



<b>8.6</b>	<b>163 MILLS STREET, ALBERT PARK</b>
<b>LOCATION/ADDRESS:</b>	<b>163 MILLS STREET, ALBERT PARK</b>
<b>RESPONSIBLE MANAGER:</b>	<b>GEORGE BORG, MANAGER CITY DEVELOPMENT</b>
<b>AUTHOR:</b>	<b>MARGARET COMMANE, SENIOR URBAN PLANNER</b>
<b>TRIM FILE NO.:</b>	<b>PF16/663377</b>
<b>ATTACHMENTS:</b>	<b>1. Plans 2. Objector Map</b>
<b>WARD:</b>	<b>LAKE</b>
<b>TRIGGER FOR DETERMINATION BY COUNCIL:</b>	<b>MORE THAN 15 OBJECTIONS</b>
<b>APPLICATION NO:</b>	<b>P808/2016</b>
<b>APPLICANT:</b>	<b>G2 URBAN PLANNING</b>
<b>EXISTING USE:</b>	<b>CONVENIENCE SHOP AND DWELLING</b>
<b>ABUTTING USES:</b>	<b>COMMERCIAL AND RESIDENTIAL</b>
<b>ZONING:</b>	<b>COMMERCIAL I ZONE</b>
<b>OVERLAYS:</b>	<b>HERITAGE OVERLAY – SCHEDULE 444</b>
<b>STATUTORY TIME REMAINING FOR DECISION AS AT DAY OF COUNCIL</b>	<b>NIL</b>

**PROPOSAL**

Partial demolition; alterations and additions; external painting of a building, waiver of the loading bay requirements and the sale of packaged liquor (associated with use of the premises as a shop) with operating hours of 7.00am to 9.00pm daily.

**I. EXECUTIVE SUMMARY**

- 1.1 This application seeks approval for the partial demolition; alterations and additions; external painting of a building, waiver of the loading bay requirements and the sale of packaged liquor (associated with use of the premises as a shop (as-of-right) with operating hours of 7.00am to 9.00pm daily.
- 1.2 24 objections have been received. The key concerns relate to the hours proposed for the sale of liquor, potential drinking/anti-social behaviour, car parking, non-compliance of the proposal with policy and the suitability of the proposed works from a heritage perspective.



- 1.3 Following a Consultation Meeting, held on 2 February 2017, the applicant amended the application pursuant to S.57A of the Act to reduce the proposed operating hours for the sale of liquor to 7.00am to 9.00pm daily (previously proposed to operate between the hours of 7.00am and 11.00pm) in response to objector concerns.
- 1.4 It is considered that the proposed use of the site for the purpose of a packaged liquor licence is acceptable given the location of the site, the limited size of the licensed area, the proposed operating hours and the limited number of licensed premises in the surrounding area. It is considered that the proposal will not result in unreasonable amenity impacts to the adjoining neighbourhood subject to conditions.
- 1.5 It is also considered that the proposed partial demolition, alterations and additions are acceptable. The proposed buildings and works would enhance the neighbourhood character and would not detract from the subject nil-graded building; heritage significance of the adjacent graded buildings or wider Heritage Precinct.
- 1.6 It is also considered that the waiver in the loading bay requirements is appropriate given the manner in which the current convenience shop operates (without a loading area), the confined nature of the site, the size of the proposed shop and the availability of space on the street for loading and unloading from small vans.
- 1.7 The proposal is recommended for approval subject to conditions.

**KEY ISSUES**

1. Sale of packaged liquor.
2. Suitability of the proposed demolition, alterations and additions from a heritage perspective.
3. The proposed waiver of the loading bay requirements.

**2. PROPOSAL**

- 2.1 A planning permit is sought for the partial demolition; alterations, additions to and painting of the subject building, a waiver of the loading bay requirements and the sale of packaged liquor (associated with use of the premises as a shop).
- 2.2 The sale of liquor is proposed for the hours of 7.00am to 9.00pm.
- 2.3 The plans and planning report that form the basis for this assessment were prepared by Amato Design. The proposal was subsequently amended pursuant to S57A of the Planning and Environment Act, 1987 to revise the proposed hours for the sale of liquor from 7.00am to 11.00pm daily to 7.00am to 9.00pm daily.
- 2.4 It is also proposed to partially demolish and carry out alterations and additions to the existing building on the site.



