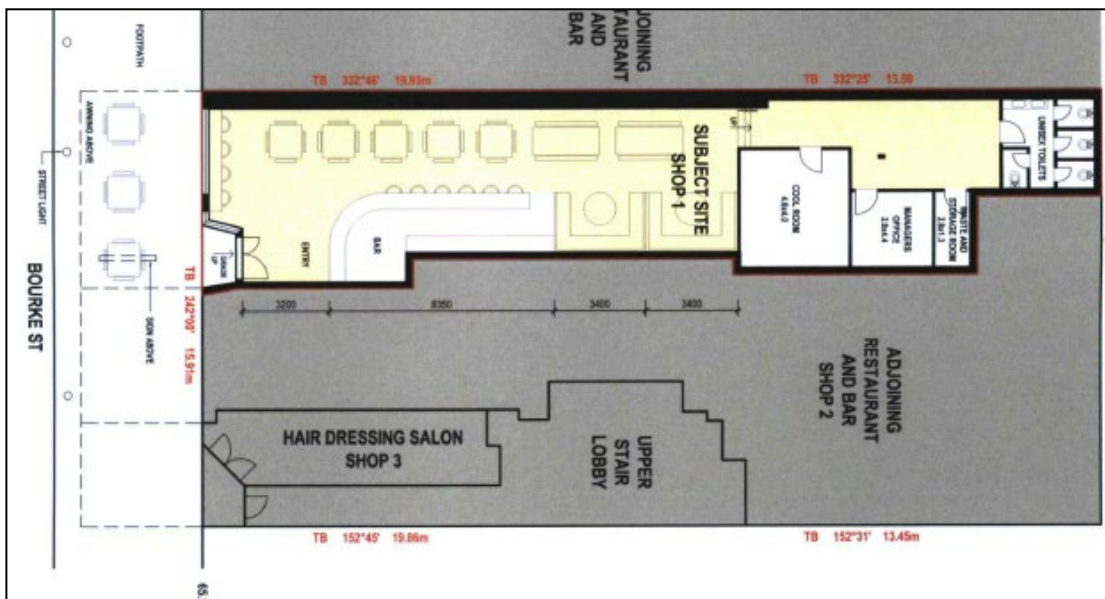
	operation.
Outdoor areas	There are no on-site outdoor areas forming part of this permit application. The applicant will seek to use the footpath in a separate footpath trading permit application which will include a red line area to be assessed by the VCGLR.

Excerpts from the application documents are shown at Figures 7 and 8.

Figure 7 – Unit 1, 32-38 Bourke Street (Shown in purple)



Figure 8 – Proposed floor plan



#### 4 STATUTORY CONTROLS

The relevant statutory controls are at Table 7.

Table 7 – Permit Requirements	
Clause	Permit Trigger
Clause 37.04 Capital City Zone Schedule 1	Pursuant to Clause 1.0 of Clause 37.04, Schedule 1, a Hotel is a Section 2 use. A <b>permit is required</b> to use the land for a Hotel.
Clause 43.01 Heritage Overlay Schedule 500 - Bourke Hill Precinct Schedule 529 – 32-38 Bourke Street, Melbourne	Clause 43.01 does not require a permit for land use; therefore; a permit is not required.
Clause 43.02 Design and Development Overlay Schedule 1 - Active Street Frontage Area 2 (DDO1-Area2) Schedule 3 - Traffic Conflict Frontage (DDO3) Schedule 62 – Built Form Bourke Hill Area B1 and B3 (DDO62)	Clause 43.02 and the relevant schedules do not relate to land use. As such, a permit is not required.
Clause 45.09 Parking Overlay Schedule 1 (PO1).	Pursuant to Clause 45.09, Schedule 1, a permit is required to provide car parking in excess of the maximum rate.  This application does not seek to provide any on site car parking; therefore, 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.  Table 1 to Clause 52.34-5 states that a Hotel requires: <ul style="list-style-type: none"> <li>▪ 1 bicycle parking space to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public for employees and;</li> <li>▪ 1 bicycle parking space to each 25 sq m of bar floor area available to the public, plus 1 to each 100 sq m of lounge floor area available to the public for</li> </ul>

