

## PLANNING PERMIT

**Permit No.:** TP384/2022(1)  
**Planning Scheme:** Maribyrnong Planning Scheme  
**Responsible Authority:** City of Maribyrnong



**Address of the land:** 289 Geelong Road KINGSVILLE

**The permit allows:** Use land for a brewery, bar/food and drink premises and associated sale and consumption of liquor (Wine and Beer Producer's Licence) and buildings and works, put up and display internally illuminated business identification signage, and waiver of car parking requirements.

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**The following conditions apply to this permit:**

1. Before the use and/or development starts, amended plans must be submitted to the satisfaction of the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in a digital format (where possible). The plans must be generally in accordance with the considered plans but modified to show:
  - (a) Installation of a bin for the disposal of cigarette butts at the front of the premises.
  - (b) Areas used by the shared tenancy clearly highlighted with a notation stating these areas are not included as part of the proposal.
  - (c) A Patron and Noise and Amenity Management Plan in accordance with Condition 14.
  - (d) Notations of all noise mitigation measures as per the Acoustic Report referenced in Condition 16.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to any exemption specified in Clause 62 of the Maribyrnong Planning Scheme. *NOTE: This does not obviate the need for a permit where one is required.*
3. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.

**Use Conditions**

CITY OF MARIBYRNONG  
ADVERTISED PLAN

4. The food and drink premises use and the sale and consumption of liquor on site must only occur between the hours of:

12pm to 10 pm – Wednesday to Sunday

except with the written permission of the Responsible Authority.

5. The brewing operations must only occur between the hours of:

- 7am to 10pm - Monday and Tuesday

except with the written permission of the Responsible Authority

6. No more than 150 patrons are to be provided for the consumption of alcohol at any one time except with the written consent of the Responsible Authority.
7. The sale and consumption of liquor is approved in conjunction with the use of the site as a Wine and Beer Producer.
8. Patrons must arrive and depart via the entrance on Geelong Road only.
9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.
10. The operator must promptly clean up breakage of glass and litter including cigarette butts from the footpath and surrounding area to the satisfaction of the Responsible Authority.
11. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) Transport of materials, goods or commodities to or from the land.
  - (b) Appearance of any building, works or materials.
  - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - (d) Harbourage and/or presence of vermin)

All to the satisfaction of the Responsible Authority.

12. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as "the manager"). The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
13. Signage must be displayed near all entrances/exits requesting patrons to leave the premises in a quiet and orderly manner so as not to disturb nearby residents to the satisfaction of the Responsible Authority.

### **Noise and Amenity Plan/Patron Management Plan**

14. Before the use starts, a noise and amenity plan/patron management plan must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:

- a) The style of operation of the venue, hours of operation for all parts of the premises and staffing arrangements, including the number and working hours of security staff;
  - b) Proposed management of the premises including emergency evacuation and fire control procedures, crowd control, waste management, external smoking/dining areas and queuing areas;
  - c) Staffing, security and other measures which are designed to ensure the orderly arrival and departure of patrons, and management of patrons within the footpath trading area on the street;
  - d) Measures to control noise emissions from the premises, including on the footpath and rear boundary abuttal.
  - e) Internal signage to be used to encourage responsible off-site patron behaviour
  - f) The training of staff in the management of patron behaviour
  - g) Staff communication arrangements between each other and residents and authorities as required
  - h) Management of and recording of complaints.
15. The noise and amenity plan/patron management plan must be reviewed on an annual basis and a record of the same must be retained by the operator. Any amendment of the plan must be submitted to and approved by the Responsible Authority. The permitted uses must be conducted at all times in accordance with the provisions of the plan to the satisfaction of the Responsible Authority.

### **Noise and Acoustic Conditions**

16. Before the use starts, the acoustic measures shown on the endorsed plans and recommendations in the acoustic report prepared by Clarity Acoustics, dated 6 February 2023 (endorsed to form part of this permit) and any further endorsed acoustic recommendations must be implemented to the satisfaction of the Responsible Authority.
17. Before the use starts, the acoustic mitigation measures required by the endorsed acoustic report must be carried out and completed to the satisfaction of the Responsible Authority.
18. The acoustic mitigation measures forming part of the endorsed acoustic report must be maintained to the satisfaction of the Responsible Authority.
19. The use must not detrimentally affect the amenity of the area or the amenity of persons living in proximity to the site by reason of the emission of noise. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4. The recommendations of the report must be implemented by the operator (at their full cost) to the satisfaction of the Responsible Authority.
20. Noise levels emanating from the premises must not exceed noise levels as determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the *Environment Protection Regulation 2021*, or other equivalent policy to the satisfaction of the Responsible Authority.