- 2.5 With regards to the packaged liquor aspect of the proposal, the proposed licensed area would occupy 85m<sup>2</sup> of the 280m<sup>2</sup> shop and one store manager would be present during operating hours.
- 2.6 It is not proposed to include the footpath trading area (approved under Footpath Trading Permit No. 367/FT) in the red line area.
- 2.7 It is also proposed to waiver of the loading bay requirements of Clause 52.07.
- 2.8 The proposed demolition is as follows:
- Demolition of the existing convenience shop entry in the western corner of the building;
  - Partial demolition of the existing building's north-western and south-western facades to facilitate the installation of a new entry door and windows; and
  - Demolition of the existing internal walls to facilitate internal reconfiguration (does not require a planning permit).
- 2.9 It is proposed to subsequently carry out the following alterations and additions:
- Extension of the western corner of the existing building by 5m<sup>2</sup> (squaring off the existing splayed corner). The extension would be of a contemporary design featuring timber cladding, ceramic tiles, painted brickwork and a servery window;
  - Painting and rendering of part of the existing buildings brickwork;
  - Alterations to the internal layout of the building to facilitate the creation of a shop (does not require a planning permit);
  - Extension of the existing verandah in the western corner of the existing building and installation of a retractable motorised awning on the south-western façade above the proposed servery hatch;
  - Installation of a new entry door and windows on the existing building's Mills Street, Danks Street and south-eastern facades; and
  - Filling in of three of the existing door/windows openings on the south-western façade.

### **3 SUBJECT SITE AND SURROUNDS**

- 3.1 The subject site is located on the eastern corner of the intersection of Mills and Danks Street, Albert Park. The land is regular in shape with a frontage to Mills Street of 9.64m and a sideage to Danks Street of 41.24m, with an overall area of approximately 397m<sup>2</sup>.
- 3.2 This site is currently developed with a single storey building with a part-hipped part-flat roof facing the Mills and Danks Street frontages. The front portion of this building (fronting Mills and Danks Streets) is used as a convenience shop (approximately 102sqm) and the rear portion (fronting Danks Street) as a three-bedroom dwelling (approximately 150 sqm).



- 3.3 The subject site is graded 'non-contributory' pursuant to the Port Phillip Heritage Review (v. 17, 2015).
- 3.4 A 3.6m wide unnamed lane flanks the site's rear boundary. Car parking for one vehicle is provided on site in a carport in the south-eastern corner of the site, accessible from the rear laneway. The site also features a brick garage to the rear of the site adjacent to the rear laneway.
- 3.5 The subject site and the immediate area to the north-east and south-west is zoned Commercial I while the area to the immediate north-west and south-east is zoned General Residential Zone.
- 3.6 The subject building forms part of a row of single storey shops (Nos. 153-165 Mills Street). More broadly, the surrounding area is characterised by a mix of building types, including single and double storey period dwellings and more recent infill developments, and a mix of uses, including commercial, residential, recreational and educational.
- 3.7 To the immediate north-east, at No. 161 Mills Street, is a single storey building with a part-pitched, part-flat roof which is being used for the purposes of an office. This site has a 'significant' grading. This building forms part of the aforementioned row of shops fronting Mills Street. The building on site is constructed to the common boundary.
- 3.8 To the immediate north-west and south-west is the intersection of Mills and Danks Streets. Both Mills and Danks Street are approximately 18m wide and accommodate on-street parking in both directions. Tram Route No. 12 runs along Mills and Danks Streets.
- 3.9 To the north-west of the site, on the opposite side of Mills Street are No. 253 Danks Street and a playground. No. 253 Danks Street is occupied by a three storey brick apartment block. The playground is located in the Danks Street median strip, approximately 30m from the Mills Street and Danks Street intersection.
- 3.10 To the south-west of the site, on the opposite side of Danks Street is No. 165 Mills Street. This site is occupied by a part-single, part-double storey building with a pitched roof which is used for the purposes of a licensed restaurant and a dwelling. This site is graded 'non-contributory'. This building forms part of the commercial strip fronting Mills Street.
- 3.11 To the immediate south-east is a 3.6m wide lane. This road extends from Page Street in the north to Ashworth Street to the south.
- 3.12 To the rear of the site, on the opposite side of the lane, is No. 261 Danks Street. This site is occupied by a single storey brick dwelling with a pitched roof and a later single storey extension to the rear. This site is graded 'significant'. The dwelling is developed to the boundary immediately opposite the subject site and on the unnamed road.