	<p>shoppers.</p> <p>The floor plans show a bar area of approximately 90 square metres with no lounge areas.</p> <p>As such, the Hotel use requires:</p> <ul style="list-style-type: none"> <li>▪ 3.6 bicycle spaces (1 x [90/25] = 3.6) for employees, and;</li> <li>▪ 3.6 bicycle spaces (1 x [90/25] = 3.6) for users.</li> </ul> <p>Clause 52.34-5 states that if in calculating the number of bicycle facilities the result is not a whole number, the required number of bicycle facilities is the nearest whole number. If the fraction is one-half, the requirement is the next whole number.</p> <p>The bicycle spaces are required to be rounded up to:</p> <ul style="list-style-type: none"> <li>▪ 4 bicycle spaces for employees, and;</li> <li>▪ 4 bicycle spaces for shoppers.</li> </ul> <p>The proposal does not seek to provide any bicycle parking spaces; therefore, a <b><u>permit is required</u></b>.</p>
<p>Clause 52.27 Licensed Premises</p>	<p>Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if 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 for a liquor licence. 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 17 - Economic Development
- Clause 18 - Transport.

### 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 21.08 - Economic Development
- Clause 21.09 - Transport
- Clause 21.11 - Local Areas
- Clause 21.12 - Hoddle Grid

**5.2.2 Local Policies**

- Clause 22.22 - Policy for Licenced Premises that require a Planning Permit.

**6 PARTICULAR PROVISIONS**

- Clause 52.27 - Licensed Premises
- Clause 52.34 - Bicycle Parking.

**7 GENERAL PROVISIONS**

- Clause 65 - Decision Guidelines.

**8 OPERATIONAL PROVISIONS**

- Clause 73 - Meanings of Terms.

**9 PUBLIC NOTIFICATION**

Pursuant to Clause 52.34 (bicycle parking), an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

Clause 37.04 (Capital City Zone) does not exempt the proposed land use 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 a notice on the Bourke Street 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 (Table 8):

<b>Table 8 - Matters raised by objectors</b>	
Land use	<ul style="list-style-type: none"> <li>▪ The use should be characterised as a bar and not a hotel.</li> <li>▪ The application should not be supported based on the residential context.</li> <li>▪ The site is too small for food service.</li> </ul>
Amenity	<ul style="list-style-type: none"> <li>▪ The hours and use of the footpath are not appropriate. The hours should be reduced.</li> <li>▪ The applicant has indicated they wish to operate until 3am in the future.</li> <li>▪ The context report fails to identify residential uses within the surrounds.</li> <li>▪ Noise from patrons leaving.</li> <li>▪ Information relating to noise limiters missing.</li> <li>▪ The approval of planning permit TP-2020-274 (Jobs Warehouse –</li> </ul>

	Hotel land use) combined with this application will impact the amenity of the surrounds.
Waste	The waste area is inadequate.
Built form	The design of the shopfront should be in keeping with the building and streetscape.
Liquor licencing	<ul style="list-style-type: none"> <li>▪ A new liquor licence is required.</li> <li>▪ The existing licence is not valid as the use has gone.</li> </ul>
Traffic	<ul style="list-style-type: none"> <li>▪ Motorbikes should not be allowed to park on Bourke Street.</li> <li>▪ Bicycle parking is not provided.</li> </ul>
Other	<ul style="list-style-type: none"> <li>▪ The unisex toilets are inadequate for DDA compliance.</li> <li>▪ The report refers to 4 basins and 4 pans however the plans show 2 basins and 4 pans.</li> </ul>
Management	<ul style="list-style-type: none"> <li>▪ Complaint procedure lacking in information.</li> <li>▪ Smoking will impact the amenity of the neighbours.</li> <li>▪ There is no security proposed.</li> </ul>

## 11 CONSULTATION

Given the receipt of the above objections, the objections were forwarded to the applicant for their consideration.

The applicant stated they would accept a permit condition reducing the patronage of the proposal from 150 to 120 to mitigate concerns raised by objectors.

## 12 INTERNAL REFERRALS

The application was referred internally to the following internal departments:

### 12.1 Waste and Recycling

The application was referred to the City of Melbourne's waste and recycling team who provided the following comment as well as providing a permit condition linking the reviewed WMP to any permit issued. They provided the following comment:

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

#### **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 to ensure the management of waste can be enforced.

## 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 Hotel operating after 1am when a permit is required under Clause 52.27.

