



Merri-bek
City Council

COUNCIL AGENDA

PLANNING AND RELATED MATTERS

Wednesday 25 October 2023

Commencing 6.30 pm

Council Chamber, Merri-bek Civic Centre, 90 Bell Street,
Coburg

Language Link

This is the Agenda for the Council meeting.
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ਇਹ ਕੌਂਸਲ ਦੀ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ ਹੈ। ਏਜੰਡੇ ਦੀ ਕਿਸੇ ਆਈਟਮ ਬਾਰੇ ਮਦਦ ਲਈ, ਕ੍ਰਿਪਾ ਕਰਕੇ 9280 0751 ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Acknowledgement of the traditional custodians of the City of Merri-bek

Merri-bek City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Custodians of the lands and waterways in the area now known as Merri-bek, and pays respect to their elders past, present, and emerging, as well as to all First Nations communities who significantly contribute to the life of the area.

- 1. WELCOME**
- 2. APOLOGIES**
- 3. DISCLOSURES OF CONFLICTS OF INTEREST**
- 4. MINUTE CONFIRMATION**

The minutes of the Planning and Related Matters Meeting held on 27 September 2023 be confirmed.

5. COUNCIL REPORTS

- 5.1 347 REYNARD STREET, PASCOE VALE SOUTH -
AMENDMENT TO PLANNING APPLICATION MPS/2021/520/A 4

6. URGENT BUSINESS

5. COUNCIL REPORTS

5.1 347 REYNARD STREET, PASCOE VALE SOUTH - AMENDMENT TO PLANNING APPLICATION MPS/2021/520/A

Group Manager City Development Phil Priest

City Development

Executive Summary



Property:	347 Reynard Street, Pascoe Vale South		
Existing Permit:	Use of the land for a restaurant, buildings and works, sale and consumption of liquor, display of business identification signage and reduction in car parking		
Proposed Amendment:	Increased operating hours to include evening trading		
Zoning and Overlay/s:	<ul style="list-style-type: none">Neighbourhood Residential Zone – Schedule 1Development Contributions Plan Overlay		
Strategic setting:	Minimal change	Incremental change	Significant change
Objections:	16 objections received (from 12 properties) raising the following key issues: <ul style="list-style-type: none">Hours of operationPatron numbersNoiseCar parking		
Planning Information and Discussion (PID) Meeting:	A PID was held on 22 August 2023 Attendees: Twelve (12) objectors, the applicants (2), two (2) Council officers and Cr Monica Harte The meeting provided an opportunity for the objectors concerns to be discussed and helped inform the preparation of this report. Following the PID meeting, the applicant has revised operating hours by reducing the hours of operation on weekdays and revised the patron capacity in the courtyard in response to objector concerns.		
Key reasons for support	<ul style="list-style-type: none">Off-site impacts will be managed through conditions which relate to hours of operation, patron numbers, noise impacts and venue management.The proposed changes will continue to serve local community needs and subject to a reduction in the extension of hours sought and a reduced patron capacity during evening hours, the proposed changes to an approved restaurant will not have unreasonable impacts.		
Recommendation:	Notice of Decision to Grant an Amended Planning Permit		

Officer Recommendation

That a Notice of Decision to Grant an Amended Planning Permit No. MPS/2021/520/A be issued for the use of the land for a **restaurant**, buildings and works, sale and consumption of liquor, display of business identification signage and reduction in car parking at 347 Reynard Street, Pascoe Vale South, subject to the following conditions (**changes bolded**):

Amended Plans

1. **Prior to the commencement of the use, 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 to supersede the corresponding previously endorsed plans and will then form part of the permit. The plans must be generally in accordance with the plans advertised 28 June 2023 and must show:**
 - a) **All servery windows including all notations deleted, to ensure pedestrian movement around the premises is not impeded.**
 - b) **Any practical changes to the plans required by condition 23 (Venue and Patron Management) of this permit.**

Compliance with Endorsed Plans

2. The use and development allowed by the permit must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clauses 62.01 of the Merri-bek Planning Scheme unless specifically noted as a permit condition.
3. The location, dimensions, shape, and associated structures of every sign must accord with the endorsed plans and must not be altered, unless with the consent of the Responsible Authority.

