



St Kilda Live Music Precinct Planning Study

Stage 2: detailed investigations & recommendations

Prepared by Hansen Partnership
16 April 2024

© Hansen Partnership 2024.

This document has been published by
Hansen Partnership Pty Ltd.

Hansen Partnership

Level 10 150 Lonsdale St
Melbourne VIC 3000

T 03 9654 8844

E info@hansenpartnership.com.au

W hansenpartnership.com.au

ABN 20 079 864 716

This document is copyright. Apart from any use as permitted under the Copyright Act 1968, no part may be reproduced by any person or process without the prior written permission of Hansen Partnership.

Contents

1.	Context & role of report	3
1.1.	Project scope.....	3
1.2.	Stage 2 Project aims & guiding principles.....	4
1.3.	A brief history of live music in St Kilda	6
2.	Stage 1 documentation review: overview	7
2.1.	Overview of legislative framework	8
2.2.	Existing Port Phillip Planning Scheme policy framework	10
2.3.	Live music entertainment venues and the Port Phillip Planning Scheme.....	15
3.	Commentary on associated background documents.....	17
3.1.	Live Music Action Plan: 2021-24 (2021)	17
3.2.	St Kilda Live Music Precinct Policy (2023)	18
3.3.	Spatial Economic & Employment Framework (2023)	19
4.	Review of Stage 1 SKLMP Boundary	20
4.1.	Methodology for SKLMP boundary review	23
	Stage 1 Report proposed use of potential sub-precincts within SKLMP	24
	Stage 1 Report – proposed expansion to SKLMP boundary	25
	Map legend for inset plan analysis maps	26
	Application of buffer area of public land	27
	St Kilda Station / Metropol Apartments.....	28
	Newmarket Hotel, 36 Inkerman Street, St Kilda	29
	West Beach expansion	31
	General boundary refinements	32
	SKLMP boundary: comparative analysis map.....	39
	Recommended Stage 2 SKLMP boundary.....	40

5.	Detailed Stage 1 documentation review	41
5.1.	Stage 1 Planning Propositions: review	41
	Proposition 1: Use of Schedule to Clause 53.06.....	41
	Proposition 2: undertake further acoustic analysis	42
	Proposition 3A: apply Clause 53.05 to venues of frequent use.....	43
	Proposition 3B: apply Clause 53.05 to venues of infrequent use	45
	Proposition 4A: update local planning policy framework	46
	Proposition 4B: clarifying definition of 'live music entertainment'	48
5.2.	Additional planning considerations.....	49
	Planning consideration 1 – technical noise attenuation analysis	49
	Planning consideration 2 – live music entertainment venue register	50
	Planning consideration 3 – additional economic and social research.....	50
	Planning consideration 4 – residential use at upper levels in 'core area'	51
	Planning consideration 5 – designation of Public Open Spaces within the SKLMP	51
6.	Current guidance: Planning Scheme implementation	53
6.1.	PPN61: Licensed premises: Assessing cumulative impact.....	53
6.2.	PPN81: Live Music and Entertainment Noise	54
7.	Stage 2 Planning Scheme Amendment implementation	56
7.1.	Provision of positive policy support for SKLMP	57
7.2.	Proposed Schedule to Clause 53.06	58

Appendices

Appendix 1: CoPP Preliminary SKLMP Boundary

Appendix 2: Comparison of CoPP Preliminary SKLMP boundary & Hansen's proposed revisions

Appendix 3: Stage 2 SKLMP boundary

Appendix 4: Planning Scheme Amendment documentation

1. Context & role of report

Hansen Partnership (Hansen) have been engaged by the City of Port Phillip (CoPP) to assist with the formal implementation of the St Kilda Live Music Precinct (SKLMP) within the Port Phillip Planning Scheme. This scope of works is referred to as Stage 2. Stage 1 background investigation and analysis work was prepared by Hodyl & Co for the CoPP, in partnership with Echelon Planning and Enfield Acoustics in 2022¹.

1.1. Project scope

The project scope broadly involved the following tasks:

- **Stage 1 documentation review** involving analysis of identified issues, challenges, opportunities, and actions.
- **Detailed testing and analysis of key Stage 1 recommendations** including:
 - Proposed expanded Stage 1 precinct boundary for the SKLMP.
 - Proposed use of sub precincts within the SKLMP.
 - Proposed use of Clause 1.0 of the schedule to Clause 53.06 to designate the SKLMP as an area where Clause 53.06 applies (Stage 1 Proposition 1).
 - Alternative acoustic attenuation standard to noise-sensitive residential uses within the SKLMP, in combination with advocacy to the State Government for changes to the Environment Protection regulations to facilitate this outcome (Stage 1 Proposition 2).
 - The proposed use of Clause 3.0 of the schedule to Clause 53.06 to expand the definition of a 'live music entertainment venue' to apply to select venues used for frequent live music performances and live music activities (Stage 1 Proposition 3A).
 - The proposed use of Clause 3.0 of the schedule to Clause 53.06 to apply to the select music venues currently used for infrequent live music events (Stage 1 Proposition 3B).
 - The proposed use of the Local Planning Policy Framework to formally identify the SKLMP and prioritise the establishment of live music entertainment venues within the precinct, while also applying the 'agent of change' principle (Stage 1 Proposition 4A).
 - The definition of 'live music entertainment' to specifically exclude amplified pre-recorded music (Stage 1 Proposition 4B).
- **Develop Stage 2 recommendations** as part of the proposed implementation of the SKLMP into the Port Phillip Planning Scheme while ensuring recommendations align with State and local planning policies.
- **Document Stage 2 analysis and recommendations**, and ensure the report is clear and concise in summarising the methodology, detailed analysis, well-justified recommendations, and draft planning provisions.
- **Drafting of planning scheme provisions** for the Port Phillip Planning Scheme using a robust and justifiable suite of VPP planning tools and policies to appropriately implement the SKLMP.
- **Stakeholder engagement** with key stakeholders, including the Department of Transport and Planning (DTP) and the Environmental Protection Agency (EPA) on the proposed scope and approach to the implementation of the SKLMP into the Port Phillip Planning Scheme.

¹ - *St Kilda Precinct Planning Study Report*, Hodyl & Co, Echelon Planning and Enfield Acoustics. July 2022

1.2. Stage 2 Project aims & guiding principles

The review of the Stage 1 documentation and the draft planning propositions forms the basis of Stage 2. In noting that, the Stage 1 Report covers a range of issues and considerations relating to matters within and beyond the realms of town planning, it is reiterated that the scope of the Stage 2 engagement only relates to and addresses planning and Planning Scheme related matters.

The aim of the report is to 'bridge the gap' between the Stage 1 identification of 'issues and opportunities', and the findings and recommendations documented in this report. Specifically, Stage 2 focusses on the appropriate implementation of the SKLMP and associated planning policies within the Port Phillip Planning Scheme, in line with current and relevant State Government guidance on the appropriate use of planning controls.

This report primarily functions to:

- Identify potential information gaps or implementation issues with the Stage 1 Report and appendices.
- Provide commentary on related reports and documentation which influences the potential implementation of the SKLMP into the Port Phillip Planning Scheme.
- Provide a summary of current State Government guidance relating to the implementation of the SKLMP within the Port Phillip Planning Scheme.
- Provide an explanation of the methodology for the review and confirmation of the proposed SKLMP boundary.
- Provide a summary and strategic justification of proposed the implementation of the SKLMP and the associated planning policy framework within the Port Phillip Planning Scheme.

A number of guiding principles have been devised to ensure Stage 2 remains focused on the Planning Scheme implementation and associated planning considerations. This also functions to highlight that live music venues operate in a complex legislative and regulatory environment. Live music entertainment venues and music noise intersects with several policy and regulatory areas, including planning, noise, liquor licensing, building, local laws and local policies, where many aspects can operate outside of the planning legislative environment.

Stage 2 investigations seek to implement positive strategic policy support via newly drafted Clauses and Policies within the Port Phillip Planning Scheme. The nominated Stage 2 guiding principles are:

- Ensure Stage 2 focuses on the broader benefits of seeking to include the SKLMP and associated policy support within the Port Phillip Planning Scheme as a designated precinct where live music entertainment venues are specifically encouraged.
- Acknowledge that the implementation of the SKLMP into the Port Phillip Planning Scheme framework cannot address all complex land-use and live music entertainment venue operation issues, given that planning is only part of the overall legislative framework, briefly outlined in Section 2.1.
- A detailed noise analysis can be undertaken once the SKLMP is identified and strategically justified in the Planning Scheme.
- Ensure that proposed policy content assists with the management of land-use and the implementation of the 'agent of change' principle by requiring applications to be considered on a case by case basis (i.e. either a new live music entertainment venues or new noise sensitive residential use).

(continued)

- Accept that there are operational limitations with *Clause 53.06 Live Music Entertainment Venues*, including:
 - Clause 53.06 has no influence over existing sensitive residential uses within proximity of existing live music entertainment venues.
 - Clause 53.06 applies to an application required under any zone of this scheme to use land for a live music entertainment venue, or to construct a building or construct or carry out associated works. An example of where the Clause may not apply is where live music is provided ancillary to a 'food and drink premises' which is as-of-right within the Commercial 1 Zone (C1Z). In such circumstances, the EPA Regulations, Local Laws, and Liquor Licencing are relevant considerations, which require venues to comply with:
 - The EPA Noise Limit and Assessment Protocol for the control of noise from commercial, industrial and trade premises, and entertainment venues 2021 (Noise Protocol).
 - Footpath Trading Permits issued under the Local Law.
 - Liquor Licences issued by Liquor Control Victoria (LCV) in support of the Victorian Liquor Commission under the Liquor Control Reform Act 1998 and regulations relating to the supply and consumption of liquor in Victoria.
 - Although Clause 53.06 addresses new live music entertainment venues, the schedule to the Clause does not provide a way to implement a standard noise attenuation design response to address the Environment Protection Regulations under the Environment Protection Act 2017 for:
 - New sensitive residential uses with an aim to protect the opportunity for future live music entertainment venues, or;
 - For new live music entertainment venues to protect existing sensitive residential uses.
 - Clause 53.06 does not address liquor use but a planning permit is typically required under Clause 52.27 to use land to sell or consume liquor.
 - Clause 53.06-3 includes a requirement for a noise-sensitive residential use to align with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017. In this content it is highlighted that the intent of the SKLMP Planning Study and subsequent planning controls to be implemented are intended to support, not contradict, EPA regulations.
- These issues do not preclude the broader benefits of seeking a Planning Scheme Amendment to implement the SKLMP and associated policy framework within the Port Phillip Planning Scheme to support and encourage live music entertainment venues with targeted areas of St Kilda.
- The SKLMP covers both public and private land. For all outdoor live music entertainment related events held on public land, Council will hold ultimate control over whether these activities potentially cause noise impacts through licencing and lease arrangements. In this context, the proposed planning policy framework can acknowledge public land, but the ultimate responsibility falls to Council (i.e. outside of the planning system), to ensure such events are appropriately managed and delivered to avoid noise and other amenity impacts.

1.3. A brief history of live music in St Kilda

It is without question St Kilda's live music scene has a significant legacy which is recognised nationally and internationally. This recognition is strongly focused on the emergence of Melbourne's nascent punk/post-punk scene of the 1970's and early 1980's, pivotally centred around venues such as The George Ballroom, St Kilda. One particularly notable band was The Boys Next Door, which included members Nick Cave, Roland S. Howard and Mick Harvey; each who have since gone on to significant international acclaim, through solo careers and via bands such as The Birthday Party, Nick Cave and the Bad Seeds, and The Dirty Three. The City of Port Phillip highly values its connection to the music industry. This is demonstrated by the naming of a local laneway in honour of the late Roland S. Howard, a respected local music figure. Likewise, other Australian artists such as Paul Kelly and Dead Can Dance had their modest beginnings in the St Kilda live music scene, before rising to international acclaim.

As an observation of the now legendary St Kilda music scene of the 1980's and 1990's, it was able to flourish based on the local demographics, which consisted of a community of artists, musicians and students who were attracted by affordable rent and nightlife. With its numerous live music venues, pubs and restaurants, it ensured St Kilda became a key nightspot destination in Melbourne, and often preferred over Richmond, Fitzroy and the CBD. Consequently, St Kilda nightlife was extremely vibrant and busy during the decades of the 1980's and 1990's.

However, in recent decades St Kilda's nightlife and live music scene has been in a state of gradual decline, although key venues remain such as: The Palais, The Espie Gershwin Room and The Prince Bandroom. These are further supported by smaller boutique venues such as The Vineyard, Dogs Bar, George Lane, The Fyrefly, Memo Music Hall, Lost For Words, and Jono's Piano Bar to name a few. A key factor of influence for the gradual diminishing of St Kilda's nightlife and live music scene was the deregulation of liquor licencing laws in the late 1990's. That legislative change resulted in the role of St Kilda as a nightspot destination being undermined, as a proliferation of smaller nightspot venues were established across inner Melbourne. This significant change in Melbourne's nighttime economy during the late 1990's and early 2000's was also coupled with St Kilda going through a period of transition and gentrification. With rising rents, many of the local artists, musicians and students moved on, while numerous venues were closed or refurbished and re-purposed for a new clientele. These factors have had the combined effect of gradually diminishing the vibrancy and activity of St Kilda's nightlife and associated live music scene through to today.

The above paints a brief picture of the evolution of St Kilda live music scene over recent decades. However, the objective of establishing a St Kilda Live Music Precinct is not to replicate historical conditions. Rather, it is about developing appropriate planning policy mechanisms which can assist in supporting live local music and allowing opportunity for a new music scene of today to establish and flourish. By seeking to develop positive policy support for both small and large scale venues, it will assist in fostering the growth and development of a new generation of musicians, as well as hosting established artists of local, national and international status.

2. Stage 1 documentation review: overview

As part of the Stage 2 scope of works, a desktop review of the Stage 1 Report and appendices has been undertaken. This review has focused on the Stage 1 commentary and propositions relating to potential Planning Scheme implementation. This review seeks to determine whether there are any critical issues or information gaps which need to be addressed prior to the implementation of the SKLMP into the Port Phillip Planning Scheme. The review of the Stage 1 Reports included a broad level review of a number of the background reports which underpin and inform it, and included:

- Appendix A: Planning Technical Report, by Echelon Planning (V3, 28 June, 2023)
- Appendix B: Planning Proposition Report, by Echelon Planning (V3, 28 June, 2023)
- Appendix C: Noise Analysis Technical Report, by Enfield Acoustics (24 May, 2023)²

Stage 1 has identified planning issues and opportunities, as well as additional concerns that fall beyond the scope of Stage 2. Stage 2 functions to delve into planning issues and opportunities in greater depth. A review summary of the Stage 1 Report and appendices is as follows:

- Although the main Stage 1 Report is titled *St Kilda Live Music Precinct Planning Study Report*, it is noted to cover a significantly wider scope than Planning Scheme related considerations alone.
- The Stage 1 Report documents that the planning and regulatory framework for live music and potential impacts for music noise is complex, and highlights the planning and regulatory environment for live music and music noise intersects with several policy and regulatory areas, including planning, noise, liquor licensing, building, and municipal strategies and policies.
- The Stage 1 Report and appendices build upon the preliminary SKLMP boundary developed by Council, but making some notable variations, including the designation of a number of sub-precincts, and an expansion of the boundary to include all Mixed Use Zone (MUZ) land within the Greeves Street Mixed Activity Precinct (refer to Page 23 of the Stage 1 Report).
- It is further noted that the Stage 1 Report and appendices stop short of making clear recommendations for proposed Planning Scheme implementation. Instead, they put forward several propositions for further investigation. These propositions constitute the focal point of the Stage 2 scope of works.

As an overarching observation of the Stage 1 Report and appendices, it is considered to be a detailed and robust document insofar as it provides a fine grain analysis of the types of issues and opportunities facing the establishment of the SKLMP under *Clause 53.06 Live Music Entertainment Venues*, both within and outside of the Planning Scheme.

The Stage 1 Report and appendices refrains from offering explicit implementation recommendations; instead, they present a set of 'planning propositions'. A key focus of the current scope of works is to undertake a review of the nominated 'planning propositions' (refer to Section 4.1 of this report), with a view to making clear recommendations relating to formal implementation within the Port Phillip Planning Scheme and preparing necessary drafts of required Planning Scheme amendment documentation.

Further targeted analysis and testing was conducted, with findings and outcomes documented in following sections of the report. This methodology is discussed further in Section 3.0.

² NOTE: this report was reviewed from a generalist planning (i.e. non-technical) perspective.

2.1. Overview of legislative framework

The framework regulating live music venues primarily revolves around three key Acts, including:

- *The Planning and Environment Act 1987* - the purpose of which is to establish a framework for planning the use, development and protection of land in Victoria.
- *The Environment Protection Act 2017* - which is to prevent pollution and environmental damage by setting environmental quality objectives and establishing programs to meet them.
- *The Liquor Control Reform Act 1998* - which is the primary piece of legislation regulating the supply and consumption of liquor in Victoria.

This framework consists of interconnected systems of controls that overlap, meaning a change in one will affect the others. However, it is acknowledged that the City of Port Phillip has the authority to only make changes to the Port Phillip Planning Scheme, which is the main focus of this Stage 2 Report. In recognition of the broader legislative framework, Stage 2 work has sought to ensure that proposed modifications to Port Phillip Planning Scheme to implement the St Kilda Live Music can work with and alongside other Acts.

Environmental Protection Authority (EPA) Regulations

Entertainment venue noise is regulated by Part 5.3, Division 4 of the Environment Protection Regulations 2021 (the Regulations). The objectives of the Regulations are to further the purposes of, and give effect to, the Environment Protection Act 2017 which is administered by the EPA.

The Regulations are supported by the Environment Protection Authority's publication 1826.4: Noise limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (May, 2021) (the Noise Protocol).

The Noise Protocol prescribes the methodology for assessing effective noise levels to determine unreasonable noise under the Regulations. Part II of the Noise Protocol applies to entertainment venues and events.