In this instance, a permit is not required under Clause 52.27 and the proposed hours do not exceed 1am.

## **14 ASSESSMENT**

The application seeks planning approval to use the land for a Hotel and waive the bicycle parking requirement.

The key items for consideration include:

- The appropriateness of the use.
- The policies relating to licenced premises.
- The appropriateness of the waiver of the bicycle facilities.
- The objections received.

### **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.
- To create through good urban design an attractive, pleasurable, safe and stimulating environment.

Specifically, the purpose of Schedule 1 to the CCZ is to provide for a range of financial, legal, administrative, cultural, recreational, tourist, entertainment and other uses that complement the capital city function of the locality.

The proposed Hotel land use is an acceptable response to the purpose and decision guidelines of the CCZ1 for the following reasons:

- 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 food and drink node within the CBD and the continuation of this is supported.
- The proposed venue management plan provides for on-site management of patrons to ensure the use can function without introducing unreasonable amenity impacts to the surrounding residential uses within the 24 hour City.

The management plan confirms the use will only have background music and that patrons will be able to be effectively managed by the staff as they can only enter / exit via Bourke Street.

The management plan also details the use does not require security as the hours and patronage can be managed appropriately by staff which will be supported by CCTV. This is acceptable given the use is low scale and more intimate rather than a nightclub type use.

Lastly, it is appropriate for the duty manager to address complaints at their discretion as per the management plan. Any concerns not addressed by the duty manager can be appropriately managed by the City of Melbourne or Victoria Police.

To ensure that the amenity of the nearby residential uses is preserved, it is recommended that the venue management plan is referred to in a permit condition so that the City of Melbourne can ensure the use operates in accordance with the management plan.

- The layout and design of the building containing the proposed use adequately allows for the patrons of the proposed use to enter and exit the Site via Bourke Street without unreasonably disrupting the movement of pedestrians and other traffic.
- 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.
- Light meals, snacks, and refreshments will be available while the use is in operation. This will reduce the likelihood of the abuse of liquor and is appropriate.
- The Site is well serviced by public transport and easily access by taxis / ride share options which ensures that people can safely leave the premises.

## 14.2 Licenced Premises

In addition to the above assessment, the proposal is an acceptable response to Clause 52.27 (Licenced Premises) and Clause 22.22 (Policy for licenced 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 meets the objectives and performance standards of Clause 22.22.

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 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.*

Section 2.1.2 of this report details the number and type of existing liquor licences within the immediate surrounds.

This section of Bourke Street contains various small and intimate venues that include the sale of liquor which do not adversely impact the amenity of the surrounds; they create an attractive and lively environment that promotes responsible consumption of liquor and appropriate behaviour.

Like the other premises that line Bourke Street, the scale and type of use proposed is considered to be acceptable as it is low risk based on the size and hours of the venue.



Acknowledging there are a number of licences within 100 metres, many of these licences are longstanding and associated with either restaurants or tourism destinations. The addition of one more similar use will not introduce a negative cumulative impact.

The proposed licenced premises does not present as high risk or introduce concern relating to cumulative impact as it is within the hours recommended at Clause 22.22. The applicant has suggested a reduced capacity of 120 people which will reduce the likelihood of amenity impacts. Furthermore, the presence of light meals and snacks while open will ensure the use aligns with the nearby venues and contribute positively to the surrounds.

Approval of this application will return vibrancy to this part of Bourke Street which has been damaged by the COVID-19 pandemic.

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 (SEPP).
- Are regulated and monitored, making use of noise limiters where appropriate.

The proposal is acceptable for the following reasons:

- The use will have background music only and does not seek to include amplified live music. Noise limiters are not required in this instance as the proposal is for an intimate venue rather than a mass party space.
- The Tenancy does not have any openings or outdoor areas that have a direct interface with a sensitive use. The lack of openings and outdoor areas at the north, east, and west boundaries of the Tenancy will mitigate unreasonable noise travelling to the residential windows near the Site.
  - It is recommended that standard noise conditions be applied to any permit issued. This will include a condition that will require an acoustic report if the City of Melbourne determines one is required. Noting there is no SEPP requirement under the Environmental Protection Authority (EPA) for patron noise, the recommended conditions are appropriate. Requiring an acoustic assessment would not yield any significant findings as the proposal does not seek to contain amplified live music or entertainment; only background music is proposed.
- Noise impacts relating to the collection of waste have been considered and will be required to occur within the hours set out by the EPA as well as the recommended hours at Clause 22.22. This will ensure noise from waste will not be unreasonable.

