

12 February 2020

The Registrar
Planning and Environment Division
Victorian Civil and Administrative Tribunal
Ground Floor, 55 King Street
MELBOURNE VIC 3000

Dear Registrar

**APPLICATION TO THE PLANNING AND ENVIRONMENT MAJOR CASES LIST
AMENDMENT OF PLANNING PERMIT 2020/001/P21 PURSUANT TO SECTION 87A OF THE
PLANNING AND ENVIRONMENT ACT 1987
1 FITZROY STREET, ST KILDA**

We act for Tubby Gourmet Pty Ltd, the Permit Holder and Applicant in respect of the above.

We have been instructed to file an application seeking amendment of Planning Permit 2020/001/P21 (issued pursuant to the orders of the Victorian Civil and Administrative Tribunal in proceeding 2000/101872, 1998/60930) in the Major Cases List, pursuant to section 87A of the *Planning and Environment Act 1987*.

Accordingly, we **enclose** a completed application in the prescribed form, including all relevant attachments.

Please contact Joshua Perring on 03 8626 9065 or the undersigned on 03 8626 9010 should the Tribunal have any queries in respect of this application.

Yours faithfully,



TYRONE RATH
Planning & Property Partners Pty Ltd
Encl.

Major Cases List Planning and Environment Division

Application to the Major Cases List by a Permit Holder to cancel or amend a permit under section 87A of the *Planning and Environment Act 1987*

Information about Applications in the Major Cases List

The Major Cases List is a list of the Planning and Environment Division that has been established to expedite the resolution of applications. Fees in the Major Cases List are higher and it operates on a user-pays fee basis so that its operation does not materially disadvantage the finalisation of other applications in the Planning and Environment Division.

An application to the Tribunal is eligible for inclusion in the Major Cases List if the proceeding is in respect of a use or development of any kind irrespective of the cost of development.

Once an application has been included in the Major Cases List, the permit applicant or permit holder cannot seek the removal of the proceeding from the Major Cases List or 'opt out' of the List.

After you lodge your application for review, the Tribunal will issue an initiating order setting out dates for the hearing, compulsory conference and practice day hearing, and giving directions about steps that you and other parties to the proceeding must comply with. The initiating order will set dates by which each step must be completed.

If you fail to comply with the Tribunal's initiating order by the dates specified in the order, your application may be struck out without further notice. If you are unable to comply with any aspect of the initiating order, you must apply to the Tribunal in writing for an extension of time. You cannot change dates without an order by the Tribunal.

The fees for applications in the Major Cases List are prescribed under the *Victorian Civil and Administrative Tribunal (Fees) Regulations 2016* (Fees Regulations). The fees are also set out on the Tribunal's website.

A daily hearing fee is payable under the Fees Regulations for each day or part day of a hearing in the Major Cases List. This includes a preliminary hearing or an accompanied site inspection forming part of a hearing, but does not include a practice day hearing, or compulsory conference.

**Major Cases List
Planning and Environment Division
Section 87A**

VCAT Reference Number (Office Use Only)

P

/

Cost of the Development

The estimated cost of this development is:

\$N/A

The cost of development means the estimated cost of the whole of the development to which the permit relates.

Details of Applicant(s)

Include the complete name if the applicant is a company: e.g. XYZ Co. Pty Ltd.

Full Name Tubby Gourmet Pty Ltd

Address of Applicant(s)

All correspondence will be sent to the applicant(s) at this address, unless the 'Details of Representative' section is completed, in which case all correspondence will be sent to the representative address or email.

Address

Represented – please see below.

Business phone

After hours phone

Mobile

Fax number

Email

Details of Representative

Name/Firm

Planning & Property Partners Pty Ltd

Reference Number/ Contact person

Tyrone Rath / Joshua Perring

Address

Level 13, 1 Collins Street, Melbourne VIC 3000

Business phone

03 8626 9000

Fax number

Mobile

Email

rath@pppartners.com.au
perring@pppartners.com.au
admin@pppartenrs.com.au

Category of applicant(s)

Please tick in which category you are making this application. More than one box may be ticked if relevant. If you are not one of the following, do not use this form.

- ☐ Owner of the land
- ☒ Occupier of the land
- ☒ Person who is entitled to use or develop the land

Information about the land to which this application and the permit applies

If there is no conventional address (street number, street and locality) insert a land description:

- Certificate of Title volume and folio;
- Lot and lodged plan number;
- Crown allotment; or
- Section number /Township/Parish.

A title search of the land not more than 14 days old must be attached.

Address or description of the land

1 Fitzroy Street, St Kilda VIC 3182

Responsible Authority

Port Phillip City Council

Information about the permit to be cancelled or amended.

Only permits issued at the direction of VCAT may be cancelled or amended under section 87A. A permit issued by a predecessor of VCAT (Planning Appeals Board or Administrative Appeals Tribunal) cannot be amended under section 87A. An application may be made to the responsible authority under section 72 Planning and Environment Act 1987.

Relevant Decision: [Popular Pastimes Pty Ltd v Melbourne CC \(Red Dot\) \[2008\] VCAT 1184](#)

You must provide a copy of the permit to be amended in its current form and the current endorsed plans with your application.

Permit details

Permit number

2020/001/P21

Date issued

7 August 2001

Was the permit issued at the direction of VCAT?

- ☒ Yes ☐ No

If yes, please cite the VCAT reference number and/or AustLii citation

VCAT reference number

2000/101872, 1998/60930

AustLii citation

One Fitzroy Street v Port Phillip CC [2001] VCAT 1366 (30 June 2001)

Please provide the following information and material about the permit to assist the Tribunal to process your application as expeditiously as possible.

Provide a copy of the permit in its current form and a track-changes version of the proposed amended permit (where relevant)	Refer to Attachments 'A' and 'B'.
When does the permit expire? (The Tribunal cannot extend an expired permit.)	The development provisions of the Permit were acted upon and the Permit is now only being relied upon for the use of the Site.
What is the name of the relevant planning scheme, the zone and any overlay or other control applying to the subject land?	Port Phillip Planning Scheme Commercial 1 Zone ('CRZ') Schedule to the Commercial 1 Zone ('CRZ1') Design and Development Overlay ('DDO') Design and Development Overlay – Schedule 6-4 ('DDO6-4') Heritage Overlay ('HO') Heritage Overlay Schedule ('HO5')
Identify any additional permission required under the planning scheme for the amended proposal, which the permit does not already include.	N/A
Is the proposal exempt from the notice requirements or review rights under the <i>Planning and Environment Act 1987</i> , and if so, specify by what provision in the planning scheme.	No.

Details of cancellation or amendment

You must attach a precise description of the amendment(s) you propose if you want to:

- *amend what the permit allows, by stating what the permit allows now and what changes you want;*
- *amend, delete or add conditions, by setting out the draft conditions which are to replace existing conditions;*
- *amend plans, by submitting with the application a clearly readable, identifiable copy of the amended plans drawn to scale with dimensions, and a statement in writing describing the changes from the previous plans.*

You are advised to discuss any proposed amendment of the permit with the responsible authority before submitting an application. If the responsible authority consents to the changes and you can submit evidence of that consent, it may be possible to make an order on the papers without the need for a hearing.

Do you want the permit to be cancelled?

☐ Yes ☒ No

If yes, is the cancellation applied for as a condition in another permit?

☐ Yes ☐ No

If yes, that permit number is:

If you want the permit amended, is an amendment required in respect of:

- ☐ What the permit allows
- ☒ Conditions of the permit
- ☐ Plans referred to in the permit or endorsed under the permit

Does the responsible authority consent to the cancellation or amendment?

☐ Yes ☐ No ☒ Don't know

Details of person(s) potentially affected by the amendment

VCAT will require you to serve the application on any person who appears to it to have a material interest in the outcome of the application. In determining who may have a material interest, VCAT will consider the effect of the proposed amendments on other people. If you do not provide an accurate response to this enquiry, and VCAT subsequently determines that there are additional persons to those you have named who should be served, this may delay your application.

You should contact the responsible authority for details of persons it considers should be given notice of the application before lodging this application.

Please provide the name and address of other persons who may have a material interest in the outcome of this application. Attach a separate list if necessary.

Name of interested person	Address
As directed by the Responsible Authority	

Other Proceedings affecting the land

Do you know of any other planning proceedings, such as an application for review or enforcement order application, relating to or affecting the land? If so, give details including Tribunal reference numbers, if possible.

Reference numbers

Attachments

Attach the following documents to this application. Tick and reference the attachments provided. Attach a separate schedule of attachments if necessary.

<input checked="" type="checkbox"/> A copy of the permit to be cancelled or amended and current endorsed plans	Ref. No.	A
<input checked="" type="checkbox"/> Details of proposed amendment(s) and any amended plans as required by this application form	Ref. No.	B
<input checked="" type="checkbox"/> A track-changes version of the proposed amended permit	Ref. No.	C
<input type="checkbox"/> List of interested persons, if a separate sheet is necessary	Ref. No.	
<input checked="" type="checkbox"/> A title search of the land not more than 14 days old	Ref. No.	D
<input checked="" type="checkbox"/> A copy of the VCAT decision relating to the permit	Ref. No.	E
<input type="checkbox"/> A copy of any other permit, which contains a condition requiring the cancellation or amendment of this permit	Ref. No.	
<input type="checkbox"/> Copy of cultural heritage management plan and approval (if relevant)	Ref. No.	
Other attachments (if relevant)		

<input checked="" type="checkbox"/> Late night (on-premises) Licence No. 31820851	Ref. No.	F
<input checked="" type="checkbox"/> Acoustical Report prepared by SLR Consulting	Ref. No.	G
<input checked="" type="checkbox"/> Endorsed Plans prepared by Nation Fender Pty Ltd	Ref. No.	H

Hearing time and complexity

Estimate the time it will take you to present your complete case at the hearing (submissions plus witnesses) and the number of expert witnesses you intend to call, if any.

Time to make submissions & present evidence: Hours Minutes

Number of witnesses: Expertise:

See VCAT's Practice Note PNVCAT2 – Expert Evidence for information about the obligations of expert witnesses and what must be included in the report of an expert witness.

Acknowledgement

I acknowledge that:

- To the best of my knowledge, all information provided in this application is true and correct and that no details relevant to the application have been left out.
- I approve the information that has been provided.
- It is an offence under section 136 of the *Victorian Civil and Administrative Tribunal Act* 1998 to knowingly give false or misleading information to VCAT.

Category of person completing this application:

☐ Applicant in person ☒ Authorised Representative

Name of person completing this application (print)

Date

Checklist

Before you lodge this application, make sure that:

- ☒ You have completed all details and responded to all questions
- ☒ All documents regarding fees (e.g. fee waiver documents, credit card form or cheque) are supplied with your application.
- ☒ You have attached and properly referenced all of the attachments listed in this form.

Fees

You must pay the relevant application fee at the same time you lodge this form. Fees may change each year. To find out about the current fee, visit the VCAT website www.vcat.vic.gov.au or call VCAT on 1300 01 8228.

ATTACHMENT 'A'

PLANNING PERMIT NO. 2020/001/P21



PLANNING PERMIT

Application Number: 2020/001/P21
(Amended 7/8/2001 as directed by VCAT)

Planning Scheme: Port Phillip

Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

1 FITZROY STREET, ST KILDA

THE PERMIT ALLOWS:

Alterations and additions for the purposes of a restaurant and bar, and dispensation to car parking requirements, generally in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - (a) The artwall a maximum height of 11 metres above natural ground level.
 - (b) All proposed lighting and signage.
 - (c) The existing picket screen removed and the existing sky sign lowered to a level which compliments the overall development and in accordance with statutory requirements.
 - (d) Internal seating arrangements.
 - (e) The provision of any car parking spaces on the subject land.
 - (f) The maximum number of seats proposed at any one time.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The hours of operation for the premises shall be Monday - Sunday (inclusive) 7.00a.m. - 1.00a.m.
4. The amenity of the area must not be detrimentally affected by the use or 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.
 - (d) Presence of vermin.
 - (e) Others as appropriate.

31 August 1995

Date

Planning and Environment Regulations 1988 Form 4.4


Signature for Responsible Authority

SHEET 2 OF CONDITIONS RELATING TO PLANNING PERMIT No: 2020/001/P21

Land described as **1 Fitzroy Street, St Kilda** for the purpose of alterations and additions for a restaurant and bar, and dispensation to car parking requirements generally in accordance with the endorsed plans at the above address.

