



# PLANNING COMMITTEE

## MINUTES

24 FEBRUARY 2022



Please consider  
the environment  
before printing



Consider carefully how  
the information in this  
document is transmitted



**MINUTES OF THE PLANNING COMMITTEE OF THE PORT PHILLIP  
CITY COUNCIL HELD 24 FEBRUARY 2022 IN ST KILDA TOWN HALL**

The meeting opened at 6:30pm.

**PRESENT**

Cr Pearl, (Chairperson), Cr Baxter, Cr Bond, Cr Clark, Cr Copsey, Cr Crawford, Cr Cunsolo, Cr Martin, Cr Sirakoff.

**IN ATTENDANCE**

Kylie Bennetts, General Manager City Growth and Development, Donna D'Alessandro, Manager City Development, Phillip Beard, Senior Planner, Michael Mowbray, Coordinator Statutory Planning Lake Ward, Alli Griffin, Acting Head of Governance, Emily Williams, Governance Officer, Rebecca Purvis, Senior Governance Officer.

*The City of Port Phillip respectfully acknowledges the Traditional Owners of this land. We pay our respect to their Elders, both past and present. We acknowledge and uphold their continuing relationship to this land.*

**1. APOLOGIES**

Nil

**2. CONFIRMATION OF MINUTES**

**MOVED Crs Pearl/Martin**

That the minutes of the Planning Committee of the Port Phillip City Council held 25 November 2021 be confirmed.

**A vote was taken and the MOTION was CARRIED unanimously.**

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

Nil



#### 4. PUBLIC QUESTION TIME AND SUBMISSIONS

The following submissions were made verbally and can be listened to in full on our website: <http://webcast.portphillip.vic.gov.au/archive.php>

##### **Item 6.1 154-156 Acland Street, St Kilda**

- Rocco Sorace
- Roy Hansen
- James Gallagher - Applicant
- Zenita O'Neill – Applicant

The following submission was read out on behalf by the Senior Governance Officer:

- **Adrian Jackson:** How many alcohol outlets are there within Port Phillip broken up into the number of hotels, cafe/restaurants, night clubs and bottle shops? Does the council think that this amount of alcohol on sale is excessive and contributes to social problem within our city? Does council think we have too many hotels in the city, particularly in some other suburbs like St Kilda? Does council want more or less alcohol outlets in Port Phillip? Does council think that excessive alcohol trading hours into the next day early morning should be restricted or stopped?

*Donna D'Alessandro, Manager City Development, took the question on notice.*

#### 5. COUNCILLOR QUESTION TIME

Nil.

#### 6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 154-156 Acland Street, St Kilda



## 6.1 154-156 Acland Street, St. Kilda

### Purpose

- 1.1 To determine an application to amend a planning permit and alter the operating hours Friday night (Saturday morning) to Saturday night (Sunday morning) from 1am to 3am (2 hours) and alter the late night (on-premises) licence to a live venue licence.

### MOVED Crs Crawford/Copsey

- 3.1 That the Responsible Authority, having caused the application to be advertised and having received and noted the objections, issue a Notice of Decision to Grant a Permit.
- 3.2 That a Notice of Decision to Amend a Permit be issued for Partial demolition, buildings and works including rear extension, new shop front, new awnings over footpath; waiver of car parking, bicycle facilities and loading bay; and the sale and consumption of liquor (on-premises licence) in association with a tavern/bar; at 154-156 Acland Street, St Kilda, with the following changes.

### Amend Permit Preamble

The permit preamble amended to read

Partial demolition, buildings and works including rear extension, new shop front, new awnings over footpath; waiver of car parking, bicycle facilities and loading bay; and the sale and consumption of liquor in accordance with an existing late night (on premises) licence in association with a tavern

### Amended Conditions

That the conditions of the amended permit be as follows, specifically noting re-worded / renumbered conditions 7, 9, 15, 26, 27, deleted conditions 1, 2 (having been complied with), 19 (no live music requirement deleted), and new conditions 22, 23, 24, 25

#### 1. (Deleted)

#### 2. (Deleted)

#### 3. No Alterations

The layout of the site and the size, levels, design and location of buildings and works and area enclosed in the red line area as shown on the endorsed plans, including all external materials, finishes and colours, must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

#### 4. Acoustic Rating for Walkway/Stairs

The acoustic ceiling indicated (insulation and perforated ceiling) shall have an acoustic rating of at least NRC0.8.

