

Affected property not shown

- 5 Theodore Court, Toorak



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**Objectors**



**Site Address: 5 Commercial Road, South Yarra**

Scale: 1:1000

## NOISE AND AMENITY ACTION PLAN

KAI DINING

5 COMMERCIAL ROAD SOUTH YARRA VIC 3141

22 SEPTEMBER 2020

This Noise and Amenity Action Plan has been prepared to address any issues identified in the site ( 5 Commercial Road South Yarra Vic 3141 Melbourne also known as Kai Dining

**The identification of all noise sources associated with the licensed premise ( but not limited to music noise, external areas allocated for smokers, queuing lines, entries and exits to the premises and courtyards.**

Any noise associated with the operation of the premise will be in general contained within the licensed area of the building. The premise will be a non smoking zone for customer and there will be only one entry and exit to the premises for customer. There will also be a second exit through the back garage but will not be used unless unwanted circumstances happens. The management also will ensure that patron will not queue outside the premise at any time.

**Hours of Operation for all parts of the premise**

11.00am to 10.30pm (Monday to Sunday)

The rear courtyard will be close at 10.30 pm everyday

The proposed license will ensure liquor will be served only during hours allowed by the planning permit.

**Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.**

There will only be music being played in the speaker that can only be heard or contained within the licensed area of the building. There will not be any entertainment provided by live bands and DJs.

**The identification of noise sensitive areas including residential uses and accommodation in close proximity to the licensed areas.**

There will not be any loud or unwanted noises that will affect any residential uses as most of the noise will only be contained within the licensed areas. The management will strictly enforce that no loud noises will be affecting any close or outside residential.

ASSESSED

**Measures to be undertaken to address all noise sources identified, including on and off site noise attenuation measures.**

The behaviour of patron in any part of the premises will be strictly monitored by management and staff to ensure the amenity of the neighbourhood is not affected adversely.

**Details of staffing arrangements including numbers and working hours of all security staff.**

Staff will follow Management's instruction to ensure all amenity related complaints against the premises, its staff or its patrons are taken seriously and dealt with in a professional manner. There is no need for formal security staff to be employed given the nature of operation.

**Standard procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an authorised officer of the responsible authority or an officer of the liquor licensing authority.**

A record of complaints will be kept in a register by management. This will include the date, time and nature of the complaint. Other information will include the name and phone number of the complainant. An incident register will be kept on the premises at all times to ensure complaints are accurately recorded and available for inspection to officers of the Victoria Police or the Victorian Commission for Gambling and Liquor Regulation. The register will be kept up to date by Management.

**Location of lighting within the boundaries of the site, security lighting outside the licensed premise and any overspill of lighting.**

The site will be lit during all hours in which the licensed trading occurs. Security cameras are proposed to be installed.

**Details of waste management plan including storage and hours of collection for general rubbish and bottles, and delivery times associated with the licensed premise.**

The waste removal from the site will be occurred in the garage/within the property where both general waste and cupboard bin will be stored. Pick up of the bin will occur fortnightly.

**Details of any measures to work with neighbours or other residents in the immediate area to address complaints and general operational issues.**

All issues will be taken to the Owner Corporation for resolution of any address complaints.

**Any other measures to be undertaken to ensure minimal amenity impacts from the licensed premise.**

- The conditions of the liquor licence will be complied with at all times. - Management and staff will ensure the “Amenity” clause on the liquor licence is adhered too. - Management and staff will ensure patrons leave the premise in an orderly manner. - The behaviour of patrons in any part of the premises will be strictly monitored by management and staff, to ensure the amenity of the neighbourhood is not affected adversely.

- Staff will be encouraged to follow the principles of RSA to reduce any potential problems arising from alcohol misuse and abuse.

- Staff support will be offered from Management at all times on assessing patrons who may be intoxicated.

- Intoxicated patrons will not be supplied with alcohol. - Drunk or Disorderly patrons will be refused entry to the premise.

