

AMENDED PLANNING PERMIT

Permit No.: TP584/2015(2)
Planning Scheme: Maribyrnong Planning Scheme
Responsible Authority: City of Maribyrnong



Address of the land: 149 Hopkins Street Footscray

The permit allows: Sale and consumption of liquor (on premises licence) in association with use of tavern, construct and carry out works in a Heritage Overlay, and a reduction in the car parking and bicycle requirements

The following conditions apply to this permit:

1. Before the commencement of works, amended plans must be submitted to the satisfaction of 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 provided in a digital format (where possible). The plans must be generally in accordance with the plans advertised but modified to show:
 - (a) Demolition plan.
 - (b) Title boundary dimensions reflected on the plans.
 - (c) Deletion of the redline area on the footpath.
 - (d) Any changes required to comply with the Acoustic Report, in accordance with condition 11.
2. The development and sale and consumption of liquor 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 Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*
3. Prior to the commencement of the use of the site as a Licensed Premises the applicant must provide to the Responsible Authority a copy of the Liquor Licence and the red line plan as issued by the Director of Liquor Licensing (or equivalent).
4. The sale and consumption of liquor on site must only occur between the hours of:
 - 10 am and 1am - Monday to Sundayexcept with the written permission of the Responsible Authority.
5. No more than 200 patrons are allowed on the premises at any one time except with the written consent of the Responsible Authority.
6. The kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Responsible Authority.

7. The sale and consumption of liquor must be managed so that the amenity of the area is not detrimentally affected, 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, waste water, waste products, grit or oil.
- (d) Harbourage and/or presence of vermin.

All to the satisfaction of the Responsible Authority.

8. Any music played in the premises shall not be able to be heard from outside the building to the satisfaction of the Responsible Authority.
9. Noise levels emanating from the premises must not exceed the noise levels as determined by the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
10. Concurrently with the endorsement of plans, an acoustic report prepared by a qualified Acoustic Engineer must be submitted and endorsed to form part of the permit. The report must consider the impact of the use/development on the surrounding residential uses and provide solutions to mitigate these impacts. All of the recommendations of the acoustic report must be implemented prior to the occupation of the building, to the satisfaction of the responsible authority.
11. Before the use starts, a patron management plan must be submitted 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 comply with the endorsed plan. The plan must include:
- (a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons;
 - (b) signage to be used to encourage responsible off-site patron behaviour;
 - (c) the training of staff in the management of patron behaviour;
 - (d) staff communication arrangements; and
 - (e) measures to control noise emissions from the premises.
12. This permit will expire if one of the following circumstances applies:
- The development is not started within two years of the date of this permit.
 - The development is not completed within four years of the date of this permit.
 - The use does not start within two years after the completion of the development.
 - The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before or within 6 months after the permit expiry date, where development/use allowed by the permit has not yet started; and within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of Amendment	Brief description of amendment
23 May 2019	• Addition of Condition 1 requiring amended plans and renumbering of subsequent conditions • Condition 4 (former condition 3) amended to allow the sale and consumption of liquor to occur between the hours of:

	10am to 1am Monday – Sunday • Condition 5 (former condition 4) amended to allow a maximum of 200 patrons within the premises. • Deletion of former Conditions 5 and 7 related to the sale and consumption of liquor associated with a restaurant. • Acoustic report and patron management plan to form part of the permit.
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Date Issued

15 April 2016

Signature for the Responsible Authority

Date of expiry: 23 May 2021 if development or use have not commenced

IMPORTANT INFORMATION ABOUT THIS 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.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from:

- (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
- (ii) 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:
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development required 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
 - 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;
 - 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
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if;
 - the development or any stage of it does not start within the time specified in the permit; or
 - 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
 - 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
 - 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;
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - 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 APPEALS?