21. All external plant and equipment must be acoustically treated and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined by the EPA Victoria Publication Noise Limit and Assessment Protocol 1826.4, or result in unreasonable and aggravated noise as defined by Part 5.3 of the *Environment Protection Regulation 2021*, or other equivalent policy to the satisfaction of the Responsible Authority.
22. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
23. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose (other than background music).

### **Signage Conditions**

24. The location and details of the signs, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.
25. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
26. Bunting, streamers, flags, wind-vanes or festooning must not be displayed without the written consent of the Responsible Authority.
27. The sign(s) must not contain any flashing light.
28. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

### **Amenity and Waste Conditions**

29. The Waste Management Plan (prepared by O'Brien Traffic and dated 2 February 2023) endorsed to form part of this permit must be complied with at all times, unless varied in writing by the Responsible Authority.
30. Offensive odours must not be discharged beyond the boundary of the premises.
31. A secondary containment system must be provided for liquids which if split are likely to cause pollution or pose an environmental hazard, to the satisfaction of the Responsible Authority.
32. There must be no discharge or seepage of waste from the premises to the land or water (including stormwater) environments.
33. Collection of waste is only permitted to occur during regular business hours.

### **Signage expiry**

34. This permit will expire if the signs are not erected within 2 years of the date of this permit. The Responsible Authority may extend the period if a request is made in writing before the permit expires or within 6 months afterwards.



35. This permit, as it related to signage, expires 15 years from the date of issue. Upon the expiry of this permit, the signs and structures built specifically to support and illuminate the signs must be removed.

### Permit Expiry

36. This permit will expire if one of the following circumstances applies:

- a) The use has not commenced within two years of the date of this permit.
- b) The use is discontinued for a period of two years.

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

### Notes

- **Building Permit** - This is not a Building permit. A building permit may also be required. Please contact your building surveyor.
- This is not a liquor license. Please contact the Liquor Control Victoria for information regarding the need (or otherwise) for a liquor license.
- **Boundary Fences** – This permit (unless otherwise stated) does not give approval for the removal or replacement of any boundary fencing. Under the Fences Act 1968 the property owner and the neighbour are equally responsible for any dividing fence. More information on boundary fencing can be obtained at <http://disputes.vic.gov.au/fences>

**Date Issued**  
14 July 2023

**Signature for the Responsible Authority**



Date of expiry: 14 July 2025  
(if the use has not commenced)

## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the Planning and Environment Act 1987.)

### WHEN DOES A PERMIT BEGIN?

A permit operates:

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

- (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
- (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if:
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development required the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.
2. A permit for the use of land expires if;
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if;
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A (2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision;
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT APPEALS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case, no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued unless a Notice of Decision to Grant a Permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about application for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.



AREA ANALYSIS

TOTAL SITE AREA = 615m<sup>2</sup>  
APPROX. BUILDING FOOT PRINT = 592.5m<sup>2</sup>

TOTAL INDOOR AREA = 526.4m<sup>2</sup>  
TOTAL OUTDOOR AREA = 23m<sup>2</sup>

TOTAL AREA = 541m<sup>2</sup>

OUTDOOR AREA

SERVICE YARD = 23m<sup>2</sup>

INDOOR AREA

OFFICE AREA = 27m<sup>2</sup>

MEZZANINE EXIT = 13m<sup>2</sup>

STAFF AREA = 9m<sup>2</sup>

FOOD SERVICE / BAR = 64m<sup>2</sup>

KEG ROOM = 25m<sup>2</sup>

BREWERY AREA = 93m<sup>2</sup>

TOILETS / AIR-LOCK = 28m<sup>2</sup>

BAR / DINING AREA = 258m<sup>2</sup>

HOURS AND STAFF

STAFF

MON - TUES (BREWING HOURS)  
DAY HOURS = 2  
NIGHT HOURS = 2

FRIDAY (SERVICE HOURS)  
DAY HOURS = 1  
NIGHT HOURS = 2

SAT - SUN (SERVICE HOURS)  
DAY HOURS = 2  
NIGHT HOURS = 3

OPERATING HOURS

MON - TUES  
7am - 10pm (BREWING HOURS, CLOSED TO PUBLIC)

WED - SUN  
12pm - 10pm (FOOD SERVICE HOURS, OPEN TO PUBLIC)