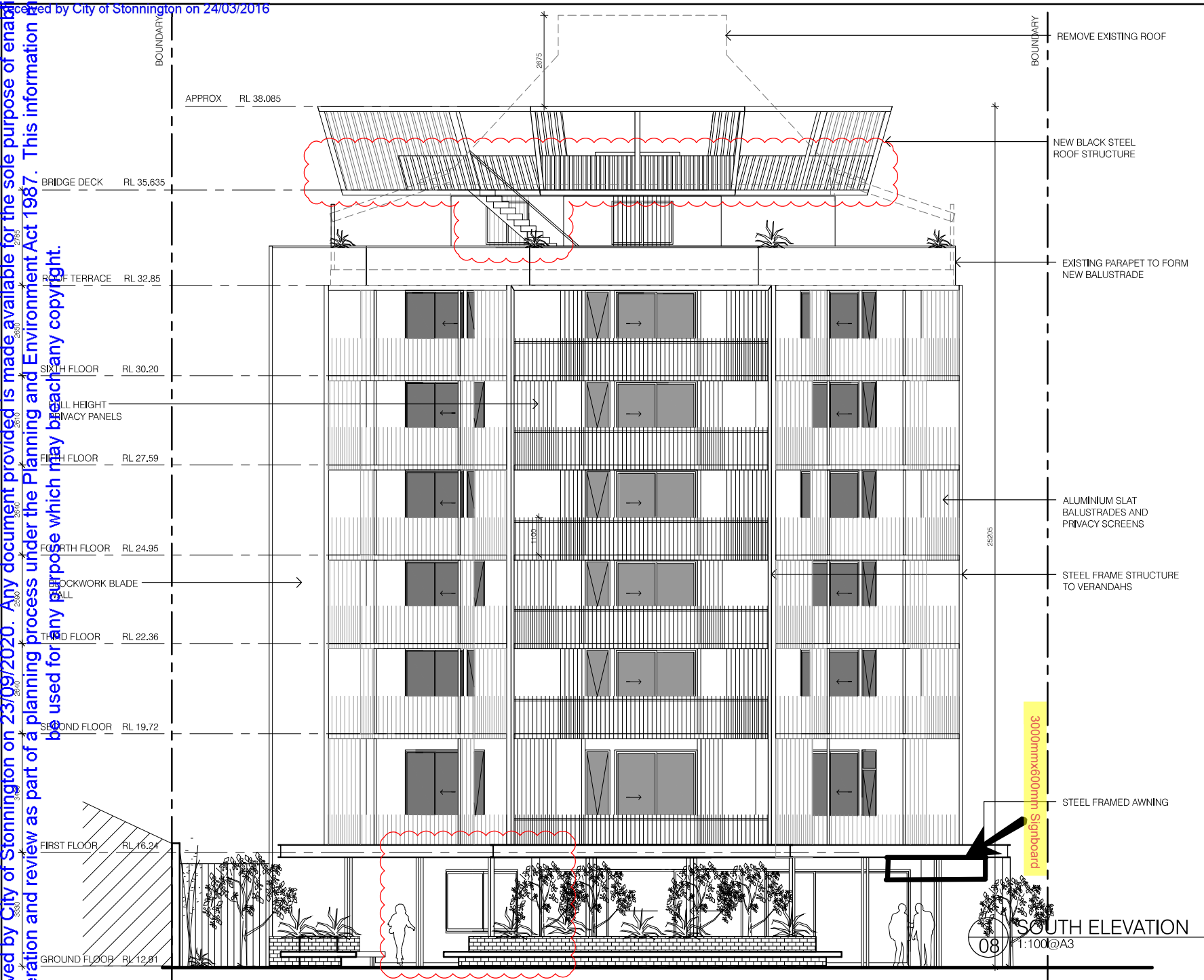
- Persons who appear to be drug affected will also be refused entry.

- Signage will be displayed within the premises reminding patrons to leave the area in an orderly manner and all staff will be trained to verbally remind patrons to respect the peace and quiet of the neighbourhood when leaving the premise.

- Patron entry to the premises will only be from Commercial Road.

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Received by City of Stonnington on 24/03/2016



BOUNDARY

REMOVE EXISTING ROOF

NEW BLACK STEEL ROOF STRUCTURE

EXISTING PARAPET TO FORM NEW BALUSTRADE

ALUMINIUM SLAT BALUSTRADES AND PRIVACY SCREENS

STEEL FRAME STRUCTURE TO VERANDAHS

STEEL FRAMED AWNING

3000mm x 6000mm Signboard

BOUNDARY

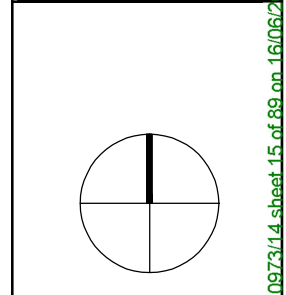
"FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED READINGS."