- 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 an Application for Review 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 application for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

LEGEND

- AREA WHERE ALCOHOL WILL BE CONSUMED/SERVED/STORED
- PATRON AREAS

HOPKINS STREET

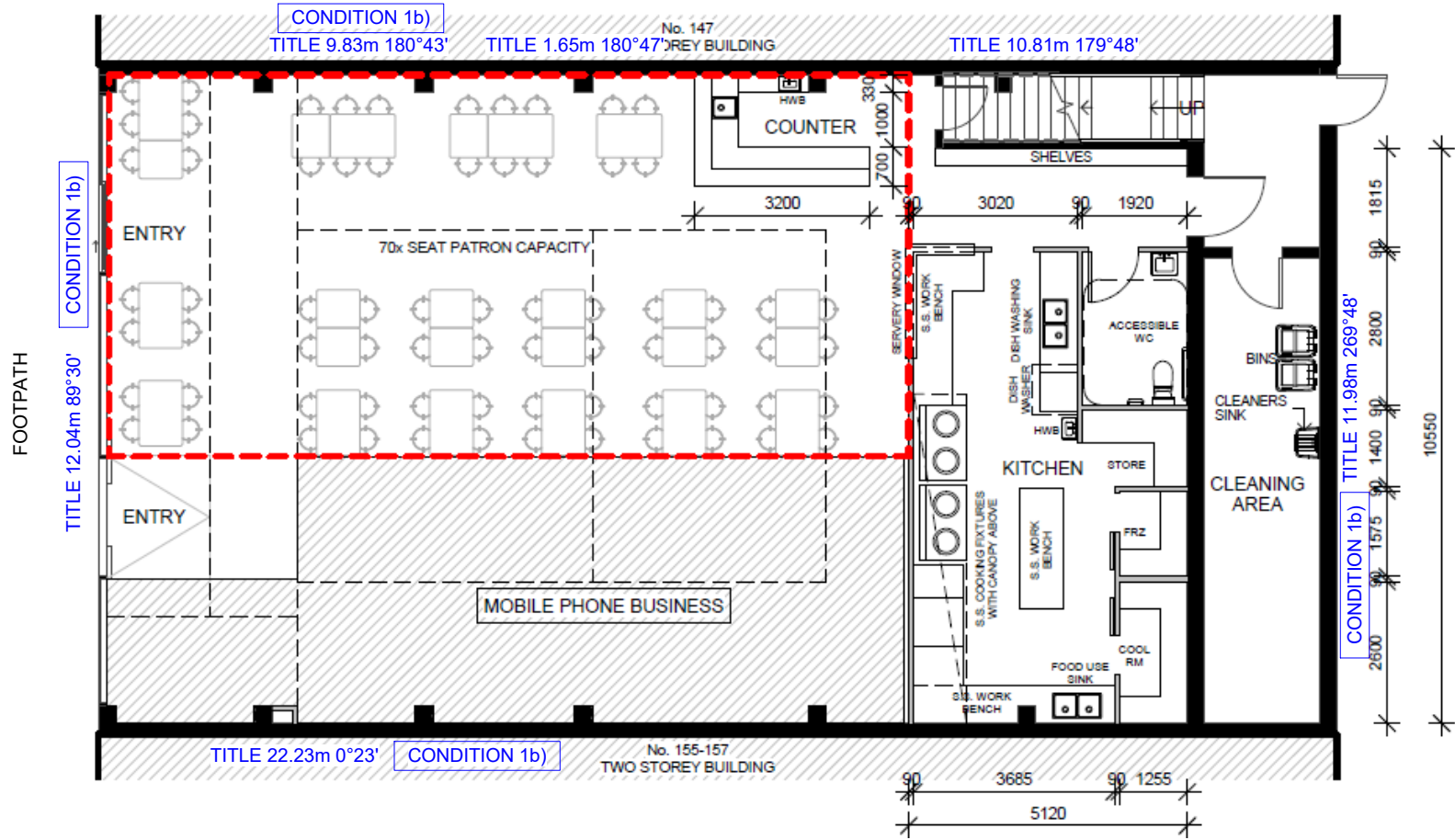
ENDORSED PLAN (GROUND FLOOR)

1 : 125 AS PER PLANNING PERMIT No.584/2015(1)