#### 5. No Alcohol in Rear Courtyard

Alcohol is not to be permitted in the rear yard to be consumed by patrons at any time.

#### 6. No Amplified Music in Rear Courtyard



No amplified music or loudspeakers shall be permitted in the rear yard.

**7. Door to remain closed**

The doors between the bar and rear yard shall remain closed except temporarily when in use for access to the toilets. The doors must be fitted with self-closers to achieve this result and their operation must ensure compliance with Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) at all times the use is operating.

**8. No equipment or services**

No plant, equipment or domestic services (including any associated screening devices) or architectural features, other than those shown on the endorsed plan are permitted, except where they would not be visible from the primary street frontage (other than a lane) or public park without the written consent of the Responsible Authority.

**9. Hours of Operation**

The sale and consumption of liquor is permitted only between the following hours:

Internal:

- Sunday: 10am-1am the following day,
- Fridays and Saturdays: 10am to 3am the following day
- Good Friday and ANZAC Day: 12noon-1am the following day,
- Any other day: 7am-1am the following day.

External (footpath):

- Sunday: 10am-1am the following day,
- Good Friday and ANZAC Day: 12noon-1am the following day,
- Any other day: 7am-1am the following day,

**10. Number of Patrons**

Without the further written consent of the Responsible Authority, no more than 100 patrons must occupy the premises at any one time.

**11. Tables and chairs must be available**

Tables and chairs must be placed in position on the licensed premises so as to be available for patrons. A minimum of 48 chairs must be provided internally.

**12. Storage and Disposal of Garbage**

Provision must be made for the storage and disposal of garbage to the satisfaction of the Responsible Authority. All garbage storage areas must be screened from public view.

**13. Regulation of Deliveries and Rubbish Collection**

Without the further written consent of the Responsible Authority deliveries to and from the site, including rubbish collection, must only take place between 7am to 8pm Monday to Saturday and 10am to 8pm public holidays and Sundays.

**14. Doors and windows to be kept closed**

Except with the further written consent of the Responsible Authority, all external doors and windows must remain closed between 11pm and 7am and in accordance with Condition 7 of this permit.



**15. Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3)**

Noise levels must not exceed the permissible noise levels stipulated in Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) to the satisfaction of the Responsible Authority and must be below such levels in accordance with Clause 53.06 of the Planning Scheme.

**16. Responsible Serving of Alcohol**

The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.

**17. Bottle bagging time**

Bottles must be bagged during operation times and must not be emptied into the external refuse bins after 10pm or before 8am Monday to Saturday or after 10pm or before 10am on Sunday, except with further written consent of the Responsible Authority.

**18. No dancing**

No dancing is permitted on the premises.

**19. (Deleted)**

**20. Exit Signs**

Before the use commences signs must be erected near the entrance/exit and in the toilets requesting that patrons leave the building in a quiet and orderly manner so as not to disturb the peace and quiet of the neighbourhood to the satisfaction of the Responsible Authority.

**21. Amenity (General)**

The amenity of the area must not be detrimentally affected by the development 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.

**22. Management Plan**

Before the extended operating hours come into effect, a modified Management Plan must be submitted to the responsible authority and must continue to include all currently referenced matters and arrangements, but must also include reference to the fact that security guards employed after 9pm when live music is being played must to the best of their ability, ensure that patrons within 10m of the front of the site behave in a quiet, orderly and non-intrusive manner. Once approved, the plan will form part of this permit and must be complied with at all times the premises is operating after 9pm.

**23. Noise Limiter**

Before any live performed, pre-recorded or amplified music is played inside the premises, (with the exception of clearly background only recorded music), written confirmation must be submitted that a Noise Monitor and Limiter ("the Device") has been installed and is properly operating. The Device must be set at a level by a qualified acoustic engineer, to ensure the music does not exceed the requirements of the



Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) to the satisfaction of the responsible authority.

