



**YARRA CITY COUNCIL**  
**Internal Development Approvals Committee**  
**Agenda**

**to be held on Wednesday 23 August 2017 at 6.30pm  
in Meeting Room 3 at the Richmond Town Hall**

**Rostered Councillor membership**

Councillor Daniel Nguyen  
Councillor Jackie Fristacky (substitute for Cr Coleman)  
Councillor Mi Lin Chen Yi Mei (substitute for Cr Bosler)

**I. ATTENDANCE**

Amy Hodgen (Coordinator Statutory Planning)  
Michelle King (Senior Statutory Planner)  
Cindi Johnston (Governance Officer)

**II. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICT OF INTEREST**

**III. CONFIRMATION OF MINUTES**

**IV. COMMITTEE BUSINESS REPORTS**

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***"Welcome to the City of Yarra.  
Yarra City Council acknowledges the  
Wurundjeri as the Traditional Owners  
of this country, pays tribute to all  
Aboriginal and Torres Strait Islander  
people in Yarra and gives respect to  
the Elders past and present."***



## **Guidelines for public participation at Internal Development Approval Committee meetings**

### **POLICY**

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Council provides the opportunity for members of the public to address the Internal Development Approvals Committee.

The following guidelines have been prepared to assist members of the public in presenting submissions at these meetings:

- public submissions are limited to a maximum of five (5) minutes
- where there is a common group of people wishing to make a submission on the same matter, it is recommended that a representative speaker be nominated to present the views of the group
- all public comment must be made prior to commencement of any discussion by the committee
- any person accepting the chairperson's invitation to address the meeting shall confine himself or herself to the subject under consideration
- people making submissions shall address the meeting as a whole and the meeting debate shall be conducted at the conclusion of submissions
- the provisions of these guidelines shall be made known to all intending speakers and members of the public generally prior to the commencement of each committee meeting.

For further information regarding these guidelines or presenting submissions at Committee meetings generally, please contact the Governance Branch on (03) 9205 5110.

**Governance Branch  
2008**

## 1. Committee business reports

Item		Page	Rec. Page
1.1	7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)	5	24

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**1.1 7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)**

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## **Executive Summary**

### **Purpose**

1. This report provides Council with an assessment of an application at 7 Peel Street, Collingwood, sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café/tavern. The report recommends approval of the application subject to a number of conditions.

### **Key Planning Considerations**

2. Key planning considerations include:
  - (a) clause 17 – Economic development;
  - (b) clause 18 – Transport;
  - (c) clause 22.05 – Interface uses policy;
  - (d) clause 22.09 – Licensed premises policy;
  - (e) clause 52.06 – Car parking; and
  - (f) clause 52.27 – Licensed premises.

### **Key Issues**

3. The key issues for Council in considering the proposal relate to:
  - (a) Strategic Context;
  - (b) Sale and consumption of liquor;
  - (c) Car parking and traffic; and
  - (d) Objector concerns.

### **Objector Concerns**

4. Two objections were received to the application, these can be summarised as:
  - (a) Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);
  - (b) Accumulation of Liquor Licences in area;
  - (c) Traffic and parking.

### **Conclusion**

5. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

**CONTACT OFFICER:** Michelle King  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

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**1.1 7 Peel Street, Collingwood - PLN17/0188 - Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a cafe/tavern (no permit required for uses)**

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Trim Record Number: D17/110593

Responsible Officer: Principal Statutory Planner

<b>Proposal:</b>	Sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café/tavern (no permit required for uses)
<b>Existing use:</b>	The Plug and Nickel Café
<b>Applicant:</b>	ACP Group Pty Ltd
<b>Zoning / Overlays:</b>	Commercial 1 Zone/Heritage Overlay (Schedule 318)
<b>Date of Application:</b>	9 March 2017
<b>Application Number:</b>	PLN17/0188

### Planning History

1. Planning Permit 89/110 was issued on 24 July 1989 to *refurbish the existing building and convert to office usage with associated car parking.*
2. Planning Permit Application 90/280 for *an extension to existing office* refused on 27 July 1992.
3. Planning Permit 97/1275 was issued on 14 November 1997 *for the purpose of constructing three (3) units in accordance with the attached endorsed plans.*
4. Planning Permit PL05/0361 was issued on 10 July 2006 for the *partial waiver of car parking associated with the change of use at the ground floor level with the introduction of two retail tenancies and buildings and works to the existing building, including partial demolition and the construction of an additional level for the purpose of two dwellings.* This permit has not been acted upon.
5. Planning Permit PL06/0561 was issued on 29 September 2006 for *Development of the land through the construction and display of two advertising sign.*
6. Planning Permit PLN15/0798 was issued on 12 February 2016 for *Part demolition, buildings and works (façade) and construction and display of business identification signage.*
7. Planning Permit Application PLN16/0775 for a Liquor Licence lapsed on 15 November 2016.

### Background

8. The application was received by Council on 9 March 2017. Following the submission of further information, the application was advertised and two (2) objections were received.
9. The application initially included the existing 17.5m<sup>2</sup> room used as a hairdresser. Pursuant to clause 34.01-1 of the Commercial 1 Zone, the use of the land for a 'hairdresser' is a section 1, permit not required use. In accordance with clause 52.06 (car parking) the use does not generate a requirement to provide car parking on site due to the small floor area.
10. In accordance with the above it was determined the use of the land for a hairdresser does not require planning approval and therefore has been removed from the permit application.
11. The application was called in by Cr Jolly on 4 July 2017 to be decided at an Internal Development Approval Committee (**IDAC**).

## Existing Conditions

### Subject Site

12. The subject site is located on the south-west corner of Peel and Little Oxford Streets, Collingwood. The subject site is part of a larger site at No. 5 – 7 Peel Street that has a frontage of 13.13 metres to Peel Street and 32.61 metres to Little Oxford Street, with a total site area of 442 sqm (approx.).
13. No. 5 – 7 Peel Street is currently occupied by a two storey Victorian-era building built to the north, east and west boundaries toward Peel Street and a later three storey addition attached at the rear with car parking provided at ground floor. The Victorian-era building contains retail tenancies on ground floor and office on the first floor, the building addition to the rear contains residential uses.
14. The Plug and Nickel Café is located at the corner of Peel and Little Oxford Streets, comprising 88m<sup>2</sup> of the ground floor area. Approximately 17.5m<sup>2</sup> of this area is sublet to a hairdressers, Ginger Hair (to the south of the café). The main access to the café is from an entrance in the building splay at the corner of Peel and Little Oxford Streets. Access to the Hairdresser, and also a secondary access to the café, is from Little Oxford Street.

### Surrounding Land

15. The subject site is located within the Smith Street Activity Centre, which contains a large number of established commercial buildings, where a range of restaurants, bars, taverns and other entertainment venues operate. The commercial nature of the precinct extends into Peel Street to the east, with a mix of commercial and residential uses.
16. The subject site has good access to public transport with tram and bus services available along Smith, Johnston and Victoria Streets. On-street parking in the immediate area is generally 2P ticketed, parking along Peel Street is unrestricted after 5.30pm on weekdays and 12.30pm on Saturdays.
17. The immediate surrounds are as follows, and are shown in detail on the submitted site context plan (Attachment 6):

#### *North*

18. To the north-east of the site, at the intersection of Peel and Little Oxford Streets is a two storey commercial premises that is situated within the grounds of the Peel Street Park which also fronts onto Peel Street and Oxford Street to the east. Across Oxford Street to the east at No. 18-22 Peel Street is a recently constructed mixed use development comprising commercial uses on the ground floor with apartments above.
19. Directly opposite the site across Peel Street, is a triple storey building (No. 8 – 10 Peel Street). This building is currently used as a place of assembly for an adult entertainment club, operating generally between midday and 6am. This building is located within the Mixed Use Zone.
20. To the west of this building is No. 6 Peel Street containing a double storey Victorian-era dwelling. No. 2-4 Peel Street contains a double storey Victorian-era commercial premises where an art gallery currently operates out of the ground floor. These buildings are located in the Mixed Use Zone between the place of assembly at No. 8-10 Peel Street and the Grace Darling Hotel located at 114 Smith Street.

