

Report to the Future Melbourne (Planning) Committee

Agenda item 6.6

Liquor Enquiry LIQENQ-2016-183

7 February 2017

European Bier Café, 118-122 Exhibition Street, Melbourne

Presenter: Jane Birmingham, Practice Leader Statutory Planning

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of a request by Erik Hopkinson of Hopkins & Associates for a letter of support from the Council for an increase in trading hours allowed under an existing late night (on-premises) liquor licence for Euro Exhibition Pty Ltd, which trades as the European Bier Café. The request is specifically for the rooftop bar named 'AER' which is seeking to extend trading to 3am.
2. On 20 July 2015, new decision making guidelines were issued in the Victorian Government Gazette No S 204 for the assessment of applications for permanent and temporary liquor licences, for premises that are affected by the freeze, with trading past 1am.
3. One of the new decision making guidelines requires that the applicant must satisfy the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that 'the application is supported by the council of the municipality in which the premises is, or will be, located.' It is expected that the support of the municipal council be provided in writing and form part of the documentation lodged with VCGLR by the applicant for liquor licence. If the municipal council does not support an application, then the application will not be granted by VCGLR.
4. An amended planning permit was issued on 14 November 2016 that allowed an 'extension of the existing tavern use by way of increasing hours from 1am to 3am Monday to Sunday with associated revisions to existing conditions in relation to updated acoustic assessment and management plans. Conditions 4, 6, 7, 8 and 9 have all been amended to reflect the updated venue management plan, acoustic report and operating hours. Amplified music is now allowed in accordance with Condition 7.'

Key issues

5. The key issue is whether the extended trading hours requested will have a detrimental impact on the amenity of the surrounding area.
6. The site does not have any immediate sensitive interfaces with residential properties and the very nature of the premises ensures there is little noise spill onto the streets. There is no record of any complaints being received by the Council in the last five years in regard to the premises.
7. It is considered that support for the exemption will not set an undesirable precedent in this instance. The venue provides activity in an area of the city that is relatively quiet but very well serviced by public transport. The extension to the licence is considered to be a positive outcome given that it is in a controlled environment with onerous conditions on the existing licence as well as the responsible track record of the management and operator.

Recommendation from management

8. That the Future Melbourne Committee resolves that a letter be sent to the applicant advising that the Melbourne City Council supports the application for a variation of the existing liquor licence to allow increased trading hours consistent with the documentation provided in the liquor enquiry request.

Attachments:

1. Supporting Attachment (page 2 of 7)
2. Locality Plan (page 3 of 7)
3. Selected Plans (page 4 of 7)
4. Delegate Report (page 5 of 7)

Supporting Attachment

Legal

1. The VCGLR is responsible for determining the application.

Finance

2. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

3. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

4. The application to amend the planning permit was advertised. Two objections were submitted, both of which were withdrawn, as the concerns raised were addressed in the amended venue management plan.

Relation to Council policy

5. The proposed operating hours are inconsistent with Council's Licensed Premises Policy at Clause 22.22 of the Melbourne Planning Scheme however the proposal is consistent with the existing use on the site as well as the policy basis of Clause 22.22

