



PLANNING COMMITTEE

AGENDA

29 AUGUST 2024



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Planning Committee

Welcome

Welcome to this Planning Committee Meeting of the Port Phillip City Council. The aim of this Committee is to consider, within the framework of the Planning and Environment Act, State and Local Planning Schemes, major planning applications or applications that will have a large impact on the local area. This Committee also allows you to be involved in the statutory and strategic planning decision making processes of Council.

About this meeting

There are a few things to know about tonight's meeting. The first page of tonight's Agenda itemises all the different parts to the meeting. Some of the items are administrative and are required by law. In the agenda you will also find a list of all the items to be discussed this evening. Each item has a report written by a Council officer outlining the purpose of the report, all relevant information and a recommendation. The Committee will consider the report and either accept the recommendation or make amendments to it. This Committee has delegated authority. A recommendation is carried if it receives majority support of the Councillors in attendance at the Committee meeting.

Public Question Time and Submissions

Public Question Time Provision is made at the beginning of the meeting for general question time from members of the public concerning planning matters.

Members of the public have the option to either participate in person or join the meeting virtually via Teams to ask their questions live during the meeting.

If you would like to address the Council and /or ask a question on any of the items being discussed, please submit a 'Request to Speak form' by 4pm on the day of the meeting via Council's website:

[Request to speak at a Council meeting - City of Port Phillip](#)





PORT PHILLIP CITY COUNCIL PLANNING COMMITTEE

To Councillors

Notice is hereby given that a Planning Committee Meeting of the Port Phillip City Council will be held in **St Kilda Town Hall** and **virtually via Teams** on **Thursday, 29 August 2024** at 6:30pm. At their discretion, Councillors may suspend the meeting for short breaks as required.

AGENDA

- 1 **APOLOGIES**
- 2 **MINUTES OF PREVIOUS MEETINGS**
Minutes of the Planning Committee 25 July 2024.
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **PUBLIC QUESTION TIME AND SUBMISSIONS**
- 5 **COUNCILLOR QUESTION TIME**
- 6 **PRESENTATION OF REPORTS**
 - 6.1 *345 Barkly Street Elwood (PDPL/00307/2022).....5*
 - 6.2 *Statutory Planning Delegated Decisions - July 2024.....72*
- 7 **URGENT BUSINESS**
- 8 **CONFIDENTIAL MATTERS**
Nil



1. APOLOGIES

2. MINUTES OF PREVIOUS MEETINGS

RECOMMENDATION:

That the minutes of the Planning Committee of the Port Phillip City Council held on 25 July 2024 be confirmed.

3. DECLARATIONS OF CONFLICTS OF INTEREST

4. PUBLIC QUESTION TIME AND SUBMISSIONS

5. COUNCILLOR QUESTION TIME

6. PRESENTATION OF REPORTS

| | | |
|-----|---|----|
| 6.1 | 345 Barkly Street Elwood PDPL/00307/2022 | 5 |
| 6.2 | Statutory Planning Delegated Decisions - July 2024..... | 72 |



6.1 **345 BARKLY STREET ELWOOD PDPL/00307/2022**

LOCATION/ADDRESS: **345 BARKLY STREET ELWOOD**

EXECUTIVE MEMBER: **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**
PAUL WOOD, MANAGER CITY DEVELOPMENT

PREPARED BY: **DARREN CAMILLERI, PLANNING COORDINATOR CANAL WARD**
MATTHEW SCHREUDER, PRINCIPAL PLANNER

1. PURPOSE

- 1.1 To consider and determine Planning Permit Application PDPL/00307/2022 for the use of the land to sell or consume liquor and buildings and works in a Heritage Overlay, Special Building Overlay and for buildings and works for a section two (permit required use).

2. EXECUTIVE SUMMARY

| | |
|--|--|
| WARD: | Canal Ward |
| TRIGGER FOR DETERMINATION BY COMMITTEE: | More than 16 objections |
| APPLICATION NO: | PDPL/00307/2022 |
| APPLICANT: | Jerry's Group Pty Ltd. |
| EXISTING USE: | Café/Restaurant |
| ABUTTING USES: | Residential |
| ZONING: | Neighbourhood Residential Zone – Schedule 5 (NRZ5) |
| OVERLAYS: | Heritage Overlay – Schedule 409 (Jerry's Milk Bar), Special Building Overlay – Schedule 1 (Melbourne Water Main Drain) |
| STATUTORY TIME REMAINING AS AT DATE OF COUNCIL DECISION | Expired |

- 2.1 The application seeks approval for the use of the land to sell or consume liquor, and buildings and works related to fencing and roofing within the rear courtyard.
- 2.2 The site is located on the southwest corner of the intersection of Barkly Street and Meredith Street, Elwood.
- 2.3 The site contains a two-storey building used for many years as a food and drink premises called 'Jerry's'. The building is constructed along the frontage to Barkly Street, the northern side boundary to Meredith Street, as well as the shared southern boundary to 347 Barkly Street. To the rear of the building is a covered area that contains seating for patrons. A service area is also located within the rear yard.
- 2.4 The site has a frontage to Barkly Street of 6.3 metres and a side abuttal to Meredith Street of 36.8 metres. The site area is 222 square metres.



- 2.5 The site is located within an established residential area and has two residential property abutments.
- 2.6 A permit is required pursuant to Clause 52.27 (Licenced Premises) of the Port Phillip Planning Scheme for the sale or consumption of liquor.
- 2.7 The proposed hours for the sale of liquor are:
- 9am – 6pm Monday to Wednesday (excluding ANZAC Day and Good Friday)
 - 9am – 11pm Thursday to Sunday (excluding ANZAC Day and Good Friday)
 - With the following exceptions:
 - Rear courtyard and Barkly Street footpath trading: No later than 10pm Thursday – Sunday
 - Meredith Street footpath Trading: No later than 6 pm on all days.
- 2.8 The application includes buildings and works that primarily relate to noise attenuation measures recommended by an acoustic report submitted with the application. The works include:
- Provision of screening along the fence of the rear courtyard
 - Extension of the roof over the entire courtyard.
 - Construction of a side fence along Meredith Street. The side fence has been constructed. Therefore, the application seeks retrospective approval.
- 2.9 A permit is required for buildings and works pursuant to Clause 32.09-10 Neighbourhood Residential Zone, 43.01-1 Heritage Overlay and 44.05-2 Special Building Overlay.
- 2.10 The application was advertised and received 21 objections. Key concerns include:
- The location is not appropriate for the use.
 - Excessive noise.
 - The hours of operation are not acceptable.
 - Insufficient parking in the area.
 - The proposal will impact road safety.
 - Deliveries and rubbish collection will impact on the amenity of the area.
 - The footpath is too narrow to allow outdoor seating.
- 2.11 A consultation meeting was held on 24 July 2023. The meeting was attended by a Ward Councillor, the Applicant, objectors and planning officers.
- 2.12 In responding to objector concerns, amended plans, submitted under Section 57a of the *Planning and Environment Act 1987* were received on 16 April 2024. Further amended plans were received following a Council request for further information on 12 June 2024. The amended plans include an acoustic report, development plans incorporating noise attenuation, a planning report, and a venue and patron management plan. The amendment reduces the hours for sale and consumption of liquor on Meredith Street and Barkly Street. The amended plans were also subject to public notification and all previous objectors were notified.



2.13 In summary, the proposal is considered acceptable for the following reasons:

- Subject to conditions, the sale or consumption of liquor, will not have an unreasonable amenity impact on the surrounding area.
- The proposal supports the economic viability of an existing local business.
- The proposed buildings and works will not have an impact on the heritage significance of the heritage place.
- The buildings and works do not conflict with the objectives of the Special Building Overlay relating to flooding impacts.

3. RECOMMENDATION

PART A

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued subject to the following permissions:

| Planning Scheme Clause No. | Description of what is allowed |
|----------------------------|--|
| Clause 32.09-10 | To construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2 |
| Clause 43.01-1 | To construct a building or to construct or carry out works |
| Clause 44.05-2 | To construct a building or to construct or carry out works |
| Clause 52.27 | To use the land to sell or consume liquor |

- 3.3 That the decision be issued subject to the following conditions:

Layout not altered

- 1 The layout and description of the use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Venue and Patron Management Plan

- 2 Before the use starts (to sell or consume liquor), an amended Venue and Patron Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must be generally in accordance with the 'Serving of Alcohol Venue and Patron Management Plan' prepared by Clause 1 Planning and received 16 April 2024, but further modified to show:
- a) The hours for the sale or consumption of liquor in accordance with Condition 3.
 - b) The number of patrons in accordance with Condition 4.



The use must be carried out in accordance with the approved plan to the satisfaction of the Responsible Authority and must not be altered or modified without the prior written consent of the Responsible Authority.

Licensed premises - hours of operation

- 3 The sale or consumption of liquor must only operate between the following times:

Internal areas

- a) 9am and 6pm Monday to Wednesday
- b) 9am and 10pm Thursday to Sunday

Covered rear courtyard

- c) 7am and 10pm Thursday to Saturday
- d) 7am and 6pm Sunday to Wednesday

Barkly Street footpath trading area

- e) 7am and 9pm Thursday to Saturday
- f) 7am and 6pm Sunday to Wednesday

Meredith Street footpath trading area

- g) 7am and 6pm Monday to Sunday

Except with the prior written consent of the Responsible Authority.

Limit on number of patrons

- 4 No more than 100 patrons may be present on the land at any one time in association with the sale and consumption of liquor, except with the prior written consent of the responsible authority.

Provision of seating

- 5 Tables and chairs must be placed in position on the licenced premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time.

Acoustic attenuation

- 6 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and thereafter complied with at all time to the satisfaction of the Responsible Authority and must not be varied except with the prior written consent of the Responsible Authority.
- 7 At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority on its website, as in force from time to time. The entrance door to the front of the building and the rear courtyard



must remained closed other than when patrons are entering or exiting the site, on any day after 6pm.

Time for starting and completion

- 8 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 of the land for the sale or consumption of liquor is not started within two years of the completion of development.

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

PART B

- 3.4 That the planning committee authorise the Manager City Development to instruct Council's Statutory Planners and/or Council's solicitors in any VCAT Application for Review should one be lodged.

4. RELEVANT BACKGROUND

- 4.1 Jerry's has been operating on this site for many years. Application PDCC/00007/2024 confirmed existing use rights at the site as a food and drink premises.

5. PROPOSAL

- 5.1 The application seeks approval for the use of the land for the sale or consumption of liquor and buildings and works associated with an existing food and drink premises at the site.
- 5.2 The plans and documents which are the subject of this report are those received, and date stamped by Council 12 June 2024 and 3 July 2024.
- 5.3 The application proposes the sale or consumption of liquor during the following hours:
- 9am – 6pm Monday to Wednesday
 - 9am – 11pm Thursday to Sunday
 - With the following exceptions:
 - Rear Courtyard and Barkly Street: no later than 10pm Thursday to Sunday
 - Meredith Street footpath trading: No later than 6pm on all days
- 5.4 There will be seating for 76 patrons with 16 in the front section of the building, 40 in the rear covered area, 8 on Meredith Street and 12 on Barkly Street. There will be a maximum of 100 patrons on site at any one time.

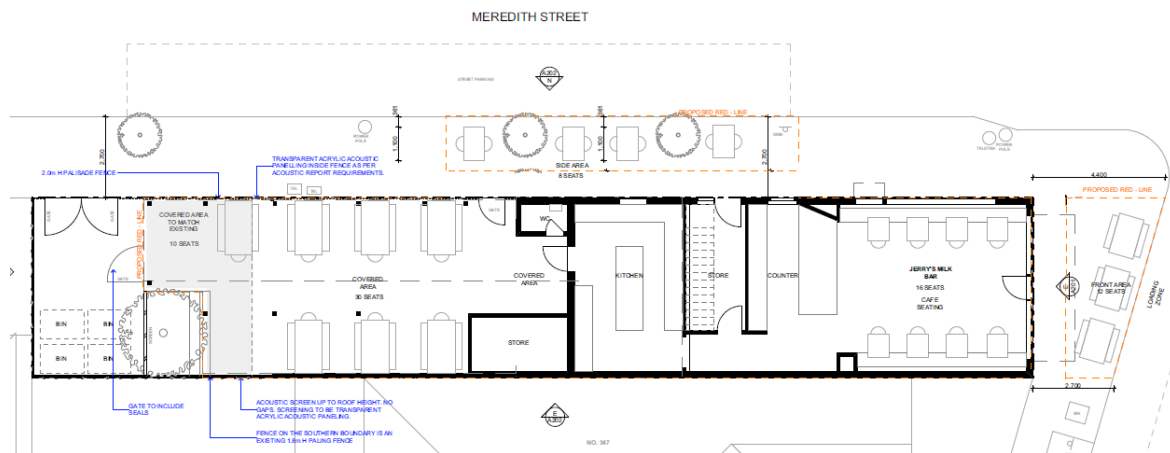


Figure 1 - Proposed red line plan with street trading areas.

- 5.5 The application proposes buildings and works comprising the construction of a side fence along Meredith Street, the provision of screening along all boundaries of the rear outdoor seating area and the extension of the roof to the outdoor area. The fence along Meredith Street has already been constructed and the application is seeking retrospective approval. There are no buildings and works proposed to the existing building. **Refer Attachment 2 – Plans.**

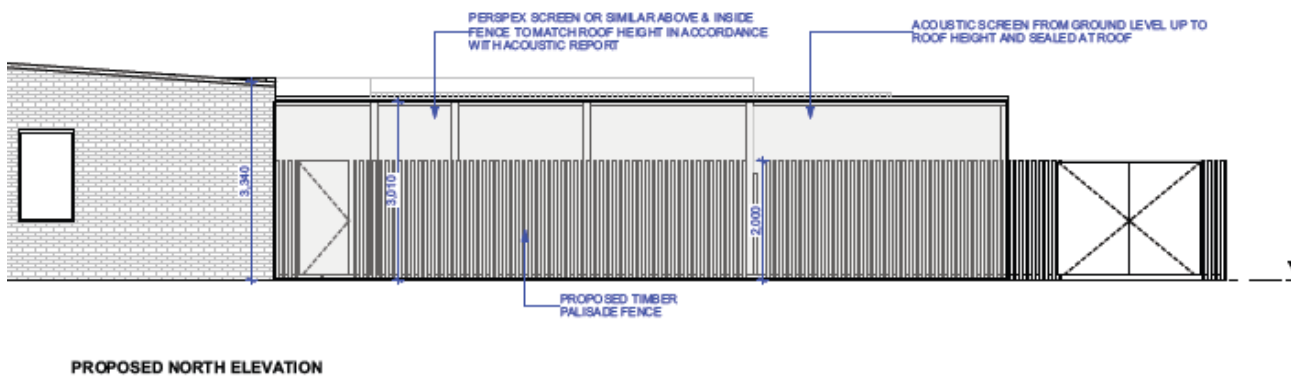


Figure 2 - Fence on Meredith Street, screening and additional roof over rear courtyard.

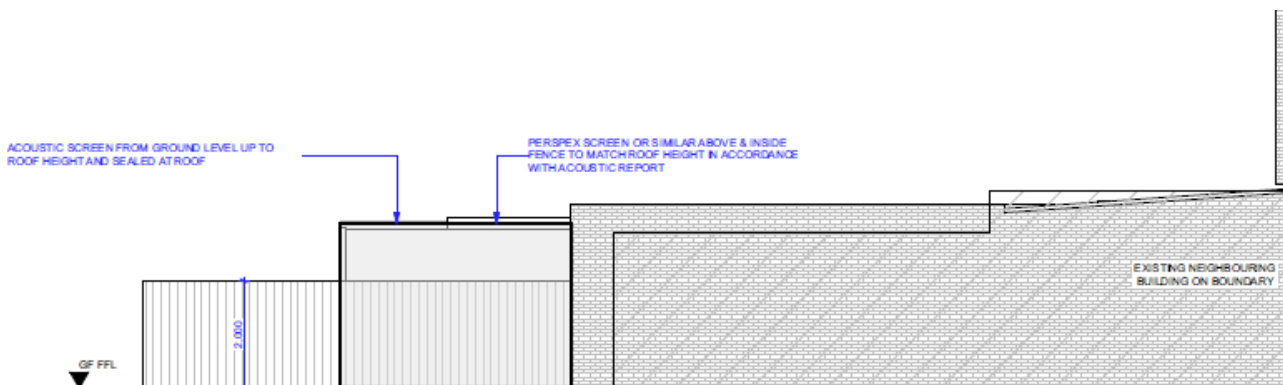


Figure 3 - Proposed screening and additional roof along southern boundary facing 347 Barkly Street.

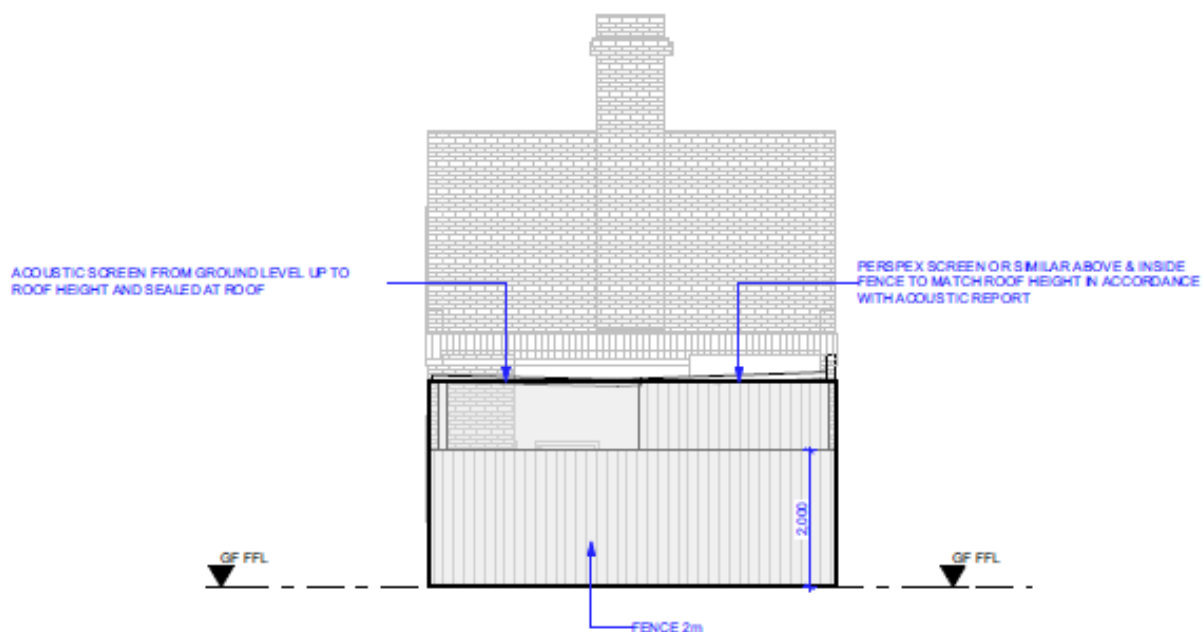


Figure 4- Proposed rear screening.



Figure 5 - Aerial photograph of subject site. Source: Application Documents.



Figure 6 - Photo of subject site. Barkly Street frontage with street trading area. Source: Council planner

6. SUBJECT SITE AND SURROUNDS

| Description of Site and Surrounds | |
|---------------------------------------|---|
| Site Area | The site is rectangular in shape with a frontage to Barkly Street of approximately 6.3 metres and a side abuttal to Meredith Street of 36.8 metres. The site has an area of 222 square metres. |
| Existing building and site conditions | <p>The site currently contains a two-storey red brick building, with a zero setback from the site frontage and the northern Meredith Street abuttal. The building is constructed as double storey for 12 metres into the site from the frontage with a single storey section extending another 5.5 metres.</p> <p>The building comprises an existing food and drink premises with seating within the front of the building and a service counter, store and kitchen. The upper level of the building contains an office and storage area.</p> <p>To the rear of the building there is a partially covered courtyard with additional seating. A bin storage area is located at the western most end of the site.</p> |
| Surrounds neighbourhood character | <p>The surrounding area is an established residential area comprising of predominately single storey dwellings.</p> <p>To the south is 347 Barkly Street which comprises a single storey brick dwelling. The dwelling shares a party wall with the subject site along its northern boundary for a distance of 20.5 metres.</p> <p>The site has an area of secluded private open space at the rear with an area of approximately 52 square metres.</p> |

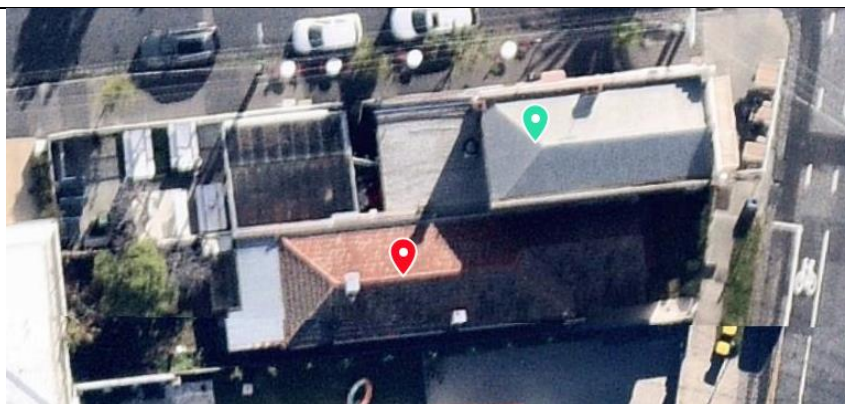


Figure 7 - Aerial photography showing 347 Barkly Street identified with a red marker to the south of the subject site identified with a green marker. Source: Nearmap 23 July 2024.

