



Moreland City Council

Moreland City Council
Municipal Offices
90 Bell Street
Coburg
Victoria 3058

PLANNING PERMIT

Permit No. MPS/2019/594

Planning Scheme: Moreland Planning Scheme

Responsible Authority: Moreland City Council

ADDRESS OF LAND:

1/294 Lygon Street, BRUNSWICK EAST VIC
3057

WHAT THE PERMIT ALLOWS: Use of the land for the sale and consumption of liquor in association with a bar., in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use commences, 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 must be generally in accordance with the plans advertised 03/03/2020 but modified to show:
 - a) Any buildings and works required to implement noise attenuation measures in accordance with the acoustic report required by Condition 6 of this permit (e.g. airlocks to venue entrance).
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01, 62.02-1 and 62.02-2 of the Moreland Planning Scheme unless specifically noted as a permit condition.
3. Prior to the commencement of the use, a Venue and Patron Management Plan (VPMP) must be submitted to the satisfaction of the Responsible Authority. The VPMP must be a stand-alone document and must include details of venue and patron management, including details generally in accordance with Pages 12 and 13 of the planning submission, prepared by Clause 1 Planning. Once submitted to and approved by the Responsible Authority, the VPMP will be endorsed to form part of the permit. The VPMP must be implemented complied with at all times during the operation of the use. No alterations to the VPMP may occur without the written consent of the Responsible Authority.
4. The use allowed by this permit must operate only between the following hours;
 - Sunday to Thursday 10:00am to 11:00pm
 - Friday and Saturday 10:00am to 1:00am

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5. The maximum number of patrons permitted on the premises must not exceed 110.
6. Prior to the commencement of the use, an Acoustic Report generally in accordance with the report advertised on the 03/03/202 (prepared by Marshall Day Acoustics) must be endorsed to form part of the permit and the venue must be soundproofed in accordance with the recommendations contained within the endorsed Acoustic Report. The Acoustic Report endorsed under this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.
7. Within 2 months of the commencement of the use, acoustic testing is to be carried out to ascertain whether the use complies with the maximum noise levels prescribed by SEPP N-2. The testing is to be carried out by an independent acoustician approved by the Responsible Authority. If the testing reveals that the use does not meet the specified maximum noise levels the buildings and works must be modified to make the use compliant with those levels. After any modifications have been made further acoustic testing must be carried out to ascertain whether the use complies with the prescribed noise levels. All acoustic testing is to be carried out during a busy period. The results of testing are to be provided to the Responsible Authority and made available to the public.
8. Noise levels associated with the use must at all times comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Should the Responsible Authority deem it necessary, the owner and/or occupier of the land must submit an Acoustic Report to the satisfaction of the Responsible Authority to demonstrate compliance, or which outlines any measures considered necessary to achieve compliance. The recommendations of the Acoustic Report must be implemented to the satisfaction of the Responsible Authority. The endorsed plans must be amended to accord with the recommendations contained in the Acoustic Report to the satisfaction of the Responsible Authority.
9. Prior to the endorsement of plans, an amended Waste Management Plan as approved under MPS/2011/531 must be submitted and approved to the satisfaction of the Responsible Authority. The Plan must reflect any changes required by the new use, but not increase the number of bin associated with the tenancy.
10. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the

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Responsible Authority unless with the further written approval of the Responsible Authority.

11. This permit will expire if the use is not commenced within two years from the date of issue of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards.

Notes: These notes are for information only and do not constitute part of this permit or conditions of this permit.

Note 1: This permit is for the use of the land and/or buildings and does not constitute any authority to conduct a business requiring Health Act/Food Act registration without prior approval in writing from the Responsible Authority.

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PERMIT

WHAT HAS BEEN DECIDED?

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

1. from the date specified in the permit; **or**
2. if no date is specified, from:
 - a. the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal, **or**
 - b. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; **or**
 - (b) the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; **or**
 - (c) the development or any stage is not completed within the time specified in the permit, **or**, if no time is specified, within two years after the issue of the permit **or** in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if:
 - (a) the use does not start within the time specified in the permit, **or** if no time is specified, within two years after the issue of the permit; **or**
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if:
 - (a) the development or any stage of it does not start within the time specified in the permit; **or**
 - (b) the development or any stage of it is not completed within the time specified in the permit, **or**, if no time is specified, within two years after the issue of the permit; **or**
 - (c) the use does not start within the time specified in the permit, **or**, if no time is specified, within two years after the completion of the development, **or**
 - (d) the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.