



# Agenda

## Planning Decisions Committee Meeting

6:30 pm, Tuesday 28 April 2026

Fitzroy Town Hall

[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

## Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals.

### Addressing the Committee

Planning Decisions Committee meetings are decision making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people who have registered to address the committee, to come forward to the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- Direct your submission to the chair;
- Confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions and avoid repeating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

### Arrangements to ensure our meetings are accessible to the public

Access to the building is available either by the stairs or lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to be seated at the table to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop; and
- reconfiguring the room to facilitate access.

**Order of Business**

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## 1. Acknowledgement of Country

“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.”

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors:

- Cr Stephen Jolly            Mayor
- Cr Sharon Harrison       Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sarah McKenzie
- Cr Sophie Wade

#### Council staff:

- Mary Osman                General Manager City Sustainability and Strategy
- Narelle Jennings        Manager Statutory Planning (Acting)
- Ally Huynh                 Senior Coordinator Statutory Planning
- Ramsey Jurdi              Principal Planner

#### Governance

- Phil De Losa                Manager Governance and Integrity
- Patrick O’Gorman        Senior Governance Coordinator
- Mel Nikou                  Governance Officer

## 3. Declarations of Conflict of Interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

## **4. Confirmation of Minutes**


### **RECOMMENDATION**

That the minutes of the Planning Decisions Committee held on Tuesday 24 March 2026 be confirmed.

## 5. Planning Committee Reports

5.1. – 54 Rose Street, Fitzroy - Amended Planning Permit Application PL03/0224.05	
<b>Author</b>	Ramsay Jurdi – Principal Planner - Business Lead
<b>Authoriser</b>	General Manager City Sustainability and Strategy - Mary Osman

### Executive Summary

	
<b>Property</b>	54 Rose Street, Fitzroy
<b>Ward</b>	MacKillop
<b>Application number</b>	PL03/0224.05
<b>Proposal</b>	Amendment to Planning Permit PL03/0224 to change the use of the land from a Café to a Restaurant, extension of trading hours (7am to 11pm, seven days a week), construct and display signage and subsequent changes to conditions and permit preamble.
<b>Zoning &amp; Overlays</b>	<ul style="list-style-type: none"> <li>- Mixed Use Zone (MUZ)</li> <li>- Heritage Overlay (HO334)</li> <li>- Design and Development Overlay (DDO40)</li> <li>- Environmental Audit Overlay (EAO)</li> <li>- Development Contributions Plan Overlay (DCPO)</li> </ul>
<b>Strategic setting</b>	Major Activity Centre
<b>Submissions</b>	19 objections and 498 submissions in support
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>- The site is located in a designated ‘Major Activity Centre’ and already has approval for a ‘Food and drink premises’.</li> <li>- An increase in operating hours is reasonable having regard to the type of premises and site context with the existing hours unsuitable and restrictive for a dining establishment.</li> <li>- Concerns raised in objections are able to be addressed/managed via conditions.</li> </ul>
<b>Recommendation</b>	<p>That Council issues a Notice of Decision to Grant an Amended Planning Permit, with conditions. Key conditions include:</p> <ul style="list-style-type: none"> <li>- Modifications to operating hours to minimise potential impacts from the first floor.</li> <li>- Requirement for a post-commencement acoustic report.</li> <li>- Requirement for a speed controller for the extraction system.</li> </ul>
<b>Contact Officer</b>	Ramsay Jurdi, Principal Statutory Planner – Business Lead

**Officer Recommendation**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PL03/0224.05 at 54 Rose Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	32.04-2	To use land for an 'Art and craft market' and 'Food and drink premise' (Restaurant)
Heritage Overlay	43.01-1	To partially demolish a building
Heritage Overlay	43.01-1	To construct a building or construct or carry out works
Heritage Overlay	43.01-1	To construct and display a sign
Signs	52.05-11	To construct and display business identification signage
Car Parking	53.06-3	A reduction in the car parking requirements associated with the use

subject to the following conditions (with changes shown in bold):

1. Before the use starts, 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 the 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 endorsed plans but modified to show:
  - (a) The full width of the wall at the northern end of the first floor extended to the roof with minimum 6.38mm laminated glass so that it is a full height wall.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. ~~...~~
4. The use hereby approved must provide stalls for local artists only exclusively for the display and sale of their own works.
5. Not more than 40 artists stalls must be provided at any one time.
6. **No more than 100 patrons are permitted on the land used for a food and drink premises (Restaurant) at any one time.**
7. Not more than 250 patrons must be present on the site at any one time.
8. Hours of operation of the art and craft market are limited to 9.00 am to 5.00 pm, Saturday and Sunday.

9. Except with the prior written consent of the Responsible Authority, the 'Food and drink' (Restaurant) use authorised by this permit may only operate between the following hours:

- (a) Monday - Thursday: 7.00 am - 9.00 pm;
- (b) Friday - Saturday:
  - (i) Ground Floor: 7.00 am to 10.00 pm; and
  - (ii) First Floor: 7.00 am to 9.00 pm.
- (c) Sunday: 7.00 am to 9.00 pm.

Staff may be present on site for cleaning and packing up for one hour after each closing time.

10. ...deleted...

11. ...deleted...

12. The loading and unloading of goods must be carried out entirely within the site and must not commence before 8am and must be completed by 6.00 pm.

13. No live or amplified music must be provided on the site other than at background noise levels.

14. Noise emissions must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.

15. An area must be provided on-site for the placement of garbage bins and recycling services. The area must be screened from views external to the site to the satisfaction of the Responsible Authority.

16. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day. Hours of collection for waste and recycling must be in accordance with **Council's General Local Law (Consolidated) gazetted on 1 September 2016, as amended from time to time.**

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

18. Within three months of the amendment of the permit (**PL03/0244.05**), an amended Noise Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. Once approved, the NAAP must be implemented and thereafter complied with to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the endorsed NAAP but modified to include:

- (a) The provision and maintenance of a complaints register;

- (b) That notices will be included on all food and drinks menus and at prominent locations at exists reminding patrons to leave quietly and respect the amenity of residents;
- (c) **Measures to address patron management upon the closure of the first floor prior to the ground floor closing on Fridays and Saturdays;**
- (d) **Amended hours to reflect conditions 9.**
- (e) **Delivery of goods and waste removal to be in accordance with condition 12 and 16 of this permit.**

### **Post commencement acoustic testing**

19. **Within 3 months of the commencement of the increase in hours of operation associated with the restaurant, 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 Waveform Acoustics and dated 14 January 2026, but modified to include (or show, or address):**
  - (a) **Testing of plant and equipment, music noise emissions, and patron noise, measured at the Noise Sensitive Areas of the Noise Sensitive Receivers (NSR) over a 48 hour period during a representative time of operation;**
  - (b) **Testing is to confirm compliance of the use 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; and**
  - (c) **The extractor system to be fitted with a speed controller and a suitable ventilation professional is to determine the minimum speed required for suitable operation of the extractor system. After installation of the speed controller, additional acoustic testing of the system is to determine compliant levels and outline if any additional acoustic barriers/lagging/re-positioning is required.**

**If non-compliance is detected, additional measures required to ensure compliance with the EPA 1826 limits is to be specified and actioned by the permit applicant to the satisfaction of the Responsible Authority.**
20. The noise limiter installed in accordance with condition **32 must** at all times be maintained to the requirements of the endorsed acoustic report and to the satisfaction of the Responsible Authority.
21. All activities forming part of the use hereby approved must be managed in accordance with the Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.
22. The use hereby approved must be conducted in a manner which ensures that the residential amenity of the nearby properties is not detrimentally affected to the satisfaction of the Responsible Authority.
23. The management of the premises must ensure that all nearby residents is given a telephone number to call to register complaints regarding the operation of the premises.

The hotline must be staffed at all times. A permanent register of complaints is to be maintained and available to the Responsible Authority and Victoria Police.

24. **...deleted...**
25. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
26. **...deleted...**
27. **...deleted...**
28. Any damage to road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
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 (excluding public holidays) and 9 am - 3 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
30. **This permit will expire if the use [food and drink premises (restaurant)] is not commenced within three years from the date of the amended permit (PL03/0224.05). The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.**
31. **The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**
32. **All speakers within the premises, including both ground and first floor areas, must be connected to the noise limiter and controlled by a single master volume control. Separate or independent volume controls for different areas of the premises must not be installed or used unless they are integrated with the noise limiter such that the calibrated threshold controls all amplified music. The operator must not alter the settings of the noise limiter without the written consent of the Responsible Authority.**
33. **The use 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.**
34. **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.**
35. **The signs must not be illuminated by external or internal light.**
36. **The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.**

#### NOTES

This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external

alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.

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

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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## History and Background

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1. The subject site comprises two different areas and land uses all governed under Planning Permit PL03/0224. The western half of the site is occupied as market known as 'Rose Street Artists Market', while the eastern side is developed with a two storey building currently occupied as a food and drink premises trading as 'Red Sparrow' (the subject of this application).
2. The Rose Street Artists Market's current planning permit allows up to 40 stalls to operate between 9am to 5pm Saturday and Sunday on the western and southern part of the site.
3. The permit also allows a licensed café to operate from the two-storey building in the north-eastern corner of the site fronting Rose Street. The café has approval for a maximum of 100 people in the licensed area (maximum of 250 people on site) and can operate between 7am to 5pm Monday to Thursday. On Friday and Saturday the café can operate 7am to 10pm on the ground floor and 7am to 9pm on the first floor while trading is allowed 7am to 9pm on Sunday.
4. The current proposal as outlined in this report has arisen following a complaint made to Council's Planning Compliance Unit that a new tenant is trading outside the hours authorised by the planning permit. The tenant had advised they were unaware of the permit conditions when the lease was taken over. To rectify the situation, the business has applied for an amendment to the original planning permit to amend the relevant conditions to be able to trade the extended hours.
5. Planning Permit **PL03/0224** was granted on 25 September 2003 and allowed the 'Change of Use (open air gallery) including ancillary juice stand and Waiver of Car parking'. Plans were endorsed concurrently with the issuing of the permit.
6. This permit encompasses a range of uses across different areas, reflecting the staged evolution of the broader precinct over time. For clarity, a chronological summary of the relevant planning history is provided below. It is noted that the scope of this amendment is limited specifically to the food and drink premises component of the approval. This permit was later amended (**PL03/0224.01**) at the direction of the Victorian Civil and Administrative Tribunal (VCAT) [3702/2008] on 2 June 2009 approving an amendment to condition 6 of the permit, to allow Sunday operations from 9am to 5pm.
  - (a) On 22 February 2011 VCAT informed Yarra City Council that an application to amend a planning permit was received by the Tribunal (reference no. P525/2011) pursuant to Section 87A of the *Planning and Environment Act 1987* to make the following changes:
    - (i) Replace the juice bar with a café (within the existing building);
    - (ii) Allow the sale and consumption of liquor;
    - (iii) Amend condition 4 to increase the maximum number of artists from 20 to 40;
    - (iv) Amend condition 6 to allow the café to trade 7am to 5pm seven days a week;
    - (v) Condition 8 to be amended to allow amplified music (limited to background music) be placed inside the café noting that no DJ or live music is proposed;
    - (vi) The plans amended to include the café and addition of a roof terrace and other minor changes to toilet facilities;

All parties had reached an agreement and signed a letter of consent thereby avoiding the need for a hearing. The Tribunal by order dated 19 July 2011 allowed the application and directed an amended permit be issued subject to conditions. The permit preamble read as follows: ‘Change of use to an art and craft market, a food and drink premise (Café), sale and consumption of liquor, part demolition and buildings and works, and a waiver of car parking requirements’.

(vii) Plans were subsequently endorsed on 23 September 2011. The Noise and Amenity Action Plan was endorsed on 4 November 2011 in accordance with permit condition 18 of the permit;

(b) The permit was again amended (**PL03/0224.02**) on 21 June 2013 to modify materials and finishes and changes to the height of the first floor (+0.24 metres in height). Plans were endorsed concurrently with the issuing of the amended permit;

7. An amended permit was approved (**PL03/0224.03**) on 15 August July 2014. The amendment sought to increase the hours of operation for the café and the sale and consumption of liquor until 11pm on Friday and Saturday and 9pm on Sunday; and

(a) On 6 May 2020 an application to amend the permit (**PL03/0224.04**) was received to increase the hours of operation for the café and sale and consumption of liquor from 9am until midnight seven days a week. The application had lapsed as information was not provided within time in response to officer’s request for further information.

## Site Context



Figure 1: Subject site viewed from Rose Street and internal to the market (Source: Site inspection – 4 March 2026)

## Subject Site

8. The site is located on the southern side of Rose Street approximately 30 metres west of Fitzroy Street.
9. The land is rectangular in shape with a frontage of 20.9 metres, a depth of 38.9 metres and overall site area of approximately 813 square metres.
10. The site is developed with a one and two-storey building on the north-eastern corner which contains a vegan pizza restaurant known as ‘Red Sparrow’.

11. The building is setback between 500 millimetres and 1.70 metres from the Rose Street boundary and contains a low metal picket fence approximately 800 millimetres in height providing visibility to the shrubs, soft landscaping and a small deciduous tree approximately 3 metres in height located in the front setback.
12. Within the building there is seating towards the front, kitchen, storage and toilet facilities along the eastern side and additional seating toward the rear along the south-eastern corner of the building. The first floor contains seating and a bar/service area, a toilet and storage area and is covered by a lightweight polycarbonate roof with wooden slats.
13. Part of the white brick wall facing the restaurant contains painted business identification signage with the text 'Red Sparrow Pizza & Rooftop Bar'.
14. The site is accessed from Rose Street via a vehicle crossover to the car park and pedestrian entry to the restaurant. Part of the Rose Street frontage has a 2-metre-high painted brick wall built along the boundary. The wall contains signage (both painted and on metal sheeting) advertising the Rose Street Market.

**Surrounds**

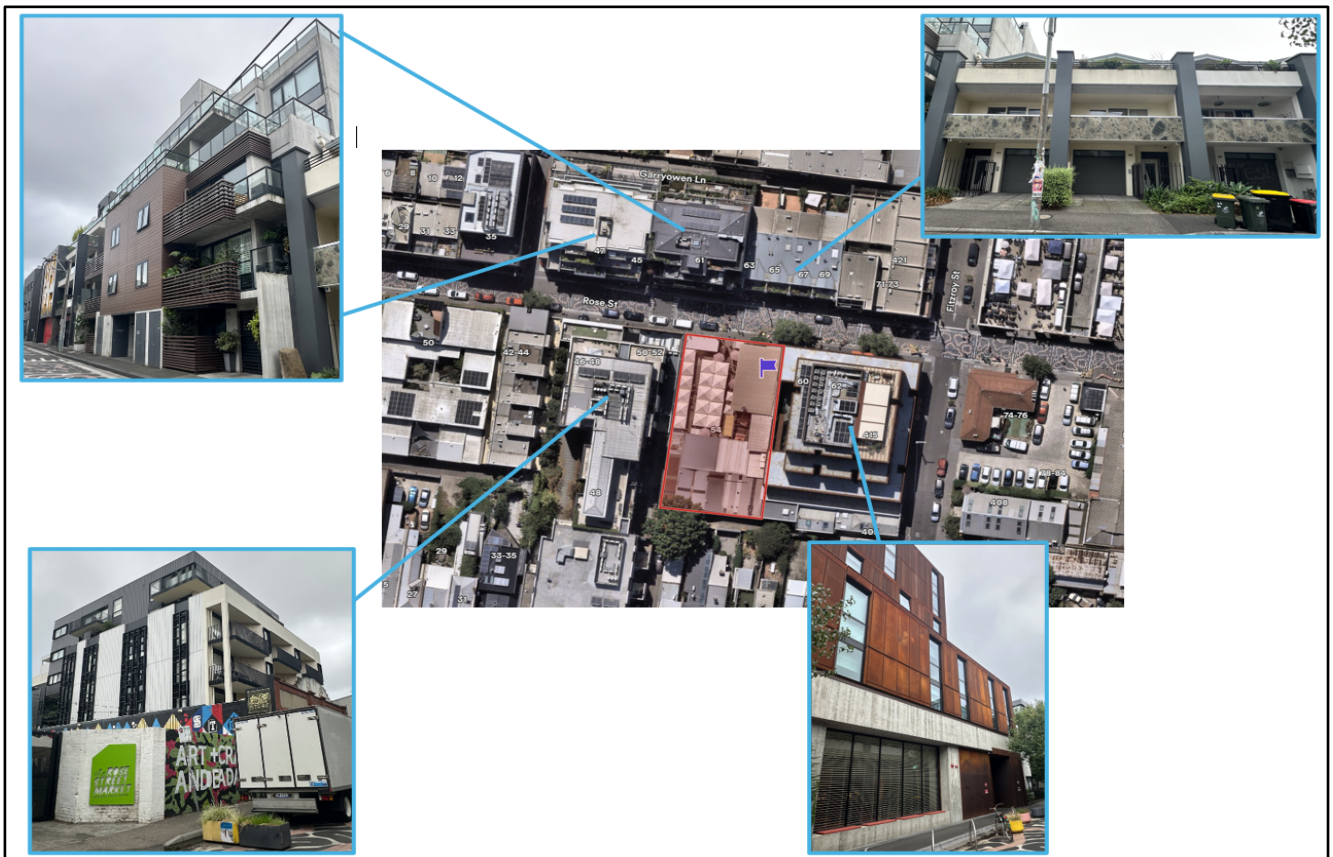


Figure 2: Surrounding properties in context of the subject site (Source: Nearmaps and site inspection – 4 March 2026)

**North**

15. To the north of the site is 63-69 Rose Street - a three-storey townhouse development containing four dwellings. Each dwelling has a ground floor pedestrian entry and garage and first and second floor balconies facing the street, setback approximately 1.5 metres from the boundary. Bedrooms are located on the second storey facing the street with living areas located on the upper floor facing Rose Street.

16. Also to the north of the site (on the western side of the townhouses) is a six-storey building (known as 61 Rose Street) with 17 dwellings and two artist studios on the ground level approved as part of Planning Permit PLN11/0576 on 20 December 2012. The building was completed in 2020 and dwellings at all levels have windows and balconies facing Rose Street.

#### South

17. To the south of the site is Galway Lane - a 3.2-metre-wide laneway beyond which are the rear courtyards of dwellings facing Kerr Street.

#### East

18. To the east of the site is 419 Fitzroy Street which contains a seven-storey, 126-room residential hotel approved on 29 August 2019 as part of planning permit application PLN18/0990.
19. The hotel comprises weathered perforated steel cladding, clear glazing, powder coated window frames a steel frame and exposed board-form concrete.
20. The site contains a restaurant on the ground floor at the corner with Fitzroy Street with the main hotel lobby accessible via Rose Street. A second restaurant is located on the eastern portion of the rooftop and operates from 7am to 10pm each day with a permit condition limiting patrons to 60.

#### West

21. To the west of the site is the main entrance to the Rose Street market containing an enclosed courtyard with umbrellas for the various stalls.
  22. Further west are two apartment buildings facing Rose Street and Kerr Street (46-52 Rose Street/37-41 Kerr Street) which is a part four and part six storey mixed use development approved as part of planning permit PLN12/0951 on 29 April 2013. The building contains two retail tenancies along Rose Street ('Moon Cruller' bakery and 'Rose St Pantry') and 60 apartments. A courtyard is located on the ground floor of the site adjacent to the Rose Street market to the east and a number of windows (associated with bedrooms and living spaces) and balconies face the subject site ('Red Sparrow').
  23. The subject site sits within a Mixed-Use zoned area that is undergoing built form and land use changes from one-two storey commercial/factory/warehouse buildings and light industrial uses, to multi-storey multi-unit developments as well as café uses.
  24. The area is also within close proximity to the Brunswick Street Major Activity Centre, 120 metres to the east and the Johnston Street Neighbourhood Activity Centre, 285 metres to the south. These areas provide access to a wide range of goods and services as well as public transport including trams and buses as does Nicholson Street, 153 metres to the west.
  25. Rose Street is a narrow one-way shared zone with a speed limit of 10 kilometres per hour between Brunswick Street and Spring Street with road pavement artwork, seating, bollards and planters along the strip. Parking is not permitted along the northern portion of the street, whilst the southern portion contains a mixture of 'No Standing' restrictions and 2 hour time limited restrictions between 7am and 7pm seven days a week.
  26. Signage in the immediate area is limited, reflecting the emergence of residential warehouse conversions. Where signage is provided for ground floor businesses, it is
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generally confined to business identification. Internally illuminated signage and large-scale signs are not characteristic of the area.

**Proposal**

27. The proposal is for an amendment to Planning Permit PL03/0224 pursuant to Section 72 of the *Planning and Environment Act 1987* to modify the permit preamble to change the use from a café to a restaurant, amendments to permit conditions (including the deletion of conditions relating to liquor) and construct and display of signage. Specifically, the application proposes:

Amendments to the permit preamble (changes in bold/strike out)

- (a) Replace reference to food and drink premises (café) with ‘restaurant’.
- (b) Delete reference to the ‘sale and consumption of liquor.’
- (c) Addition of reference to signage.

The amended preamble would read as follows:

Change of use to an art and craft market, a food and drink premise (~~café~~) **(restaurant)**, ~~sale and consumption of liquor~~, part demolition and buildings and works, **construction and display of business identification signage**, and a waiver of car parking requirements in accordance with the endorsed plans

Amendments to permit conditions (changes in bold)

- (d) Increase the operating hours of the restaurant. Condition 9 to be amended as follows:

Existing permit condition	Proposed permit condition sought by applicant
Except with the prior written consent of the Responsible Authority, the cafe use authorised by this permit may only operate between the following hours:	Except with the prior written consent of the Responsible Authority, the <b>restaurant</b> use authorised by this permit may only operate between the following hours:
(a) Monday-Thursday: 7.00 am - 5.00 pm.	<b>(a) Monday-Saturday: 7am - 11 pm.</b>
(b) Friday - Saturday: (i) 7.00 am to 10.00 pm on the ground floor; (ii) 7.00 am to 9.00 pm on the first floor.	
(c) Sunday: 7.00 am to 9.00 pm.	

- (e) Deletion of condition 3:

The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.

- (f) Deletion of condition 6:

Not more than 100 patrons must be present within the licensed area at any one time.

- (g) Deletion of condition 10:  
Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
- (a) Monday - Thursday: 9.00 am - 5.00 pm.
  - (b) Friday - Saturday:
    - (i) 9.00 am to 10.00 pm on the ground floor;
    - (ii) 9.00 am to 9.00 pm on the first floor.
  - (c) Sunday: 9.00 am to 9.00 pm.
- (h) Deletion of condition 11:  
Liquor must only be sold and consumed within the licensed area.
- (i) Deletion of condition 24:  
During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
- (j) Deletion of condition 26:  
The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
- (k) Deletion of condition 27:  
All staff on the licensed premises must be appropriately trained in the responsible serving of alcohol.