OPEN ON ALL UNRESTRICTED PUBLIC HOLIDAYS

NUMBER OF PATRONS

INDOOR SEATING = 115

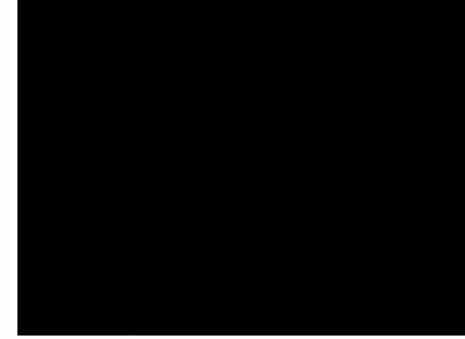
INDOOR STANDING = 35

TOTAL = 150

EXISTING CARPARKING = 0

PRO. BIKE SPACES = 12

MATERIAL / COLOURS SCHEDULE



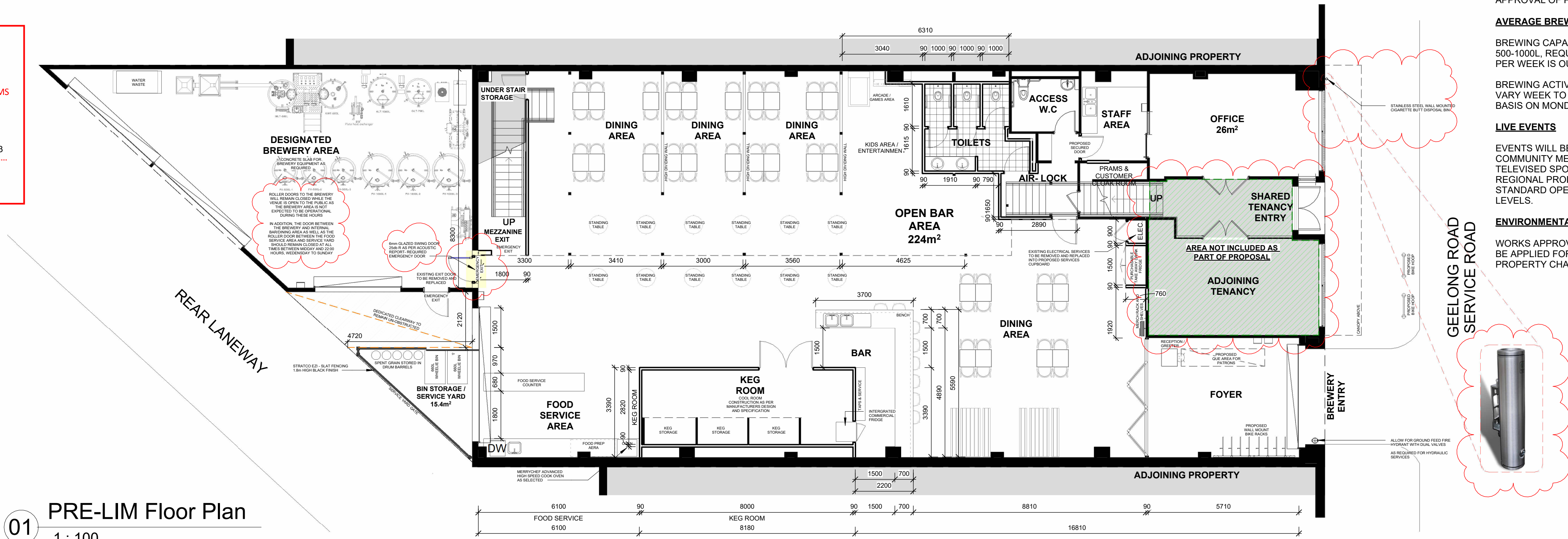
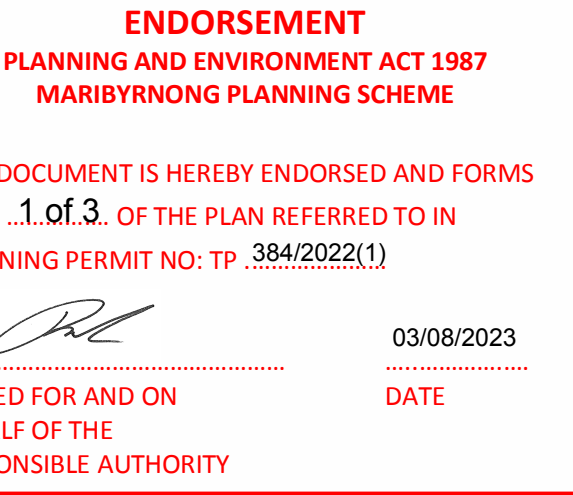
COLOURBOND NIGHTSKY  
PROPOSED FRONT ENTRY ROLLER  
DOOR



