

# U N C O N F I R M E D M I N U T E S



## CITY DEVELOPMENT DELEGATED COMMITTEE MINUTES

Wednesday 11 September, 2024  
6.30pm

Community Hall  
Braybrook Community Hub  
107–139 Churchill Avenue  
Braybrook

### **MEMBERSHIP**

Councillor Anthony Tran (Chair)  
Councillor Michael Clarke  
Councillor Simon Crawford  
Councillor Cuc Lam  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas

To be confirmed at the City Development Delegated Committee Meeting  
11 December, 2024

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## 1. COMMENCEMENT OF MEETING AND WELCOME

The meeting commenced at 6:32pm.

The Chair, Cr Anthony Tran made the following acknowledgement statement:

*“We acknowledge that we are on the traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples, past and present”.*

### PRESENT

Councillor Anthony Tran (Chair)  
Councillor Simon Crawford  
Councillor Cuc Lam  
Councillor Jorge Jorquera  
Councillor Bernadette Thomas  
Councillor Michael Clarke (online)

### IN ATTENDANCE

Chief Executive Officer, Celia Haddock  
Director Planning and Environment, Mike McIntosh  
Director Infrastructure Services, Patrick Jess  
Director Corporate Services, Lisa King  
Manager City Development, Ashley Minniti  
Manager Governance and Commercial Services, Phil McQue  
Governance Officer, Michelle McCulloch

## 2. APOLOGIES

Nil.

## 3. DISCLOSURES OF CONFLICTS OF INTEREST

Nil.

### AMENDMENT TO COMMITTEE AGENDA

*The Chair, Cr Anthony Tran, advised the meeting that there would be an amendment to the Committee agenda. Standing Orders will be suspended at the conclusion of tonight’s meeting, to allow the opportunity for Councillors to acknowledge their four year term coming to a conclusion.*

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## 4. PUBLIC QUESTION TIME

Public Question Time commenced at 6:34pm and three questions were received.

### **Vincenzina (Tina) Nappa asked the following questions:**

1. Why should the residents at 41 Moreland Street and 1 Saltriver Place endure the loud music from the proposed Stage which is earmarked to be closer to the North Fence, which are people's homes and not be located to the opposite side closer to the Art Centre which has ample space to accommodate for a Stage and Amenities building? By doing this it will be removing much of the disturbance and rowdiness that the proposed 2,000 attendees will make late in the evening.

### **Response:**

*The Director Planning and Environment advised the proposed amphitheatre has been located as proposed in order for the stage, and subsequently noise, to be orientated away from the abutting residential uses. The building itself would act as and provide a partial acoustic shield to the northern interface where the apartment buildings are located.*

*This is supported by an acoustic report which was submitted as part of the application and formed part of the public notice documents.*

2. We also have a safety issue literally at our back door, why can't it be moved away from people's homes?

### **Response:**

*The Director Planning and Environment advised the site is separated from the residential areas, with the proposed amenities building and amphitheatre providing additional separation. This provides a physical buffer and an acoustic buffer between the two land uses. Patrons will be controlled via the required Operational Management Plan, ensuring no unreasonable amenity impacts to surrounding land uses.*

3. Has the Development Committee considered conducting an Acoustic Report on what levels will be reached between the concrete structures of the neighbouring buildings of 41 Moreland Street and 1 Saltriver Place - namely at the back of the apartments at 41 Moreland Street facing the row of concrete Garages that accommodate all the residents at 1 Saltriver Place, should the stage go ahead in its designated location?

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## **Response:**

*The Director Planning and Environment noted that as mentioned previously acoustic testing was undertaken as part of the design of the development which notes that, subject to appropriate noise management strategies and operational requirements, the proposal would comply with the Environment Protection Regulation 2021 as they relate to noise. FCA and the adjacent apartment buildings are located in the Activity Centre Zone where a mix of land uses are permitted and encouraged. Large-scale events of over 2,000 patrons would require separate Place of Public Entertainment permits, under which additional noise mitigations measures would be required.*

*The Chair, Cr Anthony Tran, further noted that if residents would like to obtain a copy of the acoustic report, this can be requested via email to Council.*

The Chair, Cr Anthony Tran, declared Public Question Time closed at 6:37pm.

## **5. CONFIRMATION OF MINUTES**

### **5.1. Confirmation of Minutes of the City Development Delegated Committee Meeting - 27 August 2024**

To present for confirmation, the minutes of the City Development Delegated Committee Meeting held on 27 August 2024.

#### **Committee Resolution**

*That the City Development Delegated Committee confirms the minutes of the City Development Delegated Committee Meeting held on 27 August 2024.*

Moved: Cr Cuc Lam  
Seconded: Cr Bernadette Thomas

**CARRIED**

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## 6. OFFICER REPORTS

### 6.1. Planning Permit Application at 2-6 Ballarat Street Yarraville

To present for consideration a planning permit application for 2-6 Ballarat Street Yarraville which has received three objections and 35 supporting submissions.

*Trevor Junge, Michael Smith (on behalf of Sun Theatre), and Claude Acquaro (on behalf of the applicant) addressed the Committee on this item.*

#### Committee Resolution

*That the City Development Delegated Committee:*

1. *Issue a Notice of Decision to Grant a Permit for buildings and works (street furniture) associated with an existing use in a Heritage Overlay at 2-6 Ballarat Street Yarraville subject to conditions contained in Attachment 1, but modified with additional conditions as shown below;*
  - (f) *the structure, including all footings and supporting structures, reduced in width by approximately 800mm so that it is contained wholly on the footpath and not within the adjacent Sun Theatre Park/Ballarat Street Road Reserve; and*
  - (g) *with the addition of removing the clear plastic blinds.*
2. *Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*

Moved: Cr Michael Clarke  
Seconded: Cr Cuc Lam

**CARRIED**

Cr Clarke left the meeting at 7:23pm.