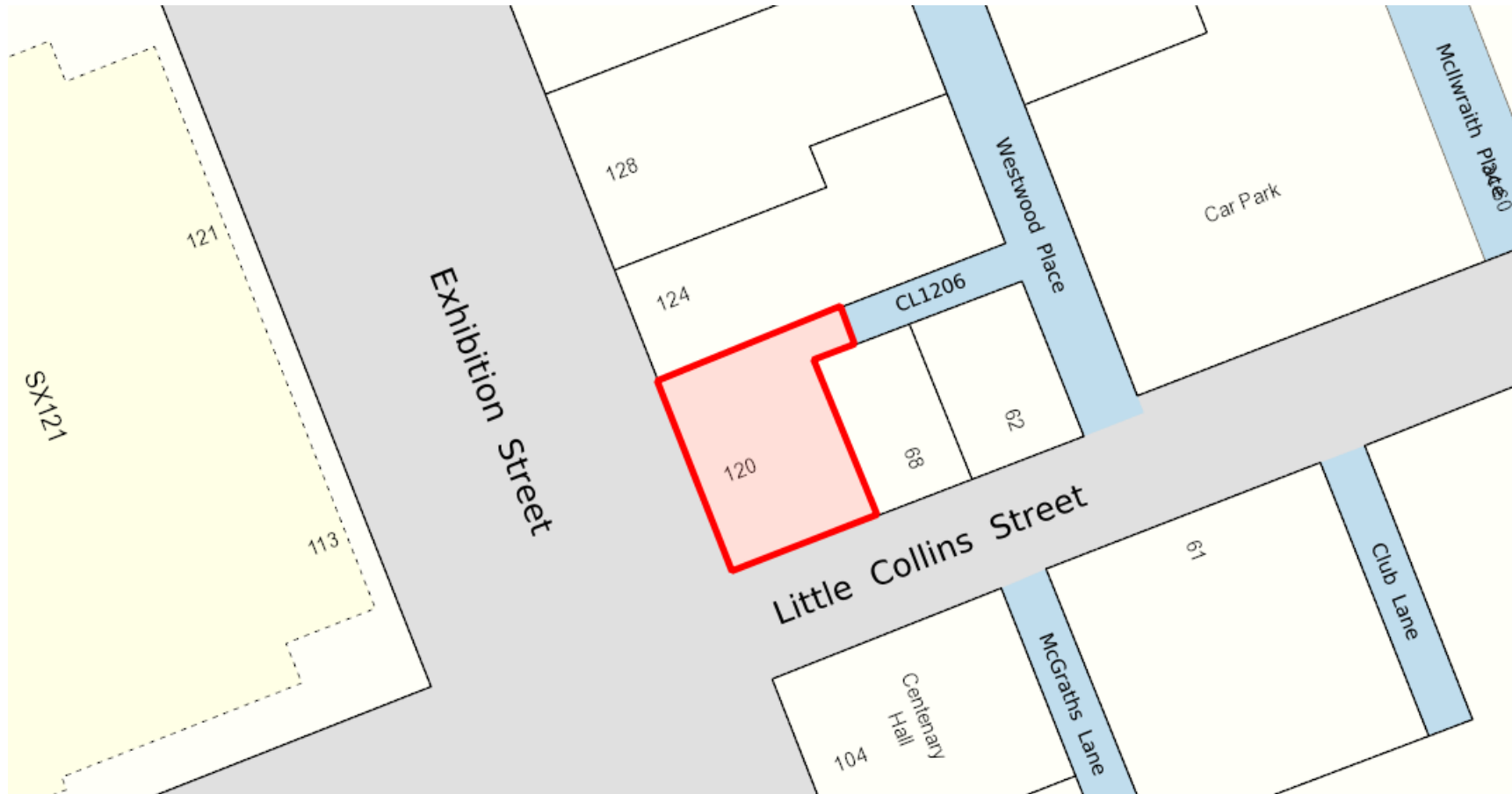
Environmental sustainability

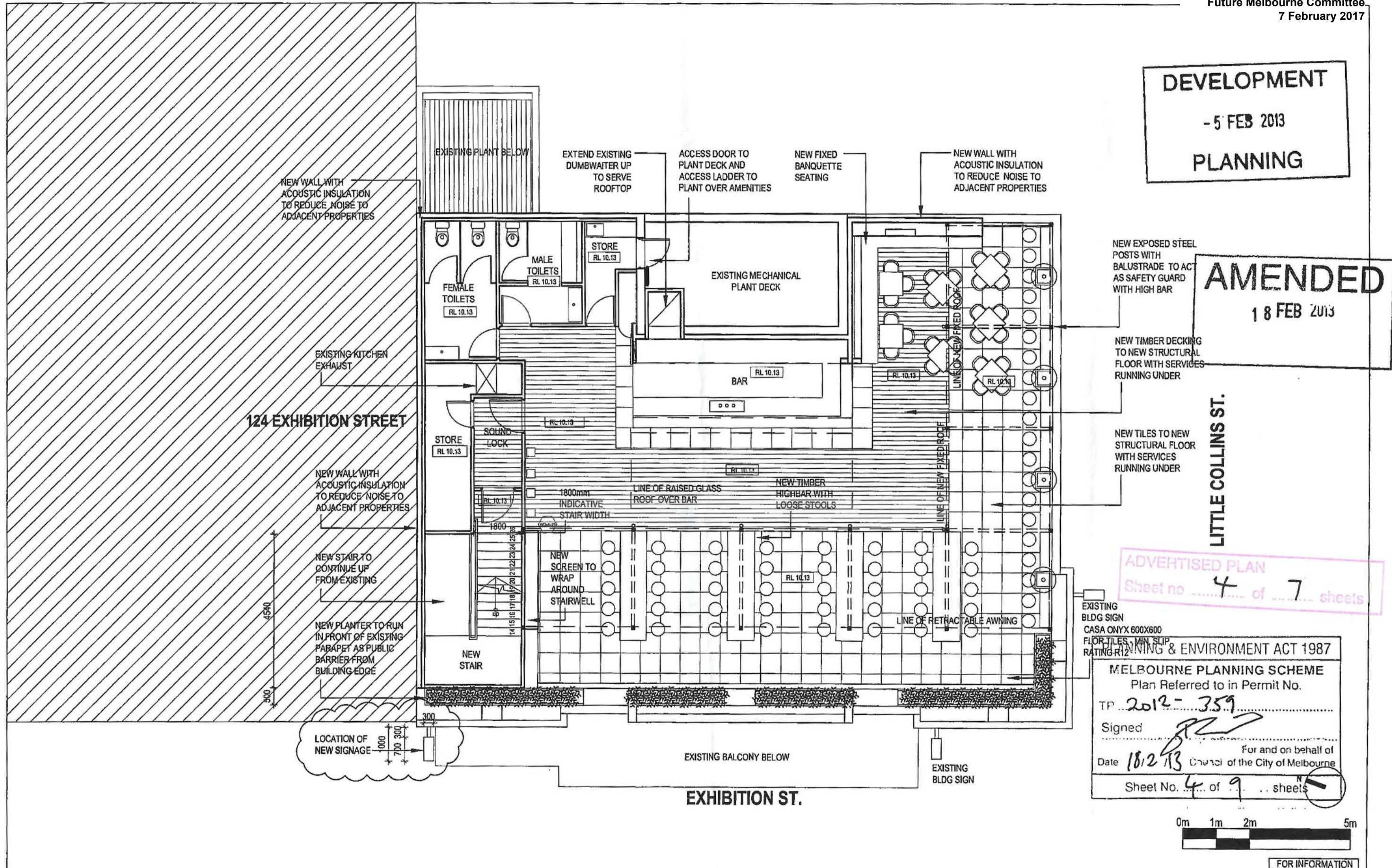
6. Environmental sustainability issues or opportunities are not considered relevant to this proposal.

