



Minutes

Planning Decisions Committee

6.30pm, Tuesday 26 September 2023

Richmond Town Hall

1. Appointment of Chair

Councillor Wade nominated Councillor Landes as chair.

There being no other nominations, Councillor Landes was elected chair.

Councillor Landes assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

3. Attendance and apologies

Attendance

Councillors

- Cr Herschel Landes Councillor
- Cr Anab Mohamud Councillor
- Cr Sophie Wade Councillor

Council officers

- Michelle King Acting Coordinator Statutory Planning
- Erryn Megennis Statutory Planner
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Wade

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 30 May 2023 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
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6.1 PLN13/0152.04 - 200 Gipps Street and 1 Harper Street, Abbotsford

Reference	D23/322142
Author	Gary O'Reilly - Senior Statutory Planner
Authoriser	Acting Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN13/0152.04 for an increase in the hours of operation to uses, increase in the hours for the sale and consumption of liquor, increase in patron numbers and increase in permitted hours for deliveries at 200 Gipps Street, Abbotsford and 1 Harper Street, Abbotsford, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

Preamble

No change.

Conditions (amended or new conditions in bold)

- Before the increased hours of operation, increased hours for the sale and consumption of liquor and increased patron numbers as approved by the amended permit commence, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the previously endorsed plans but modified to show:**
 - The red line area associated with food and drinks premises.**
- All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
Hours
- Without the prior written consent of the Responsible Authority, the warehouse use may only operate between the hours of:
 - Monday to Friday: **7.00 am** – 5.30 pm
 - Saturday: 10.00 am – 5.00 pm
 - Sunday: 10.00 am – 4.00 pm
- Without the prior written consent of the Responsible Authority, the food and drinks premises (café) may only operate between the hours of:
 - Monday to Thursday: 6.00am – 8.00pm**
 - Friday and Saturday: 6.00am – 10.00pm**
 - Sunday: 7.00am – 8.00pm**
- Without the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor may only operate between the hours of:
 - Monday to Thursday: 9.00am – 8.00pm**
 - Friday: 9.00am – 10.00pm**
 - Saturday: 10.00am – 10.00pm**

(d) Sunday: 10.00am – 8.00pm

6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the following hours:
 - (a) Monday to Friday: 9.00 am – 5.30 pm
 - (b) Saturday: 10.00 am – 5.00 pm
 - (c) Sunday: 10.00 am – 4.00 pm
7. Except with the prior written consent of the Responsible Authority, the restricted retail premises use may only operate between the hours of:
 - (a) Monday to Sunday: 10.00am to 5.30pm
8. Except with the prior written consent of the Responsible Authority, the indoor recreational facility use may only operate between the hours of:
 - (a) Monday to Sunday: 10.00am to **6.00pm**

Staff

9. Not more than 6 staff may be present on the premises at any one time in association with the food and drinks premises (café) without the prior written consent of the Responsible Authority.
10. Not more than 6 staff may be present on the premises at any one time in association with the warehouse without the prior written consent of the Responsible Authority.
11. No more than 8 staff associated with the office use are permitted on the land at any one time.
12. No more than 8 staff associated with the restricted retail premises use are permitted on the land at any one time.

Patron Numbers

13. No more than **65** patrons are to be permitted within the food and drinks premises and area designated for the sale and consumption of liquor at any one time without the further written consent of the Responsible Authority.
14. No more than 20 persons are permitted within the restricted retail tenancy when the indoor recreational facility is in use.

Music

15. No live or DJ playing amplified music may be provided on the premises. Any amplified recorded music **or use of televisions for entertainment** must be restricted to background levels only.
16. No speakers may be located outside the building, including the raised deck facing Gipps Street.

Noise and Amenity Action Plan

17. **Before the increased hours for the sale and consumption of liquor** begins, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. The Noise and Amenity Action Plan should include, but not be restricted to those matters outlined at Clause **22.09-4** of the Yarra Planning Scheme. When approved, the Noise and Amenity Action Plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.

Waste

18. Before the plans are endorsed in accordance with condition 1, an amended waste management plan must be submitted to and approved by the Responsible Authority. Once approved, the waste management plan will be endorsed and will then form part of the permit.