Cr Clarke returned to the meeting at 7:24pm.

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## 6.2. Planning Permit Application at 201 Ballarat Road Footscray

To present for consideration a planning application for 201 Ballarat Road Footscray which has received 13 objections and three supporting submissions.

*Kim Tobin, Maria Connolly, Kit Edwards, and Bruno Ambrosino (on behalf of the applicant) addressed the Committee on this item.*

### Committee Resolution

*That the City Development Delegated Committee:*

1. *Issue a Notice of Decision to Grant a Planning Permit for:*
  - a. *Use of the land for retail premise (food and drink premise and shop) and as a live music entertainment venue;*
  - b. *Building and works;*
  - c. *Sale and consumption of liquor (on premise license);*
  - d. *Display of signage*
  - e. *A reduction of the car parking requirement within a Public Acquisition Overlay; and*
  - f. *Alternation of access to a road within a Transport 2 Zone (Ballarat Road).*

*at 201 Ballarat Road Footscray subject to the conditions contained in Attachment 1.*
2. *Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*

Moved: Cr Simon Crawford  
Seconded: Cr Jorge Jorquera

**CARRIED**

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## 6.3. Planning Permit Application at Footscray Community Arts Centre

To present for consideration a planning application for the Footscray Art Centre at 43 Moreland Street Footscray which has received eight objections and three submissions of support.

*Tina Nappa, Joshua Nappa, and Daniel Santangeli (on behalf of the applicant) addressed the Committee on this item.*

### Committee Resolution

*That the City Development Delegated Committee:*

1. *Issue a Notice of Decision to Grant a Permit for buildings and works in a Significant Landscape Overlay and changes to the existing use pursuant to Clause 63.05 of the Maribyrnong Planning Scheme at the Footscray Art Centre Reserve - 43 Moreland Street Footscray subject to conditions contained in Attachment 1.*
2. *Note the delegation of the Manager City Development to settle any matter before the Victorian Civil and Administrative Tribunal which may arise as a result of the issuing of this planning permit.*
2. *Note that pursuant to the Lease between Council and Footscray Community Arts Centre, separate consent will be required by Council for the buildings and works and acting as Committee of Management, the proposal would need to be referred to the responsible Minister for approval.*
4. *Note that separate consent will be required by Council for the landscaping works acting as Committee of Management and that such consent will be exercised by the Manager Recreation & Open Space.*

Moved: Cr Bernadette Thomas  
Seconded: Cr Simon Crawford

**CARRIED**

Cr Clarke left the meeting at 7:47pm.

Cr Clarke returned to the meeting at 7:47pm.



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## 6.4. State Government's Proposed Changes to Maribyrnong Planning Scheme Boundary and Draft Amendment GC187

To seek a decision on the Minister for Planning's request for consent to amend the Maribyrnong Planning Scheme boundary and consideration of draft Planning Scheme Amendment GC187.

### Committee Resolution

*That the City Development Delegated Committee:*

1. *Note the request from the Minister for Planning (the Minister) seeking consent to amend the Maribyrnong Planning Scheme boundary under Section 6(6)(d) of the Planning and Environment Act 1987 and views on draft Planning Scheme Amendment GC187 to the Maribyrnong Planning Scheme (Attachments 2 and 4).*
2. *Endorse the Council officer's assessment and recommendations, as outlined in Section 1 of this report and Attachment 1, as Council's formal position and submission to Ministerial Amendment GC187.*
3. *Resolve to not consent to amend the Maribyrnong Planning Scheme boundary under Section 6(6)(d) of Planning and Environment Act 1987.*
4. *Authorise the Chief Executive Officer, or their delegate, to write to Minister for Planning advising that Council does not consent to amend the Maribyrnong Planning Scheme boundary and provide a copy of Council's submission to GC187.*
5. *Seek the Chief Executive Officer to write to their counterpart at the Port of Melbourne Corporation seeking the establishment of a Memorandum of Understanding between the two organisations to formalise the relationship, cooperation, information sharing and transparency.*

Moved: Cr Cuc Lam  
Seconded: Cr Bernadette Thomas

**CARRIED**

Cr Jorquera and Cr Crawford left the meeting at 8:13pm.

Cr Jorquera and Cr Crawford returned to the meeting at 8:16pm.

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## 7. COUNCILLOR QUESTION TIME

Nil.

## 8. URGENT BUSINESS

Nil.

### SUSPENSION OF STANDING ORDERS

*A motion was moved by Cr Bernadette Thomas, seconded by Cr Cuc Lam, that Council suspend Standing Orders.*

**CARRIED**

*Standing Orders were suspended at 8:26pm*

Councillors individually acknowledged the current four term of Council was concluding and reflected on their four year term.

### RESUMPTION OF STANDING ORDERS

*A motion was moved by Cr Bernadette Thomas, seconded by Cr Michael Clarke, that Council resume Standing Orders.*

**CARRIED**

*Standing Orders resumed at 8:52pm.*

## 9. MEETING CLOSURE

The Chair, Cr Anthony Tran, declared the meeting closed at 8:52pm.

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11 December, 2024.

Chair, Cr Anthony Tran