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MINUTES OF THE PLANNING COMMITTEE MEETING

Held on Monday 11 October 2021

Released to the public on 14 October 2021

IN ACCORDANCE WITH THE COVID-19 OMNIBUS (EMERGENCY MEASURE) ACT 2020, THIS COMMITTEE WAS HELD VIRTUALLY.

LIVE STREAMING OF THE PLANNING COMMITTEE MEETING WAS MADE AVAILABLE ON COUNCIL'S INTERNET SITE



ACKNOWLEDGEMENT OF TRADITIONAL OWNERS AND ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES IN DAREBIN

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.



English

These are the Minutes for the Planning Committee meeting. For assistance with any of the items in the minutes, please telephone 8470 8888.

Arabic

هذه هي محاضر اجتماع لجنة التخطيط. للحصول على المساعدة في أي من البنود في المحاضر، يرجى الاتصال بالهاتف 8470 8888.

Chinese

这些是规划委员会会议纪要。如需协助了解任何纪要项目，请致电8470 8888。

Greek

Αυτά είναι τα Πρακτικά της συνεδρίασης της Επιτροπής Προγραμματισμού. Για βοήθεια με οποιαδήποτε θέματα στα πρακτικά, παρακαλείστε να καλέσετε το 8470 8888.

Hindi

ये योजना समिति की बैठक का सारांश है। सारांश के किसी भी आइटम में सहायता के लिए, कृपया 8470 8888 पर टेलीफोन करें।

Italian

Questo è il verbale della riunione del comitato di pianificazione. Per assistenza con qualsiasi punto del verbale, si prega di chiamare il numero 8470 8888.

Macedonian

Ова е Записникот од состанокот на Одборот за градежно планирање. За помош во врска со која и да било точка од записникот, ве молиме телефонирајте на 8470 8888.

Nepali

यी योजना समितिको बैठकका माइन्युटहरू हुन्। माइन्युटका कुनै पनि वस्तुसम्बन्धी सहायताका लागि कृपया 8470 8888 मा कल गर्नुहोस्।

Punjabi

ਇਹ 'ਯੋਜਨਾ ਸਮਿਤੀ ਕਮੇਟੀ' (Planning Committee) ਦੀ ਮੀਟਿੰਗ ਵਾਸਤੇ ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਹੈ। ਸੰਖੇਪ ਸਾਰਾਂਸ਼ ਵਿਚਲੀਆਂ ਕਿਸੇ ਵੀ ਆਈਟਮਾਂ ਸੰਬੰਧੀ ਸਹਾਇਤਾ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰਕੇ 8470 8888 ਨੂੰ ਟੈਲੀਫੋਨ ਕਰੋ।

Somali

Kuwaani waa qodobada kulanka Guddiga Qorshaynta. Caawimada mid kasta oo ka mid ah qodobada laga wada hadlay, fadlan la xiriiir 8470 8888.

Spanish

Estas son las Actas de la reunión del Comité de planificación. Para recibir ayuda acerca de algún tema de las actas, llame al teléfono 8470 8888.

Urdu

یہ پلاننگ کمیٹی کی میٹنگ کی روداد کے نقاط ہیں۔ روداد کے کسی بھی حصے کے بارے میں مدد کے لیے براہ مہربانی 8470 8888 پر فون کریں۔

Vietnamese

Đây là những Biên bản Hội Ủy ban Quy hoạch. Muốn có người trợ giúp mình về bất kỳ mục nào trong biên bản họp, xin quý vị gọi điện thoại số 8470 8888.

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE OF THE DAREBIN CITY COUNCIL HELD VIRTUALLY ON MONDAY 11 OCTOBER 2021

THE MEETING OPENED AT 6.31 PM

The Chairperson, Mayor Messina advised that the meeting was being held virtually and streamed live and that the audio and video would be made available on the Council's website as soon as practically after the meeting.

WELCOME

The Chairperson, Mayor Messina opened the meeting with the following statement:

Darebin City Council acknowledges the Wurundjeri Woi-Wurrung people as the Traditional Owners and custodians of the land and waters we now call Darebin and pays respect to their Elders, past, present and emerging.

Council pays respect to all other Aboriginal and Torres Strait Islander communities in Darebin.

Council recognises, and pays tribute to, the diverse culture, resilience and heritage of Aboriginal and Torres Strait Islander people.

We acknowledge the leadership of Aboriginal and Torres Strait Islander communities and the right to self-determination in the spirit of mutual understanding and respect.

1. PRESENT

Councillors

Cr. Lina Messina (Mayor) (Chairperson)

Cr. Gaetano Greco (Deputy Mayor)

Cr. Tom Hannan

Cr. Trent McCarthy

Cr. Susanne Newton

Cr. Susan Rennie

Cr. Julie Williams

Council Officers

Rachel Ollivier - General Manager City Sustainability and Strategy

Jodie Watson – General Manager Governance and Engagement

Karen Leeder – Manager City Development

Jolyon Boyle – Coordinator Priority Development

Stephen Mahon - Coordinator Council Business

Rachna Gupta Singh - Senior Council Business Officer

Michelle Martin - Council Business Officer

Georgina Steele - Council Business Officer

2. APOLOGIES

APOLOGIES WERE RECEIVED FROM COUNCILLOR TIM LAURENCE AND COUNCILLOR EMILY DIMITRIADIS.

3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE MINUTES OF PLANNING COMMITTEE

Recommendation

That the Minutes of the Planning Committee Meeting held on 9 August 2021 be confirmed as a correct record of business transacted.

Committee Decision

MOVED: Cr. J Williams
SECONDED: Cr. T McCarthy

That the Minutes of the Planning Committee Meeting held on 9 August 2021 be confirmed as a correct record of business transacted.