To the west of the site is 27 Meredith Street which contains a two-storey dwelling. The dwelling shares a section of the common boundary with the subject site adjacent to the driveway and garage.



Figure 8 - 27 Meredith Street identified with a green marker to the west of the subject site identified with a red marker. Source: Nearmap 23 July 2024.

Dwellings are located north of the site on the opposite side of Meredith Street. The dwelling at 343 Barkly Street is immediately opposite the site. The property has a high fence enclosing the rear secluded private open space. Other dwellings fronting Meredith Street have their secluded private open space to the rear of the properties.



Figure 9 - Properties to the north of the subject site identified with a green marker. Source: Nearmap 23 July 2024

To the east of the site is the continuation of Meredith Street and residential properties located on the opposite corners of the intersection.

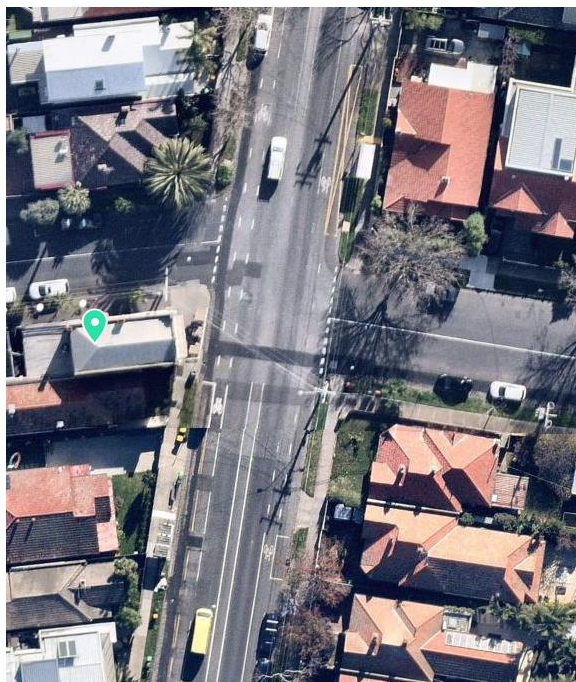


Figure 10 - properties to the east of the subject site identified with a green marker. Source: Nearmap 23 July 2024.



7. PERMIT TRIGGERS

7.1 The following zone and overlay controls apply to the site, with planning permission required as described.

| Zone or Overlay | Why is a permit required? |
|---|---|
| Clause 32.09-10 Neighbourhood Residential Zone | <p>Pursuant to Clause 32.09-10 a permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.</p> <p>While the use is listed as a Section 2 use, it is noted that the land benefits from an existing use right as a food a drink premises.</p> <p>Clause 63.05 addresses existing use rights and notes:</p> <p><i>A use in Section 2 or 3 of a zone for which an existing use right is established may continue provided:</i></p> <ul style="list-style-type: none"> <i>No building or works are constructed or carried out without a permit. A permit must not be granted unless the building or works complies with any other building or works requirement in this scheme.</i> <i>Any condition or restriction to which the use was subject continues to be met. This includes any implied restriction on the extent of the land subject to the existing use right or the extent of activities within the use.</i> <i>The amenity of the area is not damaged or further damaged by a change in the activities beyond the limited purpose of the use preserved by the existing use right.</i> |
| Clause 43.01-1 Heritage overlay | Pursuant to Clause 43.01-1 a permit is required to construct a building or construct or carry out works. |
| Clause 44.05-2 Special Building Overlay | Pursuant to Clause 44.05-2 a permit is required to construct a building or to construct or carry out works. |
| Clause 52.27 Licenced premises | Pursuant to Clause 52.27 a permit is required to use the land to sell or consume liquor. |

8. PLANNING SCHEME PROVISIONS

8.1 Municipal Planning Strategy (MPS)

Clause 02: Municipal Planning Strategy

02.02 – Vision

Planning Policy Framework (PPF)

The following planning policies are relevant to this application:



Clause 11 Settlement

Clause 13 Environmental risks and amenity

13.05-1S Noise management

13.07-1S Land use compatibility

13.07-1L-03 Interfaces and amenity

13.07-1L-04 Tourism, entertainment uses and licenced premises

Clause 15 Built Environment and Heritage

15.03-1S Heritage Conservation

15.03-1L Heritage Policy

Clause 17 Economic Development

17.01-1R and 1S Diversified Economy

17.02-1S Business

8.2 Other relevant provisions

Clause 52.27 Licenced Premises

Clause 63 Existing Uses

Clause 65 Decision Guidelines

8.3 Relevant Planning Scheme Amendments

None

9. REFERRALS

9.1 Internal referrals

The application was referred to Council's Heritage Advisor and Council's Safety and Amenity unit. Below is a summary of their response.

Heritage Advisor

No objection to the proposed works given the works to the rear do not impact the heritage building.

Safety and Amenity

The application was referred to Councils Safety and Amenity department in relation to the proposed liquor consumption in the street trading areas. The following advice was provided:

- A footpath trading permit currently allows for 20 seated patrons (12 on Barkly Street and 8 on the Meredith Street). The amount of space available on the footpath as well as the clearance required for pedestrians were considerations in the granting of the current footpath trading permit.
- Meredith Street trading hours to 6:00pm on all days supported.
- Barkly Street trading hours should be reduced to cease at 9:00pm rather than 10 pm Thursday – Saturday



It is considered reasonable to require the hours of operation on the footpath to align with the street trading requirements.

9.2 External referrals

The application was required to be referred externally to Melbourne Water as a determining authority pursuant to Section 55 of the *Planning and Environment Act 1987* and the provisions of Clause 66. Melbourne Water does not object to the application and no conditions were imposed.

10. PUBLIC NOTIFICATION/OBJECTIONS

10.1 The application was notified in accordance with Section 52 of the *Planning and Environment Act 1987* by ordinary mail to the owners and occupiers of surrounding properties (39 letters) and the display of two notices of the proposal on the site

10.2 21 objections and 2 letters of support have been received. The concerns raised are summarised below (officer comment will follow in italics where the concern has not been addressed in Section 11):

- The location is not appropriate for the use.
- Excessive noise.
- The hours of operation are not acceptable.
- Insufficient parking in the area.

Car parking requirements are set out in clause 52.06 of the Planning Scheme. The Clause applies to:

- *A new use; or*
- *An increase in the floor area or site area of an existing use; or*
- *An increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.*

As the application is not proposing to increase the leasable floor area of the existing use and does not change the characterisation of the current use, car parking requirements of Clause 52.06 are not a consideration of this application. However, 'Planning Practice Note 61 Licenced premises: assessing cumulative impact' notes that car parking (or lack thereof) is a consideration in relation to potential amenity impacts related to patron dispersal patterns. As no change is proposed, the patron dispersal patterns will also likely remain unchanged. The restriction on hours of operation and incorporation of a venue and patron management plan will ensure amenity impacts related to patron dispersal are acceptable.

- The proposal will impact road safety.

The serving of alcohol at the site will not impact upon the safety of the surrounding local road network. There will be no appreciable change to the volume of traffic generated by the proposal.

- Deliveries and rubbish collection will impact on the amenity of the area.

Deliveries and collection are not proposed to be changed. At present, there is no planning permit and associated conditions to regulate impacts related to waste.



Should a permit be issued, a condition of the recommendation will require compliance with the venue and patron management plan. This plan notes:

'Waste management procedures will continue to be carried out in the manner established under the existing use on site, including:

- *Collection of waste by private contractors*
- *Frequency of collection as required*
- *Collection times must be between 8am – 5pm Monday-Friday*
- *Depositing of waste into the bin store must not take place after 9pm*
- *Bins store must be kept clean and odour-free'*

In addition, a condition of the recommendation regulates bottle bagging hours to be restricted to operation times and must not be emptied into the external refuse bins after 6pm or before 9am Sunday to Thursday or after 8 pm or before 8am on Friday and Saturday.

- The footpath is too narrow to allow outdoor seating.

The existing use benefits from an existing footpath trading permit for Barkly Street and Meredith Street. The proposed seating arrangement is consistent with the Street Trading permit that has considered the space to appropriately cater for outdoor seating.

- 10.3 A consultation meeting was held on 24 July 2023. The meeting was attended by a Ward councillor, applicants, objectors and planning officers.
- 10.4 Amended plans were submitted 16 April 2024 and 12 June 2024 in response to objections received. The plans included an acoustic report, development plans incorporating noise attenuation measures, a planning report and a patron management plan.
- 10.5 Notice was given of the amended proposal in accordance with Section 52 of the *Planning and Environment Act 1987* by way of ordinary mail to the owners and occupiers of the two adjoining properties to the south and west of the site. The amended plans were also circulated to all objectors to ensure they were informed of the changes to the application.
- 10.6 At the time of writing this report, no further objections had been received.
- 10.7 The objections did not raise any matter of significant social effect under Section 60 (1B) of the *Planning and Environment Act 1987*.

11. OFFICER'S ASSESSMENT

- 11.1 In considering the proposal, regard has been given to the MPS and PPF, the objections received and the merits of the application.
- 11.2 The key issues that require assessment are:
- Control of the use of the land
 - Is the proposal an acceptable response to the relevant planning provisions?
 - Are the off-site amenity impacts acceptable?
 - Are the buildings and works acceptable?



Control of the use of the land

- 11.3 The venue has long been established as a food and drink premises.
- 11.4 By way of separate application, the land owner has demonstrated that the use of the land has continued for a period of at least 15 years as a food and drinks premises. Council has issued a Certificate of Compliance confirming this use.
- 11.5 This is a broad right with no restrictions on how the food or drink premises operates (ie. hours of operation, patron numbers, waste management and the likes).
- 11.6 Council's consideration for this application cannot fetter the right that exists.
- 11.7 Council's scope of consideration in relation to use relates solely to the acceptability of the sale and consumption of liquor and whether any restrictions should be applied to this component of use.

Is the proposal an acceptable response to the relevant planning provisions?

- 11.8 The proposal is considered an acceptable response to the Planning Policy Framework. The application is supported by Council's vision as outlined in Clause 02.02 of the Municipal Planning Strategy that states Port Phillip will be a city that 'is creative and prosperous with a dynamic economy that connects and grows business...'.
11.9 Clause 11 'Settlement' recognises planning's role in contributing towards economic viability as well noting that planning is to prevent 'amenity problems created by siting incompatible land uses together'. The introduction of a liquor licence at the site will support the ongoing viability of the business. The serving of alcohol aligns with the typical expectations of a food and drink premises that provides for serving of meals throughout the day and evening. Amenity impacts associated with the proposal are assessed in this report.
- 11.10 Clause 13.05-1S 'Noise management' seeks to assist in the management of noise effects on sensitive land uses through adopting strategies to minimise the impact on human health from noise exposure to occupants of sensitive land uses.
- 11.11 Clause 13.07-1S 'Land use compatibility' has strategies which aim to ensure that use of land is compatible with adjoining and nearby land uses. It seeks to avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other land uses through land use separation, siting, building design and operational measures. As the site is located within a residential area it is important to consider the potential impact of the sale or consumption of liquor. Subject to conditions, noise impacts are considered acceptable. A noise impact assessment is contained further below.
- 11.12 Noise attenuation measures and conditions of permit will also ensure that the proposal is consistent with Clause 13.07-1L -04 Tourism, entertainment uses and licenced premises that seeks to minimise possible amenity impacts from licenced premises on the amenity of surrounding land uses.

Are the off-site amenity impacts acceptable?

- 11.13 Subject to conditions, off-site amenity impacts are considered acceptable. The non-residential nature of the site has been ongoing for many years. In considering the suitability of the proposal it is important to recognise the established existing use rights of the business. When considering amenity impacts, the key considerations relate to the change from a food and drink premises that does not serve liquor, to a food and drink premises that serves liquor.



11.14A planning permit to allow the sale or consumption of liquor enables inclusion of conditions as they are related to impacts of serving of liquor. This has potential to reduce amenity impacts relative to the unrestricted use of the site that currently exists.

11.15The proposal requires planning permission pursuant to Clause 52.27 'Licensed Premises'. Amenity impacts are required to be assessed under the provisions of this clause. Before deciding on an application under Clause 52.27, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

Surrounding amenity impacts

11.16A key amenity impact to consider is noise. This is particularly important given the surrounding residential context. Noise impacts would come from two primary sources - music noise and patron noise. These are assessed below.

Music Noise

11.17As noted in Planning Practice Note 61 'Licences premises assessing cumulative impact' the way music is played and the hours it is played can influence the level and type of alcohol consumption and potential to impact local amenity. Live music can typically result in greater off-site amenity impacts than background music. The venue will not include any live music. Music played will be at background levels in the building and rear courtyard.

11.18The submitted acoustic report by Enfield Acoustics ('acoustic report') assessed the impacts of background level music on the closest residential properties. The acoustic report concludes that subject to their recommendations for acoustic treatments, background music would be acceptable.

11.19To 'mitigate against any risk of adverse music noise impacts and to implement correct managerial controls', the report also recommends that the rear courtyard amplification system is calibrated by a suitably qualified acoustic consultant to comply with the *Environmental Protection Regulations 2021 (EP Regulations) and Publication 1826: Noise Limit and Assessment Protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, published by the Environment Protection Authority (Noise Protocol)*. The recommendation includes a condition to implement the acoustic recommendations that are contained within the Acoustic Report.

11.20In addition, a condition in the recommendation requires ongoing compliance with the Noise Protocol.

Patron noise



- 11.21 The acoustic report completed patron noise testing on site and computer modelling to assess noise impacts to the closest residential properties. This included analysis of the proposed hours and number of patrons within the rear courtyard and on Barkly and Meredith Street.
- 11.22 The application states that a maximum of 100 patrons would be on site. The provided redline plan indicates the following seating arrangement:
- Footpath trading area – 20 seats
 - Internal café seating – 16 seats
 - Covered area – 30 seats
 - Uncovered area – 10 seats
 - Total seats – 76 patrons
- 11.23 As the EPA Noise protocol does not control patron noise, the report uses noise targets from City of Yarra 'Guidelines – Managing Noise Impacts in Urban Development'. While these targets do not apply to City of Port Phillip, in the absence of patron noise targets, the acoustic report uses these as an example of what would be considered reasonable.
- 11.24 The acoustic report concludes that subject to construction requirements related to the type, height and material of acoustic fencing/roofing/screening, patron noise from the courtyard would be acceptable. A condition of the officer recommendation requires that prior to the sale and consumption of liquor, written notification from a suitably qualified acoustic consultant must be provided confirming that the construction complies with the acoustic report specifications.
- 11.25 In relation to noise impacts from patrons at tables and chairs on Meredith Street and Barkly Street the acoustic report concludes that impacts would be acceptable. This is subject to Meredith Street trading closing no later than 6pm with maximum 8 patrons and Barkly Street trading closing no later than 9pm with a maximum 12 patrons (consistent with the street trading requirements).
- 11.26 When considering the type of use, the nature of the existing business, and other management conditions proposed, it is considered that the acoustic report findings, except for opening hours to 11pm, are appropriate.
- 11.27 While the 7am opening time reflects the existing morning coffee/breakfast trade and is considered reasonable, allowing the use to operate until 11pm from Thursday to Sunday is considered too late. This is because of the residential nature of the surrounding area. The introduction of the liquor licence increases the likelihood of additional noise from patrons. A condition reducing the closing time to 10pm from Thursday to Sunday is considered appropriate as well as reducing the trading for the Barkly Street area to 6pm on a Sunday. This is included in the officer recommendation.

Amenity impacts related to sale or consumption of liquor and the type of use

- 11.28 The primary function of the business is the provision of meals to seated customers. The application to allow the provision of alcohol does not intend to change the way the site is used. It is well established that the type of use can significantly impact likelihood of intoxicated patrons. For example, a 'bar' that incorporates little seating and does not provide meals is more likely to result in excessive drinking and greater noise and behaviour impacts. Premises that serve meals with a high seating ratio is likely to have



less excessive drinking and associated amenity impacts. Conditions of the recommendation will require that the primary use of the business remains akin to a restaurant and not a bar by requiring provision of meals remaining the primary function of the business and that tables and chairs are set out for at least 75% of patrons present on the premises at any one time.

Venue and patron management plan (VPMP)

11.29 The applicant has provided a VPMP which outlines measures to mitigate amenity impacts. The plan includes:

- Up to eight staff would be working at the site with a manager present at all times.
- All staff will have Responsible Serving of Alcohol Accreditation.
- Signage at entries and exists to remind patrons to respect local residents when leaving the site.
- Requirement for a complaint register recording complaints and actions undertaken to address the complaint. The register would be required to be made available to Council upon request.

11.30 A condition of the officer recommendation requires submission of an amended VPMP that is consistent with conditions in the officer recommendation in relation to hours of operation and patron numbers.

11.31 No security would be employed. This is considered acceptable as this is not typically required for café/restaurants, particularly given the restricted hours in the recommendation.

Cumulative Impact Assessment

11.32 Council is required to consider the cumulative impact of any existing licensed premises in the areas and the proposed licensed premises.

11.33 Planning Practice Note 61 - Assessing Cumulative Impact (PPN61) provides guidance on cumulative impact assessments. PPN61 states that the guidelines may be used for any planning application that would benefit from their use; however, they should be used for all applications for a new or expanded licensed premises that:

1. will be licensed and open after 11pm; and
2. is in an area where there is a cluster of licensed premises

11.34 A cluster is defined as three or more licensed premises (including the proposed premises) within a radius of 100 metres from the subject land, or 15 or more licensed premises (including the proposed premises) within a radius of 500 metres from the subject land.

There are no licenced premises within a 100m radius of the subject site.

11.35 Within a 500m radius, there are 3 licenced premises, comprised of:

- 1 restaurant and café – Riva St Kilda
- 1 limited licence – Starwall Holdings
- 1 on-premises licence – St Kilda Marina



11.36 Therefore, the site is not located within a cluster of licensed premises. The premises also would not be open after 11pm and therefore it is considered that a cumulative impact of the three nearby licence premises is negligible.

Are the buildings and works acceptable?

11.37 The proposed works will not impact the heritage significance of the subject site and is an acceptable response to the Heritage Overlay.

11.38 The application seeks minor buildings and works which will have limited impact on the appearance of the site, and no impact on any of the features of the original heritage building. All the works proposed are related to the existing covered rear courtyard and Meredith Street boundary fence. The application was referred to Councils Heritage Advisor who did not object to the proposal.

11.39 The fence is acceptable in relation to the Special Building Overlay. The application was referred to Melbourne Water as the relevant floodplain management authority who did not object to the proposal.