Hours of Operation

4. The use may only occur between the following hours:
 - a) Monday to **Wednesday:** 7:00 am to 5:00 pm
 - b) **Thursday:** 7:00 am to 9:00 pm
 - c) **Friday to Saturday** 7:00 am to 10:00 pm
 - d) **Sunday:** 8:00 am to 5:00 pm
5. **The use within the external courtyard area must only occur between the following hours:**
 - a) **Monday to Wednesday:** 7:00 am to 5:00 pm
 - b) **Thursday:** 7:00 am to 5:00 pm
 - c) **Friday to Saturday** 7:00 am to 10:00 pm
 - d) **Sunday:** 8:00 am to 5:00 pm

Maximum Number of Patrons

6. **Deleted.**
7. The maximum number of patrons permitted on the premises must not exceed the following at any one time:
 - a) 100 total patrons **until 5pm;**
 - b) **84 total patrons after 5pm; and**
 - c) **32 patrons outdoors.**

Amenity

8. **The side entrance to the rear courtyard must remain closed to patrons at all times except when required as an emergency exit.**
9. **At all times tables and chairs must be placed in position on the land so as to be available for at least 75 per cent of patrons.**
10. **The predominant activity carried out on the land must be the preparation and serving of meals for consumption on the premises.**
11. The use must not detrimentally affect the amenity of the neighbourhood, including through the:
 - a) Transport of materials, goods, or commodities to or from the land.
 - b) Appearance of any building works or materials.
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil.to the satisfaction of the Responsible Authority.
12. The recommendations of the Acoustic Report prepared by *Audiometric and Acoustic Services* dated 30 June 2021 must be implemented prior to commencement of the use to the satisfaction of the Responsible Authority. In particular:
 - a) The construction of acoustic fences and an acoustic awning to the courtyard area.
 - b) Seals to doorways and windows.
 - c) Acoustic barriers to mechanic plants.
 - d) Delivery hours to be as stated in Section 9.4 of the report.
 - e) Waste management to be to be as stated in Section 9.5 of the report.
 - f) Music noise to be to be as stated in Section 9.7 of the report.No alterations to the Acoustic Report may occur without the written consent of the Responsible Authority.
13. 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.
14. 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 the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021).

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 **and include post 5:00 pm operations. A busy period is considered to be at least 75 per cent capacity.** The results of testing are to be provided to the Responsible Authority and made available to the public.
15. Noise levels associated with the use must at all times comply with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.2, Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues, Environmental Protection Authority, March 2021).

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 which demonstrates compliance, or which outlines any measures considered necessary to achieve compliance.

16. **The site must not be used for live music and no music other than of a type and volume appropriate to background music may be emitted from external speakers inside the building. Background music is defined as 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. It is not background music if it is played at a level which requires patrons to shout or use a stage voice such as that used by an actor in the theatre, in order to carry out a conversation at such a distance.**
17. **No music is permitted to be played within the rear courtyard area.**

Signage

18. Every sign on the land must be maintained in good condition to the satisfaction of the Responsible Authority.
19. The illuminated sign must only be lit during operating hours.
20. The maximum luminance of all internally illuminated signs must not exceed the levels prescribed AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting or any updated version that is to be released.

Tree Protection

21. Prior to the commencement of works a tree protection zone must be established around the existing street tree with barriers / fencing placed a distance of at least 12 times the trunk diameter (measured 1.4m above the ground) or 2 metres (whichever is greater) in accordance with the Australian Standard for Protection of trees on development sites (AS4970-2009) or in accordance with Council's Arborist direction to the satisfaction of the Responsible Authority.

Lighting

22. All external lighting within the property must be no higher than 1.4 metres with no direct light emitted onto adjoining property.

Venue and Patron Management

23. **Prior to the commencement of the use, an amended Venue and Patron Management Plan must be submitted to the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must be generally in accordance with the Patron Management and Amenity Action Plan advertised on 28 June 2023 but modified to include any changes required to comply with the permit.**

Once submitted to and approved by the Responsible Authority, the Venue and Patron Management Plan will be endorsed to form part of the permit.

24. **The Venue and Patron Management Plan endorsed under this permit must be implemented and complied with at all times, to the satisfaction of the Responsible Authority.**

Waste Management

25. The Waste Management Plan approved 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.

Permit Expiry

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

- a) the development is not commenced within two (2) years from the date of issue of this permit;
- b) the development is not completed within four (4) years from the date of issue of this permit;
- c) the use is not commenced within four (4) 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;

- i. within six months after the permit expires to extend the commencement date.
- ii. within 12 months after the permit expires to extend the completion date of the development if the development has lawfully commenced.

27. This permit as it relates to the signage expires 15 years for the date of issue, at which time the signage and all structures built specifically to support and illuminate the signage must be removed and the site made good.

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

Note 1: It may be necessary to obtain a building permit prior to the commencement of any demolition, building works or occupation of the building. It is strongly recommended that you consult with a registered building surveyor to advise on any requirements under the Building Act, the Building Regulations, and any other subordinate legislation. Further information can be sought from the Victorian Building Authority, Phone 1300 815 127 or www.vba.vic.gov.au. Council's building services branch can also assist you in the provision of this service and can be contacted on 9240 1111 or <http://www.merri-bek.vic.gov.au/planning-building/building-renovations-and-extensions/>.

Note 2: 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.