CARRIED UNANIMOUSLY

5. CONSIDERATION OF REPORTS

5.1 APPLICATION FOR PLANNING PERMIT D/777/2020 212 - 220 High Street and 1 Wimble Street Northcote

EXECUTIVE SUMMARY

- The application site (the site) comprises two properties:
 - No. 212 - 220 High Street (Northcote Theatre) and;
 - No. 1 Wimble Street, Northcote.
- The proposal seeks planning permission for the refurbishment, restoration and use of the Northcote Theatre located at No. 212 – 220 High Street and No. 1 Wimble Street, Northcote as a performing arts centre comprising a performance space for 1130 patrons, food and drink premises and bars including a rooftop bar and associated reduction to the car parking requirement.
- The application also seeks permission for associated building and works and a late night on-premises liquor licence.
- The proposal seeks to restore the heritage fabric of the original High Street façade and mezzanine and restore the building’s ornate interior while providing a range of necessary upgrades and amenities including universal access to all areas. The proposal will also incorporate a range of ecologically sustainable design measures.
- A Commercial 1 Zone applies to the site.
- The site is affected by the Development Contributions Plan Overlay (DCPO) and the Design and Development Overlay – Schedule 14.
- No. 212 - 220 High Street Northcote is affected by Heritage Overlay (Schedule 312) which is included on the Victorian Heritage Register.
- No. 1 Wimble Street, Northcote is affected by Heritage Overlay (Schedule 97).
- There is no restrictive covenant contained within the titles affecting the site.
- Forty-four (44) objections were received against the application, including a petition.
- Thirteen (13) letters of support were received in favour of the application.
- The proposal is generally consistent with the Municipal Planning Strategy and the Planning Policy Framework of the Darebin Planning Scheme.
- It is recommended that the application be supported subject to conditions.
- Public notice was given via five signs posted on site and letters sent to surrounding owners and occupiers.
- Two consultation meetings were held with Council officers, the applicant and residents.
- Prior to the public notification process the applicant undertook separate consultation with adjacent residents located within the immediate vicinity of the site.
- This application was referred internally to the following units in Council: Arboricultural Planning; Assets and Capital Delivery; Infrastructure Maintenance and Services; Climate Emergency and Sustainable Transport; Environmentally Sustainable Development; Equity & Wellbeing; Health; Heritage and Property Services.

- This application was referred externally to The Department of Transport; Victorian Commission for Gambling and Liquor Regulation.

The following people addressed the meeting virtually in relation to Item 5.1 'Application for Planning Permit D/777/2020 212-220 High Street and 1 Wimble Street Northcote

- **Andrew Mansfield (on behalf of Applicants)**
- **Carol Jason**
- **Paul Ryan**
- **Richard Waples**
- **Dianne Gardenier**
- **Cameron Boland**
- **Ande Bunbury**
- **Andrew Wood**
- **Louise Hearman**
- **Talia Schlen**
- **Carley Wright**
- **Justin Alcorn**
- **Julia Jeffries**

Officer Recommendation

That Planning Permit Application D/777/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and 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 this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Drawing numbers, A000, A010, A011, A100, A101, A103, A105, A106, A111, A113, A114, A115, A116, A200, A201, A203, A204, A210, A212, A401, A402, A403, A501, A602, A603, A604 all revision C, dated 12 May 2021, prepared by Winwood McKenzie Architecture) but modified to show:
 - (a) Any modifications required as a result of the Sustainable Design Assessment (SDA) required by Condition No. 6 of this Permit. A table listing the ESD commitments must be included.
 - (b) Any modifications required in the Acoustic Report in accordance with Condition No. 18 of the Permit. This can be done as a table of works or as individual notations;
 - (c) Any modifications as a result of the Patron Management Plan in accordance with Condition No. 26 of the Permit.
 - (d) Any modifications as a result of the Waste Management Plan in accordance with Condition No. 28 of the Permit.
 - (e) Any modifications as required by the Bike Concept Plan in accordance with

Condition No. 30 of the permit.

- (f) Any modifications as a result of the Sustainable Venue Transport Policy in accordance with Condition No. 40 of the Permit.
- (g) A revised Venue Management Plan to include a comprehensive complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant.
- (h) The relocation of the main entry/exit doors to be from High Street with a notation confirming that patrons to exit to High Street only and that the Basting Street entry/exit from the premises must not be used after 10:00pm (except for patrons who require lift access).
- (i) An arboricultural assessment, prepared by a suitably qualified person and in accordance with AS4970-2009 Protection of Trees on Development Sites, detailing all trees on and adjacent to the site that are affected by any proposed works at No. 1 Wimble Street, Northcote. The report must list all species names and recommend either removal or retention with protection measures necessary for those retained.
- (j) Minimisation of noise levels arising from the bicycle parking and valet area located at No. 1 Wimble Street, through the provision of an acoustic fence erected along the northern common boundary. Details of the fence height, materials and design must be included on the endorsed plans in accordance with acoustic recommendations.
- (k) A landscape buffer adjacent the north common boundary designed to improve the amenity and visual impact of the bicycle parking area in relation to the adjacent residential property. The landscape buffer must not result in a reduction to the 140 bicycle parking spaces.

When approved, the plans will be endorsed and form part of this Permit.

- 2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 3. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed or the use is not started within five (5) years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
- 4. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
 - 5. The land must be drained to the satisfaction of the Responsible Authority.

6. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as *Environmentally Sustainable Design prepared by Low Impact Development Consulting, dated 18 March 2021*, but modified to show:

- (a) Specific examples of how the building will be carbon neutral and if/how this is linked to green energy;
- (b) Any shade cloth to be a non-combustible material;
- (c) Details of western shading to roof top bar;
- (d) Details of how cigarettes are to be disposed;
- (e) Details of the size and location of the solar PV system to be used. The size of the panels must be shown on the endorsed roof plans. The solar PV panels must be in a location on the roof that will be least impacted by future development potential to the satisfaction of the Responsible Authority.

The requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.

7. During the construction phase of the development:

- (a) Only clean rainwater may be discharged to the stormwater drainage system;
- (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
- (c) Vehicle borne materials must not accumulate on the roads abutting the site;
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
- (f) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.

8. The use including the number of patrons may operate only between the hours of:

Use	Patrons	Hours:
Restaurant & wine bar	25	Monday to Sunday – 7:00am to 1.30am
Cocktail bar	25	Monday to Sunday – 12:00pm to 1.30am
Main room / Performance Space	1130	Monday to Sunday – 9:00am to 12:30am
Food service window	52 (these patrons are included in the main room capacity, however, do not account for the takeaway service).	Monday to Sunday – 5:00pm to 11.30pm
Mezzanine level cocktail bar	380	Monday to Sunday – 9:00am to 3:00am
Rooftop bar	200	Monday to Wednesday – 9:00am to 10:00pm;

		Thursday to Sunday – 9:00am to 11.00pm
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9. No more than 1760 patrons may be present on the premises at any one time.
10. Other than in the event of an emergency the northern external stairs must not be used by patrons after 9:00pm.
11. Other than in the event of an emergency the southern external stairs must not be used by patrons after 11:00pm.
12. Other than in the event of an emergency or for patrons requiring lift access, the Basting Street entry/exit from the premises must not be used after 10:00pm.
13. The main room / performance space is permitted to play live music in accordance with the revised acoustic report required by Condition No. 18 of this permit.
14. The main room / performance space is permitted to play background music until the closure of the space at 12.30am on any night.
15. The roof top bar and the restaurant & wine bar must not be used for live music.
No music other than of a type and volume appropriate to background music may be emitted from external speakers in the rooftop area. For the purposes of this condition, background music means any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree, shout, or use a stage voice such as that used by an actor in the theatre.
16. The mezzanine level and cocktail bar may operate with background music including DJs.
17. Live music noise must be assessed by a qualified sound technician over a 15-minute period at the commencement of any live music performance to confirm that music levels comply with noise limits under the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol
18. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:
 - (a) Detail any recommended acoustic attenuation measures to ensure that the live music venue is designed, constructed and managed to minimise noise emissions from the premises;
 - (b) Include acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

The requirements of the approved Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.
19. Within two (2) months of the completion of the buildings and works as shown on the

plans endorsed under Condition No. 1, a Post Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The Post Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:

- (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 have been implemented;
- (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 achieve:
 - (i) any noise targets contained within the Acoustic Report;
 - (ii) compliance with the maximum noise levels prescribed by the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol

The assessment must include acoustic testing undertaken by a suitably qualified acoustic engineer.

- (c) If the testing reveals that the use/development does not meet relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol include recommendations for modifications of the buildings and works to bring the use and development into compliance with those requirements and timeframes for those modifications.

The requirements of the endorsed Post Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Any recommended modifications must be carried out within the timeframes specified in the endorsed Post Commencement Acoustic Report.

Within two (2) months of the completion of the recommended modifications, further acoustic testing must be carried out by a suitably qualified acoustic engineer to confirm whether the use complies with the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol and a written report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All acoustic testing must be carried out during a peak operation of the live music venue.

At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.

20. Noise levels from the premises must not exceed those required to be met under the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol.
21. The delivery of goods to the site, and the loading and unloading of goods from vehicles, may only occur during the following times:
 - (a) 7:00am - 10:00pm Monday to Saturday
 - (a) 9:00am - 10:00pm Sundays and public holidays.
22. This Permit allows the use of the land only by the owner/operator of the business known as '*Northcote Theatre*' to the satisfaction of the Responsible Authority. If the business owner/operator ceases to use the land for the Place of Assembly, this

Permit will expire.

23. A sign or signs must be displayed at the exit(s) to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
24. At all times during the operation of the use, there must be present on the premises a person(s), over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
25. At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
- (a) patrons leave the premises in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
 - (b) patrons do not loiter around the premises or nearby residential properties
- to the satisfaction of the Responsible Authority.
26. Before the use starts and before the plans are endorsed under Condition No.1 of this Permit, the Venue Management Plan must be amended for approval and to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance the Patron Management Plan. Amendments required:
- (a) The training of staff and the management of patron behaviour;
 - (b) Staff communication arrangements;
 - (c) Measures to control noise emissions from the premises and amenity control;
 - (d) Measures to prevent vandalism and antisocial behaviour;
 - (e) Details on the main exit and entry points. All patrons to exist the premises from High Street after 10:00pm;
 - (f) Operating hours as per Condition No. 8 of the Permit;
 - (g) Methods to ensure that taxi and ride share pick up occurs via High Street only. Not Bastings Street and;
 - (h) A comprehensive complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant.
- to the satisfaction of a Responsible Authority.
27. Collection of waste must be conducted so as not to cause any disturbance to nearby residential properties in accordance with EPA Noise Control Guidelines (Publication 1254 October 2008). The following must be adhered to:
- (a) Collections may only be carried out between 7:00am to 8:00pm Monday to Saturday and 9:00am to 8:00pm Sundays and Public Holidays;
 - (b) Compaction may only be carried out while on the move;
 - (c) Bottles must not be broken up at the point of collection;
 - (d) Waste is only to be transferred to external bins between 9:00am and 6:00pm;

- (e) Waste collection must be via Bastings Street and the bins at no point should be left on the kerbside;

to the satisfaction of the Responsible Authority.

