

**PORT PHILLIP PLANNING SCHEME
INCORPORATED DOCUMENTS
WEST BEACH PAVILION**

1. This document is Incorporated into the Port Phillip Planning Scheme pursuant to clause 6 (2) (j) of the Planning & Environment Act 1987. It came into operation on the date of approval of Amendment **C36** to the Port Phillip Planning Scheme.

The document includes specific controls relating to the Schedule at Clauses 36.02 (Public Park and Recreation Zone) and 81 (Documents Incorporated into this Scheme) of the Port Phillip Planning Scheme for the use of the West Beach Pavilion Building and immediate environs shown on the attached plan (attachment 1) as a Food and Drink Premises (excluding Hotel and Tavern).

2. Decision Guidelines:

In addition to complying with the conditions listed below, the use of the land listed in the Schedule to the Public Park and Recreation Zone for the area shown on the attached plan must not commence until written consent is provided by the Responsible Authority that the scale and nature of the use:

- Is generally consistent with the St Kilda Foreshore Urban Design Framework Plan (2003).
- Allows for a balance of other alternative activity nodes and quiet places.
- Provides opportunities for the provision of alternative uses.
- Provides sufficient area within the building for public facilities.
- Ensures that any changes, infrastructure and movement patterns will assist in the preservation of the historic building and immediate environs.
- Improves the attractiveness of the place and surrounding environs.
- Does not impinge upon the amenity of the Catani Gardens and foreshore area.

2. Conditions of use

The following conditions apply to the use of the land listed in the Schedule to the Public and Park and Recreation Zone for the area shown on the attached plan.

Consent may be granted by the Responsible Authority to permit the land to be used for the purposes of food and drink premises (excluding tavern and hotel), if the use is determined by the Responsible Authority to be consistent with the decision guidelines listed above, and if the following conditions are met:

1. Before the use commences, three copies of fully detailed, scaled and dimensioned plans must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed. The plans must be provided to show:
 - (a) The extent of the area of the existing building and immediate environs to be used for the purpose of a restaurant.
 - (b) Any ancillary areas to be used in association with the restaurant (ie: storage, office, kitchen loading and waste areas etc.).
 - (c) The proposed number of restaurant seats to be made available to the public.
2. The predominant activity carried on within the area identified as “food and drink premises” and shown on the endorsed plans, must be the preparation and serving of meals; and tables and chairs must be set out for at least 75% of patrons present on the premises at any one time.
3. Without the written consent of the Responsible Authority, the restaurant may only operate during the following hours:
 - Monday - Thursday: 6.00 am to 11.00 pm.
 - Friday – 6.00 am to 11.30 pm
 - Saturday – 6.00 am to 11.30 pm.
 - Sunday: 7.00 am to 11.00 pm
4. Prior to the commencement of the use, a waste management plan must be submitted to and approved by the Responsible Authority. The plan must be in accordance with Council’s Community Amenity Local Law No. 1, and address the following:
 - a) waste storage facilities and all other waste generated by the business must be kept within the confines of the property in a suitably designated area when not out for collection; and
 - b) a waste disposal area for the cleaning of bins, mops, buckets etc. which is provided with hot and cold water and suitably graded and drained to sewer in accordance with the Responsible Authority.
5. Prior to the commencement of the use, an acoustic report must be submitted to and approved by the Responsible Authority. The report must ensure that the level of noise emitted from the premises and immediate environs:

- b) does not exceed the permissible noise levels specified in State Environment Protection Policy (Control of Music Noise from Public Premises) No. N2.
 - b) does not exceed the permissible noise levels of mechanical equipment as specified in the "State Environment Protection Policy N-1 Control of Noise, Industrial, Commercial and Trade Premises within the Melbourne Metropolitan Area".
8. The amenity of the area must not be detrimentally affected by the use 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, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Presence of vermin and
 - e) In any other way.
9. No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare to the satisfaction of the Responsible Authority.
10. No form of public address system or sound amplification equipment shall be used on the premises so as to be audible outside the premises.
11. The kitchen(s) mechanical exhaust system must be constructed in accordance with the Australian Standard number 1668 and/or to the satisfaction of the Regulatory Authority.
12. The kitchen(s) exhaust system must provide for a vertical discharge to the atmosphere at a point and velocity which allows for effective dispersal of fumes so as to not create a nuisance (as defined under the Health Act 1958) to the surrounding amenity.
13. Fumes from the restaurant kitchen(s) must be treated within the mechanical exhaust system to ensure that any discharge does not create a nuisance (as defined under the Health Act 1958). Options available include carbon filters, ultra violet ozone producing lamps, electrostatic precipitation, odour neutralising system or other suitable method. The method of treatment must be designed, installed, operated and maintained to the satisfaction of the Responsible Authority.
14. Unless not required to do so under the provisions of clause 52.06 of the Port Phillip Planning Scheme, the use must not commence until an appropriate planning permit has been granted pursuant to Clause 52.06 of

the Port Phillip Planning Scheme for car parking dispensation associated with use of the land.

Note: In addition to the requirements of this Incorporated Plan, prior to the commencement of the use of the land listed in the schedule to the Public Park and Recreation Zone, the owner / applicant must obtain the appropriate planning approvals as required under the Port Phillip Planning Scheme. These approvals may include but are not limited to:

- Demolition works, buildings or works, structural modifications;
- Internal modifications to the existing building;
- Dispensation from car parking requirements associated with the use of the land for a restaurant;
- Advertising signage and
- Licensed premises approvals.