Liquor licensing

The Liquor Control Reform Regulations 2023 (the Liquor Control Reform Regulations) were made on 25 July 2023 and operate from 29 July 2023.

The Liquor Control Reform Regulations are made under the Liquor Control Reform Act 1998 (the Liquor Control Reform Act). The Liquor Control Reform Act and Liquor Control Reform Regulations are the key components of the regulatory framework for liquor in Victoria. The Liquor Control Reform Regulations prescribe several measures including:

- Information requirements for licence applications (or to vary current licences).
- The setting of consistent and equitable liquor licence application and renewal fees.
- Minimum standards for security cameras required as a condition of licence.

The Victorian Liquor Commission is responsible for the regulation of liquor in Victoria. It is supported by Liquor Control Victoria in the Department of Justice and Community Safety.

Australian Building Code

The Australian Standard for Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors – AS 2107:2000 (AS2107) standard is primarily intended to be applied to steady noise sources, such as road traffic, and mechanical plant noise. This standardised measure does not acknowledge that music noise presents variable noise characteristics – specifically low frequency and rhythmic qualities that can interrupt sleep.

The noise standards in the Regulations were developed specifically to protect residents from unreasonable and aggravated noise from entertainment venues. The Regulations recognise that music noise can have a more significant effect on residents than other urban noises.

It prescribes separate noise limits for the day and evening period and for the night period for an indoor venue, taking into consideration the characteristics of music noise which need to be assessed differently to more broadband noise sources. The standards in the Port Phillip Planning Scheme Clause 53.06-3 Live Music Entertainment Venues for a noise sensitive residential use operate together with the Part II of the Noise Protocol applies to entertainment venues and events to protect the amenity of residents while inside, when windows and external doors are closed.

Planning

The Planning and Environment Act 1987 (the Act) requires that a planning scheme:

- Must seek to further the objectives of planning in Victoria within the area covered by the scheme.
- May make any provision that relates to the 'use', 'development', 'protection' or 'conservation' of any land in the area.

Several Port Phillip Planning Scheme provisions acknowledge the cultural value of music to the municipality. The Planning Scheme supports and protects existing and proposed entertainment venues, whereby the existing framework is covered in more detail in the following section of this report.

The Minister for Planning has the overall responsibility for the Act and the planning system. The City of Port Phillip is generally both a planning authority and responsible authority, responsible for preparing and administering the Port Phillip Planning Schemes.

2.2. Existing Port Phillip Planning Scheme policy framework

The existing policy framework of the Port Phillip Planning Scheme is relevant to frame the Stage 2 review and analysis. A summary of key themes, strategic directions, clauses and policies are briefly outlined below:

Clause 02.01 - Context

This local level Clause outlines a high-level context for the CoPP, including:

- Is an inner-city area of approximately 21 square kilometres and 11 kilometres of bay foreshore.
- Traditional owners of the land of Port Phillip are represented by the Bunurong Land Council Aboriginal Corporation (BLCAC) and Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation (WWWCHAC).
- CoPP is the most densely populated municipality in Victoria with more than twice the population density of the metropolitan Melbourne average.
- One of the earliest European settlements in the metropolitan area, CoPP contains neighbourhoods each with its own character, defined by heritage buildings, strip shopping precincts and treelined streets.
- CoPP contains some of the most popular tourist destinations in metropolitan Melbourne, attracting more than 2.8 million visitors each year.

Clause 02.02 - Vision

This local level Clause outlines details relating to the municipal vision for the CoPP, including:

- The City of Port Phillip Plan 2017 – 2027 nominates a vision for Port Phillip to be ‘Beautiful, Liveable, Caring, Inviting, Bold and Real’.
- It further notes that: ‘The vision is shaped by a desire to celebrate history, protect character, and encourage inclusion and creativity, while planning for the future of a dynamic and evolving City’.
- As relevant to the current project, it further nominates that Port Phillip will be a city:
 - That is creative and prosperous with a dynamic economy that connects and grows business as well as bringing arts, culture and creative expression to everyday life.
 - Of vibrant activity centres and employment areas, providing high accessibility to goods and services and prosperous conditions for all residents and businesses.
 - That is inclusive; where community diversity and harmony are sustained and encouraged, and where members of our community feel connected through a strong sense of place and can participate in community life.
 - With a healthy and safe environment for residents, workers and visitors.

Clause 02.03-1 Settlement – Activity Centre

This local level Clause outlines details of activity centres within the CoPP. The St Kilda (Fitzroy/Acland Streets) Major Activity Centre is specifically relevant to the current matter. Further outlined details include:

- St Kilda (Fitzroy/Acland Streets) are nominated as one of four Major Activity Centres in Port Phillip.
- Port Phillip activity centres perform a range of retail, commercial, entertainment and housing functions.
- Individual distinctiveness and diversity of the activity centre plays an important part of Port Phillip's identity, which needs to be protected and reinforced.
- Such activity centres have an important role in supporting and hosting visitation, including local and regional entertainment, while cultural tourism should continue to be provided and managed to minimise adverse effects on amenity.
- Council supports the distinct identity and social and cultural role of each centre.

Clause 02.03-6 Economic development

This local level Clause outlines details of economic development considerations for the St Kilda (Fitzroy/Acland Streets) Major Activity Centre including:

- The range of entertainment uses, facilities and festivals provided across key precincts are an important part of the local economy and contribute to the municipality's strong cultural identity.
- A key challenge is in balancing the social, economic and cultural benefits of tourism and entertainment uses (particularly live music venues, licensed premises and gaming venues), with minimising social harm and protecting residential amenity to ensure that Port Phillip continues to be a desirable place to visit and to live.
- Port Phillip has a vibrant arts scene, and it is important that arts and cultural activities are supported.
- Supporting an environment in which arts and creative industries can flourish.
- Supporting a local tourism industry and entertainment precincts that respect safety, amenity and the natural environment.

Clause 02.04 Strategic Framework Plans

This local level Clause contains a number of thematic based Framework Plans which are to be read in conjunction with designated strategic directions of Clause 02.03. Specifically, a number of the framework plans map out the extent of the St Kilda (Fitzroy/Acland Streets) Major Activity Centre, as well as the Greeves Street Mixed Use and Office area.

Clause 11.03-1L-06 St Kilda Major Activity Centre

This local level Clause outlines targeted details for the St Kilda (Fitzroy/Acland Streets) Major Activity Centre including:

- Contains an objective to reinforce the St Kilda Major Activity Centre as a significant retail, recreational, tourism, entertainment and leisure destination, whilst managing the cumulative impacts on local amenity and community safety.
- Seeks to retain the spacious boulevard atmosphere of Fitzroy Street and promote its tourism and entertainment role of Fitzroy Street.
- Maintain the local retail servicing role, including core retail along Fitzroy Street between Princes and Acland Streets.
- Encourage office and non-retail commercial uses north of Princes Street and facilitate a transition to St Kilda Junction.
- Encourage non-retail commercial uses and residential development on the north-west side of Fitzroy Street, between Beaconsfield Parade and Canterbury Road.
- Promote the tourism and entertainment role of Acland Street, while retaining the distinctive village atmosphere and local retailing services role.

Clause 13.05-1S Noise management

As a State level policy, it contains an objective to assist the management of noise effects on sensitive land uses. Likewise, as relevant to the current project, it includes a cross reference to external policies and guidelines including: Environment Protection Regulations under the Environment Protection Act 2017 and Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826, Environment Protection Authority, May 2021).

Clause 13.07-3S – Live music

This State level policy is of key relevance to the current project works, and warrants quoting in full:

Objective

To encourage, create and protect opportunities for the enjoyment of live music.

Strategies

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Policy guidelines

Consider as relevant:

- *The social, economic and cultural benefits to the community of:*
 - *Retaining an existing live music venue.*
 - *The development of new live music entertainment venues.*
 - *Clustering licensed premises and live music venues.*

Clause 17.04-1L - Tourism and the arts

This local level Clause outlines relevant considerations including:

- Contains an objective to promote Port Phillip as a premier tourist and arts destination.
- Seeks to encourage tourist attractions with local, national and international appeal, that offer local community benefits and limit negative amenity and environmental impacts.
- Provides a range of facilities and infrastructure (including 'wayfinding' amenities and signage) in appropriate locations that support tourism needs and improve access to Port Phillip's attractions.

Beyond the planning policy framework summarised above, a range of existing zones apply within the study area and influence landuse and development, which are briefly outlined within Section 3.0 below.

Clause 52.27 Licenced Premises

This State level policy is relevant as typically live music is facilitated within licenced premises.

The two listed purposes of Clause 52.27 are nominated as:

- To ensure that licensed premises are situated in appropriate locations.
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Additionally, Clause 52.27 outlines instances where a permit is required to use land to sell or consume liquor, in addition to nominating some relevant exemptions.

The listed decision guidelines primarily address amenity relating considerations that the responsible authority must consider, as appropriate, including:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.
- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area

Clause 53.06 Live Music Entertainment Venues

This State level policy (implemented via VC183 in 2020) constitutes a key part of the SKLMP project, and underpins both Council's preliminary SKLMP boundary as well as Stage 1 and Stage 2 work completed to date.

The nominated purposes of Clause 53.06 are:

- To recognise that live music is an important part of the State's culture and economy.
- To encourage the retention of existing and the development of new live music entertainment venues.
- To protect live music entertainment venues from the encroachment of noise sensitive residential uses.
- To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.
- To ensure that the primary responsibility for noise attenuation rests with the agent of change.

Clause 53.06 further outlines that it applies to an application required under any zone of this scheme to use land for, or to construct a building or construct or carry out works associated with:

- A live music entertainment venue.
- A noise sensitive residential use that is within 50 metres of a live music entertainment venue.
- A noise sensitive residential use that is in an area specified in Clause 1.0 of the schedule to this clause.
- This clause does not apply to:
 - The extension of an existing dwelling.
 - A noise sensitive residential use that is in an area specified in clause 2.0 of the schedule to this clause.

To assist in the interpretation and implementation of Clause 53.06, it includes the following definitions:

Live music entertainment venue means:

- a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment.
- a rehearsal studio.
- any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.

Noise sensitive residential use means: community care accommodation, dwelling, residential aged care facility, residential village, retirement village, rooming house or small second dwelling.

Clause 53.06 includes further requirements for live music entertainment venues and noise sensitive residential uses, while further establishing the principle of needing to assess a noise sensitive residential use within 50 metre of a live music entertainment venue. This 50 metre spatial measure has been specifically adopted to inform the development of the SKLMP boundary. The Schedule to Clause 53.06 then functions to provide for more localised implementation mechanisms, relating to designating areas and venue where the clause applies, or otherwise to designate exclusions.

2.3. Live music entertainment venues and the Port Phillip Planning Scheme

Live music entertainment venues are classified under a number of different land uses classes within the Port Phillip Planning Scheme. The zoning of relevant land and the applicable landuse definition for a live music entertainment venue will determine whether planning approval is required to establish the 'use'.

Where the relevant zoning of land triggers a planning permit for 'use' to establish a live music entertainment venue the requirements of Clause 53.06 will be relevant to the consideration of the application. However, where the relevant landuse definition does not trigger a planning permit for 'use' under the zoning of land and that the 'use' can be established 'as of right', the requirements of Clause 53.06 will not be relevant. Even so, it should be noted, where a permit is not required for a 'use', depending on site context a planning permit may still be required for secondary matters, such as dispensation of statutory parking requirements. The summary table below outlines typical land use definitions applicable to live music entertainment venues within the SKLMP, and whether they trigger a planning permit for the 'use' of land.

Applicable Zones & Land use nesting	Retail	Place of assembly				
	Food & drink premises*	Nightclub	Function Centre	Rehearsal studio	Recording Studio	Theatre
Commercial 1 Zone (C1Z)	Permit not required	Permit required	Permit required	Permit required	Permit required	Permit required
Comprehensive Development Zone 2 (CDZ2) - St Kilda Station	Permit required	Permit required	Permit required	Permit required	Permit required	Permit required
Comprehensive Development Zone 3 (CDZ3) - Acland Court	Permit required	Permit required	Permit required	Permit required	Permit required	Permit required
Special Use Zone 1 (SUZ1) – St Kilda Sea Baths	Landuse guided by relevant site specific Incorporated Document					
Special Use Zone 2 (SUZ2) – Luna Park	Landuse guided by relevant site specific Incorporated Document					
Special Use Zone 3 (SUZ3) – The Triangle Site	Permit required	Permit not required **	Permit not required **	Permit required	Permit required	Permit required
Mixed Use Zone (MUZ) – Newmarket Hotel & SKLMP buffer area	Permit not required if under 150sqm	Permit required	Permit required	Permit required	Permit required	Permit required

(continued)

Applicable Zones & Land use nesting	Retail	Place of assembly				
	Food & drink premises*	Nightclub	Function Centre	Rehearsal studio	Recording Studio	Theatre
Residential Growth Zone (RGZ) - Beaconsfield Hotel	Permit required	Prohibited	Permit required	Permit required	Permit required	Permit required
General Residential Zone (GRZ) – Esplanade Hotel, National Theatre, Dogs Bar & SKLMP buffer area	Permit required	Prohibited	Permit required	Permit required	Permit required	Permit required
Neighbourhood Residential Zone (NRZ) – SKLMP buffer area	Permit required	Prohibited	Permit required	Permit required	Permit required	Permit required
Public Park & Recreation (PPRZ) – St Kilda Bowls Club	Permit not required***	Permit required	Permit required	Permit required	Permit required	Permit required

* - Food & drink premises definition includes bar, hotel & restaurant.

** - Landuse must comply with an approved Development Plan, otherwise planning permit required.

*** - Provided it conducted by or on behalf of a public land manager, otherwise permit required.

Figure: Live music entertainment venue: permit triggers for use

Beyond considerations of whether the 'use' of land requires planning approval, there is the additional matter of whether any 'development' works also requires planning approval. Typically the construction and carrying out of works will trigger a planning permit for 'development', and in the context of the current project, such works could involve the construction and/or extension of buildings for a live music entertainment venue, or extend to the construction of a building to accommodate a noise sensitive residential use.

Where a planning permit is required to be assessed for 'development' of buildings and works (including works relating to a live music entertainment venue, or a noise sensitive residential use), the requirements of Clause 53.06 will be a relevant consideration for the assessment of the planning application.

3. Commentary on associated background documents

In order to frame the Stage 2 analysis, a range of background documents have been reviewed, including:

- Live Music Action Plan: 2021-24 (2021)
- St Kilda Live Music Precinct Policy (2023)
- Spatial Economic & Employment Framework (2023)

Key observations, and content relevant to the context of the current matter is briefly outlined below.

3.1. Live Music Action Plan: 2021-24 (2021)

The City of Port Phillip Live Music Action Plan: 2021-24 (LMAP) was finalised in 2021 and adopted by Council in April of that year. The LMAP functions as a document to outline what Council can and will do to future-proof live music in CoPP, and seeks to ensure it remains a priority amongst competing interests and the pressures of a changing and growing community. Noting that the Stage 2 work specifically focuses on aspects relating to Planning Scheme implementation, following below is the commentary of the LMAP as it relates to the scope of Stage 2 work.

Key observations in relation to this document and its relevance to the current Stage 2 scope of works is as follows:

- The LMAP covers the wide range of issues and opportunities associated with fostering and supporting a live music industry within St Kilda, and outlines a number of goals and outcomes sought to be delivered and achieved.
- As the LMAP is a broad level 'Council Action Plan', it covers a significant range of matters both within and beyond the planning system and the Port Phillip Planning Scheme.
- Page 22 includes: *Outcome 2: Goal 3 Encourage maximum live music opportunities via the creation of music precincts and develop a range of initiatives to 'broker' harmony between venues and local residents.* Outcome 2 further outlines a number of relevant actions, including:
 - *'Work with Music Victoria to identify potential live music precinct'* (note: this has been developed by Council and subject to further work during Stage 1, and will be subject to further review and refinement as part of the current Stage 2 of works).
 - *'Undertake strategic planning and scoping work for precinct creation, including acoustic investigation into noise impacts and protections, and investigations into economic, community and industry benefits'* (note: aspects of this work have been completed to date by Council and part of Stage 1)
 - *'Work towards implementing the relevant amendment(s) to the planning scheme to enable creation of music precincts within the municipality'* (note: this is the specific focus of this Stage 2 works).

NOTE: the remaining Outcomes and associated Goals and Actions as listed within the LMAP which are outside of the scope of Planning Scheme implementation have not been reviewed in detail and are subject to implementation by other means and initiatives.

Analysis:

The LMAP is a key background document insofar as it sets up the framework for the current scope of work to review, make specific recommendations and draft necessary Planning Scheme policy documents to formally implement the SKLMP into the Port Phillip Planning Scheme. It therefore constitutes part of relevant background material underpinning the strategic justification for the proposed Planning Scheme Amendment.

3.2. St Kilda Live Music Precinct Policy (2023)

The City of Port Phillip St Kilda Live Music Precinct Policy (2023) (LMPP) was finalised in 2022 and adopted by Council in June of this year. Contextually, the LMPP builds upon the earlier LMAP, and forms part of the nominated 'roadmap' for the development of a St Kilda Live Music Precinct.

