



PLANNING COMMITTEE

MINUTES

24 MARCH 2022



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

The meeting opened at 6:30pm.

PRESENT

Cr Baxter (Chairperson), Cr Clark, Cr Copsey, Cr Crawford, Cr Cunsolo, Cr Pearl, 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 Acting
Coordinator Statutory Planning Lake Ward; Kirsty Pearce, Head of Governance; Emily
Williams, Governance Officer; Merryn Shaw, 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

An apology was received from Councillor Bond.

2. CONFIRMATION OF MINUTES

MOVED Crs Pearl/Crawford

That the minutes of the Planning Committee of the Port Phillip City Council held on 24
February 2022 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>

Public Question Time

- Michael Knight: I have a revised version of a document published a year ago, in February 2021 titled *Heritage Design Guidelines*. Is this document genuinely followed by your heritage advisers and the Planning Committee in making decisions in relation to additions and alterations related to heritage covered properties? The owners of the property at 1 Alfred Square used these guidelines to design additions and improvements to the property to the absolute letter of these guidelines, however when the heritage advisers were asked for advice it was rejected outright as being a proposal that wouldn't be supported. Are the guidelines a document that is genuinely adhered to in planning decisions or is it merely a guideline?

Donna D'Alessandro, Manager City Development advised that she was not familiar with the application referred to and not familiar with stage of the process, as to whether it's pre-application discussion or a planning application. She explained that the document was a guideline, with other aspects to be considered including the Heritage Policy in the Planning Scheme, and constraints that might apply to the surrounding sites. Donna undertook to contact Mr Knight to discuss the matter further.

Council Report Submissions:

Item 6 1 181 Acland Street St Kilda

- Vicki Dartnell
- Jim Howe
- Janet Rosenberg
- Jeremy Balcombe (Applicant)

5. COUNCILLOR QUESTION TIME

Nil.

6. PRESENTATION OF REPORTS

Discussion took place in the following order:

- 6.1 181 Acland Street, St. Kilda
- 6.2 Statutory Planning Delegated Decisions - January and February 2022



6.1 181 Acland Street, St. Kilda

PURPOSE

- 1.1 To determine an application for the use of the land for sale and consumption of liquor associated with bar/restaurant, barber and tattoo shop uses (all as of right uses – no permit required). The proposal also includes the minor buildings and works to the rear of the building consisting of a deck and vergola over and new single storey building (toilet/WC/storage).

MOVED Crs Sirakoff/Cunsolo

- 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 Planning Permit.
- 3.2 That a Notice of Decision to Grant a Planning Permit be issued for use of the land for sale and consumption of liquor under a general liquor licence relating to an as-of-right restaurant/bar along with buildings and works to the rear at ground level.
- 3.3 That the decision be issued as follows:

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to 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 generally in accordance with the plans forming part of the application but modified to show the following:
 - a) Fully dimensioned elevation plans detailing the vergola over the deck area and toilet block structures including materials, colours and finishes.
 - b) The rear amenities/storage block including the deck reduced in width by 1 metre to the north-west and to be fully contained within the land known as 181 Acland Street.
 - c) The door connecting the rear courtyard with the internal bar depicted as a swing door with self-closing mechanism adjoining the bi-fold doors.

Layout not altered

2. The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority

Noise Limiter

3. Before any live or amplified music is played at the premises, the Permit Operator must install and maintain a Noise Limiter ("the Device"), set at a level by a qualified acoustic engineer, to ensure the escape of amplified music does not exceed the requirements of Division 1 and 4 of Part 5.3 - Noise, of the Environment *Protection Regulations 2021* to the satisfaction of the Responsible Authority.