12. COVENANTS

12.1 There is no restrictive covenant on the titles for the subject site known as Lot 1 of Title Plan 583458G.

13. OFFICER MATERIAL OR GENERAL INTEREST

13.1 No officers involved in the preparation of this report have any material or general interest in the matter.

14. OPTIONS

14.1 Approve as recommended

14.2 Approve with changed or additional conditions






14.3 Refuse - on key issues

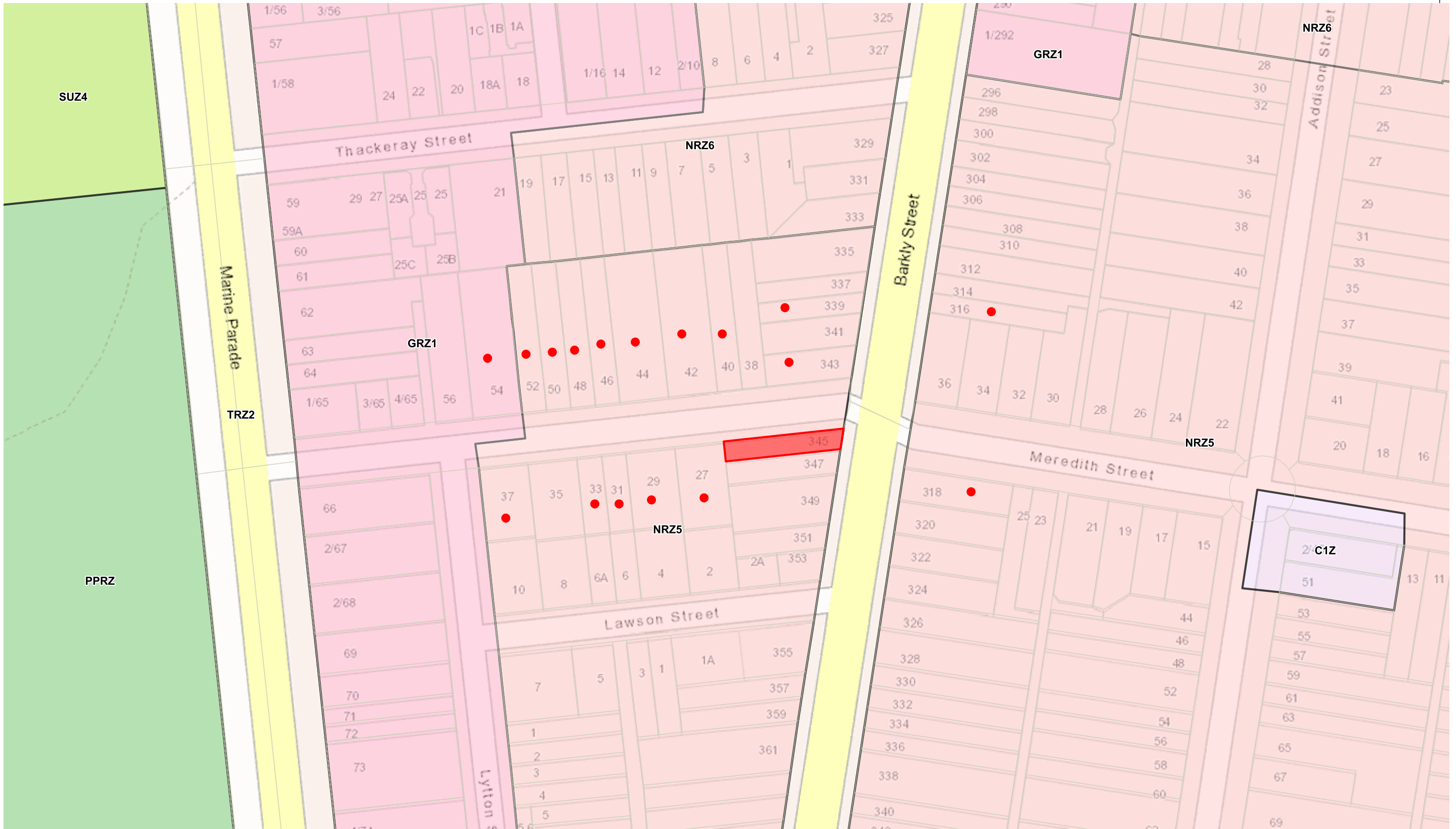
15. CONCLUSION

15.1 The application is an acceptable response to objectives and decision guidelines of the relevant provisions of the planning scheme. The proposal will support an existing established business. Subject to conditions outlined in the recommendation, the use will not result in an unreasonable impact on the surrounding residential area.

15.2 It is recommended that Council issues a Notice of Decision to Grant a Planning Permit

ATTACHMENTS

1. Objectors Map  [Download](#)
2. Plans  [Download](#)
3. Planning report  [Download](#)
4. Acoustic Report  [Download](#)
5. Patron management plan  [Download](#)



Objectors Map

City of Port Phillip
Advertised Plan
Amended plan under s57A
Planning Application No. PDPL/00307/2022
1 of 8

TOWN PLANNING
PROPOSED ALTERATIONS
345 Barkley Street, Elwood

| Layout ID | Layout Name |
|-----------|----------------------------|
| A001 | COVER PAGE |
| A002 | SITE CONTEXT |
| A003 | LOCAL LIQUOR LICENCES |
| A101 | PROPOSED GROUND FLOOR PLAN |
| A201 | EXISTING / DEMO ELEVATIONS |
| A202 | EXISTING / DEMO ELEVATIONS |
| A203 | PROPOSED ELEVATIONS |
| A204 | PROPOSED ELEVATIONS |

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| NO. | DESCRIPTION |
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| 03 | TP RFI Response |

| DATE |
|------------|
| 21/03/2024 |
| 30/05/2024 |

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Drawing No
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03



GENERAL NOTES

**City of Port Phillip
Advertised Plan
Amended plan under s57A
Planning Application No. PDPL/00307/2022
2 of 8**

NO.
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TP RFI Response

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SITE CONTEXT

Drawing No
A002

Revision
03



GENERAL NOTES

- EXISTING LIQUOR LICENCES
- ASSESSMENT BOUNDARY LINE

NO. 01
03

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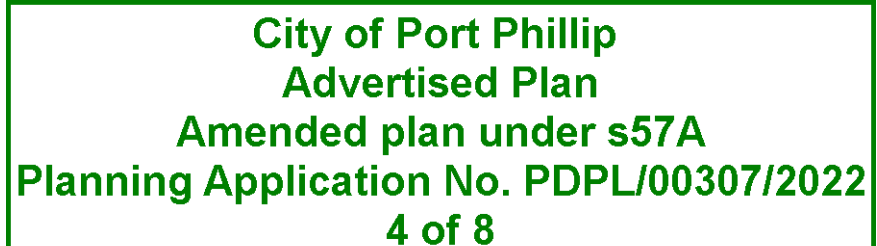
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LICENCES

Drawing No
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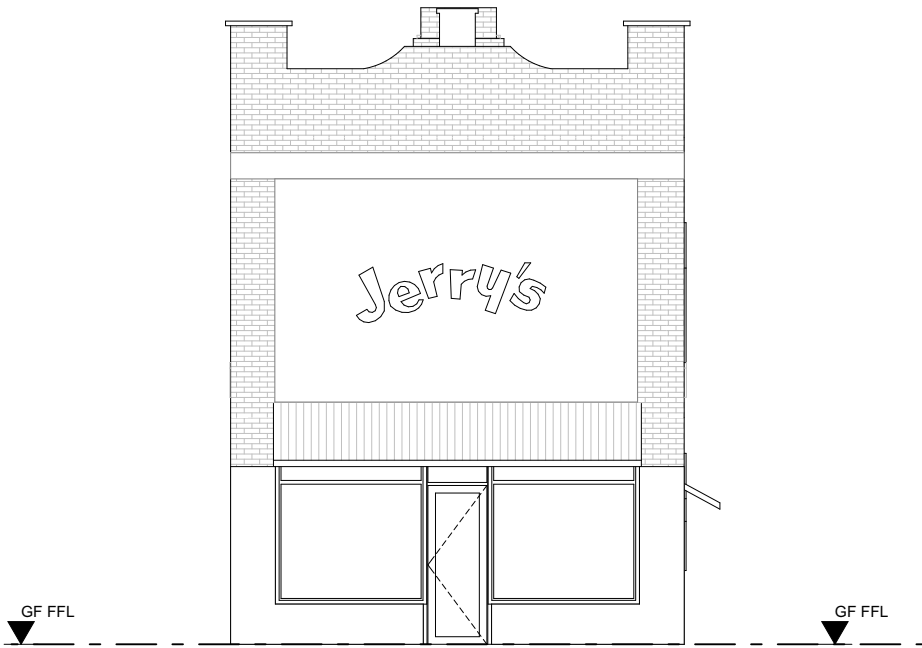
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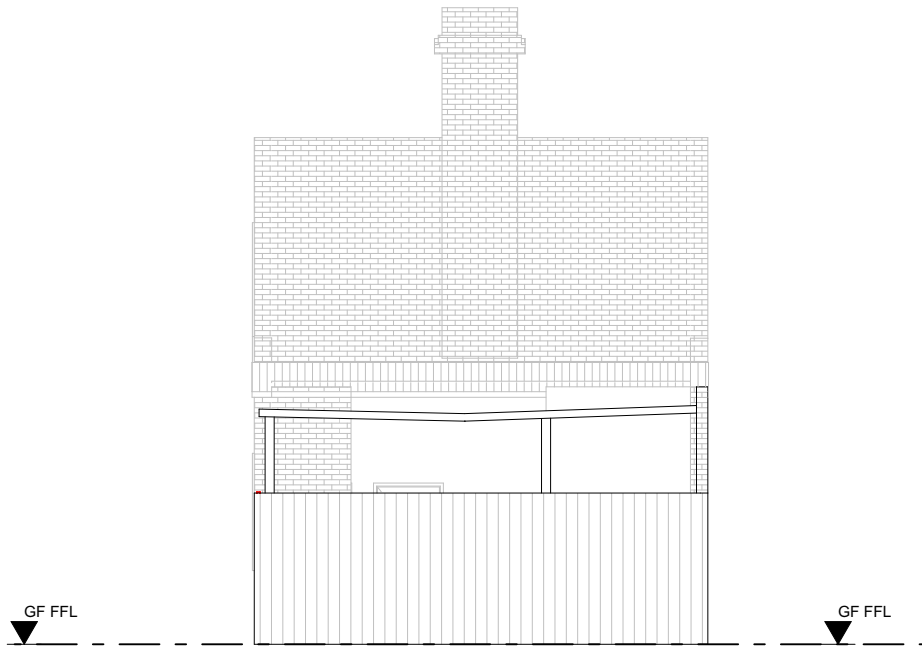
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Version: 1, Version Date: 17/06/2024

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Advertised Plan
Amended plan under s57A
Planning Application No. PDPL/00307/2022
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FRONT FACADE TO REMAIN



EXISTING EAST ELEVATION 1:100



EXISTING WEST ELEVATION 1:100

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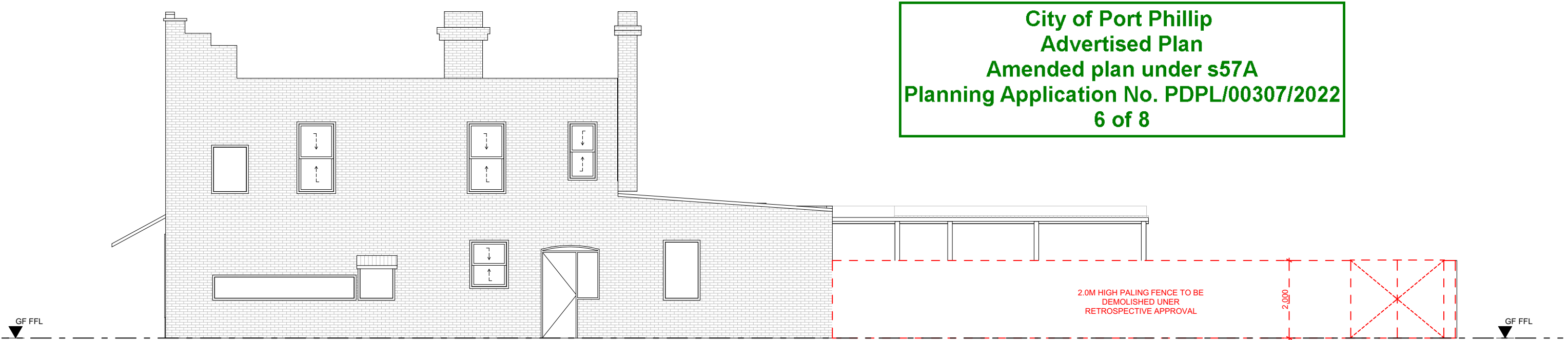
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EXISTING / DEMO
ELEVATIONS

Drawing No
A201

Revision
03

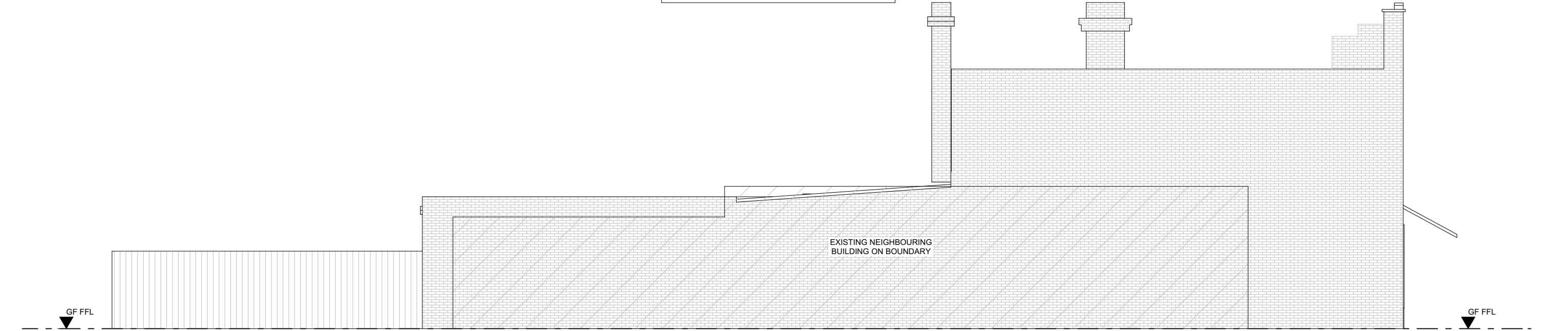
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Advertised Plan
Amended plan under s57A
Planning Application No. PDPL/00307/2022
6 of 8



EXISTING NORTH ELEVATION

1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING



EXISTING SOUTH ELEVATION

1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING

GENERAL NOTES

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EXISTING / DEMO
ELEVATIONS

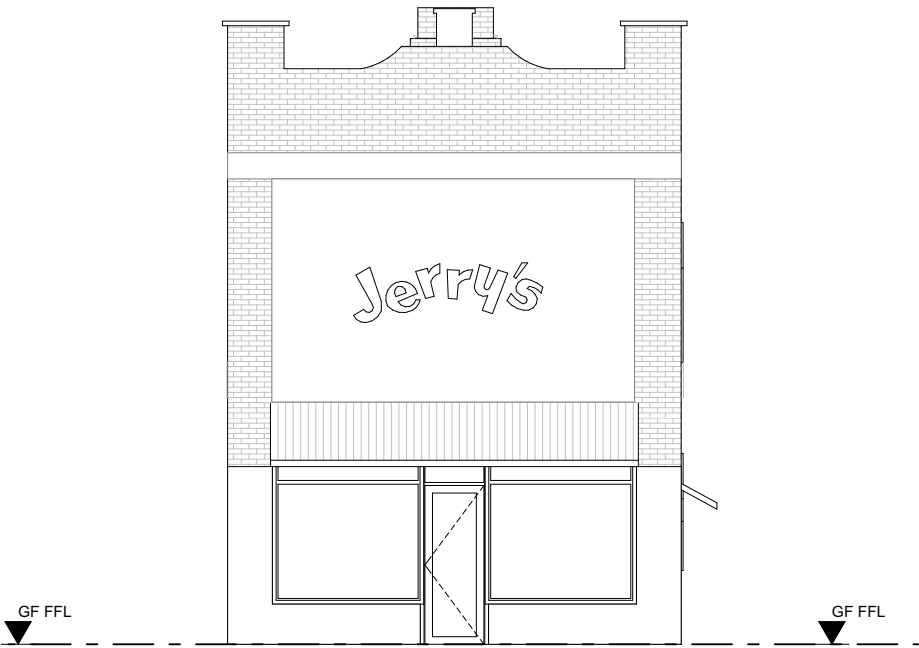
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Amended plan under s57A
Planning Application No. PDPL/00307/2022
7 of 8

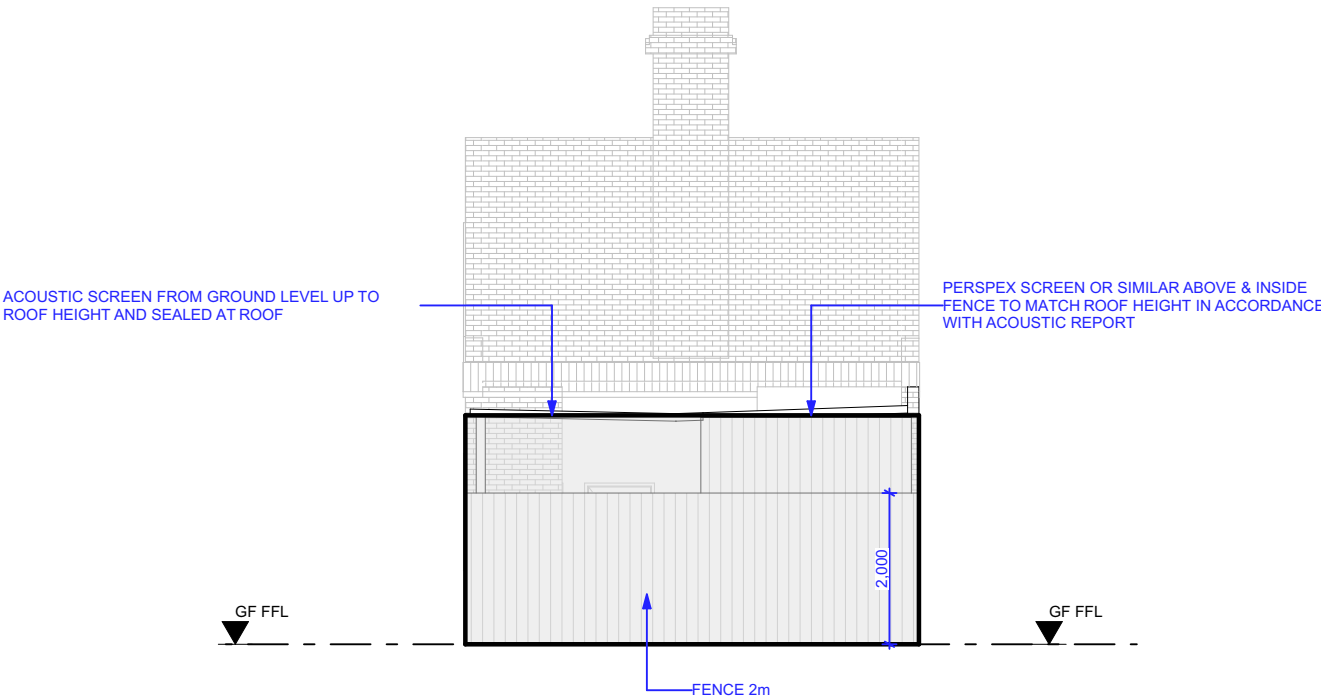
FRONT FACADE TO REMAIN

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING



PROPOSED EAST ELEVATION 1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING



PROPOSED WEST ELEVATION 1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING

GENERAL NOTES

- EXISTING ELEMENTS
- PROPOSED ELEMENTS

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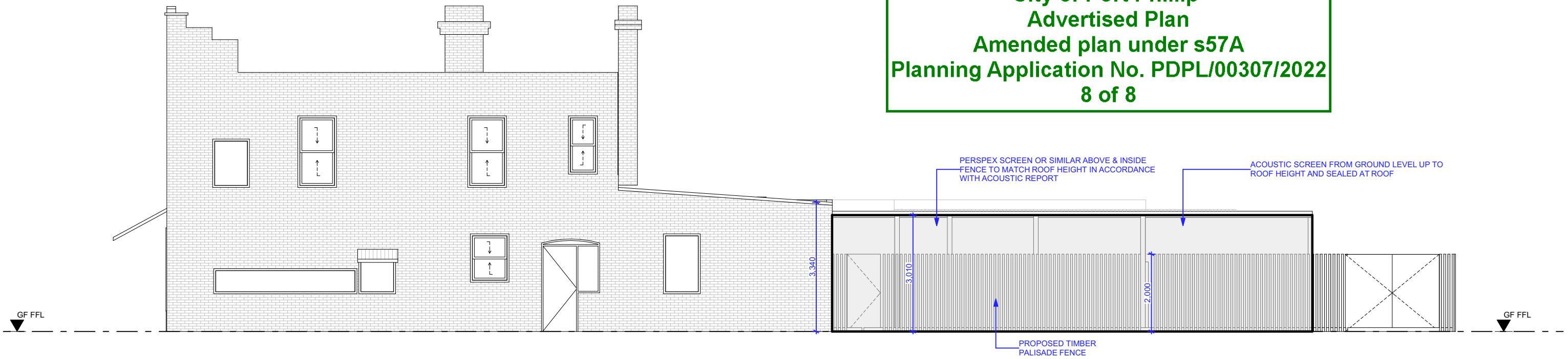
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PROPOSED
ELEVATIONS