There is concern that noise from the premises may escape upwards to the residential uses above. Noting that SEPP does not cover patron noise, it is recommended an updated patron management plan be required that specifically addresses this issue.

This recommended condition will include specific measure to attenuate / insulate the above residential uses from noise from the Tenancy travelling upwards and will be required to be prepared in consultation with a suitable qualified acoustic consultant. This will ensure the proposed use does not unreasonably impact the amenity of the residential uses on the Site.

### **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.

The applicant has stated they are willing to accept a reduction in patron numbers which would reduce the patronage from 150 to 120. This is reasonable and will reduce the likelihood of noise from patrons. It is recommended a permit condition be applied restricting the use to 120 patrons.

### **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 Hotel 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 comply with the recommended internal hours for the use. It is acknowledged that the applicant is likely to seek approval to use the footpath for trading which does not form part of the application. There are no external areas proposed under this application.

The takeaway liquor function of the use seeks to operate until 11pm. This is appropriate as it will minimise risk of amenity impacts to the surrounding area relating to liquor purchased for off premises consumption.

## **14.3 Waiver of Bicycle Facilities**

In this instance the waiver of the required bicycle facilities is acceptable for the following reasons:

- The Site is well serviced by public transport and highly walkable. This includes the tram lines running up and down Bourke Street which are immediately adjacent to the Site and Parliament Train Station which is approximately 80 metres to the east at Spring Street.
- The use is one that includes consumption of liquor, it may not be appropriate to encourage cycling for patrons under the influence of liquor.
- The waiver of 8 bicycle parking spaces is minor and not likely to significantly impact the function of the road network or function of the public realm.
- The application is not seeking development approval and the Site is fully covered by buildings. There is no practical opportunity to insert new bicycle parking or facilities on the Site or the 113 square metre Tenancy.

## 14.4 Objections

The matters raised by objectors are individually addressed below (Table 9):

<b>Table 9 - Objections</b>	
<b>Issue</b>	<b>Assessment</b>
The use should be characterised as a bar and not hotel.	<p>The use seeks to operate as a bar with takeaway liquor options.</p> <p>The definition of a Hotel at Clause 73.03 aligns with the proposed use.</p> <p>The definition for a bar does not include consumption of liquor off the premises so that definition should not be applied.</p>
The application should not be supported based on the residential context.	<p>It is acknowledged there are several residential properties in the immediate surrounds.</p> <p>While this is the case, the CCZ is not a residential zone, it is a special purpose zone that acknowledges the CBD is a 24 hour place.</p>
The site is too small for food service.	The use seeks only to provide snacks / light meals. It will not have a full commercial kitchen.
The waste area is inadequate.	The waste element of the application is supported by the City of Melbourne's waste and recycling team.
The design of the shopfront should be in keeping with the building and streetscape.	The application does not seek or require development approval.
<ul style="list-style-type: none"> <li>▪ A new liquor licence is required.</li> <li>▪ The existing licence is not valid as the use has gone.</li> </ul>	A new liquor licence is required and the applicant will need to apply for one with the VCGLR.
<ul style="list-style-type: none"> <li>▪ Motorbikes should not be allowed to park on Bourke Street.</li> <li>▪ Bicycle parking is not provided.</li> </ul>	<p>The application seeks to waive the bicycle parking requirement and this is addressed at Section 14.5 of this report.</p> <p>The application does not provide motorcycle parking on the footpath.</p>
<ul style="list-style-type: none"> <li>▪ The unisex toilets are inadequate for DDA compliance.</li> <li>▪ The report refers to 4 basins and 4 pans however the plans show 2 basins and 4 pans.</li> </ul>	<p>This application does not relate to development and the planning scheme does not control internal works in this instance.</p> <p>The toilets and their DDA compliance is a matter to be addressed by a building surveyor in order to obtain an occupancy permit.</p> <p>The four toilets provided have been noted in the building surveyors report as considered acceptable.</p>