#### Other amendments

28. Retrospective approval for two business identification signs as follows:
- (a) Text with the words 'Red Sparrow Pizza & Rooftop Bar' and accompanying graphic painted on the wall adjacent to the Rose Street Market entrance. The sign has a height of 4 metres and a width of 1.80 metres resulting in a total area of approximately 7.20 square metres; and
  - (b) A square metal blade sign measuring 300 millimetres x 300 millimetres containing a vinyl sticker of the business logo hanging over the footpath. The sign has an area of 0.092 square metres.
29. No changes to the floor plan/layout are proposed.
30. Deliveries will generally occur between 8am and 4pm. It is noted that condition 12 of the existing permit currently limits the loading and unloading of goods to 8am and 6pm.
31. Waste will continue to be stored to the rear of the property and collected by JJ Richards.
32. There is no provision for onsite carparking – in line with existing conditions.

#### **Statutory controls**

33. The amendment has been requested pursuant to section 72 of the *Planning and Environment Act 1987* which states:
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- (1) A person who is entitled to use or develop land in accordance with a permit may apply to the responsible authority for an amendment to the permit.
- (2) This section does not apply to—
  - (a) a permit or a part of a permit issued at the direction of the Tribunal, if the Tribunal has directed under section 85 that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
  - (b) a permit issued under Division 6.

The original planning permit was issued by Council and not under Division 6 of the Act. There has been no order from the Tribunal directing the responsible authority, under section 85, not to amend that permit or part of the permit. Therefore, Council can consider this section 72 application.

34. The following Clauses of the Yarra Planning Scheme are relevant to the proposal:

- (a) **Clause 32.04-2 – Mixed Use Zone (MUZ)** – a permit is required to use the land for a ‘Food and drink premises’ where the leasable floor area exceeds 150 square metres.  
 A restaurant is nested under ‘Food and drink premises’ at Clause 73.04 and defined as *land used to prepare and sell food and drink, for consumption on the premises (...)*  
 The approved use of the land as a food and drink premises is existing.  
 This application does not seek to alter the underlying use, but rather to update the permit preamble from a café (which was what was applied for at the time of the previous amendment) to now refer to a ‘restaurant’, being a defined term in the planning scheme.  
 Sign requirements are at Clause 52.05. This zone is in Category 3.
- (b) **Clause 43.01-1 – Heritage Overlay (HO334 - South Fitzroy Precinct)** – A permit is required to demolish or remove a building and to construct a building or construct or carry out works. No external alterations or demolition is proposed.  
 The site has a ‘Not contributory’ heritage grading.  
 A planning permit is, however, required to ‘Construct or display a sign’;
- (c) **Clause 43.02-2 – Design and Development Overlay (DDO40 – Fitzroy West)** – A permit is required to construct a building or construct or carry out works. As no external alterations are proposed the requirements of this provision do not apply. Signage requirements are specified in Clause 52.05;
- (d) **Clause 45.03-1 – Environmental Audit Overlay** – This provision is only applicable to a sensitive use (residential use, child care centre, pre-school centre or primary school). As the food and drink premises is not a sensitive use, this clause is not applicable;
- (e) **Clause 45.06 – Development Contributions Plan Overlay – Schedule 1 (DCPO1)** – the DCPO1 sets out mandatory development contributions for particular types of development. Because there is no increase in floor space the requirements of the DCPO1 do not apply to this application;
- (f) **Clause 52.05-13 – Signs** – a planning permit is required for a ‘Business identification sign.’

Pursuant to Clause 32.04-16, the subject site is located within 'Category 3 – High amenity areas' for the purposes of signage controls.

Under Category 3, a planning permit is required for 'Business identification sign[age]';

- (g) **Clause 52.06-1 – Car parking** – before a new use commences the minimum number of car parking spaces required under clause 52.06-5 must be provided.

Amendment VC277 was gazetted on 18 December 2025 and makes changes to Clause 52.06 (Car parking) of the Victoria Planning Provisions and all planning schemes. The amendment updates parking requirements to align with public transport access and reduces the number of car parks required for development in locations well-served by public transport. Clause 52.06 has been updated to incorporate maximum car parking rates in some cases.

The site is located in 'Category 3' and based on this, a 'Food and drink premises' is required to provide zero minimum car parking spaces and two maximum car parking spaces to each 100sqm of net floor area.

No car parking is provided on site which satisfies the minimum requirement of zero. Notwithstanding, the net floor area remains unchanged from the original permit approval (which was for a 'Food and drink premises') and a car parking waiver has already been approved as part of the amendment application determined by VCAT on 19 July 2011;

- (h) **Clause 52.27 – Licensed premises** – Planning Scheme Amendment VC286 was gazetted into the Yarra Planning Scheme on 1 July 2025. The amendment removes controls (Clause 52.27) that require a planning permit for a licensed premises. It also deletes an associated state planning policy reference and referral requirements relating to liquor licences. Therefore, a planning permit is no longer required for the sale, consumption or service of liquor. Separate permits/requirements from Liquor Control Victoria continue to apply and are not relevant to the assessment of this proposal; and
- (i) **Clause 52.34-1 – Bicycle facilities** – a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

As the use of the land for a 'Food and drink premises' has already been approved, (and there is no increase in floor area proposed) there is no requirement to provide bicycle spaces.

## Internal and External Consultation

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### Advertising

35. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 208 letters sent to surrounding owners and occupiers and by one sign displayed on the Rose Street frontages.
36. Council received 19 objections, on the following key grounds:
- (a) Inappropriate proximity to residential buildings;
  - (b) Inappropriate use of an open rooftop until 11pm;

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- (c) Incidents of loud music, laughter and voices on the rooftop as well as clanging dishes, movement of furniture and glass disposal;
  - (d) Concerns around engines idling, doors slamming and groups congregating late into the night while waiting for rideshare services;
  - (e) Privacy impacts from the rooftop area into nearby lounge room/s;
  - (f) A suggestion was made to trade until 9pm on Monday-Thursday and Sunday whilst 10pm trading could be considered for Friday and Saturday;
  - (g) Noise (and turbulence) concerns from the extraction fan used for the pizza oven;
  - (h) Impacts of woodfire smoke;
  - (i) The proposed signage contributes to the commercialisation of a residential streetscape;
  - (j) Littering and property damage from intoxicated patrons;
  - (k) Insufficient carparking;
  - (l) Inconsistent hours with the VCAT appeal to Planning Permit Application PLN18/0990 (419 Fitzroy Street, Fitzroy) which was for a residential hotel and restaurant and approved on 29 August 2019; and
  - (m) Precedent that will lead to other developments/uses (e.g. adjoining hotel) lodging an amended application to their planning permit to have increased hours.
37. A considerable number of submissions (498) supporting the proposal were received. This included submitters from the local area as well as visitors from (and not limited to) South Australia, Queensland, Western Australia, Bentleigh, Sunbury, Noble Park, Caulfield North, Melton West, Torquay, Mooroolbark and Belgrave. These submissions can be summarised as follows:
- (a) References were made to other restaurants operating with similar times and it was noted that the proposal is not for a nightclub or pub;
  - (b) The importance of supporting small business in tough economic conditions;
  - (c) The appeal of living in Fitzroy and not needing to leave the suburb due to having a variety of shops and restaurants within proximity. Comments were also made that Fitzroy is a 'vibrant, inner-city suburb' and that living in the inner city and high-density suburbs includes mixed uses;
  - (d) Comparisons with the difficulty the live music industry is currently facing;
  - (e) Benefits of local employment opportunities;
  - (f) Several letters of support noted that the current residents of neighbouring apartments made the decision to buy/rent in the area with the knowledge that there is a bar/restaurant nearby;
  - (g) Benefits of increased foot traffic to surrounding businesses;
  - (h) Vegans, vegetarians and people with allergies are able to visit this 'safe and inclusive' venue. One submission noted that they visited from South Gippsland to be able to take their daughter, who has anaphylaxis to dairy;
  - (i) 'Greyt Greys Rescue' – a not-for-profit charity dedicated to greyhound rescue noted that they "have been supported by Red Sparrow in the past with their regular
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fundraising activities. They have a wonderful supportive community and ethos to their brand”;

- (j) The benefit of having an appropriate hospitality venue helps activate streets and increase passive surveillance, which can improve the sense of safety and vitality of the neighbourhood; and
- (k) Acknowledgement that Fitzroy already has a strong culture of dining and social spaces, and this proposal is consistent with the established character of the area.

38. A planning consultation meeting was not held.

**Internal and external referrals**

39. The proposal was referred to the following external agencies and internal business units:

External Agency	Outcome
N/A	N/A
Internal Business Unit	Comments
Acoustic – SLR Consultants	<p>Advised that there are significant new risks from operating beyond 10pm.</p> <p>Patron voice noise from the semi-enclosed upstairs area would need a more formal assessment (by the applicant’s Acoustic Engineer) and it is likely that it would fail to show compliance from 10pm onwards. Whilst it was indicated as a ‘preference’ for a more formal assessment of patron noise, it was concluded by Council’s Acoustic Consultant that it would unlikely provide evidence of compliance and so the following reduced hours have been recommended:</p> <ul style="list-style-type: none"> <li>• Monday to Thursday and Sundays: 7 am to 9 pm.</li> <li>• Friday-Saturday: 7 am to 10 pm on ground floor, 9 pm on first floor.</li> </ul> <p>Groups of patrons walking past dwellings after 10 pm poses sleep disturbance risks and it was noted that Rose Street is a shielded street with fairly low background noise.</p> <p>The combined impact of the 419 Fitzroy Street premises and the 54 Rose Street restaurant further raise risk due to cumulative impacts of two restaurants next door to each other.</p>
City Works – Waste Management	Advised that the submitted Waste Management Plan is satisfactory.

**Policy Implications**

**Planning Policy Framework (PPF)**

40. The following policies are of most relevance to this application:

- Clause 2 - Municipal Planning Strategic, including:
  - Clause 02.01 – Context:
    - Clause 02.01-1 – Location
  - Clause 02.02 – Vision
  - Clause 02.03-1 – Settlement:
    - Clause 02.03-3 – Environmental Risks and Amenity
    - Clause 02.03-6 – Economic Development
  - Clause 02.04 – Strategic Framework Plan
- Clause 11 – Settlement:
  - Clause 11.01-S – Settlement
  - Clause 11.01-R – Settlement – Metropolitan Melbourne
- Clause 13 – Environmental risks and amenity:
  - Clause 13.05-1S – Noise Management
  - Clause 13.06-1S – Air Quality Management
  - Clause 13.07-1S – Land Use Compatibility
  - Clause 13.07-1L – Interfaces and Amenity
- Clause 17 - Economic Development:
  - Clause 17.01-1S – Diversified Economy
  - Clause 17.01-1L – Employment
  - Clause 17.02-1S – Business

## Officer Assessment

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41. The primary considerations for this application are as follows:
- (a) Strategic support;
  - (b) Land use;
  - (c) Off-site amenity impacts;
  - (d) Other matters; and
  - (e) Other objector concerns.

### Strategic Support

42. The site is located in a designated 'Major Activity Centre' area under the Strategic Framework Plan at Clause 2.04 of the Yarra Planning Scheme (the Scheme), and within a large area of Mixed Use Zone (MUZ) land having regard to the site's context between Nicholson Street to the west and Brunswick Street to the east (which comprises entirely Commercial 1 zoning). As stated within the purpose of the MUZ at Clause 32.04, this zone seeks 'to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.'
43. In the matter of Deal Corporation (Rose Street) Pty Ltd v Yarra City Council (P897/2024), the Tribunal found:
- [113] (...) it is clear that the MUZ is a zone which expects a greater extent of uses and of higher degree of built form. It is inherent through this that impacts to surrounding*
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properties and the broader area are expected to be greater than in other residential zones.

44. The site already benefits from an existing approval and ongoing operation as a *Food and Drink Premises*, including the service of liquor. Its highly accessible location, together with its proximity to established activity centres, aligns with the strategic intent of Clause 17.021S (Business), which encourages commercial uses in well connected areas.
45. Clause 02.03-1 (Settlement) seeks to support a compact, vibrant and sustainable urban form by directing activity to established urban areas with good access to services and infrastructure. The site is located within the established inner-urban area of Fitzroy, within a Mixed Use Zone where commercial and hospitality activities are anticipated and encouraged. The continued use of the premises for a food and drink premises in an already well-established market setting supports consolidation of activity within an existing commercial precinct.
46. The current hours of operation are restrictive for a pizza restaurant which relies heavily on evening trade. This has resulted in a significant loss of potential revenue. Supporting an increase in hours into the evening aligns with Clause 02.03-6 (Economic Development) which supports a night-time economy, employment and the vitality of activity areas. The proposal will support the ongoing viability of a small hospitality business by allowing extended trading hours that better reflect contemporary dining patterns. This will contribute to local employment opportunities and enhance the evening economy of Fitzroy.
47. Subject to conditions relating to amenity, the extension of operating hours is consistent with the mixed-use and inner-city context, where evening dining activity is expected. Allowing an extension of hours as set out in the recommendation, aligns with Clause 02.03-3 (Environmental Risks and Amenity) which seeks to balance economic activity with the protection of residential amenity. The proposal does not alter the underlying land use, which remains a food and drink premises, but introduces a different operational emphasis more consistent with a restaurant format. It continues to be located within the same built form and, subject to conditions, is unlikely to introduce unreasonable amenity impacts given the established commercial setting.
48. Overall, the proposed amendment is well supported by the strategic policy framework of the Yarra Planning Scheme. The change from a café to a restaurant and the extension of operating hours will enable the continued operation of a hospitality venue that contributes to the vibrancy and economic activity of Fitzroy. The proposal remains consistent with the Mixed Use Zone and the established pattern of food and drink premises in the surrounding area. Notwithstanding this strategic support, the proposal must also be assessed against the relevant provisions and decision guidelines of the Yarra Planning Scheme, including the applicable clauses relating to amenity and land use impacts. These matters are considered in further detail below.

#### **Off-site amenity impacts**

49. The proposal seeks to amend an existing permit to allow the operation of a pizza restaurant with extended trading hours compared to the currently permitted café use. The use remains a food and drink premises, which is a typical commercial activity expected within activity centres, noting the site adjoins a hotel/restaurant and is less than 124 metres away from Brunswick Street.
  50. Notwithstanding, policy at Clause 13.07-1L-01 (Interfaces and amenity) of the Yarra Planning Scheme identifies that while there is a need to support business and industrial
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uses, they must be appropriately managed to limit amenity impacts and acknowledge their proximity to residential uses. This includes consideration of noise; fumes and emissions, storage and waste; light spill; overlooking and unsightly views that may cause detriment. The closest sensitive interface (i.e. residential use) is directly opposite and adjacent to the site along this interface, where several new apartments have replaced industrial warehouses in recent years reflecting the growing mixed-use nature of the area.

51. The extended hours of operation (7am–11pm Monday–Thursday and until 10pm Sunday) introduce the potential for increased evening activity compared to the existing condition. However, such hours are generally consistent with restaurant operations and are not uncommon within activity centres, noting that the use will continue to operate within the existing building.
  52. An acoustic report prepared by Waveform Acoustics (dated 14 January 2026) was submitted with the application. The report assessed the proposed noise sources to the closest sensitive interfaces, being the dwellings at:
    - (a) 62 Rose Street, Fitzroy (hotel immediately to the east);
    - (b) 61-73 Rose Street, Fitzroy (apartments/townhouses to the north which have balcony areas facing the venue); and
    - (c) 41 Kerr Street, Fitzroy (apartment complex to the west with outdoor balcony areas).
  53. Potential off-site amenity impacts associated with the proposal include patron noise, music noise, heating and cooling, delivery activity and waste collection. These impacts are expected to be limited for the following reasons, as confirmed by the applicant's acoustic report (prepared by Waveform Acoustics):
    - (a) Music noise was 60 decibels (measured at one metre from the noise source [speaker]) which is below what is typically considered background music noise and, noting there is an existing noise limiter installed;
    - (b) All heating is done by gas heaters, which do not contribute noise in any meaningful way in terms of compliance. Whilst all cooling is done via air circulation fans and not by air conditioning (AC) units. These fans also pose no risk of non-compliance, as they are internal and produce minimal noise; and
    - (c) *Environmental Protection Regulations 2021* defines the sensitive sleep period as being the 8 hours between 11pm and 7am. As the venue will not operate after 11pm (before the Night Period as per 123 definitions in Appendix – Operating Time Periods), sleep disturbance risks are not anticipated.
  54. This report was reviewed on behalf of Council by SLR Consultants (SLR), who raised concerns about the ability for the first floor component of the venue to demonstrate compliance with the night period criteria after 10pm. On this basis, the acoustic consultant recommended a permit condition restricting operation to:
    - (a) 7am-9pm (Monday to Thursday and Sunday); and
    - (b) 7am to 10pm (Friday and Saturday – Ground Floor) and until 9pm on the first floor.
  55. The recommended hours are consistent with the restaurant in StandardX Hotel approved at 419 Fitzroy Street under Planning Permit PLN18/0990 which was approved on 29 August 2019 by VCAT.
  56. The Tribunal in its decision dated 2 June 2023 found that:
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[10] (...) despite this inner urban setting, when balancing of the relevant planning provisions and policy, the proposed amendments to the permit sought will have unacceptable amenity impacts on nearby residents. Based on reduced hours and modified restrictions, I have allowed the application in part.

[101] Therefore, I will allow the permit to be amended to include permission for a liquor license but that the dining area not be permitted to operate beyond 10:00pm on any night. The time of 10:00pm is retained partly because it is the current restriction in the permit but also because it aligns with current EPA protocols where the more restrictive noise limits change between the 'evening' and 'night' periods at 10:00pm.

57. Notwithstanding, in line with the applicant's own acoustic report, the following additional conditions are recommended for the amended permit:
- (a) Install a speed controller for the extractor system which will ensure the extractor does not run at maximum capacity continuously, and that noise is maintained at the minimum level to reduce the cumulative impacts in the area;
  - (b) Post occupancy testing, over a 48 hour period, during a representative time of operation, to be conducted within three months of occupancy, to determine compliance or otherwise. The inspection should include, but not limited to, testing of plant and equipment, music noise emissions, and patron noise, measured at the Noise Sensitive Areas of the NSR. If non-compliance is detected, additional measures may be required to ensure compliance with the EPA 1826 limits;
  - (c) Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 20:00 and before 7:00 weekdays or 9:00 all other days; and
  - (d) Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 22:00, and before 7:00 weekdays or 9:00 all other days
58. The recommended reduction in hours to 10pm on the ground floor and 9pm on the first floor on Fridays and Saturdays will address concerns raised by Council's Acoustic Engineer regarding patrons leaving the premises. An additional condition will require an updated NAAP to outline measures to address patron management upon the closure of the first floor prior to the ground floor closing on Fridays and Saturdays.
59. It is noted that the applicant's Acoustic Report recommends a permit condition requiring the display of signage in the outdoor area of the venue to remind patrons to be mindful of the nearby residents and to be considerate with respect to noise. This will not form a new condition as it already exists as part of the requirement of the Noise and Amenity Action Plan.
60. It is proposed to replace existing condition 19 of the permit, which required an amended acoustic report, with a new condition reflecting the acoustic report submitted with this amended application (prepared by Waveform). It is also proposed to delete references to SEPP N-2 limits as these have been superseded by the "Noise Protocol" (Publication 1826.4) under the Environment Protection Act 2017.
61. It is noted that condition 16 of the existing planning permit restricts the hours of collection for waste and recycling to those specified in 'Council's Local Law No.3' as follows:
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*No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day. Hours of collection for waste and recycling must be in accordance with Council's Local Law No.3.*

62. This document has been superseded and Council's 'General Local Law (Consolidated)' gazetted on 1 September 2016 and does not contain specific requirements on when bottles can be emptied into garbage bin. However, section 54.2 does specify the following restrictions for waste collection:

*A person must not collect any trade waste from any trade waste hopper before 7am or after 8pm Monday to Saturday and before 9 am or after 8pm on any Sunday and public holidays.*
63. It is therefore recommended that existing condition 16 will be updated to reflect the new Local Law.
64. A number of objections raised concerns around engines idling and doors slamming. It is important to note that the objectives of planning and indeed EPA regulations is not to prevent sound being heard. Most of these activities are inherent and unavoidable aspects of living in an urban environment.
65. Objections have raised concern in relation to odours, cooking activities associated with the change in use from a café to a pizza restaurant. A number of objections have also raised concern with noise and 'turbulence' from the extraction fan as well as impacts of woodfire pizza emissions. The applicant has confirmed that they do not utilise a woodfire oven for their pizza. The remaining concerns can be managed through permit conditions recommended by the applicant's acoustic engineer for the existing mechanical exhaust system and kitchen ventilation infrastructure. This ensures odour impacts are minimal and consistent with typical restaurant operations.
66. With regard to waste, it will continue to be stored at the rear of the site, away from the primary street frontage. This arrangement assists in concealing waste areas and limiting visual and amenity impacts.
67. Objections have been received relating to littering; however, this is not managed by the planning scheme noting that it is a matter managed under environmental legislation and/or existing local laws. Reports of littering can be made to the relevant authorities and are not a basis for refusing this application. Notwithstanding, the predominant nature of the use is for dine-in which will ensure that waste is managed on site.
68. Condition 12 of the current permit restricts deliveries to between 8am and 6pm. No change is proposed to this condition.
69. No changes to external lighting are proposed as part of the amendment.
70. A number of objections have also raised concerns regarding overlooking from the first-floor into adjoining apartments. This is not relevant to the amended proposal as the first floor use has already been approved and in operation – the amendment is limited to the change in hours. There is no requirement for visual screening into adjoining properties and it is considered that affected people can utilise curtains and blinds to mitigate any perceived impact.



Figure 3: Looking west from the first floor dining area to 48 Rose Street (Source: Site inspection – 4 March 2026 at 9:59am)

71. It is noted that a number of complaints have been received by Council’s Planning Enforcement Unit since 2024 at the site of 54 Rose Street (which is also part of the wider market and not necessarily limited to Red Sparrow) including reports of:
  - (a) Large groups of people congregating outside the venue and talking loudly into the evening;
  - (b) Patrons on the level 1 rooftop after 9pm;
  - (c) Emptying of glass into the bin after closure;
  - (d) Waste being collected from the Rose Street Market at 9:20pm in breach of the 8pm local law limit; and
  - (e) Use of amplified music in the early morning and evening.
72. Discussions with the operator of Red Sparrow has found that some of these complaints relate to a previous operator and the proposed conditions for the current amendment will ensure the premise operates in a manner that is mindful of the surrounding area.
73. Subject to conditions in the amended permit, the proposal appropriately manages potential amenity impacts relating to noise, waste, deliveries, and emissions. Operational measures and the existing building form assist in minimising impacts on surrounding properties. The proposal therefore provides a reasonable level of amenity while supporting the ongoing operation of a commercial food and drink premises and is considered consistent with the objectives and strategies of Clause 13.07-1L-01 (Interfaces and amenity) of the Yarra Planning Scheme.