**4 PERMIT TRIGGERS**

The following zone and overlay controls apply to the site, with planning permission required as described:

<i>Zone or Overlay</i>	<i>Why is a permit required?</i>
<i>Clause 34.01 Commercial 1 Zone</i>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 34.01-1 of the Port Phillip Planning Scheme, ‘shop’ is a Section 1 use in a Commercial 1 Zone. Therefore, a permit is not required for the use of the land as a ‘shop’.</li> <li>▪ Pursuant to Clause 34.01-14 of the Port Phillip Planning Scheme, a <b>permit is required</b> to construct a building or construct or carry out works.</li> </ul>
<i>Clause 43.01 Heritage Overlay</i>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 43.01-1 of the Port Phillip Planning Scheme, a planning <b>permit is required</b> to demolish or remove a building, construct a building or construct or carry out works, including externally paint a building.</li> </ul>
<i>Clause 52.06 Car Parking</i>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 52.06 of the Port Phillip Planning Scheme, a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5. The site currently provides car parking for one vehicle in a carport to the rear of the site. The previous use of the site was for a ‘convenience shop’ which has a car parking rate of 10 to each premises for a convenience if the floor area is over 80m<sup>2</sup> (generating a car parking credit of 10 spaces) and a three-bedroom dwelling which has a car parking rate of two spaces to each three or more bedroom dwelling (generating a car parking credit of two car parking spaces). This resulted in a combined requirement for 12 car parking spaces. The proposed use is a shop which has a car parking rate of four car parking spaces to each 100m<sup>2</sup> of leasable floor area (generating a car parking requirement of 11 spaces).</li> <li>▪ Therefore, under the provision of Clause 52.06, a planning permit is not required to reduce or waiver the required amount of parking required by the Scheme.</li> </ul>
<i>Clause 52.07 Loading and Unloading of Vehicles</i>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 52.07 of the Port Phillip Planning Scheme, a permit is required to waiver loading bay requirements included therein.</li> </ul>
<i>Clause 52.27 Licensed Premises</i>	<ul style="list-style-type: none"> <li>▪ Pursuant to Clause 52.27 of the Port Phillip Planning Scheme, a <b>permit is required</b> for the sale and consumption of liquor.</li> </ul>

**5 PLANNING SCHEME PROVISIONS**

**5.1 State Planning Policy Frameworks (SPPF)**

The following State Planning Policies are relevant to this application:

- Clause 11: Settlement
- Clause 15: Built Environment and Heritage
- Clause 17: Economic Development



## 5.2 Local Planning Policy Framework (LPPF)

The following local planning policies are relevant to this application:

Clause 21.04	Land Use, including
Clause 21.05	Built Form, including
Clause 21.05-1	Heritage
Clause 21.06	Neighbourhoods, including
Clause 21.06-3	Middle Park and Albert Park
Clause 22.04	Heritage Policy

## 5.3 Other relevant provisions

Clause 52.07	Loading and Unloading of Vehicles
Clause 52.27	Licensed Premises
Clause 65	Decision Guidelines

## 6 REFERRALS

### 6.1 Internal referrals

The application was referred to the following areas of Council for comment:

#### Council's Heritage and Urban Design Advisor:

The Heritage Advisor had no issues with the proposal. He was satisfied the extension and alterations to the Mills and Danks Street façades would not detract from either the heritage significance of the surrounding heritage streetscape or the heritage place more broadly.

#### Footpath Trading:

Comments were sought from Council's Footpath Trading Administrator. The following comments relate to the plans and planning report that were advertised:

- *Any servery windows are discouraged by the footpath trading area as they tend to obstruct the flow of pedestrian traffic and impede in the path of pedestrians who may be visually impaired who use the building line as their guide.*
- *By positioning the servery window in a position directly at the intersecting corner of the building also raises further safety issues as servery windows encourage people to congregate which may impact driver's sight lines.*



**Planner Comment:**

It is recommended that a condition be included on any permit issued requiring removal of the servery window from the proposal (refer to recommended Condition 1(c)).

Council's Traffic Safety Management:

Comments were:

- *No reference to loading has been made in the Traffic Impact Assessment.*
- *No off-street loading provisions result in a demand for dedicated Loading Zone spaces on-street which in turn results in a net loss of parking availability within the vicinity to the sole benefit of that particular business.*
- *Off street loading provisions should be considered as part of this proposal and demonstrated to Council.*

**Planner Comment:**

Given the manner in which the current convenience shop operates (without a loading area), the confined nature of the site, the size of the proposed shop and the availability of space on the street for loading and unloading from small vans, it is considered too onerous to require the applicant to provide its own individual off-street loading facilities.