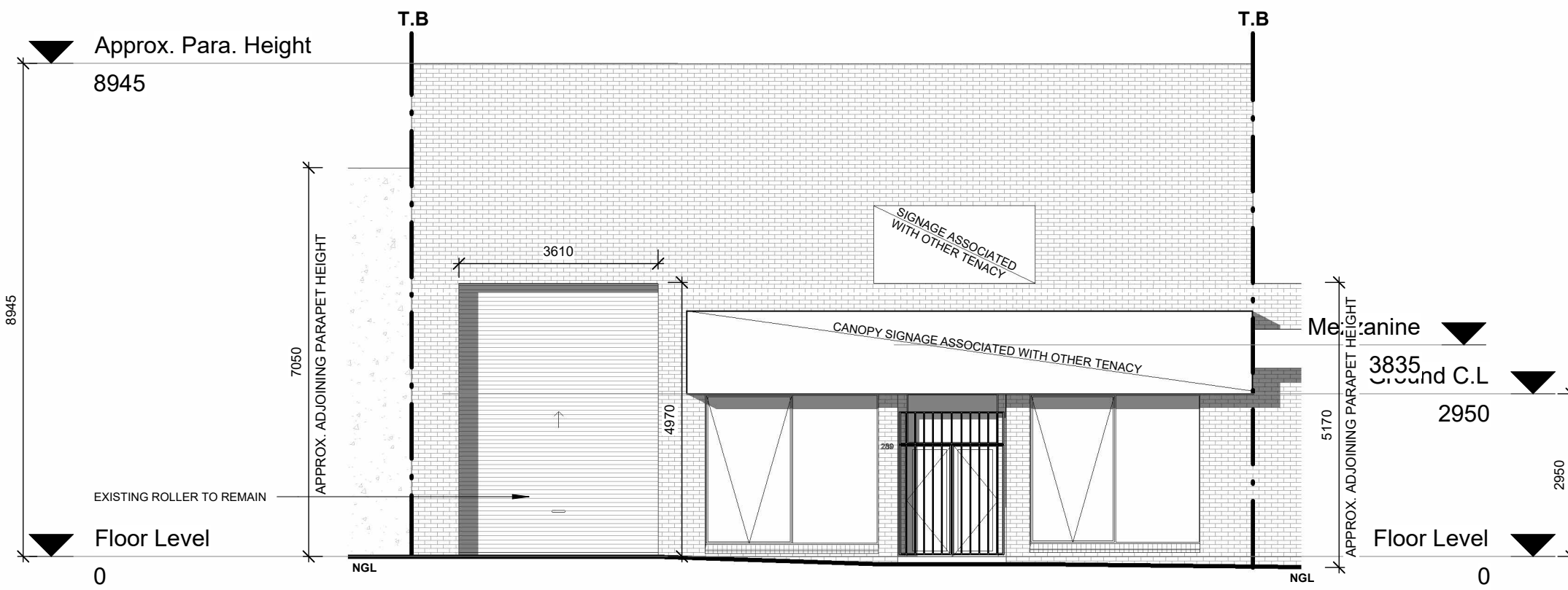
BLACK  
PROPOSED STRATCO EZI - SLAT FENCING



