



# **PLANNING COMMITTEE**

## **MINUTES**

**29 AUGUST 2024**



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# MINUTES - PLANNING COMMITTEE MEETING 29 AUGUST 2024



## MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP CITY COUNCIL HELD 29 AUGUST 2024 IN ST KILDA TOWN HALL AND VIRTUAL VIA TEAMS

The meeting opened at 6:30pm.

### IN ATTENDANCE

Cr Bond, (Chairperson), Cr Baxter, Cr Clark, Cr Cunsolo, Cr Martin, Cr Nyaguy, Cr Pearl, Cr Sirakoff.

Paul Wood, Manager City Development, Matthew Schreuder, Principal Planner, Rebecca Purvis, Senior Council Business Advisor, Emily Williams, Council Business Advisor.

*The City of Port Phillip respectfully acknowledges the Traditional Owners of this land, the people of the Kulin Nations. We pay our respect to their Elders, past and present. We acknowledge and uphold their continuing relationship to this land.*

### 1. APOLOGIES

An apology was received from Councillor Crawford.

#### **Moved Crs Baxter/Nyaguy**

That Council notes the apology received from Councillor Crawford.

**A vote was taken and the MOTION was CARRIED unanimously.**

### 2. CONFIRMATION OF MINUTES

#### **MOVED Crs Baxter/Nyaguy**

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

**A vote was taken and the MOTION was CARRIED unanimously.**

### 3. DECLARATIONS OF CONFLICTS OF INTEREST

Nil.



#### **4. PUBLIC QUESTION TIME AND SUBMISSIONS**

##### **Council Report Submissions:**

##### **6.1 345 Barkly Street Elwood (PDPL/00307/2022)**

- Brian Hinton
- John Moncrieff
- Ashley Thompson (Applicant)
- Fiona Styles
- Tony Pati
- Nicholas Solos
- Oliver Gualano (Applicant)

#### **5. COUNCILLOR QUESTION TIME**

Nil.

#### **6. PRESENTATION OF REPORTS**

Discussion took place in the following order:

##### **6.1 345 Barkly Street Elwood (PDPL/00307/2022)**

##### **6.2 Statutory Planning Delegated Decisions - July 2024**

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## 6.1 345 Barkly Street Elwood (PDPL/00307/2022)

### 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).

### MOVED Crs Nyaguy/Clark

#### 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.

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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) 9am and 10pm Thursday to Saturday
- d) 9am and 6pm Sunday to Wednesday

#### Barkly Street footpath trading area

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

#### Meredith Street footpath trading area

- g) 9am 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

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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.

## **AMENDMENT**

*That the following be added as a new condition 1 of the recommendation:*

### **MOVED CRS Cunsolo/Baxter**

#### **Amended Plans:**

1. Before the use starts (to sell or consume liquor), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - a. Toilet access from within the area for people sitting along Barkly Street and within the shopfront area

**A vote was taken and the AMENDMENT was CARRIED.**

**Cr Bond called for a DIVISION.**

**FOR: Crs Baxter, Clark, Martin, Nyaguy and Cunsolo**

**AGAINST: Crs Bond, Pearl and Sirakoff**

**The AMENDMENT was CARRIED.**

**The AMENDMENT became the SUBSTANTIVE MOTION.**

## **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:

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Planning Scheme Clause No.	Description of what is allowed
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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:

## **Amended Plans:**

1. Before the use starts (to sell or consume liquor), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the decision plans but modified to show:
  - a Toilet access from within the area for people sitting along Barkly Street and within the shopfront area

## **Layout not altered**

2. 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**

3. 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**

4. The sale or consumption of liquor must only operate between the following times:

### Internal areas

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a) 9am and 6pm Monday to Wednesday

b) 9am and 10pm Thursday to Sunday

#### Covered rear courtyard

c) 9am and 10pm Thursday to Saturday

d) 9am and 6pm Sunday to Wednesday

#### Barkly Street footpath trading area

e) 9am and 9pm Thursday to Saturday

f) 9am and 6pm Sunday to Wednesday

#### Meredith Street footpath trading area

g) 9am and 6pm Monday to Sunday

Except with the prior written consent of the Responsible Authority.

#### **Limit on number of patrons**

5. 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**

6. 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**

7. 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.
8. 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 remain closed other than when patrons are entering or exiting the site, on any day after 6pm.

#### **Time for starting and completion**

9. 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.

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- 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.

**A vote was taken and the SUBSTANTIVE MOTION was CARRIED.**

## 6.2 Statutory Planning Delegated Decisions - July 2024

### 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.

### MOVED Crs Pearl/Nyaguy

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.

**A vote was taken and the MOTION was CARRIED unanimously.**

## 7. URGENT BUSINESS

Nil.

## 8. CONFIDENTIAL MATTERS

Nil.

As there was no further business the meeting closed at 7.33pm.

Confirmed: 26 September 2024

Chairperson \_\_\_\_\_