"IF IN DOUBT, ASK!"

Issue	Amendment	Date
P	Preliminary	JULY 2014
PP	PLANNING PERMIT	28.10.2014
PP-A	PP-ADDITIONAL INFO	18.11.2014
PP-B	PP-ROOFTOP UPDATE	30.01.2015
PP-C	PP-COMMUNITY CONSULT	12.02.2015
PP-D	PP-PERMEABILITY NOTES	AUG 2015
PP-SC	PP-SECONDARY CONSENT	OCT 2015

LEGEND:

	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	DEMOLISHED STRUCTURE



Level 1  
52 Reservoir Street  
Surry Hills New South Wales 2010 Australia  
T + 61 2 9212 1055 F + 61 2 9212 1066  
Email studio@brenchleyarchitects.com  
Brenchley Architects Pty Limited  
ABN 44 060 165 942 Nominated Architect Julien Brenchley

MOTEL CONVERSION TO RESIDENTIAL UNITS

address  
1-5 COMMERCIAL ROAD,  
SOUTH YARRA

Drawing  
SOUTH ELEVATION

SCALE: 1:100 @ A3  
ISSUE: PP-SC DATE: OCT 2015  
DWG No.: 2014-024-A08

08

SOUTH ELEVATION  
1:100@A3

Enforced as part of Permit No. 0973114 sheet 15 of 89 on 16/06/2016



KAI DINING



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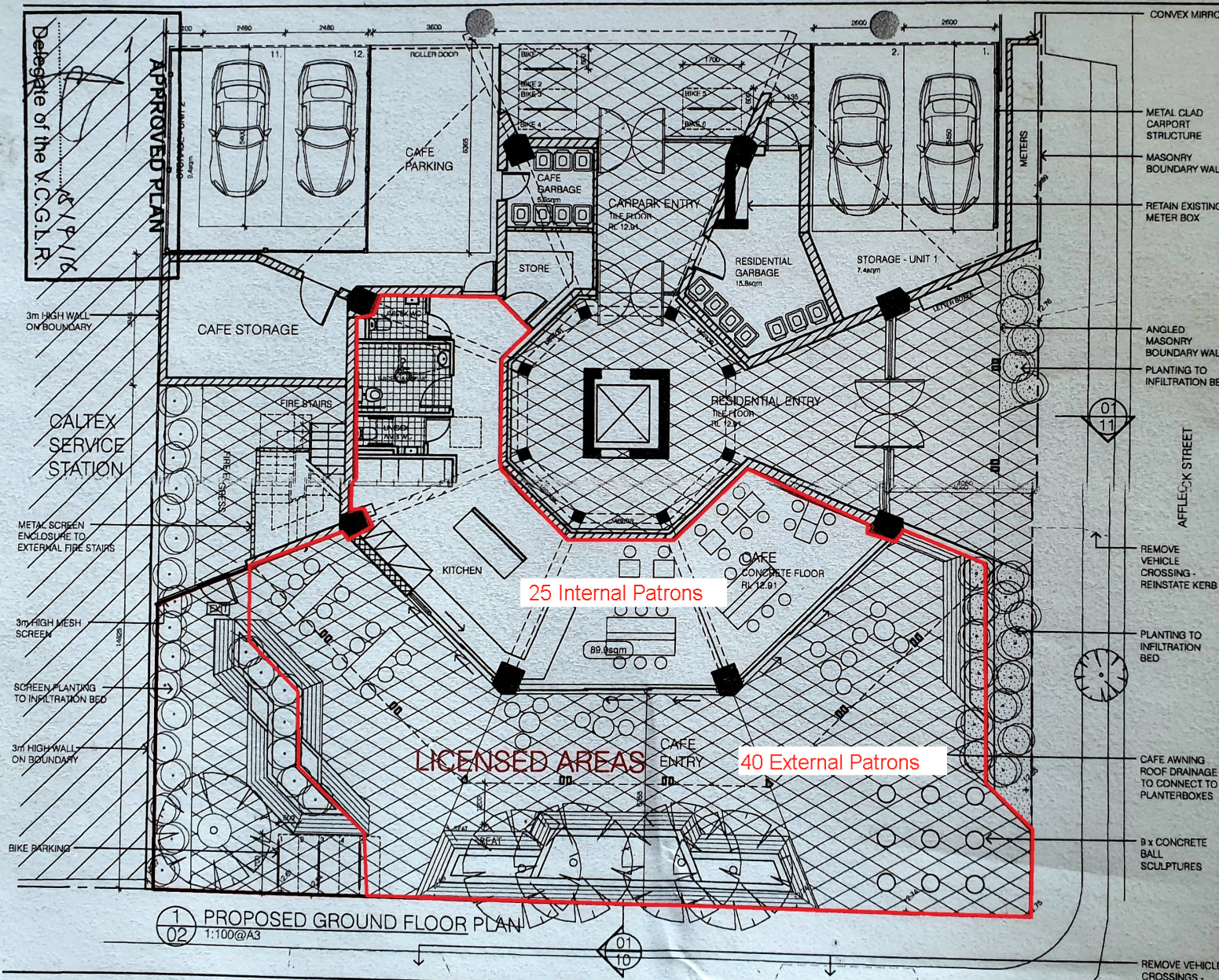
N CAFE PTY LTD