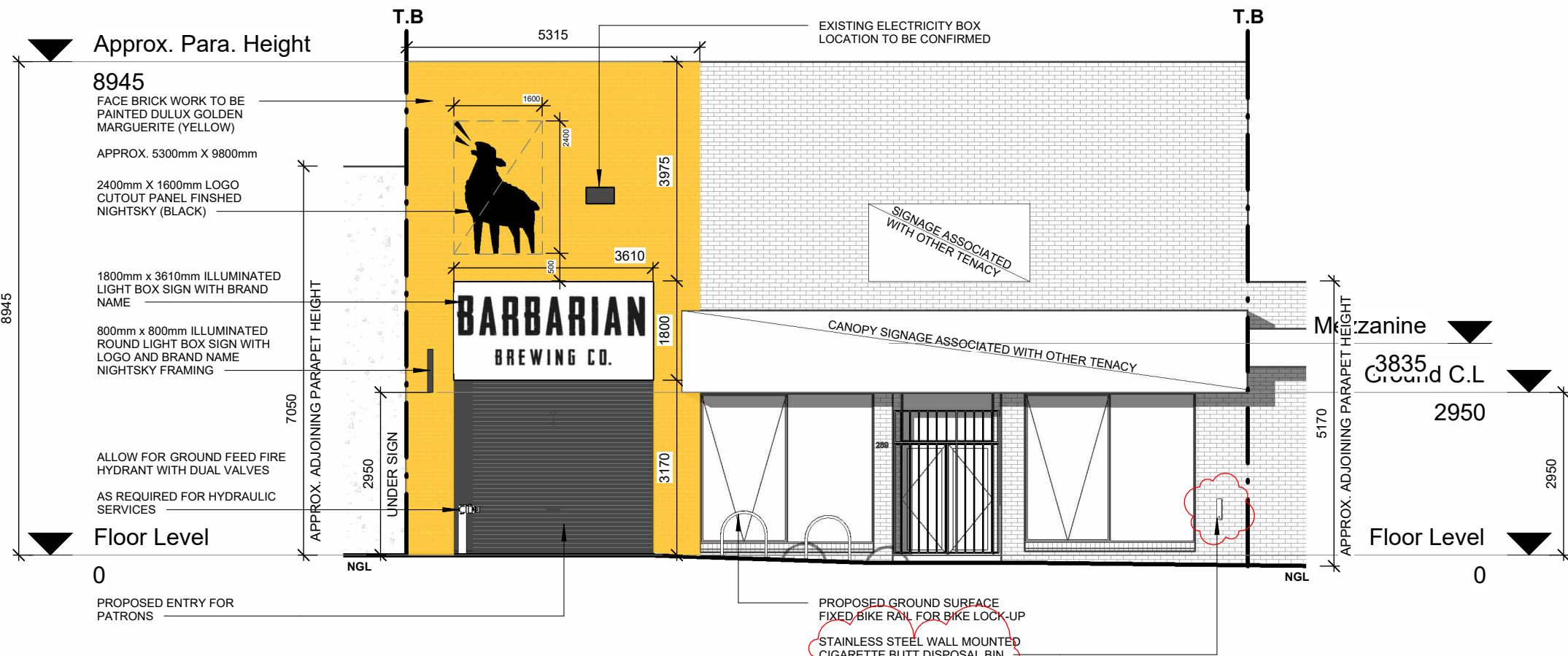
DULUX GOLDEN MARGUERITE  
PROPOSED PAINTED SURFACE AS  
INDICATED



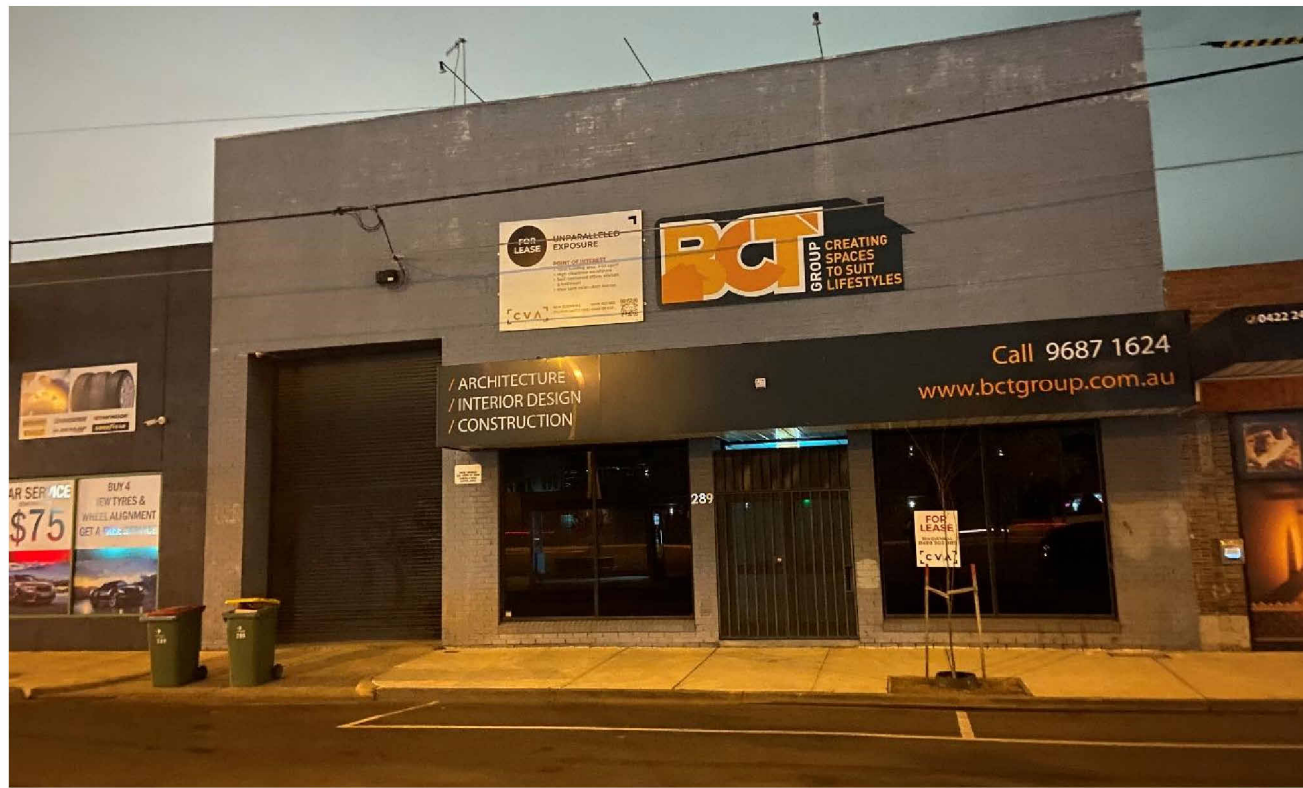
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1:100