Date of amendment: 25-Oct-2022
Amendment Number: MPS/2021/520/A
The amendment allows later trading, including the following amendments to the permit: <ul style="list-style-type: none">• Preamble replaces land use food and drink premises with restaurant.• New Conditions 1, 5, 8, 9, 10, 16, 17, 23, 24 and 27• All Conditions renumbered• Amended Conditions 4, 7 and 14 (previously numbered as Conditions 3, 5 and 9)• Deleted Condition 6 (previously Condition 4)

1. Background

Subject site

The subject site is located at 347 Reynard Street, Pascoe Vale South. The site is located on the south-eastern corner of Reynard Street and Hillview Avenue in Pascoe Vale South. The existing building has a shopfront to Reynard Street and was previously occupied with a milk bar which has ceased operating, and the building is currently vacant. The rear of the building is occupied with a residence. The total area of the site is approximately 520 square metres, of which 320 square metres will be occupied by the restaurant. There is no on-site car parking at the site.

There are no restrictive covenants indicated on the Certificate of Title.



Fig. 1: 347 Reynard Street, Pascoe Vale South (subject site) - Taken by K. Paterson, Planning Officer, 26 September 2023



Fig. 2: 347 Reynard Street, Pascoe Vale South (subject site) - Taken by K. Paterson, planning officer, 26 September 2023



Fig. 3: 347 Reynard Street, Pascoe Vale South (subject site) - Taken by K. Paterson, planning officer, 26 September 2023

Surrounds

The surrounding area is within the Neighbourhood Residential Zone and is comprised of predominantly single-storey dwellings with limited newer infill development. While the majority of the nearby area is residential, there are pockets of small scale retail dispersed along Reynard Street to the east of the site, notably at 153-167 Reynard Street approximately 670 metres east of the site. The nearest commercial strip is located approximately 220 metres east of the site at the intersection of Melville Road and Reynard Street.

A location plan and a zoning map forms **Attachment 1**.

Planning Permit and site history

Planning Permit MPS/2021/520 was issued on 3 February 2022 for the use of the land for a food and drink premises (cafe), buildings and works, sale and consumption of liquor, display of business identification signage and reduction in car parking.

In relation to the use, the permit allowed the following:

- Hours of operation:
 - Monday to Saturday: 7.00 am – 5.00 pm
 - Sunday: 8.00 am – 5.00 pm
- 100 patrons
- The licensed area includes the internal area and the outdoor courtyard area to the rear.
- Only background music to be played internally to the premises.

On 7 November 2022, the plans were amended to extend the Acoustic Wall along both the eastern (side) and southern (rear) boundaries and make minor external alterations and changes to the internal layout.

The permit remains valid, however the restaurant use approved by the permit, has not commenced.

The proposal

The proposal seeks to amend the existing planning permit by extending the permitted hours of operation into the evening. The following changes are proposed:

	<u>Permitted Hours</u>	<u>Proposed hours</u>
Monday to Tuesday	7:00 am to 5:00 pm	7:00 am to 5:00 pm
Wednesday to Thursday	7:00 am to 5:00 pm	7:00 am to 10:00 pm
Friday to Saturday	7:00 am to 5:00 pm	7:00 am to 11:00 pm
Sunday	8:00 am to 5:00 pm	8:00 am to 10:00 pm

No changes are proposed to the patron numbers.

The recommendation includes a minor clarification to the permit preamble to clarify the use is a restaurant (from a food and drink premises) as well as conditions added regarding seating and the main activity being the preparation of meals.

The development plans form **Attachment 2**.

Statutory Controls – that apply to the application to amend the existing planning permit?

Control	Permit Requirement
Neighbourhood Residential Zone	Clause 32.09-2: Use of the land for a restaurant – extending the hours of operation of the restaurant
Particular Provisions	Clause 52.27: Permit required to use land to sell or consume liquor with hours extending into the evening

The following Particular Provisions of the Merri-bek Planning Scheme are also relevant to the consideration of the proposal:

- Clause 52.06: Car Parking. The original planning permit approved a reduction in the standard car parking requirement from 6 to 0 spaces. Note: car parking consideration does not apply to the proposed amendment as there is no increase in floor area.

- Clause 45.06: Development Contributions Plan Overlay (Schedule 1).
 - The original proposal did not increase the leasable floor area, so a DCP levy was not required to be charged.
 - No additional leasable floor area is proposed as part of this amendment application.

2. Internal/External Consultation

Public notification

Notification of the application has been undertaken pursuant to Section 52 of the *Planning and Environment Act 1987* by:

- Sending notices to the owners and occupiers of adjoining and nearby land, and
- Placing signs at each frontage of the site.

Council has received 16 objections from 12 properties to date. A map identifying the location of objectors forms **Attachment 3**.

The key issues raised in objections are:

- Noise
- Car parking and traffic
- Patron numbers
- Hours of operation
- Sale and consumption of liquor
- Waste management

A Planning Information and Discussion (PID) meeting was held on 22 August 2023 and attended by Cr Monica Harte, two (2) Council Planning Officers, the applicant and approximately twelve (12) objectors. The meeting provided an opportunity to explain the application, for the objectors to elaborate on their concerns, and for the applicant to respond.