- 28. Before plans are endorsed under Condition No. 1 of this Permit, the Waste Management Plan prepared by Salt June 2021 must be approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit.

The provisions, recommendations and requirements of the approved Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area.

Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

- 29. The use and development must not adversely affect the amenity of the area, including through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil;

and/or in any other way, to the satisfaction of the Responsible Authority.

- 30. Before plans are endorsed under Condition No. 1 of this Permit, the Bike Concept Plan must be revised in accordance with Condition No. 38 of this Permit approved by the Responsible Authority. When approved, the revised Bike Concept Plan will be endorsed and will then form part of this Permit.
- 31. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
- 32. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
- 33. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
- 34. No food or beverage containers may be taken off the premises from patrons to the live music venue.
- 35. Car spaces and bicycle spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
- 36. Before the use starts, the areas set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the

- plans;
- (c) surfaced with an all-weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways,
- to the satisfaction of the Responsible Authority.
37. At all times when the use is operating during its permitted hours, the car and bicycle parking areas must be illuminated to the satisfaction of the Responsible Authority. All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
38. The bike parking area and valet service may operate between 10:00am to 10:00pm from Tuesdays until Sundays, for patrons, with one (1) staff member accessing the bike parking area to retrieve patrons bikes after 10:00pm, up until 12.30am in alignment with ground floor operating hours, to the satisfaction of the Responsible Authority.
39. The kitchen exhaust system must be installed and maintained to prevent the emission of unreasonable odours from the site to the satisfaction of the Responsible Authority.
40. Before the use starts and before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Venue Transport Policy must be submitted and approved by the Responsible Authority. The Policy must demonstrate how patrons will be informed and incentivised to travel sustainably to the venue to the satisfaction of the Responsible Authority.
41. Prior to the commencement of works or the use of the land that forms part of the right of way to the north of the site that is currently used as a cool room, this land must be purchased by the owner of the land of No. 212 – 220 High Street, Northcote.

Department of Transport Conditions No. 42 to 43.

42. The construction of the development must not disrupt bus operations on Bastings Street or tram operations on High Street without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt public transport operations during the construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
43. Any damage to public transport infrastructure during the construction of the development must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Notations

- N1 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other

- relevant approvals and make themselves aware of easements and restrictive covenants affecting the site
- N3 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the use and development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6 Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.
- N7 The sale of liquor may require permission from the Victorian Commission for Gambling and Liquor Regulation and Council.
- N8 The use of the land may require approval by, and/or registration with, Council's Health Protection Unit under the provisions of the *Food Act 1984*, *Public Health and Wellbeing Act 2008* and/or *Tobacco Act 1987*.

Motion

MOVED: Cr. T Hannan

SECONDED: Cr. S Rennie

That Planning Permit Application D/777/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and 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 this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Drawing numbers, A000, A010, A011, A100, A101, A103, A105, A106, A111, A113, A114, A115, A116, A200, A201, A203, A204, A210, A212, A401, A402, A403, A501, A602, A603, A604 all revision C, dated 12 May 2021, prepared by Winwood McKenzie Architecture) but modified to show:
 - (a) Any modifications required as a result of the Sustainable Design Assessment (SDA) required by Condition No. 7 of this Permit. A table listing the ESD commitments must be included.
 - (b) Any modifications required in the Acoustic Report in accordance with Condition No. 20 of the Permit. This can be done as a table of works or as individual notations;
 - (c) Any modifications as a result of the Patron Management Plan in accordance with Condition No. 28 of the Permit.
 - (d) Any modifications as a result of the Waste Management Plan in accordance with Condition No. 30 of the Permit.
 - (e) Any modifications as required by the Bike Concept Plan in accordance with Condition No. 32 of the permit.
 - (f) Any modifications as a result of the Sustainable Venue Transport Policy in accordance with Condition No. 42 of the Permit.
 - (g) A revised Venue Management Plan to include a comprehensive complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant.
 - (h) The relocation of the main entry/exit doors to be from High Street with a notation confirming that patrons to exit to High Street only and that the Basting Street entry/exit from the premises must not be used after 10:00pm (except for patrons who require lift access).
 - (i) An arboricultural assessment, prepared by a suitably qualified person and in accordance with AS4970-2009 Protection of Trees on Development Sites, detailing all trees on and adjacent to the site that are affected by any proposed works at No. 1 Wimble Street, Northcote. The report must list all species names and recommend either removal or retention with protection measures necessary for those retained.
 - (j) Minimisation of noise levels arising from the bicycle parking and valet area located at No. 1 Wimble Street, through the provision of an acoustic fence erected along the northern common boundary. Details of the fence height, materials and design must be included on the endorsed plans in accordance with acoustic recommendations.
 - (k) A landscape buffer adjacent the north common boundary designed to improve the amenity and visual impact of the bicycle parking area in relation to the adjacent

residential property. The landscape buffer must not result in a reduction to the 140 bicycle parking spaces.

When approved, the plans will be endorsed and form part of this Permit.

2. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. This Permit will expire if either:
 - (a) The development does not start within three (3) years from the date of this Permit; or
 - (b) The development is not completed or the use is not started within five (5) years of the date of this Permit.

As relevant, the Responsible Authority may extend the times referred to if a request is made in writing:

- (a) Before this Permit expires;
 - (b) Within six (6) months after the expiry date; or
 - (c) Within twelve (12) months after the expiry date if the request relates to the completion of the development or a stage of the development.
4. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
 5. The land must be drained to the satisfaction of the Responsible Authority.