74. A balance is required to be struck between acknowledging that there are numerous residential properties in the vicinity of the subject site and that the site is not adjacent to the commercially zoned land along Brunswick Street. Equally, it is not an entirely residential suburb, far removed from commercial activity. Instead, the site is a well-located site, in an inner-city location, where there is a growing level of pedestrian and visitor activity including that generated by the recently completed adjacent residential hotel (StandardX).
75. Having regard to the above, it is considered appropriate to approve the request to increase the hours of operation so as to enable the pizza restaurant to properly function and capitalise on evening trade. However, a cessation time of 11pm is inappropriate and should be reduced to 9pm Monday to Thursday, and Sunday, should Council be of mind to support the application. Where there is potential for amenity impacts (the first floor) a condition of permit will limit the use of this space until 9pm.

Existing permit condition	Trading hours sought by applicant	Recommended permit condition
Except with the prior written consent of the Responsible Authority, the cafe use authorised by this permit may only operate between the following hours:	(N/A - not specified)	Except with the prior written consent of the Responsible Authority, the <b>food and drink (restaurant)</b> use authorised by this permit may only operate between the following hours:
(a) Monday-Thursday: 7.00 am - 5.00 pm.	(a) Monday-Saturday: 7am - 11 pm.	Monday to Thursday: 7am to 9pm
(b) Friday - Saturday: (i) 7.00 am to 10.00 pm on the ground floor; (ii) 7.00 am to 9.00 pm on the first floor.		Thursday-Saturday: <ul style="list-style-type: none"> <li>• Ground Floor: 7am to 10pm</li> <li>• First Floor: 7am to 9pm.</li> </ul>
(c) Sunday: 7.00 am to 9.00 pm.	(b) Sunday: 7am - 10pm.	Sunday: 7am to 9pm

76. However, a permit condition is also recommended to allow cleaning and the like to continue for an additional hour as this will have a lesser impact on amenity and can be easily managed through management given it is undertaken by staff members. This achieves an appropriate balance between flexibility for the business and not exacerbating noise impacts to adjoining residential properties.
77. Existing condition 9 will be reworded to reference 'Restaurant' rather than 'café' to reflect the current land use and the land use term in the Yarra Planning Scheme. All permit obligations and conditions would continue to apply.

### Signage

78. As part of the proposal, the permit applicant is seeking retrospective approval for two business identification signs that have been installed on the site without a planning permit.
79. The proposal includes:
- (a) Text with the words 'Red Sparrow Pizza & Rooftop Bar' and accompanying graphic painted on the wall adjacent to the Rose Street Market entrance. The sign has a

height of 4 metres and a width of 1.80 metres resulting in a total area of approximately 7.20sqm; and

- (b) A square metal blade sign measuring 300mm x 300mm containing a vinyl sticker of the business logo hanging over the footpath. The sign has an area of 0.092sqm.
80. Local signage policy at Clause 15.01-1L-01 encourages signs that are consistent with the character of the area and which respect the amenity of the area. The proposed signs are consistent with the prevailing signage associated with the Rose Street Market by way of being painted on an existing blank wall. The absence of illumination ensures there is no amenity impacts to the local area and no impact to the safety of pedestrians or vehicles.
81. It is noted that an objection was received that the signage contributes towards the commercialisation of a residential streetscape; however, the area is not considered a residential streetscape and is a mixed use area. It is typical for a business to provide signage to assist in identifying the use of the land to passers-by and it is consistent with the eclectic character of Rose Street noting the pavement and road surface contain a painted design between Spring Street and Brunswick Street as well as various examples of business identification signage and murals.
82. The location of the main sign on a blank wall and the small 300mm x 300mm blade sign complies with the decision guidelines of Clause 52.05 (Signs) which seeks to screen unsightly built elements and to have regard to the scale and form of the sign relative to the streetscape.
83. Additional (standard) permit conditions will be inserted on to the permit to manage the proposed signage.

## **Liquor**

84. As part of the amended planning permit, the applicant has sought to delete conditions 3 (secondary consent for the licensed area), 6 (patron limit), 10 (hours for the sale/consumption of liquor), 11 (liquor sale/consumption requirement), 24 (entry for authorised officers), 26 (manager requirements) and 27 (alcohol training).
85. The deletion of these conditions is appropriate having regard to planning scheme amendment VC286 which was gazetted into the Scheme on 1 July 2025. The amendment deleted planning controls within Clause 52.27 (Licensed premises) that required a planning permit for a licensed premises.
86. However, the deletion of condition 6 as it relates to patron numbers within the licensed area is not supported for deletion and will instead be amended having regard to the use of the land still being a permit trigger. It is proposed to modify the condition to remove reference to licensed area but still require a maximum of 100 patrons. It is noted that the definition of a 'Restaurant' at Clause 73.03 states that for there to be a supply of liquor (other than in association with a meal) there needs to be tables and chairs set out for at least 75% of patrons. The existing endorsed plans show adequate seating for this number of patrons.
87. It is important to note that whilst a planning permit is no longer required, applicants will still need a licence from Liquor Control Victoria to sell or serve liquor.
88. Council will still be responsible for the enforcement of any:
- (a) Existing planning permits that apply to the land;
  - (b) Local laws affecting licensed premises; and
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(c) Relevant environmental health regulations.

89. Amenity matters will continue to be enforced by Victoria Police, the Environment Protection Authority, Liquor Control Victoria, and Council, as relevant to each entity's area of responsibility.
90. As a result of these changes, the applicant's proposed amendment to the permit preamble and conditions insofar as they relate to liquor can be supported. There is no legal framework within the revised planning scheme that would enable the proposed changes to liquor to be rejected from a planning assessment perspective and therefore no further assessment is considered necessary.

### Objector concerns

91. Key objector concerns have been addressed in the following paragraphs of this report:
- (a) *Inappropriate proximity to residential buildings:* Paragraphs 42-48.
  - (b) *Inappropriate use of an open rooftop until 11pm:* Paragraphs 42-58.
  - (c) *Incidents of loud music, laughter and voices on the rooftop as well as clanging dishes, movement of furniture and glass disposal:* Paragraphs 42-58.
  - (d) *Concerns around engines idling, doors slamming and groups congregating late into the night while waiting for rideshare services:* Paragraphs 58 and 59.
  - (e) *Privacy impacts from the rooftop area into nearby lounge room/s:* Paragraph 70.
  - (f) *A suggestion was made to trade until 9pm on Monday-Thursday and Sunday whilst 10pm trading could be considered for Friday and Saturday:* Paragraphs 42-58.
  - (g) *Noise (and turbulence) concerns from the extraction fan used for the pizza oven:* Paragraph 65
  - (h) *Impacts of woodfire smoke:* Paragraph 65
  - (i) *The proposed signage contributes to the commercialisation of a residential streetscape:* Paragraph 78-83.
  - (j) *Littering and property damage from intoxicated patrons:* Paragraph 67.
  - (k) *Insufficient carparking:* Paragraph 34(g).
  - (l) *Inconsistent hours with the VCAT appeal to Planning Permit Application PLN18/0990 (419 Fitzroy Street, Fitzroy) which was for a residential hotel and restaurant and approved on 29 August 2019:* Paragraph 55-56 and 74-75.
92. Other matters raised are addressed as follows:
- (a) **Precedent/cumulative impact:** Future planning permit applications on this site or neighbouring and nearby land would be assessed against relevant planning policy and site conditions, based on their own merits at the time of assessment. The possibility of setting an undesirable precedent cannot be substantiated and is not a relevant planning consideration; and
  - (b) **Devaluation of property:** Perceived or actual impacts to property valuations are outside the remit of the planning scheme.

### Other matters

Updated permit preamble formatting

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93. The *Planning and Environment Amendment Regulations (2024) (Amendment Regulations)* were made on 8 October 2024. As such, the permit preamble formatting will be updated as shown in the Recommendation section at the beginning of this report.

Permit conditions

94. The Recommendation section at the beginning of this report outlines the required amendments to the permit conditions and are shown in bold. A summary is provided below with changes underlined and/or struck out:

**Condition 3 to be deleted:**

95. ~~The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.~~

**Condition 6 to be amended:**

From:

96. Not more than 100 patrons must be present within the licensed area at any one time.

To:

No more than 100 patrons are permitted on the land used for a food and drink premises (Restaurant) at any one time.

**Condition 9 to be amended:**

From:

97. Except with the prior written consent of the Responsible Authority, the café use authorised by this permit may only operate between the following hours

- (a) Monday - Thursday: 7.00 am - 5.00 pm.
- (b) Friday - Saturday:
  - (i) 7.00 am to 10.00 pm on the ground floor;
  - (ii) 7.00 am to 9.00 pm on the first floor.
- (c) Sunday: 7.00 am to 9.00 pm.

To:

Except with the prior written consent of the Responsible Authority, the 'Food and drink' (Restaurant) use authorised by this permit may only operate between the following hours:

- (a) Monday - Thursday: 7.00 am - 9.00 pm.
- (b) Friday - Saturday:
  - (i) Ground Floor: 7.00 am to 10.00 pm.
  - (ii) First Floor: 7.00 am to 9.00 pm.
- (c) Sunday: 7.00 am to 9.00 pm.

Staff may be present on site for cleaning and packing up for one hour after each closing time.

**Condition 10 to be deleted:**

~~98. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:~~

- ~~a. Monday – Thursday: 9.00 am – 5.00 pm.~~
- ~~b. Friday – Saturday:
  - ~~i. 9.00 am to 10.00 pm on the ground floor;~~
  - ~~ii. 9.00 am to 9.00 pm on the first floor.~~~~
- ~~c. (c) Sunday: 9.00 am to 9.00 pm.~~

**Condition 11 to be deleted:**

~~99. Liquor must only be sold and consumed within the licensed area.~~

**Condition 16 to be amended:**

From:

100. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day. Hours of collection for waste and recycling must be in accordance with Council's Local Law No.3.

To:

No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day. Hours of collection for waste and recycling must be in accordance with Council's General Local Law (Consolidated) gazetted on 1 September 2016, as amended from time to time.

**Condition 18 amended:**

From:

101. Within three months of the amendment of the permit, an amended Noise Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. Once approved, the NAAP must be implemented and thereafter complied with to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the endorsed NAAP but modified to include:

- (a) The provision and maintenance of a complaints register;
- (b) That notices will be included on all food and drinks menus and at prominent locations at exists reminding patrons to leave quietly and respect the amenity of residents;
- (c) Measures to address patron management upon the closure of the first floor prior to the ground floor closing on Fridays and Saturdays; and
- (d) Amended hours to reflect conditions 9 and 10.

To:

Within three months of the amendment of the permit, an amended Noise Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and

---

will then form part of this permit. Once approved, the NAAP must be implemented and thereafter complied with to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the endorsed NAAP but modified to include:

- (a) The provision and maintenance of a complaints register.
- (b) That notices will be included on all food and drinks menus and at prominent locations at exists reminding patrons to leave quietly and respect the amenity of residents.
- (c) Measures to address patron management upon the closure of the first floor prior to the ground floor closing on Fridays and Saturdays;
- (d) Amended hours to reflect conditions 9.
- (e) Delivery of goods and waste removal to be in accordance with condition 12 and 16 of this permit.

**Condition 19 amended:**

From:

102. Before the extended trading hours commence, 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 Advisory and Consulting Services and dated 28 May 2014, but modified to include (or show, or address):

- (a) An assessment demonstrating that music noise from the venue meets SEPP N2 criteria and that the basis of determining that criteria is the lowest recorded hourly LA90 noise level recorded during the background noise monitoring period (the assessment period), not the average LA90 noise level;
- (b) Recommendations for the installation, configuration and maintenance of a noise limiter to restrict music noise levels within the venue to levels that meet SEPP N-2 limits; and
- (c) Confirmation that a noise limiter has been installed and configured to ensure compliance with SEPP N-2 music noise limits'.

To:

Within 3 months of the commencement of the increase in hours of operation associated with the restaurant, 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 Waveform Acoustics and dated 14 January 2026, but modified to include (or show, or address):

- (a) Testing of plant and equipment, music noise emissions, and patron noise, measured at the Noise Sensitive Areas of the Noise Sensitive Receivers (NSR) over a 48 hour period during a representative time of operation;
- (b) Testing is to confirm compliance of the use 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; and

- (c) The extractor system to be fitted with a speed controller and a suitable ventilation professional is to determine the minimum speed required for suitable operation of the extractor system. After installation of the speed controller, additional acoustic testing of the system is to determine compliant levels and outline if any additional acoustic barriers/lagging/re-positioning is required.

If non-compliance is detected, additional measures required to ensure compliance with the EPA 1826 limits is to be specified and actioned by the permit applicant to the satisfaction of the Responsible Authority.

**Condition 20 amended:**

From:

103. The noise limiter installed in accordance with condition 19 shall at all times be maintained to the requirements of the endorsed acoustic report and to the satisfaction of the Responsible Authority.

To:

The noise limiter installed in accordance with condition 32 must at all times be maintained to the requirements of the endorsed acoustic report and to the satisfaction of the Responsible Authority.

**Condition 24 deleted:**

- ~~104. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.~~

**Condition 26 deleted:**

- ~~105. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.~~

**Condition 27 deleted:**

- ~~106. All staff on the licensed premises must be appropriately trained in the responsible serving of alcohol.~~

**Condition 30 amended:**

From:

107. This permit will expire if the use or development is not commenced within two years from the date this permit is amended. All development must be completed within four years from the date this permit is amended. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

To:

This permit will expire if the use [food and drink premises (restaurant)] is not commenced within three years from the date of the amended permit (PL03/0224.05). The Responsible

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Authority may approve extensions to this time limit if requests are made within six months of expiry.

**New condition 31**

108. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**New condition 32**

109. All speakers within the premises, including both ground and first floor areas, must be connected to the noise limiter and controlled by a single master volume control. Separate or independent volume controls for different areas of the premises must not be installed or used unless they are integrated with the noise limiter such that the calibrated threshold controls all amplified music. The operator must not alter the settings of the noise limiter without the written consent of the Responsible Authority.

**New condition 33**

110. The use 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.

**New condition 34**

111. 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.

**New condition 35**

112. The signs must not be illuminated by external or internal light.

**New condition 36**

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

**Conclusion**

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114. The proposal to amend an existing permit to allow for extended trade aligns with economic development policy in the planning scheme and is unlikely to result in unreasonable adverse off-site impacts when managed through appropriate operational practices.

115. The proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

**Legal and Legislative Obligations**

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**Conflict of interest disclosure**

116. Section 130 of the *Local Government Act 2020* requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.

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117. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

### Report Attachments

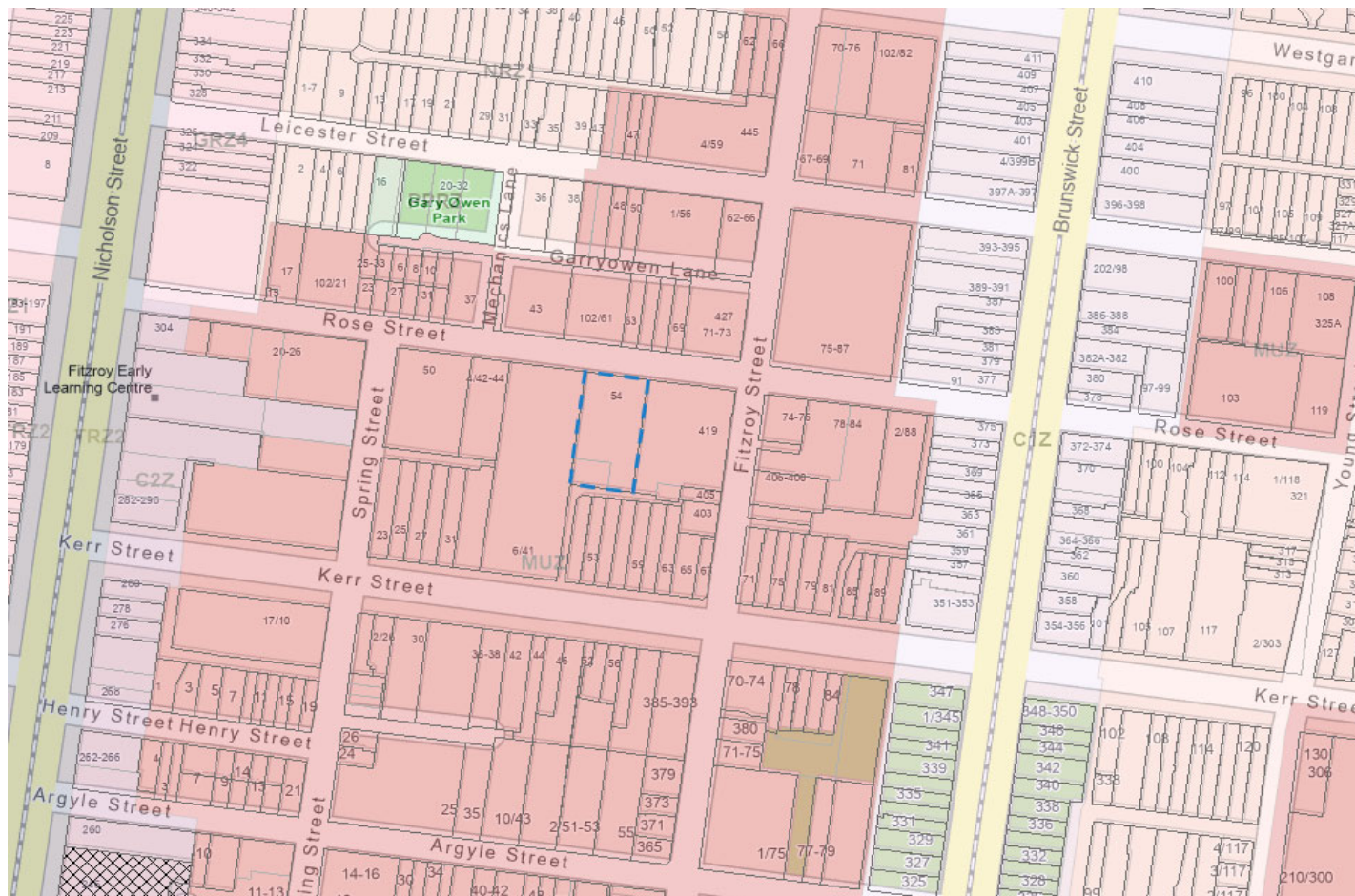
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1. 5.1.1 Site Context Plan
  2. 5.1.2 Decision Plans
  3. 5.1.3 Referral Responses
  4. CONFIDENTIAL -5.1.4 List of Submitters [ Supporters and objectors]
- This attachment is confidential information for the purposes of section 3(1) of the *Local Government Act 2020* for the following reason:

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

**PL03/0224.05 (54 Rose Street, Fitzroy)**

**Site Context Plan**



Zoning Map, subject site outlined with blue dashed line (Source: VicPlan, March 2026)

Helping you understand your planning needs



**PLANNING PERMIT (Amended)**



**Permit No:** PL03/0224

**Planning Scheme:** Yarra

**Responsible Authority:** City Of Yarra

**ADDRESS OF THE LAND:**  
54 Rose St Fitzroy VIC 3065

**Existing Planning Permit proposed to be amended**

**THE PERMIT ALLOWS:**

For the purpose of the following, in accordance with the endorsed plan(s).

**Change of use to an art and craft market, a food and drink premise (café), sale and consumption of liquor, part demolition and buildings and works, and a waiver of car parking requirements in accordance with the endorsed plans**

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the use starts, 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 the 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 endorsed plans but modified to show:
  - (a) The full width of the wall at the northern end of the first floor extended to the roof with minimum 6.38mm laminated glass so that it is a full height wall.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
3. The layout of the licensed area on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. The use hereby approved must provide stalls for local artists only exclusively for the display and sale of their own works.
5. Not more than 40 artists stalls must be provided at any one time.

**Date:** 25 September 2003

\_\_\_\_\_  
Ally Huynh  
Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

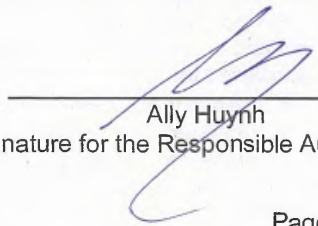
6. Not more than 100 patrons must be present within the licensed area at any one time.
7. Not more than 250 patrons must be present on the site at any one time.
8. Hours of operation of the art and craft market are limited to 9.00 am to 5.00 pm, Saturday and Sunday.
9. Except with the prior written consent of the Responsible Authority, the café use authorised by this permit may only operate between the following hours
  - (a) Monday – Thursday: 7.00 am – 5.00 pm.
  - (b) Friday - Saturday:
    - (i) 7.00 am to 10.00 pm on the ground floor;
    - (ii) 7.00 am to 9.00 pm on the first floor.
  - (c) Sunday: 7.00 am to 9.00 pm.
10. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the following hours:
  - (a) Monday – Thursday: 9.00 am – 5.00 pm.
  - (b) Friday - Saturday:
    - (i) 9.00 am to 10.00 pm on the ground floor;
    - (ii) 9.00 am to 9.00 pm on the first floor.
  - (c) Sunday: 9.00 am to 9.00 pm.
11. Liquor must only be sold and consumed within the licensed area.
12. The loading and unloading of goods must be carried out entirely within the site and must not commence before 8am and must be completed by 6.00 pm.
13. No live or amplified music must be provided on the site other than at background noise levels.
14. Noise emissions must comply with the State Environment Protection Policy or any other standard recommended by the Environment Protection Authority.
15. An area must be provided on-site for the placement of garbage bins and recycling services. The area must be screened from views external to the site to the satisfaction of the Responsible Authority.
16. No emptying of bottles into garbage bins located outside the approved waste storage areas is permitted after 10.00pm on any night, or before 7.00am on any day. Hours of collection for waste and recycling must be in accordance with Council's Local Law No.3.
17. The amenity of the area must not be detrimentally affected by the use or development, 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.

**Date: 25 September 2003**

\_\_\_\_\_  
 Ally Huynh  
 Signature for the Responsible Authority

18. Within three months of the amendment of the permit, an amended Noise Amenity Action Plan (NAAP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. Once approved, the NAAP must be implemented and thereafter complied with to the satisfaction of the Responsible Authority. The plan must be generally in accordance with the endorsed NAAP but modified to include:
  - (a) The provision and maintenance of a complaints register.
  - (b) That notices will be included on all food and drinks menus and at prominent locations at exists reminding patrons to leave quietly and respect the amenity of residents.
  - (c) Amended hours to reflect conditions 9 and 10.
  
19. Before the extended trading hours commence, 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 Advisory and Consulting Services and dated 28 May 2014, but modified to include (or show, or address):
  - (a) An assessment demonstrating that music noise from the venue meets SEPP N2 criteria and that the basis of determining that criteria is the lowest recorded hourly LA90 noise level recorded during the background noise monitoring period (the assessment period), not the average LA90 noise level.
  - (b) Recommendations for the installation, configuration and maintenance of a noise limiter to restrict music noise levels within the venue to levels that meet SEPP N-2 limits.
  - (c) Confirmation that a noise limiter has been installed and configured to ensure compliance with SEPP N-2 music noise limits'.
  