Following the PID meeting, the applicant submitted revised operating hours and patron numbers to address concerns raised by objectors, as follows:

- Hours of operation reduced from 10:00 pm to 5:00 pm on Wednesday, from 10:00 pm to 9:00 pm on Thursday and Sunday, and from 11:00 pm to 10:00 pm on Friday and Saturday.
- The total number of patrons reduced from 100 to 84 in the evening trade only (i.e. after 5:00pm). The total number of patrons will continue to be 100 during day time hours and the courtyard will continue to have a maximum of 32 patrons in the courtyard regardless of day and evening trade.

Internal/external referrals

The application did not require any internal or statutory referrals.

3. Policy Implications

Planning Policy Framework (PPF):

The following policies are of most relevance to this application:

- Municipal Planning Strategy (Clause 2), including:
 - Vision (Clause 2.02)
 - Settlement (Clause 2.03-1)
 - Environmental Risks and Amenity (Clause 2.03-3)

- Economic Development (Clause 2.03-6)
- Settlement (Clause 11)
- Environmental Risks and Amenity (Clause 13):
 - Noise Abatement (Clause 13.05-1S and 13.05-1L)
 - Entertainment Venues and Licensed Premises (Clause 13.07-1L)
- Economic Development (Clause 17), including:
 - Diversified economy (Clause 17.01-1S & 17.01-1R)
 - Business (Clause 17.02-1S)

Human Rights Consideration

This application has been processed in accordance with the requirements of the *Planning and Environment Act 1987* (including the Merri-bek Planning Scheme) reviewed by the State Government and which complies with the *Victorian Charter of Human Rights and Responsibilities Act 2006, including Section 18 (Taking part in public life)*. In addition, the assessment of the application has had particular regard to:

- Section 12: Freedom of movement
- Section 13: Privacy and Reputation
- Section 16: Right to peaceful assembly and freedom of association
- Section 18: Right to take part in public life
- Section 20: Property rights

This application does not limit human rights. The impact of the proposed amendments on the users of the premises, visitors and other associated systems have been considered.

4. Issues

The assessment is limited to the proposed amendments and does not consider the use of the land that already have planning approval. Notably, the granting of the existing permit has already determined that there is strategic policy support for a restaurant that includes the sale of liquor on this site. In summary, a restaurant was found to be appropriate for this site as it abuts a Council collector road (Reynard Street) and occupies a former non-residential use (milk bar).

In considering this amendment to a planning permit application, regard has been given to the provisions of the Merri-bek Planning Scheme, objections received and the merits of the application.

Does the proposal have strategic policy support?

The site is located in the Neighbourhood Residential Zone, which supports a limited range of non-residential uses to serve local community needs in appropriate locations. Further, Clause 13.07-1L (Discretionary Uses in Residential Zones) of the Merri-bek Planning Scheme encourages discretionary uses in residential areas to locate provided that residential amenity is protected from disturbance associated with the hours of operation or site facilities.

Clause 52.27 (Licensed Premises) seeks to ensure that licensed premises are situated in appropriate locations. Noting that a planning permit has already been issued for the restaurant, the use of the land for a restaurant and the sale and consumption of liquor continues to represent an appropriate use in this location and is supported.

The site does however, abut residential uses and therefore does not have a buffer between this commercial use and dwellings as preferred by the policy at Clause 13.07-1L. The key consideration of this proposal relates to the appropriateness of the extended operating hours and whether this would result in any potential off-site amenity impacts, including noise and patron movement impacts.

Are the proposed extended operating hours of the licensed restaurant acceptable?

The Planning Scheme at Clauses 52.27 (Licenced Premises) and 13.07-1L (Entertainment venues and licensed premises and entertainment venues) seeks to manage the potential negative amenity and public safety impacts of licensed premises and entertainment venues. This includes by limiting noise from licensed premises to not have an unreasonable impact on the amenity of the surrounding area, and to avoid patron numbers that negatively impact on the amenity of nearby properties from the hours of operation.

Objectors raised concerns about potential noise from the premises as a result of the extended hours of operation. Background music is only proposed to be played internally, with no music proposed externally in the rear courtyard. No live music is proposed. A condition of the recommendation will be added to reflect this. The playing of background music internally to the premises is not considered to generate excessive noise or have an unreasonable impact on the amenity of the nearby dwellings, as the noise will be confined within the building.

The use of the courtyard is expected to result in some noise impacts to the nearby residential properties. However, the existing permit was informed by an acoustic report, and includes the existing Condition 14 that will ensure the use complies with relevant noise regulations. Furthermore, the permit required acoustic treatments including the construction of the awning over the courtyard and upgrading of the acoustic fencing along the rear and side boundaries. This will result in the use not having an unreasonable impact on the amenity of the surrounding residential area. This amendment does not seek to alter permit conditions, which includes a requirement for post occupation testing. As the use is yet to commence, this testing condition remains valid.