The Waste Management Plan must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur (must be in accordance with Council's Local Law No. 3), and the method of presentation of bins for collection and provision for glass and organic waste recycling. Waste collection from the development must be in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

Loading and unloading/deliveries

19. No deliveries or loading or unloading of any goods may occur via the laneway on the western side of the site.
20. **All delivery and collection of goods associated with the warehouse (sporting goods) use must be conducted between 7.00am and 5.30pm Monday to Friday and all delivery and collection of goods associated with all other permitted land uses must be conducted between 9.00 am and 5.30 pm Monday to Friday to the satisfaction of the Responsible Authority.**

General amenity

21. Demonstration matches associated with the indoor recreational facility must:
 - (a) Involve no more than three games per week;
 - (b) Involve no more than one game per day;
 - (c) Exceed a maximum duration of 40 minutes;
 - (d) Be occupied by a maximum of 16 persons; and
 - (e) Not involve amplified speech or whistle use.
22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
23. **The uses must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
25. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
26. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
 - (d) The presence of vermin.

Roads and infrastructure

27. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
28. The redundant vehicle crossing on the north side of Gipps Street immediately west of the property's eastern boundary must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction and at the developer's expense.

29. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (including public holidays) and 7 am - 1 pm, Saturday. No work is to be carried out on Sundays. All site operations must comply with the relevant Environment Protection Authority Guidelines on Construction and Demolition Noise.

30. All windows and doors are to be closed during use of the indoor recreational facility.

Signage

31. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

32. The signs must not include any flashing or intermittent light.

33. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

34. Before the works are completed, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

Expiry

35. The signage component of this permit expires 15 years from the date of the amended permit.

36. Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.

37. 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 amended permit.
- (b) The development is not completed within four years of the date of this amended permit.
- (c) The restricted retail premises or indoor recreational facility uses are not started within two years of the date of this amended permit.
- (d) The signs are not erected within four years of the date of this amended permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months after the expiry date for commencement, or within twelve months after the expiry date for completion.

NOTE: The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Date of Amendment	Brief Description of Amendment
PLN13/0152.04	Pursuant to section 73 & 74 of the <i>Planning and Environment Act (1987)</i> the permit conditions and plans have been amended in the following ways:

	<ul style="list-style-type: none"> • The patron numbers, hours of operation and the hours for the sale and consumption of liquor associated with the food and drinks premises (café) have been increased. • The hours of operation and permitted delivery hours associated with the warehouse have been increased. • The hours of operation associated with the restricted recreational facility have been increased. • Waste Management Plan and Noise and Amenity Action Plan updated in accordance with the above amendments.
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The following people addressed the Committee:

- *Gintaras Simkus, Direct Planning (for the applicant);*
- *Adrian Montana; and*
- *Fred Allen.*

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Mohamud

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN13/0152.04 for an increase in the hours of operation to uses, increase in the hours for the sale and consumption of liquor, increase in patron numbers and increase in permitted hours for deliveries at 200 Gipps Street, Abbotsford and 1 Harper Street, Abbotsford, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

Preamble

No change.

Conditions (amended or new conditions in bold)

1. **Before the increased hours of operation, increased hours for the sale and consumption of liquor and increased patron numbers as approved by the amended permit commence, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the previously endorsed plans but modified to show:**
 - (a) **The red line area associated with food and drinks premises.**
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.

Hours
3. Without the prior written consent of the Responsible Authority, the warehouse use may only operate between the hours of:
 - (a) Monday to Friday: **7.00 am** – 5.30 pm
 - (b) Saturday: 10.00 am – 5.00 pm
 - (c) Sunday: 10.00 am – 4.00 pm
4. Without the prior written consent of the Responsible Authority, the food and drinks premises (café) may only operate between the hours of:
 - (a) **Monday to Thursday: 6.00am – 8.00pm**

- (b) **Friday and Saturday: 6.00am – 10.00pm**
- (c) **Sunday: 7.00am – 8.00pm**