Following a desktop review, key observations in relation to this document and its relevance to the current Stage 2 scope of works is as follows:

- Sets up a broad timeline aka roadmap for the implementation of the St Kilda Live Music Precinct, including the potential gazettal of a Planning Scheme amendment by the Minister for Planning by 2025.
- The LMPP clearly sets up the framework further targeted work on the formal implementation of a SKLMP, as is the focus of the current project work.
- The LMPP steps out exactly what the policy is and is not through the following statements:

What this policy is:

- *A determined step towards Council formally designating a precinct to recognise the importance of the St Kilda live music scene whilst seeking to balance the needs of surrounding residents.*
- *Council's commitment to best practice customer service and communications to address current issues and concerns with live music to help our residents and our music co-exist.*
- *A roadmap for next steps, including working with state government, to ensure that our community is part of the process and is given every opportunity to have their say and shape the future of live music in St Kilda.*

What this policy isn't:

- *A change to noise regulations or legislation that would lead to increased levels of noise from live music in St Kilda.*
 - *A foregone conclusion as to what the St Kilda live music precinct would entail – this will be determined in consultation with stakeholders including residents, businesses, venues and event operators.*
 - *Specific changes to compliance, governance, permitting or assessment of live music activity.*
-
- The LMPP also steps out five key outcomes which are sought through the implementation of a SKLMP, including:
 1. *Protect existing and encourage new live music activity in a supportive environment where the needs of the live music sector are balanced with those of the residential and business communities.*
 2. *Develop a clear framework for the community and the industry to co-exist, based on clear and transparent communication, process and expectation.*
 3. *Ensure any proposed new residential use takes account of any existing venue, and the possibility of new venues (this extends the agent-of change principle to a whole-of-precinct approach).*
 4. *Advocate to state government for changes to planning and regulatory tools to achieve simplified and aligned processes for the live music industry, within the designated precinct.*
 5. *Explore the mapping of live music venues, to best manage and support live music activity. Includes listing details such as capacity, frequency of hosting music, accessibility, website and social links and liquor and planning permit details related to live music/noise conditions.*

- The LMPP further sets down applicable definitions, and the role of the LMPP and associated actions for various stakeholder groups, including: residents venue/event operators and musicians.
- Beyond the above, a key aspect is the inclusion of a preliminary SKLMP boundary, where the LMPP clearly sets up the policy framework for further targeted work on the formal implementation of a SKLMP into the Port Phillip Planning Scheme. This is the specific focus of the current Stage 2 scope of works.

Analysis:

The LMPP includes a preliminary SKLMP boundary at page 11, which was considered by and differs from the nominated boundary within the Stage 1 Report. As per the earlier review of the Stage 1 Report (refer to Section 3.1.2), it included suggested modifications, including the addition of the Greeves Street Mixed Use Precinct and the designation of sub-precincts within the preliminary SKLMP boundary. This report disagrees with those modifications, and outlines reasons why in Section 4.1.

With regard to the preliminary SKLMP boundary within the LMPP, it was furnished with the following qualification: *'Note: Precinct boundaries to be determined with further technical analysis and map is indicative only'*. In noting this qualification, this current Stage 2 work has undertaken the required further technical analysis and recommends the final SKLMP boundary to be implemented, as per the map in Appendix 3.

The current Stage 2 scope of works builds upon existing content of the LMPP. Therefore, the LMPP constitutes relevant background material which will underpin the strategic justification for the proposed Planning Scheme Amendment.

3.3. Spatial Economic & Employment Framework (2023)

In March 2024, Council adopted the City of Port Phillip Spatial Economic & Employment Framework (SEEF). This framework is a policy document applicable to all employment land in the area and will serve as the strategic foundation for decisions on employment land, including spaces for live music.

The SEEF outlines a clear vision, objectives, directions, and actions. It acknowledges the importance of creative industries in the CoPP and references other Council strategies. One crucial action is to implement the Live Music Action Plan and integrate the SKLMP into local planning policies.

This action underscores the Council's commitment to supporting the local cultural scene, particularly in live music.

Analysis:

The SEEF is a key economic strategy policy document for Port Phillip, which itself is underpinned by a number of other Council Strategies and Plans which relate to the SKLMP. It therefore will form part of the broader strategic documentation framework which will broadly strategically support the implementation of the SKLMP into the Port Phillip Planning Scheme.

4. Review of Stage 1 SKLMP Boundary

In June 2023, the CoPP adopted the St Kilda Live Music Precinct Policy and with it, a preliminary boundary for the SKLMP. CoPP's preliminary SKLMP map is provided at Figure 1, and included at larger scale in Appendix 1.

Stage 1 also uses this preliminary boundary which includes a 'core live music activity area' as nominated on the map legend. The 'core live music activity area' is predominantly focused on commercial zoned land within the St Kilda (Fitzroy/Acland Streets) Major Activity Centre, in addition to nominating 'public open spaces that currently or may host events with live music' (refer to map legend). Additionally, the preliminary SKLMP boundary includes a surrounding 'buffer area', which has been typically defined as land within 50 metres of the nominated core areas and public open spaces.

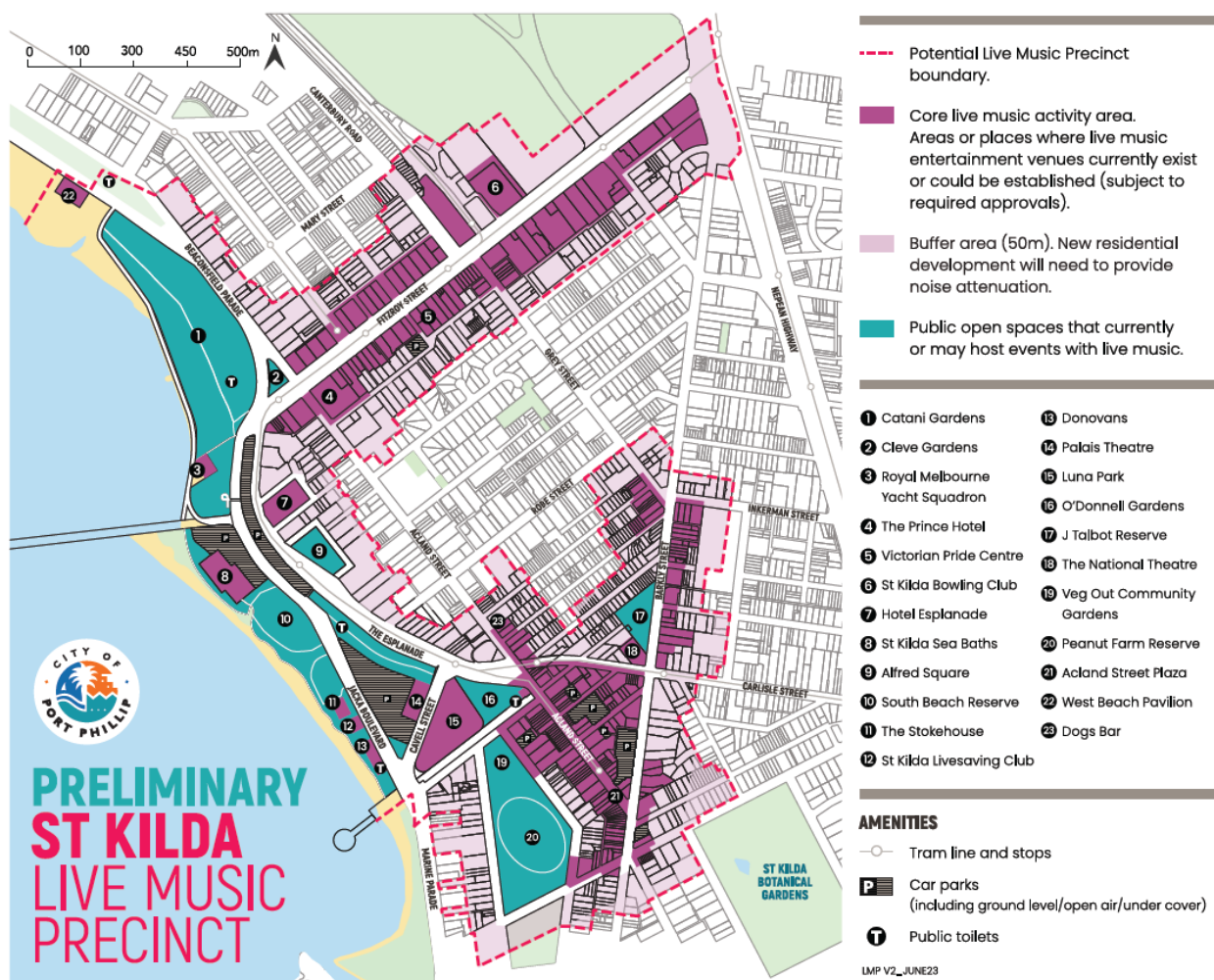


Figure 1: City of Port Phillip Preliminary SKLMP boundary

The above map is included in larger format at Appendix 1.

Following a detailed review of Council's preliminary SKLMP map, it is noted that the 'core live music activity area' is almost exclusively focused on commercially zoned land, which within the St Kilda (Fitzroy/Acland Streets) Major Activity Centre encompasses the Commercial 1 Zone (C1Z). However, some anomalies to this exist, which includes sites in alternate zones. Such sites include:

- St Kilda Bowling Club: zoned Public Park & Recreation Zone (PPRZ)
- St Kilda Station development: zoned Comprehensive Development Zone (CDZ2)
- West Beach Pavilion: zoned Public Park & Recreation Zone (PPRZ)
- St Kilda Sea Baths: zoned Special Use Zone (SUZ1)
- The Stokehouse, St Kilda Life Saving Club & Donavans: zoned Public Park & Recreation Zone (PPRZ)
- Luna Park: zoned Special Use Zone (SUZ2)
- The Palais & St Kilda Triangle: zoned Special Use Zone (SUZ3)
- Acland Court: zoned Comprehensive Development Zone (CDZ3)
- The National Theatre: zoned General Residential Zone (GRZ)

In addition to the 'core live music activity area', a number of public open spaces within the SKLMP have been nominated as 'public open spaces that currently or may host events with live music'. Typically the nominated public open spaces are located along or within proximity to the foreshore, with exceptions being:

- Veg Out Community Gardens, Shakespeare Grove, St Kilda
- Peanut Farm Reserve, Chaucer Street/ Spencer Street, St Kilda
- J Talbot Reserve, Barkley Street, St Kilda

The CoPP Preliminary SKLMP boundary also includes a 'buffer area' of 50 metres has been applied around the 'core live music activity area' and nominated public open spaces. The 50 metre buffer assessment is notably derived from Clause 53.06 – Live Music Entertainment Venues which sets out that a permit application for a live music entertainment venue must be designed, constructed, and managed to minimise noise emissions from the premises, and provide noise control measures that will protect a noise sensitive residential use within 50 metres of the venue. It is further noted that in instances where part of an allotment is within 50 metres, the entirety of the allotment has been included in the 'buffer area'. The designated 'buffer area' contains land predominantly within the Neighbourhood Residential Zone (NRZ), General Residential Zone (GRZ) and Mixed Use Zone (MUZ), although it also covers some land within the Public Park & Recreation Zone (PPRZ) and Transport Zone (TRZ). While the Stage 1 Report adopts the CoPP preliminary SKLMP boundary, it also proposed a number of boundary modifications, including:

- The expansion of the SKLMP boundary to include the Greeves Street 'mixed activity precinct'.
- The inclusion of a number of sub precincts within the SKLMP.

As an initial observation, the guiding principles employed to designate the CoPP Preliminary SKLMP boundary are considered to be strategically sound, clear and logical. However, following a more detailed review of the Preliminary SKLMP boundary, a number of relatively minor refinements are recommended. Refer to Figure 2 of the Stage 1 Report's version of the SKLMP boundary.

The following section of the report functions to document the detailed analysis undertaken of both CoPP's preliminary SKLMP boundary as shown in the adopted Council policy document St Kilda Live Music Policy, June 2023, and the expanded version with sub-precincts as documented in the Stage 1 Report. This analysis outlines and documents recommendations for a range of refinements to the SKLMP.

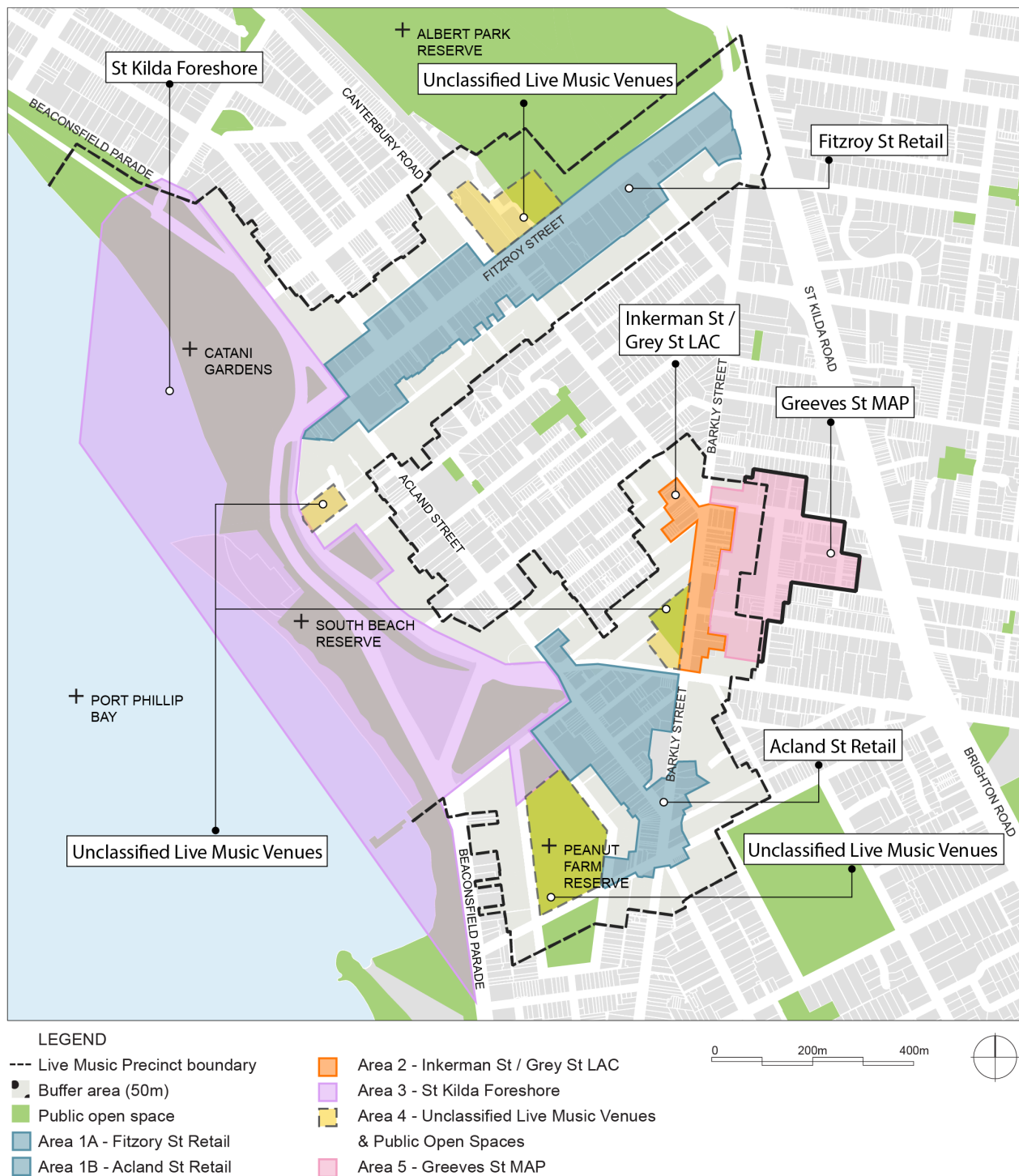


Figure 2: Stage 1 proposed SKLMP boundary with expansions and sub precincts (source: Figure 9, page 47, Stage 1 Report)

4.1. Methodology for SKLMP boundary review

The methodology employed for the boundary review of the CoPP Preliminary SKLMP boundary and the revised Stage 1 SKLMP boundary involved a desktop level analysis utilising zone maps, cadastre lot boundary information and current aerial photographs. This desktop review primarily focused on identifying potential omissions or anomalies with the proposed location of the SKLMP boundary, including the potential for unintended landuse conflict, and/or the creation of a boundary alignment which lacked uniformity.

The desktop level review was further underpinned by specific site inspections to further consider and confirm omissions and anomalies identified through the desktop level analysis. Two maps have been produced as part of this analysis of the SKLMP boundary, and are provided at Appendix 2 & 3 as follows:

- Appendix 2: *Comparison of Port Phillip Preliminary SKLMP boundary & Hansen's proposed revisions*
- Appendix 3: *Stage 2 SKLMP boundary map*

The initial observations, assumptions and guiding principles which underpin the methodology for the SKLMP boundary review include:

- It is noted that Council's preliminary SKLMP boundary is predominantly focused on the Commercial 1 Zone (C1Z) but extends to some existing venues such as National Theatre, Dogs Bar, both of which are in the General Residential Zone (GRZ1). This approach is strongly supported, and should remain as defining the 'core area' and for any other anomaly sites which are identified through the review.
- To assess Council's preliminary SKLMP boundary further, Council's Illustrator file for the preliminary SKLMP boundary was used as a starting point for the analysis. An additional boundary was added based on a 'strict' 50m assessment line mapped from the boundary of all land in the 'core area' and public open space areas marked for live music.
- Council's SKLMP boundary was determined on the basis of applying the principle, which specifies if the 50m assessment touches an allotment, the entire allotment is included. This principle is generally supported, but in some instances it does not result in a practical, logical or strategically justifiable outcome. Recommendations for targeted boundary adjustments are outlined under separate headings below.
- A general approach to the boundary review has been to look for opportunities to have uniform boundary lines for the SKLMP wherever possible, with a view to reducing questions and arguments of what land is within or outside of the boundary.
- A general principle has been to ensure the SKLMP boundary should align with property boundaries wherever possible and logical. Such an example would be where the 50m buffer line is located along a roadway, and could be better aligned to property boundary, as nominating part of a roadway in the buffer area has no practical impact.
- A general principle has been to ensure that the SKLMP buffer area is not unnecessarily applied over public land, which in practical terms is highly unlikely to accommodate sensitive residential landuse in future.

The following headings of the report function to document targeted analysis and associated recommendations for proposed revisions to the SKLMP boundary. Cropped inset maps have been used to explain and justify proposed revisions to the CoPP Preliminary SKLMP boundary map (refer Appendix 1). The cropped inset maps have been taken from the analysis map contained in Appendix 2 (i.e. Comparison of Port Phillip Preliminary SKLMP boundary & Hansen's proposed revisions map).