GROUND FLOOR, 1-5 COMMERCIAL ROAD, SOUTH YARRA

59661A01

32332178

com



FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALED READINGS.  
"IF IN DOUBT, ASK!"

Issue	Amendment	Date
P	Preliminary	JULY 2014
PP	PLANNING PERMIT	28.10.2014
PP-A	PP-ADDITIONAL INFO	10.11.2014
PP-B	PP-ROOFTOP UPDATE	30.01.2015
PP-C	PP-COMMUNITY CONSULT	12.02.2015
PP-D	PP-FEASIBILITY NOTES	24.03.2015
PP-SC	PP-SECONDARY CONSULT	OCT 2015
PP-E	PP-LIQUOR LICENSE	NOV 2015

LEGEND:

	EXISTING STRUCTURE
	PROPOSED STRUCTURE
	DEMOLISHED STRUCTURE



Level 1  
52 Reservoir Street  
Sunny Hills - New South Wales 2010 Australia  
T +61 2 9552 1025 F +61 2 9552 1026  
Email studio@brenchleyarchitects.com  
Brenchley Architects Pty Limited  
ABN 44 090 188 863 Incorporated Architect John Ben Chilly 08



MOTEL CONVERSION TO RESIDENTIAL UNITS

ADDRESS  
1-5 COMMERCIAL ROAD, SOUTH YARRA

DRAWING  
GROUND FLOOR PLAN

SCALE: 1:100 @ A3  
ISSUE: PPE DATE: NOV 2015  
DWG No.: 2014-024-A02

1 PROPOSED GROUND FLOOR PLAN  
02 1:100@A3

18 Apr 2016

Licence: 32332178 - Premises: 59661 [Plan 1, Sheet 1] [Sheet Size: A4]

Extracted from drawBRIDGE on 15-Feb-2017 12:45



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Service Centres

Cnr Glenferrie Road and High Street, Malvern  
Cnr Chapel and Greville Streets, Prahran

2 APR 2015

ARG Planning  
PO BOX 152  
Ascot Vale VIC 3032

PO Box 21 Prahran Vic 3181  
T: 03 8290 1333  
F: 03 9521 2255  
E: council@stonnington.vic.gov.au  
AUSDOC DX 30108

[www.stonnington.vic.gov.au](http://www.stonnington.vic.gov.au)

Dear Sir/Madam,

RE:                   **PLANNING PERMIT NO.: 0973/14**  
                          **PROPERTY ADDRESS: 5 COMMERCIAL ROAD, SOUTH YARRA**

**PLANNING PERMIT**

I refer to your application for a planning permit.

Council has received advice from the Victorian Civil and Administrative Tribunal (VCAT) that no appeals have been lodged in respect to the Notice of Decision. Accordingly you have been granted a Planning Permit. Please find enclosed a copy of the Permit which contains certain conditions. It is essential that you are familiar with these conditions before you act on this permit.

If your Planning Permit has a Condition/s that requires anything to be done or submitted to Council before the development starts or use commences then it is important that this occurs before the development or use begins. For example, your Permit may contain conditions that require the submission to Council, of amended plans, landscape plans, tree management/protection plans, patron management plans. There may also be other specific conditions on your Planning Permit. Non-compliance with a condition of a Planning Permit is an offence under the Planning and Environment Act 1987 and substantial penalties may apply.