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

- The development and use is/are not started within two years of the date of this permit.
- The development is not completed within one year of the date of commencement of works.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

6. Without further consent of the responsible authority not more than 17 persons shall work on or from the premises.
7. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority.
8. The layout of the uses on the endorsed plans must not be altered without the written consent of the responsible authority.
9. The loading and unloading of goods from vehicles must only be carried out on the land.
10. The area set aside for loading and unloading (as shown on the endorsed plan) shall be used solely for that purpose.
11. Access to the driveway shall be improved by constructing a proper crossover and possibly removing part of the concrete kerb at the site boundary to the satisfaction of Vic Roads and the Responsible Authority.
12. The Art Wall shall be maintained to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the development and use the applicant/owner must indemnify Council against any claim which may arise out of the construction or giving permission for the development and use.
14. The verandah must be setback a minimum of 700mm from the footpath in accordance with the Building regulations.
15. (a) Not less than 31 car spaces (at a ratio of 5 spaces for 60 external balcony seats and 26 spaces for 178 internal seats) shall be provided through an arrangement to the satisfaction of the Responsible Authority.
- (b) The number of car spaces to be provided by any such arrangement shall reduce by the number of car spaces (if any) from time to time provided on the land.
- (c) No car spaces are required to be provided in respect of any seats associated with the restaurant and bar by way of kerb side seating from time to time authorised by the Council under any local law.
- (d) Should less seats be provided on the balcony or internally then the car spaces to be provided shall be recalculated in accordance with the ratio in paragraph (a) of this Condition.

31 August 1995

Date

Planning and Environment Regulations 1988 Form 4.4


Signature for Responsible Authority

SHEET 3 OF CONDITIONS RELATING TO PLANNING PERMIT No: 2020/001/P21

Land described as **1 Fitzroy Street, St Kilda** for the purpose of alterations and additions for a restaurant and bar, and dispensation to car parking requirements, generally in accordance with the endorsed plans at the above address.

(e) The carspaces to be provided under the preceding paragraphs of this Condition shall be reduced by the following dispensations allowed by the Responsible Authority:

- (i) 16 car spaces as the allowance for existing credits applicable to the prior use and development of the land;
- (ii) Upon completion of all the payments required to be paid pursuant to the provisions of Condition 16 of this Permit an additional dispensation and credit of 15 car spaces.

16. The arrangement for the provision of car spaces for the purposes of Condition 16 shall be satisfied by either of the following arrangements or by such other arrangement as shall be to the satisfaction of the Responsible Authority:

- (a) An arrangement by the owner of the land: By the execution of an agreement pursuant to Section 173 of the Planning and Environment Act 1987 by the owner of the land with the Responsible Authority providing for:
 - (i) Payment to the Responsible Authority of annual payments of \$2,400.00 per annum for a period of 25 years, the first payment to be made not later than 31 July 2001, with the further payments to be made not later than 31 July in each succeeding year, and with the amount of the annual payment to be adjusted for the second and subsequent years to take into account any movement in the Consumer Price Index Weighted Average All Groups Melbourne for the preceding year (capped at a maximum increase of 4% in any year).
 - (ii) If at any time during the relevant period of 25 years, the Port Phillip City Council declares (or has declared) in respect of the land (either separately or as part of other specified lands) a special rate or charge for the provision of car parking within one kilometre of the land and pursuant to which the owner of the land is liable to pay such special rate or charge in any particular year or years, then the amount payable by the owner shall be reduced in that year by the amount payable in that year under the further special rate or charge scheme.
 - (iii) The Responsible Authority acknowledges that the land has a car parking credit of 16 car parking spaces in respect of its previous use and development which credit will increase to 31 spaces (ie. by an additional 15 spaces) once all payments have been made.
 - (iv) The Agreement to be prepared by the Responsible Authority with the Responsible Authority and the owner respectively bearing their own legal costs of an incidental to such preparation.

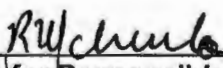
OR

- (b) An arrangement by the occupier of the Land: By the execution and delivery by the occupier to the Responsible Authority of a Deed of Covenant providing for:
 - (i) A covenant by the occupier to use the occupier's best endeavours to have the owner of the land execute and make the said Section 173 agreement;

31 August 1995

Date

Planning and Environment Regulations 1988 Form 4.4


Signature for Responsible Authority

SHEET 4 OF CONDITIONS RELATING TO PLANNING PERMIT No: 2020/001/P21

Land described as **1 Fitzroy Street, St Kilda** for the purpose of alterations and additions for a restaurant and bar, and dispensation to car parking requirements, generally in accordance with the endorsed plans at the above address.

(ii) A covenant by the occupier that until such time as the said Section 173 agreement is made (or until all proposed payments under it have been made pursuant to this arrangement) that the occupier will pay to the Responsible Authority all the payments proposed under paragraph (a) (i) of this Condition on the same like Conditions set out in paragraphs (a) (ii) (iii) (iv) and also on the following Conditions:

(1) Any payment by the occupier shall be deemed payment by the owner for the purposes of the Section 173 agreement if and when executed;

(2) Upon completion of the said Section 173 agreement, the obligations of the occupier under the deed of covenant shall end;

The Deed of Covenant shall be prepared by the Occupier and the Occupier and the Responsible Authority shall bear their own costs in relation thereto.

17. Any new structure must satisfy the requirements of the Electrical Works Protection Regulations. Any relocation or rearrangement of CitiPower assets must be arranged through discussions with CitiPower and all costs involved must be born by the developer.
18. No rubbish shall be collected and/or deliveries made to the subject site prior to 6.30a.m.
19. Prior to the commencement of the development and use the Applicant is required to submit and obtain approval from Council's Environmental Health Department.
20. Prior to the commencement of the development and use the applicant shall install sound insulation along the southern boundary wall to the satisfaction of the Responsible Authority.
21. No form of sound amplification equipment shall be used on the premises so as to be audible outside the premises.
22. No weather shields or the like shall be used on the balcony area without the further written approval of the Responsible Authority. Should this be proposed, the carparking obligation of this outdoor seating will be reassessed by the Responsible Authority based on its anticipated usage and its impact on carparking in the vicinity.

Note

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

31st August 1995

Date

Planning and Environment Regulations 1988 Form 4.4


Signature for Responsible Authority

ATTACHMENT 'B'

DETAILS OF PROPOSED AMENDMENTS TO PLANNING PERMIT NO. 2020/001/P21

1 FITZROY STREET, ST KILDA

DETAILS OF THE PROPOSED AMENDMENTS TO PLANNING PERMIT NO. 2020/001/P21

1. Amend Condition 3 to extend the hours of operation from 1.00a.m to 3.00a.m.
2. Amend Condition 21 to allow noise to be emitted from the premises at a level permissible for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

ATTACHMENT 'C'

TRACK CHANGES AMENDMENTS TO PLANNING PERMIT NO. 2020/001/P21



PLANNING PERMIT

Application Number: 2020/001/P21
(Amended 7/8/2001 as directed by VCAT)

Planning Scheme: Port Phillip

Responsible Authority: City of Port Phillip

ADDRESS OF THE LAND:

1 FITZROY STREET ST KILDA

THE PERMIT ALLOWS:

Alterations and additions for the purposes of a restaurant and bar, and dispensation to car parking requirements, generally in accordance with the endorsed plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
 - a. The art wall a maximum height of 11 metres above natural ground level.
 - b. All proposed lighting and signage.
 - c. The existing picket screen removed and the existing sky sign lowered to a level which compliments the overall development and in accordance with statutory requirements.
 - d. Internal seating arrangements.
 - e. The provision of any car parking spaces on the subject land.
 - f. The maximum number of seats proposed at any one time.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. The hours of operation for the premises shall be Monday - Sunday (inclusive) 7.00a.m. - ~~4.00a.m.~~ 3.00a.m.
4. The amenity of the area must not be detrimentally affected by the use or 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.
 - d. Presence of vermin.
 - e. Others as appropriate.

5. This permit will expire if one of the following circumstances applies:
- The development and use is/are not started within two years of the date of this permit.
 - The development is not completed within one year of the date of commencement of works.
- The responsible authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.
6. Without further consent of the responsible authority not more than 17 persons shall work on or from the premises.
7. All external materials finishes and paint colours are to be to the satisfaction of the responsible authority.
8. The layout of the uses on the endorsed plans must not be altered without the written consent of the responsible authority.
9. The loading and unloading of goods from vehicles must only be carried out on the land.
10. The area set aside for loading and unloading (as shown on the endorsed plan) shall be used solely for that purpose.
11. Access to the driveway shall be improved by constructing a proper crossover and possibly removing part of the concrete kerb at the site boundary to the satisfaction of Vic Roads and the Responsible Authority.
12. The Art Wall shall be maintained to the satisfaction of the Responsible Authority
13. Prior to the commencement of the development and use the applicant owner must indemnify Council against any claim which may arise out of the construction or giving permission for the development and use.
14. The verandah must be setback a minimum of 700mm from the footpath in accordance with the Building regulations.
- 15.
- a. Not less than 31 car spaces (at a ratio of 5 spaces for 60 external balcony seats and 26 spaces for 178 internal seats) shall be provided through an arrangement to the satisfaction of the Responsible Authority.
 - b. The number of car spaces to be provided by any such arrangement shall reduce by the number of car spaces (if any) from time to time provided on the land.
 - c. No car spaces are required to be provided in respect of any seats associated with the restaurant and bar by way of kerb side seating from time to time authorised by the Council under any local law.
 - d. Should less seats be provided on the balcony or internally then the car spaces to be provided shall be recalculated in accordance with the ratio in paragraph (a) of this Condition.
 - e. The car spaces to be provided under the preceding paragraphs of this Condition shall be reduced by the following dispensations allowed by the Responsible Authority:
 - i. 16 car spaces as the allowance for existing credits applicable to the prior use and development of the land;
 - ii. Upon completion of all the payments required to be paid pursuant to the provisions of Condition 16 of this Permit an additional dispensation and credit of 15 car spaces.
16. The arrangement for the provision of car spaces for the purposes of Condition 16 shall be satisfied by either of the following arrangements or by such other arrangement as shall be to the satisfaction of the Responsible Authority:
- a. An arrangement by the owner of the land: By the execution of an agreement pursuant to Section 173 of the Planning and Environment Act 1987 by the owner of the land with the

Responsible Authority providing for:

- i. 16 car spaces as the allowance for existing credits applicable to the prior use and development of the land;
- ii. Upon completion of all the payments required to be paid pursuant to the provisions of Condition 16 of this Permit an additional dispensation and credit of 15 car spaces.
- iii. The Responsible Authority acknowledges that the land has a car parking credit of 16 car parking spaces in respect of its previous use and development which credit will increase to 31 spaces (ie. by an additional 15 spaces) once all payments have been made.
- iv. The Agreement to be prepared by the Responsible Authority with the Responsible Authority and the owner respectively bearing their own legal costs of an incidental to such preparation.

OR

- b. An arrangement by the occupier of the Land: By the execution and delivery by the occupier to the Responsible Authority of a Deed of Covenant providing for:
 - i. A covenant by the occupier to use the occupier's best endeavours to have the owner of the land execute and make the said Section 173 agreement;
 - ii. A covenant by the occupier that until such time as the said Section 173 agreement is made (or until all proposed payments under it have been made pursuant to this arrangement) that the occupier will pay to the Responsible Authority all the payments proposed under paragraph (a) (i) of this Condition on the same like Conditions set out in paragraphs (a) (ii) (iii) (iv) and also on the following Conditions:
 - 1) Any payment by the occupier shall be deemed payment by the owner for the purposes of the Section 173 agreement if and when executed;
 - 2) Upon completion of the said Section 173 agreement, the obligations of the occupier under the deed of covenant shall end;

The Deed of Covenant shall be prepared by the Occupier and the Occupier and the Responsible Authority shall bear their own costs in relation thereto.

17. Any new structure must satisfy the requirements of the Electrical Works Protection Regulations. Any relocation or rearrangement of CitiPower assets must be arranged through discussions with CitiPower and all costs involved must be born by the developer.
18. No rubbish shall be collected and/or deliveries made to the subject site prior to 6.30a.m.
19. Prior to the commencement of the development and use the Applicant is required to submit and obtain approval from Council's Environmental Health Department.
20. Prior to the commencement of the development and use the applicant shall install sound insulation along the southern boundary wall to the satisfaction of the Responsible Authority.
21. ~~The level of noise emitted from the premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. No form of sound amplification equipment shall be used on the premises so as to be audible outside the premises.~~
22. No weather shields or the like shall be used on the balcony area without the further written approval of the Responsible Authority. Should this be proposed, the carparking obligation of this outdoor seating will be reassessed by the Responsible Authority based on its anticipated usage and its impact on carparking in the vicinity.

Note

That the Council has made this decision having particular regard to Sections 58, 59, 60, 61 and 62 of the Planning & Environment Act 1987.