An amended Venue Patron Management Plan reflecting the new hours of operation will also assist with, managing noise and patron movements within the site and when they leave. This will ensure that the noise from patron movements and dining are minimised. Furthermore, the service of liquor will be alongside the sale and consumption of food which will mitigate any anti-social aspects associated with liquor.

Following the PID meeting, to address objectors' concerns, the applicant suggested a reduction in the number of patrons to a maximum of 84 in the evening (from 100). Whilst the acoustic report confirms that the proposed patron numbers are appropriate, a condition is recommended to give effect to the agreement reached following the PID meeting. Additionally, the following revised hours of operation have been proposed by the applicant:

Currently proposed hours		Revised hours suggested by applicant	
Monday to Tuesday:	7 am – 5 pm	Monday to Wednesday:	7 am – 5 pm
Wednesday to Thursday:	7 am – 10 pm	Thursday:	7 am – 9 pm
Friday to Saturday:	7 am – 11 pm	Friday to Saturday:	7 am – 10 pm
Sunday:	8 am – 10 pm	Sunday:	8 am – 9 pm

Further Clause 52.27 (Licensed premises) includes the cumulative impact of any existing licensed premises as a relevant consideration. In this case guiding practice note (PPN61 Licensed premises: assessing cumulative impact) states that the guidelines should be used for licensed applications that are open after 11:00 pm. The proposal does not seek to operate past this time.

Extended hours of operation on Thursday to Saturday will allow the venue to provide a dinner service which will assist in the business' viability. Trading until 10:00 pm is also consistent with the recommendations of the acoustic report and the relevant noise standards.

Council officers consider that not increasing the hours of operation on Sunday evenings beyond 5:00 pm in the existing permit is appropriate in this location, as well as the closure of the outdoor courtyard on Thursday evenings at 5:00 pm. Subject to this recommendation, the potential impact of noise from the outdoor courtyard is not considered to be inappropriate on Friday and Saturday night to 10:00 pm and will be reduced by acoustic treatments which have already been installed on site. Conditions recommending the use to cease at 5:00 pm on Sundays and to occur no later than 5:00 pm in the courtyard on Thursday form part of the officer recommendation

Should this amended permit be approved, the hours of operation in the outdoor courtyard would only be extended on Friday and Saturdays when compared to the hours approved under the existing permit.

5. Response to Objector Concerns

The following issues raised by objectors have been addressed in section 4 of this report:

- Noise
- Patron numbers
- Hours of operation
- Sale and consumption of liquor

Other issues raised by objectors are addressed below:

Car parking

The existing permit has previously approved a car parking reduction. That previous assessment noted that a restaurant is required to provide 3.5 spaces to each 100 sqm of leasable floor area under Clause 52.06-5. As the restaurant will be approximately 185 sqm, a total of 6 car parking spaces are required. The development provides no on-site spaces.

The already approved reduction in car parking complied with the relevant policies within the PPF as the site is:

- Within the Principal Public Transport Network, being 220 metres from the Melville Road tram.
- Has a bus route out the front.
- Within a walkable neighbourhood, with accessible green space and a quality pedestrian environment.
- Provides 4 - 5 bicycle parking spaces, in excess of the one space required by the Merri-bek Planning Scheme.

Vehicles, whether related to this proposal or other developments in the street, can only park on the street in accordance with any parking regulations. The number of vehicles that can park on the street and at what time will be dictated by the parking restrictions and the availability of on-street car spaces. It is expected that the level of parking provided will cater for the requirements of the already approved restaurant.

Traffic implications

There will be a maximum of 100 patrons on site at certain times. A Traffic Impact Assessment Report lodged with the original permit application did not raise any concerns with the traffic generation of the proposed use and was supported following assessment by Council's traffic engineers.

Given the site's proximity to Melville Road, the site has excellent access to public transport, reducing the number of cars travelling to and from the site. Reynard Street is also a collector road and currently handles a higher volume of traffic than is usual in residential areas as it is a main route to the Moreland Road entrance to Citylink. Conditions of the recommendations require the patron numbers to reduce to a maximum of 84 after 5pm which would further reduce the traffic impacts.

Waste

The Waste Management Plan (WMP), submitted with the original permit application indicates that waste will be collected through a private waste arrangement, and bins will be stored in a dedicated enclosed area which will be cleaned regularly mitigating the risk of odour from waste. A condition allowing the enforcement of the WMP continues to be included as part of the recommendation.

6. Officer Declaration of Conflict of Interest

Council Officers involved in the preparation of this report do not have a conflict of interest in this matter.

7. Financial and Resources Implications




There are no financial or resource implications.