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Revision
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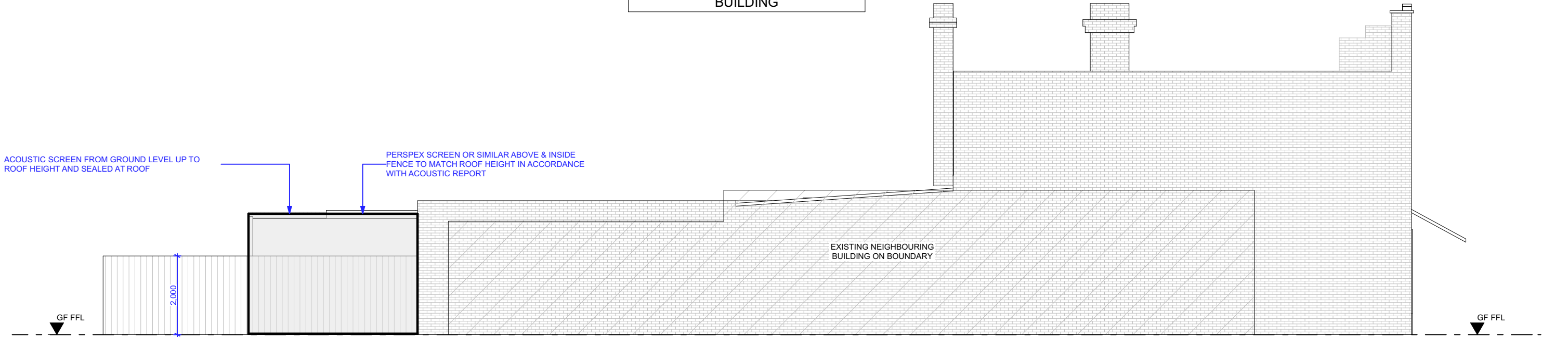
City of Port Phillip
Advertised Plan
Amended plan under s57A
Planning Application No. PDPL/00307/2022
8 of 8



PROPOSED NORTH ELEVATION

1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING



PROPOSED SOUTH ELEVATION

1:100

NO BUILDING OR WORKS
PROPOSED FOR THE EXISTING
BUILDING

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ELEVATIONS

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Planning Permit Application

| | |
|-------------------------------|--|
| Subject Site: | 345 Barkly Street Elwood |
| Responsible Authority: | Port Phillip |
| Proposal: | Addition of a liquor License to the existing use |
| Permit Triggers: | <p>Clause 52.27 of use of land to sell or consume liquor</p> <p>Clause 32.09-9 to construct or carry our works</p> <p>Clause 43.01-1 to construct or carry our works</p> <p>Clause 44.05-2 to construct or carry our works</p> |

**City of Port Phillip
Advertised Document
Amended under Section 57 Amendment
Planning Application No. PDPL/00307/2022
No. of Pages: 1 of 18**

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List of Attachments

Title Details
Proposed Plans
Serving of Alcohol, Venue and Patron Management Plan
Acoustic Report

Clause 1 Planning.
PO Box 305, Flemington, VIC 3031
Phone: 9370 9599 Email: enquiries@clause1.com.au Website: www.clause1.com.au.

Document Control

| Issue | Date | Prepared by | Reviewed by |
|----------------|----------|-------------|-------------|
| Prelim-Draft | 06.09.22 | DB | AT |
| RFI Submission | 13.09.22 | AT | AT |
| 57A Amendment | 15.11.23 | AT. | AT |
| 57A Amendment | 07.04.24 | AT. | AT |

Introduction

1. Planning permission is sought for a liquor license in association with the existing use of Jerry's and associated works required for acoustic attenuation, as well as retrospective approval for changes made to the boundary fence.
2. Pursuant to the Port Phillip Planning Scheme a permit is required under:
 - Clause 52.27 for the use of the land to sell or consume liquor
 - Clauses 32.09-1, 43.01-1 and 44.05-2 for the proposed noise attenuation works to be carried out onsite and retrospective changes to the fence.
3. This report provides an assessment of the proposed use and development against the relevant provisions of the Port Phillip Scheme.

The Subject Site

4. The subject site is contained on Certificate of Title Volume 06979 Folio 615 as Lot 1 on TP 583458G. The site is more commonly described as, Jerry's, 345 Barkly Street Elwood. There are no restrictions on title that impact the proposal.
5. The site is located at the south-west side of the intersection of Barkly Street and Meredith Street, approximately 140m east of Marine Parade.
6. The site is contained within a neighbourhood Residential Zone, Heritage Overlay and Special Building Overlay. Barkly Street is identified as a Transport Road Zone 2. The images below confirm surrounding zoning and overlay controls.

345 Barkly Street Elwood



Figure 1: Subject site and surrounding zoning controls



Figure 2: Subject site and surrounding heritage overlay controls

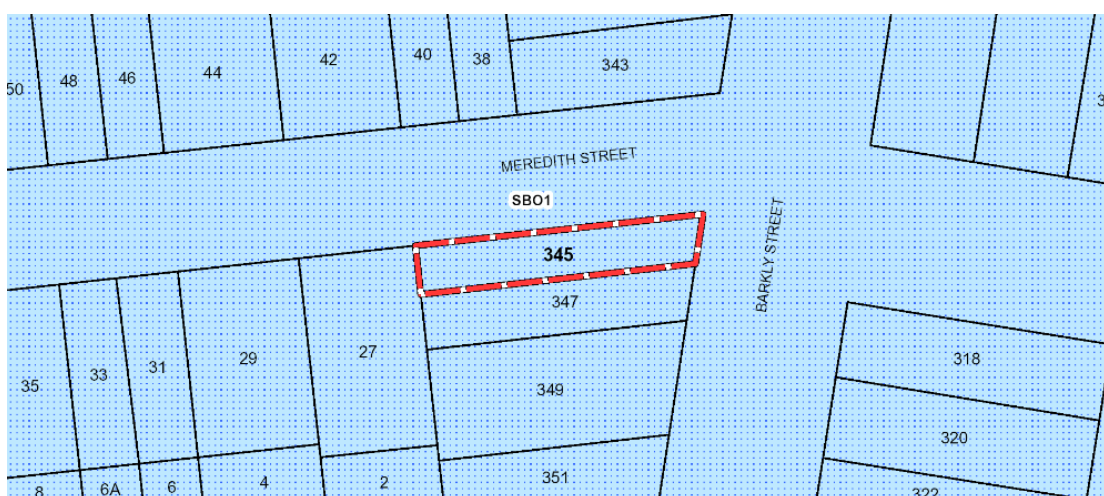


Figure 3: Subject site and surrounding special buildings overlay

7. The site accommodates a two storey red-brick terrace-style building that is utilised as a food and drink premises, Jerry's. The building exhibits a two-storey form build with a zero-lot setback along the Barkly Street frontage and along both side boundaries for a length of approximately 12m. The building then drops to a single storey form for an additional, approximately 5.5m. The ground floor of the main building includes patron seating, kitchen and counter.
8. To the rear of the main buildings is located a covered area. Additional seating is located under the covered area and further back on the site. At the rear of the lot is located the bins store and associated service area.
9. The aerial image below depicts the subject land and its surrounds.



Figure 4: Aerial image of subject site

Site Context

10. The site is located within an established residential area. Barkly Street is a connector road incorporating a single lane in each direction as well as bike paths and parking along both sides.

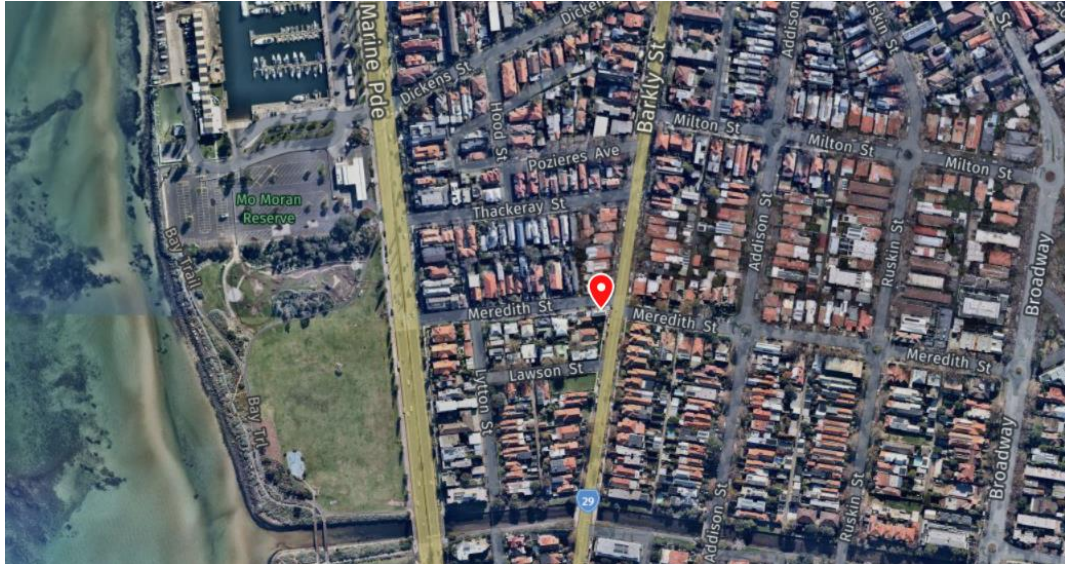


Figure 5: Wider Aerial image of subject site

11. To the immediate north and east the site abuts Meredith and Barkly Streets.
12. To the west, the subject site abuts the driveway and garage of 27 Meredith Street. 27 Meredith Street contains a modern two storey weatherboard house.
13. To the immediate south of the subject site is located 347 Barkly Street, which contains a single-story brick dwelling. The common boundary, abutting the subject site, is dominated by single and double storey walls for a length of approximately 24.5m. Secluded private open space is located to the rear of 347 Barkly Street and abuts the
14. The location is well serviced by public transport including:
- 10m: Bus route #246 Clifton Hill – Elsternwick
 - 400m: Bus route #600, #922, #923 Southland SC – St Kilda
 - 400m: Bus route #606 Elsternwick – Fishermans Bend
 - 1.1km: Ripponlea Train Station

Existing Use & History

15. Council has confirmed that the following historic permits exist for the site:

- 2000 Car parking dispensation
- 2002 Construction of Pergola
- 2011 Car Parking permits
- 2011 Reconstruction of shop- building permit
- 2022 Liquor License

16. It is noteworthy that no planning permit appears to exist that specifies any approved use on the site.

17. We are instructed that no planning permits have ever been issued for the subject site and that the current use operates under well-established existing use rights. The subject site is somewhat of an institution in Elwood. It is common knowledge that Jerry's has operated as a food and drink premises on this land for decades. The site-specific heritage overlay that affects the land, HO409, is entitled Jerry's Milk Bar and notes that "The shop, still known as Jerry's Milk Bar, has since been revitalised, combining the services of a traditional milk bar with a modern café and an outdoor dining courtyard at the rear."

18. The existing use enjoys footpath trading permits along both the Barkly and Meredith Street frontages.

19. Importantly under existing use rights the operator has the ability to expand that use without the need for further planning approval. This issue was discussed in *Stonnington CC v Abgol Pty Ltd & Ors* [2005] VCAT 2346, where the Tribunal stated:

16. *Although Mr Peake has submitted that the placement of the various activities on the land, in some way acts as a condition or restriction on the use, no conditions or restrictions were placed on the use of the site as a hotel. Whilst it may have been convenient in the past to conduct activities such as the bar, bistro, restaurant, kitchen and service facilities on the ground floor and allocate the first floor for accommodation, the placement of these activities in those locations is not a condition of the use of the land as a hotel, nor is it a restriction on the use of the land. The use still remains as a hotel incorporating all of those activities; namely the sale of liquor and food and the provision of accommodation. Nor does the extent of those activities undertaken on the site place an implied restriction upon the use.*

17. *The existing use rights of the Argo Hotel are not confined to providing public facilities on the ground floor and any reference to impact that the use of the hotel may have on the adjoining residential area does not confine its existing use rights to that of the ground floor only. The activities conducted on the land may change, they may increase or decrease, as long as the same purpose is served. Nor is it necessary to show that all of the land is used for the given purpose. Where part of the land is unused but part is used for the given purpose, the whole of the land may be regarded as used for that purpose.*

20. Similarly, the issue of intensification was discussed in *Wellington v Surf Coast Shire Council & Ors*, where Deputy President Dwyer stated as part of the Red Dot summary (page2):

The intensification of the use over time did not change the underlying purpose of the use, even though additional off-site amenity impacts may have arisen. Under established common law principles, an existing use may be continued, even with intensification of the use and/or additional amenity impacts, provided the purpose of the use did not change...

21. Perhaps more directly relating to the existing use on the subject site, and any potential concern relating to an extension to the hours of operation, we note Deputy President Dwyer's findings in *Mansfield Shire Council v Pamela Buchholz & Ors* [P3413/2012] where Tribunal states:

89. *In Wellington, I cautioned against confusing the purpose of the actual use, with conditions or restrictions that apply to the continuation of that use once an existing use right is established. Although the Simpkins contended that I should find that the use was subject to implied restrictions as to the nature, location, hours of operation, compliance with the NIRV guidelines, or the amenity impacts of particular activities, I believe that its submission in this regard was misconceived.*

...

93. *... A hotel having a purpose of an existing use right limited to the service of food and beverages, and accommodation, could obviously not be limited in changing its hours or patron numbers, or turning more into a wine bar or gastro-pub. The same underlying purpose of use would be continued...*

22. Based on the above principles, it is considered that no planning permission is required for the continued use of the land, even if the hours of operation are extended.

The Proposal

Liquor License

23. Permission is sought to use the land to sell and consume alcohol under a restaurant and café liquor licence, pursuant to Clause 52.27.

24. It is proposed that the liquor licence provide for the service of alcohol during the following hours of trading.

- Internal areas: No later than 11pm on all days
- Rear courtyard and Barkly Street footpath trading: No later than 10pm on all days
- Meredith footpath trading: No later than 6pm on all days

25. The image below illustrates the extent of the area to be covered by the proposed liquor licence:



Figure 6: Venue Redline Diagram

Buildings and Works

26. The majority of the proposed buildings and works are required as a result of recommendations for noise attenuation, contained in the acoustic report accompanying this application. The works are considered minimal and are summarised as:

- The provision of acoustic screening along the fence lines of the rear courtyard and
- The extension of the existing roof over the entire courtyard.

27. The following extract from the attached plan-set illustrates the location of the proposed works.

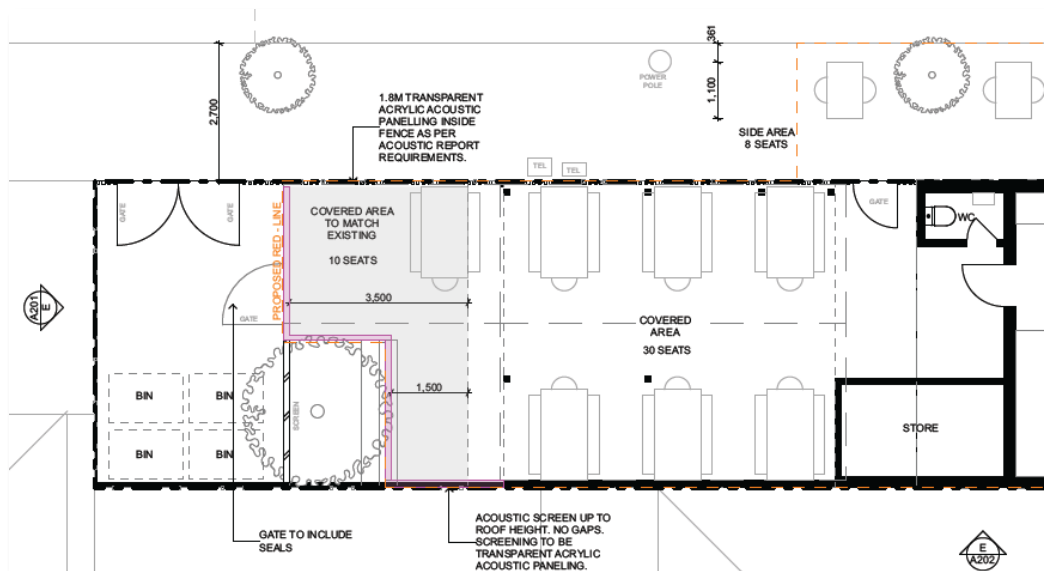


Figure 7: Extract from plan showing noise attenuation works

28. In addition, to the above (noise attenuation) works, the application seeks retrospective approval for works relating to the side fence along Meredith Street. The fence along Meredith Street was historically a timber paling fence and has been converted to a timber baton/palisade fence, for which no permit appears to have been issued.

Relevant Planning Controls and Policies

29. The Port Phillip Planning Scheme seeks to ensure that the objectives of planning in Victoria (as set out in the Planning and Environment Act 1987) are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The Framework includes specific state, regional and local policy and provides guidance for (among other things) users of the planning scheme and decision makers when preparing and determining planning permit applications. Noting that the current land use enjoys existing use rights, we suggest that following provisions may be of relevance to this application:

- Clause 13.05-1S Noise Management
- Clause 13.07-1L-03 Interfaces and Amenity
- Clause 13.07-3S Live Music
- Clause 15 Built Environment and Heritage
- Clause 15.01-1S & 1R Urban Design
- Clause 15.01-2S & 2L-01 Building Design
- Clause 15.01-5L & 5S Neighbourhood Character
- Clause 15.03-1S Heritage Conservation
- Clause 15.03-1L Heritage Policy
- Clause 15.03-2S & 2L Aboriginal Cultural Heritage
- Clause 17.01-1R & 1S Diversified Economy
- Clause 17.02-1S Business
- Clause 32.09 (schedule 5) Neighbourhood Residential Zone
- Clause 43.01 Heritage Overlay
- Clause 44.05 Special Building Overlay
- Clause 52.27 Licensed Premises
- Clause 65 Decision Guidelines
- Clause 66 Referral and Notice Provisions

Relevant Planning Considerations

30. The applicant considers that the existing use, including hours of operation, do not form part of this application, due to well established existing use rights on the land. The operator of the site is simply seeking to enhance the offering to clientele, via the serving of alcohol. The following provides a response to the relevant planning considerations.

Use, Location & General Policy Considerations

31. Clause 53.06, Live Music Entertainment Venues, provides specific guidance for applications relating to live music venues. The subject site is not a live music venue and therefore the provisions of 53.06 are not directly relevant.
32. Clause 52.27 Licensed Premises seeks to ensure that licensed premises are *situated in appropriate locations* and provides guidance on considering the impact of these type of venues on the surrounding area. This report and attachments show that the objectives of CI 52.27 are met by the proposal.
33. The existing use is well-established and a popular destination for locals. The proposal seeks to continue the existing use with the addition of alcohol service. It is considered this enhanced offering gives affect to local policy that seeks, inter alia, to ensure the community feels connected through strong sense of place and can enjoy the benefits and participate in community life. Jerry's, as a well-established meeting-place, will continue to provide a strong contribution to the local community.
34. In addition, the established historic value of Jerry's (as captured in the citation of HO409) and significant contribution the venue makes to the local character, will be maintained and enhanced by the improved offering to clientele.
35. Clause 15.01-2L-01 provides guidance into land use and the establishment of non-residential uses within residential zone. As mentioned previously, in this instance the existing use is well-established on site. The only relevant addition to existing operations on site is the use of the land to *sell or consume liquor*. The mitigation of potentially negative impacts resulting from the services of alcohol on site are discussed in more detail later in this report.

36. Clause 15.01-5L outlines the key planning challenges, vision and strategies relating to the Elwood area. Although the guidance provided in this policy is not directly relevant to the proposal, it is considered that the approval, will not offend any of the policy considerations outcomes or aspirations sought by this policy.