ATTACHMENT 'D'

CERTIFICATE OF TITLE

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 09495 FOLIO 406

Security no : 124080614019U
Produced 06/12/2019 10:55 AM

LAND DESCRIPTION

Lot 1 on Title Plan 131928T (formerly known as part of Crown Allotment 1 at St. Kilda Parish of Melbourne South).
PARENT TITLE Volume 08758 Folio 821
Created by instrument K116648 11/10/1982

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

P.L. (NOMINEE) LTD of 4A/1 ALNWICK RD BEACON HILL KOWLOON TONG HONG KONG
R926664T 22/05/1992

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP131928T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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ATTACHMENT 'E'

VCAT DECISION – ONE FITZROY STREET V PORT PHILLIP CC [2001] VCAT 1366 (30 JUNE 2001)

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

PLANNING LIST

NOS. 2000/101872, 1998/60930

APPLICANT

One Fitzroy Street Pty Ltd

RESPONSIBLE AUTHORITY

Port Phillip City Council

SUBJECT LAND

1 Fitzroy Street, St Kilda

WHERE HEARD

Melbourne

BEFORE

Jeanette G Rickards - Member

DATE OF HEARING

18 June 2001

DATE OF ORDER

18 June 2001

ORDER

A. Application for Review 1998/60930 (the Section 87 Application relating to the 1995 Planning Permit No. 2020/001/P21)

1. **By consent** Planning Permit No. 2021/001/P21 issued by Port Phillip City Council is amended by deleting Conditions 15 and 16 and 19 and replacing Conditions 15 and 16 with amended Conditions 15 and 16 as follows:

"15. (a) Not less than 31 car spaces (at a ratio of 5 spaces for 60 external balcony seats and 26 spaces for 178 internal seats) shall be provided through an

arrangement to the satisfaction of the Responsible Authority.

(b) The number of car spaces to be provided by any such arrangement shall reduce by the number of car spaces (if any) from time to time provided on the land.

(c) No car spaces are required to be provided in respect of any seats associated with the restaurant and bar by way of kerb side seating from time to time authorised by the Council under any local law.

(d) Should less seats be provided on the balcony or internally then the car spaces to be provided shall be recalculated in accordance with the ratio in paragraph (a) of this Condition.

(e) The car spaces to be provided under the preceding paragraphs of this Condition shall be reduced by the following dispensations allowed by the

Responsible Authority:

(i) 16 car spaces as the allowance for existing credits applicable to the prior use and development of the land;

(ii) Upon completion of all the payments required to be paid pursuant to the provisions of Condition 16 of this Permit an additional dispensation and credit of 15 car spaces.

16. The arrangement for the provision of car spaces for the purposes of Condition 16 shall be satisfied by either of the following arrangements or by such other arrangement as shall be to the satisfaction of the Responsible Authority:

(a) An arrangement by the owner of the land: By the execution of an agreement pursuant to [Section 173](#) of the [Planning and Environment Act 1987](#) by the owner of the land with the Responsible Authority providing for:

(i) Payment to the Responsible Authority of annual payments of \$2,400.00 per annum for a period of 25 years, the first payment to be made not later than 31 July 2001, with the further payments to be made not later than 31 July in each succeeding year, and with the amount of the annual payment to be adjusted for the second and subsequent years to take into account any movement in the

Consumer Price Index Weighted Average All Groups Melbourne for the preceding year (capped at a maximum increase of 4% in any year).

(ii) If at any time during the relevant period of 25 years, the Port Phillip City Council declares (or has declared) in respect of the land (either separately or as part of other specified lands) a special rate or charge for the provision of car parking within one kilometre of the land and pursuant to which the owner of the land is liable to pay such special rate or charge in any particular year or years, then the amount payable by the owner shall be reduced in that year by the amount payable in that year under the further special rate or charge scheme.

(iii) The Responsible Authority acknowledges that the land has a car parking credit of 16 car parking spaces in respect of its previous use and development which credit will increase to 31 spaces (ie. by an additional 15 spaces) once all payments have been made.

(iv) The Agreement to be prepared by the Responsible Authority with the Responsible Authority and the owner respectively bearing their own legal costs of an incidental to such preparation.

OR

(b) An arrangement by the occupier of the land: By the execution and delivery by the occupier to the Responsible Authority of a Deed of Covenant providing for:

(i) A covenant by the occupier to use the occupier's best endeavours to have the owner of the land execute and make the said [Section 173](#) agreement;

(ii) A covenant by the occupier that until such time as the said [Section 173](#) agreement is made (or until all proposed payments under it have been made pursuant to this arrangement) that the occupier will pay to the Responsible Authority all the payments proposed under paragraph (a) (i) of this Condition on the same like Conditions set out in paragraphs (a) (ii) (iii) (iv) and also on the following Conditions:

(1) Any payment by the occupier shall be deemed payment by the owner for the purposes of the [Section 173](#) agreement if and when executed;

(2) Upon the execution of the said [Section 173](#) agreement, the obligations of the occupier under the deed of covenant shall end;

The Deed of Covenant shall be prepared by the Occupier and the Occupier and the Responsible Authority shall bear their own costs in relation thereto.

2. No order as to costs.

B. Application for Review 2000/101872

1. Leave is given to the Applicant to withdraw the Application for Review . Application 2000/101872 is withdrawn.

2. No order as to costs.

JEANETTE G RICKARDS

MEMBER

PLANNING LIST

APPEARANCES

For the Applicant for Review: Mr Tom Callander of Rigby Cooke, Solicitors

For the Responsible Authority: Ms Tania Cincotta of Best Hooper.

ATTACHMENT 'F'

LATE NIGHT (ON-PREMISES) LICENCE NO. 31820851

Late night (on-premises) Licence

Licence No. 31820851

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2019

Licensee SUNSET CALI PTY LTD (ACN:625 672 157)

Address 83 MORELAND STREET
for service FOOTSCRAY 3011
of notices

Licensed 1 FITZROY STREET
premises ST KILDA 3182
address

Trading as SUNSET CALI

GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

TYPE OF LICENCE

This licence is a late night (on-premises) licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

The licensee shall ensure that the level of noise emitted from the licensed premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No.N-2.

When live or recorded amplified music other than background music is provided:

- The licensee shall install and maintain a surveillance recording system able to clearly identify individuals, which shows time and date and provides continuous images of all entrances and exits, bars and entertainment/dance floor areas. The surveillance recording system must operate from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure. A copy of the recorded images must be available upon request for immediate viewing or removal by the Victoria Police, or a person authorised in writing by the Victorian Commission for Gambling and Liquor Regulation, or otherwise retained for at least one month. The position of the cameras will be to the satisfaction of the Licensing Inspector.
- Signs, as described below, are to be displayed in all areas subject to camera surveillance. Such signs shall read:
- "For the safety and security of patrons and staff this area is under electronic surveillance".
- Crowd controllers, licensed under the Private Security Act 2004, are to be employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof. One crowd controller is to be present outside the premises to monitor patrons arriving at and departing from the premises. Crowd controllers are to be present from 30 minutes before the start of the entertainment being provided, until 30 minutes after closure.

MAXIMUM CAPACITIES

Ground Floor - Internal (85 patrons) External (12 patrons).

First Floor - Internal (85 patrons) Balcony (60 patrons).

Overall Maximum (242 patrons).

TRADING HOURS -

Sunday	Between 10am and 1am the following morning
Good Friday & Anzac Day	Between 12 noon and 1am the following morning
Monday to Thursday	Between 7am and 1am the following morning
Friday & Saturday	Between 7am and 3am the following morning

APPROVALS/CONSENTS

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External Area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Victorian Commission for Gambling and Liquor Regulation shown on the approved plan during the hours specified under "Trading Hours" for consumption on those premises.

End of Conditions - Printed on 26/08/2019

ATTACHMENT 'G'

ACOUSTICAL REPORT PREPARED BY SLR CONSULTING

1 FITZROY STREET ST KILDA

Application to Amend Planning Permit Conditions Acoustical Report

Prepared for:

Tubby Gourmet Pty Ltd
c/- Planning & Property Partners Pty Ltd
Level 13, 1 Collins Street
Melbourne VIC 3000

PREPARED BY

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Suite 2, 2 Domville Avenue
Hawthorn VIC 3122 Australia

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BASIS OF REPORT

This report has been prepared by SLR Consulting Australia Pty Ltd (SLR) with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with Tubby Gourmet Pty Ltd (the Client). Information reported herein is based on the interpretation of data collected, which has been accepted in good faith as being accurate and valid.

This report is for the exclusive use of the Client. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from SLR.

SLR disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

DOCUMENT CONTROL

Reference	Date	Prepared	Checked	Authorised
640.12150-R01-v1.0	30 January 2020	Jim Antonopoulos	Dianne Williams	Jim Antonopoulos

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1 Introduction

SLR Consulting Australia Pty Ltd (SLR Consulting) was retained by Tubby Gourmet Pty Ltd to assess the proposal to amend the existing permit conditions 3 and 21 applicable to the venue at 1 Fitzroy Street, St Kilda.

Permit condition 21 states:

“no form of sound amplification equipment shall be used on the premises so as to be audible outside the premises”

The condition does not align with the liquor licence for the venue which requires music to comply with the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. Compliance with SEPP N-2 is the normal requirement in typical permit conditions and liquor licences as it is the appropriate enforceable statutory noise policy in Victoria.

Permit condition 3 states:

“the hours of operation for the premises shall be Monday to Sunday, between 7am-1am”

The condition also does not align with the liquor licence for the venue which allows operations as follows:

- *Sunday: 10am-1am*
- *Good Friday & Anzac Day: 12pm-1am*
- *Monday to Thursday: 7am-1am*
- *Friday & Saturday: 7am-3am*

The application seeks to have both conditions amended so as to align with the liquor licence conditions.

This report includes site testing of the acoustic attenuation performance of the subject building, determination of applicable SEPP N-2 noise limits, and our assessment and conclusion in relation to music operations from the venue, and how they relate to the proposed amendment to the permit conditions.

2 Site Description

The venue is located on the corner of The Esplanade and Fitzroy Street in a generally busy commercial area that includes entertainment venues and restaurants, as well as bay activity. The site is in a Commercial 1 Zone (C1Z).

The nearest and potentially most affected residential use is the multi storey residential development along the southern boundary at 1-2 The Esplanade, St Kilda. Commercial uses are located along the north-eastern interface.

The residential development at 1-2 The Esplanade is a 4 storey building with overlooking apartment windows facing the venue along the north interface. The upper floor apartments overlook the metal deck roof of the venue.

Figure 1 shows the location of the venue and nearest residential receptors.

Figure 1 Site and nearest residential dwellings (Source: Nearmaps)



The venue comprises a ground floor and upper floor restaurant / bar area, with a large balcony on the upper floor facing the bay / street frontage. Large operable glass sliding doors are provided along the street frontage on both floors, which would allow considerable open areas if fully opened. Back of house areas (kitchens etc) are generally located to the rear (east) of the building on both floors. The southern wall of the building is of masonry construction and the roof comprises a flat metal deck with plasterboard ceiling below and likely insulation in the ceiling space.

The nearest part of the apartment development is in the order of 8 m from the venue southern wall (but steps back further into the apartment site).

Indicative floor plans of the venue are shown in **Figure 2** and **Figure 3**

Figure 2 Ground Floor Plans (Source: NFA Architecture)

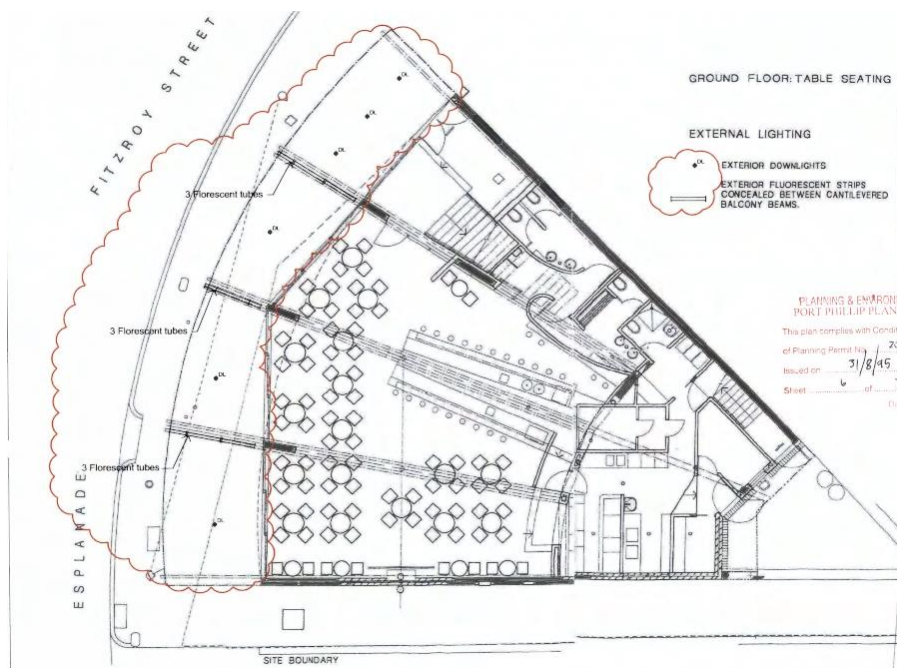
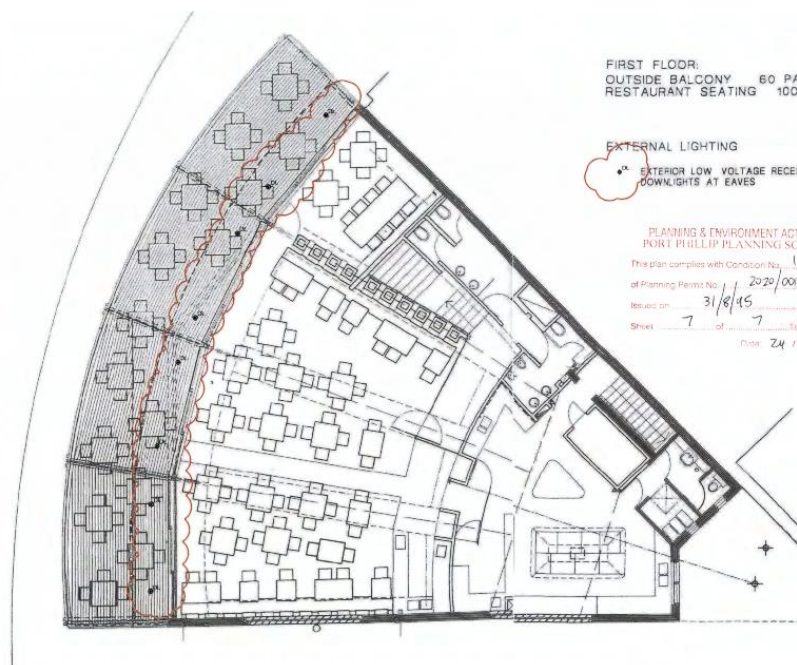


Figure 3 1st Floor indicative plan (Source: NFA Architecture)



3 SEPP N-2 Assessment

SLR undertook site measurements and testing to establish the applicable SEPP N-2 noise limits for the venue, and to determine whether the venue could achieve these noise limits were it to operate with some level of music.