21. The Grace Darling Hotel is within the Commercial 1 Zone with a frontage to both Smith and Peel Streets. The Hotel currently operates under a General Liquor Licence and is licensed to trade between 7am and 1am on all days but Sundays, where the use is licenced to operate between 10am and 11pm. There are also restrictions on Good Friday and Anzac Day.

*East*

22. The land on the opposite side of Little Oxford Street, No 9-11 Peel Street, contains a two-storey Victorian-era building, located within the Mixed Use Zone. The building is presently used as a 90 seat licensed restaurant (Lazer Pig) with hours operating until 11pm Sunday to Wednesday, 12 midnight on Thursdays and 1am Friday to Saturday. An amendment to this application is currently before Council to increase the patron numbers and area of red line. No decision has been made at the time of writing this report.
23. To the east of the restaurant is a row of three single fronted Victorian-era dwellings at No. 13, 15 and 17 Peel Street. All three dwellings have high front fencing, approximately 1.8 metres in height, with varying degrees of permeability. No. 13 Peel Street appears to be the only dwelling out of the three that has been improved by a second storey addition. A wholesale jewellery retailer is located to the east of these residences in a two storey commercial building, at No. 19 Peel Street, with a frontage to both Peel and Oxford Streets.

*South*

24. To the direct south of the site are three, three-storey townhouses that are associated with the larger overall site, No. 5-7 Peel Street. To the south of the townhouses is a three storey mixed use building at No. 25 Little Oxford Street, containing a commercial/office use at ground floor and two apartments above. These residences are all located within the Commercial 1 Zone.
25. Opposite these developments on the eastern side of Little Oxford Street and western side of Oxford Street, is a double storey commercial development at No. 65-71 Oxford Street.
26. The land further to the south on the western side of Little Oxford Street is currently undergoing a high degree of change. The car park located at No. 23 Little Oxford Street and the Kaps Institute of Management building located at No. 17-21 Little Oxford Street have recently received approvals for the construction of six storey mixed use buildings.

*West*

27. A retail premises used for a bicycle shop (Tokyo Bike), is located in the larger overall site of No. 5-7 Peel Street. To the west of this, is a commercially zoned site at No. 1 Peel Street containing a four storey building used for residential purposes (fifteen apartments). The ground floor of this building does not provide an active frontage to Peel Street with a blank wall built to the Peel Street boundary, with the exception of a red door for pedestrian access to the car parking area and dwellings. The building is also built to the common boundary with No.5-7 Peel Street. Car parking is contained on the ground floor and accessed from a right of way connecting to Peel Street. The dwellings are oriented to face a right the way to the west of the property on the floors above the car park, facing the rear of several commercially zoned retail buildings along Smith Street.

*Licensed Premises*

28. There are a number of existing licensed premises in the area, particularly along Smith Street. The following licensed premises are located along Peel Street:
  - (a) No. 114 Smith Street, the Grace Darling Hotel (300 patron capacity). Trading until 1am Monday – Saturday and 11pm on Sundays. Located in the Commercial 1 Zone approximately 30 metres north-west of the site.



- (b) No. 9-11 Peel Street, Lazer Pig Restaurant (90 patron capacity). Trading until 1am Friday and Saturday, 12pm on Thursdays and 11pm every other day. Located in the Mixed Use Zone, approximately 10 metres to the east of the site.
- (c) No. 106 Cambridge Street, Akasrio Restaurant (20 patron capacity). Trading until 4pm Sunday and Tuesday, 10pm on Wednesday and Thursday and 11pm Friday and Saturday. Located in the Mixed Use Zone, approximately 140 metres to the north-east of the site.
- (d) No. 113 Wellington Street, The Peel Hotel (540 patron capacity). Trading 24 hours a day. Located in the Mixed Use Zone, approximately 180 metres to the north-east of the site.



Figure 1: Site and surrounds

## The Proposal

29. The proposal can be summarised as follows;

### *Internal layout*

- (a) The Plug and Nickel Café (70.5m<sup>2</sup>) and Ginger Hair hairdresser (17.5m<sup>2</sup>) are located in the north eastern tenancy of the building.
- (b) The red line plan for the liquor licence shows that liquor will be served within the internal area of the food and drinks premises (including service areas and toilets) and does not include the room sublet to the hairdresser.

### *Sale and consumption of liquor*

- (c) The site will continue operation as a food and drinks premises (café) during the day and change to a bar/tavern during the evening, with a maximum of 15 patrons and 3 staff.
- (d) The proposed bar/tavern use during the evening is proposed to be an intimate space that serves a small range of high quality alcoholic beverages including craft beer, whisky and coffee based cocktails.
- (e) The proposed hours for the sale and consumption of liquor are;
  - (i) Sunday to Wednesday 11am to 11pm;
  - (ii) Thursday to Saturday 11am to 1am.

- (f) An 'on-premises' licence is being sought, with this licence authorising the supply of liquor for consumption on the licensed premises.
- (g) Only background music will be played, no live or amplified music is proposed.
- (h) Waste will continue to be collected by a private waste contractor. Bins will be stored in the internal car parking area, while this is shown to be in the tenancies car park it is considered a reasonable location considering the type and volume of waste expected to be generated by the use and convenient location near access to the tenancy.

*Car parking/bicycle parking*

- (i) One on-site car parking space and bicycle space will be maintained within the internal car parking area.

## Planning Scheme Provisions

### Zoning

#### *Commercial 1 Zone*

- 30. Pursuant to clause 34.01-1 of the Yarra Planning Scheme [**the Scheme**] the use of the site as a 'tavern' and a 'café' is a section 1, permit not required use (nested within 'retail premises').

### Overlays

#### *Heritage Overlay – Schedule 318*

- 31. The application does not propose any buildings and works and therefore the provisions of this overlay are not triggered.

### Particular Provisions

#### *Clause 52.06 – Car parking*

- 32. Pursuant to clause 52.06-2, before a new use commences the number of car parking spaces required under Clause 52.06-5 must be provided to the satisfaction of the responsible authority. Where the required number of car parking spaces is not provided, clause 52.06-3 allows a planning permit to be granted to reduce the requirement (including a reduction to zero).
- 33. The use of the land for a café generates the requirement for the provision of 3 spaces, whilst the tavern use generates the requirement for the provision of 6 spaces, as the below table demonstrates:

Use	Car parking measure	Statutory Requirement
Tavern	0.4 to each patron permitted	6
Food and Drinks Premises (Café)	4 to each 100 square metres of leasable floor area	3

- 34. Therefore, as the subject site is to be used as both a café and a tavern, the higher and more restrictive rate, associated with the tavern, will be adopted in the assessment of this application, in accordance with the below table:

Use	Car parking measure	Statutory Requirement	On-site Provision	Reduction requested
Tavern	0.4 to each patron permitted	6	1	5

35. Having regard to the above and with 1 on-site car parking space provided, a planning permit is required for the reduction of 5 spaces associated with the use of the land as a 'tavern'.

*Clause 52.27 – Licensed premises*

36. The purpose of this clause is:
- (a) *To ensure that licensed premises are situated in appropriate locations.*
  - (b) *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*
37. A permit is required to use land to sell or consume liquor if (relevantly):
- (a) *A licence is required under the Liquor Control Reform Act 1998.*
38. Decision guidelines at clause 52.27 include:
- (a) *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - (b) *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
  - (c) *The impact of the hours of operation on the amenity of the surrounding area.*
  - (d) *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

General Provisions

*Clause 65 – Decision Guidelines*

39. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.

State Planning Policy Framework (SPPF)

*Clause 11.03-1 (Activity centre network)*

40. The objective is:
- (a) *To build up activity centres as a focus for high quality development, activity and living for the whole community by developing a network of activity centres.*

*Clause 11.03-2 (Activity centre planning)*

41. The objective is:
- (a) *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.*

*Clause 11.06-1 – (Jobs and Investment)*

42. The objective of this clause is:

- (a) *To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.*

43. Strategies of this clause include:

- (a) *Support the Central City to become Australia's largest commercial and residential centre by 2050, by planning for office, retail, education, health, entertainment and cultural activity spaces.*
- (b) *Support the continued growth and diversification of activity centres to give communities access to a wide range of goods and services, provide local employment and support local economies.*

44. Clause 13.04-1 (Noise abatement) objective is:

- (a) *To assist the control of noise effects on sensitive land uses.*

45. Noise abatement issues are measured against relevant State Environmental Protection Policy (SEPP) and other Environmental Protection Authority (EPA) regulations.