20. The noise limiter installed in accordance with condition 19 shall at all times be maintained to the requirements of the endorsed acoustic report and to the satisfaction of the Responsible Authority.
  
21. All activities forming part of the use hereby approved must be managed in accordance with the Noise and Amenity Action Plan to the satisfaction of the Responsible Authority.
  
22. The use hereby approved must be conducted in a manner which ensures that the residential amenity of the nearby properties is not detrimentally affected to the satisfaction of the Responsible Authority.
  
23. The management of the premises must ensure that all nearby residents is given a telephone number to call to register complaints regarding the operation of the premises. The hotline must be staffed at all times. A permanent register of complaints is to be maintained and available to the Responsible Authority and Victoria Police.

**Date: 25 September 2003**

  
 Ally Huynh  
 Signature for the Responsible Authority

24. During all hours (whether or not liquor is served) in which the business is open to the public, entry must be made freely available to any authorised officer(s) of the responsible authority for the carrying out of any investigations associated with the sale or consumption of alcohol on the site.
25. During all operating hours of the use hereby authorised, there must be present on the site a person above the age of 18 years, who has been authorised by the occupier of the land and that person will be responsible for the good conduct of patrons arriving, using or leaving the land, (For the purposes of this permit, this person is known as "the Manager").
26. The Manager must be qualified in operating in accordance with the policies and guidelines prescribed by Liquor Licensing Victoria.
27. All staff on the licensed premises must be appropriately trained in the responsible serving of alcohol.
28. Any damage to road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority.
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 (excluding public holidays) and 9 am - 3 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
30. This permit will expire if the use or development is not commenced within two years from the date this permit is amended. All development must be completed within four years from the date this permit is amended. The Responsible Authority may approve extensions to these time limits if requests are made within three months of expiry.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units, solar panels, and any other heating/cooling units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: A building permit may be required before development is commenced. Please contact Council's Building Department on Ph. 9205 5351 to confirm.

**THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:**

Date of order	Description of order
2 June 2009	Planning Permit PL03/0224 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P3702/2008

**Date: 25 September 2003**


  
 Ally Huynh  
 Signature for the Responsible Authority

19 July 2011	Planning Permit PL03/0224 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P525/2011.
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**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment
21 June 2013	Pursuant to section 74 of the <i>Planning and Environment Act (1987)</i> amendments to the endorsed plans only, including: <ul style="list-style-type: none"> <li>• Changes to the construction materials and finishes.</li> <li>• Altered height of first floor.</li> </ul>
15 August 2014	Amendment to the permit to increase the hours of operation for the cafe and sale and consumption of liquor until 10pm on Friday and Saturday and 9pm on Sunday.

**Date: 25 September 2003**

  
 \_\_\_\_\_  
 Ally Huynh  
 Signature for the Responsible Authority

Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86

Page 5 of 5

## PLANNING PERMIT

### IMPORTANT INFORMATION ABOUT THIS PERMIT

#### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

#### WHEN DOES A PERMIT BEGIN?

A permit operates:

- \* from the date specified in the permit; or
- \* if no date is specified, from—

(i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or

(ii) the date on which it was issued, in any other case.

#### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—

- \* the development or any stage of it does not start within the time specified in the permit; or
- \* the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
- \* the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.

2. A permit for the use of land expires if—

- \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
- \* the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—

- \* the development or any stage of it does not start within the time specified in the permit; or
- \* the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
- \* the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
- \* the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

- \* the use or development of any stage is to be taken to have started when the plan is certified; and

\* the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

#### WHAT ABOUT APPEALS?

\* The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

\* An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.

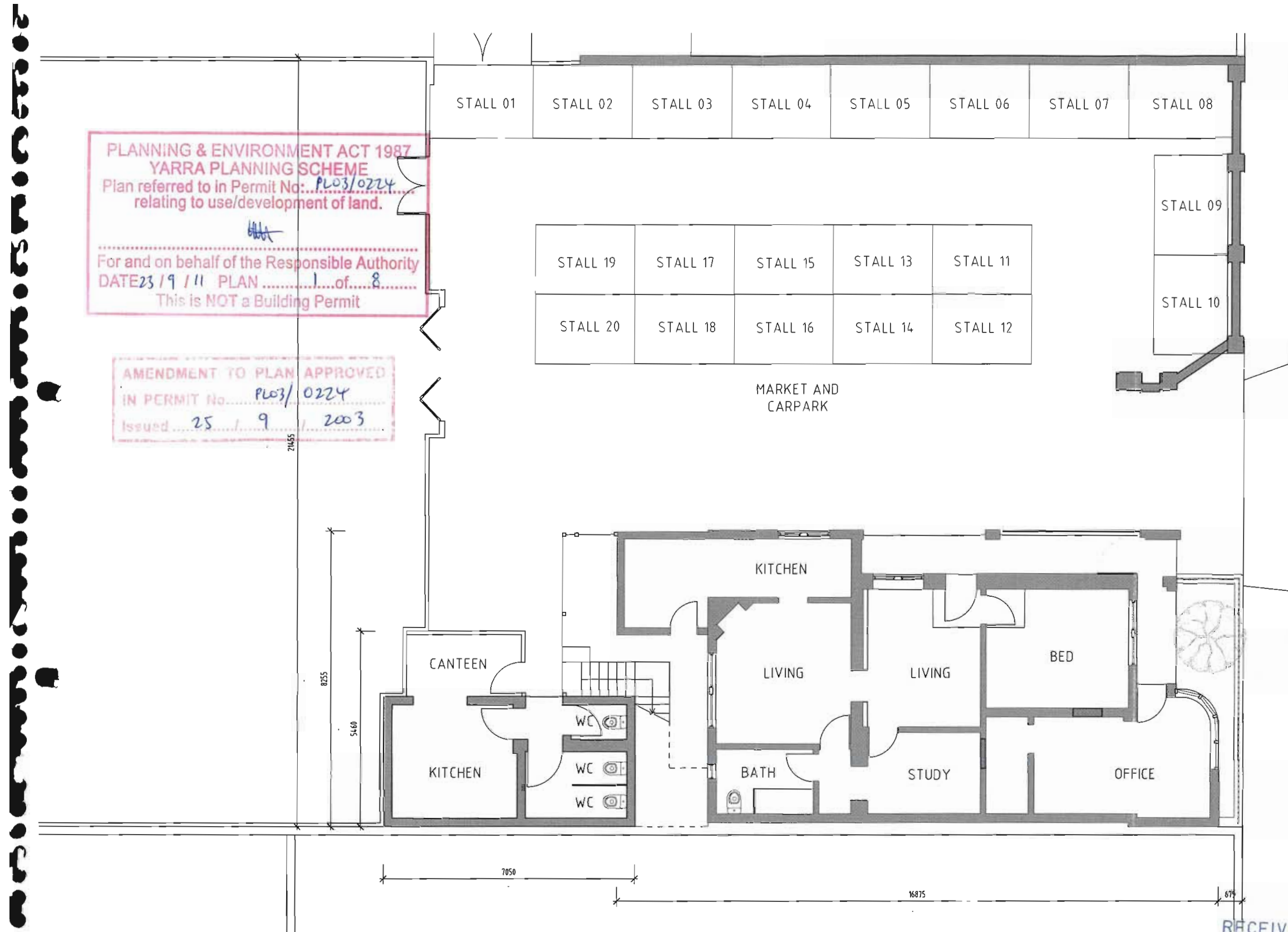
\* An application for review is lodged with the Victorian Civil and Administrative Tribunal.

\* An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

\* An application for review must state the grounds upon which it is based.

\* An application for review must also be served on the Responsible Authority. Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

*Planning and Environment Regulations 2005 No. 33 Form 4 Sections 63 and 86*



PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No. PL03/0224  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 23/9/11 PLAN 1 of 8  
 This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED  
 IN PERMIT No. PL03/0224  
 Issued 25 9 2003

RECEIVED  
 19 SEP 2011

EXISTING GROUND  
 FLOOR PLAN  
 NOT FOR CONSTRUCTION

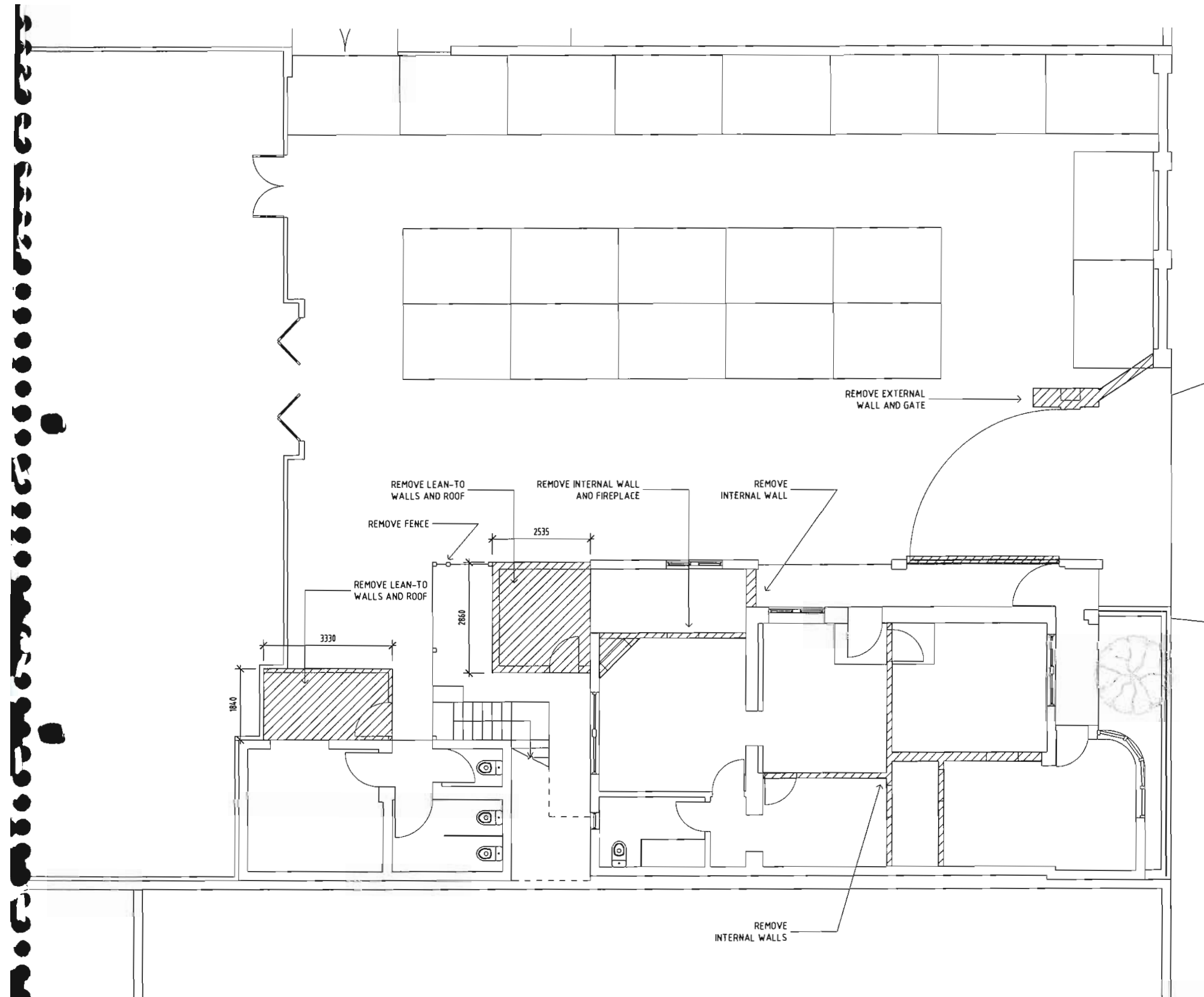
Drawing Number  
**A012**  
 North

**MARCH**

MARCH STUDIO  
 134 LANGFORD STREET  
 NORTH MELBOURNE - 3051  
 Victoria Australia  
 Telephone +61 3 9348 9199  
 Fax +61 3 9348 9499  
 email: rodney.eggleson@marchstudio.com.au  
 Copyright remains the property of this office.  
 Written dimensions take precedence over  
 scaled dimensions. Contractors shall verify  
 all dimensions on site and refer discrepancies  
 to us prior to commencement of work.

Project **ROSE STREET  
 MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for:  
 TOWN PLANNING

Drawn by	BW	Checked by	JC	Revisions:	
Approved by	RE				
Date	December 2010				
Scale	1:100				
Project Number	1028				
	No.	Amendment		Date	



PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No: PL03/0224  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 23/9/11 PLAN 2 of 8  
 This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED  
 IN PERMIT No. PL03/0224  
 Issued 25 9 2003

ROSE STREET

**MARCH**

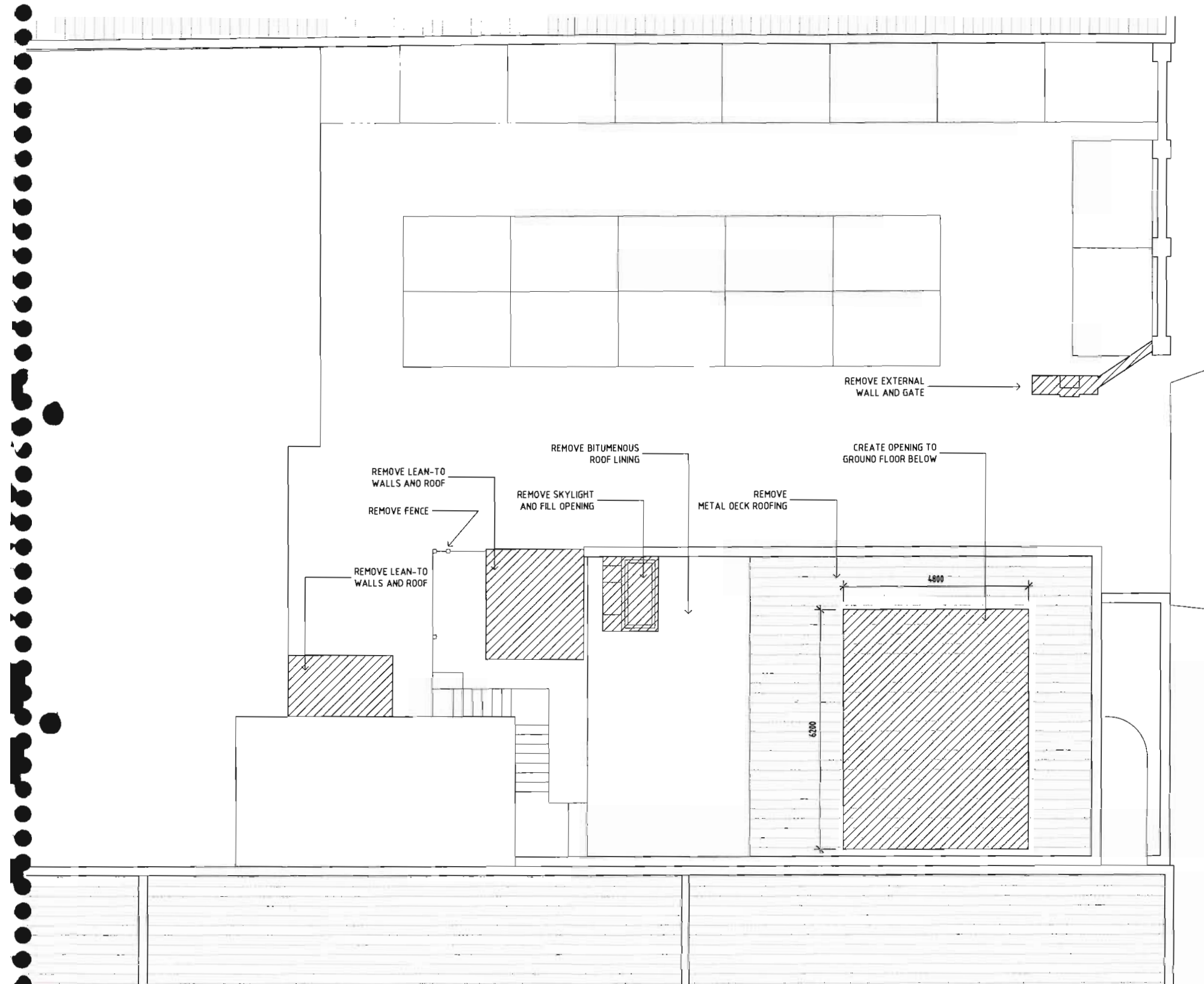
MARCH STUDIO  
 134 LANGFORD STREET  
 NORTH MELBOURNE - 3051  
 Victoria Australia  
 Telephone: +61 3 9348 9199  
 Fax: +61 3 9348 9499  
 email: rodney.eggleson@marchstudio.com.au  
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 scaled dimensions. Contractors shall verify  
 all dimensions on site and refer discrepancies  
 to us prior to commencement of work.

Project **ROSE STREET MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for: **TOWN PLANNING**

Drawn by	SR	Checked by	SR	Revisions:	
Approved by	RE			TP2 PERMIT CONDITIONS	15.09.11
Date	SEPTEMBER 2011			TP1 PERMIT APPLICATION	10.01.11
Scale	1:100				
Project Number	1028				
	No. Amendment			Date	

RECEIVED  
 19 SEP 2011  
**DEMOLITION PLAN**  
**GROUND FLOOR**  
 NOT FOR CONSTRUCTION

Drawing Number  
**A014**  
 North



PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No: PL03/0224  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 23/9/11 PLAN 3 of 8  
 This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED  
 IN PERMIT No. PL03/0224  
 Issued 25 9 2003

ROSE STREET

**MARCH**

MARCH STUDIO  
 134 LANGFORD STREET  
 NORTH MELBOURNE - 3051  
 Victoria Australia  
 Telephone: +61 3 9348 9199  
 Fax: +61 3 9348 9499  
email: rodney.egginton@marchstudio.com.au  
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 scaled dimensions. Contractors shall verify  
 all dimensions on site and refer discrepancies  
 to us prior to commencement of work.

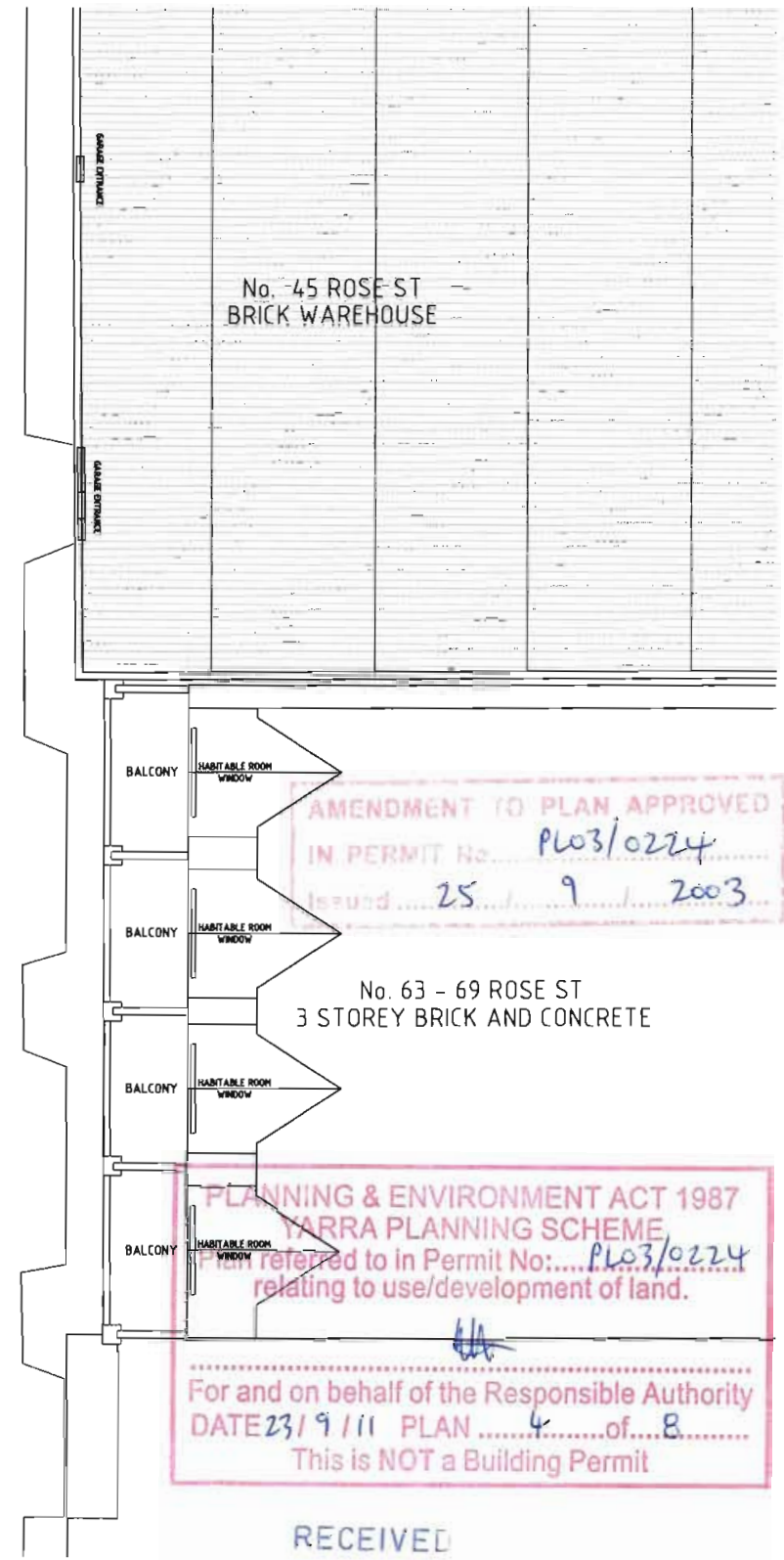
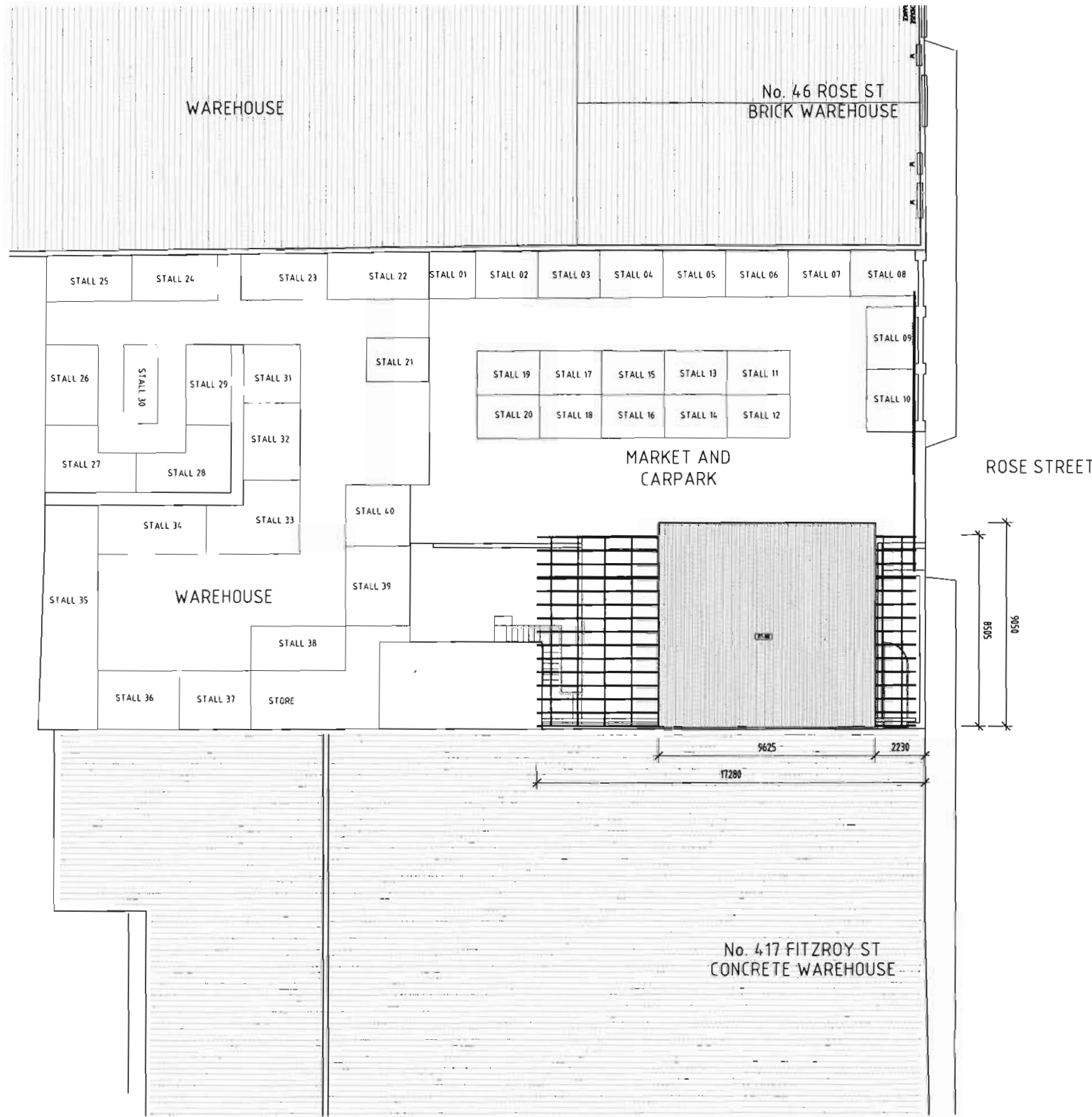
Project **ROSE STREET MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for: **TOWN PLANNING**