Buildings and works

37. The proposed buildings and works are minor in nature and consist of the installation of:

- Acoustic screening around the existing courtyard
- A small extension to the existing roof over the courtyard, and
- A new side fence (retrospective approval)

Zoning Considerations

38. The extent of works proposed is minor. In response to the relevant decision guidelines contained at Clause 32.09-13 we note that the proposal:

- Will provide for an enhance service offering by an established existing use
- The works have been recommended for acoustic attenuation and will reduced the noise impacts from the site during daytime hours, as well as limit impacts during later hours
- Will not result in any unreasonable offsite impacts by way of siting, height, design or materials proposed.

Heritage Considerations

39. The proposed works do not impact the existing heritage fabric onsite and are sited and of a scale that could not be considered detrimental to the heritage values of the site.
40. The change to the fencing material is considered to have no affect on the heritage values or contribution made by the building on site.
41. The acoustic-attenuation works consist of the provision of clear acoustic screening around the perimeter of the existing courtyard fence and a small (approx. 15sqm) extension to the courtyard's roof structure.
42. The minor nature of the works and clear separation from the heritage fabric onsite ensures the proposal gives effect to the policy aspirations of Clauses 44.05, 15.03-0S and 15.03-1L and will not be detrimental to the protected heritage values.

SBO Considerations

43. Once again, we submit that the minor nature of the works associated with acoustic screening and roofing over the courtyard will not offend the policy outcomes sought under the SBO.
44. The change to the side fence from timber paling to a timber palisade fence with acoustic attenuation will not change the status quo with regards to SBO considerations.
45. No additional fencing is being proposed – rather screens will be fitted to the internal side of existing fences to enhance noise attenuation. We submit that the proposal will have no notable impact on known flooding issues in the area.

Liquor License (Clause 52.27)

46. Clause 52.27 Licensed Premises seek:

To ensure that licensed premises are situated in appropriate locations.

To ensure that the impact of the licensed premises on the amenity of the surrounding area is Considered

47. This report provides detailed submissions addressing the relevant Decision Guidelines of Clause 52.27.
48. It is considered that the proposal will not result in any unreasonable impacts on the amenity of neighbouring residents or the wider area.
49. A cumulative impact assessment and consideration of other decision guidelines under C152.27 follows:

Cumulative Impact

50. The figures below shows a 500m radius around the subject site. The location of licensed venues within that area are detailed in the table below.

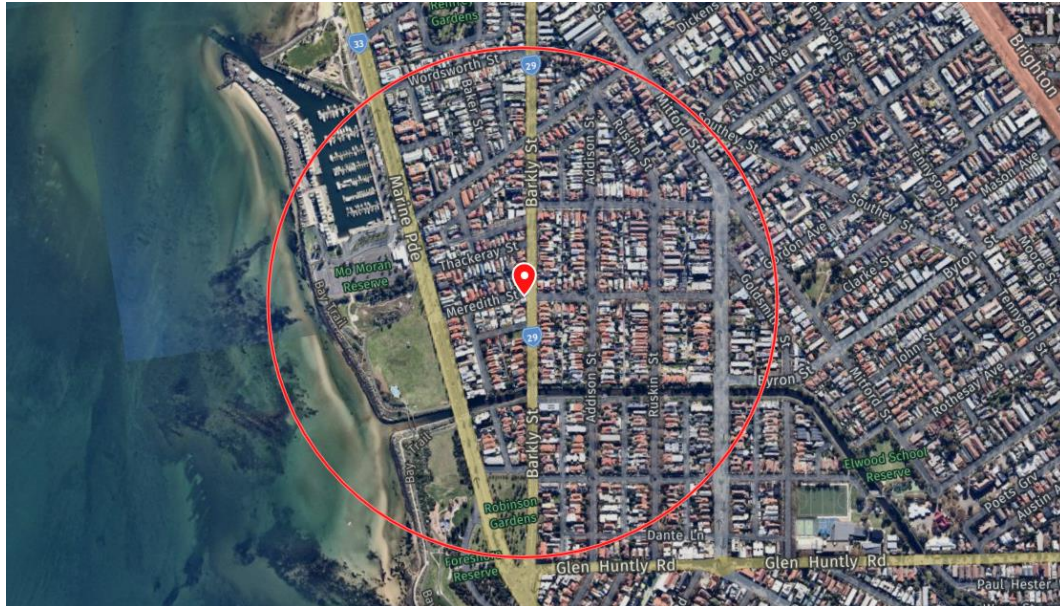


Figure 8: 500m radius from subject site, show red (source Nearmap)

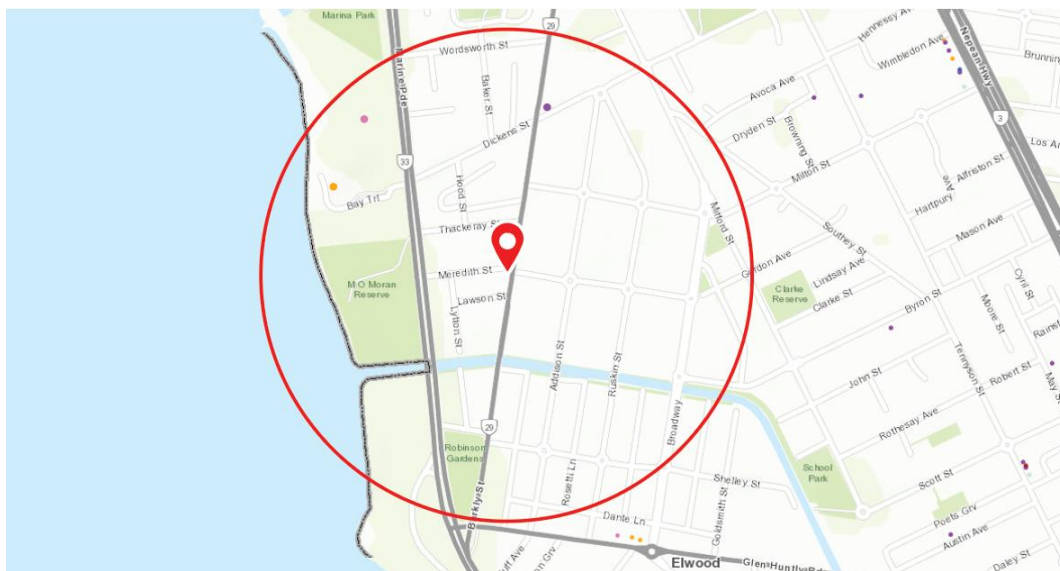


Figure 9: 500m radius from subject site, show red (source VGCCC interactive map)

51. There are only 3 licenced venues located within a 500m radius of the subject site. Following is a list of the licensed premises, derived from Victorian Commission for Gambling and Liquor Regulation website, within the 500 metre radius of the subject site.

| No. | Licence Category | Premises | Address |
|-----|-------------------------|-------------------|---------------------|
| 1 | On-Premises Licence | St Kilda Marina | St Kilda Marina |
| 2 | Limited Licence | Starwall Holdings | 3/276 Barkly Street |
| 3 | Restaurant/Café Licence | Riva St Kilda | 42A Marine Parade |

52. In assessing the proposed license against the relevant provisions of Departmental Planning Practice Note #61, it is apparent that the subject site does not reside within an existing cluster of licensed venues, and that no issue is likely to arise from any cumulative impact.

Surrounding Amenity & Impact Mitigation

53. The area immediately surrounding the subject site is an established residential area. It is noted that the surrounding areas is sensitive to potential disturbance from any anti-social behaviour, that is sometimes linked to licenced venues and the excessive consumption of alcohol.
54. Under the current application, it is considered that no such concerns will eventuate. The following discussion and attached *Serving of Alcohol, Venue and Parton Management Plan* provide a response to these issues.

Excessive Consumption

55. A significant contributor to the risk of adverse impacts, such as anti-social behaviour from intoxicated persons, is the excessive consumption of alcohol. It is known that premises that provide little or no seating and do not provide meals are more likely to be involved in excessive drinking and therefor more likely to experience poor patron behaviour. In contrast, venues that serve food and have a high seating-ratio are known to result in better amenity outcomes.
56. The subject site is a long-standing respected premises that holds a unique position in the hearts and minds of locals. The venue will continue to provide a high seating ratio and serve full meals throughout service.
57. It is considered that the potential for any unreasonable offsite amenity impacts, resulting from patron behaviour, is low for this type of use.

Capacity and Hours

58. As mentioned previously, it is not considered that any change to the premises' hours of operation and patron numbers is relevant to this application – but for the sake of completeness we note that no increase in the number of patrons is proposed, and that the business will operate over the following times:

Approx maximum number of patrons: 100

Hours within which the serving and consumption of alcohol is requested:

- Internal areas: No later than 11pm on all days
- Rear courtyard and Barkly Street footpath trading: No later than 10pm on all days
- Meredith footpath trading: No later than 6pm on all days

59. It is noted that the licence hours sought, above, are significantly less than the hours normally authorised under a restaurant and café licence

Noise

60. It is considered that there is a risk of additional noise that could result from the serving of alcohol on site. However, any potential concern regarding an increase in noise that results from the serving of alcohol on site has been addressed in the attached acoustic report and associated recommendation. The proposed buildings and works are designed to ensure noise impacts are not unreasonable.
61. In addition, a Serving of Alcohol, Venue and Patron Management Plan has been prepared and accompanies this application.

Music

62. Any music on site will continue to be played as *background* music only.

Parking, Traffic Impacts & Dispersal

63. No relevant increase to the patron numbers or hours of operation form part of this application – therefore no notable change to the nearby parking and street-network is considered relevant to the application.
64. It is considered that nearby residents are at risk from additional disturbance from patrons leaving the venue. However, this patron-behaviour is considered manageable, and forms part of the venue management practices contained within the attached *Serving of Alcohol, Venue and Patron Management Plan*.

Venue & Patron Management

65. A *Serving of Alcohol, Venue and Patron Management Plan* has been prepared and accompanies this application. The plan is considered to appropriately address the potential for offsite amenity impacts from the requested liquor licence.

Conclusion

66. As a result of the above assessment, it is submitted that the granting of the proposed liquor licence & associated minor works provides an appropriate outcome to all relevant planning considerations. The proposal will provide an enhanced offering to local clientele and is not considered to result in any unmanageable or unreasonable off site amenity concerns.

Thank you for your consideration.
Clause 1 Planning

City of Port Phillip
Advertised Document
Amended under Section 57 Amendment
Planning Application No. PDPL/00307/2022
No. of Pages: 1 of 17



ENFIELD
ACOUSTICS
NOISE
VIBRATION

345 BARKLY STREET, ELWOOD

Acoustic Report

For

JERRY'S GROUP PTY LTD C/- CLAUSE 1 PLANNING

DOC. REF: V1562-01-P ACOUSTIC REPORT (R1)
26 MARCH 2024

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North Melbourne, VIC 3051



| | |
|--------------------|---|
| Project | 345 Barkly Street, Elwood |
| Subject | Acoustic Report |
| Client | Jerry's Group Pty Ltd c/- Clause 1 Planning |
| Document Reference | V1562-01-P Acoustic Report (r1).docx |
| Date of Issue | 26 March 2024 |

Disclaimer:

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1 Introduction

Enfield Acoustics has been engaged by Jerry's Group Pty Ltd (Applicant) c/- Clause 1 Planning to assess potential noise impacts from 345 Barkly Street, Elwood (Subject Land), currently trading as a restaurant/café under the name of Jerry's Milkbar.

The Subject Land being a café/restaurant currently trades up to 3pm, however note that the Subject Land benefits from existing use rights, meaning that there are currently no operational restrictions that apply to the use.

The Applicant wishes to apply for a liquor license as part of an enhanced service offering for dinners.

The following operating conditions are relevant to this report.

Internal areas (ground level)

- No later than 11pm on all days

Rear courtyard and Barkly footpath trading

- No later than 10pm on all days

Meredith footpath trading

- No later than 6pm on all days

Music

- Background music internally
- Background music within rear courtyard

Patrons

- No more than 100 patrons in total (internal and external)
- 8 footpath trading patrons along Meredith Street (via council permit)
- 12 footpath trading patrons along Barkly Street (via council permit)





Overall, the operating conditions appear to be reasonable given the context of the site, noting that late night trading is not sought by the Applicant.

Where the proposal can comply with the relevant noise limits during the latest hour of trading proposed, we are satisfied that no adverse noise impacts will occur at surrounding sensitive uses during earlier, less sensitive hours of trading.

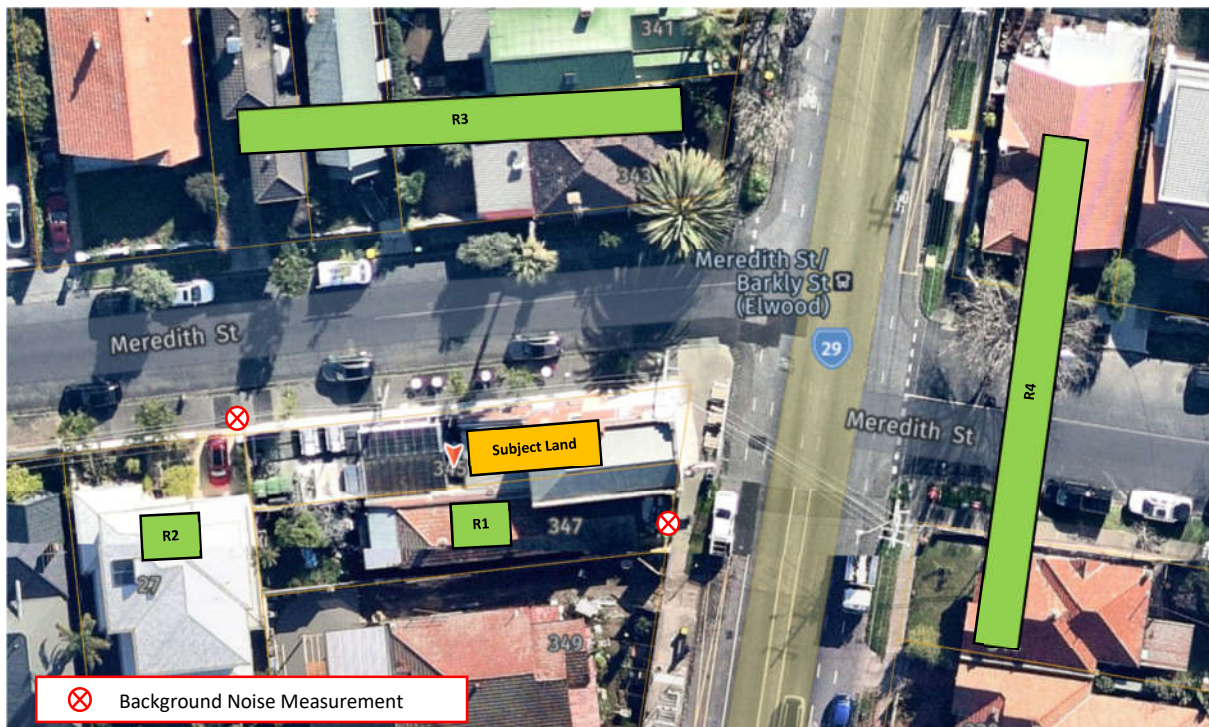
2 Site Inspection

A site inspection was conducted by our office on 17 August 2023 and 27 August 2023 to:

- Identify surrounding sensitive uses
- Conduct attended background noise measurements to establish relevant noise limits and/or targets
- Benchmark patron noise emissions from the rear courtyard area (to establish baseline noise emissions from patrons specific to the Subject Land).

Nearby sensitive uses relevant to the Application have been identified as follows:

| Tag | Location of Sensitive Use | Direction | Type |
|-----|--|-----------|---------------------------------|
| R1 | 347 Barkly Street | South | Single-storey |
| R2 | 27 Meredith Street | West | Double-storey |
| R3 | 38 & 40 Meredith Street 343 Barkly Street | North | Mix of single and double-storey |
| R4 | 36 Meredith Street 318 Barkly Street | East | Single-storey |





Given that the above dwellings identified are closest to the Subject Land, it is intrinsic that compliance at these locations would also result in compliance at all other sensitive uses proximate the Subject Land.

The following background noise levels were recorded between 10.30pm to 11.00pm on 17 August 2023:

| Location | Sound Pressure Level, L_{A90} |
|--|---------------------------------|
| Meredith Street, adjacent to Receiver R2 | 42 dB(A) |
| Barkly Street, adjacent to Receiver R1 | 44 dB(A) |

Background noise measurements were conducted at a time commensurate with the latest and most sensitive hour of trading proposed. Where the Subject Land can comply at this hour, it would inherently comply during all other less sensitive hours of trading.

3 Policy Requirements

3.1 Noise Protocol (Music Noise)

Any amplified music noise from the Venue would need to comply with the *Environment Protection Regulations 2021* (EP Regulations) and *Publication 1826: Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* (Noise Protocol).

The EP Regulations refers to the following assessment periods and noise limits:

| Day | Hours |
|-----------------------------|---|
| Day/Evening Period | |
| Monday to Saturday | 7.00am to 11.00pm |
| Sunday or a public holiday | 9.00am to 10.00pm [^] |
| Noise Protocol Limit | $L_{Aeq} \leq L_{A90} \text{ (background)} + 5\text{dB}$ |
| Night Period | |
| Monday to Friday | 11.00pm to 7.00am the following day |
| Saturday | 11.00pm to 9.00am the following day |
| Sunday or a public holiday | 10.00pm to 7.00am the following day [^] |
| Noise Protocol Limit | $L_{OCT10} \leq L_{OCT90} \text{ (background)} + 8\text{dB}$ |
| Notes: | [^] There are provisions under EP Regulations (Regulation 123) that allow for the Day/Evening period to extend up to 11.00pm where a Sunday or public holiday precedes another public holiday, however is not usually a material consideration for planning assessments. |



Based on the background noise levels recorded and in accordance with the latest hour of trading proposed, the following noise limits apply outside at all identified sensitive uses:

Day/Evening Period Noise Limits – Up to 11pm (10pm Sundays)

| Location | Noise Protocol Limit |
|--|----------------------|
| Receiver R1 (rear) Receiver R2 Receiver R3 | 47 dB(A) L_{Aeq} |
| Receiver R1 (front) Receiver R4 | 49 dB(A) L_{Aeq} |

3.2 Patron Noise

Patron noise from outdoor areas is not covered under the Noise Protocol. However, guidance on the assessment of patron noise impacts can be sought from City of Yarra document *Guidelines – Managing Noise Impacts in Urban Development*, which recommends the following noise targets:

| Period | Patron Noise Targets |
|--|--|
| Day/Evening Period <i>Before 10pm for patron noise</i> | $L_{Aeq} \leq L_{A90} \text{ (background)} + 10\text{dB}$ |
| Night Period <i>After 10pm for patron noise</i> | $L_{Aeq} \leq L_{A90} \text{ (background)} + 5\text{dB}$ and $L_{Amax} \leq 65\text{dB}$ (for shouting/raised voices) |

The above noise targets do not apply to the local or statutory planning scheme however are cited by way of example of what would be considered as reasonable noise impacts.

Given that outdoor use is only proposed up to 10pm, it is appropriate that 'Day/Evening' patron noise targets apply, as follows:

Day/Evening patron noise targets – Up to 10pm

| Location | Patron Noise Target |
|--|---------------------|
| Receiver R1 (rear) Receiver R2 Receiver R3 | 52 dB(A) L_{Aeq} |
| Receiver R1 (front) Receiver R4 | 54 dB(A) L_{Aeq} |

The above patron noise targets are not a statutory requirement (unlike the Noise Protocol) and function as a risk analysis to determine whether adverse noise impacts are likely to occur and if specific acoustic mitigation and/or controls should be considered to minimise impacts.

Noise impacts from internal patrons are not typically relevant to patron noise assessments given that regular forms of façade construction is expected to provide sufficient mitigation to internal areas. To that end, it is unlikely that any cumulative patron noise impacts could occur from internal patrons.



It is noted that higher noise targets would generally apply at 6pm, commensurate with the closure of the Meredith footpath trading area given that that background noise levels (and resulting targets) are likely greater during early hours of trading. To remain conservative, we have assumed that the same noise targets apply at 6pm and at 10pm.