*Clause 17 – Economic development*

*Clause 17.01-1 – (Business)*

46. The objective of this clause is 'to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'.

47. A strategy of this clause includes:

- (a) *Locate commercial facilities in existing or planned activity centres.*

*Clause 18 – Transport*

*Clause 18.01-2 – (Transport system)*

48. A strategy of this clause includes:

- (a) *Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to, and where possible enhance the service, safety and amenity desirable for that transport route in the short and long terms.*

Local Planning Policy Framework (LPPF)

*Clause 21.03 – Vision*

49. The following is offered in this clause:

*In the City of Yarra in 2020:*

*Land Use*

- (a) *The complex land use mix characteristic of the inner City will provide for a range of activities to meet the needs of the community*

- (b) *Yarra's exciting retail strip shopping centres will provide for the needs of local residents, and attract people from across Melbourne*

*Clause 21.04-2 – Activity Centres*

50. The site is located within the Smith Street Activity Centre. The relevant objectives and strategies of this clause are:
- (a) *Objective 4 - To maintain a balance between local convenience and regional retail roles in Yarra's activity centres.*
    - (i) *Strategy 4.1 Increase the range of retail, personal and business services, community facilities, and recreation activities, within individual centres.*
    - (ii) *Strategy 4.2 Support the regional role of the Major Activity Centres as an important component of Yarra's economy and as a metropolitan destination.*
  - (b) *Objective 5 To maintain the long term viability of activity centres.*
    - (i) *Strategy 5.2. Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres.*

*Clause 21.04-3 – Industry, office and commercial*

51. The objective of this clause is 'Objective 8 - To increase the number and diversity of local employment opportunities'.

*Clause 21.08-5 Neighbourhoods (Collingwood)*

52. This clause describes the area in the following way (as relevant):
- (a) *The Smith Street major activity centre serves multiple roles for local residents whilst attracting visitors from a larger catchment. It is a classic main road strip generally consisting of buildings of two to four storeys interspersed with the occasional building of up to 6 storeys. The subdivision pattern is consistent, and the pattern of the streetscape is generally fine grain. Unlike many other Victorian shopping strips the street is also characterised by the variance in profile and design of buildings. It has a high proportion of individually significant heritage buildings, supported by contributory buildings from the Victorian-era and Edwardian-eras.*
  - (b) *The Activity centre has developed a strong factory outlet focus including a sports retail focus, at the north of the centre between Johnston Street and Alexandra Parade. Between Johnston Street and Gertrude Street the centre provides much of the convenience retailing for the surrounding neighbourhoods. The area also hosts a variety of restaurants and cafes.*
53. Within Figure 13 of Clause 21.08-5, the subject site is identified as being within the Smith Street Major Activity Centre. Figure 14 of Clause 21.08-5, shows No. 7 Peel Street as being within a non-residential built form character area where the objective is to improve the interface of development with the street.

Relevant Local Policies

*Clause 22.05 – Interface Uses Policy*

54. This policy applies to applications for use or development within Business Zones (albeit now Commercial Zones), amongst others. The policy supports the objectives of the MSS by protecting Yarra's diverse land use mix and built form, reducing conflict between commercial, industrial and residential activities, and supporting appropriate industrial and commercial activity.
55. The policy has the following objectives:
- (a) *To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.*

*Clause 22.09 – Licenced premises*

56. This policy applies to all applications for new licensed premises and for the extension (including the extension of hours and the extension of patron numbers) of existing licensed premises.
57. The objectives of this clause are:
- (a) *To effectively manage the location, operation and hours of trade of licensed premises, in order to protect the amenity of nearby properties and areas.*
- (b) *To protect residential and other commercial uses from excess noise, traffic and car parking issues.*
- (c) *To provide for daytime trade and active street frontages in retail strips, while providing reasonable commercial opportunities for the trading of licensed premises.*
58. This policy outlines a range of guidance at clause 22.09-3 (including location and access and hours of operation).

Other Relevant Documents

*Smith Street Structure Plan [SSSP]*

59. In November 2008, Council adopted the *Smith Street Structure Plan* Specific to the subject site, the SSSP aims to maintain the mix of uses in the area, whilst embracing opportunities for new housing and protecting residential amenity. In the SSSP, the subject site is shown as being part of the Smith Street Shopping Strip.

Amendment C140

60. In 2011, Council prepared Amendment C140 to implement some of the objectives of the Smith Street Structure Plan. The Amendment proposed to update the MSS to reference the Smith Street Structure Plan at clause 21.08 (Neighbourhoods) and include it as a reference document at clause 21.11. A new schedule to the Design and Development Overlay (DDO14) was to apply to the Smith Street Activity Area, effectively implementing the built form vision, objectives and strategies of the Smith Street Structure Plan. The Smith Street Structure Plan was the sole strategic basis for Amendment C140.
61. An independent planning panel, appointed by the Minister for Planning [**Minister**] considered the amendment in June 2012 and recommended that it be abandoned.
62. In light of the above, Council at its Meeting on 17 September 2013, resolved to abandon Amendment C140 (the planning scheme changes), though the SSSP remains an adopted Council position. The document guides development and therefore is not directly applicable to this application.

Amendment C209

63. Amendment C209 proposes changes to the Licensed Premises Policy contained within clause 22.09 of Council's Local Planning Policy. The proposed changes are intended to improve the way licensed venues are managed in the City of Yarra and make various changes to the current content of the policy.
64. Relevant to this application the policy:
- (a) Encourages licensed premises with a capacity of 200 persons or more to be located in Core Entertainment Precincts (applicable to properties front and within access from the main streets listed below) including Smith Street.
  - (b) Licensed premises be located such that there are appropriate opportunities to manage or buffer potential amenity impacts provide a high level of public safety and not result in unreasonable cumulative impacts.
  - (c) Appropriate hours for deliveries and the collection of waste have been outlined to accord with Council's Local Law.
  - (d) Policy regarding cumulative impacts is now provided.
65. The policy has recently been heard before a planning panel in April of this year. The panel report has been publically released and Council will soon determine whether to adopt (with or without changes) or abandon the amendment. If adopted, the amendment would then be submitted to the Minister for Planning for review and final approval.

## **Advertising**

66. The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987* [the Act] by way of 53 letters sent to the surrounding property owners/occupiers and by two signs (one to each of the frontages to Peel and Little Oxford Streets).
67. Two objections were received to the application, these can be summarised as:
- (a) Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);
  - (b) Accumulation of Liquor Licences in area;
  - (c) Traffic and parking.

## **Referrals**

### External Referrals

- (a) None

### Internal Referrals

- (b) Community Amenity Unit;
- (a) Social Planning Unit;
- (b) Engineering Unit.

68. Referral comments are attachments to this report.

## **OFFICER ASSESSMENT**

69. In assessing this application, the primary planning considerations are:
- (a) Strategic context
  - (b) Sale and consumption of liquor;
  - (c) Car parking and traffic; and
  - (d) Objector concerns.

### Strategic Context

70. The location of a licenced café and bar/tavern is considered to have strategic support given state and local planning policies encourage the concentration of commercial and entertainment uses in Activity Centres, such as Smith Street, which are well connected to public transport (clauses 11.03-1, 11.03-2 and 21.04-2).
71. The Commercial 1 Zoning of the land includes the purpose to *create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses*.
72. The establishment of a tavern use on the site in the evening and continued use of the site as a café during the day, with the serving of alcohol, provides activation of the shop frontage both day and night to aid in the ongoing implementation of this purpose.
73. The use will contribute to the continued vibrancy and growth of the surrounding precinct as encouraged by the policies outlined above. Significantly, the use of land within the Commercial 1 Zone as a 'tavern,' and the existing use as a 'café,' does not trigger the need for a planning permit. This indicates strong strategic support for the application in its proposed location and accords with planning policy contained at clause 22.09-3.1 which discourages licenced premises within residential or mixed use zones.