Drawn by **SR** Checked by **SR**  
 Approved by **RE**  
 Date **SEPTEMBER 2011**  
 Scale **1:100**  
 Project Number **1028**

Revisions:		
TP2	PERMIT CONDITIONS	15.09.11
TP1	PERMIT APPLICATION	10.01.11
No	Amendment	Date

RECEIVED  
 19 SEP 2011  
**DEMOLITION PLAN**  
**FIRST FLOOR**  
 NOT FOR CONSTRUCTION

Drawing Number **A015**  
 North



**MARCH**

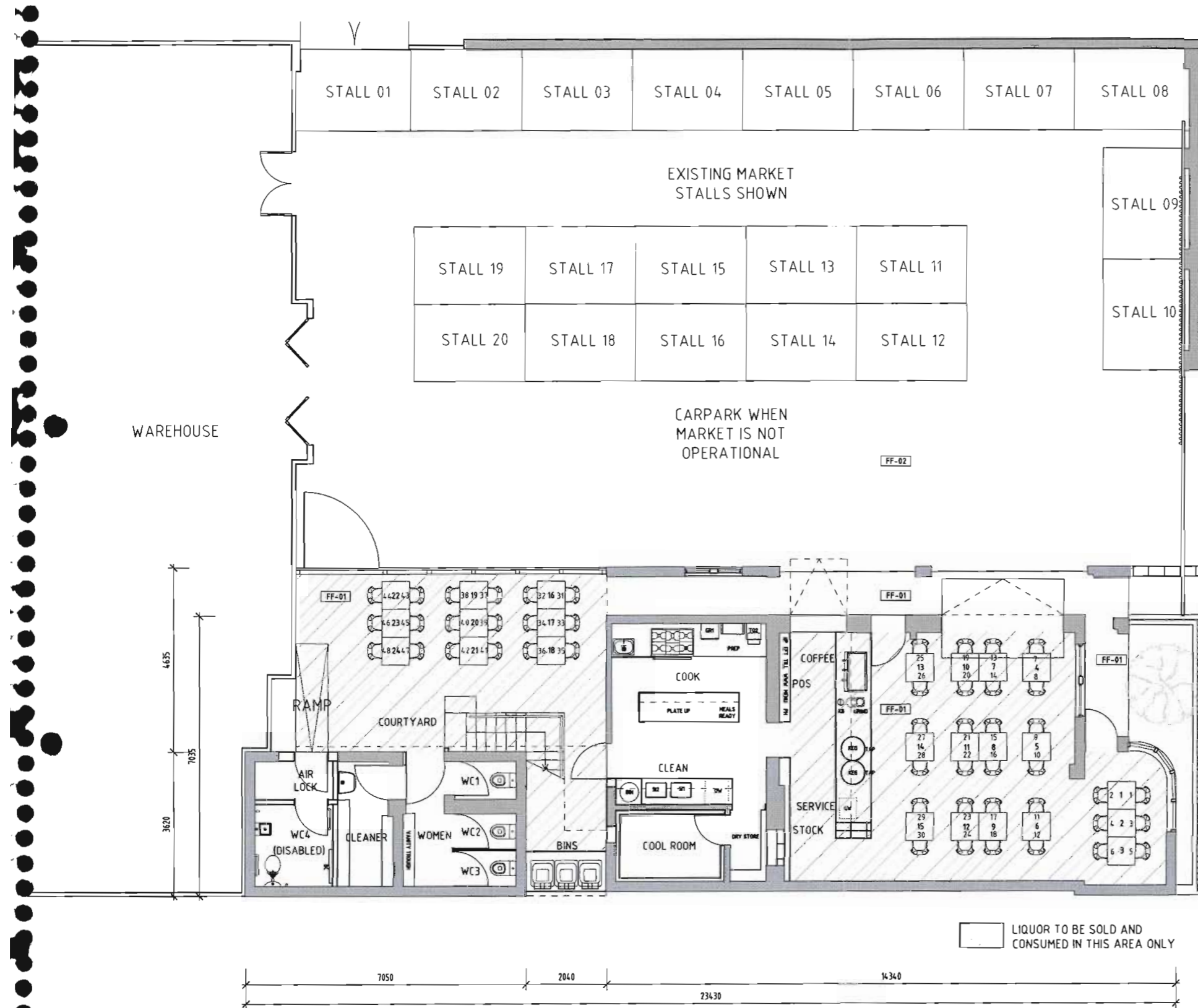
MARCH STUDIO  
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email: rodney.eggleson@marchstudio.com.au  
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Project ROSE STREET MARKET  
54-60 Rose Street, Fitzroy, VIC  
Issued for: TOWN PLANNING

Drawn by	SR	Checked by	SR	Revisions:	
Approved by	RE			TP2 PERMIT CONDITIONS	15.09.11
Date	SEPTEMBER 2011			TP1 PERMIT APPLICATION	10.01.11
Scale	1:200				
Project Number	1028				
No. Amendment					Date

Title PROPOSED PLAN SITE & STALL LOCATIONS  
NOT FOR CONSTRUCTION

Drawing Number A100  
North



PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No: PL03/0224  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 23/9/11 PLAN 5 of 8  
 This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED  
 IN PERMIT No: PL03/0224  
 BY 25 9 2003

ROSE STREET

FLOOR FINISHES:

- FF-01 POLISHED CONCRETE
- FF-02 CONCRETE PAVING SLAB

WALL TYPES:

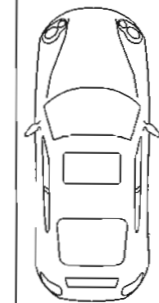
- WF-01 EXISTING PAINTED RENDERED CONCRETE WALL STRIPPED OF PAINT AND RE-RENDERED
- BLK-01 CONCRETE BESSER BLOCK
- BAL-01 POLISHED CONCRETE
- BAL-02 STEEL TUBE SECTION, PT-04
- BAL-03 STEEL TUBE SECTION, PT-04
- TMB-01 55MM RADIAL SAWN TIMBER BATTENS

PAINT & COATING FINISHES:

- PT-01 BRISTOL 'SOUTH POLE' SEMI-GLOSS P201-N1
- PT-02 BRISTOL 'TREAACLE' SEMI-GLOSS P200-N7
- PT-03 BRISTOL 'TREAACLE' SEMI-GLOSS P200-N7
- PT-04 DULUX FERRODOR 810 PROTECTIVE COATING
- PT-05 DULUX 'RED CLOWN' SEMI-GLOSS P05-H8
- PC-01 DULUX POWDERCOAT BLACK SATIN

ROOF TYPES:

- RT-01 AMPELITE WONDERGLAS GC IN OPAL HARDIES SUPER 6 PROFILE



**MARCH**

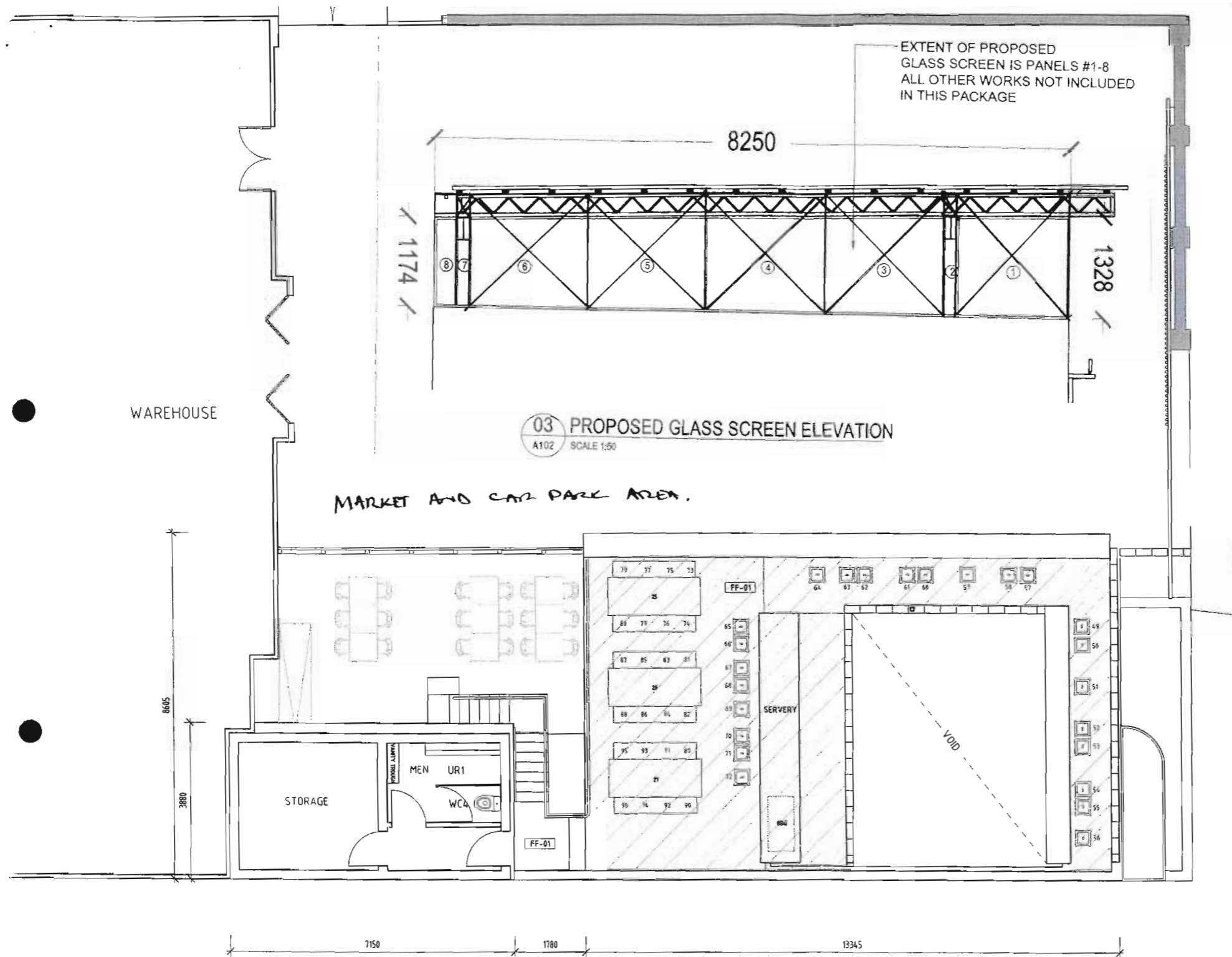
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Project **ROSE STREET MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for: **TOWN PLANNING**

Drawn by	SR	Checked by	SR	Revisions:	
Approved by	RE			TP2 PERMIT CONDITIONS	15.09.11
Date	SEPTEMBER 2011			TP1 PERMIT APPLICATION	10.01.11
Scale	1:100				
Project Number	1028				
No.	Amendment			Date	

Title **PROPOSED PLAN GROUND FLOOR**  
 19 SEP 2011  
 NOT FOR CONSTRUCTION

Drawing Number **A101**  
 North



PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Plan referred to in Permit No: 1203/2024  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 14/10/2024 PLAN 6 of 8  
 This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED  
 IN PERMIT No. 1203/2024  
 Issued 25/03/2023

- FF-01: POLISHED CONCRETE
  - FF-02: CONCRETE PAVING SLAB
- WALL TYPES:
- WF-01: EXISTING PAINTED RENDERED CONCRETE WALL STRIPPED OF PAINT AND RE-RENDERED
  - BLK-01: CONCRETE BESSER BLOCK
  - BAL-01: POLISHED CONCRETE
  - BAL-02: STEEL TUBE SECTION, PT-04
  - BAL-03: STEEL TUBE SECTION, PT-04
  - TMB-01: 55MM RADIAL SAWN TIMBER BATTENS
- PAINT & COATING FINISHES:
- PT-01: BRISTOL 'SOUTH POLE' SEMI-GLOSS P201-N1
  - PT-02: BRISTOL 'TREAÇLE' SEMI-GLOSS P200-N7
  - PT-03: BRISTOL 'TREAÇLE' SEMI-GLOSS P200-N7
  - PT-04: DULUX FERRODOR 810 PROTECTIVE COATING
  - PT-05: DULUX 'RED CLOWN' SEMI-GLOSS P05-H8
  - PC-01: DULUX POWDERCOAT BLACK SATIN
- ROOF TYPES:
- RT-01: AMPELITE WONDERGLAS GC IN OPAL HARDIES SUPER 6 PROFILE

**MARCH**

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 Fax: +61 3 9348 9499

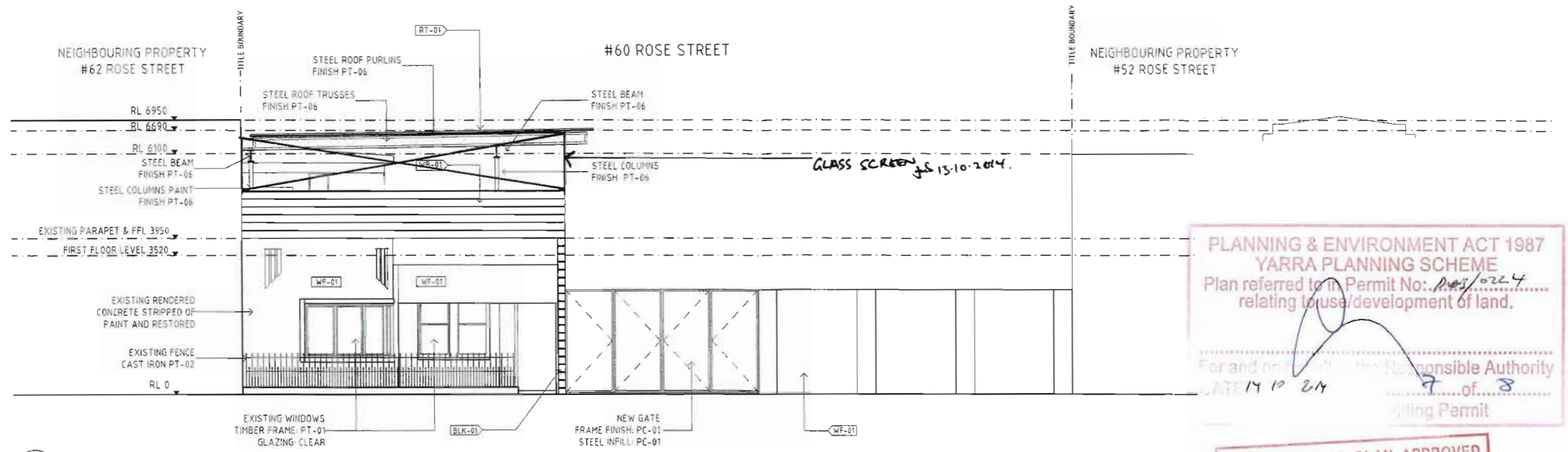
Project **ROSE STREET MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for: **TOWN PLANNING**

Drawn by	SR	Checked by	SR	Revisions:	
Approved by	RE			TP2 PERMIT CONDITIONS	15.09.11
Date	SEPTEMBER 2011			TP1 PERMIT APPLICATION	10.01.11
Scale	1:200				
Project Number	1070				

Title **PROPOSED PLAN FIRST FLOOR**

Drawing Number **A102**

North

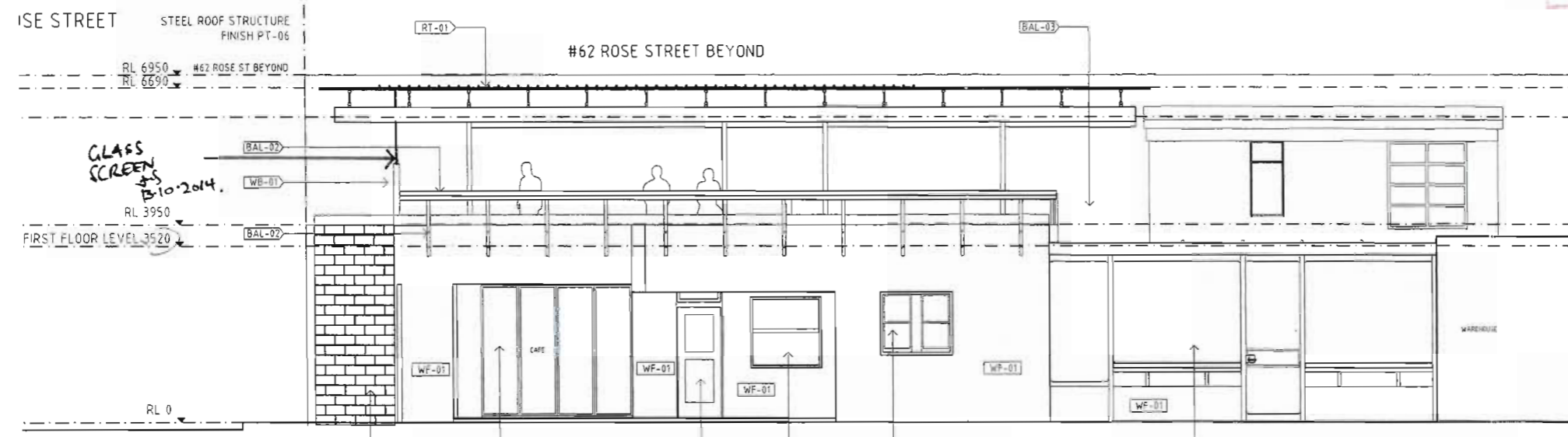


**PLANNING & ENVIRONMENT ACT 1987**  
**YARRA PLANNING SCHEME**  
 Plan referred to in Permit No: 205/2024  
 relating to use/development of land.