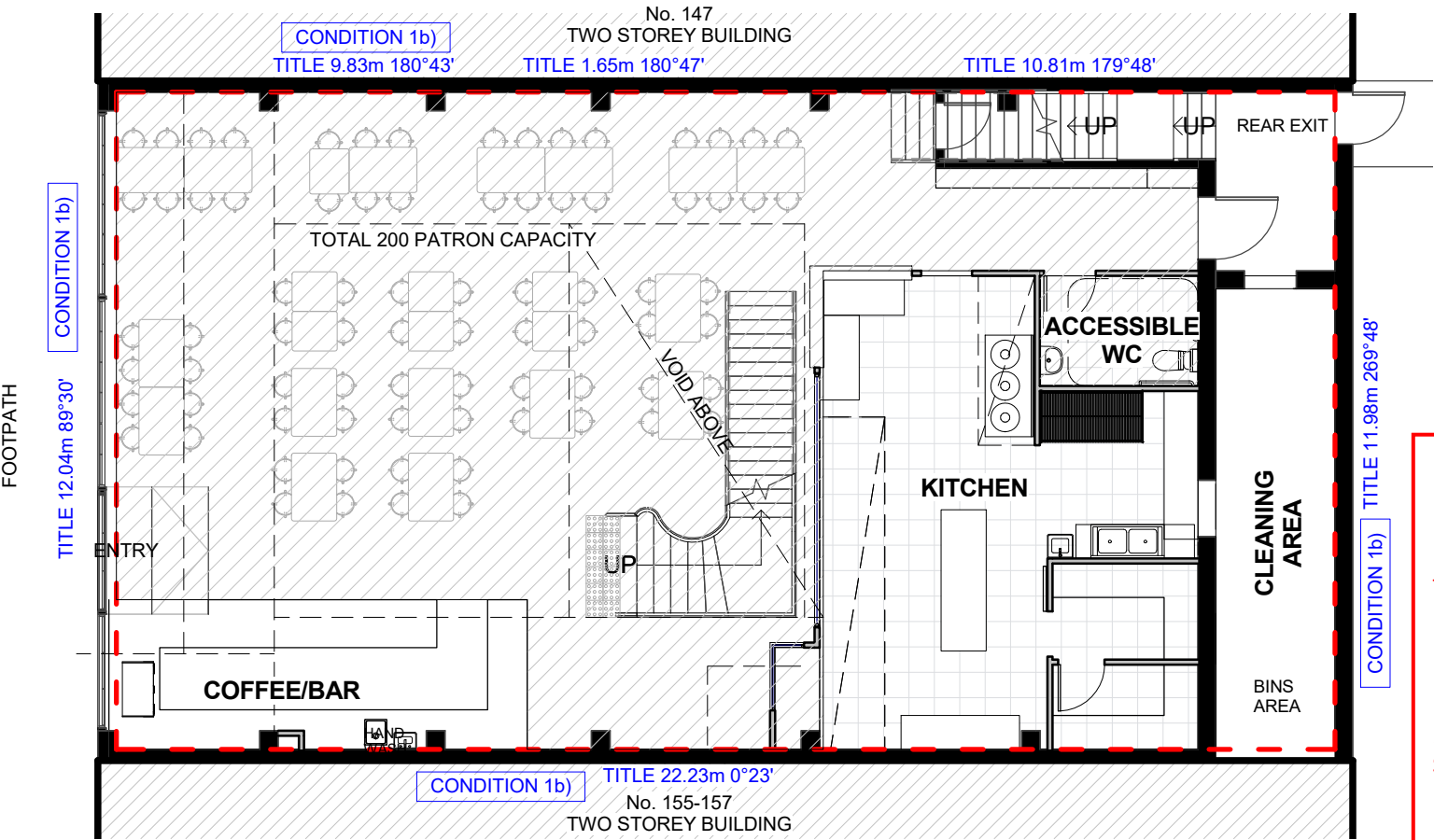
HOPKINS STREET

PROPOSED AMENDED GROUND FLOOR

1 : 125



CONDITION 1d)
BACKGROUND MUSIC LEVEL FROM
THE PREMIS IS NOT TO EXCEED THE
LIMITS SET OUT IN TABLE 1 OF THE
ACOUSTIC REPORT PREPARED BY
AUSWIDE CONSULTING SEPT. 2019
REVISION 1.0.