#### Sale and consumption of liquor

74. To evaluate the appropriateness of the hotel in terms of the sale and consumption of liquor, clause 22.09 (Licensed Premises Policy) and clause 52.27 (Licensed Premises) contain the relevant policy guidelines.

#### *Clause 22.09-3.1 – Location and access*

75. The site is located within the Smith Street Activity Centre; a consolidated urban neighbourhood with good access to services, infrastructure and public transport. The site is 55m to the east of Smith Street and within proximity to Gertrude Street, Johnston Street and the major thoroughfares of Victoria Parade and Hoddle Street.
76. There are a number of licensed premises within the immediate area, including the Grace Darling Hotel, Lazer Pig Restaurant, Akasiro Restaurant and the Peel Hotel. A number of these venues cater to a large amount of patrons, particularly the Grace Darling Hotel (300 patrons) and the Peel Hotel (540 patrons) which effectively "bookend" Peel Street. The Grace Darling Hotel is located towards the western end, on the corner of Smith and Peel Streets while the Peel Hotel is located towards the eastern end, on the corner of Wellington and Peel Streets.
77. The site has a direct interface with the Mixed Use Zone (MUZ) to the north, north-east and east. It is important to note the purpose of the Mixed Use Zone, which seeks to encourage a *range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality* and is not solely for residential use.
78. The current uses directly opposite the subject site within the MUZ are not sensitive. As previously identified on the other three corners of Peel and Little Oxford Streets is a place of assembly, a commercial premises situated within a park and the Lazer Pig restaurant. This combined with the 'as-of-right' use of the food and drink premises (café and tavern) within the zone, lends further support to the establishment of the proposal in this location.
79. The entrance to the premises will continue to be from the corner of Peel and Little Oxford Streets. With regard to the maximum number of patrons, fifteen, it is considered that management of potential amenity impacts such as ingress by queuing, egress of those who have consumed alcohol and anti-social behaviour would be minimal, and achievable.



80. The proposed use is not out of keeping with surrounding uses in the area. It is acknowledged that there is a strong presence of late night premises within the immediate surrounds, including the Lazer Pig restaurant to the east and to the north-west of the site is the Grace Darling Hotel. Both uses operate until 1am over the weekend period. The Peel Hotel located at the eastern end of Peel Street is licensed to operate at all hours.
81. The public realm in this part of Peel Street has been designed for a higher level of public use in both the commercially zoned and mixed use zoned land toward the Smith Street end. Wider footpaths to allow for outdoor seating, street lighting, street furniture and a public toilet are all within 50 metres of the premises. Additionally, a park is located diagonally across the road.
82. The aim of the proposal is for the café use to turn into to a bar/tavern use in the evening, to have an intimate space serving a small range of high quality alcoholic drinks, including craft beer, whisky & coffee based cocktails.
83. It is considered that the tenancy, whilst not located on Smith Street but within proximity to it, lends itself to this type of use with later closing hours. Smaller tenancies such as this which allow for a small and intimate bar/tavern are not common along Smith Street. They also typically have fewer adverse amenity impacts.
84. The uses located in the surrounding MUZ do not contribute to a highly intact residential area as previously outlined in the site surrounds section. It is also worth noting that due to the Commercial 1 Zoning of the property there are a number of uses that could located in the premises and not require planning approval or restrictions on operating hours, such as a restaurant or place of assembly use.
85. Given the small size of the premises, minimal patrons and the type of venue proposed, it is highly unlikely that patrons will be required to queue for entry. The distance of the venue's entrance from the residential dwellings (23 metres to the residence at No. 6 Peel Street and 25 metres to those to the east of the Lazer Pig restaurant) will limit any impacts, such as noise and anti-social behaviour.
86. It is noted that No. 1 Peel Street and the dwellings within the larger site of No. 5-7 Peel Street are within a closer range of the café/tavern. Built in a Commercial 1 Zone, these dwellings have been built and designed with the zoning in mind, limiting the interface the dwellings have with the purpose built commercial buildings.
87. Council's Social Planning Unit have reviewed the proposal and raised no issues with the location of the subject site in regards to the surrounding Mixed Use context.
88. It is considered that the sale and consumption of liquor associated with the café/tavern is appropriate, based on the factors outlined above.

*Clause 22.09-3.3 – Patron Numbers*

89. A maximum of 15 patrons is proposed. A Patron Capacity Report was submitted, with this report confirming that the floor area of the premises and the facilities provided are sufficient to cater for the number of patrons proposed.
90. Council's Community Amenity Unit raised no concern with the proposed liquor licence due to the low patron numbers and use of background music only. It is noted that a café operates out of the premises at present and no complaints have been received to date.
91. Council's Social Planning Unit commented that given the proposal would only provide for 15 patrons, the risk of onsite or offsite amenity impacts and negative cumulative impacts on the area are significantly reduced.

92. The Social Planning Unit recommended that the applicant consider providing food during the proposed licensed hours. The applicant has confirmed that while no kitchen is located on site, a food offering will be available. This will most likely be small platter style dishes such as cheese and meat platters.
93. Given the maximum number of patrons is limited in nature it is considered that the number of patrons will be manageable on site and not adversely affect the amenity of the surrounding area.

*Clause 22.09-3.4 – Noise*

94. Council's Social Planning Unit raised concerns with an on-premises licence type which allows the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours, due to the interface of the site with the Mixed Use Zone.
95. It is noted the applicant's proposed to have music at background level only, this can form a condition of permit to remove any ambiguity from the type and level of music allowed on site.
96. No acoustic report was required as part of the application and is not considered necessary given background and non-amplified music is proposed, the venue is fully enclosed without any outdoor seating or smoking areas. There are no direct residential abutments as retail uses separate the café/tavern from nearby residences.
97. As required by Clause 34.01-2 (Use of land) of the Commercial 1 Zone the following condition can be included on any permit issued:

*The amenity of the area must not be detrimentally affected by the use or development, 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.*

98. This condition is a mechanism to ensure the ongoing amenity of the surrounding area is protected. If verified amenity issues around noise occur then corrective works can be required by the responsible authority to ensure they are resolved and amenity restored.
99. It can also form conditions of permit that the use complies with the requirements of the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2) and State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
100. With the above conditions in mind it is considered that the sale and consumption of liquor associated with the café/tavern provides an adequate response to the surrounding amenity within the expectations for a Commercial 1 Zone and MUZ, in both an Activity Centre and interface zone.

*Clause 22.09-3.5 – Car Parking*

101. Car parking will be discussed in the car parking assessment under clause 52.06 of the Scheme.

*Clause 22.09-3.6 – Noise and Amenity Action Plan*

102. Clause 22.09-3.6 notes that all licenced premises should comply with a detailed NAAP; accordingly one was submitted as part of this application and contains details outlining procedures to be followed in the daily operation of the premises.
103. The NAAP provides further details regarding responsible serving of alcohol within the premises, security arrangements, waste collection and complaint procedures. The NAAP can be endorsed as part of any permit issued and adherence with the plan will be required at all times.
104. The submitted NAAP identifies that the primary entrance to the venue will continue to be from the door on the corner of Peel and Little Oxford Streets, facing north east and that staff will encourage patrons to respect the amenity of the area when leaving. Further to this point it can form a condition of permit that a sign be erected at the exit of the venue to advise patrons to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
105. The NAAP identifies that deliveries will occur during business hours and on weekdays, similar to existing conditions concerning the café. Waste will be removed by a private contractor, and stored in the car parking area in accordance with current arrangements. Standard conditions regarding the hours for waste collection and deliveries can be included to ensure the operation of the site aligns with Council's General Local Law.
106. A person in management will always be on the premises to respond to any complaints received. Access to the premises during operating hours to any member of Victoria Police or an Authorised Officer of the Responsible Authority or an officer of Liquor Licensing Victoria, to carry out investigations, will be permitted.
107. The proposal also responds to the policy contained within the proposed amendment to clause 22.09. Whilst not proposing a capacity of more than 200 persons, the use is appropriately located within pedestrian access from Smith Street. The site, abutting the mixed use zone, is appropriately located opposite commercial uses within this zone to buffer potential amenity impacts.
108. Council's Social Planning Unit and Community Amenity Unit did not raise concerns with the location of the licensed café and tavern in regards to the Mixed Use surrounds.
109. Based on the measures provided, it is not anticipated that the proposed venue will result in unreasonable detriment to the amenity of nearby residential properties (existing and future) and the objectives of Clause 22.05 – Interface Uses Policy are met.