For and on behalf of the Responsible Authority  
 DATE 17 10 24 of 3  
 Giving Permit

**AMENDMENT TO PLAN APPROVED**  
 IN PERMIT No. 205/2024  
 Issued 25 09 2023

01 PROPOSED ELEVATION NORTH  
 1:100@A3



- FLOOR FINISHES:**  
 FF-01: POLISHED CONCRETE  
 FF-02: CONCRETE PAVING SLAB
- WALL TYPES:**  
 WF-01: EXISTING PAINTED RENDERED CONCRETE WALL STRIPPED OF PAINT AND RE-RENDERED  
 BLK-01: CONCRETE BESSER BLOCK  
 BAL-01: POLISHED CONCRETE  
 BAL-02: STEEL TUBE SECTION, PT-04  
 BAL-03: STEEL TUBE SECTION, PT-04  
 TMB-01: 55MM RADIAL SAWN TIMBER BATTENS  
 WB-01: SHADOWLINE ALUMINIUM WEATHERBOARDS
- PAINT & COATING FINISHES:**  
 PT-01: BRISTOL 'SOUTH POLE' SEMI-GLOSS P201-N1  
 PT-02: BRISTOL 'TREAACLE' SEMI-GLOSS P200-N7  
 PT-03: BRISTOL 'TREAACLE' SEMI-GLOSS P200-N7  
~~PT-04: DULUX POWDERCOAT BLACK SATIN~~  
 PT-05: ~~DULUX POWDERCOAT BLACK SATIN~~  
 PT-06: GALVANISED GREY STEEL  
 PC-01: DULUX POWDERCOAT BLACK SATIN  
 PC-02: ALUMINIUM CLEAR ANODISED FINISH
- ROOF TYPES:**  
 RT-01: AMPELITE WONDERGLAS GC IN OPAL HARDIES SUPER 6 PROFILE

01 PROPOSED ELEVATION WEST  
 1:100@A3

**MARCH**  
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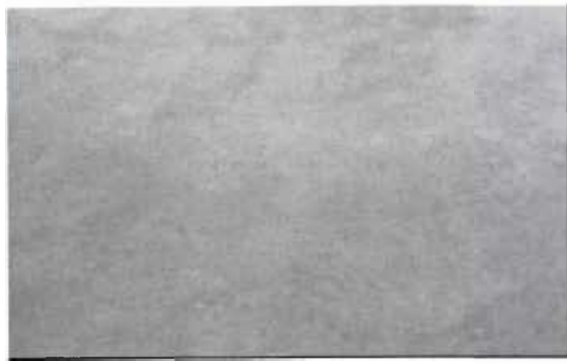
Project **ROSE STREET MARKET**  
 54-60 Rose Street, Fitzroy, VIC  
 Issued for: **TOWN PLANNING**

Drawn by	SR	Checked by	SR
Approved by	RE		
Date	FEBRUARY 2013		
Scale	1:100@A3		
Project Number	1028		

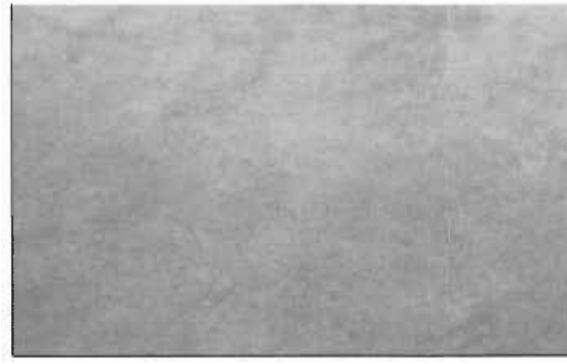
Revisions:	
TP3	MATERIAL AMENDMENT 25.02.13
TP2	PERMIT CONDITIONS 15.09.11
TP1	PERMIT APPLICATION 10.01.11
No. Amendment	Date

Title **PROPOSED ELEVATIONS**  
 FOR CONSTRUCTION

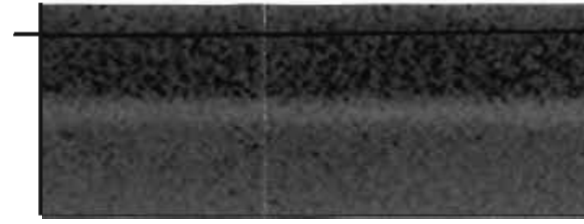
Drawing Number **A200**  
 North



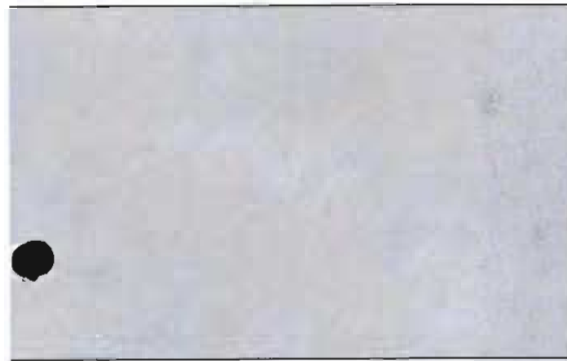
CODE: FF-01  
POLISHED CONCRETE SLAB



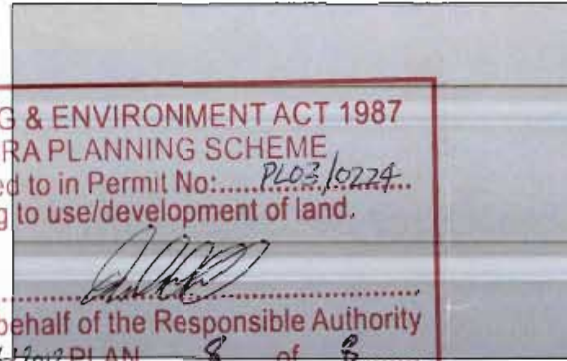
BAL-01  
POLISHED CONCRETE



~~PT-06~~  
JTS 21/6/13



CODE: FF-02  
CONCRETE PAVING SLAB

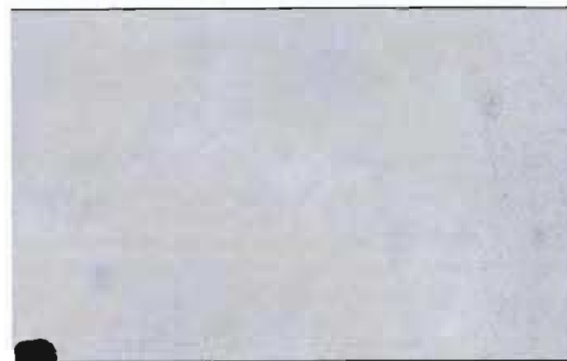


**PLANNING & ENVIRONMENT ACT 1987**  
**YARRA PLANNING SCHEME**  
Plan referred to in Permit No:..... PLO3/10224 ..  
relating to use/development of land.  
  
.....  
For and on behalf of the Responsible Authority  
DATE 21 10 2013 PLAN ..... 8 ..... of ..... 8 ..  
**This is NOT a Building Permit**

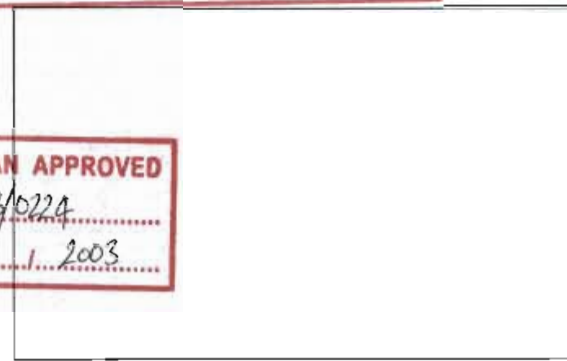
WB-01  
205mm ULLRICH  
ULTRACLAD SHADOLINE  
MILL FINISH ALUMINIUM  
WEATHERBOARDS



PT-06  
STEEL GREY  
GALVANISED FINISH

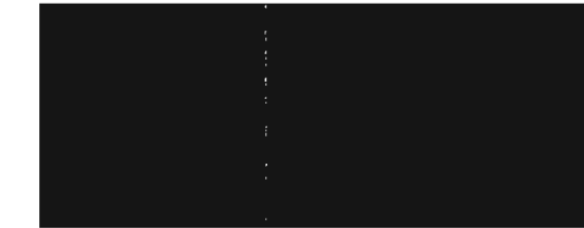


WF-01  
RENDERED CONCRETE.

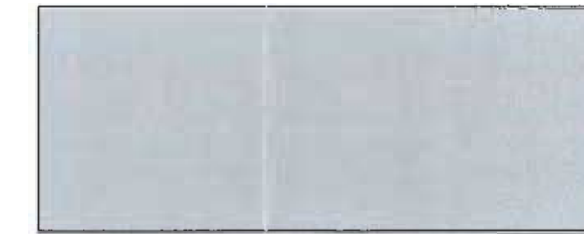


**AMENDMENT TO PLAN APPROVED**  
**IN PERMIT No. ....** PLO3/10224 .....  
**Issued ....** 25 ..... 09 ..... 2003 .....

PT-01  
BRISTOL 'SOUTH POLE'  
SEMI-GLOSS PAINT  
P201-N1



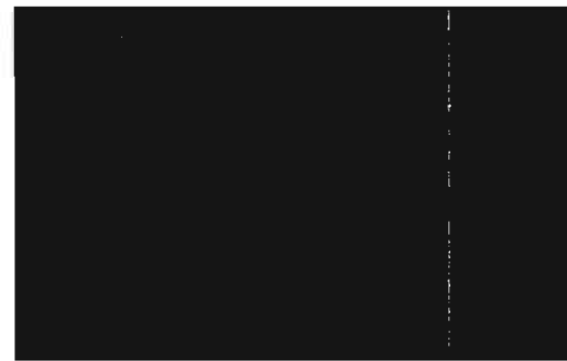
PC-01  
DULUX POWDERCOAT  
BLACK SATIN



PC-02  
ALUMINIUM FINISH  
CLEAR ANODISED



BLK-01  
CONCRETE BESSER BLOCK



PT-02, PT-03  
BRISTOL 'TREACLE'  
SEMI-GLOSS PAINT  
P200-N7



RT-01  
AMPELITE WONDERGLAS  
GC IN OPAL HARDIES  
SUPER 6 PROFILE

04 MAR 2013



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Project **ROSE STREET MARKET**  
**54-60 Rose Street, Fitzroy, VIC**  
Issued for: **TOWN PLANNING**

Drawn by **SR** Checked by **SR**  
Approved by **RE**  
Date **FEBRUARY 2013**  
Scale  
Project Number **1028**

Revisions:	
TP3	MATERIAL AMENDMENT 25.02.13
TP2	PERMIT CONDITIONS 15.09.11
TP1	PERMIT APPLICATION 10.01.11
No Amendment	Date

Title **FINISHES SCHEDULE**  
**FOR CONSTRUCTION**

Drawing Number **A820**  
North

PLANNING & ENVIRONMENT ACT 1987  
 YARRA PLANNING SCHEME  
 Report referred to in Permit No: 202/0224  
 relating to Condition No: 18

For and on behalf of the Responsible Authority  
 DATE 14/10/2014 PAGES 2  
 This is NOT a Building Permit



The Rose St. Artists' Market  
 PO Box 2239  
 Fitzroy Victoria 3065  
 ABN 148 994 04567  
 P: (03) 9419 5529  
 www.rosestmarket.com.au

26th September 2014

RE: Noise and Amenity Management Plan (NAAP) for –  
 The Rose St. Artists' Market Café  
 60 Rose Street, Fitzroy.

RECEIVED  
 26 SEP 2014

ATT: James Sutherland  
 City of Yarra

**A/ Noise Identification**

We identify the active noise sources associated with the premise with the potential to impact adjoining residents as being:

- Rubbish removal
- Delivery of goods
- Patrons and staff

**B/ Noise Attenuation**

Measures to be undertaken to address all noise sources identified including on and off-site noise attenuation measures:

- Rubbish removal: To limit the impact of noise as a result of garbage collection, we've enlisted JJ Richards to facilitate rubbish and recycling removal each Wednesday and Thursday after 8am and before 11am in accordance with local laws.
- Delivery of goods: Delivery and despatch of goods will be made solely within approved trading hours will take place on premises only.
- Patrons and staff: The building is designed to minimise the emission of noise with all major open-air areas to the rear of the building. High walls on all sides surround the premise and as such, sound will travel towards the rear of the property. The hours of trade are also reasonable and in keeping with those in the immediately Fitzroy area.
- Signage will be highly visible on both menus and at exit points reminding patrons to respect the amenity of local residents particularly when exiting the venue.

**C/ Complaints Procedure**

Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, A Council officer or an officer of Liquor Licensing Victoria:  
 The café will be proactive in ensuring full ongoing compliance with Liquor Licensing terms of trade, and those issued by the local Yarra City Council. To ensure full compliance, all staff will be trained in understanding their obligations to our customers, and the law.

In situations where complaints are made, staff are directed to notify the on site manager immediately. The on site manager will:

- Get a full understanding of the nature complaint from the issuing person
- Determine the cause of the complaint

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26 SEP 2014



- Take steps to nullify the cause of the complaint
- Action a mitigation strategy to ensure the cause of the complaint does not resurface including education of staff members in ensuring they can identify the cause in future
- Continue dialogue with issuing person to notify them of the steps taken to nullify the cause of the complaint and any future actions required
- Maintain a 'Complaints Register' which will record all received complaints, their nature, and how they were remedied.

**D/ Staff**

Staffing and other measures which are designed to ensure responsible patron behaviour:

- The proposed café will have approximately 7 staff on site at any one time. Staff will consist of 2 kitchen staff, 3 waiters/waitresses, 1 assistant manager and 1 manager.
- All waiters/waitresses and managers must have their RSA certificate while both assistant manager and manager will be certified in crowd management.
- All staff will be provided with the opportunity by the cafe to enable them to successfully gain their RSA certificate as well as undertake ongoing refresher courses at accredited training centres.
- On-premises managers will also provide on the job training for new staff members in understanding their obligations to customers and the law, and in identifying potential irresponsible behaviour by patrons and providing them with the tools to minimise bad patron behaviour.
- The café will have a family atmosphere with a focus on quality food setting the tone for a relaxed and friendly patronage.
- We have security cameras operational across the venue.

**E/ Security**

Security arrangements for the site:

- All waiters/waitresses and managers must have their RSA certificate while both assistant manager and manager will be certified in crowd management.
- We anticipate having security camera's operational across the venue.

**F/ Smoking**

Management of the designated smoking area:

- The smoking area is located in the rear courtyard away from main dining and food preparation areas and totally within the confines of the property. It is also the furthest point in the venue from nearby Rose Street residents.
- Proper disposal units for cigarette butts would be available.

**G/ Closing Operation**

The Rose Street Café will be open from 7am until 10pm downstairs and 7am until 9pm upstairs with our focus on breakfast, lunch and dinner trade – popular with visitors to the Fitzroy area.

Closing procedure is as follows:

- The café closing procedure would begin roughly 45 mins prior to close.
- No new customer orders would be taken from 30 mins prior to close.



The Rose St. Artists' Market  
PO Box 2239  
Fitzroy Victoria 3065  
ABN 148 994 04567  
P: (03) 9419 5529  
www.rosestmarket.com.au

- Customers notified to begin exiting the premises from 15 mins prior to close.
- Dining area packed, cleaned and reset for next days trade starting from rooftop area and working way to ground floor.
- Kitchen area packed, cleaned and reset for next days trade.
- All rubbish (excluding glass) loaded into bins on site. Glass emptied next day.
- Staff out, lights off and café locked up.

**H/ Hours of Operation**

*Cafe*

- (a) Monday – Thursday: 7.00 am – 5.00 pm.
- (b) Friday - Saturday:
  - (i) 7.00 am to 10.00 pm on the ground floor;
  - (ii) 7.00 am to 9.00 pm on the first floor.
- (c) Sunday: 7.00 am to 9.00 pm.

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26 SEP 2014

*Sale and consumption of liquor*

- (a) Monday – Thursday: 9.00 am – 5.00 pm.
- (b) Friday - Saturday:
  - (i) 9.00 am to 10.00 pm on the ground floor;
  - (ii) 9.00 am to 9.00 pm on the first floor.
- (c) Sunday: 9.00 am to 9.00 pm.

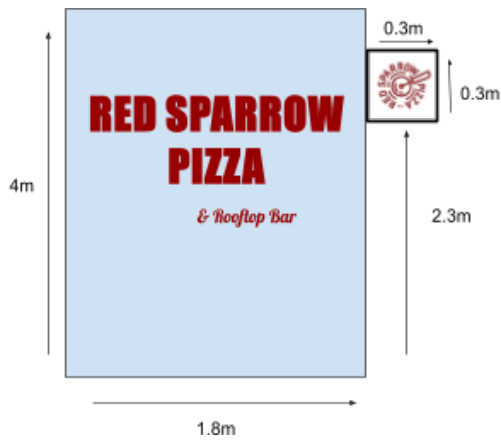
I trust this meets expectations for the NAAP.

Don't hesitate to call us with any questions.

Kind Regards,

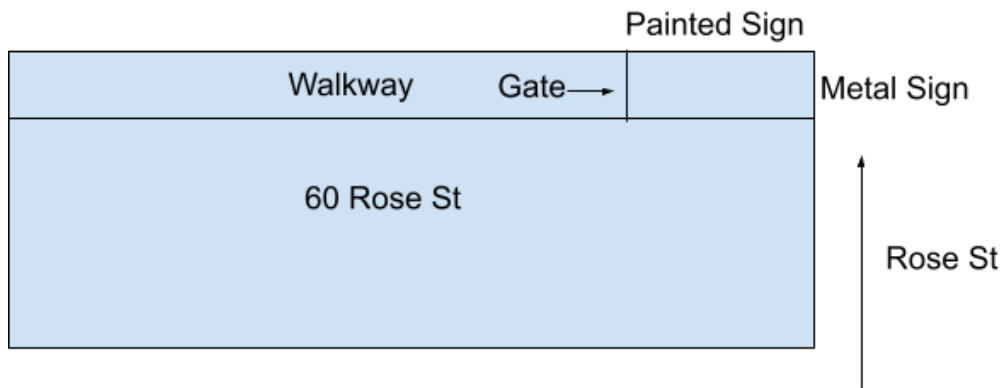
Christian Ferrante  
The Rose St. Artists' Market  
PO Box 2239  
Fitzroy VIC 3065  
Ph: 9419 5529  
E: Christian@rosestmarket.com.au

# Proposed Signage Plans



Painted text 'Red Sparrow Pizza & Rooftop Bar'  
 On wall inside the property line. Not illuminated.

Square metal sign 300mm x 300mm. 2.3m above footpath. Sign was in place before Red Sparrow Pizza took over the property. Vinyl sticker attached to existing sign. Not illuminated.



## Proposed Signage Plans





PROJECT# 251028

## ACOUSTIC REPORT INFORMATION SHEET

---

**PROJECT**

251028, 60 Rose St, Fitzroy, EPA 1826 Acoustic Assessment

**PREPARED FOR**

Michael Craig

E: info@redsparrowpizza.com

**PREPARED BY**

Rohan Barnes of Waveform Acoustics

Albert St, Blackburn

P: 0474 306 794

E: info@waveformacoustics.com.au

REVISIONS REGISTER	ISSUE DATE
Draft Acoustic Report	12.1.26
Final Acoustic Report	14.1.26

DOCUMENT REGISTER	ISSUE DATE
Letter of engagement	27/11/25

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## 1.0 – EXECUTIVE SUMMARY

---

Waveform Acoustics has been engaged by Michael Craig to provide an Acoustic Report in relation to the use of the café/bar venue at the Red Sparrow Pizza & Rooftop Bar at 60 Rose St, Fitzroy. In particular, demonstrating that the proposed use and level of noise generated can be appropriately contained in the facility without unreasonable impact on the residences and accommodation in close proximity. This venue is already in operation, and the client is seeking to extend their hours.

This report will address the allowable noise levels by determining, in accordance with the EPA's 1826 noise protocols, the noise limits for plant & equipment noise, noise limits for music, as well as considering the potential risks involved with the operation, in the context of the General Environmental Duty (GED).

The site operates as a café/bar, where the café is located downstairs on the ground floor, and the bar is on the first floor in an open 'rooftop' setting.

The venue is seeking to extend the operating hours as follows:

- **Existing** operational hours, to our understanding:
  - Monday – Thursday, closed
  - Friday, 12:00 – 22:00
  - Saturday, 10:00 – 22:00
  - Sunday, 10:00 – 21:00
- **Proposed** extension of hours:
  - Monday - Saturday, 07:00 – 23:00
  - Sunday, 07:00 – 22:00

Given the proposed hours of operation, compliance with the EPA 1826 limits will need to be maintained in the Day, Evening and Night Periods.

The nearest Noise Sensitive Receivers (NSR) are located at:

- 62 Rose St, Fitzroy, a hotel immediately to the east
- 61-73 Rose St, Fitzroy, to the north. These apartments/townhouses have balcony areas facing the venue.
- 41 Kerr St, Fitzroy, to the west. This is an apartment complex with outdoor balcony areas.

It is our view that compliance at these locations will be indicative of compliance at all NSR locations.

The site is under the Yarra planning scheme, situated within Mixed-Use Zone (MUZ). All nearby NSR are also located within this zoning.

Testing was conducted as unattended measurements from 3/12/25 to 5/12/25. These measurements collected background level noise data in order to determine the limits for the proposed site. The site was not in operation during this logging period.

It is our opinion that the facility can comply with their EPA 1826 Noise Protocol obligations with strict application of the recommendations contained in this report.

Best Regards,



Rohan Barnes MAAS  
Principal Consultant

## 2.0 – LEGISLATION AND GUIDELINES

---

In the preparation of the report the following legislation and guidelines were used:

**EPA publication 1826: ‘Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues’ (Noise Protocol).**

*This publication provides a protocol for the purpose of determining noise limits for new and existing commercial, industrial and trade premises and entertainment venues as defined by the Regulations. It sets the methodology for assessing the effective noise level to determine unreasonable noise under Regulations 118, 125 and 130. The measurement procedures of this Noise Protocol are also used to determine aggravated noise under Regulations 121, 127 and 131.*

**EPA 1254.2 May 2021**

*These guidelines are primarily intended to be used by municipal officers to assist in the resolution of complaints or to avert a possible noise nuisance. Some guidelines have been prepared so that they could be incorporated into a permit condition of a development or embodied as a local law. The guidelines are designed, however, to be the basis of assessment and not the last word. Many of the guidelines do not require an actual measurement of the noise. In these cases, the inherent nature of the activity outside of the hours suggested is sufficient to consider the activity unreasonable.*

**Environment Protection Regulations 2021**

*The objectives of these Regulations are to further the purposes of, and give effect to, the Environment Protection Act 2017 by imposing obligations in relation to environmental protection in Victoria.*

**State Environmental Protection General Environmental Duty 2021**

*Environment protection laws will mean that anyone engaging in an activity posing a risk of harm to human health and the environment, from pollution or waste, must manage that risk to prevent harm as far as reasonably practicable. This general environmental duty applies to all Victorians. It means you will need to proactively assess and manage the risks of harm from your activities. Eliminating or reducing risk is important because industry activities could impact - Noise – affecting people’s sleep; communication, cognition and learning; domestic or recreational activities; tranquillity and enjoyment inside and outside.*

### 3.0 – ACOUSTIC ASSESSMENT

#### DETAILS OF TESTING

An ARL Ngara noise logger was used to record the environmental noise data, calibrated prior to and after measurement. This was used to measure the existing background noise levels at the site in order to determine the EPA noise limits.

A Svantek 979 Sound Level Meter (SLM) was used to measure the existing level from the music system on site.

EQUIPMENT REGISTER	SERIAL NUMBER	CALIBRATION DUE DATE
ARL Ngara noise logger	878270	26/1/26
Svantek 979 SLM	69424	13/12/26
SV 33A Calibrator	73304	18/12/26

DATE & TIME	LOCATION
3/12/25, 11:45 – 5/12/25, 09:30	Logger position on the roof of a greenhouse/shed structure at the northwestern boundary of the site (see Appendix – Site Map)

#### ATMOSPHERIC CONDITIONS

DATE	TEMPERATURE (C°) MIN/MAX	RAIN (mm)	WINDSPEEDS (KM/H), AVERAGE/MAX
3/12/25	10.9/29.5	0.0	20.2/44.3
4/12/25	18.0/34.4	0.0	27.7/63.0
5/12/25	12.5/23.8	0.0	12.2/31.3

**NOTES:**

- Atmospheric conditions such as rain and wind were considered when processing data
- Hourly weather data was analysed and data exceeding windspeeds of Beaufort 3 have been disregarded
- Refer to reference links for more details<sup>1</sup>

<sup>1</sup> [Data from willyweather.com.au](http://Data from willyweather.com.au)



### 3.1 – ACOUSTIC ASSESSMENT, cont.

#### 1826 NOISE PROTOCOL, PLANT & EQUIPMENT

##### EPA 1826 DETERMINED LIMITS FOR MECHANICAL SERVICES

PERIOD*	1826 ZONING LEVEL	EXISTING LEVEL, dB L <sub>A90</sub>	DETERMINED LIMIT, dB L <sub>Aeq</sub>
DAY	58	48	58 (Neutral)
EVENING	52	45	52 (Neutral)
NIGHT	47	43	47 (Neutral)

\*Refer to Appendix – Operating Time Periods for details of operating periods.

