



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 28 April 2026

Fitzroy Town Hall



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 Kenneth Gomez
- Cr Meca Ho
- Cr Sarah McKenzie

Apologies

- Cr Andrew Davies
- Cr Sophie Wade

Council staff:

- Kathryn Pound General Manager City Sustainability and Strategy (Acting)
- Narelle Jennings Manager Statutory Planning (Acting)
- 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

Cr Aston, Cr Crossland, Cr Gomez, Cr Jolly, Cr Harrison, Cr Ho, and Cr McKenzie declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

4. Confirmation of Minutes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Ho

Seconded: Councillor Harrison

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

CALL FOR A DIVISION

For: Councillor Jolly, Councillor Harrison, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Ho and Councillor McKenzie

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – 54 Rose Street, Fitzroy - Amended Planning Permit Application PL03/0224.05

Author	Ramsay Jurdi – Principal Planner - Business Lead
Authoriser	General Manager City Sustainability and Strategy - Mary Osman

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. **...deleted...**
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
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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.

Public Submissions

The following people addressed the Committee:

Michael Craig, Red Sparrow Pizza (Applicant);

Judith North;

Hugh Crosthwaite (on behalf of Korana Musicki);

Marshall Biggins;

Neville Cowland;

Alexis Demetrious; and

Phillippa Edge.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Harrison

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)
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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:

(i) Ground Floor (indoors only): 7.00 am – 9:00 pm;

(ii) Ground Floor (outdoors) and First Floor: 7.00 am to 5.00 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.

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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.

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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.**

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- (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; and**
- (f) **After 5pm Monday – Thursday, all ground floor external doors and windows and the awning over the void must be kept closed during hours of operation, except for normal entry and exit of patrons and staff.**

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):**
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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. Speakers must only be in use in each area of the restaurant in accordance with the hours of operation as set out in condition 9 of this permit. 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.**
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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.**
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CALL FOR A DIVISION

For: Councillor Jolly, Councillor Harrison, Councillor Aston, Councillor Gomez, Councillor Ho and Councillor McKenzie

Against: Councillor Crossland

CARRIED

6. DTP Applications

Nil.

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 7.19pm

Confirmed on Tuesday 26 May 2026

Mayor