The testing also included 'level difference' tests which provide a measure of the acoustic attenuation provided between the internal areas of the building and the apartments. As the venue includes both ground and upper floor areas, separate testing was undertaken for each of the areas.

3.1 SEPP N-2 noise requirements

In Victoria, noise emissions from entertainment premises are at all times required to meet the provisions of State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 (SEPP N-2). SEPP N-2 sets noise limits to protect 'noise sensitive areas' from excessive noise. Noise sensitive areas are typically residential dwellings.

Noise limits in SEPP N-2 are based on environmental background noise levels. The background noise level is the noise level that would be present at the noise sensitive area, at the time when music is typically played, but in the absence of music noise. Different noise limits are determined for the 'Day / Evening' period and the 'night period'.

For the Day / Evening period, the background level is based on the A-weighted LA₉₀ index. The LA₉₀ is the A-weighted sound pressure level that is exceeded for 90% of the time interval, and can be thought of as the typical minimum noise level (i.e. the lowest 10th percentile). The music noise during the day period is not to exceed the LA₉₀ level by more than 5 dBA. Music noise is measured using the Leq noise index. The Leq or 'equivalent continuous sound level' is the constant sound level that would deliver the same amount of acoustic energy as a fluctuating signal over the same time interval.

So to summarise, the Day / Evening noise limit is:

$$\text{Noise limit (Day / Evening)} = \text{background noise Level (LA}_{90}\text{)} + 5 \text{ dBA}$$

For the Night period the background level is based on the L_oCT₉₀ index. The L_oCT₉₀ is the sound pressure level in each octave band (for the range of audible frequencies from 63Hz to 4kHz) exceeded for 90% of the measurement interval. The music noise level in each octave band is not to exceed the L_oCT₉₀ level by more than 8 dB. Music noise is measured using the L_oCT₁₀ index. The L_oCT₁₀ is the sound pressure level exceeded 10% of the measurement interval in each octave band.

So to summarise, the Night period noise limit is:

$$\text{Noise limit (Night)} = \text{background noise level (L}_{o}\text{CT}_{90}\text{)} + 8 \text{ dB}$$

Note that the Night period noise limits are nearly always more stringent as they require assessment in individual octave bands.

The actual times of the Day / Evening and Night periods are determined according to the number of operations of the venue in a week. An operation is defined as 'music noise emissions from a premises occurring in a 24 hour period' that are 'heard in a noise sensitive area'.

Assuming the venue could have more than 3 operations per week (as per the permit / liquor licence), the relevant definitions are set out in **Table 1**.

Table 1 SEPP N-2 Day / Evening and Night Period Definitions for more than 3 operations per week

	Day / Evening Defined Period	Night Defined Period
Saturday	1000 h to 2200 h	2200 h to 1200 h the following day
Sunday	1200 h to 2100 h	2100 h to 0900 h the following day
Other	0900 h to 2200 h	2200 h to 0900 h the following day

3.2 Background noise measurements

SLR undertook a combination of attended and unattended noise logging at the site boundary to quantify existing background levels.

Noise Logging

Noise logging was undertaken with an ARL Ngara noise logger (with full audio recording capability) near the southern most boundary of the site, opposite an adjacent 2nd storey apartment window. The noise logger was located on the storage shed along the south boundary of the site, with the microphone 1.4 m above the roofline of the shed, and generally within 6 m of the nearest adjacent apartment window. The logger was set back approximately 10 m from the Fitzroy Street frontage. Refer to **Figure 5**.

This location was judged to be representative of the background environment at the nearest adjacent windows. Note that the venue is currently not operational, and although it was noted that there were some mechanical items of plant in the area (in particular refrigeration compressors), they only operated intermittently and therefore would not have affected the background measurement results which are based on the lowest 'L₉₀' level over the measurement interval.

Figure 4 Noise logger location (southern boundary)



Short Term Measurements

Short term attended measurements were undertaken during SLR site surveys on the night of 14-15 January 2020 where additional background measurements were undertaken along the front (Fitzroy Street) façade of the building, and along the front façade of the apartment development itself.

Weather conditions throughout the attended measurements were generally calm with mild temperatures (approximately 23°C at 11.30 pm on 14 January).

Measurements were undertaken with the following instrumentation:

- Rion NA-28 Sound Level Meter 1/3 Octave Band Analyser S/N 30642027
- Rion NA-28 Sound Level Meter 1/3 Octave Band Analyser S/N 00470370
- Rion NC-74 Acoustical Calibrator S/N 34546617

Instrumentation was checked for calibration before and after measurements, with no notable drift in calibration. All SLR equipment carries current NATA calibration certification (available upon request).

Measurement positions were as follows:

- Loc2: Approximately 4 m above ground level, in front of the 1st floor west facing window of the nearest apartment
- Loc3: On 1st floor balcony of the venue, with the microphone extended approximately 4 m high. Representative of 2-3rd floor of adjacent apartment building.

Note Loc 1 was a test position used for 'level difference' testing of noise from inside to outside the building (refer to **Section 3.4**).

Figure 5 Site and measurement location details

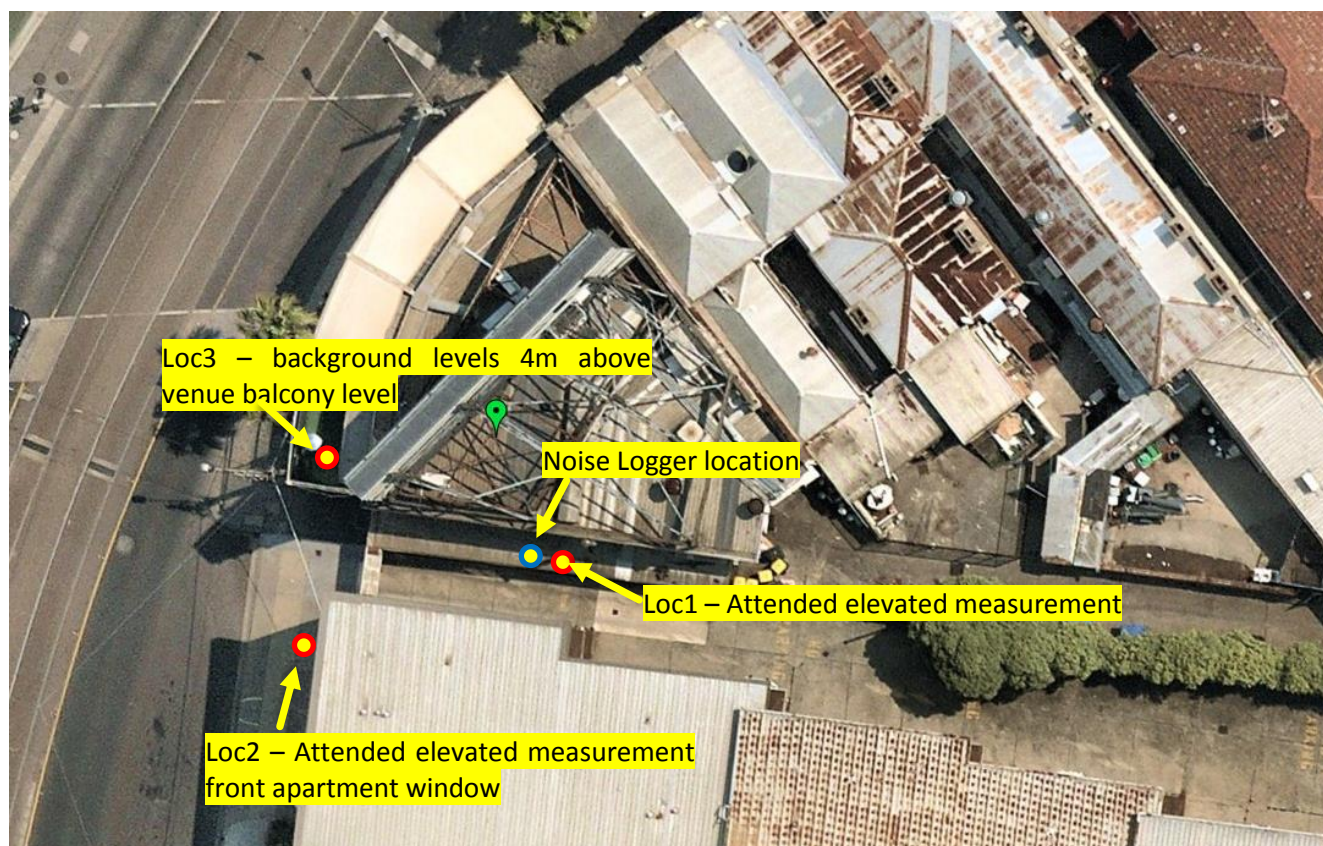


Figure 6 Photographs of attended background measurement locations

Loc3



Loc2



3.2.2 Background Noise Levels

The ambient noise environment in both locations comprised local and distant traffic, as well as local and distant mechanical plant noise.

Appendix A includes a summary of all collected background levels at the southern boundary noise logging location. The table below provides the lowest measured hourly day/evening period background level over the monitoring period.

Table 2 Day / Evening background levels, dBA

	Background Noise Level, L90 dBA
Lowest hourly background level (up to 10 pm)	53

The table below provides typical lowest measurement spectra obtained for the night period (based on analysis of the audio recordings). The lowest 15 minute L90 spectrum is provided up until 1 am during a weekday and a weekend, and the lowest between 2.30 am and 3 am also provided for a weekend.

The results are provided in **Table 3**.

Table 3 Night Period background noise levels, L90, dB – South boundary logger (north façade of apartments)

Date / Time	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	A
Tuesday morning, 00:45 h to 1:00 h, 14 Jan 2019	56	51	51	49	46	40	34	50
Saturday morning, 2:45 h to 3:00 h, 18 Jan 2019	52	52	50	48	45	40	33	50
Saturday morning, 0:12 h to 0:29 h, 18 Jan 2019	58	53	52	50	48	44	36	52

Also provided below is the measured octave band background noise level collected at the elevated positions along the west of the site and apartments (Loc2 and Loc3) that have more exposure to Fitzroy Street.

Table 4 Night Period background noise levels, L90, dB – west façade

Date / Time	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	A
Loc3 Wed. morning, 00:10 h to 0:25 h, 15 Jan 2019	56	55	54	51	48	45	39	54
Loc2 Wed. morning, 00:44 h to 0:46 h, 15 Jan 2019	53	52	50	47	45	41	37	50

3.3 Noise Limits

Based on the measured background noise levels provided above, the SEPP N-2 day/evening and night period noise limits for the venue operations are provided below. These have been determined as per the SEPP N-2 noise limit methodology presented in **Section 3.1**.

For the day/evening period, the southern logger minimum hourly background level has been used for both the north and west side apartment facades.