Council Planning Investigations Officers will conduct inspections of properties that have been issued Planning Permits to ensure that the use and/or development is in accordance with the Planning Permit conditions and any endorsed plans.

The issue of a Planning Permit cannot be taken as Council acceptance of the street/unit numbering as shown on endorsed plans. Council's Valuation Department is responsible for street numbering/addressing, as a separate process. If your application involves new or reallocated street addresses, please contact them directly on 8290 1333 to discuss these matters.

You may also need approval from Council's Building and Local Law Services, Arboriculture or Environmental Health Units. These approvals must be sought before acting on this Planning Permit. If you have any queries, please contact the Building Unit on 8290 3218, the Arboriculture Unit on 8290 2064 and the Health Unit on 8290 3393.

Please read the notes on the back of the permit, which detail the *Application for Review* provisions. You may lodge an *Application for Review* with respect to the conditions in the permit.

Should you have any queries, please contact me Monday to Friday between 8.30am and 5pm on 8290-3400, or [aluu@stonnington.vic.gov.au](mailto:aluu@stonnington.vic.gov.au).

Yours faithfully,

*Anna Luu*

**ANNA LUU**  
Acting Senior Planner

# PLANNING PERMIT

Planning Scheme: Stonnington  
Responsible Authority: City of Stonnington

Planning Permit No. 0973/14

## ADDRESS OF THE LAND:

5 COMMERCIAL ROAD, SOUTH YARRA

## THE PERMIT ALLOWS:

ALTERATIONS AND ADDITIONS TO THE EXISTING BUILDING, PART USE OF THE LAND AS A FOOD AND DRINKS PREMISES (CAFÉ) IN A RESIDENTIAL GROWTH ZONE, WAIVER OF LOADING BAY REQUIREMENTS AND REDUCTION IN THE CAR PARKING REQUIREMENTS IN ACCORDANCE WITH THE ENDORSED PLANS AND SUBJECT TO THE FOLLOWING CONDITIONS.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The plans endorsed to accompany the permit must not be amended without the written consent of the Responsible Authority.
2. Within 60 days of the endorsement of the development plans, a landscape plan to be prepared by a landscape architect or suitably qualified or experienced landscape designer, must be submitted to and approved by the Responsible Authority. When approved, the landscape plan will be endorsed and will then form part of the permit. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The landscape plan must show:
  - a) A survey (including botanical names) of all existing vegetation to be retained and/or removed
  - b) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary
  - c) Details of surface finishes of pathways and driveways
  - d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
3. Before the occupation of the development, the landscaping works as shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Landscaping must then be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Date Permit Issued: 2 APR 2015

Signature for the Responsible Authority: 

# PLANNING PERMIT

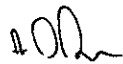
Planning Scheme: Stonnington  
Responsible Authority: City of Stonnington

Planning Permit No. 0973/14

4. Within 60 days of the endorsement of the development plans, the applicant must provide a Water Sensitive Urban Design Response addressing the Application Requirements of the Water Sensitive Urban Design Policy to the satisfaction of the Responsible Authority. All proposed treatments included within the Water Sensitive Urban Design Response must also be indicated on the plans. The Water Sensitive Urban Design Response must:
  - a) Ensure terraces are not connected to rainwater tanks without suitable treatment
  - b) Ensure all site impermeable areas are included within the STORM tool assessment
  - c) Provide a site plan confirming areas considered permeable and impermeable for purposes of STORM tool
5. The project must incorporate the Water Sensitive Urban Design initiatives detailed in the endorsed site plan and/or stormwater management report.
6. Within 60 days of the endorsement of the development plans, a Sustainable Design Assessment (SDA) must be submitted to and approved by the Responsible Authority. Upon approval the SDA will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SDA to the satisfaction of the Responsible Authority. The report must be similar to the Sustainable Design Assessment, prepared by EnergyLab, Council date stamped 28 November 2014 but revised to include:
  - a) Explicitly identify commitment to 70% by mass construction phase waste reuse and recycling target and identify responsible party for implementation.
  - b) Revise proposed content of Building User Guide to more accurately reflect proposed systems and measures for project as well as typical industry guides such as Green Star.