6. **Before the use starts the owner of the land at 212-220 High Street and 1 Wimble Street, Northcote, must enter into an Agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority, which, in addition to the usual machinery provisions, makes provision for the following:**

- a) **That prior to the commencement of the use, the owner must pay a security in the amount of \$35,000 exclusive of GST (Security) to Council in the form of either cash or bond or bank guarantee from an Australian Bank to the satisfaction of Council. The security charge will be adjusted annually in accordance with movements in the Consumer Price Index (Melbourne – All Groups) as prescribed by the Australian Bureau of Statistics. This adjustment will occur automatically on July 1 each year, without amendment of the Planning Permit.**
 - b) **The Security is to be held by the Responsible Authority and used for the purpose of undertaking a car parking survey of the streets within 500 metres of the land not earlier than 12 months before the commencement of the use (at least 90% patron capacity).**
 - c) **If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security.**
 - d) **If the Responsible Authority determines that no car parking survey / no permit system / parking restrictions are required, any unspent amount of the Security is to be returned to the person that paid the Security.**
 - e) **The Responsible Authority must repay the total Security if it is not drawn**
-

down within 72 months of the commencement of the main room / performance space (at 90% patron capacity).

Before the use starts, the agreement must be registered on the Title to the land. The costs of the preparation and execution of the Agreement and its registration on Title must be borne by the owner of the land.

7. Before plans are endorsed under Condition No. 1 of this Permit, an amended Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the amended SDA will be endorsed and will then form part of this Permit. The amended SDA must be generally in accordance with the document identified as *Environmentally Sustainable Design prepared by Low Impact Development Consulting, dated 18 March 2021*, but modified to show:

- (a) Specific examples of how the building will be carbon neutral and if/how this is linked to green energy;
- (b) Any shade cloth to be a non-combustible material;
- (c) Details of western shading to roof top bar;
- (d) Details of how cigarettes are to be disposed;
- (e) Details of the size and location of the solar PV system to be used. The size of the panels must be shown on the endorsed roof plans. The solar PV panels must be in a location on the roof that will be least impacted by future development potential to the satisfaction of the Responsible Authority.

The requirements of the endorsed SDA must be implemented and complied with to the satisfaction of the Responsible Authority.

8. During the construction phase of the development:

- (a) Only clean rainwater may be discharged to the stormwater drainage system;
- (b) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises, enters the stormwater drainage system;
- (c) Vehicle borne materials must not accumulate on the roads abutting the site;
- (d) All machinery and equipment must be cleaned (if required) on site and not on adjacent footpaths or roads;
- (e) All litter (including items such as cement bags, food packaging and plastic stripping) must be disposed of responsibly;
- (f) All site operations must comply with the Environment Protection (Residential Noise) Regulations 2008 and Darebin General Local Law No.1 2015 Clause 16.

9. The use including the number of patrons may operate only between the hours of:

Use	Patrons*	Hours:
Restaurant & wine bar	25	Monday to Sunday – 7:00am to 1.30am
Cocktail bar	25	Monday to Sunday – 12:00pm to 1.30am
Main room / Performance Space	1130	Sunday to Wednesday – 9:00am to 11:00pm (in accordance with Condition No. 11).

		Thursday to Saturday 9:00am to 12:30am.
Food service window	52 (these patrons are included in the main room capacity, however, do not account for the takeaway service).	Monday to Sunday – 5:00pm to 11.30pm
Mezzanine level cocktail bar	380	Monday to Sunday – 9:00am to 3:00am
Rooftop bar	200	Monday to Wednesday – 9:00am to 10:00pm; Thursday to Sunday – 9:00am to 11.00pm

*** No more than 1500 patrons may be present on the premises at any one time.**

10. **No more than 1500 patrons may be present on the premises at any one time. This includes the main room / performance space and all other spaces including the restaurants and bars as shown in the table under Condition No. 9 of this Permit.**
11. **From Sunday to Wednesday the main performance space must not operate beyond 11:00pm, with the exception of 50 late nights per year where the use may operate until 12:30am.**
12. Other than in the event of an emergency the northern external stairs must not be used by patrons after 9:00pm.
13. Other than in the event of an emergency the southern external stairs must not be used by patrons after 11:00pm.
14. Other than in the event of an emergency or for patrons requiring lift access, the Basting Street entry/exit from the premises must not be used after 10:00pm.
15. The main room / performance space is permitted to play live music in accordance with the revised acoustic report required by Condition No. 18 of this permit.
16. The main room / performance space is permitted to play background music until the closure of the space at 12.30am on any night.
17. The roof top bar and the restaurant & wine bar must not be used for live music.
No music other than of a type and volume appropriate to background music may be emitted from external speakers in the rooftop area. For the purposes of this condition, background music means any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree, shout, or use a stage voice such as that used by an actor in the theatre.
18. The mezzanine level and cocktail bar may operate with background music including DJs.
19. Live music noise must be assessed by a qualified sound technician over a 15-minute period at the commencement of any live music performance to confirm that music levels comply with noise limits under the relevant noise limits specified in the

Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol

20. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:
- (a) Detail any recommended acoustic attenuation measures to ensure that the live music venue is designed, constructed and managed to minimise noise emissions from the premises;
 - (b) Include acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

The requirements of the approved Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.

21. Within two (2) months of the completion of the buildings and works as shown on the plans endorsed under Condition No. 1, a Post Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The Post Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:
- (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 have been implemented;
 - (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 achieve:
 - (i) any noise targets contained within the Acoustic Report;
 - (ii) compliance with the maximum noise levels prescribed by the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol

The assessment must include acoustic testing undertaken by a suitably qualified acoustic engineer.

- (c) If the testing reveals that the use/development does not meet relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol include recommendations for modifications of the buildings and works to bring the use and development into compliance with those requirements and timeframes for those modifications.

The requirements of the endorsed Post Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Any recommended modifications must be carried out within the timeframes specified in the endorsed Post Commencement Acoustic Report.