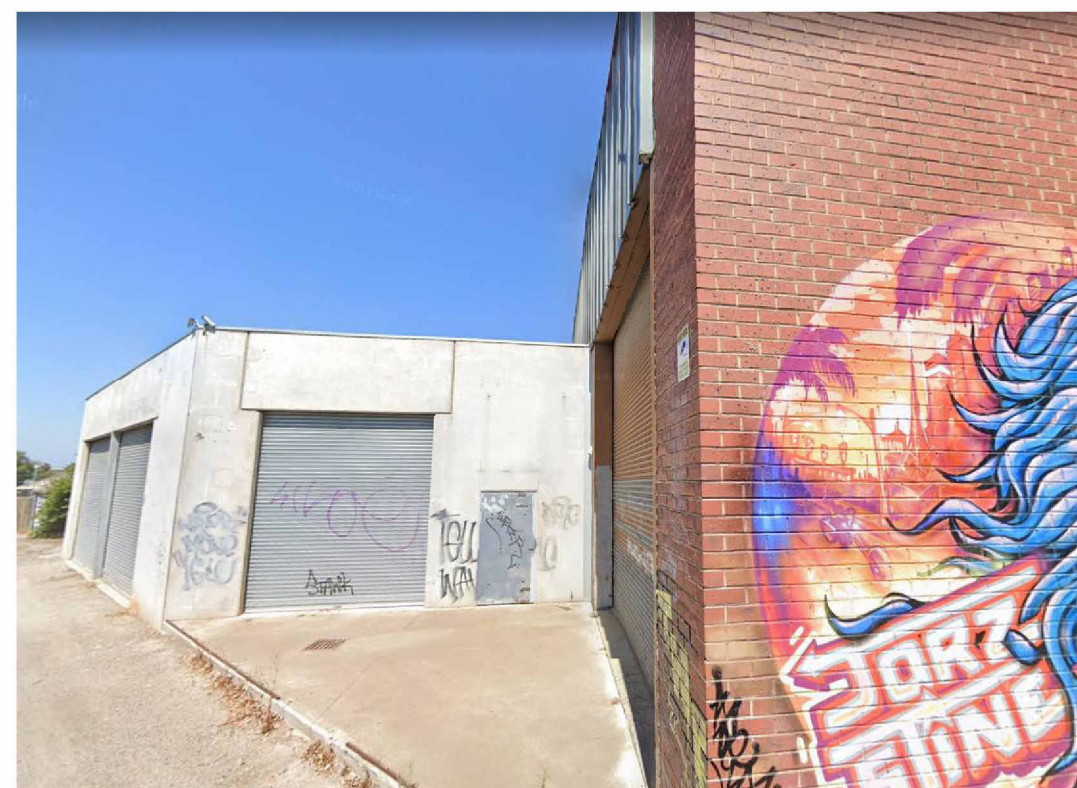
02 Exsting North Elevation  
1:100



03 North Elevation  
1:100



FRONT FACADE STREET VIEW



REAR FACADE STREET VIEW



REAR FACADE STREET VIEW



05 TP - Light Box Sign  
1:10  
LIGHT BOX INDICATIVE OF  
PROPOSED DESIGN  
LOGO DESIGN / BRANDING  
SUBJECT TO CHANGE



04 South Elevation  
1:100

WINE & BEER PRODUCERS LICENSE

THIS LICENSE WILL BE APPLIED FOR IMMEDIATELY UPON APPROVAL OF PROPERTY CHANGE OF USE.

AVERAGE BREWING CAPACITY/FREQUENCY

BREWING CAPACITY: AVERAGES WILL LIKELY BE IN THE 500-1000L. REQUIRE ONE BREW PER WEEK. 1500L OF BEER PER WEEK IS OUR MAXIMUM BREWING CAPACITY.

BREWING ACTIVITY: OUR MAIN BREWING ACTIVITY WILL VARY WEEK TO WEEK. THIS WILL OCCUR ON AN AS NEED BASIS ON MONDAY & TUESDAY EACH WEEK.

LIVE EVENTS

EVENTS WILL BE PRIVATE FUNCTIONS (E.G. BIRTHDAYS, COMMUNITY MEET UPS) AND PROMOTIONAL EVENTS (E.G. TELEVISED SPORTING EVENTS, TASTING EVENTS WITH REGIONAL PRODUCERS). ALL EVENTS WILL BE WITHIN OUR STANDARD OPERATING CAPACITY, HOURS AND NOISE LEVELS.

ENVIRONMENTAL PROTECTION AUTHORITY APPROVALS

WORKS APPROVAL AND WATER DISCHARGE LICENCE WILL BE APPLIED FOR IMMEDIATELY UPON APPROVAL OF PROPERTY CHANGE OF USE.