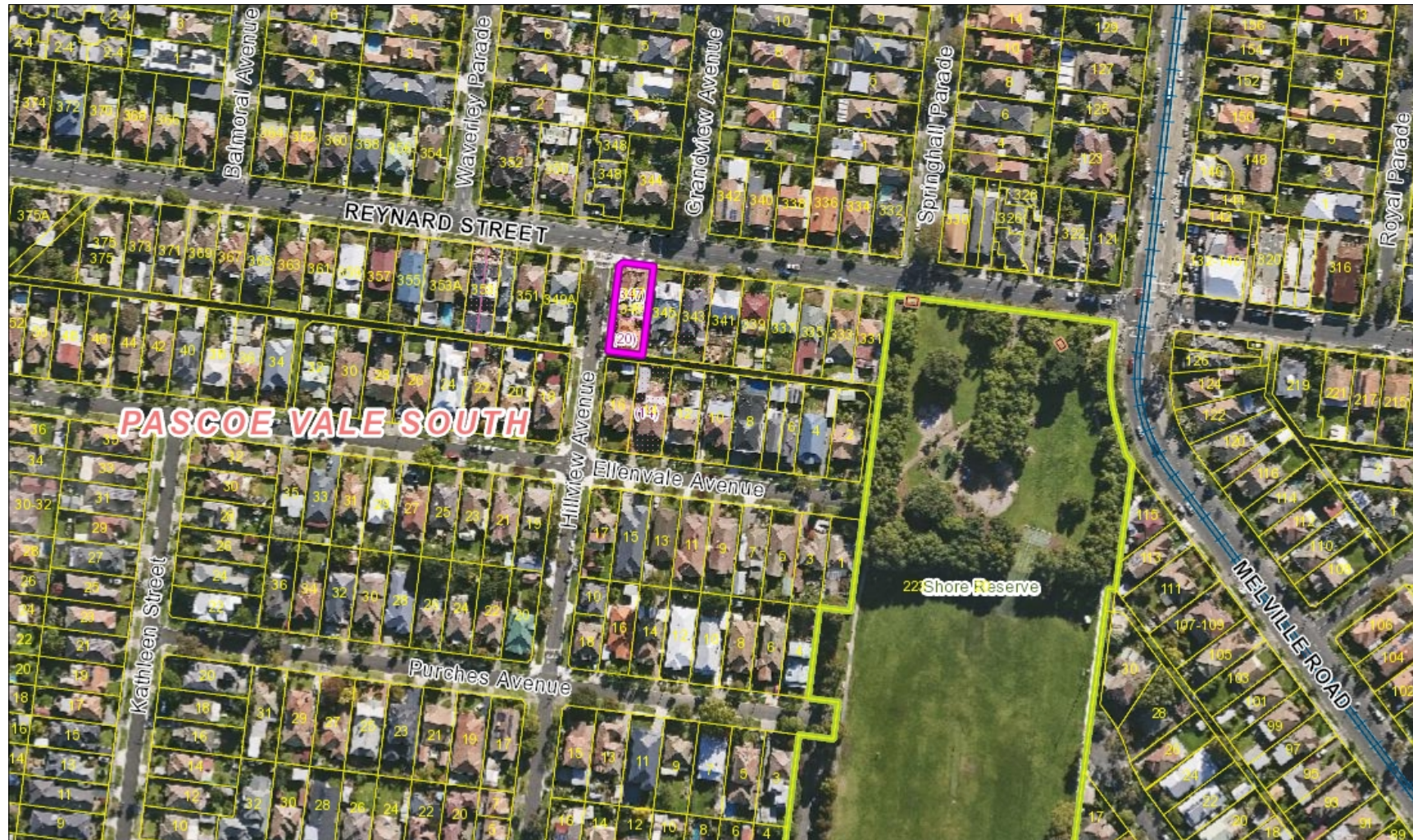
8. Conclusion

Subject to the conditions included in the recommendation to reduce the hours of operation and patron numbers, and other conditions relating to noise and patron management, it is considered that the proposed amendment to the planning permit for the restaurant use with a liquor licence will not result in unreasonable amenity impacts to adjoining neighbours and is appropriate in this former milk bar in a residential area.

On the balance of policies and controls within the Merri-bek Planning Scheme and objections received, it is considered that Notice of Decision to Grant an Amended Planning Permit No MPS/2021/520/A should be issued subject to the conditions included in the recommendation of this report.