<ul style="list-style-type: none"> <li>▪ Complaint procedure lacking in information.</li> <li>▪ Smoking.</li> <li>▪ Noise from patrons leaving.</li> <li>▪ Information relating to noise limiters missing.</li> <li>▪ Lack of security.</li> </ul>	<p>The venue will be smoke free. Provided the applicant obtains separate footpath trading permission to use Bourke Street in conjunction with the use, smoking is permitted in the public realm provided it is in accordance with the State and Local Government regulations.</p> <p>The scale and type of use does not present as high risk and does not require security beyond the staff of the proposed venue.</p> <p>Noise limiters are not required for a use that is seeking to provide an intimate setting with background music.</p> <p>Noise can be appropriately managed through permit conditions.</p>
<p>The context report fails to identify residential uses within the surrounds.</p>	<p>This issue was noted and an updated context map was requested and provided by the applicant.</p> <p>The updated map provided identifies the nearby residential uses and the residential uses are identified at Section 2 of this report. The appropriateness of the use is assessed throughout Section 14 of this report.</p>
<ul style="list-style-type: none"> <li>▪ The hours are not appropriate (includes footpath). The hours should be reduced.</li> <li>▪ The applicant has indicated they wish to operate until 3am in the future.</li> </ul>	<p>The proposed hours align with Clause 22.22 which allows for internal areas to operate until 1am in the Capital City Zone.</p> <p>The use of the footpath does not form part of this application as separate approval is required.</p> <p>This application seeks to operate until 1am. If the applicant wishes to apply to amend a permit in the future, the <i>Planning and Environment Act 1987</i> allows this. The merit of any proposal to operate until 3am will be assessed if an application is received.</p>
<p>The approval of TP-2020-274 (Jobs Warehouse) combined with this application will impact the amenity of the surrounds.</p>	<p>This application has been assessed with the existing approvals / licenced premises considered.</p> <p>Planning permit TP-2020-274 sought permission for a Hotel use for 673 patrons and is not comparable to the scale of this application.</p>

## 15 RECOMMENDATION

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

## 16 WHAT WILL THE AMENDED PERMIT ALLOW?

*The preamble for the recommended permit should read:*

*Use of the land for a Hotel and waive the bicycle parking requirement in accordance with the endorsed plans.*

## 17 CONDITIONS

The following conditions are recommended to be included on the permit:

### Compliance with Endorsed Plans

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

### Patronage

2. The maximum number of patrons on the premises must be no more than 120 at any one time unless with the prior written consent of the Responsible Authority.

### Hours of Operation

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

<b>On the Premises</b>	
Monday to Sunday	7am – 1am
Good Friday, ANZAC Day or Christmas Day	Midday – 1am

<b>Takeaway liquor</b>	
Any day other than Sunday, Good Friday, ANZAC Day or Christmas Day	9am - 11pm
Sunday	10am - 11pm.
Good Friday, ANZAC Day or Christmas Day	Midday - 11pm.

### Venue Management Plan

4. Prior to the commencement of the use, the applicant must submit an updated venue management plan (VMP) generally in accordance with the VMP and addendum prepared by Peter Aldred, date stamped 14/07/2020 and the addendum date stamped 10/03/2021. The updated VMP must include measures to insulate and attenuate noise from the premises to the residential uses above. This is to be prepared with written advice from a suitably qualified acoustic consultant to the satisfaction of the Responsible Authority.

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

### Waste Management

5. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by PAJ Consultants dated 27th September 2020.

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

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

### **Noise**

7. 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.
8. 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.
9. A sign must be attached to an internal wall in a prominent position adjacent to the entry / exit point to advise patrons to leave the premises in a quiet and orderly fashion. The sign must be to the satisfaction of the Responsible Authority.
10. No bottles or other waste material may be removed from the site between the hours of 9pm and 7am the following morning, seven days a week.
11. Empty bottles from the operation of the premises must be placed into a bag and deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.
12. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

### **Permit Expiry**

13. This permit will expire if 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.

### **Notes**

- The use of the footpath may require an Outdoor Cafe Permit under the City of Melbourne's Activities Local Law 2009.