Within two (2) months of the completion of the recommended modifications, further acoustic testing must be carried out by a suitably qualified acoustic engineer to confirm whether the use complies with the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol and a written report to the satisfaction of the Responsible

Authority must be submitted to and approved by the Responsible Authority.

All acoustic testing must be carried out during a peak operation of the live music venue.

At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.

22. Noise levels from the premises must not exceed those required to be met under the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol.
23. The delivery of goods to the site, and the loading and unloading of goods from vehicles, may only occur during the following times:
 - (a) 7:00am - 10:00pm Monday to Saturday
 - (a) 9:00am - 10:00pm Sundays and public holidays.
24. This Permit allows the use of the land only by the owner/operator of the business known as '*Northcote Theatre*' to the satisfaction of the Responsible Authority. If the business owner/operator ceases to use the land for the Place of Assembly, this Permit will expire.
25. A sign or signs must be displayed at the exit(s) to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
26. At all times during the operation of the use, there must be present on the premises a person(s), over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
27. At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
 - (a) patrons leave the premises in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
 - (b) patrons do not loiter around the premises or nearby residential properties to the satisfaction of the Responsible Authority.
28. Before the use starts and before the plans are endorsed under Condition No.1 of this Permit, the Venue Management Plan must be amended for approval and to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance the Patron Management Plan. Amendments required:
 - (a) The training of staff and the management of patron behaviour;
 - (b) Staff communication arrangements;
 - (c) Measures to control noise emissions from the premises and amenity control;
 - (d) Measures to prevent vandalism and antisocial behaviour;
 - (e) Details on the main exit and entry points. All patrons to exist the premises from High Street after 10:00pm;
 - (f) Operating hours as per Condition No. 8 of the Permit;

- (g) Methods to ensure that taxi and ride share pick up occurs via High Street only. Not Bastings Street and;
 - (h) A comprehensive complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant,
to the satisfaction of a Responsible Authority.
29. Collection of waste must be conducted so as not to cause any disturbance to nearby residential properties in accordance with EPA Noise Control Guidelines (Publication 1254 October 2008). The following must be adhered to:
- (a) Collections may only be carried out between 7:00am to 8:00pm Monday to Saturday and 9:00am to 8:00pm Sundays and Public Holidays;
 - (b) Compaction may only be carried out while on the move;
 - (c) Bottles must not be broken up at the point of collection;
 - (d) Waste is only to be transferred to external bins between 9:00am and 6:00pm;
 - (e) Waste collection must be via Bastings Street and the bins at no point should be left on the kerbside;
- to the satisfaction of the Responsible Authority.
30. Before plans are endorsed under Condition No. 1 of this Permit, the Waste Management Plan prepared by Salt June 2021 must be approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit.
- The provisions, recommendations and requirements of the approved Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- Waste storage and collection must not affect the amenity of the surrounding area.
- Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.
31. The use and development must not adversely affect the amenity of the area, including through the:
- (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works, stored goods or materials;
 - (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil;
- and/or in any other way, to the satisfaction of the Responsible Authority.
32. Before plans are endorsed under Condition No. 1 of this Permit, the Bike Concept Plan must be revised in accordance with Condition No. 38 of this Permit approved by the Responsible Authority. When approved, the revised Bike Concept Plan will be endorsed and will then form part of this Permit.
33. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
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34. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.
35. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
36. No food or beverage containers may be taken off the premises from patrons to the live music venue.
37. Car spaces and bicycle spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
38. Before the use starts, the areas set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plan(s) must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways,to the satisfaction of the Responsible Authority.
39. At all times when the use is operating during its permitted hours, the car and bicycle parking areas must be illuminated to the satisfaction of the Responsible Authority. All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
40. The bike parking area and valet service may operate between 10:00am to 10:00pm from Tuesdays until Sundays, for patrons, with one (1) staff member accessing the bike parking area to retrieve patrons bikes after 10:00pm, up until 12.30am in alignment with ground floor operating hours, to the satisfaction of the Responsible Authority.
41. The kitchen exhaust system must be installed and maintained to prevent the emission of unreasonable odours from the site to the satisfaction of the Responsible Authority.
42. Before the use starts and before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Venue Transport Policy must be submitted and approved by the Responsible Authority. The Policy must demonstrate how patrons will be informed and incentivised to travel sustainably to the venue to the satisfaction of the Responsible Authority.
43. Prior to the commencement of works or the use of the land that forms part of the right of way to the north of the site that is currently used as a cool room, this land must be purchased by the owner of the land of No. 212 – 220 High Street, Northcote.

Department of Transport Conditions No. 44 to 45.

44. The construction of the development must not disrupt bus operations on Bastings Street or tram operations on High Street without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt public transport operations during the construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
45. Any damage to public transport infrastructure during the construction of the development must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Notations

- N1 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site
- N3 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the use and development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6 Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.
- N7 The sale of liquor may require permission from the Victorian Commission for Gambling and Liquor Regulation and Council.
- N8 The use of the land may require approval by, and/or registration with, Council's Health Protection Unit under the provisions of the *Food Act 1984*, *Public Health and Wellbeing Act 2008* and/or *Tobacco Act 1987*.

The motion was put and carried.

Committee Decision**MOVED: Cr. T Hannan****SECONDED: Cr. S Rennie**

That Planning Permit Application D/777/2020 be supported and a Notice of Decision to Grant a Permit be issued subject to the following conditions:

1. Before the development and 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 this Permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application (identified as: Drawing numbers, A000, A010, A011, A100, A101, A103, A105, A106, A111, A113, A114, A115, A116, A200, A201, A203, A204, A210, A212, A401, A402, A403, A501, A602, A603, A604 all revision C, dated 12 May 2021, prepared by Winwood McKenzie Architecture) but modified to show:
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 - (g) A revised Venue Management Plan to include a comprehensive complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant.
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 - (k) A landscape buffer adjacent the north common boundary designed to improve the amenity and visual impact of the bicycle parking area in relation to the adjacent

residential property. The landscape buffer must not result in a reduction to the 140 bicycle parking spaces.