Attachment/s

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|----------|--|------------|
| 1 |  347 Reynard Street, PASCOE VALE SOUTH VIC 3044 - Location Map and Zoning Map | D23/476166 |
| 2 |  347 Reynard Street, PASCOE VALE SOUTH VIC 3044 - Plans | D23/476167 |
| 3 |  347 Reynard Street, PASCOE VALE SOUTH VIC 3044 - Objector Location Map | D23/476168 |

Location Map347 Reynard Street,
Pascoe Vale South
 Subject Site


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101.6 0 50.80 101.6
Meters

Date Map Generated: 27/9/2023 Map Scale: 2,000.00

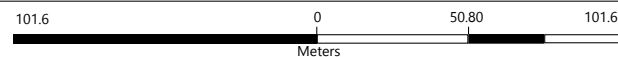


Zoning Map347 Reynard Street,
Pascoe Vale South

- Subject Site
- C1Z - Commercial 1 Zone
- NRZ1 - Neighbourhood Residential Zone - Schedule 1
- TRZ2 - Transport Zone - Schedule 2
- PPRZ - Public Park and Recreation Zone



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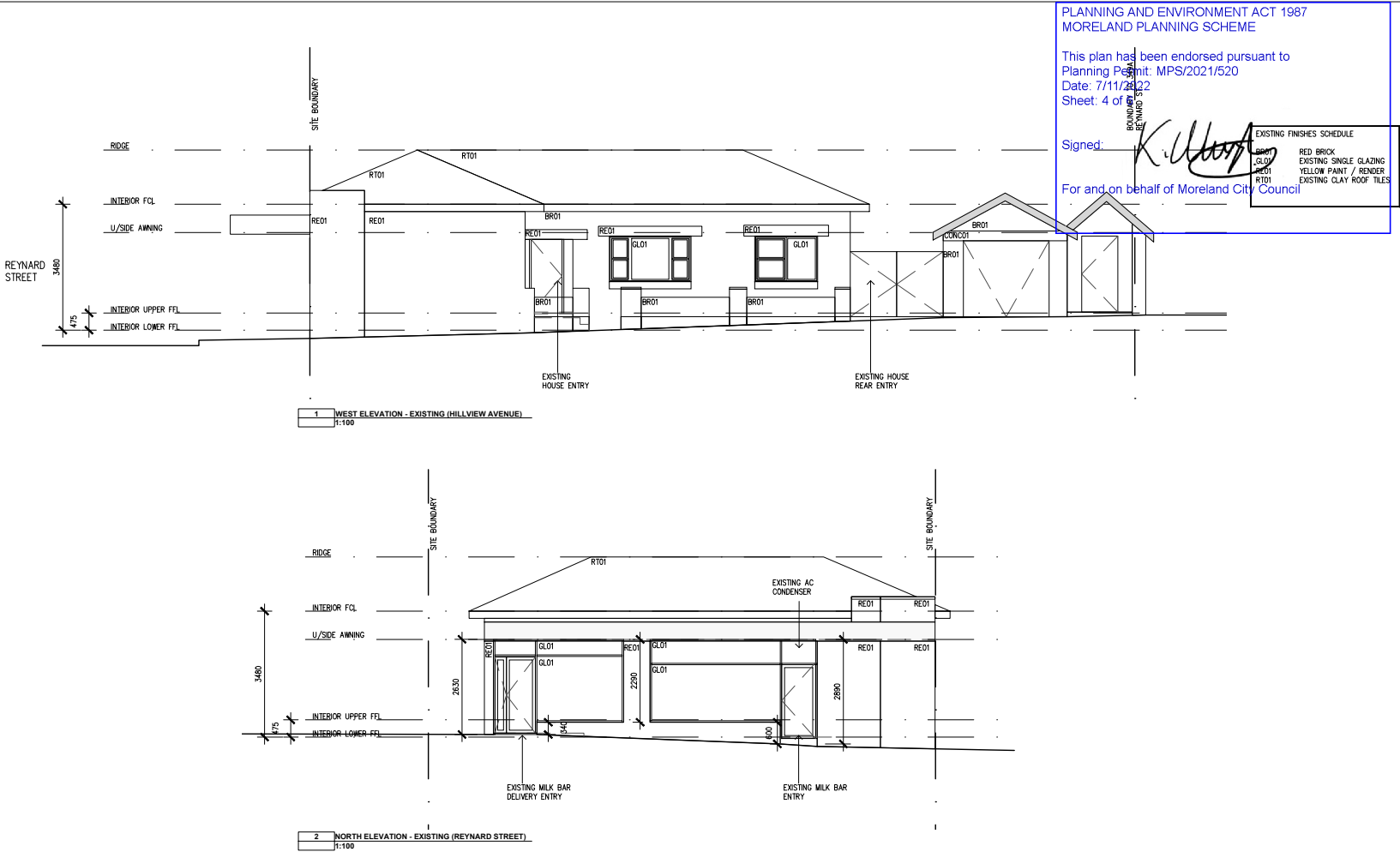
Date Map Generated: 27/9/2023 Map Scale: 2,000.00











NO.	DATE	REVISION OR REASON FOR ISSUE
A	24.05.21	ISSUE FOR INFORMATION
B	14.07.21	ISSUE FOR INFORMATION - TP SUBMISSION
C	28.02.22	ISSUE FOR INFORMATION - TP ENCLOSED DRAWINGS
D	08.09.22	ISSUE FOR INFORMATION - TP SECONDARY CONSENT

FOR CONSTRUCTION.