Table 5 Day / Evening Noise Limits (up to 10 pm Monday to Friday, 9 pm Sunday)

	Noise Limit dBA
North and west façade of apartments	58

Table 6 Night period noise limits, L₁₀, dB

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
North façade of apartments 10 pm to 1 am	64	59	59	57	54	48	42
North façade of apartments 2 am to 3 am on Friday or Saturday night	60	60	58	56	53	48	41
West façade of apartments up to 1 am	61	60	58	55	53	49	45

3.4 Sound Level Testing from Venue

A temporary installed sound system was used to generate broadband pink noise within the venue while measurements were made both inside and outside the venue. This testing allowed us to determine a 'level difference' between external receiver locations and the internal areas. Separate testing was conducted for the 1st floor and ground floor.

With reference to **Figure 5**, the location shown as Loc1 was an elevated microphone near the southern edge of the shed, with the pole extended to be approximately 1 m above the roofline of the venue. This location served as an appropriate test position for sound transmitting through the roof of the building in the direction of the apartments. **Figure 7** shows the logger and test position relative to the venue and apartments.

Figure 7 Loc 1 elevated microphone location



The results of the ‘level difference’ testing are provided in **Table 7**. The internal levels was based on a space average for each test. Note also that for all tests, a door was left open (approximately 1 m opening) at the northern most end of the venue (i.e. main entry door for ground floor, and an open operable door for the 1st floor) such as to allow for these areas for patron ingress / egress.

A number of external measurement locations were used for residential receptor testing, with the two most relevant being ‘Loc1’ and ‘Loc2’ with reference to **Figure 1**.

Table 7 Measured level differences inside to outside (Leq measurements), dB

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz
1 st floor to Loc1 southern boundary	24	25	31	39	>40	>40	>40
Ground floor to Loc2 west façade of apartments	29	34	38	38	40	>45	>45

Note that the Loc1 received music levels are at a position that is much closer to the venue than the actual apartment facades. There would likely be in the order of at least 3 dB further reduction for distance. However, to provide for a conservative assessment, the measured level differences have been used as is.

3.5 Assessment

Using the measured level differences it is possible to determine what level of music can be expected at the apartment development with specific music operations within the venue.

It is understood that the operator is not seeking to have loud music events, but would like to consider what music levels could be permissible.

SLR have considered a range of types of music operations and the resultant impact at the adjacent apartment.

Table 8 shows typical spectra of internal music as collected by SLR on previous projects.

Table 8 Typical Music Level, dB (L10)

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	A
Small / quiet live band (eg. Jazz 3 piece or small blues band)	93	93	92	91	86	84	83	93
Moderate level pre-recorded music in bar	84	84	82	82	80	76	73	85
Background music in bar	70	67	68	69	68	68	63	73

Table 9 provides the predicted noise levels to the north façade of the apartments based on the level difference testing (from upper floor to apartments), and compares these to the determined noise limits for various time periods

Table 9 Predicted music noise to apartment north façade, L10 (Leq for dBA)

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	A(Leq)
Predicted noise level – Small band	69*	68*	61	52	46	41	40	51
Predicted noise level – Moderate pre recorded music	60	59	51	43	40	33	30	45
Predicted noise level – background music	46	42	37	30	28	25	20	33
Noise Limit to 1 am	64	59	59	57	54	48	42	
Noise Limit to 3 am	60	60	58	56	53	48	41	
Noise Limit Day / Evening								58

* indicates excess from any of the noise limits presented

The above indicates that for the upper floor of the building:

- Small live bands will be possible up to 10 pm.
- It will not be possible to have small live bands after 10 pm, but it would be possible to have moderate levels of pre-recorded music (i.e. louder than typical background music used most bars).
- All above are based on glass sliding doors closed, but with a single sliding door left open at the northern end of the balcony area for access.

For the west façade of the development, we provide the following predictions and assessment for music operations from the ground floor of the building.

Table 10 Predicted music noise to apartment west façade, L10 (Leq for dBA)

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500	1k	2k	4k	A (Leq)
Predicted noise level – Small band	64*	59	54	53	46	40	36	51
Predicted noise level – Moderate pre recorded music	55	50	44	44	40	32	26	42
Predicted noise level – background music	41	33	30	31	28	24	16	30
Noise Limit to 1 am	61	60	58	55	53	49	45	
Noise Limit to 3am weekends	Not measured but would expect similar to the 1am criterion from weeknight							
Noise Limit Day / Evening								58

* indicates excess from any of the noise limits presented

The above indicates that for the upper floor of the building:

- Small live bands will be possible up to 10 pm.
- Small live bands may be acceptable after 10 pm if bass frequencies can be controlled by a relatively small 3 dB from what has been assumed in our calculations. This is potentially feasible.
- Although not explicit from our assessment (as we don't have background measurements up to 3 am along the west façade of the building), it is recommended that there be no small live bands after 1 am.
- It would be possible to have moderate levels of pre-recorded music (i.e. louder than typical background music used by most bars) at all times.
- All above are based on glass sliding doors closed, but with a single main entry at the northern end of the venue open for access.

3.6 Sliding Doors Open

The venue has large operable sliding doors along the west façade facing Fitzroy Street. We have further considered the implications of having these doors fully open and with some level of music within the venue.

We have considered 2 scenarios:

- All sliding doors fully open
- The 1st section / bay nearest to the apartments closed, and all others open (i.e. 3 out of the 4 bays open on each floor).

The results of our calculations and comparison to the noise limits is presented in **Table 11**.

Table 11 Predicted music noise to apartment west façade, L10 (Leq for dBA) with operable glass doors open

Octave Band Centre Frequency, Hz	63Hz	125Hz	250Hz	500	1k	2k	4k	A (Leq)
Predicted noise level – background music, all doors fully open	57	54	55	56	55	55	49	57
Predicted noise level – background music, nearest window bay closed, all others open	51	48	49	50	48	48	42	50
Noise Limit to 1 am	61	60	58	55	53	49	45	
Noise Limit to 3am weekends	Not measured but would expect similar to the 1am criterion from weeknight							
Noise Limit Day / Evening								58

The above shows that background music levels would comply with the day / evening noise limits at the adjacent receiver with all windows fully open, up to 10 pm. For the night period (after 10 pm), there is a small excess at higher frequencies, which is easily addressed if the nearest window bay is kept closed on each floor.

4 Summary and Conclusions

The results of our testing and assessment have shown that the venue can clearly operate with moderate levels of music into the late night period, and with potential live music operations from small bands, and fully comply with the requirements of SEPP N-2.

It is further noted that even with all the operable doors of the venue open, background music would be expected to be compliant with SEPP N-2 noise limits at the adjacent residential receivers up to 10 pm. Background music would also be acceptable into the night if the nearest window bays on each floor are kept closed after 10 pm.

Based on our findings, the following management and operations are recommended:

- Background music at internal levels not more than 70 dBA, Leq can be used within the venue (both floors) with all sliding operable doors open, up until 10 pm generally (9 pm Sundays).
- Background music at internal levels not more than 70 dBA, Leq (and with appropriate spectrum limitation) can be used within the venue (both floors) into the night period (i.e. 1 am weekdays, 3 am weekends) if the southern most bay of windows is kept closed on both the ground and upper floor.
- With the operable doors closed, the venue can operate with moderate levels of pre-recorded music (up to 85 dBA Leq) throughout the night period, and up to 3 am on Friday / Saturday night should the permitted operating hours be amended. A single door at the northern most end of the venue (ground and 1st floor) can be left open during these operations
- With the operable doors closed, the venue can operate with small live bands (up to 93 dBA Leq) up to 10 pm generally (9 pm Sundays). A single door at the northern most end of the venue (ground and 1st floor) can be left open during these operations.
- With the operable doors closed, the venue could potentially operate with a small band on the ground floor only (up to 93 dBA Leq) into the night period, provided that the band does not contain significant low frequency content.

4.1 Comment on Condition 21 Amendment – Music

Based on our testing, it is clear that the venue could operate with various levels of music entertainment and comply with the requirements of SEPP N-2.

The existing condition that requires no audible music from the venue is not in line with normal statutory policy in Victoria, and would appear overly onerous. We would support the amendment to the permit condition to reflect normal SEPP N-2 compliance requirements, as per the liquor licence.

If the venue intends to have louder type operations beyond 10 pm (i.e. small live band or moderate level pre-recorded music), careful management and control of the music levels would be necessary – either via self monitoring (eg. sound level meter checking by management / staff) or via the provision of an appropriately set noise limiting device. We do not see a need for a noise limiting device if the venue only intends to have background type music.

4.2 Comment on Condition 3 Amendment – Hours of operation

Our assessment includes consideration of music impacts up to 3 am (Friday and Saturday), and there are no significant implications from a music noise assessment perspective if the existing operating hours were extended to match the liquor licence.

APPENDIX A

Noise Logging Results



Results of Noise Monitoring

Client: 1 Fitzroy St

Job Number: 640.1215

Location: 1.4 m above storage shed roof

Logger: Ngara S/N 878202

Microphone position south roof

Initials: JA

Initial calibration: 94.1 dBA

Final calibration: 94.2 dBA

Hour	Sound Pressure Level, dB(A)																				
	Fri, 10-01-2020			Sat, 11-01-2020			Sun, 12-01-2020			Mon, 13-01-2020			Tue, 14-01-2020			Wed, 15-01-2020			Thu, 16-01-2020		
	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}
00:00 to 01:00				60.2	51.8	58.8	61.6	55.3	61.5	60.0	50.1	57.4	59.8	49.7	57.2	60.1	50.2	72.5	61.8	54.3	61.0
01:00 to 02:00				60.2	52.2	58.9	61.6	53.9	60.4	59.2	47.3	56.1	59.2	49.0	56.1	59.1	48.9	56.0	60.1	53.2	57.9
02:00 to 03:00				61.0	53.7	58.8	60.2	53.0	58.2	58.8	48.6	55.7	58.8	47.1	55.2	58.8	48.0	55.5	59.0	51.4	56.6
03:00 to 04:00				60.2	52.9	58.0	59.7	52.3	57.3	58.9	47.1	55.2	59.0	49.1	55.9	58.9	49.4	55.6	58.6	51.2	55.9
04:00 to 05:00				61.9	53.8	59.8	58.9	50.0	56.3	59.3	47.6	55.9	58.8	48.0	55.5	59.1	48.6	55.9	59.1	51.2	56.5
05:00 to 06:00				61.1	52.9	59.3	59.4	49.5	58.2	60.8	50.7	58.1	60.8	49.7	58.1	60.9	51.2	58.4	61.1	52.5	59.0
06:00 to 07:00				62.6	54.7	60.8	59.6	50.0	57.3	63.4	53.8	61.6	63.4	53.7	61.1	63.1	54.5	61.2	64.8*	56.9*	62.5*
07:00 to 08:00				62.0	54.4	60.5	60.3	49.8	60.0	64.5	55.3	63.1	64.7	56.5	62.9	63.8	56.5	61.9	65.0	58.8	63.2
08:00 to 09:00				63.2	55.9	61.5	60.4	52.3	59.0	64.8	55.8	63.1	65.3	56.4	63.7	64.3	57.8	62.5	65.1	59.6	63.3
09:00 to 10:00				64.4	55.5	63.5	61.2	52.9	59.7	64.4	55.9	62.7	64.3	55.7	62.9	63.8	56.1	61.9	65.2	57.5	63.7
10:00 to 11:00				63.9	56.1	62.9	63.2	54.0	61.8	63.6	54.6	61.5	63.7	54.5	62.1	63.8	57.1	62.0	64.3	56.9	65.2
11:00 to 12:00	94.0	53.6	85.7	64.0	56.6	62.2	63.8	55.9	62.1	63.0	53.6	61.5	63.2	54.3	61.4	64.1	56.6	62.0	63.3	55.3	61.5
12:00 to 13:00	64.5	55.8	64.6	65.2	56.8	64.7	63.6	55.0	62.1	64.3	54.6	63.8	63.2	54.6	61.2	63.8	54.9	61.8	63.7	54.9	61.4
13:00 to 14:00	63.5	55.1	61.8	64.0	55.7	62.2	63.3	54.9	62.0	63.7	55.3	61.8	63.1	54.2	61.3	63.4	54.9	61.5	63.3	56.1	61.5
14:00 to 15:00	66.3	58.7	63.8	63.3	55.5	61.9	63.6	55.9	62.5	64.0	53.4	61.4	63.4	54.1	62.0	63.4	55.3	61.3	64.9	57.4	64.4
15:00 to 16:00	74.7*	64.4*	71.5*	64.3	55.6	63.8	64.2	55.9	63.8	64.4	55.6	62.2	63.3	55.0	62.4	67.6	56.5	64.5	65.5	60.2	63.8
16:00 to 17:00	70.5*	64.2*	68.3*	64.4	56.6	62.4	65.9	57.5	63.9	64.3	55.7	63.4	64.1	56.4	62.1	70.9*	62.5*	68.7*	64.6	59.1	63.4
17:00 to 18:00	70.6*	64.8*	68.6*	63.7	56.5	63.2	64.7	57.2	63.4	63.9	55.6	61.8	64.1	57.1	65.0	74.5*	62.3*	70.8*	64.3	58.7	62.5
18:00 to 19:00	69.6*	63.9*	67.5*	63.4	56.4	62.2	64.7	58.1	62.7	63.2	55.2	61.8	63.8	56.0	61.9	68.8*	62.6*	66.7*	64.4	58.3	62.4
19:00 to 20:00	67.2*	59.7*	64.6*	63.9	57.1	62.6	63.8	55.4	62.3	63.1	54.2	62.8	62.9	54.0	61.8	67.8*	57.3*	64.4*	63.2	57.7	61.3
20:00 to 21:00	63.1*	55.1*	61.1*	65.0	57.7	63.2	62.6	53.7	61.4	62.6	53.0	60.9	63.6	53.6	67.6	62.4*	52.3*	59.9*	61.8	56.6	60.2
21:00 to 22:00	61.6	53.8	59.5	62.9	56.0	62.5	61.8	52.9	60.4	64.0	53.3	68.8	62.7	53.3	61.3	65.3*	55.1*	62.2*	61.9	56.5	60.4
22:00 to 23:00	62.0	53.7	59.9	63.5	56.3	63.3	61.0	51.8	58.7	62.5	52.4	61.9	61.9	52.5	60.9	62.2	53*	59.6	61.5	55.5	60.2
23:00 to 24:00	61.7	52.9	63.3	62.5	55.6	65.1	60.6	50.4	58.5	61.4	49.9	58.9	62.9	52.2	64.9	61.2	51.2	59.1	60.7	54.5	59.9
L90 Day					55.9						55.0			55.3			56.2			57.7	
L90 Evening					56.3			54.8			53.9			54.2						57.3	
L90 Night		53.2			52.9			49.7			49.8			50.6			52.1			53.6	
Wind @0900h, km/h	19 km/h NNW			7 km/h WSW			13 km/h SSE			6 km/h NE			4 km/h SSW			13 km/h N			15 km/h SSW		
Wind @1500h, km/h	19 km/h S			19 km/h S			17 km/h SSW			17 km/h NNE			11 km/h WSW			19 km/h N			17 km/h SSW		

