

**Item 7.2 Petition regarding noise and issues at Flour Child
(Shakespeare Grove), St Kilda**

Question from Councillor Crawford

In issuing the permit to Flour Child, would Council have had to consider soundproofing etc. first before issuing?

Response

Parklet

Soundproofing was not initially considered necessary as the fridges and generator were not part of the originally proposal. Officers consider residential amenity prior to issuing trial parklet permits which include conditions to help protect nearby residents from unreasonable impacts.

Venue

Soundproofing was considered at the planning application stage but deemed not required in order for the tenancy to operate as a pizza restaurant for the reasons outlined below:

- Planning Permit 426/2019 was issued under delegation on 12th November 2019, allowing the use of the premises for the sale and consumption of liquor under a 'restaurant/café' licence along with partial demolition, installation of new openable windows and a reduction in the provision of car parking.
- It is noted that the use of the site as a restaurant / café does not require a planning permit within this location under the Commercial 1 Zone.
- The provision of a restaurant and café liquor licence in association with this as-of-right restaurant use is generally considered to be relatively low impact.
- The hours of operation for the sale and consumption of liquor (i.e. until 3am Thursday to Sunday) were considered appropriate in this location subject to the inclusion of specific amenity based conditions, as follows:

Condition 9

No live music permitted on the premises and any sound system or amplification used at the premises to be only through speakers that are internal to the premises. All music played must be limited to background levels only and not audible from outside the premises. This condition is read in conjunction with Condition 6 of the permit which also requires noise levels not to exceed the permissible noise levels stipulated in State and Environment Protection Policy N-1 (Control of Noise from Industrial Commercial and Trade Premises within the Melbourne Metropolitan Area) and State Environment Protection Policy N-2 (Control of Music Noise from Public Premises) to the satisfaction of the Responsible Authority.

Condition 10

No provision of any form of dancing at the premises at any time the sale and consumption of alcohol is occurring.

Condition 11.

The predominant activity on the premises to be the preparation and serving of meals for consumption on the premises.

The permit requires maximum patron numbers at the premises not to exceed 200 (Condition 13)

- Additionally, as the site is located in a Commercial 1 zone , this zone includes a general amenity provision (refer below) that seeks to limit off site impacts from any land use and is enforceable:

A [land] use must not detrimentally affect the amenity of the neighbourhood, including through the:

- *Transport of materials, goods or commodities to or from the land.*
- *Appearance of any building, works or materials.*
- *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.*
- In light of the above conditions, it was considered overly onerous to include additional soundproofing measures in order to limit patron and music noise impacts from a restaurant. Such measures are in most cases associated with late-night liquor licences for 'nightclub' or similar uses or for venues that intend to play live music.
- If any of the conditions outlined above are not adhered to, Council's Planning Compliance unit will investigate the matter further.

**Please note: answers to any questions in Public Question Time which were answered at the meeting are included in the minutes of that meeting.*