Stage 1 Report proposed use of potential sub-precincts within SKLMP

The Stage 1 Reports suggest applying a number of sub-precincts within the SKLMP boundary, and nominating different types of live entertainment music venues for each precinct. The Stage 1 appendices, titled Echelon Planning Proposition Report includes a matrix to assist in ascribing categories of live music venues. This is reproduced below.

	Category of Live Music Venues				
	Category 1: Public Land – Occasional Live Music	Category 2: Public and Community Venues – Occasional	Category 3: Private Venues – Regular Live Music, Low	Category 4: Private Venues – Regular Live Music,	Category 5: Private Venues – Regular Live Music, High
Area 1: St Kilda Major Activity Centre (MAC)	✓	✓	✓	✓	✓
Area 2: Inkerman/Grey Street Local Activity Centre (LAC)	✓	✓	✓		
Area 3: St Kilda Foreshore	✓	✓	✓	✓	✓
Area 4: Unclassified live music venues and additional Public Open Space venues	✓	✓	✓		
Area 5: Greeves Street Mixed Activity Precinct (MAP)	✓	✓	✓		

Source: page 36 Echelon Planning: St Kilda Live Music Precinct Planning Study: Planning Proposition Report.

While Echelon Planning suggests a matrix approach, the use of sub-precincts and specific activity levels in the SKLMP may make the issue more complex. The main goal is to create a Planning Scheme that supports current and future live music venues. As an example of the potentially overcomplicated approach, as per the Echelon version of the SKLMP map, the Esplanade Hotel is noted as being in *Area 4: Unclassified live music venues*. When cross referencing this Area 4 designation to the above matrix table, it is noted that the established activities of the Esplanade Hotel would be defined as a Category 4 and 5 venue, yet this level of activity is specifically discouraged in *Area 4: Unclassified live music venues*. It is considered that the proposed matrix approach may in practical terms be too prescriptive with regard to outcomes sought. While the broader aim of the matrix approach is acknowledged, conversely by being too prescriptive may end up hindering the flexibility and adaptability of landuse throughout the SKLMP.

In taking a more streamlined and simplified approach, it is considered that the SKLMP should function to clearly designate where live music entertainment venues are encouraged, but then should not attempt to pre-establish and/or predetermine the level of associated live music activity. Rather, when a new live music entertainment venue is sought to be established, at that point in time it should be considered on merit of the proposed use in relation to its specific context and surrounds. This would function to facilitate discretion-based planning in line with the broader intent of the Victorian Planning Provisions. In instances where land-use may not require town planning approval (i.e. where live music is provided ancillary to a food and drink premises which is as of right in a Commercial 1 Zone (C1Z)), EPA regulations, Local Laws and Liquor Licencing are still relevant considerations.

Conclusion

It is recommended that the proposed sub-precincts for the SKLMP proposed at Stage 1 are abandoned as they are not well founded, strategically justifiable or practical for implementation into the planning scheme.

Stage 1 Report – proposed expansion to SKLMP boundary

The Stage 1 Report and appendices suggests expanding the SKLMP to include the entirety of the Greeves Street Mixed Activity Precinct. However, upon detailed review, this expansion is not considered strategically justified.

This opinion is based on the current strategic directions of the Port Phillip Planning Scheme at Clause 17.02-1L which seeks to:

- *'Encourage the redevelopment of the Greeves Street Mixed Activity Precinct to transition to predominantly residential uses'.*
- *'Supporting office and compatible light industrial/warehouse uses in the Greeves Street Mixed Activity Precinct where they do not undermine or negatively impact on the primary residential function of this area.'*

In reading the above strategic directions for the Greeves Street Mixed Activity Precinct, it is one focused on a transition to residential, with residential being the primary function of the area. This position is further strengthened by the SEEF, which aims to support the transition of the municipality's mixed-use precincts to primarily residential areas. Where other activities such as office and light industrial/warehouse are indicated, they are typically daytime related uses, which would allow them to more harmoniously coexist with residential development.

The suggestion of Stage 1 Report and appendices that Greeves Street Mixed Activity Precinct has the potential evolve to a nighttime focused economy is not currently supported by the strategic directions of the Port Phillip Planning Scheme. Also, while the Stage 1 Report and appendices include the entirety of the Greeves Street Mixed Activity Precinct as a proposed addition to the SKLMP, for reasons unknown (or at least not fully explained in the Stage 1 Report and appendices), an additional buffer of 50m to cover adjacent residential land surrounding the Greeves Street Mixed Activity Precinct has not been included.

A more pragmatic assessment of the Greeves Street Mixed Activity Precinct reveals that it contains various legacy based industrial and warehouse activity, in addition to offices, galleries, retail shops, cafes, restaurants, Newmarket Hotel, and other food and drink premises located along Inkerman Street. But despite these existing commercial focused uses, the predominant land-use within the Greeves Street Mixed Activity Precinct is residential, with clear strategic directions to further transition to residential in future. Also, apart from The Newmarket Hotel and other restaurants on Inkerman Street, the Greeves Street Mixed Activity Precinct is not a noted area of late-night activity, nor is the precinct well connected to the balance of the SKLMP. Its inclusion within the SKLMP could potentially dilute the core live music area within St Kilda where live music is better suited, and has an established history.

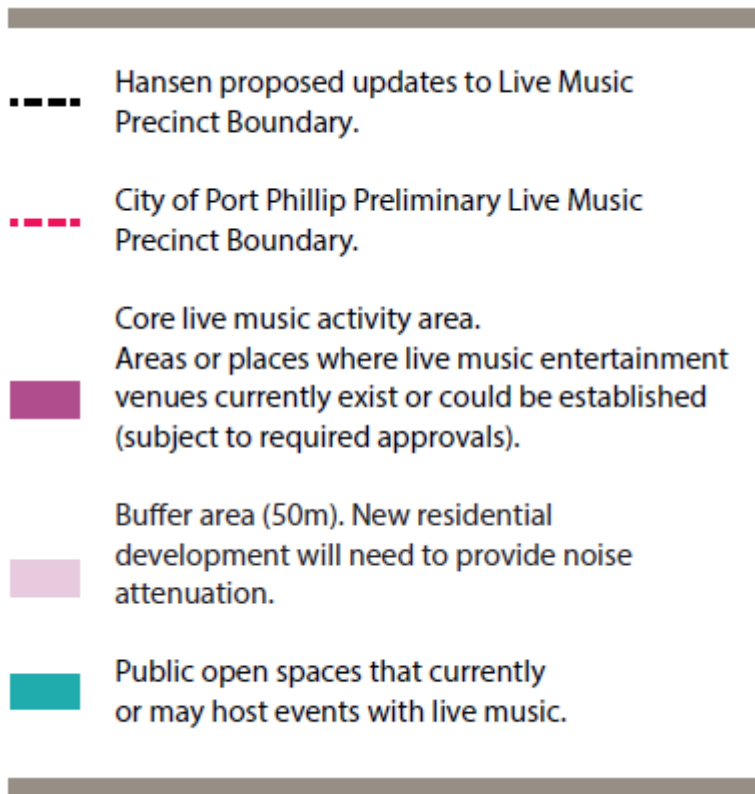
Therefore, given the strategic policy context and physical size and separation of the Greeves Street Mixed Activity Precinct, it is considered that the proposed inclusion of the entirety of this area may unintentionally undermine the core area of the declared SKLMP, being primarily focused on Fitzroy Street and Ackland Street. On this basis it is not recommended that the Greeves Street Mixed Activity Precinct be included in the SKLMP.

Conclusion

It is recommended to abandon the proposed Stage 1 expansion of the SKLMP boundary to include the Greeves Street mixed activities precinct, as it is not well founded, nor is it strategically justifiable for implementation into the Port Phillip Planning Scheme.

Map legend for inset plan analysis maps

The key output of the SKLMP boundary review is the *Stage 2 SKLMP boundary map* contained in Appendix 3. That map is informed by the analysis map contained in Appendix 2, entitled *Comparison of Port Phillip Preliminary SKLMP boundary & Hansen's proposed revisions*. The following sections of the report sections outlines the detailed analysis of the proposed changes and included a series of inset maps with notations to assist in explaining the proposed changes. The following legend applies to each of the inset maps.



Map legend for inset plan analysis maps

Source: Appendix 2, entitled *Comparison of Port Phillip Preliminary SKLMP boundary & Hansen's proposed revisions*

Application of buffer area of public land

A review of the SKLMP boundary noted that it applies a 'buffer area' designation over land within the Public Park & Recreation Zone (PPRZ) or the Transport Zone (TZ) in the following locations:

- Parkland within Albert Park located to the north-west of Fitzroy Street (zoned PPRZ)
- Road reserve at St Kilda Road Junction located to the north east (zoned TRZ2)
- Parkland within Renrey Gardens located to the south of Blessington Street (zoned PPRZ)

These are considered anomalies within the boundary. Anomalous sites are ones that are considered as having no potential to accommodate sensitive residential land-use being established on the identified areas of public land. Refer to marked up plans below.



In all instances of these noted anomalies, there would not be any realistic likelihood in the future of a sensitive residential land-use being established on the identified areas of public land, thereby making the designation of this land as a 'buffer area' redundant. On this basis, it is recommended that this land is removed from the SKLMP boundary altogether.

Conclusion

It is recommended that the 'buffer area' is removed from the PPRZ and TRZ land as outlined above.

St Kilda Station / Metropal Apartments

A detailed review of the SKLMP boundary revealed that the 'core area' has been applied to the entirety of the St Kilda Station / Metropal Apartments development site, and the 50 metre 'buffer area' subsequently calculated beyond.

However, a detailed site inspection revealed that only the southern half of the development site contains commercial landuse, while the northern half contains predominantly residential apartments. Given that the northern sections of the site accommodating residential apartments would not logically accommodate any live music venues in future, it is therefore not logical for that section of the site to be designated as being in the 'core area' of the SKLMP. Consequently, it is recommended that the 'core area' is revised to apply only to the area of commercial tenancies located the south of the site, and for the 50 metre 'buffer area' to be adjusted accordingly.

As a further observation, at the proposed northern transition between the 'core area' and 'buffer area' there are some ground floor commercial tenancies with residential apartment above. While these commercial tenancies will remain, a decision was made that it would be more strategically appropriate to focus the 'core area' on the southern area of the St Kilda Station development which exclusively accommodates commercial tenancies, and which does not have residential apartment above.



Conclusion

It is recommended that the 'core area' at the St Kilda Station / Metropal Apartments development site is reduced in areas as outlined above, and that the associated 'buffer area' is also reduced.

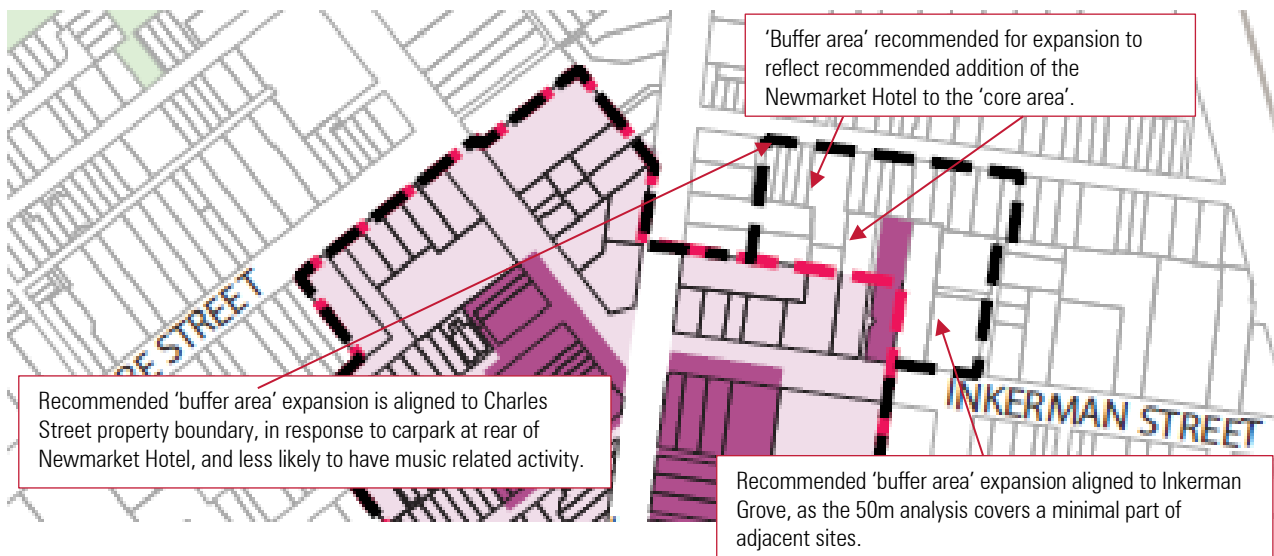
Newmarket Hotel, 36 Inkerman Street, St Kilda

The Newmarket Hotel is a notable existing venue with an established history of live music. However, it was not included within the 'core live music activity area' on CoPP's Preliminary SKLMP boundary in the adopted St Kilda Live Music Precinct Policy, but was included within the 'buffer area', as shown below.



Newmarket Hotel included within the buffer area of CoPP's preliminary SKLMP boundary

The inclusion of the Newmarket Hotel in the 'buffer area' is considered to be a clear omission as it is an established live-music venue. It is assumed the Newmarket Hotel was accidentally missed from being nominated for inclusion on the 'core area' as it is within the Mixed Use Zone (MUZ), rather than the Commercial 1 Zone (C1Z) to which the 'core area' is predominantly targeted. However, as is outlined in Section 4.1, there are some anomaly sites such as the National Theatre which is notably within a residential zone, but as an existing venue is included within the 'core area'. It is recommended that the same principle is applied to the Newmarket Hotel as an established live-music venue, where it should be included within the 'core area', and an additional 50m 'buffer area' surrounding it is designated.



Conclusion

It is recommended that Newmarket Hotel is added to the 'core area', and that the associated 'buffer area' is consequently expanded.

Beaconsfield Hotel: 341 Beaconsfield Parade, St Kilda West

The Beaconsfield Hotel located at 431 Beaconsfield Parade St Kilda West is a former hotel site located just outside of the Council's preliminary SKLMP boundary. Although the site has been vacant and inactive for many years, a current planning application PDPL/00334/2023 is seeking to reestablish the use of the site as a bar. Although no live music is proposed as part of the current application, given the broader aspirations of the SKLMP to provide for and protect opportunity for live music, it is considered prudent to include the site within the 'core live music activity area', and to include surrounding properties within the 'buffer area'.

It is acknowledged that the Beaconsfield Hotel site is within the Residential Growth Zone (RGZ). As is outlined in Section 4.1, there are other anomaly sites such as the National Theatre, which are notably within a residential zone but included within the 'core area'. It is recommended that the same principle is applied to the Beaconsfield Hotel as an established live-music venue, where it should be included within the 'core area', and an additional 50m 'buffer area' surrounding it is designated as illustrated below.



Conclusion

It is recommended that Beaconsfield Hotel is added to the 'core area', and that the associated 'buffer area' is consequently expanded.

West Beach expansion

Council has confirmed that music events have been conducted at West Beach St Kilda (being the beach area adjacent to West Beach Pavilion), and with such events conducted in accordance with the Outdoor Event Noise Management Guidelines - Event Noise Modelling (May, 2019) prepared by RenzoTonin & Associates on behalf of City of Port Phillip.

Noting this prior established history, it is recommended for the SKLMP boundary to be expanded to cover the entirety of the west beach area. With regards to the proposed boundary expansion and the potential application of 'buffer area' to existing properties fronting Beaconsfield Parade, it is noted that this is not recommended, due to the width of the existing Beaconsfield Parade road reserve being in excess of the default 50 metres.

Although the Outdoor Event Noise Management Guidelines prepared by RenzoTonin & Associates on behalf of City of Port Phillip have been cited, it did not inform or underpin the proposed expansion of the boundary at West Beach. Notwithstanding, it is assumed that any future live music events held at West Beach would need to ensure they are conducted in accordance with the Outdoor Event Noise Management Guidelines (or any revised or updated version).



Conclusion

It is recommended that the entirety of West Beach is added to the 'core area', but that an associated 50 metre 'buffer area' is not required to be added to adjacent properties fronting Beaconsfield Parade as the existing road reserve is in excess of 50 metres wide.

General boundary refinements

A number of more minor and general boundary refinements are proposed, each of which are described below.

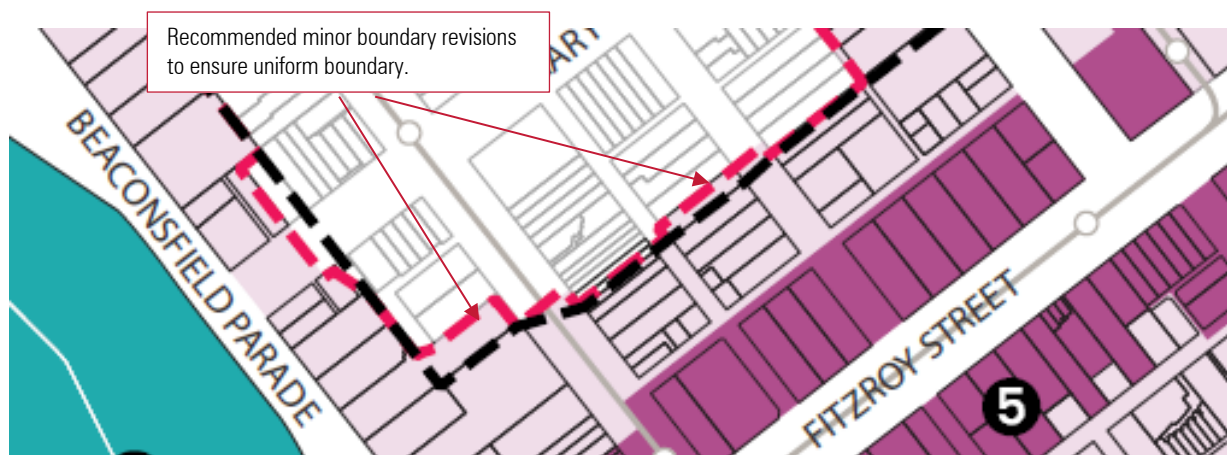
18 Barkley Street, St Kilda

Based on the CoPP preliminary SKLMP boundary, 18 Barkley Street is included in the 'buffer area'. Upon further detailed analysis it is noted that only a small section of this site is within 50 metres from the 'core area', while the closest property in the 'core area' is residential apartment block/serviced apartments. Although it is highly unlikely this apartment block in the 'core area' will accommodate a live music venue in future, for consistency it is recommended that it remain in the 'core area' given the site is within the Commercial 1 Zone (C1Z). However, in further recognition of existing and likely future land use, coupled by the fact that only a small part of the 50 metre buffer assessment extends over 18 Barkley Street, it is recommended that the 'buffer area' is removed from 18 Barkley Street.