This table describes the external noise limits set in the EPA 1826 Noise Protocol in relation to mechanical services type noise, not music.

##### DETERMINED LIMITS FOR PLANT & EQUIPMENT:

**DAY: 58 dB L<sub>Aeq</sub>**  
**EVENING: 52 dB L<sub>Aeq</sub>**  
**NIGHT: 47 dB L<sub>Aeq</sub>**

Any items of plant and machinery such as but not limited to air conditioning systems, exhaust and extraction systems must be within the limits as set out above.

Any new plant or machinery should have positioning, make and model verified by an acoustic consultant to ensure compliance is maintained. Depending on the location and type of equipment, acoustic barriers may be required.

At the time of writing this report, no new plant or mech has been proposed.

### 3.2 – ACOUSTIC ASSESSMENT, cont.

#### 1826 NOISE PROTOCOLS, ENTERTAINMENT & MUSIC ACTIVITIES

##### EPA 1826 DETERMINED NOISE LIMITS FOR MUSIC AND ENTERTAINMENT ACTIVITIES

PERIOD*	MEASURE TYPE	EXISTING LEVEL**, dB LA90						DETERMINED LIMIT, dB LAeq	
DAY & EVENING	dB LA90 + 5dB(A)	44						49	
NIGHT	dB L <sub>OCT90</sub> + 8dB(A)	OCTAVE BAND CENTRE FREQUENCY (Hz)							
		Hz	63	125	250	500	1K	2K	4K
		MEASURED	48	46	44	41	40	35	30
	LIMIT	56	54	52	49	48	43	38	

\*Please refer to Appendix – Operating Time Periods for details of operating periods.

\*\*Existing levels are determined based on the lowest 15-min background level over the testing period, within the proposed hours of operation.

This table describes the external noise limits set in the EPA 1826 Noise Protocol in relation to noise associated with entertainment, specifically music and the activities which may be involved.

##### DETERMINED LIMITS FOR ENTERTAINMENT & MUSIC:

DAY & EVENING: 49 dB LAeq

NIGHT:

	OCTAVE BAND CENTRE FREQUENCY (Hz)						
FREQUENCY (Hz)	63	125	250	500	1K	2K	4K
LIMIT (dB L <sub>OCT10</sub> )	56	54	52	49	48	43	38

All music generated at site must not exceed the above limits, to be measured at the nearest NSR.

In order to maintain compliance at all times, all music systems must run through a noise limiter. There is currently an existing noise limiter on site, a Lime Technologies NLX, which is discussed within section 5 of this report.

It should be noted that the existing music noise level was measured at 60dB(A) @ 1m, which is below typical background noise levels, and we do not anticipate any risk of non-compliance.

## 4.0 – SITE CONTEXT

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The venue is located at 60 Rose St, Fitzroy, within a Mixed-Use Zone.

Surrounding the site, there are various NSR with balconies overlooking. *The hotel immediately to the east, overlooking the venue, has no balcony areas that overlook the venue’s roof.*

The surrounding area is notably lively, with the Rose Street Artists’ Market next to the site, as well as other commercial sites nearby.

The venue itself is already in operation, and is seeking to extend the hours and days as follows:

- **Existing** operational hours, to our understanding:
  - Monday – Thursday, closed
  - Friday, 12:00 – 22:00
  - Saturday, 10:00 – 22:00
  - Sunday, 10:00 – 21:00
- **Proposed** extension of hours:
  - Monday - Saturday, 07:00 – 23:00
  - Sunday, 07:00 – 22:00

The above proposed hours will generally be within the Day & Evening Periods only, with the exception of Sunday mornings (and potentially public holidays), as the Night Period continues until 09:00 for music & entertainment noise.

We noted the following noise sources at the site, and their risk in terms of compliance:

- Music noise
  - This was measured at 60dB(A) @1m, below what is typically considered background music noise, and notably low risk.
  - There is already a noise limiter installed; however we have noted some requirements for this system in section 5 of this report.
  - The speaker systems are relatively small speakers by Q Acoustics, mounted in the corners of the spaces of the venue.
  - The speakers appeared to have a 3-5” cone and small housings, and do not pose a risk of excessive bass propagation to the NSR.
- Kitchen noise
  - The main noise from plant & equipment is from the kitchen area. There is a pizza oven located here, as well as other typical kitchen equipment. It is all serviced by an extractor, which we view as the largest risk of non-compliance, and have noted measured required in section 5 of this report.
- Heating & Cooling
  - All heating is done by gas heaters, which do not contribute noise in any meaningful way in terms of compliance
  - All cooling is done via air circulation fans; there is no AC. These fans also pose no risk of non-compliance, as they are internal and produce minimal noise.

## 5.0 – REQUIREMENTS FOR COMPLIANCE

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### PLANT & EQUIPMENT COMPLIANCE

It is our understanding that no new plant and equipment is proposed to be installed as part of this application.

Notwithstanding, the current extractor system is not currently fitted with a speed controller. In order to reasonably mitigate noise from the site, a speed controller should be installed for this extractor system, and have a suitable ventilation professional determine the minimum speed required for suitable operation of the extractor system.

This will ensure that the extractor will not be running at maximum capacity at all times, and the noise generated will be at the minimum level, and help reduce the impact of cumulative noise within the area.

*At this point, after the installation of the speed controller, additional acoustic testing of the system will be required, in order to determine compliant levels, and if any additional acoustic barriers/lagging/re-positioning is required.*

### MUSIC COMPLIANCE

Currently, the site is already running their speaker system through a noise limiter, which is a Lime Technologies NLX.

We measured the current noise level from these speakers, and the desired level of music noise was at 60dB(A) @1m.

*Based on the distance to the NSR and the current music level, it is our view that there is no risk of non-compliance in the proposed operations hours.*

Notwithstanding, *there is currently a separate volume control for the upstairs and downstairs areas.* As the noise limiter sensor is located downstairs, it is our view that for suitable control of noise levels, and for the limiter to function appropriately, there must only be one volume for each space, so that the level at the downstairs and upstairs in the same, so that the limiter's calibrated threshold appropriately controls all music volumes.

### SPEAKER SYSTEM REQUIREMENTS

Based on our site inspection, no changes should be made to the existing speaker systems.

### SIGNAGE TO BE DISPLAYED

It will be important for the venue to reasonably mitigate noise wherever practical, *particularly given the nearby residential amenity concerns of the area.* As such, signage is to be displayed in the outdoor area of the venue to remind patrons to be mindful of the nearby residents, and to be considerate in regard to noise.

This signage should be easily identifiable and prominently displayed.

### SCHEDULED ACTIVITIES

- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 20:00, and before 07:00 weekdays or 09:00 all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 22:00, and before 07:00 weekdays or 09:00 all other days.

### ADDITIONAL SITE INSPECTION

- Council may consider as part of the permit conditions of the site, that post occupancy testing, over a 48hr period, during a representative time of operation, to be conducted within 3 months of occupancy, to determine compliance or otherwise.
- The inspection should include, but not limited to, testing of plant and equipment, music noise emissions, and patron noise, measured at the Noise Sensitive Areas of the NSR.
- If non-compliance is detected, additional measures may be required to ensure compliance with the EPA 1826 limits.

## 6.0 – GENERAL ENVIRONMENTAL DUTY (GED)

Environmental laws introduced in 2021 requires that anyone engaging in an activity posing a risk of harm to human health and the environment, from pollution or waste, must manage that risk to prevent harm as far as reasonably practicable. Refer Appendix – General Environmental Duty for further details regarding the GED.

The following table provides an assessment of risks from noise hazards associated with the proposed operations in accordance with requirements under the GED.

Risk assessments conducted in conjunction with the table in Appendix – Risk Management Matrix.

***It should be noted that these listed controls are not strict requirements for compliance, but strategies for mitigating predicted risks.***

IDENTIFIED HAZARD	POTENTIAL CAUSES	INITIAL RISK RATING, WITHOUT CONTROLS	RECOMMENDED CONTROLS	WITH CONTROLS IMPLEMENTED
Music noise	Exceedance of EPA limiters at the NSR	<b>Low Risk (A2)</b> <ul style="list-style-type: none"> <li>Minor (A)</li> <li>Unlikely (2)</li> </ul>	See section 5 of this report, regarding noise limiters and currently noise levels from music.	<b>Low Risk (A2)</b> <ul style="list-style-type: none"> <li>Minor (A)</li> <li>Unlikely (2)</li> </ul>
General amenity risks during operation	Given the residential nature of the area, there are risks that increased activity will impact nearby NSR.	<b>Medium Risk (B3)</b> <ul style="list-style-type: none"> <li>Moderate (B)</li> <li>Possible (3)</li> </ul>	See below.	<b>Low Risk (A3)</b> <ul style="list-style-type: none"> <li>Minor (A)</li> <li>Possible (3)</li> </ul>
Sleep disturbance	Operation within the Night Period.	<b>Medium Risk (B3)</b> <ul style="list-style-type: none"> <li>Moderate (B)</li> <li>Possible (3)</li> </ul>	See below.	<b>Low Risk (A2)</b> <ul style="list-style-type: none"> <li>Minor (A)</li> <li>Unlikely (2)</li> </ul>

### GENERAL AMENITY RISKS

Given that the site is already in operation, and the proposal does not indicate that greater levels of noise will be generated on site, which generally anticipate minimal risk in terms of amenity impacts.

The main concern will be extending operation until 23:00, and that operation will be extended to each day of the week.

Given the lively atmosphere of the area, and the mixed-use context, the extended operation may be welcome by those in the community, however management should ensure that noise from the site is reduced wherever reasonably practicable.

### SLEEP DISTURBANCE

As the venue will not operate after 23:00 (before the Night Period as per 123 definitions in Appendix – Operating Time Periods), we generally do not anticipate sleep disturbance risks.

*World Health Organisation typically defines the sensitive sleep period as being the 8 hours between 23:00 and 07:00.*

Notwithstanding, there will be operation between 07:00 and 09:00 on Sundays/Public Holidays, which is considered Night Period, however, based on noise from compliant mech and music levels, we do not anticipate high risk within these 2 hours.

Management should be aware of the sensitive residential amenity in the late evenings and early mornings, ensuring that excess noise is not generated on site.

## 7.0 – DISCLAIMER

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Based on the available environmental noise data and plans received, implementation of the measures outlined in this acoustic assessment report would be expected to minimise the noise impact on the neighbouring residences from the site and any plant and machinery.

This report gives consideration to acoustic matters associated with the operation of the site, with recommended acoustic treatments and relevant practices to maintain compliance to the EPA 1826 Noise Protocol.

Where clarification is required or the recommended acoustic treatments may be found to impact on other services or statutory requirements, independent advice, as appropriate, is to be sought in respect to any such impact that these acoustic works may have on the building design and construction.

**Rohan Barnes**

*Waveform Acoustics*

## APPENDIX – SITE MAP



**NOTES:**

- Red, approx. position of proposed site
- Green, nearest NSRs
- Yellow, unrelated to the site, the Rose St Artists' Market

## APPENDIX – SITE PHOTOS

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The logger position on site. This was positioned at the rear of the venue.



The front entrance of the venue. There are typical walls/doors/glazing systems, however, inside, the ceiling system is virtually open (shown later within this appendix).



The extractor system used for the pizza oven. This was the only mech identified on site.



The first-floor bar area. The roofing in this area was very lightweight polycarbonate, with some wooden slats. We do not anticipate notable acoustic attenuation from this system.



One of the speakers mounted in the first-floor area, behind the bar.



More detail of bar and speaker positions.



Behind the bar, the seating area wraps around. Highlighted in green is a tarp/screen system, which separates the first-floor and ground floor areas. This essentially means that noise generated on the ground floor has potential to propagate up and out of venue, into the first floor area.



On the ground level, we can see the tarp/screen from below.



The Lime Technologies NLX noise limiter already installed on site.



The amplifier system is located within this cabinet. Currently, there are independent controls for the bar above and the café below.

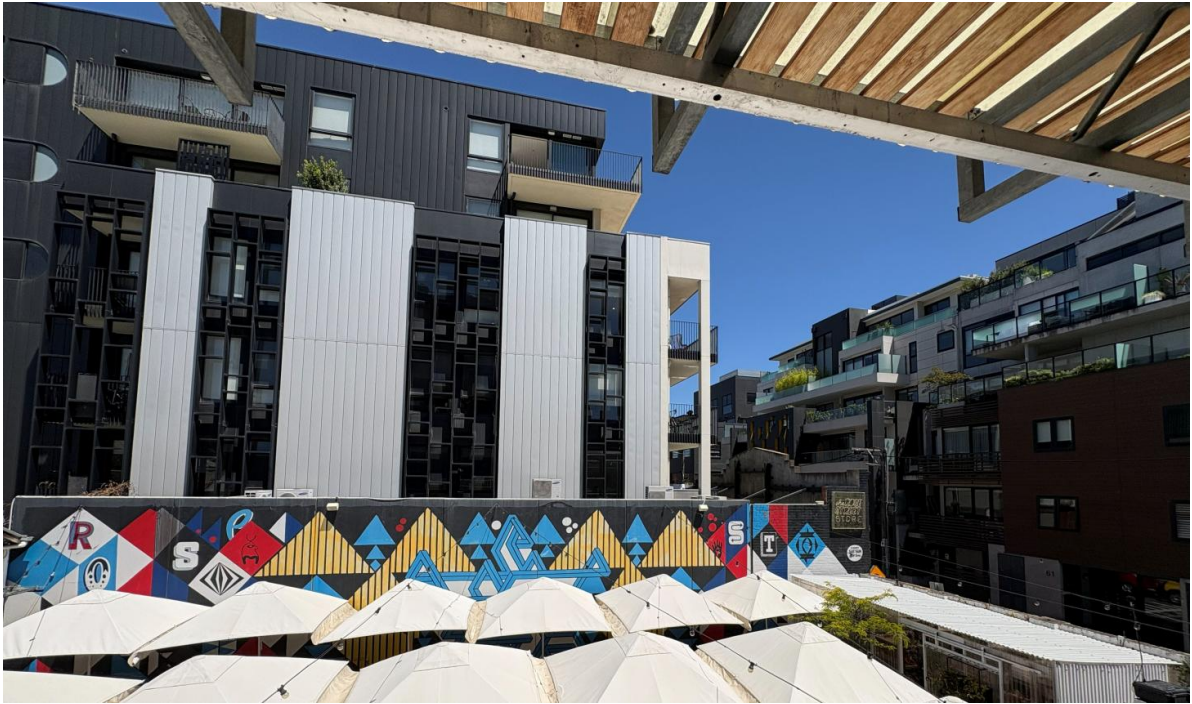
As the music noise sensor is located on the ground floor, it is our view that the independent controls for each space need to be replaced with a single volume for all speakers, to ensure the compliant levels can be suitably monitored by the limiter sensor.



The pizza oven and kitchen extraction system was the main equipment noted during our inspection. This is connected to the external extraction system.



The external extractor vents on the roof area. Currently, this just has an on/off switch, and no speed controller.



To the west, there are apartments with balcony areas.



Dwellings to the north all have balcony areas.

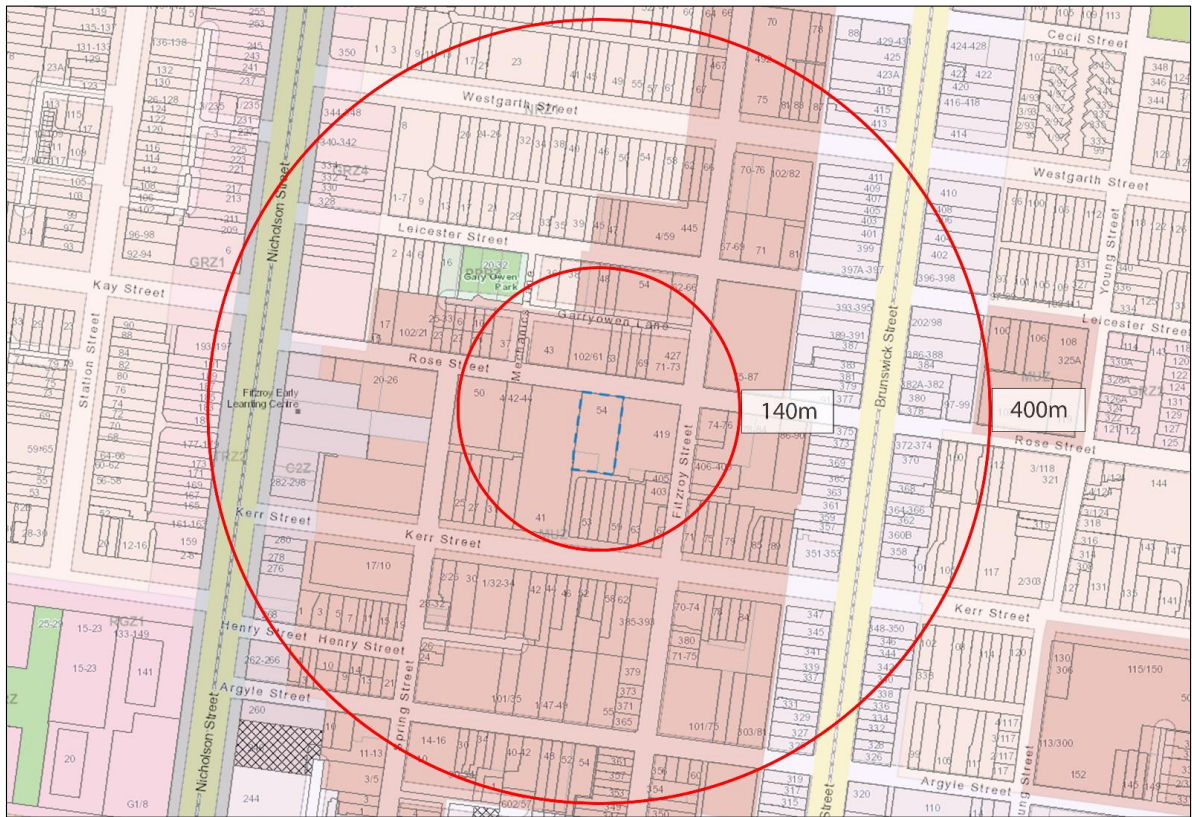


Dwellings to the north all have balcony areas.



To the east, a hotel. There are no balconies overlooking the roof system.

# APPENDIX – ZONING MAP



## APPENDIX – GENERAL ENVIRONMENTAL DUTY

EPA General Environmental Duty 2021 sets out the following guidelines to follows:

- Understand your duties under the EP Act
- Identify Hazards
- Assess Risks
- Manage the Risks
- Implement Controls

### UNDERSTAND YOUR DUTIES UNDER THE EP ACT

Anyone engaging in an activity that poses risk of harm to human health and the environment, from pollution or waste, or noise must eliminate or reduce that risk. You also need to eliminate or reduce risk as far as reasonably practicable. You can do this by putting appropriate controls in place that are proportionate to the risk.

Your approach to managing risk will depend on the complexity and scale of your activities or project, as well as the nature of the risks you need to manage.

EPA Victoria specifies a four (4) step risk management process, involving: identifying the hazards, assessing risk, implementing controls and ongoing checking. The process is outlined by the Victorian EPA<sup>2</sup> and is summarised as follows:



<sup>2</sup> Environmental Protection Authority Victoria, Assessing and controlling risk: A guide for business. Publication 1695.1, August 2018

**STEP ONE: IDENTIFY HAZARDS**



Hazards associated with commercial and industrial activities include anything that can cause harm to people or the environment. Common hazards include:

- Noise
- Odour
- Dust
- Chemical hazards
- Fire hazards

**STEP TWO: ASSESS THE RISKS**



The hazards identified during step 1 must be assessed to determine how they could lead to harm, how severe that harm could be and how likely it is to happen.

Risk assessment is a process for building knowledge and understanding of hazards and their associated risks so decisions can be made on how best to control them.

The following steps should be taken:

- Assess the likelihood of a hazard causing an impact
- Assess the consequences, or severity, of each impact
- Calculate a risk rating for each hazard

**STEP THREE: IMPLEMENT CONTROLS**



The options for controlling risk are prioritised from the highest level of effectiveness to the lowest.

When selecting controls the following hierarchy should be followed:



**STEP FOUR: CHECK CONTROLS**



Controls that are put in place to prevent or mitigate risks must be monitored to ensure they work as planned.

Checking controls involves the same methods as in the initial hazard identification step (step 1), and ‘closes the loop’ in which risk control measures can be maintained.

Common methods used to check the effectiveness of controls are:

- Regular site inspections and audits
- Consulting with employees, contractors, occupants and landlords
- Inspecting, testing and maintenance of risk control systems
- Using available information, such as manufacturer/supplier instructions
- Analysing records and data, such as incident and near miss reports

If these checks are made on a regular basis, then failures in controls can be identified as well as opportunities for improvement.