All works must be undertaken in accordance with the endorsed Sustainability Design Assessment to the satisfaction of the Responsible Authority. No alterations to the Sustainable Design Assessment may occur without written consent of the Responsible Authority
7. Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The Waste Management Plan must be similar to the Waste Management Plan prepared by Wastech Services Pty Ltd, dated 30 October 2014 and must include:
  - a) Dimensions of waste areas
  - b) The number of bins to be provided
  - c) Method of waste and recyclables collection
  - d) Hours of waste and recyclables collection NB. These should correspond with our Local Laws
  - e) Method of presentation of bins for waste collection

Date Permit Issued: 2 APR 2015

Signature for the Responsible Authority: 

# PLANNING PERMIT

Permit Endorsed Plans For Reference Only Form 4

Planning Scheme: Stonnington  
Responsible Authority: City of Stonnington


Planning Permit No. 0973/14

- f) Strategies for how the generation of waste and recyclables from the development will be minimised

When approved, the plan will be endorsed and will then form part of the permit. Waste collection from the development must be in accordance with the plan, to the satisfaction of the Responsible Authority.

8. A maximum number of 50 patrons may be catered for on the premises at any one time to the satisfaction of the Responsible Authority.
9. The use hereby permitted may only operate between the hours of 7:00am and 7:00pm, Monday to Sunday to the satisfaction of the Responsible Authority.
10. The collection of wastes and recyclables from the premises (other than normal Stonnington City Council collection) must be in accordance with Council's General Local Laws.
11. Bottles and rubbish must not be removed from within the premises between the hours of 11:00pm and 7:00am the following day.
12. Noise emanating from the subject land must comply with State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority. Any works required to ensure and maintain the noise levels are in compliance with this policy must be completed prior to the commencement of the use or occupation of the site and maintained thereafter, all to the satisfaction of the Responsible Authority.
13. The provision of music and entertainment on the premises must be limited to background music or entertainment by performers using non-amplified instruments unless with the written consent of the Responsible Authority.
14. All plant and equipment (including air-conditioning units) shall be located or screened so as not to be visible from any of the surrounding footpaths and adjoining properties (including from above) and shall be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.
15. The use and development 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

Date Permit Issued: 2 APR 2015

Signature for the Responsible Authority: 

# PLANNING PERMIT

Permit Endorsed Plans For Reference Only Form 4

Planning Scheme: Stonnington  
Responsible Authority: City of Stonnington

Planning Permit No. 0973/14

- d) Presence of vermin
- e) Or in any other way


16. All loading and unloading of goods must be undertaken in accordance with Council's Local Laws.
17. Prior to the occupation of the building/ commencement of use, the walls on the boundary of the adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.
18. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
19. A report for the legal point of discharge must be obtained from Council and a drainage design for the development must be prepared by a suitably qualified Engineer in accordance with that report prior to a building permit being issued. The drainage must be constructed in accordance with the Engineer's design.
20. Prior to occupation of the building or commencement of use, any existing vehicular crossing made redundant by the building and works hereby permitted must be broken out and re-instated as standard footpath and kerb and channel at the permit holders cost to the approval and satisfaction of the Responsible Authority.
21. This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.
  - c) The use is not commenced within five years of the date of this permit.
  - d) The use is discontinued for a period of two years or more.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

## NOTES:

- A) 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 from the Councils Health Services.
- B) This permit does not constitute any authority to carry out any building works or occupy the building or part of the building unless all relevant building permits are obtained.

Date Permit Issued: 2 APR 2015

Signature for the Responsible Authority: 

# PLANNING PERMIT

Form 4

**Permit Endorsed Plans For Reference Only**

Planning Scheme: Stonnington  
Responsible Authority: City of Stonnington

**Planning Permit No. 0973/14**

- C) Nothing in the permit hereby issued may be construed to allow the removal of, damage to or pruning of any street tree without the further written consent of the Stonnington City Council. Contact the Council Arborists on 8290 1333 for further information.
- D) Background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial level.
- E) The owners and occupiers of the dwelling/s hereby approved are not eligible to receive "Resident Parking Permits".
- F) At the permit issue date, Section 69 of the Planning and Environment Act 1987 stated that the Responsible Authority may extend the periods referred to if a request is made in writing within the following timeframes:
- i. Before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and
  - ii. Within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires.

Date Permit Issued: 2 APR 2015

Signature for the Responsible Authority: 