*Cumulative impact*

110. An assessment criteria contained at clause 52.27 not covered above is the cumulative impact of existing licensed premises and the proposed licensed premises on the amenity of the surrounding area. It is acknowledged that the mix of licensed premises in an area can influence potential cumulative impacts.
111. These cumulative impacts can be both positive and negative. For instance, areas with a range of licensed venues (small bars, large hotels, and restaurants) can create vibrant commercial areas with fewer impacts, whereas areas with many large scale bars and nightclubs within proximity of each other could potentially result in more negative impacts to the immediate neighbourhood accumulatively.

112. The “Corner Hotel” decision (*Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*) provides an assessment methodology for considering applications that may result in cumulative impact. The decision also acknowledges that depending on the nature of the use (i.e. premise type, patron numbers and operating hours) the required level of assessment will vary.
113. Based on this decision, Council has developed an assessment tool to determine the likelihood of cumulative impact occurring as a result of a proposal based on risk factors associated with the type, size and closing hours of the premises, to help determine what level of assessment is appropriate.

Type of Premise	Risk Factor
Café / Restaurant	0
Bar / Restaurant / Café	1
Bar	3
Hotel / Tavern	3
Night Club	3
Place of Assembly	2
Size of Premise	Risk Factor
0 – 49 patrons	0
50 – 99 patrons	1
100 – 199 patrons	2
200+	3
Closing hours	Risk factor
11pm	0
12am	1
1am	2
2am	3
3am	3
After 3am	4

114. Applying the matrix of risk, a reasonable consideration would suggest a score of 1-3 would be no risk, higher than 3 would be a potential risk. In this instance the venue achieves a maximum score of 5 (with a score of 3 on Sundays to Wednesdays), thus would be a venue of potential risk Thursday to Saturday and as such, a cumulative impact assessment is warranted.
115. Practice Note 61 – Licensed premises: Assessing cumulative impact was released by the former Department of Planning and Community Development (DPCD) in March 2011, and provides a framework for assessing cumulative impact. The Practice Note outlines the following matters to be considered when assessing the cumulative impact of licensed premises:
- (a) *Planning policy context*
  - (b) *Surrounding land use mix and amenity*
  - (c) *The mix of licensed premises*
  - (d) *Transport and dispersal*
  - (e) *Impact mitigation*
116. A number of these factors such as the policy context and land mix of the surrounding area have been discussed previously within this report, with anticipated amenity impacts also considered in detail. An assessment including the mix of licensed premises, the dispersal of patrons and potential impact mitigation will need to be undertaken.

*The mix of licensed premises*

117. When assessing the mix of licensed premises Practice Note 61 provides some guidance as to what is to be achieved. The practice note states that *the mix of licenced premises in an area can influence potential cumulative impacts. For example, an area with a mix of restaurants, cinemas and small bars may have fewer impacts than an area with primarily large bars and nightclubs.*
118. A survey of licenced premises within a 500m radius of the subject site revealed that there were 108 licenced premises. Of these, 55 are licensed to operate past 11pm (typically on the weekend), and would therefore be considered to have potential for causing negative impacts.
119. Further analysis determined that out of these 55 licenced premises, only six provide a space for fewer than 49 patrons (a low risk category). These six licensed premises are all associated with an existing restaurant use with the exception of Bill's Bar, located at 106 Smith Street, Collingwood (19 patrons).
120. The introduction of a smaller scale licensed café and bar/tavern use within an area where large venues with a capacity of over 100 patrons dominates after 11pm will offer variation in night time venues. This is considered to be a positive cumulative impact, where small groups or couples can congregate at a smaller venue away from the larger busy venues.
121. The option to disperse to a larger venue with later closing hours is then available to users of the bar/tavern. These venues are located predominately in Smith Street with two in Wellington Street (The Peel Hotel and Wet on Wellington) and one in Gipps Street (Le Bon Ton).
122. As previously identified Council's Social Planning Unit have commented that due to the proposal being for only fifteen patrons, this would significantly reduce the risk of having a negative cumulative impact on the area.
123. Council's Community Amenity Unit supported this view, raising no issue with an additional licensed premises in the area with regard to the number of patrons proposed.
124. For the above reasons it is considered that the proposal will not detrimentally contribute to a cumulative impact as a result of the liquor licence.

*Transport and dispersal*

125. The practice note requests consideration of the dispersal routes of patrons from the premises in order to assess potential impacts on the amenity of the surrounding area, noting that how patrons leave the licensed premises at closing time can have a significant impact on the amenity of an area.
126. As previously outlined, the licensed premises which operate beyond 1am are predominately located along the Smith Street spine. This ensures that if any movement between nearby licensed venues occurs, it is unlikely that patrons will need to walk through residential areas. Peel Street will be the main thoroughfare for patron movements and dispersals, to either other venues or to public transport/taxis/ride share along Smith Street. While pedestrian movements will occur past dwelling uses along Peel Street, as previously identified in the site surrounds section, these dwellings are located in an Activity Centre with Commercial 1 Zoning.
127. It is noted that the Lazer Pig restaurant opposite the subject site to the east also concludes it's liquor licence at 1AM Friday and Saturday, and midnight on Thursdays. It is considered that due to the limited number of fifteen patrons proposed at the subject premises the similar closing times aligning will not cause adverse amenity impacts and will integrate well with closing times expected of venues in the Activity Centre and in proximity to residences.

In addition, the dispersal of patrons from the venue is likely to be staggered, with patrons coming and going at various times throughout the day, evening and night.

128. Given there is only one main entry/exit for patrons from the venue onto Peel Street, people are likely to disperse toward Smith Street to access public transport and taxis or other licensed venues within the area. There is no need for patrons to pass through the commercial and mixed use area to the north and south, or to the mixed use area to the east, in order to access these services.
129. Based on the location of the subject site within an activity centre, the relatively low level of this type of small scale licensed café and bar/tavern within proximity, the nature of the venue and the likely dispersal routes to be used, it is not considered that the new establishment will create unreasonable additional impacts within the surrounding area.

#### *Impact mitigation*

130. To ensure a venue is managed appropriately, Council's local policy at clause 22.09 requires submission of a NAAP which outlines management procedures aimed at ensuring good patron management. The NAAP has been discussed earlier within this assessment. This document outlines the specific management procedures to be followed at all times, and includes details relating to staffing, responsible service of alcohol and complaint management procedures.
131. The NAAP is considered to be satisfactory in mitigating negative cumulative impacts associated with the venue. To ensure the venue is managed in accordance with these specifications, the NAAP can be endorsed by way of planning permit condition, on any permit issued.
132. In addition to these measures, Council's Local Law No.8 prohibits the consumption of liquor in public places and Council's Community Amenity Unit and Victoria Police are charged with ensuring these venues operate in an appropriate manner. Victoria Police generally focus on patron behaviour on the street and Council's Community Amenity Unit generally deals with issues of noise from within premises.

#### Car parking and traffic

133. The use of the site as a food and drinks premises (café during the day, tavern during the evening) generates varying statutory car parking requirements. For the café, 3 car parking spaces are required to be provided, for a tavern this is increased to 6. The higher and more restrictive rate, associated with the tavern, has been adopted in the assessment of this application. With 1 on site car parking space provided, a reduction of 5 spaces is therefore required.
134. In assessing a car parking reduction, the Responsible Authority must have regard to a number of factors outlined at clause 52.06-7 of the Scheme. These relate to the associated car parking demand that the use may generate and the likelihood of multi-purpose trips within the locality which may incorporate the proposed use and the availability and proximity of alternative transport options. These are discussed throughout the assessment below.