5. Without the prior written consent of the Responsible Authority, the use of the land for the sale and consumption of liquor may only operate between the hours of:

- (a) **Monday to Thursday: 9.00am – 8.00pm**
- (b) **Friday: 9.00am – 10.00pm**
- (c) **Saturday: 10.00am – 10.00pm**
- (d) **Sunday: 10.00am – 8.00pm**

6. Except with the prior written consent of the Responsible Authority, the office authorised by this permit may only operate between the following hours:

- (a) Monday to Friday: 9.00 am – 5.30 pm
- (b) Saturday: 10.00 am – 5.00 pm
- (c) Sunday: 10.00 am – 4.00 pm

7. Except with the prior written consent of the Responsible Authority, the restricted retail premises use may only operate between the hours of:

- (a) Monday to Sunday: 10.00am to 5.30pm

8. Except with the prior written consent of the Responsible Authority, the indoor recreational facility use may only operate between the hours of:

- (a) Monday to Sunday: 10.00am to **6.00pm**

Staff

- 9. Not more than 6 staff may be present on the premises at any one time in association with the food and drinks premises (café) without the prior written consent of the Responsible Authority.
- 10. Not more than 6 staff may be present on the premises at any one time in association with the warehouse without the prior written consent of the Responsible Authority.
- 11. No more than 8 staff associated with the office use are permitted on the land at any one time.
- 12. No more than 8 staff associated with the restricted retail premises use are permitted on the land at any one time.

Patron Numbers

- 13. No more than **65** patrons are to be permitted within the food and drinks premises and area designated for the sale and consumption of liquor at any one time without the further written consent of the Responsible Authority.
- 14. No more than 20 persons are permitted within the restricted retail tenancy when the indoor recreational facility is in use.

Music

- 15. No live or DJ playing amplified music may be provided on the premises. Any amplified recorded music **or use of televisions for entertainment** must be restricted to background levels only.
- 16. No speakers may be located outside the building, including the raised deck facing Gipps Street.

Noise and Amenity Action Plan

17. **Before the increased hours for the sale and consumption of liquor** begins, a Noise and Amenity Action Plan must be submitted to and approved by the Responsible Authority. The Noise and Amenity Action Plan should include, but not be restricted to those matters outlined at Clause **22.09-4** of the Yarra Planning Scheme. When approved, the Noise and Amenity Action Plan will be endorsed and will then form part of the permit. The use must operate in accordance with the endorsed Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.

Waste

18. Before the plans are endorsed in accordance with condition 1, an amended waste management plan must be submitted to and approved by the Responsible Authority. Once approved, the waste management plan will be endorsed and will then form part of the permit. The Waste Management Plan must detail who will undertake waste collection, the location and size of the storage area, hours when collection will occur (must be in accordance with Council's Local Law No. 3), and the method of presentation of bins for collection and provision for glass and organic waste recycling. Waste collection from the development must be in accordance with the endorsed Waste Management Plan, to the satisfaction of the Responsible Authority.

Loading and unloading/deliveries

19. No deliveries or loading or unloading of any goods may occur via the laneway on the western side of the site.
20. **All delivery and collection of goods associated with the warehouse (sporting goods) use must be conducted between 7.00am and 5.30pm Monday to Friday and all delivery and collection of goods associated with all other permitted land uses must be conducted between 9.00 am and 5.30 pm Monday to Friday to the satisfaction of the Responsible Authority.**

General amenity

21. Demonstration matches associated with the indoor recreational facility must:
- (a) Involve no more than three games per week;
 - (b) Involve no more than one game per day;
 - (c) Exceed a maximum duration of 40 minutes;
 - (d) Be occupied by a maximum of 16 persons; and
 - (e) Not involve amplified speech or whistle use.
22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
23. **The uses must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
24. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
25. The car parking area must be used for no other purpose and be maintained at all times to the satisfaction of the Responsible Authority.
26. The amenity of the area must not be detrimentally affected by the use, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;

- (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
- (d) The presence of vermin.