Fitzroy Street, St Kilda (north-west boundary)

Minor adjustments to the 'buffer area' northern boundary are recommended to ensure a uniform and consistent boundary line in this area, as illustrated below.



Recommended minor boundary revisions to ensure uniform boundary.

Dalgety Street, St Kilda

MARY STREET

FITZROY STREET

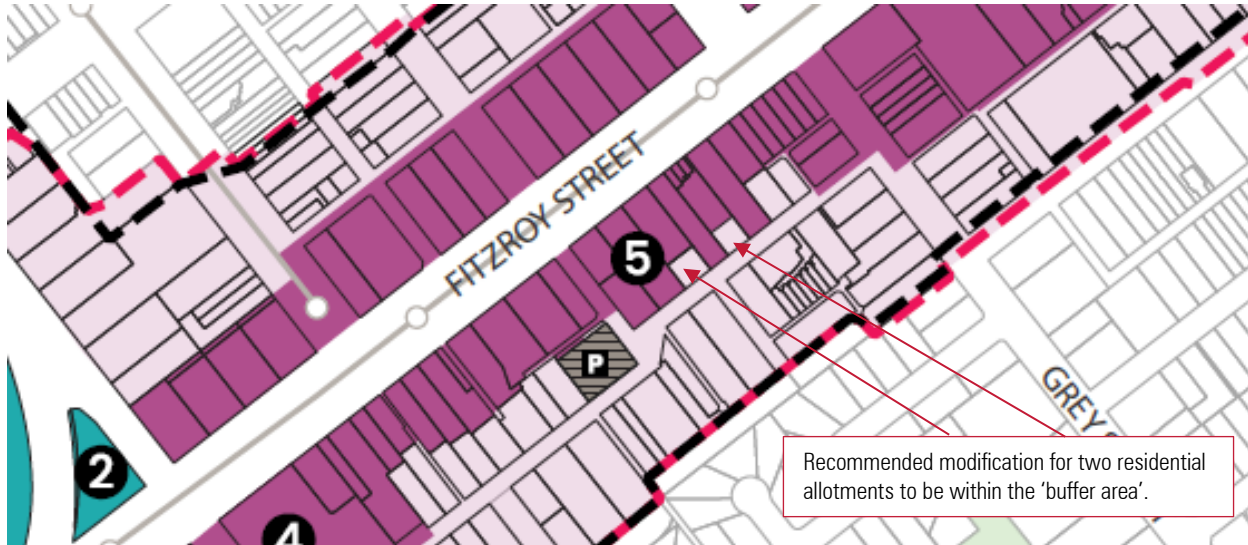
5

6

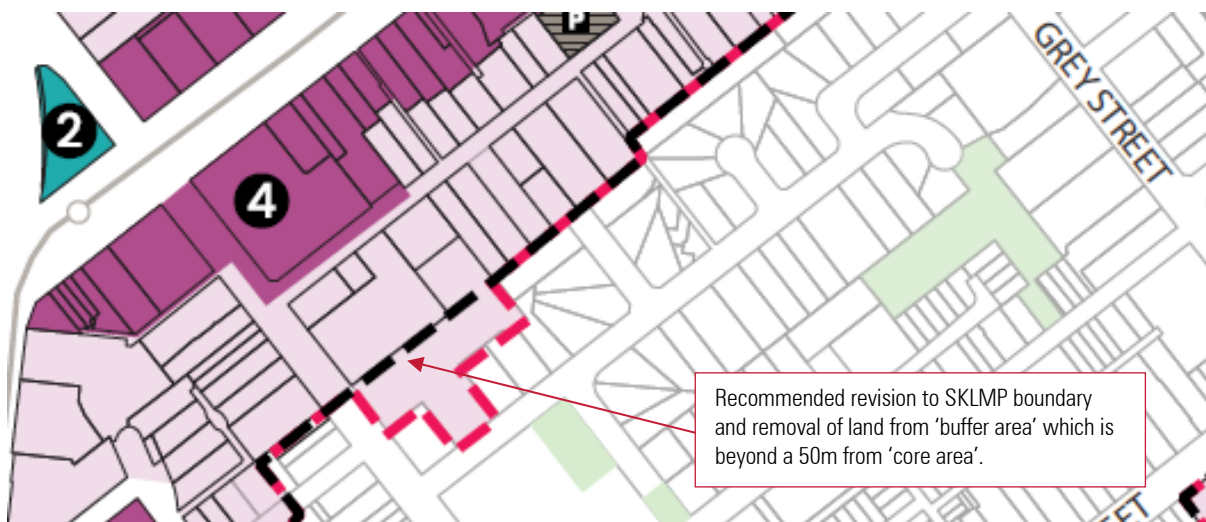
Minor boundary revision recommended align SKLMP ensure uniform boundary to property

Jackson Lane, St Kilda

Minor adjustments recommended to remove two residential zoned allotments from the 'core area', and amend them to be within the 'buffer area' are recommended.

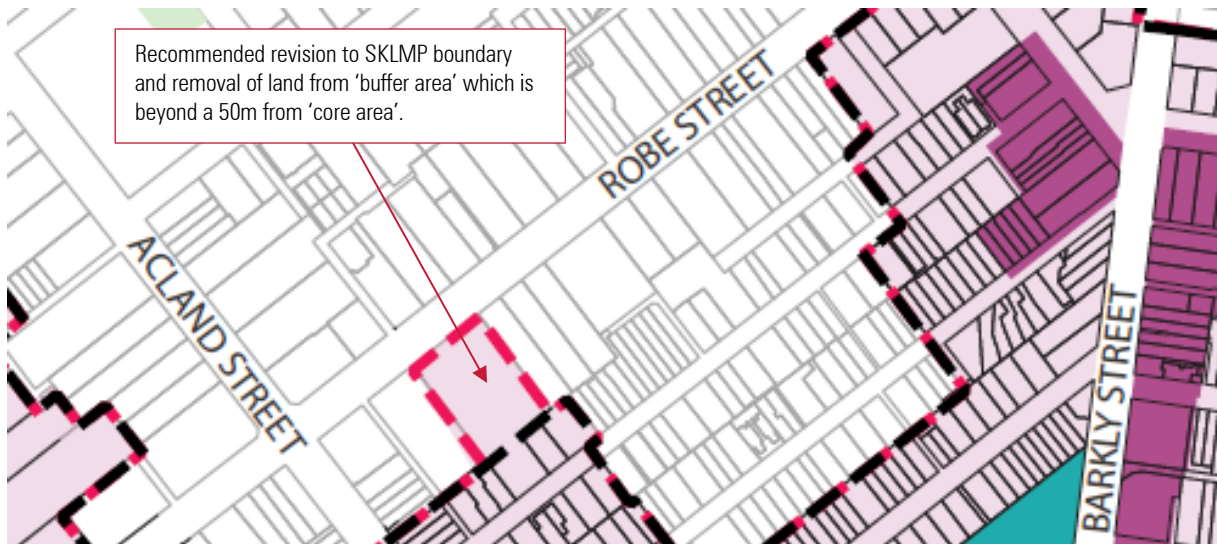
*Quest Apartments, Eildon Road, St Kilda*

The Quest Apartments includes land extending through to Jackson Lane, which is within the 50 metre 'buffer area'. Noting that the CoPP preliminary SKLMP boundary applied the principle of if any part of allotment is covered by the 50 metre analysis, the entirety of the allotment is included in the 'buffer area'. However, in this instance it has created an anomaly where neighbouring land in Eildon Road is not within the 'buffer area'. On this basis, it is recommended that 'buffer area' is removed for the Quest Apartments site which is beyond a strict 50 metre assessment line.



19 Robe Street, St Kilda

19 Robe Street includes land extending through to Clyde Street, which is within the 50 metre 'buffer area'. Noting that the CoPP preliminary SKLMP boundary applied the principle of if any part of allotment is covered by the 50 metre analysis, the entirety of the allotment is included in the 'buffer area'. However, in this instance it has created an anomaly where neighbouring land in Robe Street is not within the 'buffer area'. On this basis, it is recommended that 'buffer area' is removed from 19 Robe Street which is beyond a strict 50 metre assessment line.

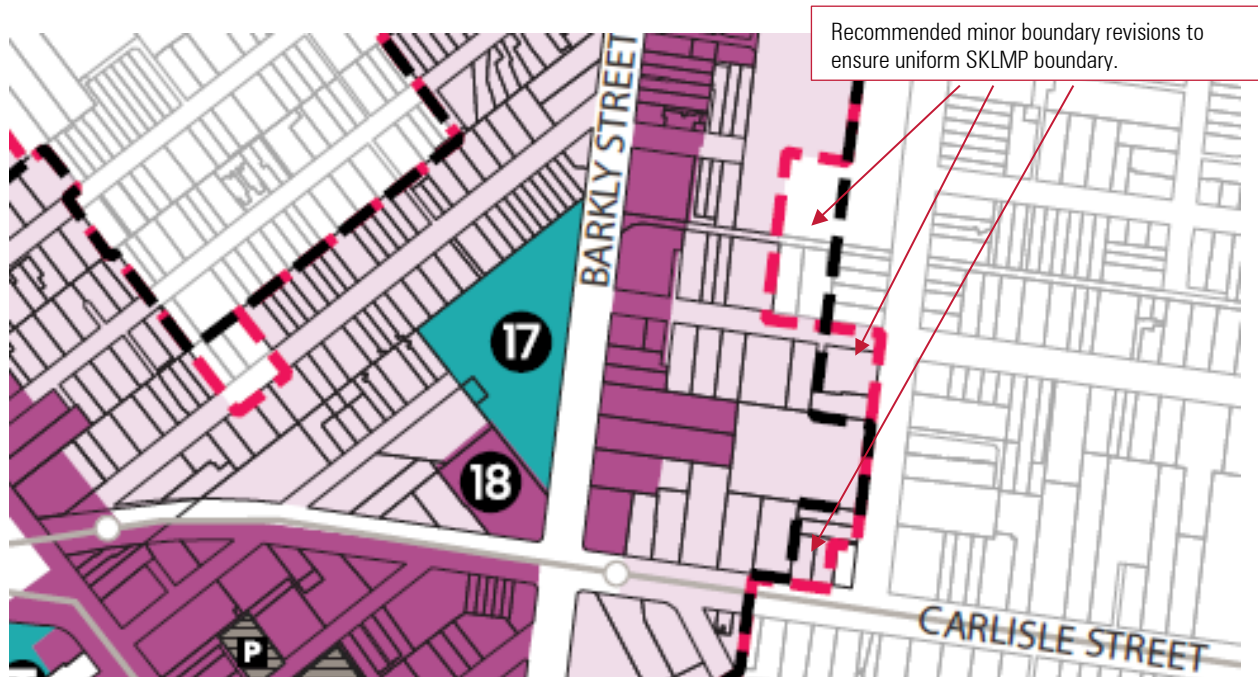
*Havelock Street, St Kilda*

The CoPP SKLMP preliminary boundary created a minor anomaly that a number of properties within Havelock Street were excluded from the 'buffer area'. This is considered to be problematic from the perspective of explaining and strategically justifying why neighbouring properties are included in the 'buffer area', but not applied to excluded lots in Havelock Street. On this basis, it is recommended that the excluded properties are included within the 'buffer area' to create a more logical boundary for the SKLMP.



Greeves Street/Carlisle Street, St Kilda

Minor adjustments are recommended along Greeves Street/Carlisle Street to create a cleaner and more logical boundary for the SKLMP boundary.



Foster Street/Blessington Street, St Kilda

A detailed review of the preliminary SKLMP boundary along Foster Street/Blessington Street revealed that the extent of the 'buffer area' was being unnecessarily extended due to the irregular lot pattern of commercial properties fronting Barkly Street. Further detailed analysis revealed the rear sections of the commercial property in question contains residential apartments. Noting that the rear sections of the commercial allotments are unlikely to accommodate a live music venue in future, it provided logical justification to refine and slightly reduce the 'buffer area' boundary along Foster Street and Blessington Street.



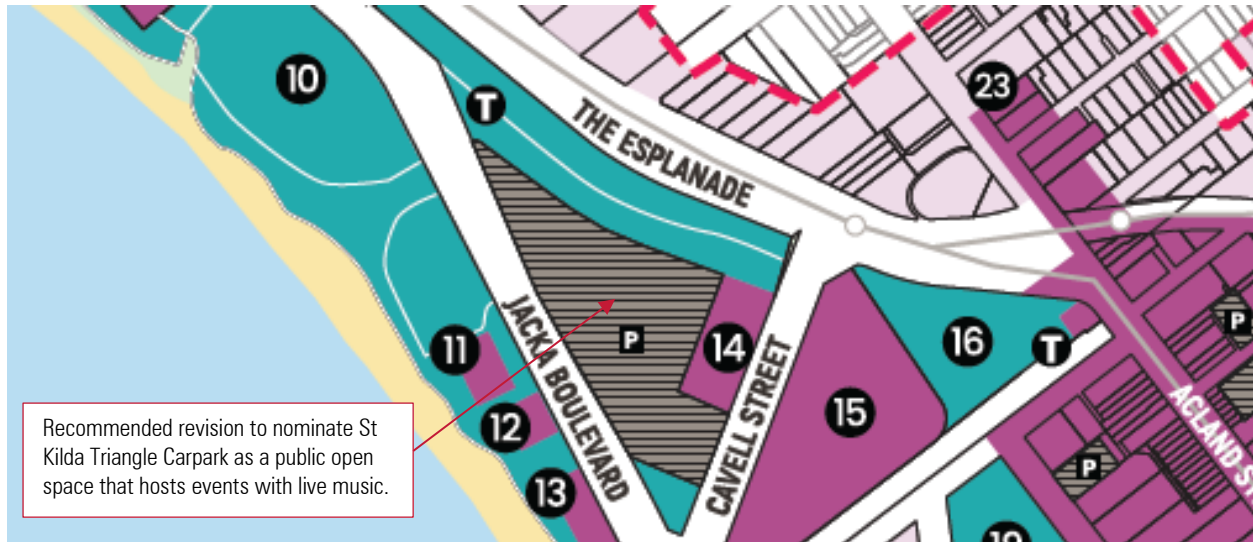
Marine Parade, St Kilda

A number of properties fronting Spenser Street, which is within the 50 metre 'buffer area' of the Peanut Farm Reserve, includes land extending through to Marine Parade. Noting that the CoPP preliminary SKLMP boundary applied the principle of if any part of the allotment is covered by the 50 metre analysis, the entirety of allotment is included in the 'buffer area'. However, in this instance it has created an anomaly where some neighbouring land in Marine Parade is not within the 'buffer area'. On this basis, it is recommended that 'buffer area' is removed from Marine Parade properties which is beyond a strict 50 metre assessment line.



St Kilda Triangle Carpark

The CoPP preliminary SKLMP boundary nominates the St Kilda Triangle site as a carpark area only. However, this designation as a carpark only does not acknowledge that this site has an established history of hosting live music events. On this basis it is recommended that the St Kilda Triangle site is nominated both as a carpark as well as a public open space that hosts events with live music.



Conclusion on general boundary refinements

It is recommended that the following general boundary refinements are made:

- Remove 18 Barkley Street from the 'buffer area'.
- Adjust 'buffer area' boundary north of Fitzroy Street to create a more uniform boundary line.
- Adjust 'buffer area' boundary north-east of Beaconsfield Parade to create a more uniform boundary line.
- Adjust 'buffer area' boundary along Dalgety Street to align with front property boundaries.
- Remove two residential zoned allotments on Jackson Lane from the 'core area', and amend them to be within the 'buffer area'.
- Reduce 'buffer area' over Quest Apartments, Eildon Road.
- Reduce 'buffer area' over 19 Robe Street.
- Expand 'buffer area' over select properties in Havelock Street to create uniform boundary.
- Adjust 'buffer area' boundary west of Barkley Street to create a more uniform boundary line.
- Adjust 'buffer area' boundary at Foster Street/Blessington Street to create a more uniform boundary line.
- Adjust 'buffer area' boundary at Marine Parade to create a more uniform boundary line.
- Nominate the St Kilda triangle carpark site as public open space that hosts events with live music.

SKLMP boundary: comparative analysis map

With regard to the above documented analysis and recommendations for modifications to the CoPP Preliminary SKLMP boundary (refer to Appendix 1), the cropped 'inset' maps are specifically taken from a comparative map which documents the analysis of the CoPP's Preliminary SKLMP boundary and Hansen's proposed revisions.