ENDORSEMENT
PLANNING AND ENVIRONMENT ACT 1987
MARIBYRNONG PLANNING SCHEME

THIS DOCUMENT IS HEREBY ENDORSED AND FORMS
PAGE **1 of 4** OF THE PLAN REFERRED TO IN
PLANNING PERMIT NO: TP 2015/584(2)

[Signature] 21/01/2020
SIGNED FOR AND ON DATE
BEHALF OF THE
RESPONSIBLE AUTHORITY

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quang pham architecture

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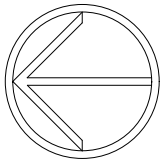
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B 19.11.2018
A 17.10.2018
REV. DATE

RED LINE PLAN
COUNCIL RFI
DESCRIPTION

PROJECT :
PHO RESTAURANT

ADDRESS:
149 HOPKINS STREET
FOOTSCRAY VIC 3011



DRAWING TITLE:
PLANS

PROJECT No: 15018 SCALE: @ A3
DATE: 21.01.2020 CHECKED: BP
DRAWN: TT, BP ISSUE: TOWN
PLANNING

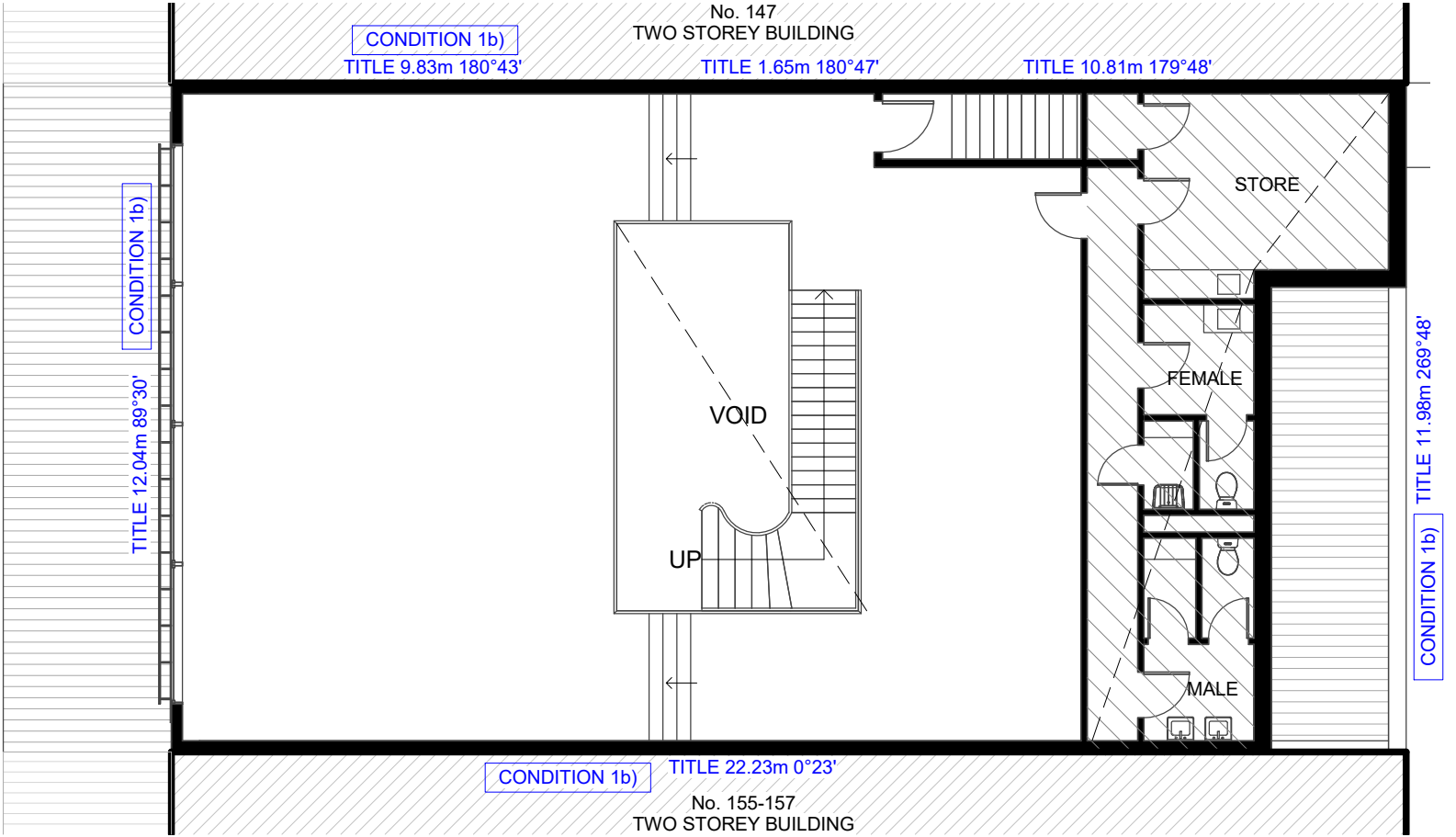
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LEGEND