4 Assessment

4.1 Patron Noise Sensitivity Analysis

The Application proposes up to 100 patrons (internally and externally, combined) within the Subject Land. Based on the size of the rear courtyard, we estimate that up to 40 patrons could potentially occupy this area.

Our sensitivity analysis is specific to external patrons only. Noise impacts from internal patrons are not relevant to the assessment given that the built form will provide sufficient levels of mitigation. Further, any compliance requirements will undoubtedly be driven by noise emissions from external patrons.

It is well known that outdoor patron noise levels are inherently variable with multiple influencing factors. Given that the Subject Land is already operating, it is appropriate in our view to benchmark noise emissions from the rear courtyard area, noting that the noise profile of café patrons are generally expected to be consistent with evening dining patrons.

The results of our measurements are as follows:

| Noise Source | Total Patrons | Sound Pressure Level Within Existing Courtyard |
|---------------------|--------------------------|--|
| Rear Courtyard Area | Approximately 20 patrons | 64 dB(A) L_{Aeq} |



Rear Courtyard in use (Sunday lunchtime)



Noise measurements were conducted within the rear courtyard, with care taken not to capture immediate and/or localised noise emissions from particular groups of patrons. An accurate patron noise measurement could not be obtained directly at sensitive use boundaries given the elevated noise environment due to road traffic.

Computational acoustic 3D modelling was undertaken using the software package CadnaA to calculate noise levels to worst-affected receivers. Effects from reflections from nearby structures have been included in our assessment.

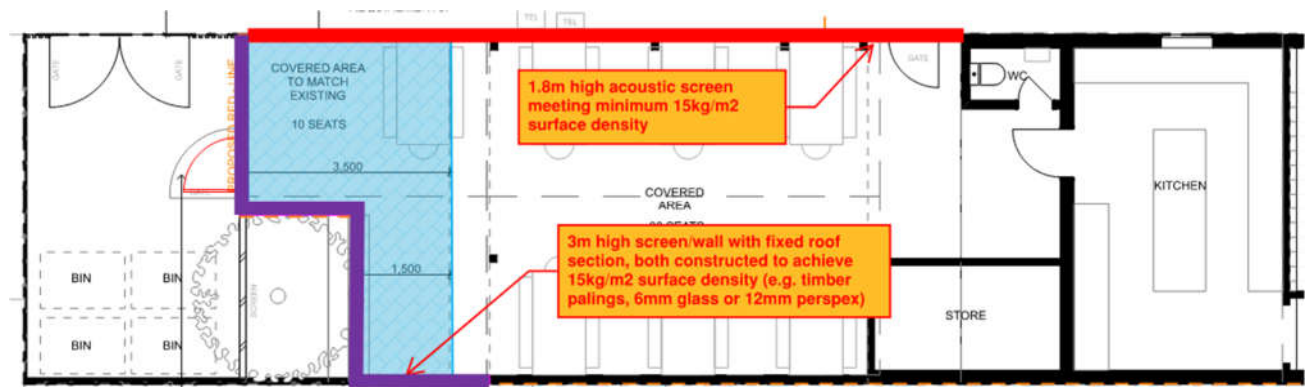
It is noted that a large portion of the rear courtyard is roofed over with a polycarbonate, noting that attenuation from the roof has not been considered in our noise model. While polycarbonate roofing do not have effective acoustic screening properties, it is still expected to have some level mitigation in practice. To that end, we consider the noise model to be conservative in our assumptions.

The noise model was calibrated in accordance with our benchmark measurements. A general adjustment of 3dB per doubling (or halving) of patrons was also applied to the noise model to reflect the proposal against the measured number of patrons, as follows:

| Area | Expected Patrons | Noise Level Adjustment |
|---------------------------|------------------------|------------------------|
| Rear Courtyard | 40 patrons (estimated) | +3 dB(A) |
| Meredith footpath trading | 8 Patrons | -4 dB(A) |
| Barkly footpath trading | 12 patrons | -2 dB(A) |

While other factors could influence the increase/decrease in patron noise emissions (such as the Lombard effect), our view is that this is sufficient as a sensitivity analysis to inform noise impacts and requirements for mitigation.

To assist in supporting the intended use, we recommend the following acoustic treatment and/or controls:



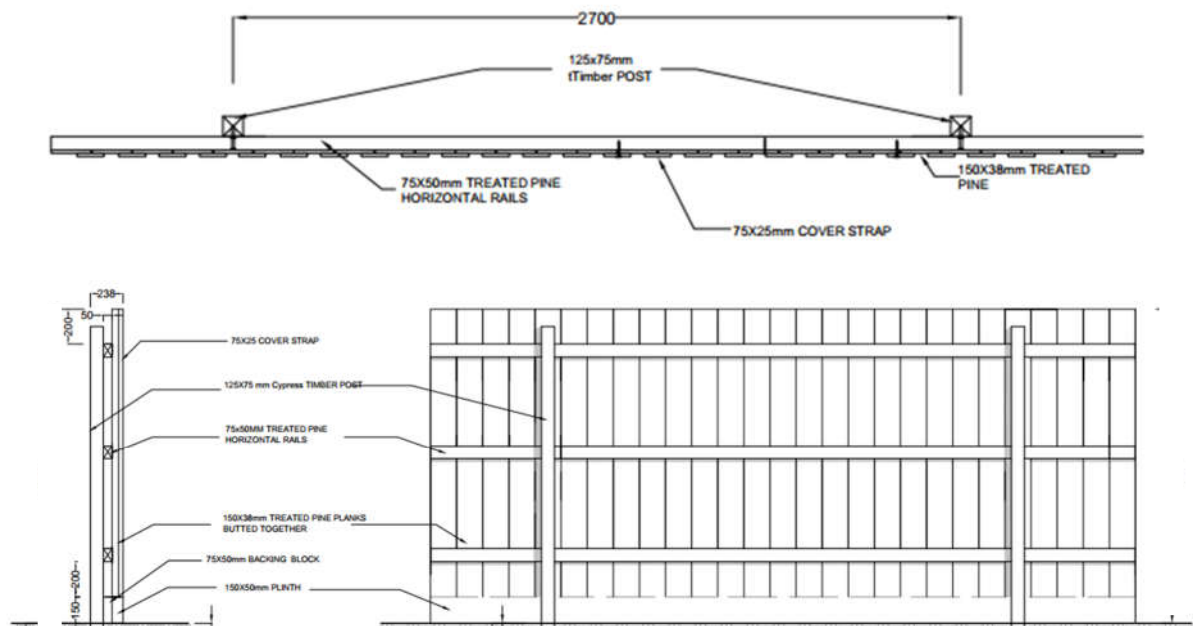
All acoustic screening (including fixed roof sections) shall be constructed as follows:

1. To the specified heights and locations as shown in above;
2. Using fibre cement sheeting, treated timber, lightweight aerated concrete, transparent acrylic panels, glass and profiled sheet cladding as long the selected material (or combined skins) has a mass of at least 15kg/m²;
3. The fence shall have no gaps or holes in it, or the likelihood of such occurring through natural causes or deformations, thus allowing noise to pass through;



4. The fence must be designed and built in an acceptable manner so that noise will not pass underneath it;
5. Any butt joints shall be sealed with a fire-rated weather proof mastic or an overlapping piece of material meeting the mass requirements of 15kg/m^2 (minimum 35mm each side of the butt joint); and
6. Where multiple cladding layers are used (e.g. FC sheeting over timber paling fence), joints in the cladding materials shall not coincide.

An example detail for an acoustic-grade timber paling fence is shown below:



Inclusive of the acoustic screening recommended above, the results of our modelling indicate the following 'worst-case' patron noise levels at identified sensitive uses:

'Day/Evening' Period Assessment – Up to 6pm

| Location | Modelled Patron Noise Level, L_{Aeq} | Patron Noise Target | Compliance? |
|---------------------|--|---------------------|-------------|
| Receiver R1 (rear) | 46 dB(A) | 52 dB(A) L_{Aeq} | ✓ |
| Receiver R2 | 49 dB(A) | | ✓ |
| Receiver R3 | 50 dB(A) | | ✓ |
| Receiver R1 (front) | 52 dB(A) | 54 dB(A) L_{Aeq} | ✓ |
| Receiver R4 | 47 dB(A) | | ✓ |



'Day/Evening' Period Assessment – Between 6pm to 10pm (Meridith footpath trading area closed)

| Location | Modelled Patron Noise Level, L_{Aeq} | Patron Noise Target | Compliance? |
|---------------------|--|---------------------|-------------|
| Receiver R1 (rear) | 46 dB(A) | 52 dB(A) L_{Aeq} | ✓ |
| Receiver R2 | 49 dB(A) | | ✓ |
| Receiver R3 | 47 dB(A) | | ✓ |
| Receiver R1 (front) | 52 dB(A) | 54 dB(A) L_{Aeq} | ✓ |
| Receiver R4 | 47 dB(A) | | ✓ |

Refer to Appendix A for a map of the noise model.

The results of the modelling indicate that noise emissions from patrons are expected to comply with the patron noise targets providing that the recommended acoustic screening is installed.

The modelling also indicates a minimum 2dB margin of compliance, meaning that minor variations in the assumed number of outdoor patrons are unlikely to result in the threshold being exceeded.

Because the Subject Land benefits from existing use rights, the number of patrons is currently unrestricted and could also occur for any hours. To that end, the Application for a liquor license and permit would inherently introduce some form of controls and limit the risk of adverse noise impacts and/or complaints.

Further, adjacent sensitive uses will also benefit from the acoustic screening proposed during regular café hours given that patron noise emissions from the rear courtyard in its current form is unmitigated, in particular to Receiver R1 and R2.

Overall, we are satisfied that the patron noise impacts are not expected to result in adverse noise impacts, providing that the acoustic screening recommended in this section is installed.

4.2 Music Noise Sensitivity Analysis

Our office has conducted a sensitivity analysis to estimate the maximum permissible music levels that could be emitted within the outdoor area while likely retaining compliance with the Noise Protocol. Spectrum data from past measurements of premises that are similar in character have been used to correct octave band noise levels used in our model. The noise model assumes two loudspeakers that are installed towards the entrance of the rear courtyard area at a height of 2.5m.

The results of our noise modelling indicate that a music noise level of approximately **66dB(A) L_{eq}** could potentially be supported while retaining compliance with the Noise Protocol.

The following 'worst-case' noise levels at identified sensitive uses were modelled as follows:



Day/Evening' Period Assessment – Up to 10pm

| Location | Music Noise Level, L_{Aeq} | 'Day/Evening' Noise Protocol Limit | Compliance? |
|---------------------|------------------------------|------------------------------------|-------------|
| Receiver R1 (rear) | 38 dB(A) | 47 dB(A) L_{Aeq} | ✓ |
| Receiver R2 | 47 dB(A) | | ✓ |
| Receiver R3 | 47 dB(A) | | ✓ |
| Receiver R1 (front) | 26 dB(A) | 49 dB(A) L_{Aeq} | ✓ |
| Receiver R4 | 23 dB(A) | | ✓ |

Refer to Appendix A for a map of the noise model.

The level of music that could be supported within the rear courtyard is consistent with the lower ranges of typical background music. Given the context of the proposal being a neighbourhood café/restaurant with relatively low numbers of patrons, our view is that the level of background music permissible is considered reasonable.

To that end and inclusive of the recommended acoustic treatment in Section 4.1, we are satisfied that background music can be supported within the rear outdoor area without resulting in adverse noise impacts.

Regardless, to mitigate any risk of adverse noise impacts and to implement correct managerial controls, we recommend that the rear courtyard amplification system is calibrated to comply with the Noise Protocol by a suitably qualified acoustic consultant prior to commencement of use.

With regards to internal music noise emissions, there is negligible risk of non-compliance where music is limited to background levels. Including mitigation by the built form and building envelope, we estimate that upper ranges of background music ($\sim 80\text{dB } L_{eq}$) could be supported while retaining compliance with the Noise Protocol by a significant margin.

This is consistent with our experience that internal background music within small restaurant/bar establishments rarely results in complaints. Regardless, any music noise emissions are required to comply with statutory noise limits and is enforceable by the EPA, regardless of planning controls.

5 Conclusion

Enfield Acoustics has assessed potential noise impacts from the proposed liquor licensing and permit application at 345 Barkly Street, Elwood and is satisfied that the Application can be approved.

Overall, noise impacts from the proposal to all surrounding sensitive uses can be adequately managed by a combination of architectural treatment and controls.

The proposal appears to be reasonable and appropriate given the context of the site, noting that material forms of acoustic screening has been proposed to mitigate music and patron noise impacts.



The mitigate the risk of adverse noise impacts from the proposal, we recommend that the following architectural mitigation and/or controls apply to the Subject Land:

| Item | Location | Recommendations/Controls |
|---|-----------------------------|---|
| Trading Hours | Indoor Areas | No later than 11pm on any day |
| | Rear Courtyard | No later than 10pm on any day |
| | Barkly footpath trading | |
| | Meredith footpath trading | No later than 6pm on any day |
| Background Music | Indoor Areas | Permitted for all internal trading hours proposed. |
| | Outdoor Areas | Permitted for all external trading hours proposed Amplification system to be calibrated by a suitably qualified acoustic consultant prior to commencement |
| Patrons | Indoor and Outdoor combined | No more than 100 patrons at any time |
| | Footpath trading | In accordance with Council permit requirements, no more than: <ul style="list-style-type: none"> • 8 Patrons (Meredith Street) • 12 Patrons (Barkly Street) at any time |
| Architectural Treatment/Controls | All areas | Acoustic screening in accordance with Section 4.1 must be installed |

Inclusive of the proposed acoustic treatment and/or controls, Enfield Acoustics is satisfied that the proposal will not result in adverse noise impacts at all identified sensitive uses.



Appendix A: Noise Modelling Maps



Scale: 1: 224 @ A3

Legend:

- Point Source
- Area Source
- Building
- Barrier
- Receiver
- Building Evaluation

PO Box 920
North Melbourne, VIC 3051
P: 03 9111 0090

Noise emission levels from OUTDOOR PATRONS

LAeq Noise Levels

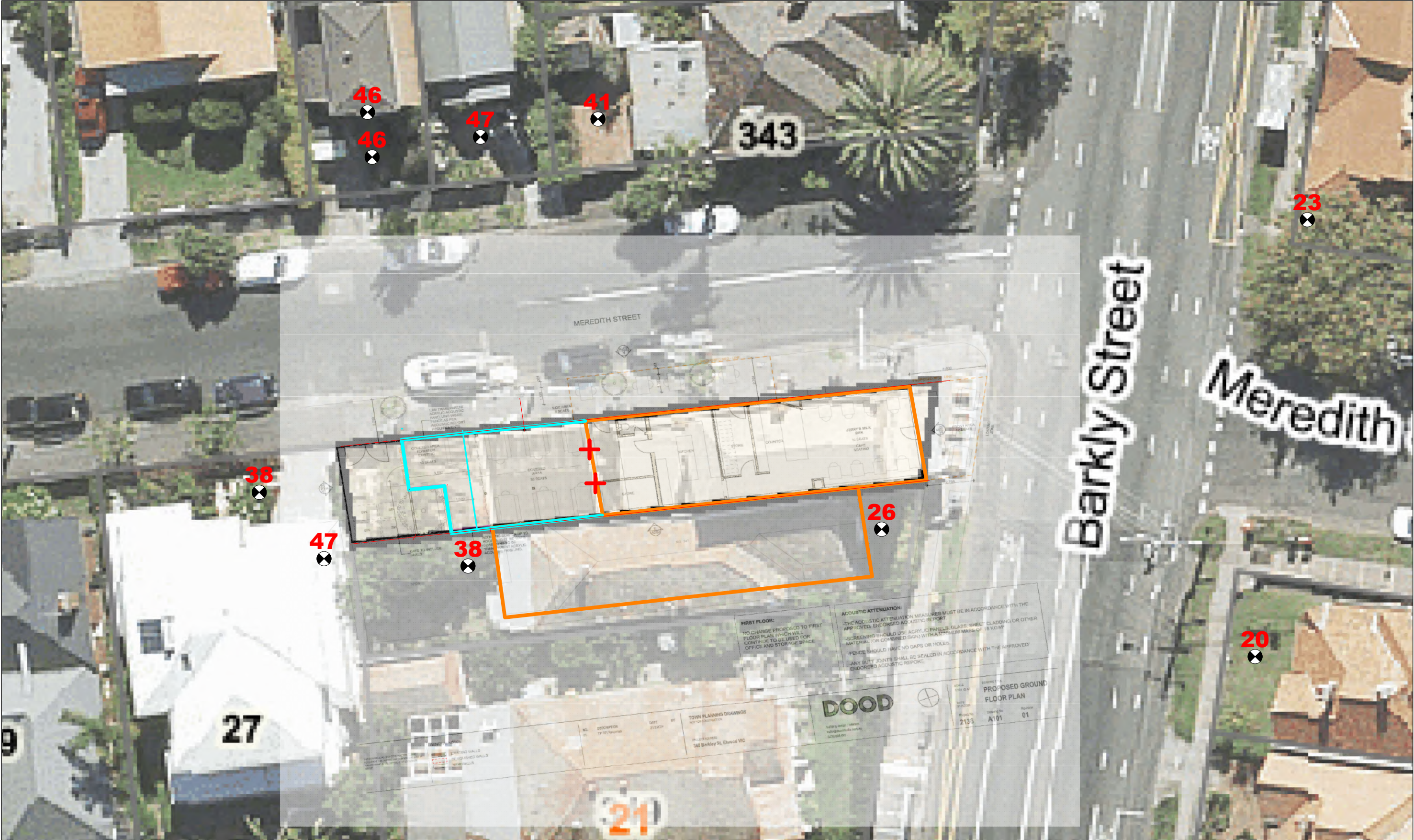
Patron Noise Assessment - Up to 6pm

Project No: V1562

NOTES:

*Propagation in accordance with ISO9613





Legend:

- Point Source
- Area Source
- Building
- Barrier
- Receiver
- Building Evaluation

ENFIELD ACOUSTICS NOISE VIBRATION

PO Box 920
North Melbourne, VIC 3051
P: 03 9111 0090

Noise emission levels from REAR COURTYARD BACKGROUND MUSIC

LAeq Noise Levels

Music noise assessment - Up to 10pm

NOTES:

*Propagation in accordance with ISO9613

Scale: 1: 224 @ A3

Project No: V1562

Drawing No: MAP-03

Date: 26.03.2024



**City of Port Phillip
Advertised Document
Amended under Section 57 Amendment
Planning Application No. PDPL/00307/2022
No. of Pages: 1 of 4**

1.0 Serving of Alcohol Venue & Patron Management Plan

345 Barkly Street Elwood (Jerry's)

Planning permit application PDPL/00307/2022
Municipality: Port Phillip
Version 3.0 Date 10.04.24

Introduction

This *Serving of Alcohol, Venue and Patron Management Plan (SA-VPMP)* describes the policies and procedures in relation to the use of land for the sale and consumption of liquor in association with the existing use on site at 345 Barkly Street Elwood, as described in planning permit (application) PDPL/00307/2022.

Liquor Licence

The characteristics associated with the liquor licence are summarised below:

Maximum number of patrons: 100

- Including 8 footpath trading seats/patrons along Meredith Street and;
- 12 footpath trading seats/patrons along Barkly Street

Liquor licence hours:

- Internal areas: No later than 11pm on all days
- Rear courtyard and Barkly Street footpath trading: No later than 10pm on all days
- Meredith footpath trading: No later than 6pm on all days

Music:

- Music on site will be restricted to background music only

Venue & Patron Management Requirements

The following management requirements are to be met unless otherwise approved in writing by the Responsible Authority.

Licencing hours

The general hours of operation and any restriction of the serving of alcohol are outlined above.

Staffing

Upto 8 staff will generally be required on site at any one time.

Staff training for patron management

All staff involved in the serving of alcohol will hold a current RSA accreditation, approved by the Victorian Liquor Commission (VLC), and will be provided with training in the management of patrons, including the responsible serving of alcohol.

Patron Security

Based on the nature of the use, no security is unlikely to be required as part of the day to day running of the venue.

Queuing areas

No queuing is envisaged to result from the proposed used.

Complaint handling processes

An onsite manager will be available during operational hours to receive and assist with any complaints. A Register of Complaints will be kept as a record of any complaints received and will include details such as 'who', 'what', 'when', 'where' as well as the actions taken to address the complaint. The Register will be made available to the Responsible Authority for inspection on request.