*Rain affected data excluded (BOM based data from Olympic Park)

Results of Noise Monitoring

Client: 1 Fitzroy St

Job Number: 640.1215

Location: 1.4 m above storage shed roof

Logger: Ngara S/N 878202

Microphone position south roof

Initials: JA

Initial calibration: 94.1 dBA

Final calibration: 94.2 dBA

Hour	Sound Pressure Level, dB(A)																				
	Fri, 17-01-2020			Sat, 18-01-2020			Sun, 19-01-2020			Mon, 20-01-2020											
	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}	L ₁₀	L ₉₀	L _{eq}
00:00 to 01:00	59.9	53.4	59.7	61.0	53.2	59.4	61.6	53.9	66.1	60.3	50.5	58.3									
01:00 to 02:00	58.5	53.3	57.4	60.3	52.6	58.4	61.1	54.0	64.0	59.3	49.8	56.4									
02:00 to 03:00	57.2	52.3	55.4	60.0	51.0	57.3	59.9	52.2	57.4	59.3	50.0	56.1									
03:00 to 04:00	57.3	53.1	55.7	59.8	51.3	57.2	59.7	52.6	57.5	59.5	51.4	56.4									
04:00 to 05:00	57.2	52.1	55.5	59.4	49.0	56.8	59.5	50.7	56.8	59.5	49.3	56.6									
05:00 to 06:00	60.1	53.2	58.1	60.1	51.5	57.9	60.1	50.0	57.9	61.0	52.8	58.5									
06:00 to 07:00	63.3	55.2	61.6	61.4	52.4	59.4	61.1	52.3	59.4	62.9	54.6	60.9									
07:00 to 08:00	64.2	56.5	62.6	62.3	53.7	61.6	61.4	52.8	61.9	64.2	56.9	62.4									
08:00 to 09:00	65.0	58.3	63.3	62.7	54.5	61.4	61.3	53.0	60.8	64.6	57.4	62.9									
09:00 to 10:00	64.5	56.4	63.0	64.3	54.8	62.9	62.2	55.0	61.3	63.6	56.9	62.0									
10:00 to 11:00	64.2	57.5	62.6	63.5	55.5	61.8	63.2	54.7	62.2	63.1	56.3	61.2									
11:00 to 12:00	64.3	58.3	62.8	63.6	56.0	61.7	63.2	55.6	61.4	63.0	56.5	61.6									
12:00 to 13:00	64.0	56.8	62.3	64.1	55.8	62.0	63.4	55.4	61.2	63.3	56.9	61.9									
13:00 to 14:00	64.0	57.3	62.6	64.5	56.6	62.9	63.6	55.7	61.6												
14:00 to 15:00	64.3	57.2	62.2	66.1	57.5	64.3	63.7	55.9	61.9												
15:00 to 16:00	64.6	57.8	62.5	64.9	57.2	71.1	63.6	56.2	61.9												
16:00 to 17:00	64.0	57.6	62.0	65.4	57.0	64.3	62.9	55.7	61.1												
17:00 to 18:00	64.1	57.3	62.3	63.5	56.5	62.7	62.5	55.8	63.2												
18:00 to 19:00	64.1	57.9	62.5	63.2	56.1	62.6	62.3*	55.6*	60.5*												
19:00 to 20:00	63.8	58.1	62.6	62.9	56.8	62.1	63.7	56.9	61.5												
20:00 to 21:00	62.9	56.6	66.2	62.9	55.2	61.5	61.0	54.1	59.1												
21:00 to 22:00	62.5	56.4	62.2	62.1	54.9	60.4	61.3	53.9	59.0												
22:00 to 23:00	62.8	55.4	60.8	62.9	56.1	62.1	60.8	53.4	58.9												
23:00 to 24:00	61.4	54.2	60.4	62.0	55.1	60.3	60.6	52.7	59.7												
L90 Day		57.4			55.1						56.8										
L90 Evening		57.3			56.4			55.1													
L90 Night		52.3			53.0			51.6													
Wind @0900h, km/h	9 km/h SSE			2 km/h N			6 km/h NNW			9 km/h SSW											
Wind @1500h, km/h	19 km/h SE			9 km/h SSW			17 km/h SSW			17 km/h S											



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UoW Innovation Campus
North Wollongong NSW 2500
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ATTACHMENT 'H'

ENDORSED PLANS PREPARED BY NATION FENDER PTY LTD

PROTECT & MAKE GOOD
AS NECESSARY TO FOOT
PATH TO COUNCIL'S
SATISFACTION.

REFER HYDRAULICS DRAWINGS
FOR STORMWATER CONNECTIONS
TO EXISTING

REFER TO DETAIL DRAWINGS & SCHEDULES
FOR INTERNAL FITOUT, TOILET CORES, &
KITCHEN LAYOUTS.
MECHANICAL VENTILATION & EXHAUSTS TO
KITCHEN & TOILETS.
NEW STUD WALL INTERNAL FRAMING WITH
ACOUSTIC INSULATION WHERE NOTED
NEW DOORS & WINDOWS REFER TO SCHEDULES.

NEW REINFORCED CONCRETE FLOOR SLABS
TO KITCHEN AREAS, LIQUOR STORE AND OFFICE.
SELECTED COVED SEAMLESS VINYL FLOOR THROUGHOUT,
INCLUDING STAFF TOILETS.

DL Down lights

MSB Main Switchboard

Emergency light
Famco F9916
Classification D25 D25

Recessed Fire Extinguisher

Exit sign
Famco F9917SS
Mirage Edgelit
Classification CO/D6.3 C90/C10



Suite 2, Level 1, Racecourse Rd, Flemington
P.O. Box 430, Flemington, Vic, 3031
Phone: 9376 3020, Fax: 9376 3935
Email: email@existingconditions.com.au
Web: existingconditions.com.au

Existing Conditions Surveys

Additional information has been added to
original NFA architects drawings by Existing
Conditions Surveys as shown by clouded
areas.

Additional information added June 2008

Existing Conditions Surveys Drawing
reference Number: 08039
Date: 01-07-2008

PLANNING & ENVIRONMENT ACT 1987
PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No.

of Planning Permit No. 2020/001/P21

Issued on 31/8/07

Sheet 1 of 7 Town Planner

Date 24/7/08



ARCHITECT
Nation Fender Pty Ltd
ACN 050 262 434
Ground Floor
11 Launceston Street
Melbourne 3000
Tel: 03 9883 8883
Fax: 03 9883 8883

Project

RESTAURANT / BAR
1 FITZROY STREET
ST. KILDA

Owner
No.1.
FITZROY STREET P/L.

Drawing title

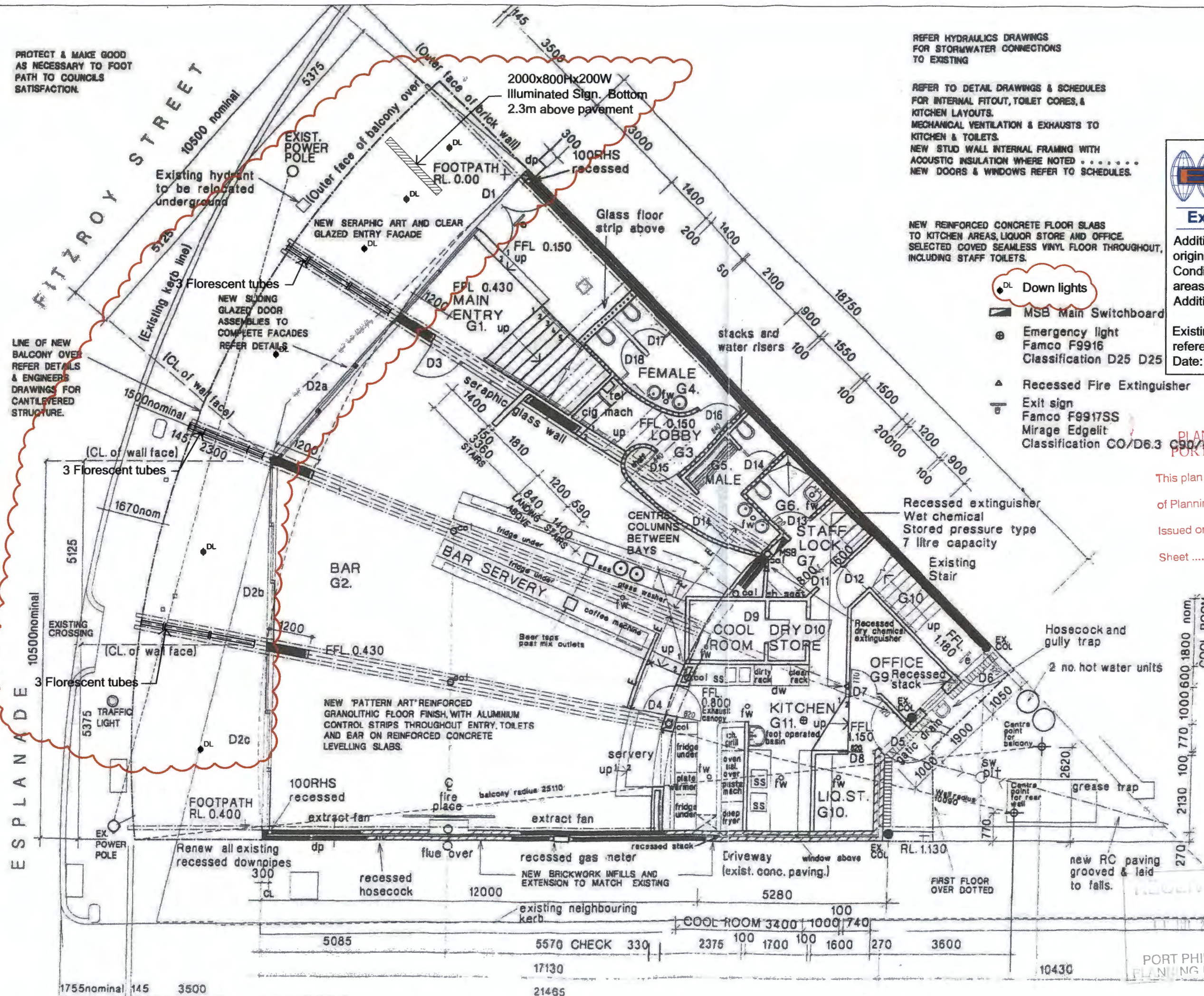
PROPOSED
GROUND FLOOR

Date Scale Plotdate
October 2008 1:1000 A3 01.12.08

Drawn Proj. no.

Checked Revision

A10



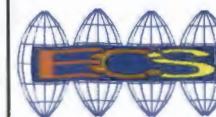
PORT PHILLIP
PLANNING DEPT

HB9

TIMBER DECKING OVER
METAL ROOF SHEETING
REFER ENGINEERS DRGS.
FOR CANTILEVERED
BALCONY STRUCTURE.