Council's Health, Equity and Social Justice

Comments were:

- *We have concerns regarding the hours of trade. 11.00am-11.00pm would be more acceptable hours for the proposed sale of liquor.*
- *Delineation of packaged liquor sales and shop area is required to stop the shop morphing into a full packaged liquor outlet in a year's time without our knowledge.*
- *The 'servery window' is not acceptable to sell liquor.*

**Planner Comment:**

The application has been formally amended to reduce the closing time for the sale of liquor to 9.00pm (refer recommended Condition 3).

The opening hours should be further amended in response to the above comments (refer recommended condition 3 which would require hours of 11.00am to 9.00pm).

With regards to the sale of liquor from the servery window, a condition (refer recommended Condition 1(c)) is recommended for inclusion on any permit issued requiring removal of the servery window in response to both this referral and the comments of the Footpath Trading Administrator.



Councils Health, Equity and Social Justice Department has subsequently advised that they support the application in light of the inclusion of the aforementioned conditions.

## **6.2 External referrals**

The application was not required to be externally referred.

## **7 PUBLIC NOTIFICATION/OBJECTIONS**

7.1 It was determined that the proposal may result in material detriment therefore Council gave notice of the proposal by ordinary mail to the owners and occupiers of surrounding properties (36 letters) and directed that the applicant give notice of the proposal by posting three notices on the site for a 14 day period, in accordance with Section 52 of the Planning and Environment Act 1987.

7.2 The application has received 26 objections. The key concerns raised are summarised below (officer comment will follow in italics where the concern is not addressed in Section 9):

- Car parking/Potential noise from additional traffic;
  - *The parking provided complies with the relevant requirements of Clause 52.06 of the Planning Scheme.*
- Delivery trucks;
- The proposed hours for sale for liquor;
- Potential drinking/anti-social behaviour outside the shop and in the surrounding area, particularly given the site's close proximity to the Hari Krishna Temple on Danks Street and on the tram route to St. Kilda;
- Sufficient number of liquor outlets in the surrounding area;
- Proximity to playground and school;
- Increased rubbish;
- Inconsistency with the ethos and of the character of the area;
- Proposed staff numbers;
- Non-compliance with policy; and
- Design of proposed works at odds with heritage area.

7.3 A consultation meeting was held on 2 February 2017 which was attended by the three Ward Councillors, applicant, owners, seven (7) objectors, and Planning Officers. Objector attendees at this meeting re-iterated the concerns expressed in their written objections to the proposal.

7.4 Following the Consultation Meeting, the applicant amended the application, pursuant to S.57A of the Act, to reduce the proposed hours of sale of liquor to 7.00am to 9.00pm daily.





7.5 It is considered that the objections do not raise any matters of significant social effect under Section 60(1B) of the Planning Environment Act 1987.

## 8 OFFICER'S ASSESSMENT

### 8.1 Packaged Liquor Licence

A packaged liquor licence, associated with the use of the subject site as a shop, is proposed as part of this application. The proposed red line area occupies 85m<sup>2</sup> of the proposed 280m<sup>2</sup> shop (30.4%). The hours proposed for the sale of liquor are 7am-9pm, daily.

A planning permit is required for the liquor licence associated with the use of the site as a shop. The following decision guidelines are included at Clause 52.27 (they will be considered in turn below as applicable):

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.*
- *The impact of the hours of operation on the amenity of the surrounding area.*
- *The impact of the number of patrons on the amenity of the surrounding area.*
- *The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.*

From a policy perspective, the proposed packaged liquor licence is consistent with the State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF). The SPPF, in particular Clause 11, encourages developments which meet community needs for retail and other community services. The Municipal Strategic Statement acknowledges that licensed premises contribute to the vibrancy of the municipality and that well managed licensed premises contribute to the activity, appearance and character of the area, however, it is also of note that these facilities need to be well managed and appropriately located to reduce the potential for unreasonable amenity impacts on the surrounding neighbourhood. The amenity impacts are considered below.

The site is located within a Commercial 1 Zone, the purpose of which is 'to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses'.