## APPENDIX – RISK ASSESSMENT MATRIX

	CONSEQUENCE					
	A – Minor	B – Moderate	C – Major	D – Severe	E – Extreme	
	First aid treatment. Fully recoverable.	Medical / professional treatment required. Fully recoverable	Extensive / professional medical treatment. Fully recoverable over an extended period.	Severe injury, permanent incapacitation. Impact requires change to work function.	Catastrophic, single or multiple deaths.	<b>HUMAN HEALTH, HEALTH &amp; SAFETY</b>
<b>LIKELIHOOD</b>	Negligible or no environmental damage.  No residual pollution impacts.	Impacts within the immediate vicinity of the impact; and short-term residual impact <1 year	Impacts are within the local area; and /or medium-term residual impact (2-5yrs)	Impact extends across the region (within a state); and/or longer-term residual impact (5-20yrs)	Impacts extends beyond the region (e.g. between states or nationally); and/or long term residual impacts >20yrs	<b>ENVIRONMENT</b>
<b>(5) Almost Certain</b> Expected to occur. High probability of occurring, e.g. >90%.	Medium	High	High	Extreme	Extreme	
<b>(4) Likely</b> Likely (e.g. >75% chance) of occurring under normal circumstances.	Medium	Medium	High	High	Extreme	
<b>(3) Possible</b> Could reasonably be expected under normal circumstances.	Low	Medium	Medium	High	High	
<b>(2) Unlikely</b> Unusual, not likely to occur under normal circumstances	Low	Low	Medium	Medium	High	
<b>(1) Very unlikely.</b> Rare circumstance, highly unusual.	Low	Low	Low	Medium	High	

## APPENDIX – MEASURED DATA, dB LA90

Date	Time	All Pass - A	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
3/12/2025	11:45 AM	48	52	48	44	44	40	38	30
3/12/2025	12:00 PM	46	50	48	44	43	42	37	32
3/12/2025	12:15 PM	48	50	50	46	44	43	39	34
3/12/2025	12:30 PM	45	49	48	44	42	40	36	31
3/12/2025	12:45 PM	45	50	47	44	42	41	37	32
3/12/2025	1:00 PM	48	54	47	46	44	43	40	35
3/12/2025	1:15 PM	48	53	48	45	44	43	40	35
3/12/2025	1:30 PM	48	53	48	45	44	43	40	35
3/12/2025	1:45 PM	48	53	49	46	45	44	40	35
3/12/2025	2:00 PM	48	53	49	46	45	43	40	35
3/12/2025	2:15 PM	49	54	50	47	46	44	41	36
3/12/2025	2:30 PM	47	52	49	46	44	42	39	34
3/12/2025	2:45 PM	48	54	49	46	45	43	40	35
3/12/2025	3:00 PM	48	52	49	46	45	43	40	34
3/12/2025	3:15 PM	46	50	48	45	43	41	37	32
3/12/2025	3:30 PM	46	49	48	45	43	41	37	31
3/12/2025	3:45 PM	45	49	48	45	43	40	36	30
3/12/2025	4:00 PM	45	50	47	45	43	41	37	31
3/12/2025	4:15 PM	46	49	47	45	43	41	37	31
3/12/2025	4:30 PM	45	49	47	45	43	40	36	30
3/12/2025	4:45 PM	46	50	48	45	43	41	37	31
3/12/2025	5:00 PM	46	50	48	46	43	41	37	32
3/12/2025	5:15 PM	49	50	47	46	45	44	41	36
3/12/2025	5:30 PM	46	50	47	45	43	41	37	31
3/12/2025	5:45 PM	45	49	46	45	43	40	36	31
3/12/2025	6:00 PM	45	49	46	45	42	40	36	31
3/12/2025	6:15 PM	45	50	47	45	43	40	36	31
3/12/2025	6:30 PM	45	49	45	45	42	40	36	30
3/12/2025	6:45 PM	45	49	46	45	42	40	36	30
3/12/2025	7:00 PM	45	49	46	45	42	40	36	31
3/12/2025	7:15 PM	45	48	46	45	42	40	36	30
3/12/2025	7:30 PM	45	49	46	45	42	40	36	30
3/12/2025	7:45 PM	45	49	46	45	42	40	36	30
3/12/2025	8:00 PM	45	48	45	45	42	40	36	30
3/12/2025	8:15 PM	45	47	45	45	42	40	36	30
3/12/2025	8:30 PM	45	47	45	45	43	40	36	30
3/12/2025	8:45 PM	45	47	45	45	42	40	36	30
3/12/2025	9:00 PM	45	47	45	44	42	40	36	30
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4/12/2025	4:00 AM	43	48	44	42	39	38	34	29
4/12/2025	4:15 AM	43	48	44	42	40	39	34	29
4/12/2025	4:30 AM	43	48	44	42	40	39	35	30

4/12/2025	4:45 AM	43	48	44	42	40	39	34	29
4/12/2025	5:00 AM	43	48	44	42	40	39	34	29
4/12/2025	5:15 AM	44	49	45	42	40	39	35	30
4/12/2025	5:30 AM	44	49	45	43	41	40	35	30
4/12/2025	5:45 AM	45	50	46	44	42	40	36	31
4/12/2025	6:00 AM	45	50	46	44	42	40	35	30
4/12/2025	6:15 AM	45	50	47	44	42	41	36	30
4/12/2025	6:30 AM	46	51	47	44	43	41	36	31
4/12/2025	6:45 AM	46	51	47	45	43	42	37	32
4/12/2025	7:00 AM	45	50	46	44	42	41	36	30
4/12/2025	7:15 AM	46	51	47	45	43	41	36	30
4/12/2025	7:30 AM	45	50	47	45	42	41	36	30
4/12/2025	7:45 AM	46	51	48	45	43	42	37	31
4/12/2025	8:00 AM	46	51	47	45	43	42	37	31
4/12/2025	8:15 AM	47	52	49	46	44	42	37	31
4/12/2025	8:30 AM	46	52	48	45	43	42	37	31
4/12/2025	8:45 AM	46	52	48	45	43	41	37	31
4/12/2025	9:00 AM	47	52	48	46	44	42	38	32
4/12/2025	9:15 AM	47	52	48	46	44	42	37	32
4/12/2025	9:30 AM	46	51	47	45	43	41	37	31
4/12/2025	9:45 AM	46	51	47	45	43	42	37	31
4/12/2025	10:00 AM	46	51	47	45	43	42	37	32
4/12/2025	10:15 AM	48	52	48	47	46	44	39	34
4/12/2025	10:30 AM	50	53	48	47	49	45	39	33
4/12/2025	10:45 AM	51	53	49	47	50	45	39	34
4/12/2025	11:00 AM	51	53	49	48	50	45	39	33
4/12/2025	11:15 AM	51	53	49	47	49	46	40	34
4/12/2025	11:30 AM	51	53	49	48	48	45	40	35
4/12/2025	11:45 AM	51	54	49	48	48	46	41	37
4/12/2025	12:00 PM	50	52	48	47	47	45	40	35
4/12/2025	12:15 PM	50	51	48	46	47	45	40	35
4/12/2025	12:30 PM	50	52	48	47	48	45	40	35
4/12/2025	12:45 PM	50	51	48	47	49	45	39	35
4/12/2025	1:00 PM	50	51	47	47	47	45	39	34
4/12/2025	1:15 PM	49	51	47	47	47	44	38	32
4/12/2025	1:30 PM	50	51	47	47	49	44	39	33
4/12/2025	1:45 PM	49	51	47	47	48	44	38	32
4/12/2025	2:00 PM	49	51	48	47	48	44	38	32
4/12/2025	2:15 PM	49	51	48	46	48	44	38	31
4/12/2025	2:30 PM	50	52	48	47	49	44	38	32
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4/12/2025	3:00 PM	50	53	49	47	50	44	38	32
4/12/2025	3:15 PM	50	52	49	47	50	44	38	32
4/12/2025	3:30 PM	51	53	49	47	50	45	40	34
4/12/2025	3:45 PM	51	53	49	48	50	45	40	34
4/12/2025	4:00 PM	47	52	48	46	44	42	38	32
4/12/2025	4:15 PM	45	50	47	45	43	41	36	29
4/12/2025	4:30 PM	47	52	49	47	45	42	37	31
4/12/2025	4:45 PM	47	52	49	47	44	42	38	33
4/12/2025	5:00 PM	46	52	49	47	44	42	37	30
4/12/2025	5:15 PM	46	51	47	46	43	41	37	31
4/12/2025	5:30 PM	45	51	47	46	43	40	36	29
4/12/2025	5:45 PM	45	50	47	46	43	40	35	29
4/12/2025	6:00 PM	46	51	47	46	43	41	36	30
4/12/2025	6:15 PM	45	50	47	46	42	40	36	29
4/12/2025	6:30 PM	45	50	47	46	42	40	35	30
4/12/2025	6:45 PM	48	52	50	48	45	43	38	32
4/12/2025	7:00 PM	48	53	50	48	45	43	38	33
4/12/2025	7:15 PM	48	54	50	48	45	43	39	33
4/12/2025	7:30 PM	47	53	50	48	44	42	38	32
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4/12/2025	8:15 PM	47	54	50	48	44	42	37	32
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4/12/2025	10:30 PM	45	50	48	45	43	41	36	30
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4/12/2025	11:00 PM	44	48	46	44	41	40	35	30
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4/12/2025	11:30 PM	44	47	46	43	41	40	35	30
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5/12/2025	3:45 AM	43	46	44	42	40	38	34	30
5/12/2025	4:00 AM	43	47	44	42	40	38	34	30
5/12/2025	4:15 AM	43	46	44	42	40	38	34	30
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5/12/2025	5:00 AM	43	47	44	42	40	38	34	30
5/12/2025	5:15 AM	43	48	45	42	40	38	35	30
5/12/2025	5:30 AM	43	48	45	42	40	39	35	30
5/12/2025	5:45 AM	44	49	45	43	40	39	35	30
5/12/2025	6:00 AM	44	49	45	43	40	39	35	30
5/12/2025	6:15 AM	44	49	46	43	40	39	35	30
5/12/2025	6:30 AM	44	50	46	44	41	39	35	30
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5/12/2025	9:15 AM	46	52	48	46	43	41	37	31
5/12/2025	9:30 AM	45	51	47	45	42	40	36	30

NOTES:

- *Highlighted in orange is data used for setting music limits.*
  - *Chosen background correlate with proposed hours of operation.*

## APPENDIX – OPERATING TIME PERIODS

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*From the Environmental Protection Regulations 2021:*

### **116 Definitions—operating time periods**

In this division (3), in relation to noise emitted from *commercial, industrial and trade premises*—

**day period** means –

- Monday to Saturday (except public holidays), from 07:00 to 18:00

**evening period** means –

- Monday to Saturday, from 18:00 to 22:00; and
- Sunday and public holidays, from 07:00 to 22:00

**night period** means –

- 22:00 to 07:00 the following day.

### **123 Definitions—operating time periods**

In this division (4), in relation to music noise emitted from *indoor entertainment venues*—

**day and evening period** means—

- Monday to Saturday (other than a public holiday), from 07:00 to 23:00;
- Sunday or a public holiday (other than if either is preceding a public holiday), from 09:00 to 22:00;
- Sunday or a public holiday (if either is preceding a public holiday), from 09:00 to 23:00;

**night period** means—

- Monday to Friday (other than a public holiday or a day preceding a public holiday), from 23:00 to 07:00 the following day;
- Saturday or any day preceding a public holiday, from 23:00 to 09:00 the following day;
- Sunday or a public holiday (if neither is preceding a public holiday), from 22:00 to 07:00 the following day.

## GLOSSARY OF ACOUSTIC TERMS

<b>R<sub>w</sub></b>	Weighted Sound Reduction Index. Laboratory measure of how much a building element (wall, floor, window) reduces airborne sound, in dB. Higher = better insulation.
<b>DnT<sub>w</sub></b>	Standardised Level Difference, weighted. Field/on-site version of R <sub>w</sub> , adjusted to a standard reverberation time. Represents real-world airborne sound insulation between rooms.
<b>Ln<sub>w</sub></b>	Weighted Normalised Impact Sound Level. Field rating for impact noise (e.g. footfall through floors). Lower = better.
<b>Ctr</b>	Adjustment applied to R <sub>w</sub> or DnT <sub>w</sub> to account for low-frequency noise sources (e.g. traffic, music).
<b>Decibel (dB)</b>	A logarithmic unit used to express the ratio between two sound pressures or powers. It is a relative measurement with reference to a specific threshold (usually 0 dB for sound pressure).
<b>dB(A)</b>	A-weighted decibels, which apply a frequency weighting to sound measurements to better represent the human ear's sensitivity to different frequencies.
<b>dB(C)</b>	C-weighted decibels, the C-weighting curve is relatively flat and does not emphasize any specific frequency range. It covers the entire audible frequency range with equal weighting. C-weighting is less commonly used in general sound level measurements, but it may be used in specific applications, such as measuring peak sound levels or when the sound being measured contains substantial low-frequency content.
<b>Octave Band</b>	A frequency band in which the upper frequency is twice the lower frequency (e.g., 63 Hz - 125 Hz).
<b>Third-Octave Band</b>	A frequency band with higher resolution, splitting each octave into 3 centre frequency measurement points.
<b>L<sub>Aeq</sub></b>	Equivalent Continuous Sound Level, an average sound level over a specific time period, often used to represent overall noise exposure.
<b>L<sub>Amax</sub></b>	Maximum A-weighted sound level, the highest instantaneous sound level during a particular time period.
<b>L<sub>Amin</sub></b>	Minimum A-weighted sound level, the lowest instantaneous sound level during a particular time period.
<b>L<sub>A90</sub></b>	The A-weighted sound pressure level which is exceeded for 90% of the time interval considered.
<b>L<sub>OCT10</sub></b>	The 'C' weighted or linear sound pressure level for a specified octave band that is exceeded for 10% of the time.
<b>Sound Pressure (SPL)</b>	The amplitude of sound waves in a specific medium, typically measured in decibels (dB).
<b>Sound Power (SWL)</b>	The total amount of acoustic energy radiated by a sound source, measured in watts (W) or decibels (dB).
<b>Frequency</b>	The number of complete cycles of a sound wave occurring per second, measured in Hertz (Hz).
<b>Sound Level Meter (SLM)</b>	An instrument used to measure sound pressure levels in decibels.
<b>Reverberation Time (Rt)</b>	The time it takes for a sound to decay by 60 dB after the sound source has stopped, indicating the acoustic characteristics of a room.
<b>Tonality</b>	Refers to the presence of a distinct pitch or frequency in the noise. It suggests that the noise contains specific frequencies that are more pronounced or dominant than others. For example, a steady hum or whine might exhibit tonality because it has a clear and consistent pitch.
<b>Impulsiveness</b>	Describes sudden, brief bursts of noise or sound energy within a continuous noise environment. These bursts are often characterized by their rapid onset and short duration. Examples of impulsive noise include the bang of a door slamming or the roar of an engine starting.
<b>Intermittency</b>	Refers to the irregular or sporadic nature of noise, where there are periods of sound interspersed with periods of relative quiet or lower sound levels. It's the quality of being occasional or not continuous. This could include noise sources that turn on and off intermittently, such as machinery operating in cycles or intermittent traffic noise.



Red Sparrow Pizza  
 54-60 Rose St  
 Fitzroy  
 3065

info@redsparrowpizza.com

Noise and Amenity Management Plan (NAAP) for  
 Red Sparrow Pizza  
 54-60 Rose St, Fitzroy

**A. Noise Identification**

We identify noise sources associated with the premise with the potential to impact adjoining residents as being

- Waste removal
- Delivery of goods
- Patrons and staff

**B. Noise Attenuation**

Measures to be undertaken to address all noise sources identified including on and off site noise attenuation measures:

- Waste removal - To limit the impact of noise as a result of waste collection we've enlisted JJ Richards to facilitate rubbish and recycling collection each Monday and Friday after 7am, in accordance with local laws.
- Delivery of goods - delivery of goods will occur during approved trading hours, after 7am.
- Patrons and staff - The building is designed to minimize the emission of noise with all major open-air areas to the rear of the building. High walls on all sides surround the premise and as such, sound will travel towards the rear of the property.  
 Music will be kept at background levels, in keeping with the vibe of a restaurant, but a noise limiter is in place to ensure that volume cannot exceed approved levels.  
 The hours of trade are also reasonable and in keeping with those in the immediate Fitzroy area, including next door neighbours.
- Signage is highly visible at exit points reminding patrons to respect the amenity of local residents particularly when exiting the venue.

**C. Complaints Procedure**

Standard procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, a council officers or an officer of Liquor Licensing Victoria:

The restaurant will be proactive in ensuring full ongoing compliance with Liquor Licensing terms of trade, and those issued by Yarra City Council. To ensure full compliance, all staff will be trained in understanding their obligations to our customers and the law.

In situations where complaints are made, staff are directed to notify the onsite manager immediately. The on site manager will:

- Get a full understanding of the nature of the complaint from the issuing person
- Determine the cause of the complaint
- Take steps to nullify the complaint
- Action a mitigation strategy to ensure the cause of the complaint does not resurface including education of staff members in ensuring they can identify the cause in future.
- Continue dialogue with the issuing person to notify them of the steps taken to nullify the cause of the compiling and future actions required
- Maintain a 'Complaints Register' which will record all received complaints, their nature and how they were remedied.
- Notify the business owner of all actions that have been taken

**D. Staff**

Staffing and other measures which are designed to ensure responsible patron behaviour

- The restaurant will have approximately 8 staff on site at any one time Staff will consist of 3-4 kitchen staff, 2-4 wait staff, 1 shift supervisor and 1 manager.
- All front of house staff will have RSA certificates
- Managers will also provide on the job training for new staff members in understanding their obligations to customers and the law, and in identifying potential irresponsible behaviour by patrons and providing them with the tools to minimise bad patron behaviour.
- The restaurant has a family atmosphere with a focus on quality food setting the tone for a relaxed and friendly patronage
- We have security cameras operational across the venue.

**E. Closing Operation**

- The restaurant closing procedure will begin roughly 45 minutes prior to close
- Customers will be notified to begin exiting the premises from 15 minutes prior to close

- Waste to be stored in bins to the rear of the property with attention being made to empty recycling bins early in the evening or to wait until next day

**F. Hours of Operation**

Monday - Saturday 7am - 11pm

Sunday 7am - 10pm



Red Sparrow Pizza

54-60 Rose St

Fitzroy

3065

[info@redsparrowpizza.com](mailto:info@redsparrowpizza.com)

15/01/26

# Red Sparrow Pizza - Waste Management Plan

## 1. Introduction

Red Sparrow Pizza is committed to maintaining a clean, safe, and considerate environment for our staff, customers, neighbours, and community. This Waste Management Plan outlines how waste is stored, handled, and collected in a way that minimises impact on the surrounding area.

## 2. Waste Collection Schedule

- Waste and recycling services are provided by **JJ Richards**.
- Collections occur **every Monday and Friday after 7:00am** to minimise early morning noise and disruption for neighbours.
- We generate 1 x 660l waste and 2 x 660l mixed recyclables

### 3. Waste Storage

- All waste and recycling materials are stored in **closed bulk waste bins** located at the **rear of the property**.
- Bins remain closed at all times except during disposal to:
  - Reduce odours
  - Minimise pests
  - Keep the area tidy and safe
- Hard waste / e-waste is not something that is generally generated from this business. But if it occurs then it will be disposed off responsibly eg by taking to our local Resource Recovery Centre
- Green & Food waste are not generated in significant volumes and are currently collected in mixed waste bins by JJ Richards

### 4. Bin Placement for Collection

- On collection days, bins will be placed **in our driveway** for pick-up.
- Bins **will not** be left out on the street to avoid blocking footpaths, limiting access, or causing any inconvenience to neighbours.

### 5. Commitment to Cleanliness and Community

Red Sparrow Pizza is dedicated to keeping our premises and surrounding areas clean and respectful at all times. Staff are trained in proper waste handling, and regular checks are conducted to ensure compliance with this plan.

### 6. Review of Plan

This Waste Management Plan will be reviewed annually or when operational changes occur to ensure ongoing effectiveness and alignment with community expectations.

For any questions or concerns regarding this Waste Management Plan, please contact the Red Sparrow Pizza management team at [info@redsparrowpizza.com](mailto:info@redsparrowpizza.com)

**SLR Consulting Australia**

Level 11, 176 Wellington Parade, East Melbourne VIC 3002, Australia



4 February 2026

SLR Ref No.: 640.030695.3040 54 Rose Prelim Comments 20260204.docx

Attention: Ramsay Jurdi  
 City of Yarra  
 PO Box 168  
 RICHMOND 3121

**RE: 54 Rose Street Fitzroy  
 Amending Trading Hours – Preliminary Comments  
 CREF26/00006 Planning Permit PL03/0224**

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SLR Consulting Pty Ltd (SLR) provides the following preliminary comments in relation to the above matter.

Our understanding is that the café/restaurant at the above address is now a pizza restaurant and seeks to amend its operating hours from:

**Current Permit:**

- Monday to Thursday: 7am to 5pm
- Friday-Saturday:
  - 7am to 10pm on ground floor
  - 7am to 9pm on first floor
- Sunday: 7am to 9pm

**Seeking:**

- Monday to Saturday: 7am to 11pm
- Sunday: 7am to 10pm

An acoustic report has been provided prepared by Waveform Acoustics (dated 14 January 2026).

We provide the following preliminary comments on the matter for Council’s consideration.

1. The requested change in hours is a critical change with operations beyond 10 pm falling into the night period category. There are significant new risks from this.
2. The first issue is that patron voice noise from the semi enclosed upstairs area would need careful and more formal assessment (the currently issued report does not assess patron voice). We could request a formal assessment of patron noise from the outdoor areas. I would expect that any such assessment would fail to show compliance from 10 pm onwards to the more stringent night period criteria, but may do so for the ground level operations (which are more shielded). Operations up to 10 pm from upstairs may be able to be shown to comply to typical patron noise criteria.
3. The other critical issue is off-site impacts from patrons leaving. Rose Street is a relatively small and shielded street with fairly low background noise. Groups of patrons walking past dwellings after 10 pm poses sleep disturbance risks. This is not something that can be managed by the venue in any way and is realistically a broad

City of Yarra  
54 Rose Street Fitzroy

4 February 2026

planning issue of whether restaurant/bars in the middle of a residential street should be able to operate at night.

4. Similar issues were associated with 419 Fitzroy Street (building next door - ground level restaurant which is part of the residential hotel and rooftop beer garden) which went to VCAT with lots of concerned residents. The permit for that application included a 10 pm constraint and requirement not to have patrons exiting/entering after 10 pm along Rose Street.
5. The combined impact of the 419 Fitzroy Street premises and the 54 Rose Street restaurant further raises risk due to cumulative impacts of two restaurants next door to each other.

Our preliminary suggested compromise position to assist the operator would be:

- Monday to Thursday and Sundays: 7 am to 9 pm
- Friday-Saturday: 7 am to 10 pm on ground floor, 9 pm on first floor

The above effectively eliminates patrons leaving the restaurant after 10 pm on all days except Friday and Saturday.

In relation to the acoustic report – it addresses music noise reasonably and recommends some modifications to the existing noise limiter. The venue should provide evidence that these recommendations have been implemented. The report should preferably include a more formal patron noise assessment but this will be unlikely to materially affect the outcome or our position if operations are kept to our preliminary suggestion above.

Regards,

**SLR Consulting Australia**



**Jim Antonopoulos**  
Technical Director - Acoustics  
jantonopoulos@slrconsulting.com

Reviewed by: DW



# City Works Formal Referral Response



### Application Information:

<b>Referral Officer:</b>	Atha Athanasi
<b>Officer:</b>	Ramsay Jurdi
<b>Council Reference:</b>	PL03/0224.05
<b>Address:</b>	54 Rose St, Fitzroy VIC 3065
<b>Proposal:</b>	Amendment to Planning Permit PL03/0224 to change the use of the land to Restaurant, extension of trading hours (7am to 11pm, seven days a week), construct and display signage and subsequent changes to conditions and permit preamble
<b>Comments Sought:</b>	Click here to view referral memo: <a href="#">Record D26/54739: PL03/0224.05 - 54 Rose Street Fitzroy - IREF26/00081 - Waste Management 2nd Referral Request</a>
<b>Disclaimer:</b>	Council's City Works Unit provides the following information which is based on the information provided in the referral request memo referenced above.
<b>Prev. Responses:</b>	D26/42763 (ATHANASA 04/02/2026) Note: This file has been added to the application as an attachment named 'Referral No. eRIRWaste 22408108.PDF' (TECHONE-JOBS 04/02/2026)

### Comments:

The waste management plan for 54 Rose Street, Fitzroy authored by Red Sparrow Pizza and dated 12/2/2026 is satisfactory from a City Works Branch's perspective.

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Waste Management Officer: Atha Athanasi

Signature:

Date: 19/02/2026

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**6. DTP Applications**

Nil.

**7. Confidential Planning Decisions Committee Reports**

Nil.