Roads and infrastructure

- 27. Any damage to road(s) and footpath(s) or other Council infrastructure as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
- 28. The redundant vehicle crossing on the north side of Gipps Street immediately west of the property's eastern boundary must be demolished and reinstated with paving, kerb and channel of the surrounding area to Council's satisfaction and at the developer's expense.
- 29. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (including public holidays) and 7 am - 1 pm, Saturday. No work is to be carried out on Sundays. All site operations must comply with the relevant Environment Protection Authority Guidelines on Construction and Demolition Noise.
- 30. All windows and doors are to be closed during use of the indoor recreational facility.

Signage

- 31. The location and details of the signs, including the supporting structure, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 32. The signs must not include any flashing or intermittent light.
- 33. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 34. Before the works are completed, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.

Expiry

- 35. The signage component of this permit expires 15 years from the date of the amended permit.
- 36. Upon expiry of the signage component of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.
- 37. 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 amended permit.
 - (b) The development is not completed within four years of the date of this amended permit.
 - (c) The restricted retail premises or indoor recreational facility uses are not started within two years of the date of this amended permit.
 - (d) The signs are not erected within four years of the date of this amended permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months after the expiry date for commencement, or within twelve months after the expiry date for completion.

NOTE: The applicant must apply for a Legal Point of Discharge under Regulation 610 – Stormwater Drainage of the Building Regulations 2006 from Yarra Building Services unit.

NOTE: Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 610.

NOTE: Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Date of Amendment	Brief Description of Amendment
PLN13/0152.04	<p>Pursuant to section 73 & 74 of the <i>Planning and Environment Act (1987)</i> the permit conditions and plans have been amended in the following ways:</p> <ul style="list-style-type: none"><li data-bbox="459 674 1430 770">• The patron numbers, hours of operation and the hours for the sale and consumption of liquor associated with the food and drinks premises (café) have been increased.<li data-bbox="459 786 1394 846">• The hours of operation and permitted delivery hours associated with the warehouse have been increased.<li data-bbox="459 862 1358 922">• The hours of operation associated with the restricted recreational facility have been increased.<li data-bbox="459 938 1426 999">• Waste Management Plan and Noise and Amenity Action Plan updated in accordance with the above amendments.

CARRIED

Reference	D23/308194
Author	Erryn Megennis - Statutory Planner
Authoriser	Acting Coordinator Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/0441.04 be issued for 134-138 Johnston Street, Collingwood VIC 3066 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions (new and/or amended conditions in **bold**):

Address

134-138 Johnston Street, Collingwood VIC 3066

Preamble

No change.

Conditions

- 1. Before the use and development approved under the .04 amendment commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Liquor Plan submitted to Council on 16 June 2023 but modified to show:**
 - (a) Notation confirming that patron ingress and egress to/from the laneway will not be permitted;**
 - (b) The retractable roof over the courtyard of No. 136 Johnston Street clearly shown; and**
 - (c) Notation to show deliveries entrance at rear laneway.**
2. Except with the prior written consent of the Responsible Authority, the development, use and sale and consumption of liquor must be carried out in accordance with this permit and the endorsed plans (unless the Yarra Planning Scheme specifies that a permit is not required).
3. Except with the prior written consent of the Responsible Authority, no more than **180 patrons** overall are permitted on the land at any one time or while liquor is being sold or consumed, inclusive of a maximum of:
 - (a) Deleted; and
 - (b) 100 in the beer garden, with no more than 50 in the eastern-most courtyard**At any one time.
4. Except with the prior written consent of the Responsible Authority, the use may only operate and the sale and consumption of liquor may only occur between the following hours:
 - (a) 11am to 1am, Sunday to Thursday (internal areas);
 - (b) 11am to 1am, Friday to Saturday (internal areas);

- (c) 11am and 10pm, Sunday to Wednesday, for the rear **courtyards** (from 10pm to 1am the **courtyards** may only be used for smoking with no service or consumption of alcohol permitted); and
- (d) 11am and 1am, Thursday to Saturday, for the rear **courtyards**.