TOUGHENED CLEAR
GLASS BALUSTRADE
FIXED TO ANGLE
SURROUNDS.

CONCRETE INFILL
TO HEIGHT OF
UPSTAND BEAM WATER-
PROOF MEMBRANE OVER.



Suite 2, Level 1, Racecourse Rd, Flemington
P.O. Box 430, Flemington, Vic, 3031
Phone: 9376 3020, Fax: 9376 3935
Email: email@existingconditions.com.au
Web: existingconditions.com.au

Existing Conditions Surveys

Additional information has been added to
original NFA architects drawings by Existing
Conditions Surveys as shown by clouded
areas.

Additional information added June 2008

Existing Conditions Surveys Drawing

reference Number: 08039

Date: 01-07-2008

NOTES:

REFER TO DETAIL DRAWINGS & SCHEDULES
FOR INTERNAL FITOUT, TOILET CORES, &
KITCHEN LAYOUTS.
MECHANICAL VENTILATION & EXHAUSTS TO
KITCHEN & TOILETS.
NEW STUD WALL INTERNAL FRAMING WITH
ACOUSTIC INSULATION WHERE NOTED
NEW DOORS & WINDOWS REFER TO SCHEDULES.

New 'Pattern Art' reinforced
granolithic floor finish to toilets,
rear curve edge and runway

Selected coved
seamless vinyl floor throughout
kitchen and staff toilets

Down lights



Distribution Board



Emergency light

Famco F9916

Classification D25 D25



Fire Extinguisher

Exit sign

Famco F9917SS

Mirage Edgell

Classification CO/D6.3 C90/C10

PLANNING & ENVIRONMENT ACT 1987
PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No. 1

of Planning Permit No. 2020/201/P21

Issued on 31/8/95

Sheet 2 of 7 Town Planner

Date: 24 / 7 / 08



nfa

ARCHITECT

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Ground Floor
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Melbourne 3000
Victoria
Tel: +61 3 8663 8183

Project

RESTAURANT / BAR
1 FITZROY STREET
ST. KILDA

Drawn

No. 1

FITZROY STREET P/L

Drawing title:

PROPOSED

FIRST FLOOR PLAN

Date

OCT. 1995

Scale 1:100 at A3

Project No. 01.12.95

Drawn

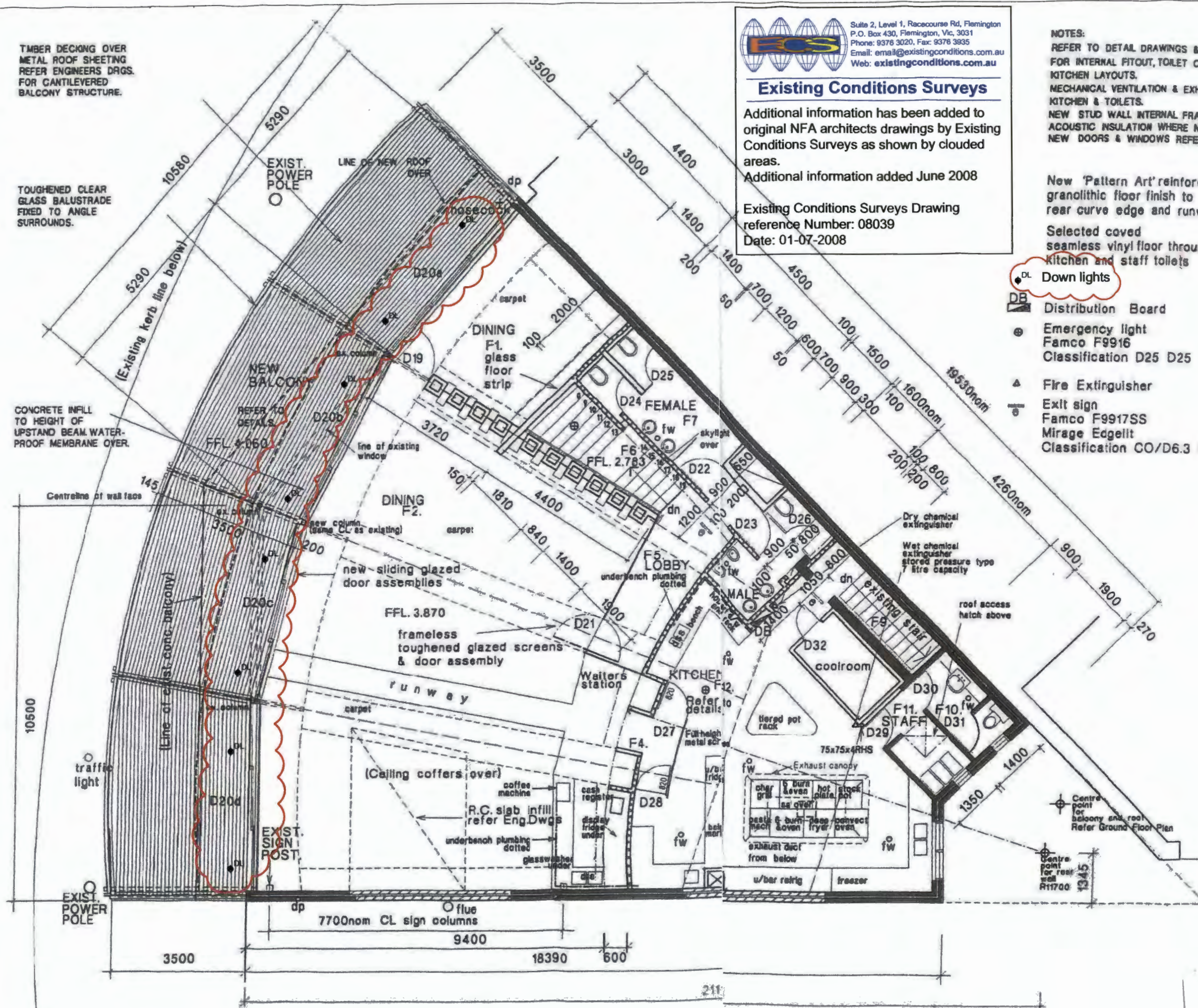
Checked

A11

11 JUL 2008

POSTED

1000





Additional information has been added to

Additional information added June 2008

Existing Conditions Surveys Drawing
reference Number: 08039
Date: 01-07-2008

PLANNING & ENVIRONMENT ACT 1987 PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No. 2020/001/PZ1
of Planning Permit No.
Issued on 31/8/95
Sheet 3 of 7 Town Planner *MAH*
Date: 24 / 7 / 08



ARCHITECT
Nelson Fender Pty Ltd
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Ground Floor
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Melbourne 3000
Victoria
Tel: 013 8883 8883

RESTAURANT / B.
FITZROY STREET
ST. KILDA

No. 1.
EITZBOY STREET B.

PROPOSED ROOF PLAN

DATE: OCT. 1985 TIME: 1:100a1A3 BY: 27.11.85

A12

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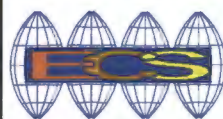
11 JUL 1950

PORT PHILLIP

RECORDING DEPT.

A12

10



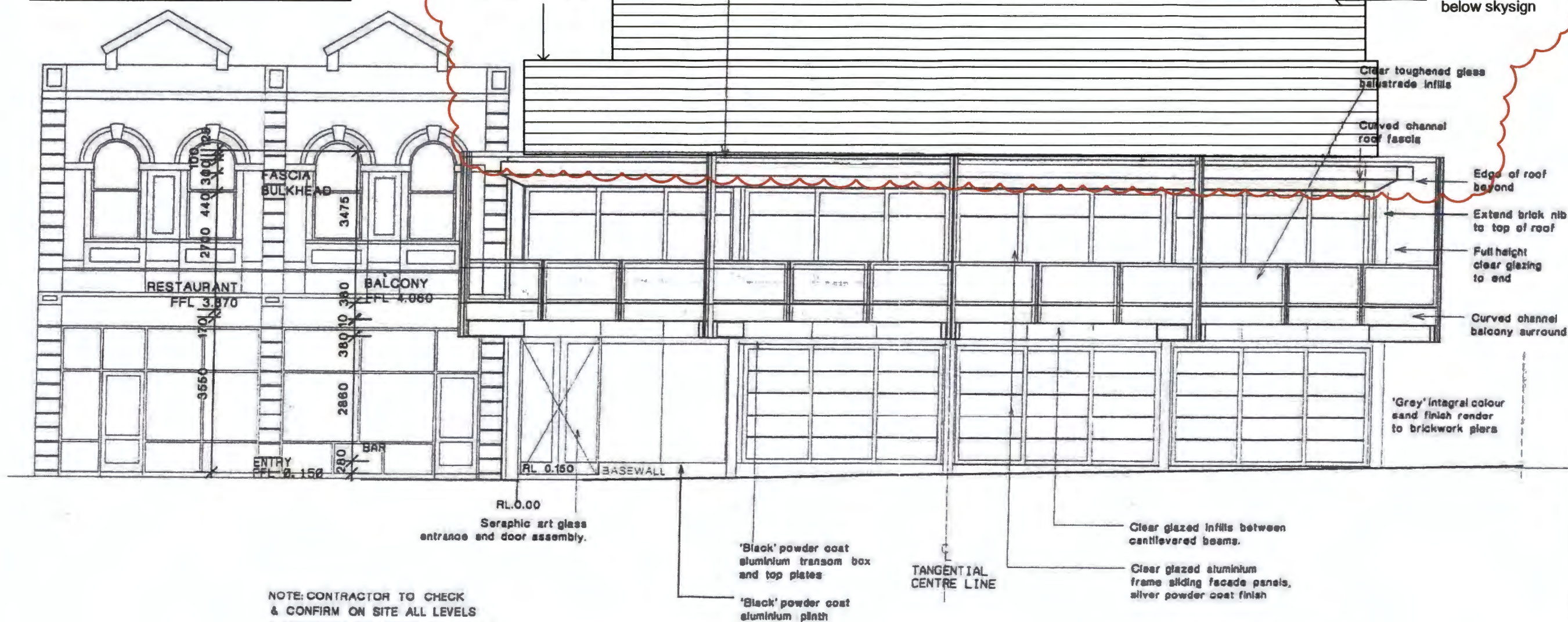
Suite 2, Level 1, Racecourse Rd, Flemington
P.O. Box 430, Flemington, Vic, 3031
Phone: 9376 3020, Fax: 9376 3935
Email: email@existingconditions.com.au
Web: existingconditions.com.au

Existing Conditions Surveys

Additional information has been added to original NFA architects drawings by Existing Conditions Surveys as shown by clouded areas.

Additional information added June 2008

Existing Conditions Surveys Drawing
reference Number: 08039
Date: 01-07-2008



NOTE: CONTRACTOR TO CHECK
& CONFIRM ON SITE ALL LEVELS
& LOCATION OF FOOTPATH & KERB.

PLANNING & ENVIRONMENT ACT 1987
PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No.

of Planning Permit No. 2070/001/P21

Issued on 31/8/95

Sheet 4 of 7 Town Planner

24 / 7 / 08

Note:
All exposed steel framing
and all fixings to be hot dipped
galvanized.

New cantilevered balcony.
Refer details and Engineer's drawings.

New sliding glass door assemblies.
Refer to detail section and elevations
for balustrading details.

All pergoles, balustrade and balcony
steelwork to be selected white paint finish.

Clear glazed infills between
cantilevered beams.

Clear glazed aluminium
frame sliding facade panels,
silver powder coat finish

All glazing throughout facades to be
toughened safety glass.
All glass to conform to AS1288.
Contractor to design, fabricate and install
glazing and framing assemblies throughout.
Contractor to submit shop drawings and samples
for approval prior to commencement of works.

Before any construction starts, the contractor shall provide a copy of this drawing to the relevant authorities for their approval. The contractor shall not commence any work until the relevant authorities have approved this drawing. The contractor shall be responsible for obtaining all necessary permits and approvals for this project.