- AREA WHER ALCOHOL WILL BE CONSUMED/SERVED/STORED
- PATRON AREAS

EXISTING FIRST FLOOR

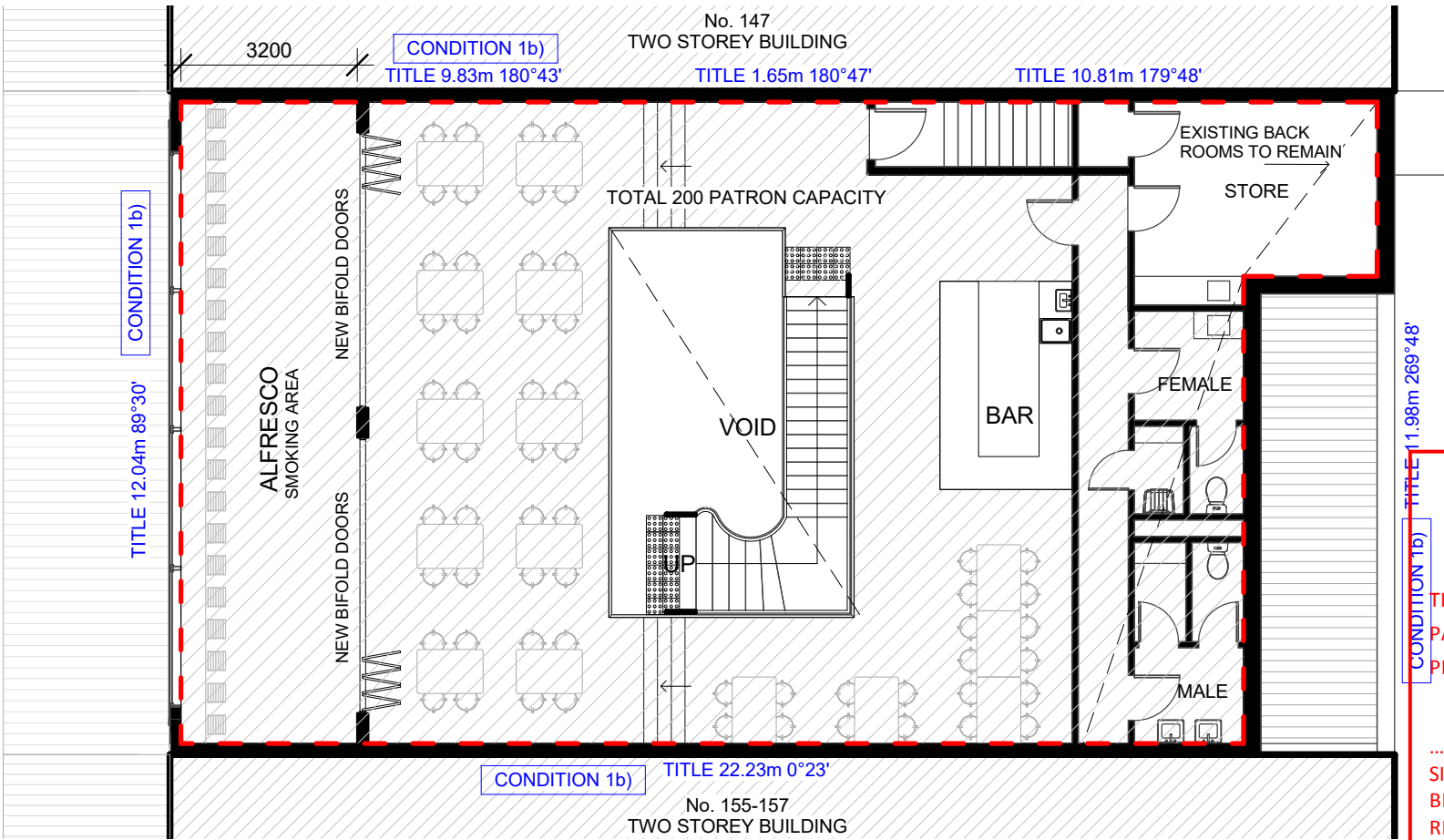
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PROPOSED FIRST FLOOR