5. **Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Liquor Plan, submitted to Council on 16 June 2023 but modified to include (or show, or address):**
- (a) **That patron ingress and egress to the premises from the laneway will not be permitted;**
 - (b) **That patron queuing along Johnston Street will be directed westwards;**
 - (c) **That the rear roller doors remain closed at all times, except for the delivery and collection of goods;**
 - (d) **That the upstairs band room will provide additional seating when not in use for live music;**
 - (e) **Venue staff to ensure an even spread of patrons in the external courtyards, with no more than 50 patrons in the eastern-most courtyard;**
 - (f) **The management and storage of empty beer kegs to ensure there will be no unreasonable amenity impacts;**
 - (g) **That the northern windows at first floor will remain closed from 10pm onwards; and**
 - (h) **Appointment of a staff member to monitor patron capacity in both internal and external areas,**

To the satisfaction of the Responsible Authority.

6. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
7. Before the use commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustical Design Pty Ltd and dated 22 September 2016, but modified to include:
- (a) The acoustic treatments to the courtyard to have an NRC rating of not less than 0.8;
 - (b) The acoustic treatment to be applied to 100% of the underside of the existing roof of the courtyard; and
 - (c) The revised hours of the courtyard.
8. **Before the use approved by the .04 amendment commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by DDEG and dated 1 June 2023 but modified to include:**
- (a) **Reference to the retractable awning of No. 136 Johnston Street;**

- (b) **A music noise limiter/compressor installed in the upstairs band room. The limiter/compressor is to perform the following functions:**
- (c) **Be set at a level specified by a qualified acoustic engineer;**
- (d) **Ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and**
- (e) **Be maintained and operated at all times,**

To the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
11. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin,

To the satisfaction of the Responsible Authority.
12. **The use must comply at all times with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.**
13. Deleted.
14. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level other than when allowed by condition 15. **Music must be maintained at background levels at all times in the courtyards.**
15. **Live music within the premises is permitted at first floor level from Thursday to Sunday only and must cease at 12 midnight.**
16. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
17. Except with the prior written consent of the Responsible Authority, emptying of bottles and cans into bins must not occur:
 - (a) Before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) Before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
18. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only be conducted between 9am and 10pm on any day.
19. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Before 7 am or after 6 pm, Monday-Friday (excluding public holidays);

- (b) Before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
20. This permit will expire if:
21. The development is not commenced within two years of the date of this permit; or
22. The development is not completed within four years of the date of this permit; or
23. The use and sale and consumption of liquor is not commenced within five years from the date of this permit; or
- (a) **The use and sale and consumption of liquor approved under the .04 amendment is not commenced within five years from the date of this amended permit; or**
 - (b) **The development approved under the .04 amendment is not commenced within two years of the date of this amended permit; or**
 - (c) **The development approved under the .04 amendment is not completed within four years of the date of this amended permit.**

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

24. **Within 3 months of the commencement of the use (including the sale and consumption of liquor) approved by the .04 amendment, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the use and confirm the findings of the Acoustic Report endorsed pursuant to Condition 8 and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time. Compliance measurements should be undertaken at a location representative of the nearest affected noise sensitive receiver.**
25. **The provisions, recommendations and requirements of the endorsed post commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

Notes

These premises will be required to comply with the Food Act 1984. The use must not commence until approval has been granted by Council's Health Protection Unit.

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.

The following people addressed the Committee:

- *Leah Henry and Marcus Davies (for the applicant);*
- *Andrew Thornton;*
- *Renee Jackson;*
- *Catherine Mililli; and*
- *Jon Perring.*

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Mohamud

That the Planning Decisions Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN14/0441.04 be issued for 134-138 Johnston Street, Collingwood VIC 3066 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions (new and/or amended conditions in **bold**):

Address

134-138 Johnston Street, Collingwood VIC 3066

Preamble

No change.