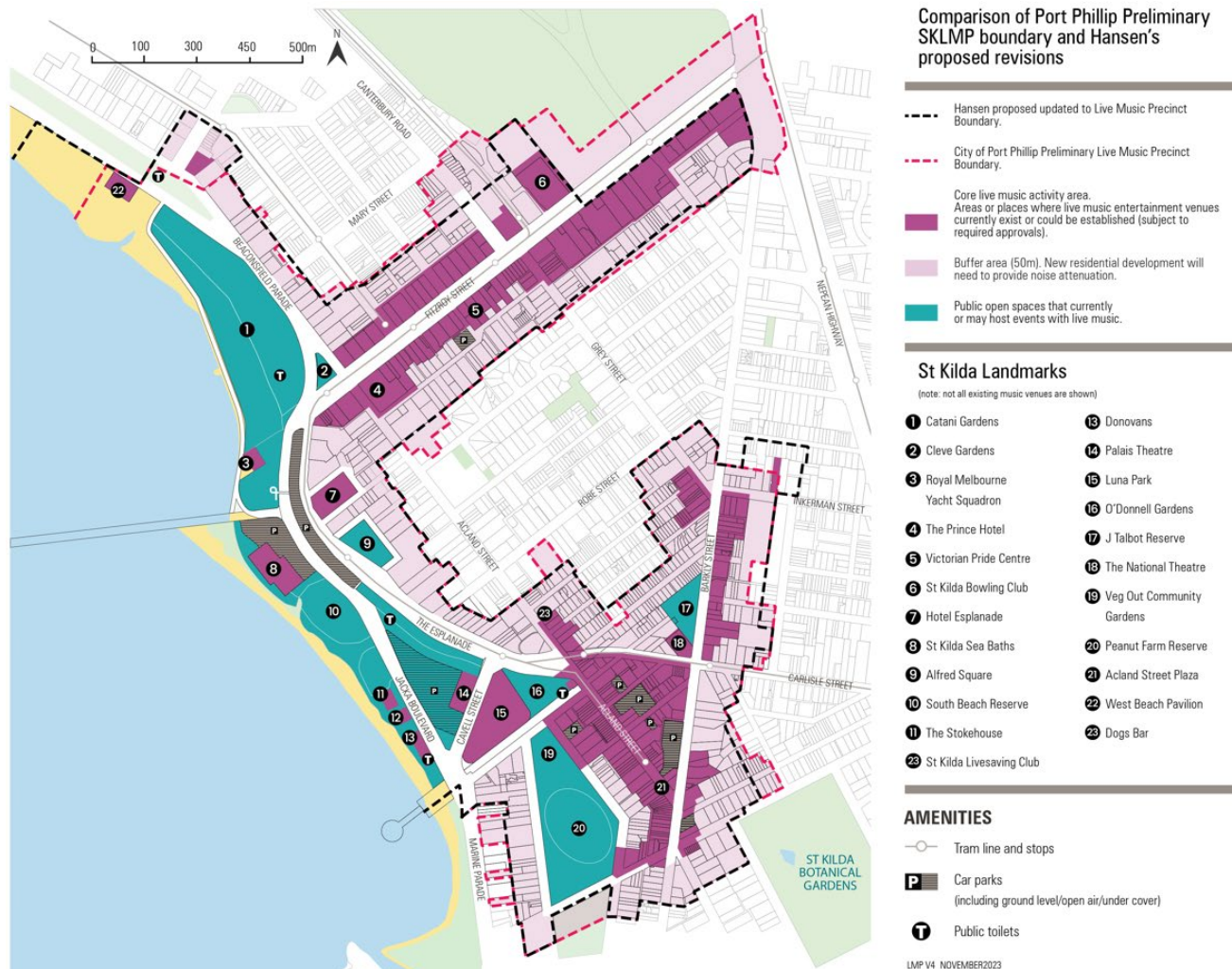


Figure 2: Comparison of Port Phillip Preliminary SKLMP boundary and Hansen's proposed revisions

The above map in larger format is included at Appendix 2.

Recommended Stage 2 SKLMP boundary

Section 4.1 of this report documents the analysis of the SKLMP boundary and the targeted boundary modifications which are proposed. These proposed modifications have been consolidated into a final recommended Stage 2 SKLMP boundary map which is illustrated below. This map is provided in larger format at Appendix 3.

To assist in reading the map, a number of landmarks and various existing live music venues are illustrated on the map. Although equally not all existing live music venues are shown. However, it is important to note that the version of this map proposed to be implemented into the Port Phillip Planning Scheme will not illustrate live music venues. This is to ensure the map does not become out of date if existing live music venues cease operation, or new live music venues are established. More broadly, the intent of embedding the SKLMP map into the Port Phillip Planning Scheme is to ensure the spatial extent of the full boundary and its designation into the core area and buffer areas provided in a relevant policy context.

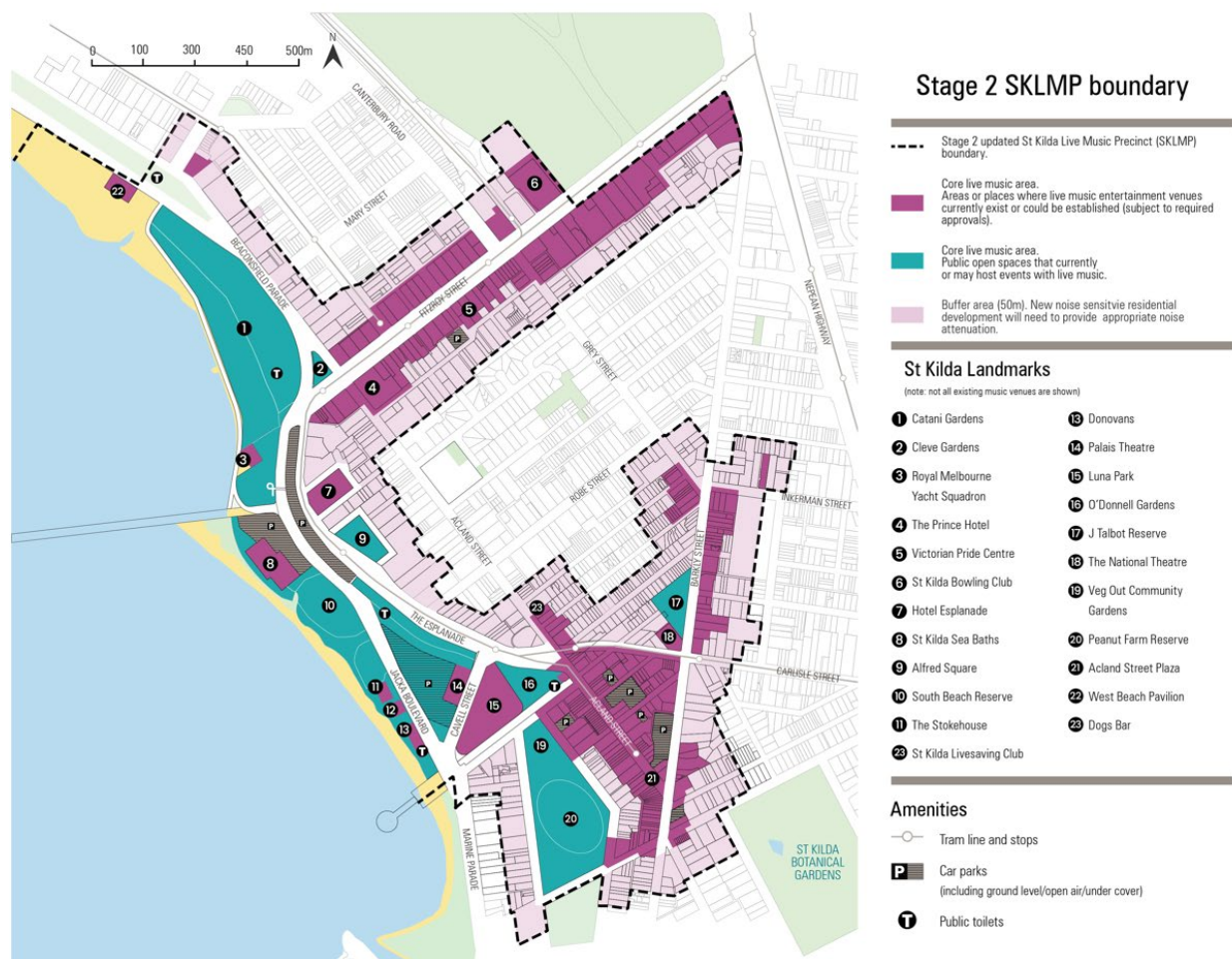


Figure 3: Stage 2 SKLMP boundary map

5. Detailed Stage 1 documentation review

The detailed review and analysis of Stage 1 documentation has been conducted and documented in two parts. Within Section 4.1, the first part of the analysis has undertaken a detailed review of a number of the specific ‘planning propositions’ outlined in Stage 1. Each of these propositions represents a route that Council can take. Within Section 4.2, the second part of the analysis has documented a range of additional planning issues which were identified during a review of the Stage 1 Report and appendices.

5.1. Stage 1 Planning Propositions: review

A key aspect of Stage 2 involves a review of the Stage 1 Planning Propositions, with the intent of determining if they should be moved forwards to formal implementation into the Port Phillip Planning Scheme via a formal Planning Scheme Amendment. Following below is an analysis of the Stage 1 planning propositions (which are derived from Appendix B: Planning Proposition by Echelon Planning).

Proposition 1: Use of Schedule to Clause 53.06

Use clause 1.0 of the schedule to Clause 53.06 to designate the proposed St Kilda Live Music Precinct study area, as an area where Clause 53.06 applies. This would require all applications under the schedule for a new noise-sensitive residential use to respond to the requirements of this clause.

Analysis

Key analysis commentary related to Proposition 1 includes:

- It is a critical proposition for the formal implementation of the SKLMP into the Planning Scheme.
- The Stage 1 Report adopted Council’s preliminary SKLMP boundary, but did not document a detailed review to confirm the methodology of any review undertaken.
- The Stage 1 Report including limited discussion regarding the proposed expansions to the SKLMP, but did not provide any substantial justification for the expansion to include Greeves Street Mixed Activities Precinct.
- The SKLMP boundary analysis and recommendations as documented within this report functions to provide the strategic justification of the SKLMP boundary should to be implemented via Clause 53.06 (i.e. referenced at Clause 1.0, with the SKLMP map added at Clause 4.0).

Conclusion

Proposition 1 is strongly supported, where the SKLMP should be identified at Clause 1.0 as an area where Clause 53.06 applies, and for the SKLMP boundary map to also be included at Clause 4.0, along with a necessary cross reference to proposed Clause 13.07-3L St Kilda Live Music Precinct Plan, to highlight where the SKLMP plan is proposed to be implemented into the Planning Scheme.

As a more general observation, the implementation of the SKLMP into the Planning Scheme via Clause 53.06 will broadly function to elevate an awareness of it. However, as the SKLMP will be implemented through a Clause 53.06 and other local policy content, it does not operate in the same way as a zone of overlay control, where all zone and overlay controls applicable to a piece of land are specifically shown on a planning property report. This is one disadvantage of the SKLMP only being implemented via a Clause 53.06 Schedule and associated local policies. However, should targeted built form and noise attention requirements be sought to be implemented in future for the SKLMP, this would logically occur through the use of a Design and Development Overlay (DDO). Should that be facilitated, such a DDO would be listed on all applicable

planning property reports, thereby further elevating the awareness and role of the SKLMP. Refer to Proposition 2 for further commentary on this matter.

Proposition 2: undertake further acoustic analysis

Undertake further investigation on the merit of applying an alternative acoustic attenuation standard to noise-sensitive residential uses within the St Kilda Live Music Precinct (in the form of a base noise insulation level that must be met at the boundary of any proposed future noise sensitive residential uses), in combination with advocacy to State Government for changes to the Environment Protection regulations to facilitate this outcome.

Analysis

Seeking further acoustic analysis as suggested by Proposition 2 is anticipated to be a lengthy and potentially complicated process to undertake. However, if choosing to not undertake such acoustic investigations at this point in time, it does not constitute an impediment to seeking to implement positive policy support for the SKLMP into the Port Phillip Planning Scheme. Through the intended implementation of the SKLMP into the Port Phillip Planning Scheme, it will make it a leading strategic initiative, given to date no LMP framework has been implemented anywhere else within the state of Victoria. Proposition 2 could always be separately pursued in future once the SKLMP is formally embedded into the Port Phillip Planning Scheme.

The intent of Proposition 1, being the implementation of a declared SKLMP within the Port Phillip Planning Scheme, is the first and significant step in protecting opportunities for live music in St Kilda, including both existing and proposed live music venues. Assuming this is able to be successfully implemented, Proposition 2 would be able to be investigated later as appropriate.

Based on potential future acoustic investigations and analysis, should at a point in time alternative acoustic attenuation standards be deemed suitable for implementation, they would logically be implemented through a targeted Design and Development Overlay (DDO). More specifically it is anticipated that the Design and Development Overlay (DDO) would be targeted at all land designated via Clause 53.06 as being 'core live music activity area' and associated 'buffer area', where it would require any new proposal for a noise sensitive residential use to provide appropriate noise attenuation. However, in the absence of technical noise attenuation requirements at this point in time, it is not possible to pursue the implementation of a targeted Design and Development Overlay (DDO).

Conclusion

Council should immediately pursue implementation of positive policy support for the SKLMP within the Port Phillip Planning Scheme via a formal Planning Scheme Amendment. Subsequent to the implementation of planning policy content in support of the SKLMP, Council should consider and determine the potential timing for potential future acoustic investigations and analysis to be undertaken.

Proposition 3A: apply Clause 53.05 to venues of frequent use

Use clause 3.0 of the schedule to Clause 53.06 to expand the definition of a 'live music entertainment venue' to apply to select venues used for frequent live music performances and live music activities.

The Stage 1 Report and appendices nominated the following venues for inclusion in Clause 3.0 of a Schedule to Clause 53.06, which based on an initial review are generally supported.

Venue	Location/Address	Type of land use	Rationale
Theatreworks	14 Acland Street, St Leonards Ave, St Kilda VIC 3182	Theatre	Frequently used for live music performances.
Allan Eaton Studios	80 Inkerman Street, St Kilda VIC 3182	Recording studio	Recording studios can be used for rehearsal studio purposes as well ¹³ .
National Theatre Melbourne	20 Carlisle St, (Cnr Barkly St) St Kilda VIC 3182	Theatre	Frequently used for live music performances.
Catani Gardens		Public open space	Used to host live music acts (6 music events per year) and should be considered an outdoor live music entertainment venue.
Cleve Gardens		Public open space	
Alfred Square		Public open space	
South Beach Reserve		Public open space	
O'Donnell Gardens		Public open space	
Veg Out Community Gardens		Public open space	

Source: page 32 Echelon Planning: St Kilda Live Music Precinct Planning Study: Planning Proposition Report.

Analysis

- This Proposition is considered logical and is strongly supported as it represents the correct and intended functional use of the Clause 3.0 of a Schedule to Clause 53.06.
- It also provides a mechanism to acknowledge and include selected existing venues within proximity to, but outside of the SKLMP boundary.
- Through the Stage 2 review and analysis, the venues and public open spaces identified in the table above are supported for inclusion in Clause 3.0 of a Schedule to Clause 53.06. However, an exception is highlighted for the National Theatre, as this venue is located within the core area of the SKLMP, and therefore does not need to be separately identified at Clause 3.0 of a Schedule to Clause 53.06.
- Peanut Farm Reserve and J Talbot Reserve are both nominated on the CoPP Preliminary SKLMP boundary as a public open space that currently or may host events with live music, but are omitted from the table above. It is therefore recommended both of these public open spaces are included in Clause 3.0 of a Schedule to Clause 53.06.
- An existing venue omitted from the above table is the The Crest Hotel, 47 Barkley Street, St Kilda. It is recommended this venue is included at Clause 3.0 in Clause 3.0 of a Schedule to Clause 53.06.
- An existing public space omitted from the above table is the St Kilda Triangle Carpark which has hosted live music events previously. It is therefore recommended this venue is included at Clause 3.0 of a Schedule to Clause 53.06.
- Although the table at Schedule 3.0 to Clause 53.06 allows for 'conditions and limitations' to be listed for nominated locations, it is not proposed for any conditions or limitations to be imposed. This is due to the CoPP maintaining control over the use of public open spaces for public events through the granting of applicable leases and licences, with such approvals operating outside of the formal statutory planning framework.
- It is further noted that the CoPP has a current and adopted Outdoor Events Policy (Version 2, June 2022), which includes further cross references to Council's Events Strategy, Outdoor Events Guidelines, Outdoor Noise Management Guidelines, and Sustainable Outdoor Events Guidelines. Accordingly, any potential use of public open space for public events would be subject to these existing policies and guidelines at the time of a lease being granted.
- These existing policies and guidelines will also function to provide clarity to the wider CoPP community about potential events which may be hosted within public open spaces within the SKLMP.

Conclusion

- Seek to implement the finalised list of venues and open spaces for inclusion in Schedule 3.0 of Clause 53.06 as part of a Planning Scheme Amendment to implement the SKLMP and associated policy framework into the Port Phillip Planning Scheme.

Proposition 3B: apply Clause 53.05 to venues of infrequent use

Use clause 3.0 of the schedule to Clause 53.06 to apply to the select music venues currently used for infrequent live music events.

The Stage 1 Report and appendices nominated the following venues for inclusion in Schedule 3.0 of Clause 53.06, which based on an initial review are generally supported.

Venue	Location/Address	Type of land use	Rationale
Linden New Arts	26 Acland Street, St Kilda	Gallery	Occasional live music performances.
Sacred Heart Church	83 Grey Street, St Kilda	Place of Worship	Occasional live music performances associated with a place of worship.

Source: page 32 Echelon Planning: St Kilda Live Music Precinct Planning Study: Planning Proposition Report.

Analysis

- This Proposition is considered logical and is strongly supported as it represents the correct and intended functional use of the Clause 3.0 of a Schedule to Clause 53.06. It also provides a mechanism to acknowledge and include existing venues within proximity to, but outside of the SKLMP boundary.
- Venues and public open spaces identified in the table above are supported for inclusion in Clause 3.0 of a Schedule to Clause 53.06.
- An existing venue omitted from the above table is the Christ Church/Community Centre, 14 Acland Street. It is recommended this venue is included at Clause 3.0 in Clause 3.0 of a Schedule to Clause 53.06.
- Although Clause 3.0 to the Schedule of Clause 53.06 allow conditions and limitations to be imposed for a nominated venue, the nominated venues to be included in the schedule are existing uses. The purpose of listing such venues within Clause 53.06 is not to control use, but is rather to assist their protection under 'agent of change' principles where any new surrounding residential development is required to sound attenuate against potential noise. On this basis, it is not recommended for any conditions or limitations to be imposed on venues to be listed within Clause 3.0 to the Schedule of Clause 53.06

Conclusion

- Seek to implement the finalised list of venues for inclusion in Schedule 3.0 of Clause 53.06 as part of a Planning Scheme Amendment to implement the SKLMP and associated policy framework into the Port Phillip Planning Scheme.