GEELONG ROAD  
SERVICE ROAD



INTERNAL FIT-OUT FOR BREWERY



T. 0430 078 590  
E. NICK@KARADESIGN.COM.AU  
DP-AD 38732  
ACN: 606 159 282  
ABN: 99 606 159 282

Client Name  
Kent Mincherton - Barbarian  
Brewing

Date  
13.07.2023  
Scale As indicated

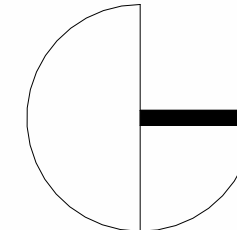
Project number  
K091322

Proposed Plans

004

REV	DESCRIPTION	DATE
REV A	AS PER TOWN PLANNING REF	28.10.2022
REV B	INTERNAL BREWERY RE-DESIGN	22.12.2022
REV C	BAR AREA RE-DESIGN	31.01.2023
REV D	AS PER NOTICE OF DECISION	12.07.2023

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ENDORSEMENT  
PLANNING AND ENVIRONMENT ACT 1987  
MARIBYRNONG PLANNING SCHEME

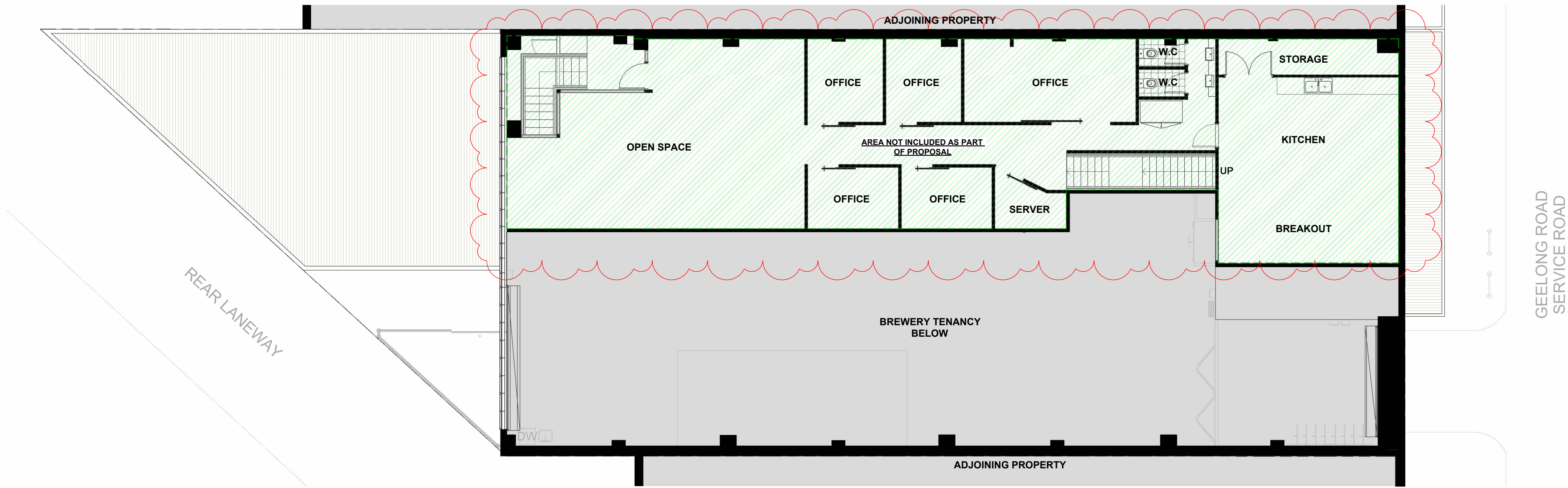
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PAGE 2 of 3 OF THE PLAN REFERRED TO IN  
PLANNING PERMIT NO: TP 384/2022(1)



03/08/2023

SIGNED FOR AND ON  
BEHALF OF THE  
RESPONSIBLE AUTHORITY

DATE



01

Mezzanine / Office Plan

1 : 100

The mezzanine floor is occupied by BCT Group - Custom Home Builders

The mezzanine area is utilised for administrative team and lower ground showroom, client interactions

REV	DESCRIPTION	DATE
REV A	AS PER TOWN PLANNING RP	28.10.2022
REV B	INTERNAL BREWERY RE-DESIGN	22.12.2022
REV C	BAR AREA RE-DESIGN	31.01.2023
REV D	AS PER NOTICE OF DECISION	12.07.2023