Re: 01.02.95 GENERAL REVISIONS
PERMIT ISSUE



nfa

ARCHITECT
Nelson Fender Pty Ltd
ACN 050 482 434
Ground Floor
171 La Trobe Street
Melbourne 3000
Victoria
Tel: 03 9883 8883
Fax: 03 9883 8883

Project

RESTAURANT / BAR
1 FITZROY STREET
ST. KILDA

Project
No. 1
FITZROY STREET P/L

Drawing title

PROPOSED
WEST ELEVATION

Date: 27.11.95
Scale: A3
Project: 27.11.95

Drawn: Project:

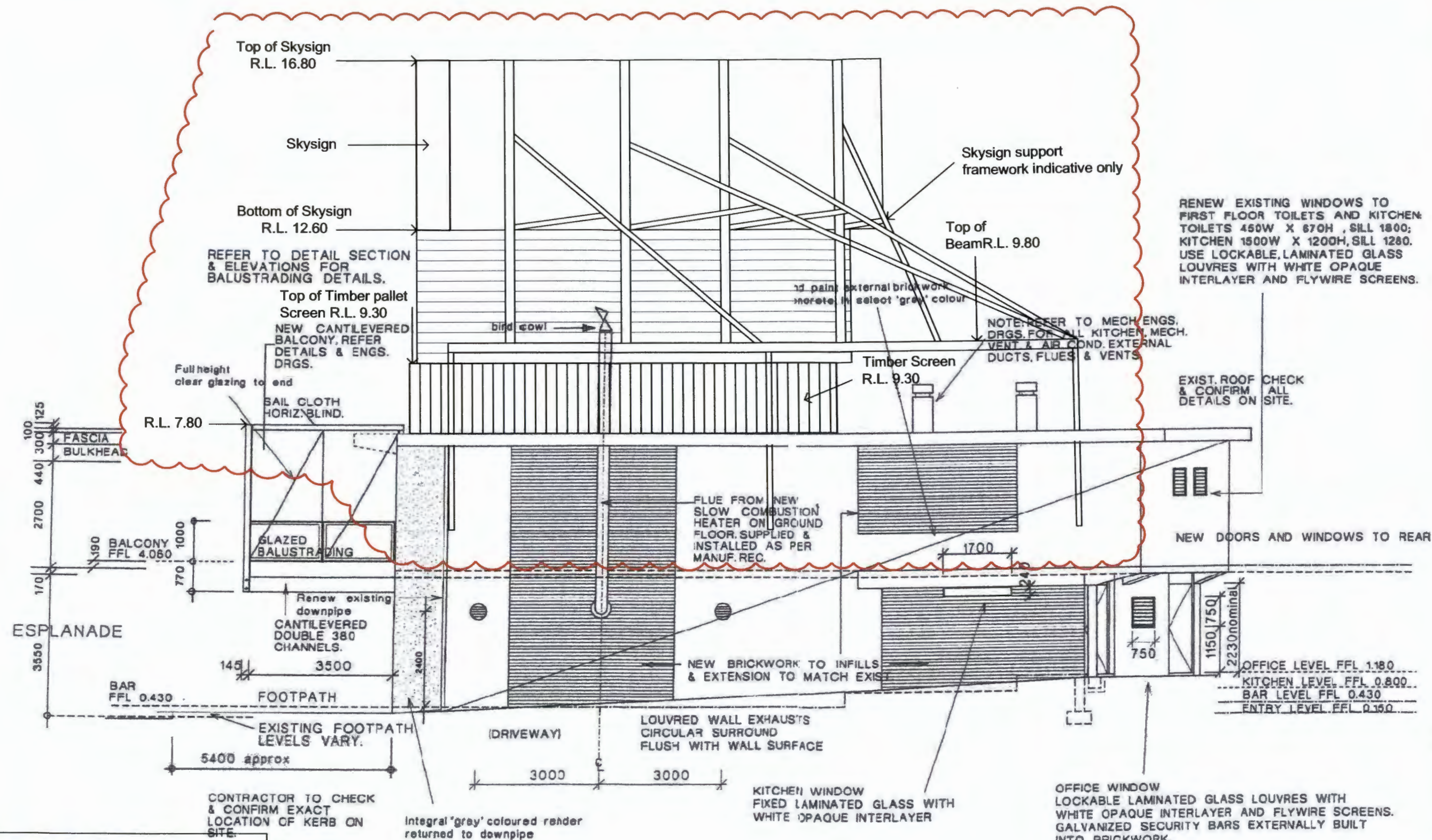
Checked: Revision: A

A13



Before construction of any building, the owner must obtain a planning permit from the Council. The permit must be obtained before any work is commenced. The permit must be obtained before any work is commenced. The permit must be obtained before any work is commenced.

Revised
A 01.12.95 GENERAL REVISIONS
PERMIT ISSUE
B 12.12.95 KITCHEN WINDOW R1



ARCHITECT
Nathan Fender Pty Ltd
NFA 060 492 434
Ground Floor
71 Leifroth Street
Melbourne 3000
Victoria
Tel: 03 9388 8883

Project
RESTAURANT/BAR
1 FITZROY STREET
ST. KILDA

Owner
No.1.
FITZROY STREET P/

Drawing title
PROPOSED
SOUTH ELEVATION

Date
OCT. 1995 1:100s1A3 27.11.95

Scale
A14



Suite 2, Level 1, Racecourse Rd, Flemington
P.O. Box 430, Flemington, Vic, 3031
Phone: 9376 3020, Fax: 9376 3935
Email: email@existingconditions.com.au
Web: existingconditions.com.au

Existing Conditions Surveys

Additional information has been added to original NFA architects drawings by Existing Conditions Surveys as shown by clouded areas.

Additional information added June 2008

Existing Conditions Surveys Drawing
reference Number: 08039
Date: 01-07-2008

PLANNING & ENVIRONMENT ACT 1987 PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No. 1

of Planning Permit No. 2020/001/PZ1

Issued on 31/8/95

Sheet 5 of 7

24 7 8

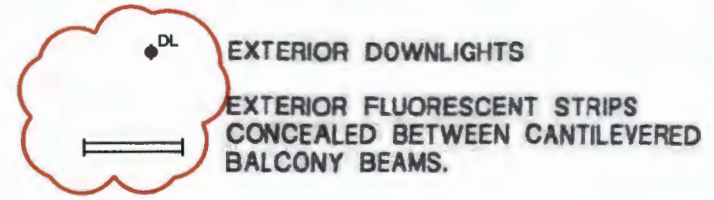


Submitter/Architect shall verify job data before any job commences. Figures shall state like procedures over actual work. Work shall be carried out to the Standard other drawings and site dimensions. All work shall be submitted to the Council and shall not commence prior to the return of shop drawings signed by the Architect.

Re: 1012/95 GENERAL REVISIONS PERMIT ISSUE
 1012/95 CARPAGES REVISED TO 1 NO. TANDER

GROUND FLOOR: TABLE SEATING 78 PATRONS

EXTERNAL LIGHTING



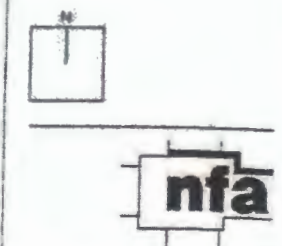
Existing Conditions Surveys
 Suite 2, Level 1, Racecourse Rd, Flemington
 P.O. Box 430, Flemington, Vic, 3031
 Phone: 9376 3020, Fax: 9376 3935
 Email: email@existingconditions.com.au
 Web: existingconditions.com.au

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 Additional information added June 2008

Existing Conditions Surveys Drawing
 reference Number: 08039
 Date: 01-07-2008

PLANNING & ENVIRONMENT ACT 1987
 PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No. 1
 of Planning Permit No. 2020/00/P21
 Issued on 31/8/95
 Sheet 6 of 7 Town Planner
 Date: 24 / 7 08



ARCHITECT
 Nation Fencer Pty Ltd
 ACN 051 282 154
 11 Calverley Street
 Melbourne 3000
 Tel: 03 9883 8883

RESTAURANT / E
 1 FITZROY STREET
 ST. KILDA

Owner
 No. 1,
 FITZROY STREET F

Drawing title
 SEATING LAYOUT
 PROPOSED
 GROUND FLOOR

Date: October 95 Scale: 1:100at A3 Plotdate: 05.12.95
 Drawn: Proj. no. Checked: Revision: B



FITZROY STREET

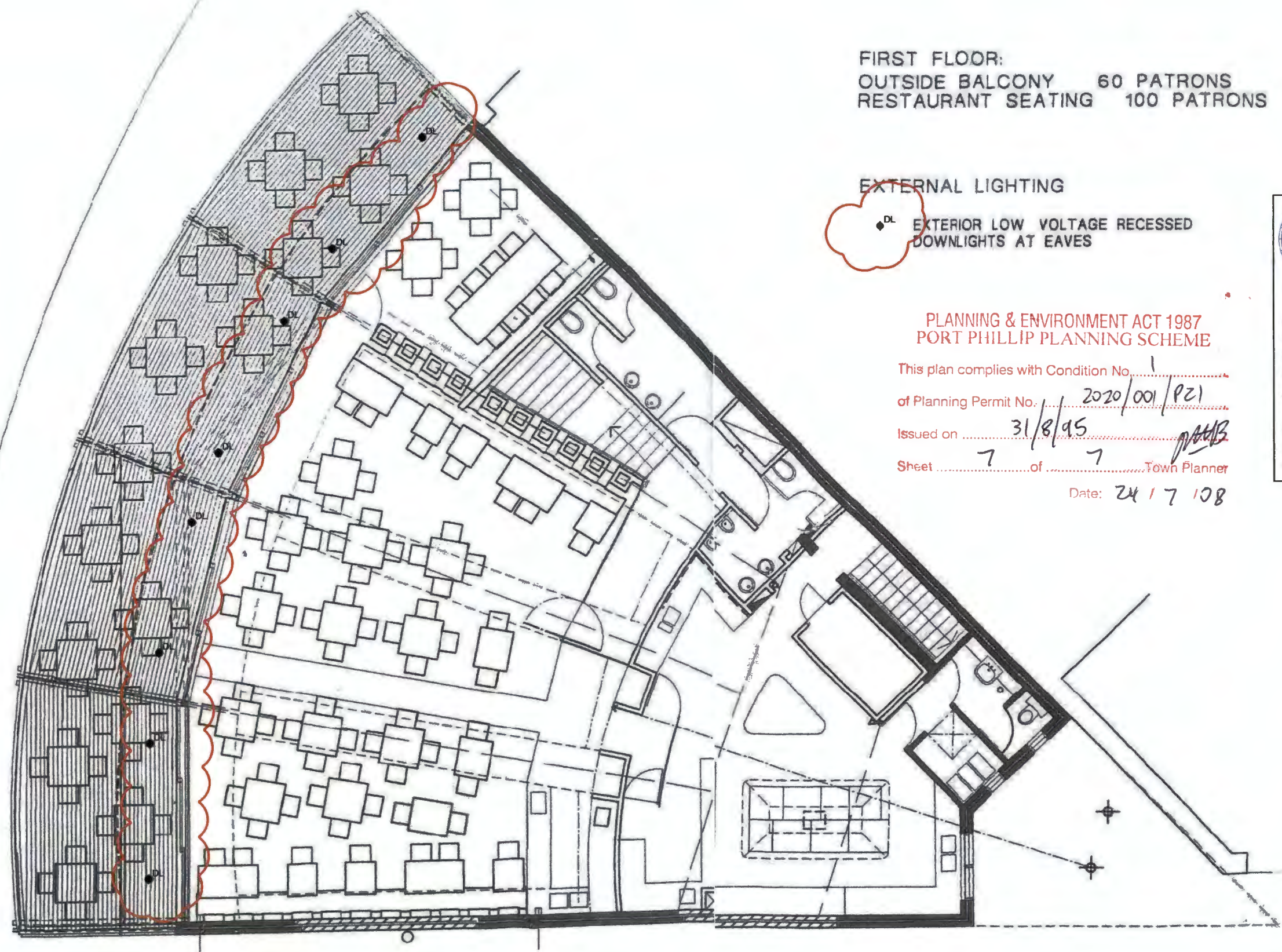
ESPLANADE

3 Florescent tubes

3 Florescent tubes

3 Florescent tubes

SITE BOUNDARY



FIRST FLOOR:
OUTSIDE BALCONY 60 PATRONS
RESTAURANT SEATING 100 PATRONS

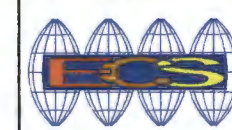
EXTERNAL LIGHTING
EXTERIOR LOW VOLTAGE RECESSED
DOWNLIGHTS AT EAVES

PLANNING & ENVIRONMENT ACT 1987
PORT PHILLIP PLANNING SCHEME

This plan complies with Condition No. 1
of Planning Permit No. 2020/001/PZ1
Issued on 31/8/95
Sheet 7 of 7 Town Planner
Date: 24 / 7 / 08

before any work commences. If the work is not completed by the date specified, the Architect shall be responsible for the cost of the work. The Architect shall be responsible for the cost of the work. The Architect shall be responsible for the cost of the work.

01.12.96 GENERAL REVISIONS
PERMIT ISSUE



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Additional information added June 2008

Existing Conditions Surveys Drawing
reference Number: 08039
Date: 01-07-2008



ARCHITECT
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Melbourne 3000
Victoria
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Fax: 03 8883 8883

Project
RESTAURANT / B
1 FITZROY STREET
ST. KILDA

Client
No. 1
FITZROY STREET P.

Drawing title

SEATING LAYOUT
PROPOSED
FIRST FLOOR PLAN

Date: 01.12.96 Scale: 1:100 Plotdate: 05.12.96
Drawn: Proj. no.:
Checked: Revision: TPS

RECEIVED
11 JUL 2003
PORT PHILLIP
COUNCIL DEPT.