**24 Noise Report confirming Noise Limiter Function**

Before the permitted use starts, a report prepared by a suitably qualified acoustic consultant ("Noise Report") must be submitted to and be to the satisfaction of the responsible authority. This Noise report must confirm that the Device mentioned in the previous condition of this permit is operating and that each and every one of the following requirements are complied with or continue to be complied with:

- a) The Device limits internal and external noise levels so as to ensure compliance with music noise limits according to the Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3);
- b) The Device must be a limiter suitable for interfacing with a Permanently Installed Sound System which includes any amplification equipment and loudspeakers and no other amplification or loudspeaker equipment is installed that does not interface with the Device;
- c) The Device must include a microphone incorporated in its own tamper- proof enclosure (beyond the normal reach of a person);
- d) The Device controls must be in a locked case or the device must include a PIN code,
- e) The Device is installed to control all amplification equipment and associated loudspeakers both internal and external on the Subject Land;
- f) The Device is able to continue operating on battery or backup power when mains power is disconnected from the Device;
- g) The Device is able to automatically store records of logged noise levels in 15-minute intervals;
- h) The stored results can be provided to Council on request;
- i) The Device must be re-calibrated as necessary to maintain Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) compliance at all times, and when any changes are made to the Device sensor position or the venue changes operating conditions, if any buildings and works are undertaken, sound system configurations or anything else that may necessitate re-calibration of the Device (including maintenance and malfunction);
- j) The report must be prepared by a suitably qualified acoustic engineer and must be provided with 10 days of the date of the installation of the device and must also include the following detail:
  - i. Noise reduction testing carried out between the venue and noise sensitive areas to confirm the Device noise level thresholds which correspond with Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) compliance levels;
  - ii. The extent of works and installation of the Device and the exact location





- of the Device microphone sensor installed on the Subject Land;
- iii. the noise level thresholds which the Device has been set;
  - iv. measured dB(A) levels at the Device sensor using a sound level meter while the Device is limiting, which corresponds with the calibrated noise level thresholds set on the Device;
  - v. measured dB(A) levels at another reference position with music playing, 1.5m above floor level inside the venue, which corresponds with the calibrated noise level thresholds set on the Device;
  - vi. measured dB(A) levels at relevant noise sensitive premises which correspond with the venue's internal and external noise levels;
  - vii. measured dB(A) levels at Relevant Noise Sensitive Premises which correspond with Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) compliance levels at all Noise Sensitive Premises;
  - viii. measured acoustic instruments on the Subject Land proposed during live music operations, their sound levels inside the premises and at Relevant Noise Sensitive Premises, and confirmation of compliance with Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3);
  - ix. the ambient background noise levels (including date and time) recorded at relevant noise sensitive premises not immediately subject to Barkly Street traffic, commercial or patron noise in the area and corresponding Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) noise limits;
  - x. the location of the Permanently Installed Sound System loudspeakers on the premises;
  - xi. the operating configuration in which the Device has been calibrated including whether access doors, windows and the like are required to be closed or can be open;

The device must comply with each and every requirement of this condition at any and all times that music is being played.

The report must also indicate that:

- a) that no other temporary sound system is to be permitted to be brought onto the Subject Land which does not interface with the Device and
- b) that no other loudspeakers or amplification equipment are to be used on the premises which does not interface with the Device, including monitoring foldback and personal amplification

Once to the satisfaction of the responsible authority, the report is to be submitted for approval and once endorsed, will form part of this Permit.

## **25 Patron Noise**

At any times the premises is operating beyond 11pm, patron noise must not exceed or be more than 5dB above measured background noise levels as identified in the applicant's submitted acoustic report.





**26 Storage of Goods**

No goods are permitted to be stored or left exposed outside the building so as to be visible from any public area.

**27 Time for Starting and Completion**

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

- a) The extended operating hours are not acted upon within two (2) years of the date of amendment to this permit.

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 the amendment has not been acted on.

**A vote was taken and the MOTION was CARRIED.**

**7. URGENT BUSINESS**

Nil.

**8. CONFIDENTIAL BUSINESS**

Nil.

As there was no further business the meeting closed at 7.01pm.

Confirmed: 24 March 2022

Chairperson \_\_\_\_\_