Outdoor smoking area

In accordance with the Victorian Department of Health and Human Services, publication May 2017, *Smoking restrictions in outdoor drinking areas*, No smoking will be permitted onsite.

Music on site

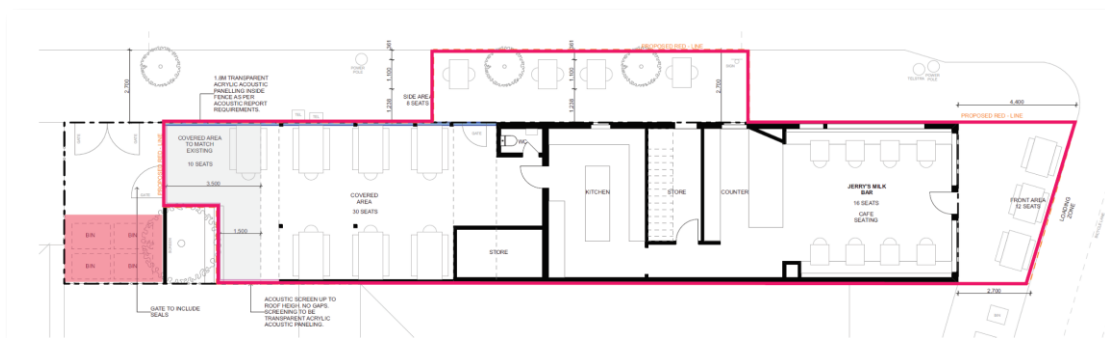
The only music permitted onsite will be background music. The music must not cause disturbance to neighbours or the surrounding area.

Lighting outside the Venue

Any external lighting at the rear of the venue must be baffled to ensure no unreasonable light-spill or detriment to neighbouring properties or the surrounding area.

Waste storage and disposal (including hours of disposal and collection)

The storage of waste will continue to take place in the existing waste storage area, highlighted red below:



Site plan, showing bin store highlighted red

Waste management procedures will continue to be carried out in the manner established under the existing use on site, including:

- Collection of waste by private contractors
- Frequency of collection as required
- Collection times must be between 8am – 5pm Monday-Friday
- Depositing of waste into the bin store must not take place after 9pm
- At all times the bins store must be kept clean and odour-free to ensure no off-site amenity impacts result

Patron dispersal & behaviour

Patrons will be encouraged to leave the venue in a quiet and orderly manner. This behaviour will be encouraged by the provision of public notices, in prominent locations (including exits), that ask patrons to be considerate of the local amenity, when leaving.

Any inappropriate behaviour will be recorded in the Complaints Register by management.



6.2 **STATUTORY PLANNING DELEGATED DECISIONS - JULY 2024**

EXECUTIVE MEMBER: **BRIAN TEE, GENERAL MANAGER, CITY GROWTH AND DEVELOPMENT**

PREPARED BY: **PAUL WOOD, MANAGER CITY DEVELOPMENT**

1. PURPOSE

- 1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the *Local Government Act 2020* and Section 188 of the *Planning and Environment Act 1987* adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

2. EXECUTIVE SUMMARY

- 2.1 This report presents a summary of all Planning Permits for the month of July 2024.

3. RECOMMENDATION

That Council:

- 3.1 Receives and notes the Delegated decisions - July 2024 (Attachment 1) summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the *Local Government Act 2020* and Section 188 of the *Planning and Environment Act 1987* adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

4. KEY POINTS/ISSUES

- 4.1 The attached list (Attachment 1) of delegated decisions is for the period July 2024.

5. OFFICER MATERIAL OR GENERAL INTEREST

- 5.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS 1. Delegated decisions - July 2024  

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|------------------------|--|---|---------|---------------|---------------------------|
| PDPL/00543/2023 | 7/09/2023 | Nellie Sheedy-Reinhard | Clause 32.08-5 - Construct or extend one dwelling on a lot of less than 300 sqm. Clause 44.05-2 - Construct a building or construct or carry out works. | 264 CANTERBURY ROAD ST KILDA WEST VIC 3182 | LAKE | 1/07/2024 | Approved |
| 834/2014/B | 22/08/2023 | Grace Brooks | Existing permit allows: Buildings and works to the rear outdoor dining area, including new pergolas Proposed amendment: Provision of background music in rear courtyard, removal of partition wall and construction of a service window | 64-66 ACLAND STREET ST KILDA VIC 3182 | LAKE | 2/07/2024 | Refused |
| PDPL/00307/2023/A | 12/06/2024 | Sandra Stewart | Amendment to condition 5 for the provision of a Section 173 Agreement | 56 & 58 PARK ROAD MIDDLE PARK VIC 3206 | LAKE | 2/07/2024 | Approved |
| PDPL/00599/2023 | 4/10/2023 | Kate Wooller | Partial demolition and construct buildings and works, external painting and external alterations to a dwelling in a heritage overlay | 64 POOLMAN STREET PORT MELBOURNE VIC 3207 | GATEWAY | 3/07/2024 | Approved |
| PDVP/00086/2024 | 11/04/2024 | Nicholas Bervanakis | Construction of a front fence under the Neighbourhood Residential Zone, the Heritage Overlay and the Special Building Overlay. | 1 MCCRAE STREET ELWOOD VIC 3184 | CANAL | 3/07/2024 | Approved |
| PDVP/00093/2024 | 23/04/2024 | Connor Buckley | Construction of solar panels to original roof, demolition of existing timber picket front fence and replacement with new timber picket fence | 88 PALMERSTON CRESCENT SOUTH MELBOURNE VIC 3205 | GATEWAY | 3/07/2024 | Approved |
| PDVP/00156/2024 | 28/06/2024 | Connor Buckley | Part demolition of the building | 1 MOUBRAY STREET ALBERT PARK VIC 3206 | LAKE | 3/07/2024 | Approved |
| PDPL/00212/2022/A | 8/06/2023 | Vivian Liu | Partial demolition and carry out works for the alteration and first floor addition to a dwelling in a heritage overlay and special building overlay including a fence | 390 RICHARDSON STREET MIDDLE PARK VIC 3206 | LAKE | 4/07/2024 | Notice of Decision Issued |
| PDPL/00439/2023 | 28/07/2023 | Grace Brooks | Clause 32.09-5 - Construct or extend one dwelling on a lot less than 300sqm Clause 43.01-1 - Demolish or remove a building Clause 43.01-1 - Construct a building or construct or carry out works Clause 43.01-1 - Externally alter a building by structural work, rendering, sandblasting, or in any other way Clause 43.01-1 - Externally paint a building where paint controls apply | 38 BURNETT STREET ST KILDA VIC 3182 | LAKE | 4/07/2024 | Notice of Decision Issued |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-----------------|------------|------------------------|---|--|---------|---------------|---------------------------|
| PDPL/00702/2023 | 17/11/2023 | Martin Cooksley | Clause 34.02 - The use of the land as Education Centre. Construct a building or construct or carry out works. Clause 43.01 Demolish or remove a building. Construct a building or construct or carry out works. Clause 43.02 Construct a building or construct or carry out works. | 7-19 BALLANTYNE STREET SOUTHBANK VIC 3006 | GATEWAY | 4/07/2024 | Approved |
| PDPL/00240/2024 | 6/05/2024 | Connor Buckley | Clause 43.01-1 Demolish or remove a building. Clause 43.01-1 Construct a Building or Carry Out Works Clause 43.01-1 Externally paint a building Clause 43.01-1 Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials. | 26 BRUNNING STREET BALACLAVA VIC 3183 | CANAL | 4/07/2024 | Approved |
| PDPL/00319/2024 | 5/06/2024 | Martin Cooksley | The use of the land for the purpose of Motor Repairs (Industry) and construction and display of business identification signs. | 6/30 PROHASKY STREET PORT MELBOURNE VIC 3207 | GATEWAY | 4/07/2024 | Approved |
| PDVP/00148/2024 | 24/06/2024 | Jordan Bouman-Winter | Construction of a front fence in the General Residential Zone (Schedule 1) | COMMON PROPERTY 44 WATERLOO CRESCENT ST KILDA VIC 3182 | LAKE | 4/07/2024 | Approved |
| PDVP/00154/2024 | 27/06/2024 | Jordan Bouman-Winter | Demolition of a rear garage and fence in the Heritage Overlay (Schedule 442) | 10 HENDERSON STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 4/07/2024 | Approved |
| PDPL/00531/2023 | 4/09/2023 | Martin Cooksley | Partial demolition, alterations and additions in a Neighbourhood Residential Zone and Heritage Overlay; the construction of a two storey addition and roof terrace to the rear of the dwelling. | 34 MOUNTAIN STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 5/07/2024 | Notice of Decision Issued |
| PDPL/00716/2023 | 24/11/2023 | Peter Grose | Partial demolition and alterations and additions to an existing double storey dwelling and outbuilding in a Heritage Overlay. | 36 CANTERBURY ROAD MIDDLE PARK VIC 3206 | LAKE | 5/07/2024 | Approved |
| PDPL/00034/2024 | 1/02/2024 | Nellie Sheedy-Reinhard | Part demolition to the rear of a dwelling (removal of lean to shed) and demolition of outbuilding in rear setback of a property subject to the Heritage Overlay (HO440). Permit Trigger: Clause 43.01-1 - Demolish or remove a building. | 223 YORK STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 5/07/2024 | Approved |
| PDVP/00072/2024 | 25/03/2024 | Nicholas Bervanakis | Installation of an air conditioner unit | 3/28 MITFORD STREET ST KILDA VIC 3182 | LAKE | 5/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-----------------|------------|----------------------|---|--|---------|---------------|---------------------------|
| PDVP/00140/2024 | 11/06/2024 | Jordan Bouman-Winter | Demolition and construction of a front fence in the Heritage Overlay (Schedule 2) | 28 BEACON ROAD PORT MELBOURNE VIC 3207 | GATEWAY | 5/07/2024 | Refused |
| PDVP/00108/2024 | 3/05/2024 | Nicholas Bervanakis | Construction of a front fence. | 119 BARKLY STREET ST KILDA VIC 3182 | LAKE | 8/07/2024 | Approved |
| PDVP/00149/2024 | 25/06/2024 | Jordan Bouman-Winter | Construction of domestic services normal to a dwelling in the Heritage Overlay (Schedule 444) | 5 FRASER STREET MIDDLE PARK VIC 3206 | LAKE | 8/07/2024 | Approved |
| PDVP/00159/2024 | 1/07/2024 | Jordan Bouman-Winter | Externally paint a building in the Heritage Overlay (Schedule 441) | 42 FERRARS PLACE SOUTH MELBOURNE VIC 3205 | GATEWAY | 8/07/2024 | Approved |
| PDVP/00158/2024 | 3/07/2024 | Jordan Bouman-Winter | Construction of a solar energy system in the Heritage Overlay (Schedule 444) | 83 NEVILLE STREET MIDDLE PARK VIC 3206 | LAKE | 8/07/2024 | Approved |
| PDVP/00161/2024 | 3/07/2024 | Jordan Bouman-Winter | Demolition and construction of a front fence in a Heritage Overlay (Schedule 444) | 192 PAGE STREET MIDDLE PARK VIC 3206 | LAKE | 8/07/2024 | Approved |
| PDPL/00138/2023 | 10/03/2023 | Vivian Liu | Partial demolition, alterations and a two-storey addition to the existing commercial building and reduction to car parking requirements in association with the use of the land as a medical centre (no permit required for use) | 33-35 GLEN EIRA ROAD RIPPONLEA VIC 3185 | CANAL | 9/07/2024 | Notice of Decision Issued |
| PDPL/00074/2024 | 23/02/2024 | Vivian Liu | Extend one dwelling on a lot of less than 300sqm comprising of a pergola at the rear of the existing dwelling. | 204 FERRARS STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 9/07/2024 | Approved |
| PDPL/00178/2024 | 11/04/2024 | Lok Chan | Partial demolition and buildings and works comprising an extension to an existing dwelling on a lot less than 300 square metres in the Neighbourhood Residential Zone and affected by the Heritage Overlay. The application involves the following planning permissions <ul style="list-style-type: none"> • Construct or extend one dwelling on a lot of less than 300 square metres (Clause 32.09-5) • Demolish or remove a building (Clause 43.01-1) • Construct a building or construct or carry out works (Clause 43.01-1) • Externally alter a building by structural work, rendering, sandblasting or in any other way (Clause 43.01-1) • Externally paint a building where external paint controls apply (Clause 43.01-1) | 4 FRAMPTON STREET ST KILDA VIC 3182 | CANAL | 9/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|----------------------|---|--|---------|---------------|---------------------------|
| PDPL/00183/2024 | 12/04/2024 | Jordan Bouman-Winter | Partial demolition, alterations and additions; the construction of a ground floor rear addition and the construction of a balcony/deck at first floor to the rear. The proposal has the following planning permissions: Clause 32.09-5 - Extend a dwelling on a lot less than 300 square metres in a Neighbourhood Residential Zone Clause 43.01-1 - Demolish a building in a heritage overlay Clause 43.01-1 - Construct a building or construct or carry out works in a Heritage Overlay | 2 ANDERSON STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 9/07/2024 | Notice of Decision Issued |
| PDVP/00133/2024 | 30/05/2024 | Jordan Bouman-Winter | Construction of a fence and external painting in the Neighbourhood Residential Zone (Schedule 1) and Heritage Overlay (Schedule 1) | 79 BRIDGE STREET PORT MELBOURNE VIC 3207 | GATEWAY | 9/07/2024 | Approved |
| PDVP/00194/2023/A | 4/06/2024 | Lok Chan | Existing planning permit allows: 'Buildings and works comprising the construction of a deck to an existing dwelling on land affected by the Special Building Overlay, generally in accordance with the endorsed plans'. Proposed amendment: A reduction to the size of the decking area. | 7 WENDEN GROVE ST KILDA EAST VIC 3183 | CANAL | 9/07/2024 | Approved |
| PDVP/00160/2024 | 3/07/2024 | Jordan Bouman-Winter | Construction of a two-storey dwelling on land affected by the Special Building Overlay (Schedule 2) | 258 BARKLY STREET ST KILDA VIC 3182 | LAKE | 9/07/2024 | Approved |
| PDPL/00244/2023 | 10/05/2023 | Kate Wooller | Clause 34.02-1 - Use of the land for a Shop (Sex Services premises) in the Commercial 2 Zone Clause 34.02-4 - Construct a building and construct and carry out works in the Commercial 2 Zone Clause 43.02-2 - Construct a building and construct and carry out works in the Design and Development Overlay, Schedule 8 Clause 52.05-11 - Construct or put up for display internally illuminated high wall signs Clause 52.06-3 - Reduce the number of car parking spaces required under clause 52.06-5 | 76-78 CLARKE STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 10/07/2024 | Notice of Decision Issued |
| PDPL/00643/2023 | 24/10/2023 | Martin Cooksley | Clause 32.09-5 Extend a dwelling on a lot less than 300sqm in Neighbourhood Residential Zone Clause 43.01-1 Demolish a building in a Heritage Overlay Clause 43.01-1 Construct a building or construct or carry out works in a Heritage Overlay | 380 COVENTRY STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 10/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-----------------|------------|-----------------|---|--|---------|---------------|----------|
| PDPL/00088/2024 | 1/03/2024 | Kate Wooller | Clause 32.09-5 Construct or extend one dwelling on a lot of less than 300 square metres. Clause 32.09-5 Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.06-2. Clause 43.01-1 Demolish or remove a building. Clause 43.01-1 Construct a building or construct or carry out works including domestic services normal to a dwelling if the services are visible from a street (other than a lane) or public park. A fence, if the fence is visible from a street (other than a lane) or public park. Clause 43.01-1 Externally alter a building by structural work, rendering, sandblasting or in any other way. | 25 LALOR STREET PORT MELBOURNE VIC 3207 | GATEWAY | 10/07/2024 | Approved |
| PDPL/00365/2024 | 3/07/2024 | Martin Cooksley | Clause 37.04-4 - Demolish or remove a building or works | 525 GRAHAM STREET PORT MELBOURNE VIC 3207 | GATEWAY | 11/07/2024 | Approved |
| 1294/2015/D | 7/06/2023 | Richard Little | Alterations and additions to the existing 16-storey building including the construction of a building up to 19 storeys, use of the land for the purpose of an aged-care facility, retirement village and associated commercial uses (medical centre, shop and restaurant) with a reduction to the standard car parking requirement, the sale and consumption of liquor (on-premises licence) and alteration of access to a road in a Road Zone Category 1. | 114-130 ALBERT ROAD SOUTH MELBOURNE VIC 3205 | GATEWAY | 12/07/2024 | Approved |
| PDPL/00063/2024 | 16/02/2024 | Kate Wooller | Partial demolition of roof and construct or carry out works to roof in a Heritage Overlay and construct or carry out works in a Design and Development Overlay. The application involves the following planning permissions: Clause 43.01-1 Heritage Overlay - Demolish or remove a building. Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials. Clause 43.02 Design and Development Overlay - Construct a building or construct or carry out works. | COMMON PROPERTY 1 AND 2 AT 9 BEACH STREET PORT MELBOURNE VIC 3207 | GATEWAY | 12/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-----------------|------------|------------------------|--|---|---------|---------------|---------------------------|
| PDPL/00211/2024 | 22/04/2024 | Lok Chan | Partial demolition and alterations to an existing dwelling on land affected by the Heritage Overlay. The application involves the following planning permissions <ul style="list-style-type: none"> • Clause 43.01-1 - Demolish or remove a building. • Clause 43.01-1 - Construct a building or construct or carry out works. • Clause 43.01-1 - Externally alter a building by structural work, rendering, sandblasting or in any other way. • Clause 43.01-1 - Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specification and materials. | 4C MILLS STREET ALBERT PARK VIC 3206 | LAKE | 12/07/2024 | Approved |
| PDPL/00241/2024 | 2/05/2024 | Jordan Bouman-Winter | Construct and display internally illuminated signage | 33/12 FITZROY STREET ST KILDA VIC 3182 | LAKE | 12/07/2024 | Notice of Decision Issued |
| PDVP/00163/2024 | 4/07/2024 | Jordan Bouman-Winter | Construct and display signage, including an internally illuminated sign | 263 PARK STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 12/07/2024 | Approved |
| PDVP/00165/2024 | 9/07/2024 | Jordan Bouman-Winter | Clause 44.05-2 - Construct a building or to construct or carry out works | 21 BALSTON STREET BALACLAVA VIC 3183 | CANAL | 12/07/2024 | Approved |
| PDPL/00706/2023 | 21/11/2023 | Nellie Sheedy-Reinhard | Partial demolition, alterations and additions to construct a rear garage with a terrace above. | 10 HENDERSON STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 15/07/2024 | Notice of Decision Issued |
| PDPL/00106/2024 | 8/03/2024 | Nellie Sheedy-Reinhard | Part demolition, buildings and works (construct a fence and installation of skylights), alterations and additions including the construction of a deck at ground floor to the rear of the existing dwelling on a lot less than 300sqm and affected by the Heritage Overlay. Clause 32.08-5 - Construct or extend one dwelling on a lot of less than 300 square metres. Clause 32.08-5 - Construct a front fence more than 1.5 metres high within 3 metres of a street. Clause 43.01-1 - Demolish or remove a building. Clause 43.01-1 - Construct a building or construct or carry out works. Clause 43.01-1 - Externally alter a building by structural work, rendering, sandblasting or in any other way. | 167 LIARDET STREET PORT MELBOURNE VIC 3207 | GATEWAY | 15/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION | WARD | DECISION DATE | DECISION |
|-----------------|-----------|------------------------|--|---------------------------------|------|---------------|----------|
| | | | Clause 43.01-1 - Externally paint a building if the schedule to this overlay specifies the heritage place as one where external paint controls apply. | | | | |
| PDPL/00156/2024 | 2/04/2024 | Nellie Sheedy-Reinhard | <p>Partial demolition, buildings and works, external alterations and external painting, including the construction of a small infill addition on land affected by the Heritage Overlay and Design Development Overlay.</p> <p>Clause 43.01-1 - Demolish or remove a building</p> <p>Clause 43.01-1 - Construct a building or construct or carry out works</p> <p>Clause 43.01-1- Externally alter a building by structural work, rendering, sandblasting or in any other way.</p> <p>Clause 43.01-1 - Externally paint a building, where external paint controls apply.</p> <p>Clause 43.02-2 Construct a building or to construct or carry out works.</p> | 6 ROBE STREET ST KILDA VIC 3182 | LAKE | 15/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|----------------------|--|--|---------|---------------|----------|
| PDPL/00025/2022/A | 2/05/2024 | Kate Wooller | Exiting permit allows: Partial demolition and the construction of buildings and works (balcony to facade, amended front fence, solar panels, replacement rear first floor Amend plans to include• Demolition to front façade, construction of a new lift, integrated with redesigned front balcony. • Alteration to solar panel structure• Roof demolition and renewal and construction of eve overhang to the rear of the site• Relocation of services• Landscaping alterations deck)Proposed amendmentPartial demolition and the construction of buildings and works to a dwelling on a lot less than 300sqm in the Neighbourhood Residential zone and subject to a heritage overlay. | 298 BANK STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 15/07/2024 | Approved |
| PDPL/00247/2024 | 7/05/2024 | Connor Buckley | Clause 37.04-5 Construct or display a sign Clause 43.01-1 Construct or display a sign Clause 43.01-1 Construct a building or carry out works including services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park. | 528 CITY ROAD SOUTH MELBOURNE VIC 3205 | GATEWAY | 15/07/2024 | Approved |
| PDVP/00150/2024 | 25/06/2024 | Jordan Bouman-Winter | External alterations to a non-contributory building in the Heritage Overlay (Schedule 1) | 177 PICKLES STREET PORT MELBOURNE VIC 3207 | GATEWAY | 15/07/2024 | Approved |
| PDVP/00151/2024 | 25/06/2024 | Jordan Bouman-Winter | Construct and display three signs | 364 BAY STREET PORT MELBOURNE VIC 3207 | GATEWAY | 15/07/2024 | Approved |
| PDPL/00669/2023 | 2/11/2023 | Bradley Foletta | Alterations and additions, including partial demolition, to a dwelling within the Heritage Overlay and Special Building Overlay | 42 PARK STREET ST KILDA WEST VIC 3182 | LAKE | 16/07/2024 | Approved |
| PDPL/00272/2024 | 15/05/2024 | Jordan Bouman-Winter | External alterations to a building in the Heritage Overlay (Schedule 5) | 24-26 ROBE STREET ST KILDA VIC 3182 | LAKE | 16/07/2024 | Approved |
| PDVP/00008/2024 | 19/01/2024 | Connor Buckley | Construction of a fence, pergola and shed in the General Residential Zone, Special Building Overlay and Heritage Overlay | 366 CARLISLE STREET BALACLAVA VIC 3183 | CANAL | 17/07/2024 | Approved |
| PDVP/00134/2024 | 30/05/2024 | Jordan Bouman-Winter | Buildings and works on land affected by the Special Building Overlay (Schedule 1) | 21 AUSTIN AVENUE ELWOOD VIC 3184 | CANAL | 17/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|----------------|---|---|---------|---------------|----------|
| PDPL/01040/2021/A | 4/09/2023 | Peter Grose | Existing permit allows: Partial demolition and addition of a single storey addition to the rear of the existing dwelling in a Heritage Overlay (HO444) and on lot less than 500sqm in Neighbourhood Residential Zone (NRZ1). Proposed amendment: Introduction of a first floor addition and ground floor side extension | 97 WRIGHT STREET MIDDLE PARK VIC 3206 | LAKE | 18/07/2024 | Approved |
| PDPL/00061/2024 | 15/02/2024 | Connor Buckley | Demolition of three chimneys | 85-87 FITZROY STREET ST KILDA VIC 3182 | LAKE | 18/07/2024 | Refused |
| 708/2020/A | 13/03/2024 | Connor Buckley | Amendment of existing planning permit to include outdoor footpath dining area. | 19 FITZROY STREET ST KILDA VIC 3182 | LAKE | 18/07/2024 | Approved |
| 458/2018/A | 22/03/2024 | Sandra Stewart | Existing permit allows: Partial demolition, alterations and additions and two storey extension to the rear of the existing dwelling. Proposed amendment: Altered demolition, increased length of additions at ground and first floor, delete first floor balcony, roof form of addition changed to a gable, increased height of addition, internal rearrangement at both levels, changes to materials and finishes | 33 LITTLE O'GRADY STREET ALBERT PARK VIC 3206 | LAKE | 18/07/2024 | Approved |
| 185/2019/A | 18/07/2022 | Peter Grose | Existing permit allows: Partial demolition, alterations and additions and two storey extension to the rear of the dwelling. Proposed amendment: Introduction of a basement level, modified roof terrace, various setback changes site coverage increase, permeability decrease, changes to material palette and architectural expression | 81 RICHARDSON STREET ALBERT PARK VIC 3206 | LAKE | 19/07/2024 | Approved |
| PDPL/00038/2023 | 31/01/2023 | Jeremy Newland | Partial demolition and buildings and works consisting of a double storey extension, swimming pool and garage to a dwelling on a lot over 300sqm in a Heritage Overlay and Special Building Overlay. | 48 BEACON ROAD PORT MELBOURNE VIC 3207 | GATEWAY | 19/07/2024 | Approved |
| PDPL/00139/2024 | 22/03/2024 | Connor Buckley | Use of the site as an Indoor Recreation Facility (Brazilian Jiu Jitsu Academy). The proposal has the following planning permissions: Clause 32.04-2 - Use of the land for an Indoor Recreation Facility Clause 52.05 – 13 – Construction and Display of Business Identification Signage | 45-53 PARK STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 19/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|------------------------|--|---|---------|---------------|---------------------------|
| PDPL/00277/2024 | 16/05/2024 | Jordan Bouman-Winter | Construct and display an electronic sign | 200 BAY STREET PORT MELBOURNE VIC 3207 | GATEWAY | 19/07/2024 | Approved |
| PDPL/00027/2023/A | 20/05/2024 | Grace Brooks | Partial demolition, alterations and additions to an existing dwelling and construction of boundary fencing associated with the existing dwelling on a lot less than 500sqm in a Heritage Overlay | 3/9 MARLTON CRESCENT ST KILDA VIC 3182 | LAKE | 19/07/2024 | Approved |
| PDVP/00168/2024 | 16/07/2024 | Jordan Bouman-Winter | Carry out works, repairs and routine maintenance which change the appearance of a heritage place in the Heritage Overlay (Schedule 8) | 169 ORMOND ROAD ELWOOD VIC 3184 | CANAL | 19/07/2024 | Approved |
| PDVP/00171/2024 | 17/07/2024 | Jordan Bouman-Winter | Externally paint a building in a Heritage Overlay (Schedule 442) | 70B BEACONSFIELD PARADE ALBERT PARK VIC 3206 | LAKE | 19/07/2024 | Approved |
| PDPL/00325/2024 | 4/06/2024 | Sandra Stewart | 3 lot subdivision | 18 STOKES STREET PORT MELBOURNE VIC 3207 | GATEWAY | 22/07/2024 | Approved |
| PDPL/00278/2023 | 19/05/2023 | Kate Wooller | Clause 32.09-5 - Construct or extend one dwelling on a lot less than 300sqm | 173 ROSS STREET PORT MELBOURNE VIC 3207 | GATEWAY | 23/07/2024 | Approved |
| PDPL/00037/2024 | 2/02/2024 | Nellie Sheedy-Reinhard | Alterations and additions to a dwelling in a Heritage Overlay | 174 PAGE STREET MIDDLE PARK VIC 3206 | LAKE | 23/07/2024 | Notice of Decision Issued |
| PDPL/00326/2024 | 7/06/2024 | Sandra Stewart | Stage 1 of a staged subdivision | 85 & 87 ADDISON STREET ELWOOD VIC 3184 | CANAL | 23/07/2024 | Approved |
| PDPL/00714/2023 | 24/11/2023 | Peter Grose | Use of the land for the sale and consumption of liquor | 8-12 Punt Road & 3 -7 WELLINGTON STREET ST KILDA VIC 3182 | LAKE | 24/07/2024 | |
| PDPL/00729/2023 | 30/11/2023 | Kate Wooller | Partial demolition and construct buildings and works comprising solar panels, and conversion of part of an existing terrace to study at first floor level, to a dwelling in a Heritage Overlay | 46 DUNSTAN PARADE PORT MELBOURNE VIC 3207 | GATEWAY | 24/07/2024 | Approved |
| 270/2010/B | 13/12/2023 | Grace Brooks | Internal and external alterations | 22C TENNYSON STREET ELWOOD VIC 3184 | LAKE | 24/07/2024 | Approved |
| PDPL/00786/2023 | 21/12/2023 | Kate Wooller | Demolition of an existing dwelling in a Heritage Overlay | 90 ROSS STREET PORT MELBOURNE VIC 3207 | GATEWAY | 24/07/2024 | Approved |
| PDPL/00791/2023 | 22/12/2023 | Richard Little | Construction of a multi-storey office building and a reduction in the car parking requirements within a Commercial 2 Zone, Design and Development | 34-36 MARKET STREET SOUTHBANK VIC 3006 | GATEWAY | 24/07/2024 | Notice of Decision Issued |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|----------------|--|--|------|---------------|---------------------------|
| | | | Overlay – schedule 8 and Special Building Overlay – Schedule 2 | | | | |
| PDPL/00009/2024 | 11/01/2024 | Lok Chan | Partial demolition and buildings and works comprising the conversion of an existing triple storey building into a single dwelling on land affected by the Heritage Overlay. The application involves the following planning permissions <ul style="list-style-type: none"> • Clause 43.01-1 – Demolish or remove a building • Clause 43.01-1 – Construct a building or construct or carry out works • Clause 43.01-1 – Construct a fence that is visible from a street • Clause 43.01-1 – Externally alter a building by structural work, rendering, sandblasting or in any other way • Clause 43.01-1 – Externally paint a building where external paint controls apply | 149 NELSON ROAD SOUTH MELBOURNE VIC 3205 | LAKE | 24/07/2024 | Notice of Decision Issued |
| PDPL/00071/2024 | 21/02/2024 | Grace Brooks | Clause 32.09-5 - Construct or extend one dwelling on a lot less than 300sqm Clause 43.01-1 - Demolish or remove a building Clause 43.01-1 - Construct a building or construct or carry out works Clause 43.01-1 - Externally paint a building | 266 RICHARDSON STREET MIDDLE PARK VIC 3206 | LAKE | 24/07/2024 | Approved |
| PDPL/00081/2024 | 28/02/2024 | Sandra Stewart | 2 lot subdivision, partial demolition and buildings and works comprising external alterations to a building. | 2-4 MOZART STREET ST KILDA VIC 3182 | LAKE | 24/07/2024 | Approved |
| PDPL/00549/2023/A | 5/06/2024 | Sandra Stewart | Existing permit allows: Partial demolition and construction of buildings and works, display of internally illuminated business identification signage and reduction to car parking requirements Proposed amendment: Addition of retractable canvas awning to side elevation (west). Minor increase to size of lit signage. Minor changes to ground floor layout. First floor stair window set back from balcony elevation. Higher A/C machines and change to location on roof | 101-105 DUNDAS PLACE ALBERT PARK VIC 3206 | LAKE | 24/07/2024 | Approved |
| PDPL/00358/2024 | 28/06/2024 | Sandra Stewart | 3 lot subdivision | 137 Beaconsfield Parade Albert Park | LAKE | 24/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|---------------------|--|--|---------|---------------|----------|
| PDPL/00309/2023 | 1/06/2023 | Kate Wooller | Clause 43.01-1 - Demolish part of a building and an outbuilding, construct a building and construct and carry out works for additions to the existing dwelling including a rainwater tank and a fence (adjacent to the ground floor addition), external painting Clause 44.05-2 - Construct a building or to construct or carry out works including a fence, a rainwater tank and swimming pool | 331 HOWE PARADE PORT MELBOURNE VIC 3207 | GATEWAY | 25/07/2024 | Approved |
| PDPL/00715/2023 | 24/11/2023 | Jeremy Newland | Partial demolition and buildings and works to a dwelling on a lot over 300sqm in a Heritage Overlay and Environmental Significance Overlay | 47 DUNSTAN PARADE PORT MELBOURNE VIC 3207 | GATEWAY | 25/07/2024 | Approved |
| PDPL/00793/2023 | 27/12/2023 | Kate Wooller | Clause 34.01-4 Construct a building and construct and carry out works in the Commercial 1 Zone. Clause 43.02-2 Construct a building and construct and carry out works in the Design and Development Overlay, Schedule 8 Clause 52.06-3 Reduce the number of car parking spaces required under clause 52.06-5 | 189 BANK STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 25/07/2024 | Approved |
| PDPL/00182/2024 | 12/04/2024 | Nicholas Bervanakis | Partial demolition and extension to a dwelling in the Heritage Overlay and Neighbourhood Residential Zone The application involves the following planning permissions: Clause 32.09-5: Construct or extend one dwelling on a lot less than 300 square metres. Clause 43.01-1: Demolish or remove a building. Clause 43.01-1: Construct a building or construct or carry out works. | 12 BRIDGE STREET PORT MELBOURNE VIC 3207 | GATEWAY | 25/07/2024 | Approved |
| PDPL/00332/2024 | 17/06/2024 | Martin Cooksley | For the use of an existing tenancy on Lot C, Level 5 of 420 St Kilda Rd, Melbourne for adult Education Centre including for the waiver of the car parking requirements pursuant to Clause 52.06 of the Port Phillip Planning Scheme | 420 ST KILDA ROAD MELBOURNE VIC 3004 | GATEWAY | 25/07/2024 | Approved |
| PDPL/00306/2023/A | 28/06/2024 | Peter Grose | Permit amended to modify the finished floor levels | 44 ST VINCENT STREET ALBERT PARK VIC 3206 | GATEWAY | 25/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION | WARD | DECISION DATE | DECISION |
|-----------------|------------|----------------------|--|---|---------|---------------|---------------------------|
| 467/2019/A | 7/12/2023 | Jeremy Newland | Existing permit allows: Construction of a two storey addition on a lot under 500sqm in the General Residential Zone; buildings and works on land within the Special Building Overlay Proposed amendment: Buildings and works including construction of an addition to a dwelling on a lot over 300sqm and within the Special Building Overlay, including removal of first floor north facing privacy screens and modification of south side of roof deck obscure glass panels | 5 HOOD STREET ELWOOD VIC 3184 | CANAL | 26/07/2024 | Approved |
| 660/1998/M | 21/12/2023 | Matthew Schreuder | Amendment to permit including reducing the number of serviced apartments and allowing Unit 411 (Lot 411) to be used as a dwelling and a waiver of the car parking requirement for that dwelling. | 411/604 ST KILDA ROAD MELBOURNE VIC 3004 | LAKE | 26/07/2024 | Notice of Decision Issued |
| PDPL/00025/2024 | 23/01/2024 | Bradley Foletta | Construction and display of an electronic major promotional sky signage. | 55 BRADY STREET SOUTH MELBOURNE VIC 3205 | GATEWAY | 26/07/2024 | Approved |
| PDVP/00177/2024 | 25/07/2024 | Jordan Bouman-Winter | Construction of a front fence in the Heritage Overlay (HO7). The application includes the following planning permissions: • Construct a building or construct or carry out works, including a fence, if the fence is visible from a street (other than a lane) or public park | 2 VICTORIA AVENUE RIPPONLEA VIC 3185 | CANAL | 26/07/2024 | Approved |
| PDVP/00175/2024 | 25/07/2024 | Jordan Bouman-Winter | Installation of services normal to a building in a Heritage Overlay (Schedule 7) The application includes the following planning permissions: • Construct a building or construct or carry out works, including services normal to a building other than a dwelling or small second dwelling, including chimneys, flues, skylights, heating and cooling systems, hot water systems, security systems and cameras, downpipes, window shading devices, or similar, if the works are visible from a street (other than a lane) or public park. | 45 GLEN EIRA ROAD RIPPONLEA VIC 3185 | CANAL | 26/07/2024 | Approved |
| PDPL/00385/2023 | 30/06/2023 | Max England | Use of the land as a place of worship and a reduction in the associated car parking requirements. | 39-43 GLEN EIRA ROAD RIPPONLEA VIC 3185 | CANAL | 29/07/2024 | Approved |
| 25/2018/A | 7/08/2023 | Peter Grose | Amendment to the permit to alter the ground floor façade | 273 RICHARDSON STREET MIDDLE PARK VIC 3206 | LAKE | 29/07/2024 | Approved |