The subject site is located within a row of shops (occupying Nos. 153-165 Mills Street) which features a variety of commercial uses including another licensed venue at No. 165 Mills Street. It is considered that the proposed sale of packaged liquor in conjunction with the use of the building as a shop is acceptable given the zoning of the land and its consistency with the nature of uses within the street.

The land immediately south-east and north-west of the subject site is residentially zoned. The proposed packaged liquor licence is considered appropriate from an amenity perspective for the following reasons:



- The proposed packaged liquor licence is secondary to use of the site as a shop and occupies a small area (85m<sup>2</sup>) of the overall premises (approximately 30% of the overall floor area).
- The hours are commensurate with normal trading hours of other licensed premises within the surrounding area and the nature of the commercial shopping strip. Following the Consultation Meeting, the applicant formally amended the proposal to reduce the proposed hours to 7am-9pm. Councils Health, Equity and Social Justice Department have raised concerns regarding the commencement time for the sale of liquor. They consider 11am a more reasonable time for commencement of the sale of liquor. Therefore, it is recommended that should a permit be issued the hours be limited to 11am-9pm (refer to recommended Condition 3). Combined, the spread of hours for sale of liquor would be reduced by four hours.
- It is not proposed to consume liquor on the Mills Street footpath, the red line area being contained within the proposed shop. Any proposal to consume liquor within the approved Footpath Trading area would require a further Planning Permit.
- It is considered that the proposed use would not contribute to a level of drunken and noisy behaviour late at night, the primary use being a shop and not a bar.

There are ten licensed premises within a 500m radius of the subject site (one on-premise liquor licence, one wine and beer producer's licence, four restaurant and café liquor licences and four limited liquor licences). The closest premises to the subject site with a packaged liquor licence is at Abbey Cellars at 115 Victoria Avenue, Albert Park. This premises is located 550m north-west of the subject site. Given the type and limited number of licensed premises in close proximity to the subject site, it is considered the proposed packaged liquor licence would not contribute to a negative cumulative impact on the amenity of the surrounding area.

It is considered that the proposed sale of packaged liquor in conjunction with the use of the building as a shop is acceptable subject to the reduced hours for the sale of liquor, no footpath trading area and no servery window.

## **8.2 Demolition**

No. 163 Mills Street has a nil grading, that is, the buildings has neither significant nor contributory heritage value.

Whilst Clause 22.04 (Heritage Policy) of the Port Phillip Planning Scheme includes specific objectives discouraging the demolition of significant and contributory heritage places, there is no such objectives for nil graded buildings.



Given its nil grading, the existing building makes a no contribution to the heritage value of the streetscape. It is considered that the partial demolition of the building would not adversely affect the significance of the heritage streetscape or the wider heritage precinct.

In addition, Council's Urban Design and Heritage Advisor has no concerns with the proposed demolition.

### 8.3 Proposed Alterations and Additions

of the western corner of the existing building extension of the existing verandah, installation of a retractable motorised awning and installation of new doors/windows on the existing building facades. The proposed alterations and additions are contemporary in design and would provide for the upgrading of the existing building.

Both the State and Local Planning Policy Framework seek the protection of existing or preferred neighbourhood character and seek to ensure that new development is suitable from a neighbourhood character and heritage (where applicable) perspective.

Clause 21.05-1 of the Port Phillip Planning Scheme includes the following objectives in regards to new development in heritage areas:

*Ensure that new development respects and enhances the scale, form and setbacks of nearby heritage buildings.*

Clause 22.04 (Heritage Policy) includes the following objectives and policies in relation to alterations in Heritage Overlay Areas:

- *To promote design excellence (in terms of building siting, scale, massing, articulation and materials) which clearly and positively supports the heritage significance of all Heritage Overlay areas.*
- *Encourage new development to be respectful of the scale, form, siting and setbacks of nearby significant and contributory buildings.*

The proposed alterations and additions are considered appropriate for the following reasons:

- The proposed extension would be modest in scale (single storey and increasing the size of the building by 5m<sup>2</sup>) and would maintain the same building line as the existing row of shops (developed to the street frontage). Therefore, the proposed extension would not sit forward of the shops existing façade and the existing vista of the adjacent significant graded buildings would be maintained.
- The proposed alterations/additions improve the appearance of the existing building on the site, with the façade changes adding visual interest to the premises. This would in turn enhance the existing neighbourhood character.
- The contemporary palette would complement existing materials, textures and finishes, rather than conflict with those evident in the streetscape. Moreover, the use of render and painted brickwork on the Mills and Danks Street facades would be compatible with the heritage buildings within this commercial strip



and properties within the surrounding area. The muted tones such as black paint and concrete render would be appropriate colours for the heritage streetscape. A separate colour, materials and finishes schedule (including colour swatches) has not been included with the application. Therefore, it is recommended that a condition be included on any permit issued requiring a full schedule of materials, finishes and paint colours, including colour samples (refer recommended Condition 1(d)).