#### *Car parking demand and availability and the likelihood of multi-purpose trips within the locality which may incorporate the proposed use*

135. During the day, the venue will operate as per the existing conditions as a café for 15 patrons. Whilst planning approval for the car parking reduction of two spaces associated with the café has not been sought, it is understood the café has been in operation for some time, thus there will no discernible change in car parking demand.

136. The site is located in an existing heritage building and cannot reasonably provide additional on-site car parking. Any other use occupying the premises will have the same issue and it is considered the one car parking space allotted to the premises is typical of a commercial precinct.
137. With regard to parking availability in the evenings when the site will be used for a bar/tavern, Council's Engineering Services Unit confirmed that it would be highly likely that the premises would attract visitors already in the area engaged in other activities and business. Smith Street is an established Activity Centre where a range of restaurants, bars, taverns and other entertainment venues operate.
138. The premises is relatively small and is not likely to be a key trip generator, gaining patrons through walk-up trade who are already within the Activity Centre or from the surrounding residential areas.
139. This increases the likelihood of multi-purpose trips within the locality during these periods, and thereby reduces car parking demand within the surrounding streets for the sole purpose of trips to the subject site.
140. The Engineering Unit also confirmed that based on empirical data collected over time in the area, typically licensed taverns would generate a demand for 0.10 to 0.20 spaces per patron. If the conservative rate of 0.20 spaces per patron is adopted, an empirical rate of three spaces would be generated, less the one on site car parking space provided, the use would generate the need for two spaces.
141. The streets surrounding the site contain time restricted parking controls which ensure that parking turns over frequently. It is considered that patrons choosing to drive to the site should be able to find a short-term on-street space in the surrounding street network.
142. Recent car parking surveys in the immediate surrounds (400 metre radius of the site) on a Saturday evening in April (between 7pm and 10pm) was undertaken for the premises at 9-11 Peel Street. This survey revealed that out of an inventory of 573 spaces, 79 to 191 vacant spaces were available. This data demonstrates that there is adequate short stay car parking available within the immediate vicinity to absorb the reduction of car parking sought.
143. Given that the site is located in an area with a clear presence of retail trade, it is considered that the proposal will not result in an adverse effect on existing on-street parking conditions in the area. It is typical of such small scale, local uses to not provide dedicated on-site parking.
144. Based on these figures, it is considered that the increased parking demand would not have an adverse impact on parking conditions within the surrounding area. Furthermore, objective 32 of clause 21.06-3 aims to reduce reliance on the private motor vehicle. The proposed use is considered to support this strategy by not providing the required number of car parking spaces on site and locating the venue in an area that will attract existing employees and visitors and is close to public transport, thereby limiting pressure on existing parking resources.

*The availability and proximity of alternative transport options*

145. The area is well served by public transport, having excellent access to the Principal Public Transport Network (PPTN) through the tram and bus network, as well as the Collingwood Train Station, 1 kilometre or a 12 minute walk, to the east.
146. In proximity to the subject site is various bus services along Johnston Street and Victoria Parade, a 750/9 minute or 500m/7 minute walk respectively. Within a 500 metre radius there are several tram routes that provide connections to the city, northern suburbs, south eastern suburbs and eastern suburbs.

The closest tram stop to the site is only 60 metres away on the Corner of Smith and Peel Street which provides access to the city, and other tram and bus routes.

147. As previously outlined empirical data demonstrates that a tavern/licenced cafe use does not generate the requirement for a lot of car parking due to the nature of the use, where alcohol will be consumed. Alternative transport options are an attractive alternative due to drink driving laws enforced by Victoria Police.
148. Given the site's location within an Activity Centre it is also considered that taxis and Uber services would be readily available in the area. A dedicated Taxi Zone is located within walking distance from the site, 100 metres, on Smith Street in front of No. 126 Smith Street.
149. The proposed use is not required to provide bicycle parking in accordance with the Scheme. It is noted that one space is proposed to be provided on site, presumably for use by the staff as it will be located within a private car parking area. There are bicycle hoops located at the Corner of Peel and Smith Streets and a high level of bicycle infrastructure provided in the area (such as bicycle lanes, etc.)
150. Given the location of the subject site, alternative transport options are an attractive means of transport.

#### Objector Concerns

*Anti-social behaviour (Drinking on footpath/park, noise and obstructing footpath);*

151. The issue of anti-social behaviour has been discussed in paragraphs 89 to 100, 102 to 109 and 132 of this report.

*Accumulation of Liquor Licences in area;*

152. Accumulative impacts have been discussed in paragraphs 110 to 132 of this report.

*Traffic and parking.*

153. Car parking and traffic has been addressed and discussed within paragraphs 133 and 150 of this report.

#### **Conclusion**

154. The proposal, subject to conditions outlined in the recommendation below, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies. Based on the above report, the proposal complies with the relevant Planning Scheme provisions and planning policy and is therefore supported.

#### **RECOMMENDATION**

That a Notice of Decision to Grant Planning Permit PLN17/0188 be issued for sale and consumption of liquor (on premises licence), and a reduction of the statutory car parking requirement associated with a café and tavern (no permit required for uses) at 7 Peel Street, Collingwood, in accordance with the decision plans and subject to the following conditions:

1. Sale and consumption of liquor 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.
2. No more than 15 patrons are permitted on the land at any time liquor is being sold or consumed.



3. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
  - (a) Sunday to Wednesday– 11am to 11pm; and
  - (b) Thursday to Saturday – 11am to 1am (the following day).
4. The provisions, recommendations and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
5. 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.
6. 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.
7. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
8. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
9. 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 only.
10. Except with the prior written consent of the Responsible Authority, speakers external to the building must not be erected or used.
11. Emptying of bottles and cans into bins may only occur between 7am and 10pm on any day.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
13. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.
14. The car parking space and bicycle rack as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
15. This permit will expire if the sale and consumption of liquor is not commenced within two years from the date of this 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.

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.

**CONTACT OFFICER:** Michelle King  
**TITLE:** Senior Statutory Planner  
**TEL:** 9205 5333

**Attachments**

- 1** PLN17/0188 - 7 Peel Street, Collingwood - Site plan
- 2** PLN17/0188 - 7 Peel Street, Collingwood - Plans
- 3** PLN17/0188 - 7 Peel Street Collingwood - Engineering comments
- 4** PLN17/0188 - 7 Peel Street Collingwood - Community Amenity Unit referral
- 5** PLN17/0188 - 7 Peel Street Collingwood - Social Planning Comments
- 6** PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan

**Attachment 1 - PLN17/0188 - 7 Peel Street, Collingwood - Site plan**

**ATTACHMENT 1**

**SUBJECT LAND: 7 Peel Street, Collingwood**



North



Subject Site

# Attachment 2 - PLN17/0188 - 7 Peel Street, Collingwood - Plans



SUBJECT SITE: PLUG NICKLE  
7 PEEL ST, COLLINGWOOD



LAZERPIG  
9-11 PEEL ST, COLLINGWOOD



PEEL STREET PARK  
LITTLE OXFORD ST, COLLINGWOOD



6 STOREY MULTI USE APARTMENT BUILDING  
22 PEEL ST, COLLINGWOOD



GRACE DARLING HOTEL  
114 SMITH ST, COLLINGWOOD



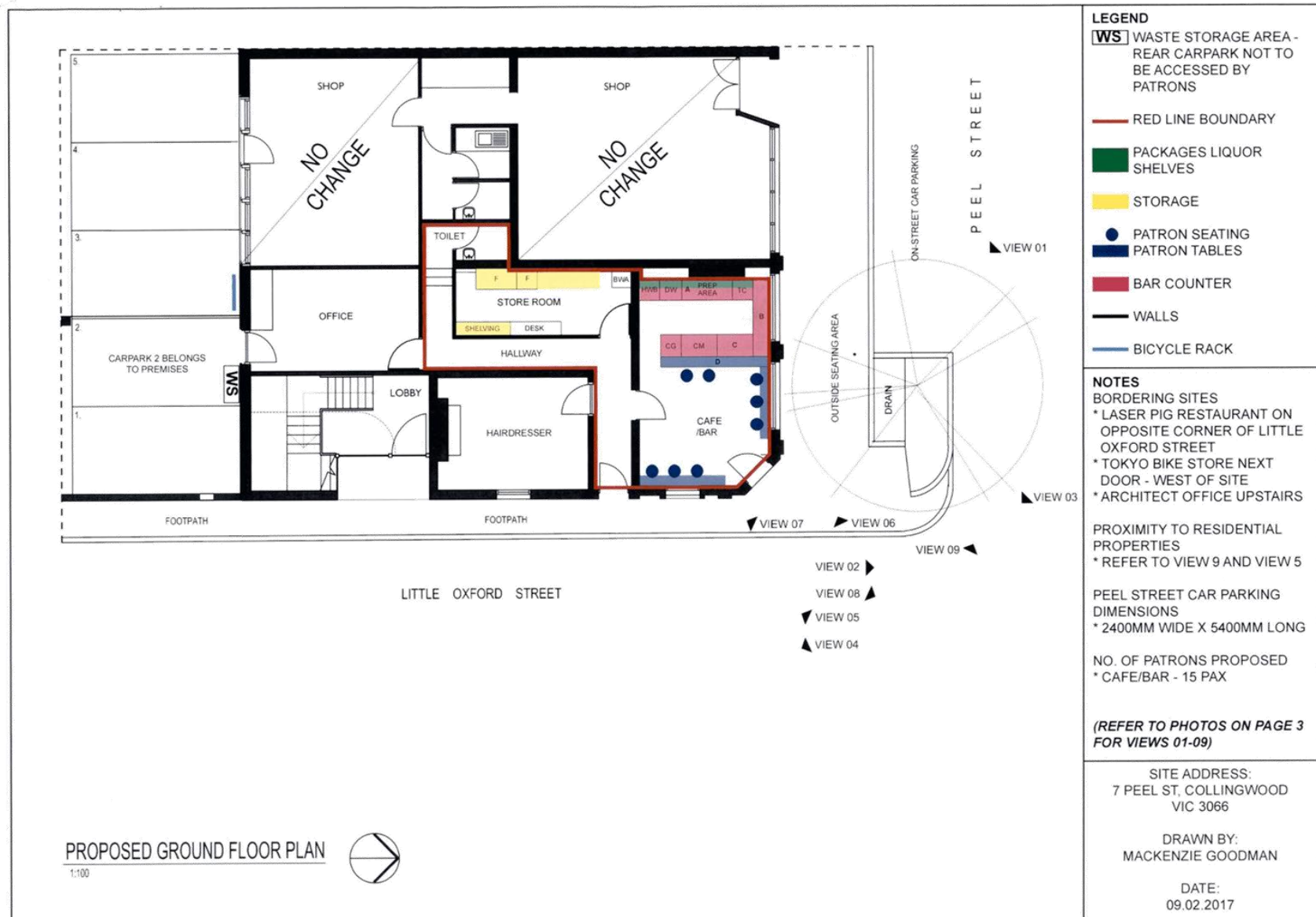
OPPOSITE COMMERCIAL USE BUILDINGS  
8-12 PEEL ST, COLLINGWOOD



<b>SITE CONTEXT</b>		<b>NOTES:</b> BORDERING SITES: - TOKYO BIKE STORE (WEST OF SITE) 5 PEEL ST, COLLINGWOOD - HERNIMAN GROUP ARCHITECTS OFFICE UPSTAIRS OF 5-7 PEEL ST, COLLINGWOOD	<div> <div>RECEIVED</div> <div>26 MAY 2017</div> </div> <div> </div>
ADDRESS:	7 PEEL STREET, COLLINGWOOD		
DRAWN BY:	MACKENZIE GOODMAN		
DATE:	24.05.2017		
DWG NO:	03		
SCALE:	1:500 @ A1		



# Attachment 2 - PLN17/0188 - 7 Peel Street, Collingwood - Plans



**Attachment 3 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments**

# MEMO

**To:** Michelle King  
**From:** Artemis Bacani  
**Date:** 24 July 2017  
**Subject:** Application No: PLN17/0188  
 Description: Tavern - Reduction in the Car Parking Requirement  
 Site Address: 7 Peel Street, Collingwood

I refer to the above application received on 24 July 2017 in relation to the proposed development at 7 Peel Street, Collingwood. Council's Engineering Services unit provides the following information:

**CAR PARKING PROVISION****Proposed Development**

Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Tavern	15	0.4 spaces to each patron permitted	6	1

A reduction of five spaces in the car parking requirement is sought.

To reduce the number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction must be accompanied by a Car Parking Demand Assessment.

**Car Parking Demand Assessment**

In reducing the number of parking spaces required for the proposed development, the Car Parking Demand Assessment would assess the following:

- *Parking Demand Associated with the Tavern.*

In a previous Town Planning application for 95-105 Victoria Street & 277 Brunswick Street (PLN15/0712), TTM Consulting had undertaken a number of travel mode surveys of licensed venues, including the Corner Hotel in Richmond. The proportion of patrons surveyed where travel to a venue as a driver ranged from 11% to 20%. These figures are fairly consistent with other travel mode surveys we have reviewed in the past for tavern/licensed venue applications. By comparison, an empirical case study conducted by another consultant for The Precinct Hotel in Richmond had a parking generation in the order of 0.16 spaces per patron or 16% of patrons arrived to the venue as a driver. It is agreed that typically taverns and licensed venues would generate 0.10 to 0.20 spaces per patron. Adopting the more conservative rate of 0.20 spaces per patron for the proposed tavern would equate to three spaces (on the assumption that the venue was operating at full capacity of 15 patrons).

The streets surrounding the site are covered with time based parking restrictions (1/4P, 1P, 2P, and 2P (Paid)).

### **Attachment 3 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments**

Given the area's coverage of short-stay parking spaces, patrons who choose to drive to the site should be able to find an on-street parking space in the surrounding streets.

In addition, some businesses in the area are unlikely to be operating after 5pm. This would free-up some of the on-street spaces in the area and allow customers and patrons to find an on-street parking space near the site.

- *Multi-purpose Trips to the Area.*

The tavern is positioned near the Smith Street and Gertrude Street Activity Centres. It is highly likely that patrons to the tavern would already have parked in the area and be engaged in other activities or business.

- *Availability of Public Transport in the Locality of the Land.*

The site is within walking distance of tram services operating along Gertrude Street-Smith Street and Victoria Parade. Bus services obtained from Victoria Parade are within walking distance of the site.

- *Convenience of Pedestrian and Cyclist Access.*

The catchment area surrounding the site includes residential properties and local businesses that would provide a source of local patrons. The site has excellent exposure to high pedestrian numbers and much of the tavern's source of patrons would be pedestrians. The site also has good connectivity to the on-road bicycle network.

### **Appropriateness of Providing Fewer Spaces than the Likely Parking Demand**

Clause 52.06 lists a number of considerations for deciding whether the required number of spaces should be reduced. For the subject site, the following considerations are as follows:

- *Availability of Car Parking.*

In a previous application for 9-11 Peel Street (PLN10/1003.01), Apex Engineers had carried out on-street parking surveys of all public parking within a 400 metre radius of the site on Saturday 8 April 2017 between 7pm and 10pm.

An inventory of 573 spaces was identified. The availability of parking ranged from 79 to 191 vacant spaces.

In summary, the short-stay parking from the subject site could be accommodated on-street.

- *Practicality of Providing Car Parking on the Site.*

The footprint of the site cannot practically accommodate on-site car parking. Generally, patrons to shop-front type businesses would be inclined to park on-street or somewhere off-site.

- *Other Relevant Considerations*

The stringent enforcement of drink-driving laws would be a disincentive for patrons to drive to the tavern, particularly if they intend to consume alcohol. Patrons would be inclined to travel to and from the site by public transport, taxis and private driver services.