Proposition 4A: update local planning policy framework

Update the Local Planning Policy Framework to formally identify the St Kilda Live Music Precinct, prioritise the establishment of live music entertainment venues within the precinct and require the application of the 'agent of change' principle.

More specifically, Proposition 4A is fully outlined in the Planning Proposition Report by Echelon Planning as follows:

- *The term 'live music entertainment' should be defined in local policy.*
- *The spatial extent of the St Kilda Live Music Precinct should be identified in local policy.*
- *The 'agent of change' principle should be expressed in local policy, to make it clear that it is the responsibility of the agent to change to address any noise impacts associated with locating live music entertainment venues and noise sensitive residential uses in proximity to each other within the St Kilda Live Music Precinct.*
- *New local policy should be included to overtly support existing and future live music entertainment venues within the precinct (i.e., distinguishing live music entertainment venues from other types of entertainment venues).*
- *Sub-precincts should be identified, along with policies which identify the types of live music entertainment venues that are supported within each area.*

New local policy would need to be prepared to provide guidance on how new noise sensitive residential uses within the St Kilda Live Music Precinct should be sited/designed to protect them from the impact of music noise from both current and potential future live music venues ¹⁵

The following clauses would require updating:

- *Municipal Planning Strategy (MPS) (Clause 02)*
- *Local strategies for management of music noise (Clause 13.05-1L).*
- *Defining sub-precinct areas where certain categories of live music entertainment venues are encouraged to locate (Clause 13.07-3L).*
- *Defining the live music precinct and measures which apply to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses, including in sub-precincts (Clause 13.07-3L).*
- *Live music as a priority activity and the application of the 'agent of change' principle within activity centres (Clause 11.03-1L).*

¹⁵ *The application of this requirement could be limited to noise sensitive residential uses within those sub-precincts where all forms of live music entertainment venue are supported under local policy.*

Source: page 34 Echelon Planning: St Kilda Live Music Precinct Planning Study: Planning Proposition Report.

Analysis

- Proposition 4A is supported and should be broadly implemented as outlined, as the formal implementation of the SKLMP into the Port Phillip Planning Scheme will give it statutory recognition to inform and influence decision making on land use and development relating to live music entertainment venues.
- However, the underlined text is not supported, which primarily relates to the recommendations for the nomination and designation of sub-precincts within the SKLMP, or distinguishing live music entertainment venues from other types of entertainment venues.
- As is outlined in detail earlier within this report, the use of sub-precincts and ascribed levels of live music entertainment activity within the SKLMP risks overcomplicating the issue, which fundamentally seeks a Planning Scheme policy framework which supports current and future live music entertainment venues.
- A more streamlined approach is considered to involve nominating a SKLMP with nominated 'core areas' and 'buffer areas', where a new live music entertainment venue in a preferred location can be considered on merit of the proposed use in context of its specific context and surrounds.

Conclusion

The overall intent of Proposition 4A is supported, except for the suggestions relating to defining a policy framework to address sub-precincts within the SKLMP or distinguishing live music entertainment venues from other types of entertainment venues. Appropriate Planning Scheme Amendment Documentation should be drafted in line with supported aspects of Proposition 4A.

Proposition 4B: clarifying definition of 'live music entertainment'

Clarify the definition of 'live music entertainment' to specifically exclude amplified pre-recorded music.

Analysis

A review of the Stage 1 Report and appendices including background documentation has sought to draw a distinction between 'live music entertainment venues' and venues such as bars, clubs and function centres which primarily rely on pre-recorded music. This suggestion is underpinned by the Noise Analysis Technical Report by Enfield Acoustics Noise Vibration (2023), which notes that the majority of community complaints are associated with bars, clubs and function centres which primarily rely on DJ's pre-recorded music. The technical report also makes the following observations regarding 'live music entertainment venues' (page 14):

More traditional live band rooms are less prone to this emission for two reasons:

- 1. Live band rooms do not typically rely on late night trading, when the frequency analysis is required.*
- 2. Live bands, acknowledging some obvious variance in this definition, are often weighted towards relatively higher frequencies when compared to electronic music which is weighted towards low frequencies.*

The intent of specifically excluding land-use which primarily relies on pre-recorded music seeks to squarely focus the proposed policy regime on 'live music entertainment venues' and not by default afford 'agent of change' protections to existing or future land-use which are not focused on live music. However, there is a broader issue at play, noting that a 'live music entertainment venues' is an undefined landuse within the Port Phillip Planning Scheme at Clause 73.04 Land Use Terms. Notwithstanding, a 'live music entertainment venue' is defined at Clause 53.06-2, as being:

- *A food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment.*
- *A rehearsal studio.*
- *Any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.*

Notably the above definition does not refer to or define pre-recorded music, rather refers to 'live music entertainment' and 'performance of music'. Despite this, it is noted that Council's own Live Music Action Plan 2021-2024 specifically includes nightclubs under its definition of a 'live music entertainment venues'. Given this, Proposition 4B is in direct opposition to Council's own adopted policy for live music. Therefore, as Council's own adopted Live Music Action Plan is clear that 'live music' extends to nightclubs, Proposition 4B is not accepted and not should be implemented as recommended.

Noting that Proposition 4B is not accepted, in the example a nightclub or a function centre, a Planning Permit would be required in accordance with the Commercial 1 Zone (C1Z), where an assessment of potential noise would need to be considered through application assessment phase. However, for a 'food and drink premises' which includes a 'bars' and 'restaurants', they typically do not require planning approval in the Commercial 1 Zone (C1Z), although may trigger a planning permit under Clause 52.27 Licenced Premises. Accordingly, the potential impacts of noise from pre-recorded music could only be considered through a planning permit for a licenced premises, liquor licensing conditions or otherwise existing local laws and EPA noise framework.

Conclusion

The intent of Proposition 4B is not supported, as it does not align with Council's own adopted Live Music Action Plan, which is clear that 'live music' extends to and specifically includes nightclubs.

5.2. Additional planning considerations

During the analysis of Stage 1 Reports a number of additional planning related issues which were identified. Each of these additional planning considerations are identified and analysed under separate headings below.

Planning consideration 1 – technical noise attenuation analysis

The Stage 1 Report included commentary regarding the need for additional technical noise analysis be undertaken, and highlighted issues relating to the scenario where new noise sensitive residential use could be proposed in an area where there is currently no live music entertainment venue. In the absence of an existing venue to respond to, it raises the question of what level is the minimum level of sound attenuation required to be applied.

This is partly addressed in the Stage 1 Report and appendices through the following observations:

Based on stakeholder interviews with the Department of Transport and Planning (DTP), applying Clause 53.06 to all land within the St Kilda Live Music Precinct would only require the noise sensitive residential use to include attenuation measures that will reduce noise levels from any existing live music entertainment venues¹² (¹² This interpretation would appear at odds with the stated purpose of Clause 53.06 to “encourage the retention of existing and the development of new live music entertainment venues”.

Source: page 28 Echelon Planning: St Kilda Live Music Precinct Planning Study: Planning Proposition Report.

Although additional technical noise analysis has not been undertaken as part of Stage 2 work, this does not prevent Council pursuing the implementation of a supportive policy framework for the SKLMP within the Port Phillip Planning Scheme. As a later stage of work, Council may choose to pursue in the medium and longer term to determine the appropriate noise attenuation standard to be applied following the introduction of local planning policy and controls for the SKLMP. As per earlier analysis, there are limitation of Clause 53.06 in being able to include targeted noise attenuation standards within the Schedule. However, should targeted noise attenuation standards be investigated and recommended, they would logically be applied via a targeted Design and Development Overlay (DDO).

Ultimately, additional detailed technical noise analysis could be investigated for implementation as a later refinement phase, should Council wish to pursue that in future following the implementation of positive planning support for the SKLMP within the Port Phillip Planning Scheme as recommended within this report.

Beyond the above commentary, Clause 53.06-3 is noted to include a requirement for a noise-sensitive residential use to align with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017. In recognition of the proposed modifications to implement the SKLMP within the Port Phillip Planning Scheme, they have been drafted so as to not contradict EPA regulations, rather will function to support and work alongside them.

Planning consideration 2 – live music entertainment venue register

The Stage 1 Report at page 59 includes a recommended action to develop databases for live music venues and noise complaints (page 59). This recommended action is strongly supported, and while a live music entertainment venue register would function outside of the Planning Scheme framework, it constitutes a valuable tool for Council to track operations of live music entertainment venues within the SKLMP. Apart from Council maintaining an updated record of the current operations of live music entertainment venues, it would also function as an informative tool for any proposal for a noise sensitive residential use to be established within the SKLMP, and would provide a more targeted ability for such a new proposal to appropriately address the 'agent of change' principle.

However, the Stage 1 Report also identifies that a live music venues and noise complaint data databases is required to be documented as part of the provision of necessary strategic justification for a Planning Scheme Amendment to implement the SKLMP into the Port Phillip Planning Scheme. It is considered this recommendation is not well founded, nor is it considered to be a fundamental requirement to justify a Planning Scheme Amendment to implement the SKLMP.

Designating the SKLMP and requiring that is formally referenced within the policy framework of the Port Phillip Planning Scheme aims to protect both existing live music entertainment venues, as well as potential future ones. The core live music activity area of the SKLMP is predominantly focused on commercial zones within St Kilda, as being the areas where appropriately managed but privately run live music entertainment venues are sought to be encouraged. The presence of existing venues certainly supports the intent of SKLMP, but equally theoretical absence does not undermine the policy intent which is sought. All pre-existing noise complaints are addressed under the current systems relating to EPA regulations, Local Laws and Liquor Licencing, and the potential implementation of the SKLMP into the Port Phillip Planning Scheme does not diminish or undermine obligations under those frameworks.

Planning consideration 3 – additional economic and social research

The Stage 1 Report includes commentary suggesting that additional economic and social research is required to support and strategically justify a Planning Scheme Amendment to implement the SKLMP into the Port Phillip Planning Scheme. It is considered this recommendation is not well founded, nor is considered to be a fundamental requirement in order to justify a Planning Scheme Amendment to implement the SKLMP.

Existing economic and social analysis conducted by Council is focused at a municipal wide scale, and is considered ample to appropriately illustrate the cultural and economic benefits of supporting a live music within Port Phillip and St Kilda specifically. Council's preparation and adoption of the Live Music Action Plan: 2021-24 (2021) and St Kilda Live Music Precinct Policy (2023) are key aspects of this work.

Furthermore, Council's current work on the Spatial Economic & Employment Framework (2023) (which itself cross references other documents including: Council Plan 2021-2031; Port Phillip Creative and Prosperous City Strategy 2023-2026; and the Live Music Action Plan 2021-2024) rounds out substantial work in this space. Further commentary on these documents is provided in this Stage 2 Report in Section 3.0.

Planning consideration 4 – residential use at upper levels in ‘core area’

The Stage 1 Report and appendices make only passing reference to either existing or future residential development at upper levels, other than to make some general statement acknowledging there is potential for land-use conflict between residential land-use and live music entertainment venues.

In order to expand upon this point, it is important that any proposed future policy framework is clear in highlighting that the ‘agent of change’ principle is to be applied to all new sensitive residential land-use within the entirety of the SKLMP. More specifically it would be highlighting that the ‘agent of change’ principle would equally apply to all new sensitive residential land-use both within the designated ‘buffer areas’, as well as the ‘core areas’ where live music entertainment venues are encouraged, but where with the vertical nature of buildings residential land-use at upper levels is a clear possibility.

Equally, a new live music entertainment venue within the core live music activity area would need to address existing residential land-use at upper levels, given the new venue would be the ‘agent of change’. However, the policy framework to be devised should also acknowledge that while residents within the core live music activity area should be protected from excessive intrusion from music noise, they will experience a higher outdoor ambient noise environment, and as an example cannot expect quiet internal noise levels with open windows.

Planning consideration 5 – designation of Public Open Spaces within the SKLMP

The use of public open spaces for live music events typically does not trigger any statutory planning approvals for the use and development of land under the Port Philip Planning Scheme. Notwithstanding this, Clause 53.06 has been utilised to define selected public open space areas as a ‘live music entertainment venue’ within the core live music area the SKLMP.

Specifically, Clause 53.06-2 defines a ‘live music entertainment venue’ as:

- A food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment.
- A rehearsal studio.
- Any other venue used for the performance of music and specified in clause 3.0 of the schedule to this clause, subject to any specified condition or limitation.

The third dot point listed above applies to venues that do not fall into the land use terms set out in the first two dot points. The key issue is consider is how widely this third dot point can be interpreted, and, whether it can be interpreted as extending to spaces which function as public open space and are used at times to hold live music entertainment. When interpreting Clause 53.06-2, the inclusion of the words ‘any other venue’ clearly provides flexibility as to what type of venue can be included in the Schedule. The intent of flexibility was specifically referenced within the Explanatory Report for Amendment VC120, which stated:

‘A schedule to Clause 52.43 also provides for a responsible authority to tailor the provision to provide for specified exclusions from and expansions of the scope of the Clause. The schedule ensures that suitable venues can be properly protected and that areas with special acoustic controls can be excluded if needed’.*

* - now located at Clause 53.06

Additionally, it is highlighted that the definition at Clause 53.06-2 is silent on whether it relates to indoor or outdoor activities, while Clause 53.06-3 Requirements to be met includes reference to both indoor and outdoor live music. Based on the above, the proposed approach to statutory interpretation allows Clause 53.06-2 to be interpreted that it can be applied to public open space.

With reference to the nominated purposes of *Clause 53.06 Live Music Entertainment Venues*, it outlines the importance of live music entertainment and implementing the 'agent of change' principle. Functionally this is both to protect 'live music entertainment venues' from encroachment from 'noise sensitive residential uses' and to ensure 'noise sensitive residential uses' have appropriate noise attenuation. In considering these interrelated issues, the focus of Clause 53.06-2 is on the venue itself, rather than the underlying zoning, reservation, ownership or control of the relevant land.

While the primary use of public open space is for recreation, clearly it is possible for land to be used for more than one purpose, provided it is a separate purpose and not merely an activity that is incidental or ancillary to the main purpose.³

By designating selected public open space within the 'core live music area' of the SKLMP boundary, the intention is to utilise these areas as live music entertainment venues. The aim of the associated planning provisions functions to facilitate the frequent and regular use of designated public open space as live music entertainment venues to be established as a separate or independent use of the land. In recognition of this, it is important to note that all events on designated public open space would be required to operate in accordance with the adopted CoPP Outdoor Events Policy (Version 2, June 2022), which includes further cross references to Council's Events Strategy, Outdoor Events Guidelines, Outdoor Noise Management Guidelines, and Sustainable Outdoor Events Guidelines.

In context of the SKLMP, this approach is justified and underpinned by the fact that St Kilda has a long-established history of hosting live music entertainment on public land, and particularly on foreshore open spaces. More specifically, between June 2023 and June 2024, the City of Port Phillip hosted 21 live music events in public open spaces within the precinct boundaries. This number is expected to increase as the industry recovers from the impact of the COVID-19 pandemic.

In order to formally define public open space areas within the SKLMP as a 'live music entertainment venue' (i.e. under the third dot point of the definition listed at Clause 53.06-2), they are required to be specifically listed at the Table at Schedule 3.0, while the Table further allows for 'conditions and limitations' to be imposed for nominated locations. In recognition of this, it is recommended for all relevant public open space areas be added to this table as a 'live music entertainment venue'. However, it is not recommended for any conditions or limitations relative to each area to be imposed, as the use of public open space would be facilitated in line with the adopted CoPP Outdoor Events Policy (Version 2, June 2022), which includes further cross references to Council's Events Strategy, Outdoor Events Guidelines, Outdoor Noise Management Guidelines, and Sustainable Outdoor Events Guidelines. Accordingly, any potential use of public open space for public events would be subject to these existing policies and guidelines at the time of a lease being granted, with this assessment framework operating outside of the statutory planning approvals framework.

Ultimately the designation of public open space areas as a 'live music entertainment venue' under the Clause 53.06 will functionally invoke the 'agent of change' principle for any new 'noise sensitive residential use' which may be proposed in close proximity to the core live music areas. However, to ensure clarity of the SKLMP map in providing a clear distinction between 'core areas' and 'buffer areas', it is recommended that the map is updated to designate public open space areas as being part of the 'core live music area'. This mapping modification requires only a minor update to the map legend, involving an adjustment to the relevant text.

³ Refer to VCAT 'Red Dot' decision regarding land use principle (*Wellington v Surf Coast Shire Council & Ors (Red Dot)* [2011] VCAT 2317).

6. Current guidance: Planning Scheme implementation

The State Government has released a number of documents which provide important guidance on the appropriate application of Planning Scheme controls relating to live music and licenced venues. Two of the key documents relating to such State Government guidance are:

- Planning Practice Notice 61 (PPN61): Licensed premises: Assessing cumulative impact (2022).
- Planning Practice Note 81 (PPN81): Live Music and Entertainment Noise (2022).

Prior to an analysis of the role and influence of these documents being documented below, an extremely important point to highlight is that PPN61 & PPN81 were both issued in 2022 so constitute current and up to date State Government guidance which is strongly relevant to the current matter.

A summary of the relevant commentary of PPN61 & PPN81 as applicable to the scope of the current project work is outlined below.

6.1. PPN61: Licensed premises: Assessing cumulative impact

Planning Practice Note 61 was introduced in May 2022, where its introduction clarifies its purpose as being:

- 1. Explain cumulative impact in relation to licensed premises in the planning system.*
- 2. Provide guidance on preparing and assessing an application under clause 52.27 of the planning scheme to:*
 - assist a permit applicant when considering and responding to the potential cumulative impact of their proposal*
 - support a council when assessing the cumulative impact of licensed premises as part of a planning permit application.*

PPN further sets out the role of assessing cumulative impact both in a positive and negative context.