When approved, the plans will be endorsed and form part of this Permit.

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 5. The land must be drained to the satisfaction of the Responsible Authority.
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 - c) If the Responsible Authority determines that the incidence of car parking on nearby residential streets is such that a permit system / parking restrictions should be established for any street or streets, the Responsible Authority may instigate the permit system / parking restrictions and draw down on the Security to cover the costs of such implementation to the extent of the Security.
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- (c) Details of western shading to roof top bar;
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* No more than 1500 patrons may be present on the premises at any one time.

10. No more than 1500 patrons may be present on the premises at any one time. This includes the main room / performance space and all other spaces including the restaurants and bars as shown in the table under Condition No. 9 of this Permit.
11. From Sunday to Wednesday the main performance space must not operate beyond 11:00pm, with the exception of 50 late nights per year where the use may operate until 12:30am.
12. Other than in the event of an emergency the northern external stairs must not be used by patrons after 9:00pm.
13. Other than in the event of an emergency the southern external stairs must not be used by patrons after 11:00pm.
14. Other than in the event of an emergency or for patrons requiring lift access, the Basting Street entry/exit from the premises must not be used after 10:00pm.
15. The main room / performance space is permitted to play live music in accordance with the revised acoustic report required by Condition No. 18 of this permit.
16. The main room / performance space is permitted to play background music until the closure of the space at 12.30am on any night.
17. The roof top bar and the restaurant & wine bar must not be used for live music.
No music other than of a type and volume appropriate to background music may be emitted from external speakers in the rooftop area. For the purposes of this condition, background music means any music played at a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voice to a substantial degree, shout, or use a stage voice such as that used by an actor in the theatre.
18. The mezzanine level and cocktail bar may operate with background music including DJs.
19. Live music noise must be assessed by a qualified sound technician over a 15-minute period at the commencement of any live music performance to confirm that music levels comply with noise limits under the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol
20. Before plans are endorsed under Condition No. 1 of this Permit, an Acoustic Report

to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will then form part of this Permit. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:

- (a) Detail any recommended acoustic attenuation measures to ensure that the live music venue is designed, constructed and managed to minimise noise emissions from the premises;
- (b) Include acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue.

The requirements of the approved Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority. At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.

21. Within two (2) months of the completion of the buildings and works as shown on the plans endorsed under Condition No. 1, a Post Commencement Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Post Commencement Acoustic Report will be endorsed and will form part of this Permit. The Post Commencement Acoustic Report must be prepared by a suitably qualified acoustic engineer and must:

- (a) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 have been implemented;
- (b) Assess whether the noise attenuation measures contained within the Acoustic Report required under Condition No. 18 achieve:
 - (i) any noise targets contained within the Acoustic Report;
 - (ii) compliance with the maximum noise levels prescribed by the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol

The assessment must include acoustic testing undertaken by a suitably qualified acoustic engineer.

- (c) If the testing reveals that the use/development does not meet relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol include recommendations for modifications of the buildings and works to bring the use and development into compliance with those requirements and timeframes for those modifications.

The requirements of the endorsed Post Commencement Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Any recommended modifications must be carried out within the timeframes specified in the endorsed Post Commencement Acoustic Report.

Within two (2) months of the completion of the recommended modifications, further acoustic testing must be carried out by a suitably qualified acoustic engineer to confirm whether the use complies with the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol and a written report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

All acoustic testing must be carried out during a peak operation of the live music venue.

At the request of the Responsible Authority, this report will be subject to peer review by a qualified acoustic engineer selected by the Responsible Authority and to the satisfaction of the Responsible Authority, at the full cost of the owner/operator.

22. Noise levels from the premises must not exceed those required to be met under the relevant noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and relevant Noise Protocol.
23. The delivery of goods to the site, and the loading and unloading of goods from vehicles, may only occur during the following times:
 - (b) 7:00am - 10:00pm Monday to Saturday
 - (b) 9:00am - 10:00pm Sundays and public holidays.
24. This Permit allows the use of the land only by the owner/operator of the business known as '*Northcote Theatre*' to the satisfaction of the Responsible Authority. If the business owner/operator ceases to use the land for the Place of Assembly, this Permit will expire.
25. A sign or signs must be displayed at the exit(s) to the building requesting that patrons leave the site promptly and in a manner that does not cause disturbance to the amenity of the neighbourhood.
26. At all times during the operation of the use, there must be present on the premises a person(s), over the age of eighteen (18) years, who is responsible for ensuring that the activities on the premises, and the conduct of persons attending the premises, do not have a detrimental impact on the amenity of the locality, to the satisfaction of the Responsible Authority.
27. At all times during the operation of the use, appropriately trained staff must be provided by the operator of the use to ensure that:
 - (c) patrons leave the premises in a quiet and orderly manner so that disturbance is not caused to the amenity of the neighbourhood; and
 - (d) patrons do not loiter around the premises or nearby residential properties to the satisfaction of the Responsible Authority.
28. Before the use starts and before the plans are endorsed under Condition No.1 of this Permit, the Venue Management Plan must be amended for approval and to the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must be generally in accordance the Patron Management Plan. Amendments required:
 - (a) The training of staff and the management of patron behaviour;
 - (b) Staff communication arrangements;
 - (c) Measures to control noise emissions from the premises and amenity control;
 - (d) Measures to prevent vandalism and antisocial behaviour;
 - (e) Details on the main exit and entry points. All patrons to exist the premises from High Street after 10:00pm;
 - (f) Operating hours as per Condition No. 8 of the Permit;
 - (g) Methods to ensure that taxi and ride share pick up occurs via High Street only. Not Bastings Street and;
 - (h) A comprehensive complaint handling process to be put in place to effectively

manage complaints received from neighbouring and nearby businesses and residents. This must include details of a Complaints Register to be kept at the premises. The Register must include details of the complaint received, any action taken and the response provided to the complainant,

to the satisfaction of a Responsible Authority.