WASTE STORAGE AREA



**THE INSTALLATION OF A BIN  
FOR DISPOSAL OF CIGARETTE  
BUTTS AT THE FRONT OF THE  
PREMISES AS PER CONDITION  
1a**

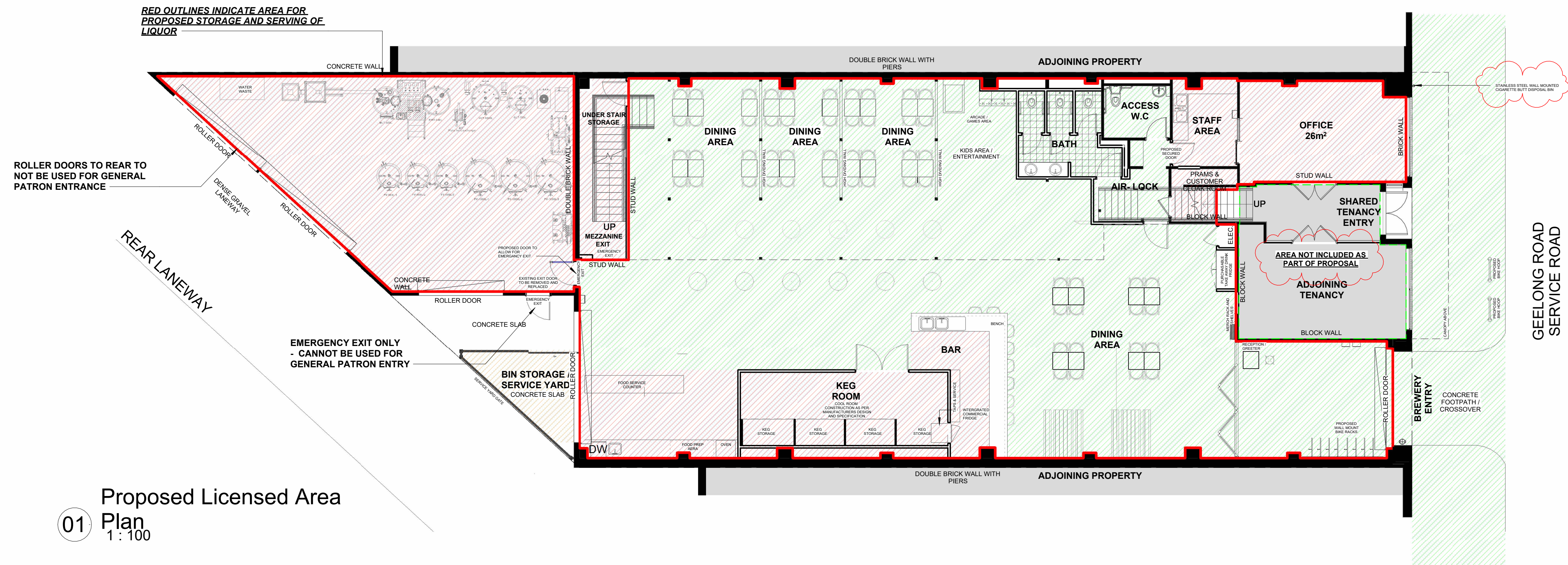
**ENDORSEMENT**  
**PLANNING AND ENVIRONMENT ACT 1987**  
**MARIBYRNONG PLANNING SCHEME**

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PAGE 3 of 3 OF THE PLAN REFERRED TO IN  
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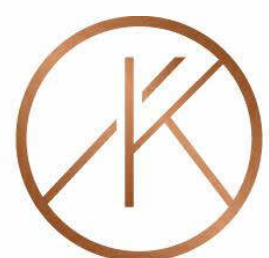
SIGNED FOR AND ON \_\_\_\_\_ DATE \_\_\_\_\_  
BEHALF OF THE \_\_\_\_\_  
RESPONSIBLE AUTHORITY \_\_\_\_\_

03/08/2023

DATE \_\_\_\_\_



01 Plan  
1 : 100



KARA  
DESIGN & CONSULTING  
PTY LTD



T. 0430 078 590  
E. [NICK@KARADESIGN.COM.AU](mailto:NICK@KARADESIGN.COM.AU)  
DP-AD 38732  
ACN: 606 159 282  
ABN: 99 606 159 282

Client Name  
Kent Mincherton - Barbarian  
Brewing

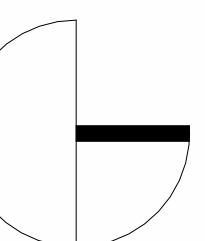
Date  
13.07.2023  
Scale 1 : 100

Project number  
K091322

### Proposed Licensed Area

006

REV	DESCRIPTION	DATE
REV A	AS PER TOWN PLANNING RFI	28.10.2022
REV B	INTERNAL BREWERY RE-DESIGN	22.12.2022
REV C	BAR AREA RE-DESIGN	31.01.2023
REV D	AS PER NOTICE OF DECISION	12.07.2023



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## INTERNAL FIT-OUT FOR BREWERY