Conditions

- 1. Before the use and development approved under the .04 amendment commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Liquor Plan submitted to Council on 16 June 2023 but modified to show:**
 - (a) Notation confirming that patron ingress and egress to/from the laneway will not be permitted;**
 - (b) The retractable roof over the courtyard of No. 136 Johnston Street clearly shown; and**
 - (c) Notation to show deliveries entrance at rear laneway.**
2. Except with the prior written consent of the Responsible Authority, the development, use and sale and consumption of liquor must be carried out in accordance with this permit and the endorsed plans (unless the Yarra Planning Scheme specifies that a permit is not required).
3. Except with the prior written consent of the Responsible Authority, no more than **180 patrons** overall are permitted on the land at any one time or while liquor is being sold or consumed, inclusive of a maximum of:
 - (a) Deleted; and
 - (b) 100 in the beer garden, with no more than 50 in the eastern-most courtyard**At any one time.
4. Except with the prior written consent of the Responsible Authority, the use may only operate and the sale and consumption of liquor may only occur between the following hours:
 - (a) 11am to 1am, Sunday to Thursday (internal areas);

- (b) 11am to 1am, Friday to Saturday (internal areas);
- (c) 11am and 10pm, Sunday to Wednesday, for the rear **courtyards** (from 10pm to 1am the **courtyards** may only be used for smoking with no service or consumption of alcohol permitted); and
- (d) 11am and 1am, Thursday to Saturday, for the rear **courtyards**.

5. **Before the sale and consumption of liquor commences, an amended Noise and Amenity Action Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Noise and Amenity Action Plan will be endorsed and will form part of this permit. The amended Noise and Amenity and Action Plan must be generally in accordance with the Noise and Amenity Action Plan prepared by Liquor Plan, submitted to Council on 16 June 2023 but modified to include (or show, or address):**

- (a) **That patron ingress and egress to the premises from the laneway will not be permitted;**
- (b) **That patron queuing along Johnston Street will be directed westwards;**
- (c) **That the rear roller doors remain closed at all times, except for the delivery and collection of goods;**
- (d) **That the upstairs band room will provide additional seating when not in use for live music;**
- (e) **Venue staff to ensure an even spread of patrons in the external courtyards, with no more than 50 patrons in the eastern-most courtyard;**
- (f) **The management and storage of empty beer kegs to ensure there will be no unreasonable amenity impacts;**
- (g) **That the northern windows at first floor will remain closed from 10pm onwards; and**
- (h) **Appointment of a staff member to monitor patron capacity in both internal and external areas,**

To the satisfaction of the Responsible Authority.

6. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

7. Before the use commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustical Design Pty Ltd and dated 22 September 2016, but modified to include:

- (a) The acoustic treatments to the courtyard to have an NRC rating of not less than 0.8;
- (b) The acoustic treatment to be applied to 100% of the underside of the existing roof of the courtyard; and
- (c) The revised hours of the courtyard.

8. **Before the use approved by the .04 amendment commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by DDEG and dated 1 June 2023 but modified to include:**

- (a) **Reference to the retractable awning of No. 136 Johnston Street;**

- (b) **A music noise limiter/compressor installed in the upstairs band room. The limiter/compressor is to perform the following functions:**
- (c) **Be set at a level specified by a qualified acoustic engineer;**
- (d) **Ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and**
- (e) **Be maintained and operated at all times,**

To the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
11. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin,To the satisfaction of the Responsible Authority.
12. **The use must comply at all times with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.**
13. Deleted.
14. Except with the prior written consent of the Responsible Authority, the provision of music and entertainment on the land must be at a background noise level other than when allowed by condition 15. **Music must be maintained at background levels at all times in the courtyards.**
15. **Live music within the premises is permitted at first floor level from Thursday to Sunday only and must cease at 12 midnight.**
16. Before the commencement of the sale and consumption of liquor, the applicant must, to the satisfaction of the Responsible Authority, display a sign at the exit of the licensed premises advising patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
17. Except with the prior written consent of the Responsible Authority, emptying of bottles and cans into bins must not occur:
 - (a) Before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
 - (b) Before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
 - (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
18. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only be conducted between 9am and 10pm on any day.
19. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
- (b) Before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
- (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

20. This permit will expire if:

21. The development is not commenced within two years of the date of this permit; or

22. The development is not completed within four years of the date of this permit; or

23. The use and sale and consumption of liquor is not commenced within five years from the date of this permit; or

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Notes

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CARRIED

The meeting closed at 7.58pm

Confirmed at the meeting held on Tuesday 24 October 2023

Chair