29. Collection of waste must be conducted so as not to cause any disturbance to nearby residential properties in accordance with EPA Noise Control Guidelines (Publication 1254 October 2008). The following must be adhered to:

- (a) Collections may only be carried out between 7:00am to 8:00pm Monday to Saturday and 9:00am to 8:00pm Sundays and Public Holidays;
- (b) Compaction may only be carried out while on the move;
- (c) Bottles must not be broken up at the point of collection;
- (d) Waste is only to be transferred to external bins between 9:00am and 6:00pm;
- (e) Waste collection must be via Bastings Street and the bins at no point should be left on the kerbside;

to the satisfaction of the Responsible Authority.

30. Before plans are endorsed under Condition No. 1 of this Permit, the Waste Management Plan prepared by Salt June 2021 must be approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will then form part of this Permit.

The provisions, recommendations and requirements of the approved Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Waste storage and collection must not affect the amenity of the surrounding area.

Waste storage and collection must not cause any interference with the circulation and parking of vehicles on abutting streets.

31. The use and development must not adversely affect the amenity of the area, including through the:

- (a) transport of materials, goods or commodities to or from the land;
- (b) appearance of any building, works, stored goods or materials;
- (c) emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste-water, waste products, grit or oil;

and/or in any other way, to the satisfaction of the Responsible Authority.

32. Before plans are endorsed under Condition No. 1 of this Permit, the Bike Concept Plan must be revised in accordance with Condition No. 38 of this Permit approved by the Responsible Authority. When approved, the revised Bike Concept Plan will be endorsed and will then form part of this Permit.

33. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.

34. No intermittent or flashing light may be installed on the land without the prior written consent of the Responsible Authority.

35. No goods, equipment, packaging material, or any other material/object must be stored, or left exposed, outside a building that will be visible from any public road or thoroughfare, to the satisfaction of the Responsible Authority.
36. No food or beverage containers may be taken off the premises from patrons to the live music venue.
37. Car spaces and bicycle spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
38. Before the use starts, the areas set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plan(s) must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather sealcoat;
 - (d) drained;
 - (e) line-marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along the access lanes and driveways,
- to the satisfaction of the Responsible Authority.
39. At all times when the use is operating during its permitted hours, the car and bicycle parking areas must be illuminated to the satisfaction of the Responsible Authority. All external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining and nearby land to the satisfaction of the Responsible Authority.
40. The bike parking area and valet service may operate between 10:00am to 10:00pm from Tuesdays until Sundays, for patrons, with one (1) staff member accessing the bike parking area to retrieve patrons bikes after 10:00pm, up until 12.30am in alignment with ground floor operating hours, to the satisfaction of the Responsible Authority.
41. The kitchen exhaust system must be installed and maintained to prevent the emission of unreasonable odours from the site to the satisfaction of the Responsible Authority.
42. Before the use starts and before plans are endorsed under Condition No. 1 of this Permit, a Sustainable Venue Transport Policy must be submitted and approved by the Responsible Authority. The Policy must demonstrate how patrons will be informed and incentivised to travel sustainably to the venue to the satisfaction of the Responsible Authority.
43. Prior to the commencement of works or the use of the land that forms part of the right of way to the north of the site that is currently used as a cool room, this land must be purchased by the owner of the land of No. 212 – 220 High Street, Northcote.

Department of Transport Conditions No. 44 to 45.

44. The construction of the development must not disrupt bus operations on Bastings Street or tram operations on High Street without the prior written consent of the Head, Transport for Victoria. Any request for written consent to disrupt public transport

operations during the construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

45. Any damage to public transport infrastructure during the construction of the development must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Notations

- N1 Any failure to comply with the conditions of this planning permit may result in the issue of an Enforcement Order against some or all persons having an interest in the site. Non-compliance may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
- N2 This planning permit is one of several approvals required before use or development is allowed to start on the site. The planning permit holder is required to obtain other relevant approvals and make themselves aware of easements and restrictive covenants affecting the site
- N3 Amendments made to plans noted in Condition 1 of this Permit are the only ones that will be assessed by Council. If additional amendments are made to the use and development they must be brought to the attention of Council as additional planning assessment may be required through a separate planning approval.
- N4 This Planning Permit represents the planning approval for the use and/or development of the site, and does not represent the approval of other Council departments or statutory authorities. Other approvals may be required before the use/and or development allowed by this planning permit starts.
- N5 Where the Disability Discrimination Act requires the provision of disabled access to the premises any such access must be in accordance with the requirements of this Act.
- N6 Except where no planning permission is required under the Darebin Planning Scheme, no sign may be displayed on the site without further planning approval.
- N7 The sale of liquor may require permission from the Victorian Commission for Gambling and Liquor Regulation and Council.
- N8 The use of the land may require approval by, and/or registration with, Council's Health Protection Unit under the provisions of the *Food Act 1984*, *Public Health and Wellbeing Act 2008* and/or *Tobacco Act 1987*.

For: Cr's. Hannan, McCarthy, Messina, Newton, Rennie and Williams (6)

Abstained: Cr. Greco (1)

CARRIED

6. OTHER BUSINESS

Nil

7. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

Nil

8. CLOSE OF MEETING


The meeting closed at 7.58 pm.

**CITY OF
DAREBIN**

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