Locality Plan

Attachment 2
Agenda item 6.6
Future Melbourne Committee
7 February 2017

European Bier Café, 118-122 Exhibition Street, MELBOURNE



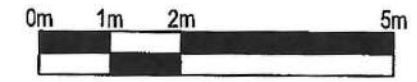


DEVELOPMENT
- 5 FEB 2013
PLANNING

AMENDED
18 FEB 2013

ADVERTISED PLAN
Sheet no 4 of 7 sheets

EXISTING BLDG SIGN
CASA ONYX 600X600
FLOOR TILES, MIN. SLIP
RATING R12
PLANNING & ENVIRONMENT ACT 1987
MELBOURNE PLANNING SCHEME
Plan Referred to in Permit No.
TP 2012-359
Signed [Signature]
For and on behalf of
Date 18/2/13 Council of the City of Melbourne
Sheet No. 4 of 9 sheets



FOR INFORMATION

<p>PERRETT EWERT LEAF</p> <p>PERRETT EWERT LEAF PTY. LTD. A.C.N. No. 14122241 LEVEL 3, 210 ALBERT RD SOUTH MELBOURNE 3205 VICTORIA, AUSTRALIA TELEPHONE: +61(3) 8698 8011 FAX: +61(3) 9845 0554 EMAIL ADDRESS: architects@perrettewartleaf.com.au</p>	<p>NOTES:</p>	<p>PROJECT: EUROPEAN BIER CAFE 120 EXHIBITION STREET, MELBOURNE, VIC. 3000</p>	<p>AMENDMENTS:</p> <table border="0"> <tr> <td>ISSUE:</td> <td>AMENDMENTS:</td> <td>DRAWN:</td> <td>DATE:</td> </tr> <tr> <td>A</td> <td>ISSUED FOR INFORMATION</td> <td>JX</td> <td>12.05.12</td> </tr> <tr> <td>B</td> <td>ISSUED FOR INFORMATION</td> <td>JX</td> <td>21.05.12</td> </tr> <tr> <td>C</td> <td>TOWN PLANNING ISSUE</td> <td>JX</td> <td>22.05.12</td> </tr> <tr> <td>D</td> <td>NEW SIGNAGE LOCATION</td> <td>JX</td> <td>06.12.12</td> </tr> <tr> <td>E</td> <td>ADJUSTED TO SUIT SITE</td> <td>JX</td> <td>04.02.13</td> </tr> </table>	ISSUE:	AMENDMENTS:	DRAWN:	DATE:	A	ISSUED FOR INFORMATION	JX	12.05.12	B	ISSUED FOR INFORMATION	JX	21.05.12	C	TOWN PLANNING ISSUE	JX	22.05.12	D	NEW SIGNAGE LOCATION	JX	06.12.12	E	ADJUSTED TO SUIT SITE	JX	04.02.13	<p>TOWN PLANNING PROPOSED ROOFTOP BAR PLAN</p> <p>DATE: DECEMBER / 2012 SCALE: 1:100 PAGE: A3 DRAWN: JX</p> <p>TP-A-06 E</p>
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LIQUOR LICENCE SUPPORT REPORT