Noise Report confirming Noise Limiter Function:

4. Before any live or amplified music is played at the premises, a report prepared by a suitably qualified Acoustic Consultant must be submitted to, approved by and be to the satisfaction of Responsible Authority and must confirm that the Noise Monitor and Limiter noted in the previous condition ("the Device") is



operating and has each and every of the following characteristics which are also operating:

- a) the Device limits internal noise levels so as to ensure compliance with the music noise limits according to Division 1 and 4 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority;
- b) The rear amenities/storage block including the deck reduced in width by 1 metre to the north-west and to be fully contained within the land known as 181 Acland Street.
- c) The door connecting the rear courtyard with the internal bar depicted as a swing door with self-closing mechanism adjoining the bi-fold doors.
- d) the Device controls are in a locked metal case that is not accessible by personnel other than a qualified acoustic engineer or technician nominated by the owner of the land and notified to the Responsible Authority;
- e) the Device is installed to control all amplification equipment and associated loudspeakers;
- f) the Device is set in such a way that the power to the amplification equipment is disconnected for 15 seconds if the sound level generated by the amplification equipment exceeds for one second the maximum sound level for which the monitor is set;
- g) the monitor level component of the Device includes a calibratable frequency discriminating sound analyser with an internal microphone incorporated in its own tamper-proof enclosure (beyond the normal reach of a person). Such a sound analyser will indicate by green, amber and red illuminated halogen lamps the approach and exceeding of the set maximum noise level. The lamps must be in the clear view of the staff and any disc jockey in the room;
- h) the Device must prevent a relevant noise level referred to in these conditions being exceeded;
- i) which report demonstrates compliance with Division 1 and 4 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority.

Once submitted and approved the noise report will be endorsed to form part of the permit.

Music Only through Noise Limiter

5. Live or amplified music is not permitted to be played other than through the Permanently Installed Sound System and when the Device is installed and operating to ensure compliance with Division 1 and 4 of Part 5.3 - Noise, of the *Environment Protection Regulations 2021* to the satisfaction of the Responsible Authority.



Patron Numbers

6. No more than 50 patrons must occupy the entire premises during operating hours including a maximum of 20 patrons contained within the outdoor courtyard area during operating hours.

Amenity

7. The amenity of the area must not be detrimentally affected by the development or use of the rear courtyard 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.

Operating Hours

8. The licensed premises may operate only between the hours of 11am to 11pm internally and 11am to 10pm externally (courtyard area) on any day.

Environment (Noise) Protection Regulations 2021

9. Noise levels must not exceed the permissible noise levels stipulated in Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) 2021 for Residential Premises, Commercial, Industrial and Trade Premises and Entertainment Venues and Outdoor Entertainment Events to the satisfaction of the Responsible Authority.

No off premises liquor

10. No liquor is permitted to be sold for consumption away from the licensed premises.

Rear door

11. The opening in the rear of the building (where leading to the rear courtyard) must be operated in such a way as to contain noise within the building and ensure that relevant Environment Noise Protection Regulations (Divisions 1 & 4, Part 5.3) requirements are met and the door leading to the rear courtyard area must remain closed after 10pm, other than allowing access to the toilets.

Responsible Serving of Alcohol

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

Waste Management

13. An adequate waste management arrangement must be provided for the premises, in accordance with Council's Community Amenity Local Law No.3.

Disposal times

14. No disposal of bottles or drink containers may take place after 10.00 p.m. or before 8.00 a.m. on any day of the week, unless with the further consent of the Responsible Authority.



Loading/unloading

15. All loading and unloading to the tenancy must only occur between 8am to 6pm Monday to Friday and 9am to 6pm Saturdays and Sundays.

Time for starting and completion

16. This permit will expire if the following circumstance applies:
- a) The permitted use is not started within two years of the date of the permit.
 - b) The permit buildings and works are not started within two years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing:

- before or within 6 months after the permit expiry date, where the development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expires and
- Before or within 6 months of this permit if the permitted use has not started.

A vote was taken and the MOTION was CARRIED unanimously.

6.2 Statutory Planning Delegated Decisions - January and February 2022

Purpose

- 1.1 To present a summary of all Planning Permits issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

MOVED Crs Copsey/Pearl

That the Committee:

- 3.1 Receives and notes the January and February 2022 reports (Attachment 1) regarding the summary of all Planning Decisions issued in accordance with the Schedule of Delegation made under the Local Government Act 2020 and Section 188 of the Planning & Environment Act 1987 adopted by Council on 24 July 1996 and as amended, for the Port Phillip Planning Scheme.

A vote was taken and the MOTION was CARRIED unanimously.

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7. URGENT BUSINESS

Nil.

8. CONFIDENTIAL BUSINESS

Nil.

As there was no further business the meeting closed at 7:03pm.

Confirmed: 28 April 2022

Chairperson _____