### **Adequacy of Car Parking**

From a traffic engineering perspective, the waiver of five car spaces associated with the tavern is considered appropriate in the context of the site and the surrounding area. The operation of this tavern would not be dissimilar to that of several small scale shop-front businesses that are already operating (and without on-site car parking).

Engineering Services has no objection to the reduction in the car parking requirement for this site.

**Attachment 3 - PLN17/0188 - 7 Peel Street Collingwood - Engineering comments**

Regards

Artemis Bacani  
Roads Engineer  
Engineering Services Unit

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**Attachment 4 - PLN17/0188 - 7 Peel Street Collingwood - Community Amenity Unit referral**

**TO:** Michelle King  
**cc:**  
**FROM:** Steve Alexander  
**DATE:** 22/06/2017  
**APPLICATION:** PLN17/0188  
**SUBJECT:** Amenity Enforcement Referral – 7 Peel St Collingwood VIC 3066

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Dear Michelle,

Thank you for your referral PLN17/0188 dated 21 June 2017. This has been referred to me for consideration and reply.

Planning Enforcement has not received any complaints in relation to the above mentioned address.

Given the patron numbers being 15 and that only low level background music will be played, the Compliance branch does not have any concern with the proposed sale and consumption of liquor between Sunday to Wednesday 11am to 11pm and Thursday to Saturday 11am to 1am.

Should you wish to discuss the application further, please feel free to contact me on 9205-5166.

Regards,

**Steve Alexander**  
**Acting Manager - Compliance**

**Attachment 5 - PLN17/0188 - 7 Peel Street Collingwood - Social Planning Comments**



# MeMO

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TO: Michelle King, Senior Statutory Planner  
FROM: Erika Russell, Senior Planner (Community Health and Safety)  
DATE: 31 July 2017  
ADDRESS: 7 Peel Street, Collingwood  
APPLICATION NO: PLN17/0188  
DESCRIPTION: SALE AND CONSUMPTION OF LIQUOR (ON PREMISES LICENCE) (SUNDAY-WEDNESDAY 11AM-11PM, THURSDAY-SATURDAY 11AM-1AM, 15 PATRONS), AND A REDUCTION IN THE STATUTORY CAR PARKING REQUIREMENT ASSOCIATED WITH A TAVERN (NO PERMIT REQUIRED FOR USE)

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Social Policy and Research has been requested to make comments on the proposal. In particular comments have been sought on:

- The proposed sale and consumption of alcohol (on site) associated with a 'tavern' use.
- Operating hours until 1am Thursday-Saturday with a maximum of 15 patrons.
- Any foreseeable negative cumulative impacts as a result of this liquor licence.

## **PROPOSAL**

Key aspects of the site and proposal include:

- The site is located within a Commercial 1 Zone and is surrounded by a mix of residential and commercial uses. The site is immediately adjacent to the Mixed Use Zone and a licensed venue which currently operates as a restaurant at ground floor with a maximum of 90 patrons with use hours of Sunday - Wednesday 8am to 11pm, Thursday 8am to midnight, Friday and Saturday 8am to 1am. There is a current planning application to increase the number of patrons permitted. There are several other licenced premises within close proximity of the site.
- An on premises licence is proposed with hours of up to 1am Thursday-Saturday with a maximum of 15 patrons. It is noted that food is prepared off site and that there are a small number of seats shown on the floor plan.

## **COMMENTS / RECOMMENDATIONS**

- The site is located within close proximity to the Smith Street Activity Centre.

**Attachment 5 - PLN17/0188 - 7 Peel Street Collingwood - Social Planning Comments**

- An on-premises licence type is a higher risk licence type compared to a restaurant and café licence type which has a specific seating ratio requirement (75% of maximum patrons) and also a condition that the predominant activity carried out on the premises must be the preparation and serving of meals to be consumed on the licensed premises. Venues that serve meals are shown to be less at risk of excessive alcohol consumption.
- The application states that the aim is to have an intimate space serving a small range of high quality alcoholic drinks such as craft beer, whisky & coffee based cocktails. The applicant should also consider providing food for the proposed licensed hours.
- Only 15 patrons are proposed, and this significantly reduces the risk of the proposal having any onsite or offsite amenity impacts, or having a negative cumulative impact on the area.
- Of note, an on-premises licence type allows the venue to play recorded music or have live music at levels higher than background level outside of ordinary trading hours (this is not permitted under a Restaurant and café licence). Giving the interface of the site, careful consideration should be given to music related amenity impacts and conditions to reduce such impacts.

## **Attachment 6 - PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan**

### **NOISE & AMENITY ACTION PLAN**

#### **Preamble**

This Noise & Amenity Action Plan (NAAP) has been prepared in conjunction with a planning application for a licensed premises.

This report is prepared in accordance with Clause 22.09 Licensed Premises contained in the Yarra Planning Scheme.

#### **Existing Licensed Premises in the Locality**

Plug Nickel is located at 7 Peel St, Collingwood, approximately 100 m from the busy Smith Street entertainment precinct where there are numerous licensed premises. the closest being the Grace Darling Hotel situated on the corner of Smith St & Peel St.

Directly opposite Plug Nickel is Laser Pig Bar & Restaurant.

The Peel Hotel is located at the intersection of Peel St & Wellington St.

#### **Venue Operations & Management Procedures**

The operators of this premises are experienced within the hospitality industry & have 4 other venues within the City of Yarra. The operators have a long history of responsible venue management & fully understand the importance of minimising any impacts on the amenity of the nearby residential & commercial areas.

#### Identified Potential Noise Sources

- Patron noise
- Music
- Deliveries
- Rubbish Collection

#### Measures

Patron noise - Patrons will enter & exit the venue via the front of the premises on Peel St only & will not impact on the amenity of the area. Staff will always encourage patrons to respect the amenity of the area when exiting. The maximum patronage is only 15 persons which will not impact on an already vibrant entertainment area.

Music - Music will only be played an low level background level & will not impact in any way on the amenity of the area

#### Deliveries

All deliveries will occur during during business hours & on weekdays. This is already occurring with the cafe & their have not been any issues.

#### Rubbish

Waste removal is already managed by a private waste collection company. The bins are located in the internal carpark area. Any waste generated at night, in particular bottles, will be stored inside in bags until the following day when they would placed in the bins so not to disturb neighbours.

## **Attachment 6 - PLN17/0188 - 7 Peel Street Collingwood - Noise and Amenity Action Plan**

### **Complaint Management**

The Manager or an Assistant Manager will always be on site & will respond to any complaints received.

Entry to the premises will be made freely available during all operating hours, to a member of the Victoria Police, an Authorised Officer of the Responsible Authority or an officer of Liquor Licensing Victoria, to carry out any investigation associated with the sale or consumption of alcohol on site.

The Managers will be responsible for ensuring that to the best of their ability that there is no disturbance occurs or emanates from the land which would be likely to cause a nuisance to adjoining occupiers or cause detriment to the amenity of the neighbourhood.

### **Staffing**

- The maximum staffing level for this premises is 3 persons during any shift. All staff would be involved in standard food & beverage service & cleaning.
- All staff will have a current responsible serving of alcohol certificate & will receive regular training in this area.
- There will not be DJ's or Crowd Controllers

### **Hours of Operation**

Sunday to Wednesday 11am to 11pm  
Thursday to Saturday 11am to 1 am

### **Lighting**

- There is no exterior lighting apart from the approved lightbox signage. There are no security lights & only low level mood lighting inside.

### **Implementation & Monitoring**

The Noise & Amenity Action Plan will come into effect upon the commencement of use of the venue under the issue of a Planning Permit & the endorsement of all necessary plans & documents required by the Planning Permit to the satisfaction of the Responsible Authority.

The information set out in this document compliments, & does not seek to alter existing or future conditions or any requirements set out in individual planning permits relating to the subject site. This document is to be read as subordinate to any planning permits and/or conditions affecting the site.

The Noise & Amenity Action Plan can be amended as necessary, subject to the satisfaction of the Responsible Authority, to ensure that off site amenity implications in relation to noise & amenity at the venue are addressed in terms of its ongoing operation