1 : 125



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SIGNED FOR AND ON
BEHALF OF THE
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21/01/2020
DATE



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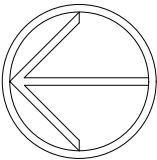
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C 21.02.2020
A 17.10.2018
REV. DATE

CONDITION 1 RFI
COUNCIL RFI
DESCRIPTION

PROJECT :
PHO RESTAURANT

ADDRESS:
149 HOPKINS STREET
FOOTSCRAY VIC 3011



DRAWING TITLE:
PLANS

PROJECT No: 15018 SCALE: @ A3
DATE: 21.01.2020 CHECKED: BP
DRAWN: TT, BP ISSUE: TOWN
PLANNING

TP-01.1

No. 147
TWO STOREY BUILDING

HOPKINS STREET

PORTION OF ROOF
TO BE REMOVED

EXISTING METAL ROOF
TO BE MODIFIED

No. 155-157
TWO STOREY BUILDING

CONDITION 1d)
BACKGROUND MUSIC LEVEL FROM
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EXISTING & DEMO ROOF PLAN

1 : 125 CONDITION 1a)

No. 147
TWO STOREY BUILDING

HOPKINS STREET

OPEN ROOF AREA

EXISTING METAL ROOFING

No. 155-157
TWO STOREY BUILDING

ENDORSEMENT
PLANNING AND ENVIRONMENT ACT 1987
MARIBYRNONG PLANNING SCHEME

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21/01/2020
DATE

PROPOSED ROOF PLAN.

1 : 125

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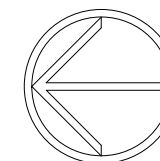
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A 17.10.2018
REV. DATE