- The Mills and Danks Street façades are articulated due to the verandah, the varying materials/finishes and window and door openings (it is noted that the proposed servery window is recommended to be removed in response to concerns raised by Council’s Footpath Trading Administrator). The proposed window and door openings provide an acceptable amount of glazing/openings and the proportions used are consistent with the prevailing streetscape.
- The proposed extension maintains and extends the existing verandah along the Mills Street frontage. It is also proposed to introduce a retractable motorized awning on the Danks Street façade. The retention/inclusion of this verandah and awning respects a prominent characteristic of the existing row of shops within the streetscape.

Council’s Urban Design and Heritage Advisor has reviewed the proposed design response and has raised no concerns regarding the proposed demolition and works.

For reasons discussed above, it is considered that the proposed alterations would positively contribute to the streetscape character of Mills and Danks Street and support the continued significance of the broader Heritage Precinct.

#### 8.4 Proposed Waiver in the Loading Bay Requirements

A planning permit is required to waive the loading bay requirements of Clause 52.07. However, a permit may be granted to reduce or waive these requirements if either:

- *The land area is insufficient.*
- *Adequate provision is made for loading and unloading vehicles to the satisfaction of the responsible authority.*

The proposed waiver is considered appropriate as the current convenience shop operates without a loading area and sufficient space is available on the street to accommodate the loading and unloading of small vans. In addition, given the confined nature of the site, there is limited opportunity to provide a loading bay on site. Furthermore, the size of the proposed shop is small.

## 9 COVENANTS

- 9.1 The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the titles for the subject site known as Crown Allotment 1 Section 98 City of South Melbourne South [Parent Title Volume 02874 Folio 603].



## **10 OFFICER DIRECT OR INDIRECT INTEREST**

- 10.1 No officers involved in the preparation of this report have any direct or indirect interest in the matter.

## **11 OPTIONS**

- 11.1 Approve as recommended
- 11.2 Approve with changed or additional conditions
- 11.3 Refuse - on key issues

## **12 CONCLUSION**

- 12.1 It is considered that the proposed use of the site for the purpose of a packaged liquor licence at 163 Mills Street, Albert Park, is acceptable and will not result in unreasonable amenity impacts to the adjoining neighbourhood subject to restricted hours recommended and other conditions as outlined below.
- 12.2 It is considered that the proposed partial demolition, alterations and additions are acceptable and would not detract from the heritage significance of the existing building or wider Heritage Place.



### 13. RECOMMENDATION - NOTICE OF DECISION

- 13.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit
- 13.2 That a Notice of Decision to Grant a Permit be issued for partial demolition; alterations and additions; the sale of packaged liquor in association with use of the premises as a shop at 163 Mills Street, Albert Park.
- 13.3 That the decision be issued as follows:

#### 1. Amended Plans required

Before the development 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 advertised plans but modified to show:

- a) A south-eastern demolition elevation.
- b) A south-eastern proposed elevation
- c) Removal of the servery window.
- d) A full schedule of materials, finishes and paint colours, including colour samples (colour samples in a form that is able to be endorsed and held on file).

#### 2. No Alterations

The layout of the site and the size, levels, design and location of buildings and works, external materials, finishes and colours as shown on the endorsed plans and the red line plan indicating areas in which liquor may be sold and consumed as shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

#### 3. Hours of Operation

Without the further written consent of the Responsible Authority the sale of liquor is permitted only between the hours of 11am and 9pm daily.

#### 4. SEPP N-1

Noise levels must not exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area).

#### 5. Footpath Trading Area.

No liquor may be consumed in any footpath trading area associated with the premises without the further permission of the Responsible Authority.



**6. Time for starting and completion**

This permit will expire if one of the following circumstances applies:

- a) The development is not started within two (2) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing:

- a) before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- b) within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

**Permit Notes:**

• **Building Approval Required**

This permit does not authorise the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

• **Building Works to Accord With Planning Permit**

The applicant/owner will provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with this planning permit.