DELEGATED DECISIONS - July 2024 APPLICATION COUNT - 100

| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-------------------|------------|------------------------|--|---|-------|---------------|---------------------------|
| PDPL/00749/2023 | 8/12/2023 | Jeremy Newland | Part demolition of an existing double storey dwelling and re-construction of a double storey dwelling on a lot over 300sqm in a Heritage Overlay | 14 BENDIGO AVENUE ELWOOD VIC 3184 | CANAL | 29/07/2024 | Approved |
| PDPL/00767/2023 | 14/12/2023 | Vivian Liu | Partial demolition in a Heritage Overlay (HO444) and to extend one dwelling on a lot in a Neighbourhood Residential Zone (NRZ1) | 10 ERSKINE STREET MIDDLE PARK VIC 3206 | LAKE | 29/07/2024 | Notice of Decision Issued |
| 1265/2004/B | 24/05/2024 | Connor Buckley | Extension of front verandah and modified and new signage to verandah. New service enclosures to the front to the building | 622 ST KILDA ROAD MELBOURNE VIC 3004 | LAKE | 29/07/2024 | Approved |
| PDPL/00644/2022/A | 29/02/2024 | Lok Chan | Existing permit allows: Partial demolition and buildings and works consisting a double storey addition to the rear of an existing dwelling in a heritage overlay on a lot less than 500sqm Proposed amendment: Minor internal and external changes | 26 KERFERD ROAD ALBERT PARK VIC 3206 | LAKE | 30/07/2024 | Approved |
| 467/2020/B | 2/05/2024 | Nellie Sheedy-Reinhard | Existing permit allows: Partial demolition, alterations and additions to the existing dwelling including construction of a ground floor addition. Proposed amendment: Full demolition of timber framing of dwelling and replaced to match existing. Retention of existing chimney. | 12 MITCHELL STREET ST KILDA VIC 3182 | LAKE | 30/07/2024 | Approved |
| PDPL/00578/2023/A | 30/05/2024 | Nellie Sheedy-Reinhard | Existing permit allows: Partial demolition, alterations and additions to the rear of an existing dwelling subject to Heritage and Special Building Overlays. Proposed amendment: Demolition and reconstruction of north west masonry boundary wall of dwelling along the rear boundary of property. Part demolition and reconstruction of northeast boundary wall of dwelling to the rear and along side boundary of property. Part demolition and reconstruction of south west boundary wall to the rear of the existing dwelling. | 18 FAWKNER STREET ST KILDA VIC 3182 | LAKE | 30/07/2024 | |
| PDPL/00758/2023 | 11/12/2023 | Grace Brooks | Demolition of the rear of the existing dwelling and associated outbuildings, buildings and works comprising ground and first floor extensions to the rear of the dwelling on a lot less than 300sqm in a Neighbourhood Residential Zone (NRZ1) and a Heritage Overlay (HO442) | 21 MADDEN STREET ALBERT PARK VIC 3206 | LAKE | 31/07/2024 | Approved |

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| APPLICATION No | RECEIVED | OFFICER | DESCRIPTION | LOCATION* | WARD | DECISION DATE | DECISION |
|-----------------|------------|----------------------|--|---|---------|---------------|----------|
| PDPL/00154/2024 | 2/04/2024 | Jeremy Newland | Partial demolition and buildings and works to an existing common property external staircase to a building in a Heritage Overlay | 362 CARLISLE STREET BALACLAVA VIC 3183 | CANAL | 31/07/2024 | Approved |
| PDPL/00347/2024 | 26/06/2024 | Nicholas Bervanakis | Reinstatement and alteration to parapet brick wall. | 356 BAY STREET PORT MELBOURNE VIC 3207 | GATEWAY | 31/07/2024 | Approved |
| PDPL/00381/2024 | 12/07/2024 | Jordan Bouman-Winter | Construct and display an internally illuminated sign, and externally alter a building by removing the existing awning. The application involves the following planning permissions• Clause 52.05- 11 - Construct and display internally illuminated signage with a total display area to the premises that exceeds 1.5m• Clause 43.01-1 - Construct or display a sign.• Clause 43.01-1 – Externally alter a building | 89 VICTORIA AVENUE ALBERT PARK VIC 3206 | LAKE | 31/07/2024 | Approved |



7. URGENT BUSINESS

8. CONFIDENTIAL MATTERS

Nil