COUNCIL RFI
DESCRIPTION

PROJECT :
PHO RESTAURANT

ADDRESS:
**149 HOPKINS STREET
FOOTSCRAY VIC 3011**

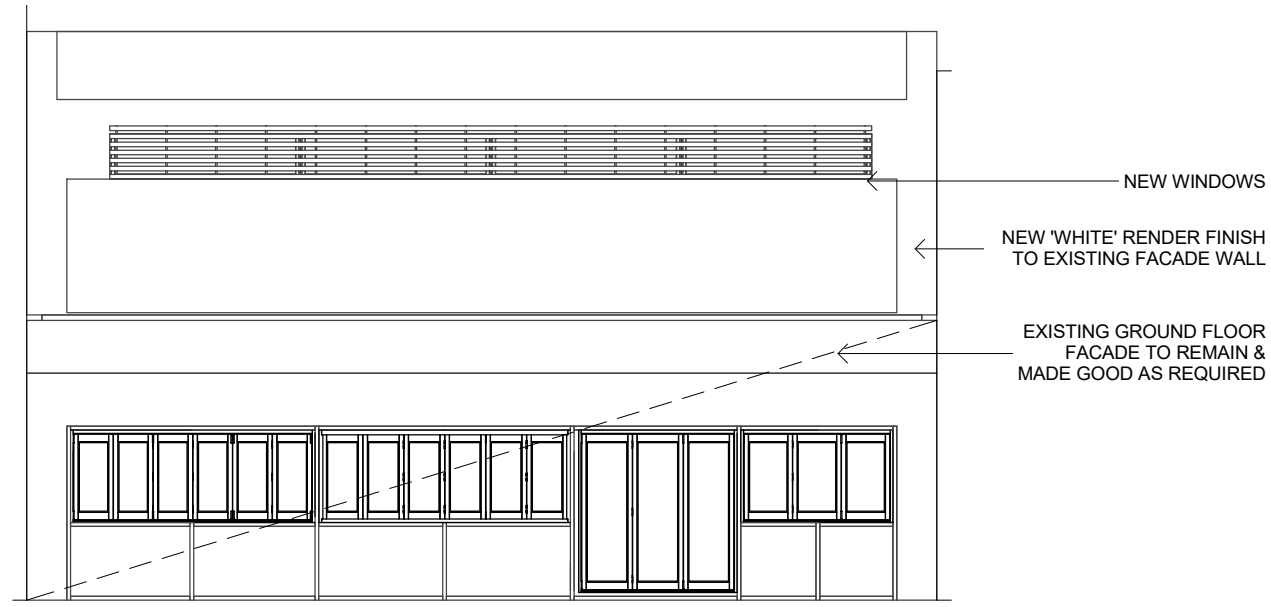


DRAWING TITLE:
ROOF PLANS

PROJECT No: 15018 SCALE: @ A3
DATE: 21.01.2020 CHECKED: BP
DRAWN: TT, BP ISSUE: TOWN
PLANNING

TP-02

CONDITION 1d)
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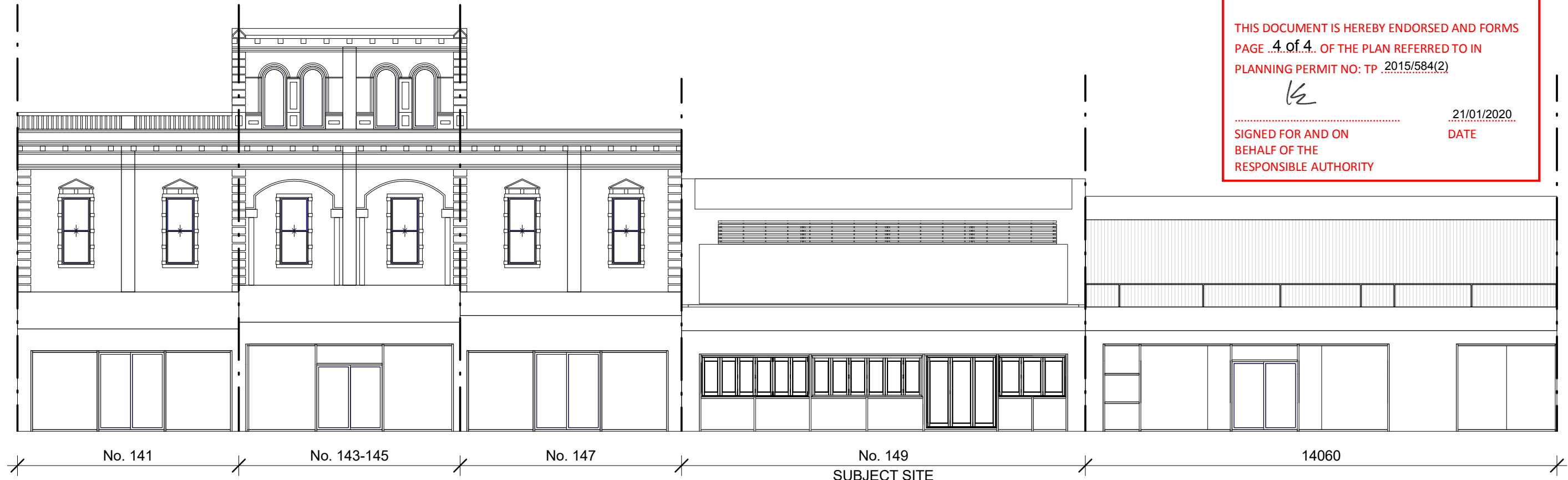


PROPOSED SHOP FRONT
1 : 100

ENDORSEMENT
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MARIBYRNONG PLANNING SCHEME

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HOPKINS STREET ELEVATION
1 : 125