Application number:	LIQENQ-2016-183
Applicant:	Erik Hopkinson, Hopkinson & Associates
Address:	European Bier Café, 118-122 Exhibition Street, MELBOURNE
Proposal:	The application is for a variation of trading hours on the existing licenced rooftop area of the existing premises
Date of application:	20 December 2016
Responsible officer:	Adam Birch

1 PROPOSAL

The applicant seeks a letter of support from the City of Melbourne to vary the existing liquor licence to allow the supply and consumption of liquor on the rooftop area known as 'AER'.

Days	Existing	Proposed
ANZAC Day	12:00 noon and 1:00am the day following	12:00 noon to 10pm
On any other day	10am to 1am the day following	10:00am to <u>3:00am the day following</u>

2 BACKGROUND

On 7 June 2015, the State Government announced that the freeze on granting new liquor licences for venues trading past 1am in the Cities of Melbourne (including Docklands), Stonnington, Yarra and Port Phillip would be extended until 30 June 2019.

The freeze affects applications for new, relocated and variations to Major Event, General, On-premises, Packaged Liquor, Limited, Late Night and BYO Permit licence types. On 20 July 2015, new decision making guidelines were issued in the Victorian Government Gazette No S 204 for the assessment of applications for permanent and temporary liquor licences, for premises that are affected by the freeze, to trade past 1 am.

One of the new decision making guidelines is that the applicant must satisfy the Victorian Commission for Gambling and Liquor Regulation (VCGLR) that 'the application is supported by the council of the municipality in which the premises is, or will be, located.'

It is expected that the support of the municipal council be provided in writing and form part of the documentation lodged with VCGLR by the applicant for liquor licence. If the municipal council does not support an application, then the application will not be granted by VCGLR.

3 PLANNING REQUIREMENTS

An application to amend planning permit TP-2012-359/A was applied for on 17 September 2016, seeking to extend the existing tavern use by way of increasing hours from 1am to 3am Monday to Sunday with associated revisions to existing conditions in relation to updated acoustic assessment and management plans.

Notification of the application was given. Two objections were received and subsequently withdrawn as a result of the revised Venue Management Plan (VMP).

The planning permit was amended on 14 November 2016 to:

- 'Extend the existing tavern use by way of increasing hours from 1am to 3am Monday to Sunday with associated revisions to existing conditions in relation to updated acoustic assessment and management plans. Conditions 4, 6, 7, 8 and 9 have all been amended to reflect updated VMP, acoustic report and operating hours. Amplified music now allowed in accordance with Condition 7.'

4 INTERNAL REFERRALS

The proposal did not require referral to any internal Council departments, as the request is an administrative process, and the merits of the proposal have already been considered under the planning application.

5 ASSESSMENT

The application to extend the trading hours for the premises was considered under the application to amend the planning permit. The report for this application, accepted the proposed extension of operating hours for the following reasons:

- The premises is existing with an established history of compliance with its operational requirements and planning permit conditions;
- There is no proposed increase to the maximum number of patrons, nor any buildings and works which would introduce new amenity impacts;
- The premises is located in an area of the Central City typified by retail and office buildings, with no immediate sensitive interfaces which would be unreasonably impacted by extended hours of operation;
- The venue has a substantial provision of seating and food service providing a distinguishable use to one of solely 'vertical' consumption of liquor;
- The permit applicant has provided an updated VMP which details security, lighting, patron control, staff training, food service, noise and street maintenance. Amendments to the existing permit conditions will allow this VMP to be endorsed and enforceable under the permit.

6 CONCLUSION

It is considered that the application is consistent with the policy basis of the Local Policy (Clause 22.22 Policy for Licensed Premises that Require a Planning Permit) which encourages "24 hour" precinct where a range of activities including licenced premises are supported. Moreover, the policy basis states that 'Well managed licenced premises contribute positively to the activity, appearance, character, and image of the area.'

7 RECOMMENDATION

That the Future Melbourne Committee resolves that a letter be sent to the applicant advising that the Melbourne City Council supports the application for a variation of

the existing liquor licence to allow increased trading hours consistent with the documentation provided in the liquor enquiry request.