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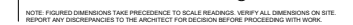
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HUMBLE WEBSITE
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PROJECT TITLE
347-349 REYNARD STREET
PASCOE VALE SOUTH, VIC 3044
CLIENT
GEORGE AND JOHN EL-KHOURY

PROJECT NO.	DRAWING TITLE		
2107	EXISTING ELEVATIONS		
DWG NO.			
A390			
DWG STATUS	REVISION	NORTH	SCALE AT A3
CD	D		1 : 100
NOTE: FIGURED DIMENSIONS TAKE PRECEDENCE TO SCALE READINGS. VERIFY ALL DIMENSIONS ON SITE. REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR DECISION BEFORE PROCEEDING WITH WORK.			





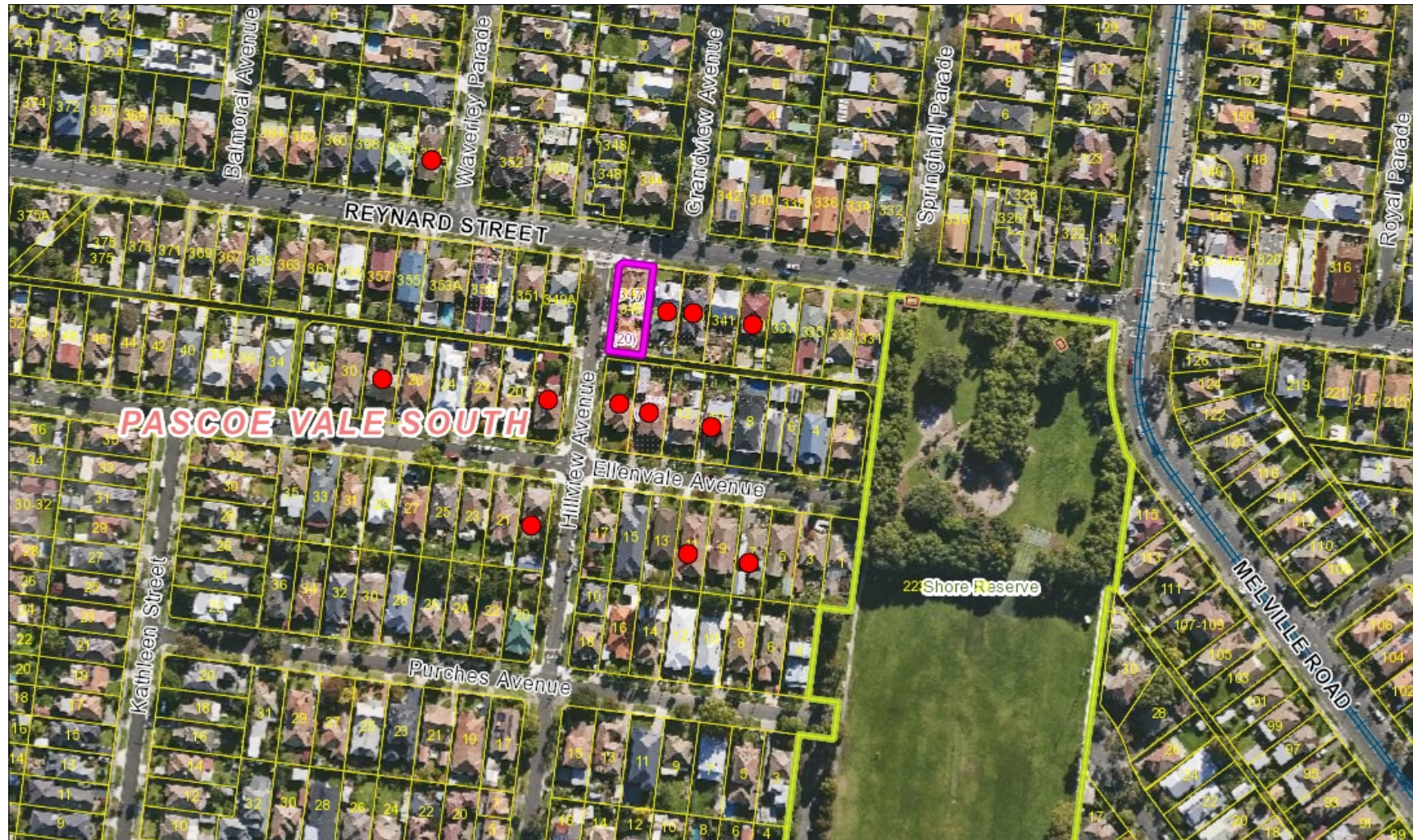
Objector Location Map

347 Reynard Street,
Pascoe Vale South

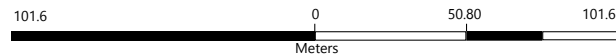
 Subject Site

 Objector Location

Note: 16 objections were
received from 12 addresses.



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