It also establishes the extent of the land area to be included in a cumulative impact assessment, being all land within 500m radius of the proposed venue, but also taking into account physical barriers in the assessment areas.

PPN61 also outlines as a guide the types of information that needs to be prepared to assist in the assessment of the proposal and its potential cumulative impacts.

An example flowchart is also included to assist Councils in undertaking a final cumulative impact assessment.

Analysis:

PPN61 is a document of clear relevance to the assessment of planning permit applications for all licenced venues within St Kilda, and particularly those within the area anticipated for inclusion with a recommended SKLMP boundary. On this basis, PPN61 will retain its role to inform and influence all planning permit applications for licenced venues within a future SKLMP, whereby a cumulative impact assessment can be undertaken at the time with regard to the specifics of the subject site and its surrounds. However, it is not considered that PPN61 has a specific role with the analysis and determination of a SKLMP boundary.

6.2. PPN81: Live Music and Entertainment Noise

Planning Practice Note 81 was introduced in November 2022, where its introduction clarifies its purpose as providing guidance about the operation of *Clause 53.06 (Live Music Entertainment Venues)*.

Key aspects of the PPN81 includes:

- States the role of Clause 53.06 in that applies to a planning permit application for a *'live music entertainment venue'*, or a *'noise sensitive residential use'* within 50 metres of a *live music entertainment venue*.
- Restates the Clause 53.06 definition of a *'live music entertainment venue'* includes: *'a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment; a rehearsal studio; any other venue used for the performance of music and specified in clause 3.0 of the schedule to clause 53.06, subject to any specified condition or limitation'*.
- Restates the Clause 53.06 definition of a *'noise sensitive residential use'* means: *'a community care accommodation, dependent person's unit, dwelling, residential aged care facility, residential village, retirement village or rooming house'*.
- Clarifies the role of the agent of change principle to manage the relationship between live music venues and residential uses, meaning that the agent of change principle assigns responsibility for noise attenuation measures to the *'agent of change'* – a new use or development that is introduced into an existing environment. This is further explained by the following:
 - *In practical terms this means that if a new or an existing live music venue seeks to establish or expand, they will be responsible for attenuating any noise effects that are caused by that change on nearby residential properties.*
 - *Similarly, a new residential development close to an existing live music venue will be responsible for noise attenuation of its building to protect.*
- PPN81 further sets out details relating to information to be submitted with the application; the methods in which to meet the requirements; understating noise limits specified in Clause 53.06-3; and writing appropriate permit conditions.
- PPN81 provides some guidance on attenuating measures for live music venues that may help meet the requirements of Clause 53.06 including:
 - *Implementing a venue management plan focussed on minimising noise.*
 - *Positioning entertainment rooms, the stage, and loudspeakers to increase the distance between the noise source and any noise sensitive residential use orienting the stage or loudspeakers of external entertainment spaces to direct noise away from any noise sensitive residential use.*
 - *Incorporating measures such as acoustic glazing, wall, ceiling, and roof construction.*
 - *Sealing gaps, joints and service penetrations and using acoustic insulation.*
 - *Using setbacks and acoustic fencing limiting noise leakage by using vestibule / sound-lock entry arrangements.*
 - *Installing a sound limiter to cap the volume of any amplified sound to an appropriate level.*

While all the above measures will be helpful, some may have a limited effect on noise emissions in different circumstances. An acoustic engineer can advise on measures that can achieve the requirements of clause 53.06.
- PPN81 provides some guidance on attenuating measures for noise sensitive residential uses that may help meet the requirements of Clause 53.06 including:
 - *Locating noise-sensitive rooms (particularly bedrooms) away from significant noise exposure by using spaces like walkways, laundries, and storage as a buffer.*

- *Using acoustic glazing, wall, ceiling, and roof construction.*
- *Sealing gaps, joints and service penetrations and using acoustic insulation.*
- *Using setbacks and acoustic fencing.*
- *Using a noise masking system (for example by relying on heating, ventilation, or air-conditioning noise).*

Analysis:

PPN81 is a document of clear relevance to the assessment of applicable planning permit applications, which includes a new *'noise sensitive residential use'* within 50m of an existing *'live music entertainment venue'* or for a new or expanded *'live music entertainment venue'* within 50m of an existing *'noise sensitive residential use'*. PPN81 will retain a critical role in informing and influencing all relevant planning permit applications.

While PPN81 retains its central role in the assessment of relevant planning applications, its key principles relating to the assessment of potentially conflicting uses within 50m (which itself is drawn from Clause 53.06) has formed the key methodology which underpins the analysis and designation of the SKLMP boundary.

On this basis, PPN81 will retain its role to inform and influence all relevant planning permit applications, whereby compliance with Clause 53.06 can be considered based on the specifics of the proposal, the subject site and its surrounds.

7. Stage 2 Planning Scheme Amendment implementation

The following outlines the new planning provisions required to formally implement the SKLMP into the Port Phillip Planning Scheme.

The draft version of the Planning Scheme Amendment documentation is included in Appendix 4, with all amended and additional text proposed are shown as ‘tracked changes’.

A summary list of the proposed changes to the Port Phillip Planning Scheme for formal implementation through a Planning Scheme Amendment includes:

- **Clause 02.02 Vision:** update existing vision statement text to positively support the live music industry in Port Phillip.
- **Clause 02.03 Strategic Directions:** add a new sub-heading for the SKLMP with positive policy content at **Clause 02.03-3 Environmental risk and amenity**.
- **Clause 11.03-1L St Kilda Major Activity Centre** add positive policy content for the SKLMP.
- **Clause 13.07 Amenity, Human Health and Safety:** add a new SKLMP focused strategy at **13.07-3L St Kilda Live Music Precinct** to include positive policy content for the SKLMP, nominate policy guidelines for the assessment of applications within the SKLMP, and include the updated and refined SKLMP boundary map.
- **Clause 53.06 Live Music Entertainment Venues:** implement a new Schedule which:
 - At **Clause 1.0** nominates the SKLMP as an area where Clause 53.06 applies, and include a necessary cross reference to proposed **13.07-3L St Kilda Live Music Precinct**.
 - Add the updated and refined SKLMP boundary map within Clause 53.06 at **Clause 4.0**.
 - At **Clause 3.0** nominate the following venues where Clause 53.06 applies:
 - Theatreworks
 - Allan Eaton Studios
 - The Crest Hotel
 - Linden New Arts
 - Christ Church/Community Centre
 - Sacred Heart Church
 - At **Clause 3.0** nominate the following public open spaces within the SKLMP where Clause 53.06 applies, but without imposing any conditions or limitations, for:
 - South Beach Reserve
 - Catani Gardens
 - Cleve Gardens
 - Alfred Square
 - St Kilda Triangle
 - O'Donnell Gardens
 - Veg Out Community Gardens
 - Peanut Farm Reserve
 - J Talbot Reserve

Further commentary regarding the strategic justification of the proposed implementation of the SKLMP is outlined in following report sections.

7.1. Provision of positive policy support for SKLMP

The CoPP is the first Council to move forward with Live Music Precinct planning changes since the Victorian Government updated the State planning policy in September 2020. This means that although there are no precedent examples to guide overall scope and approach, the Stage 2 Report is seeking to implement proactive and positive policies to establish a strong and strategic foundation for subsequent work, which may include undertaking additional targeted technical noise analysis and potential noise controls being sought to be formally implemented.

Accordingly, a key aspiration of the proposed planning scheme implementation is to embed the SKLMP map within the Port Phillip Planning Scheme (i.e. within Clause 02.02 Vision and Clause 02.03 Strategic Directions), and ensure positive policy support is clearly outlined within a number of relevant Clauses.

A key aspect of seeking to provide positive policy support for the SKLMP is proposing an amendment to the existing Port Phillip Planning Scheme to ensure objectives and strategies that broadly function to:

- Encourage the development and landuse of appropriate live music venues and activity within the within the core area of the declared St Kilda Live Music Precinct.
- Require new noise sensitive residential development within the St Kilda Live Music Precinct to appropriately mitigate against potential noise, under the agent of change principle.

Such positive policy support for the SKLMP is coupled with other noise released policies which include objectives and strategies which function to:

- Assist the management of noise effects on sensitive land uses within the St Kilda Live Music Precinct, while acknowledging that residents and businesses in and around the declared core area may experience a higher ambient noise environment than expected in typical urban/suburban location.
- Ensure venue operators appropriately manage potential noise impacts in line with relevant regulations.

In outlining commentary regarding the strategic justification of the proposed amendments, it is highlighted that proposed content relating the provision of positive policy support for the SKLMP, as well as general content relating to noise within the SKLMP, would not function to counter or undermine other policies and requirements for noise under separate regulations and legislation sitting outside of the planning system.

The current project is focused on implementing the SKLMP into the Port Phillip Planning Scheme, where the proposed amendments seek to ensure that Council's established strong support for the establishment of the SKLMP is framed by general considerations of how noise considerations and potential complaints will be assessed in future.

However, with regard to the scope of implementation recommendations made as part of this Stage 2 report, the implementation of a declared SKLMP within the Port Phillip Planning Scheme will function as the first and significant step in protecting opportunities for live music in St Kilda, which will extend to both existing and proposed live music entertainment venues.

Assuming this is successfully implemented, additional acoustic analysis can be investigated later as appropriate. Based on potential future acoustic investigations and analysis, should at a point in time alternative acoustic attenuation standards be deemed suitable for implementation, they would logically be implemented through a targeted Design and Development Overlay (DDO).

7.2. Proposed Schedule to Clause 53.06

The proposed Schedule to Clause 53.06 Live Music Entertainment Venues functions to nominate the SKLMP at Clause 1.0 as an area where Clause 53.06 applies, and is further proposed to include a cross reference to Clause 13.07-3L St Kilda Live Music Precinct Plan, where the final SKLMP boundary map will be embedded within the Port Phillip Planning Scheme.

As outlined in earlier sections of the report, it is also recommended that further locations to be specifically listed in Clause 3.0 to the Schedule to Clause 53.06, including:

- Existing public open spaces designated as being within the ‘core live music area’ of the SKLMP boundary, including:
 - South Beach Reserve
 - Catani Gardens
 - Cleve Gardens
 - Alfred Square
 - St Kilda Triangle
 - O’Donnell Gardens
 - Veg Out Community Gardens
 - Peanut Farm Reserve
 - J Talbot Reserve
- Various existing venues located outside of, but in close proximity to the declared SKLMP boundary, including:
 - Theatreworks
 - Allan Eaton Studios
 - The Crest Hotel
 - Linden New Arts
 - Christ Church/Community Centre
 - Sacred Heart Church

Notably Clause 3.0 to the Schedule to Clause 53.06 allows conditions or limitations to be imposed for nominated locations. For public open spaces areas to be included at Clause 3.0 within the Schedule to Clause 53.06, it is not recommended that any conditions or limitations are imposed. This is justified on the basis that the use of public open spaces would be facilitated in line with the adopted CoPP Outdoor Events Policy (Version 2, June 2022), which includes further cross references to Council’s Events Strategy, Outdoor Events Guidelines, Outdoor Noise Management Guidelines, and Sustainable Outdoor Events Guidelines. Accordingly, any potential use of public open space for public events would be subject to these existing policies and guidelines at the time of a lease being granted, with this assessment framework operating outside of the statutory planning approvals framework. However, in order to provide clarity and to address and manage community expectations about how public open spaces will potentially be utilised for live music entertainment events, the functional operation of the adopted CoPP Outdoor Events Policy should be promoted and communicated to the CoPP community.

For other nominated venues to be included at Clause 3.0 within the Schedule to Clause 53.06, no conditions or limitations are recommended to be imposed. This is due to all nominated venues being existing uses, where the specific purpose of listing such venues within Clause 53.06 is not to control existing uses, rather is to assist in their protection under ‘agent of change’ principles. Listing these venues at Clause 3.0 within the Schedule to Clause 53.06 will function to ensure that any new residential development would be required to sound attenuate against potential noise. This is considered to be an appropriate, logical and strategically justifiable use of a Schedule to Clause 53.06.

Conclusion

As outlined within Section 7.0, it is recommended that a formal Planning Scheme Amendment is pursued by Council to implement positive policy support for the SKLMP within the Port Phillip Planning Scheme. This action will constitute the next logical strategic policy step, and which functions to build upon earlier Council strategy and policy work, including the City of Port Phillip Live Music Action Plan: 2021-24, and the St Kilda Live Music Policy.

Hansen Partnership

Melbourne | Byron Bay | Vietnam

Level 10 150 Lonsdale St

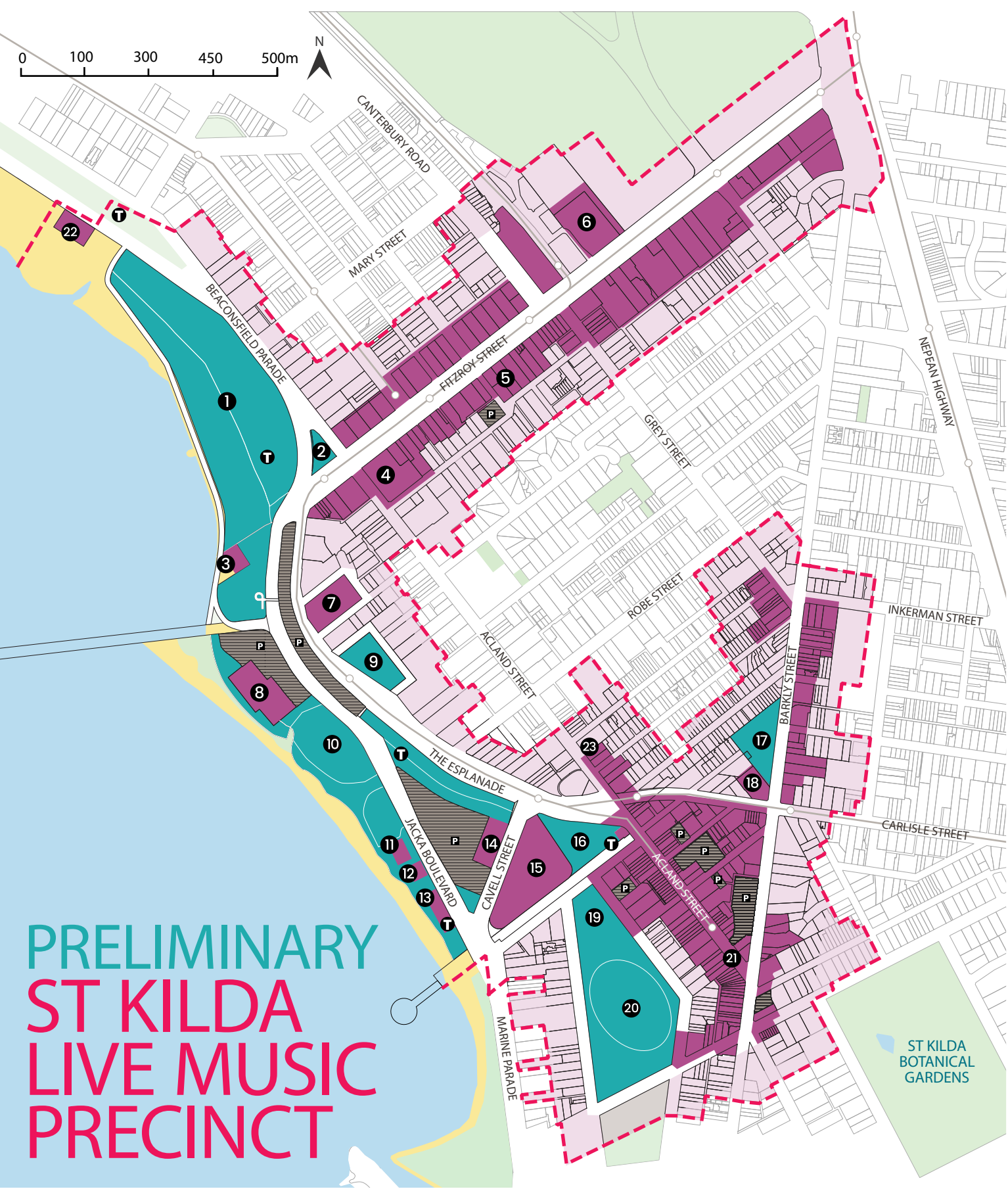
Melbourne VIC 3000

T 03 9654 8844

E info@hansenpartnership.com.au

W hansenpartnership.com.au

ABN 20 079 864 716



- Potential Live Music Precinct boundary.
- Core live music activity area. Areas or places where live music entertainment venues currently exist or could be established (subject to required approvals).
- Buffer area (50m). New residential development will need to provide noise attenuation.
- Public open spaces that currently or may host events with live music.

- | | |
|----------------------------------|------------------------------|
| 1 Catani Gardens | 13 Donovans |
| 2 Cleve Gardens | 14 Palais Theatre |
| 3 Royal Melbourne Yacht Squadron | 15 Luna Park |
| 4 The Prince Hotel | 16 O'Donnell Gardens |
| 5 Victorian Pride Centre | 17 J Talbot Reserve |
| 6 St Kilda Bowling Club | 18 The National Theatre |
| 7 Hotel Esplanade | 19 Veg Out Community Gardens |
| 8 St Kilda Sea Baths | 20 Peanut Farm Reserve |
| 9 Alfred Square | 21 Acland Street Plaza |
| 10 South Beach Reserve | 22 West Beach Pavilion |
| 11 The Stokehouse | 23 Dogs Bar |
| 12 St Kilda Lifesaving Club | |

AMENITIES

- Tram line and stops
- P Car parks (including ground level/open air/under cover)
- T Public toilets

Comparison of Port Phillip Preliminary SKLMP boundary and Hansen's proposed revisions

- Hansen proposed updated to Live Music Precinct Boundary.
- City of Port Phillip Preliminary Live Music Precinct Boundary.
- Core live music activity area. Areas or places where live music entertainment venues currently exist or could be established (subject to required approvals).
- Buffer area (50m). New residential development will need to provide noise attenuation.
- Public open spaces that currently or may host events with live music.

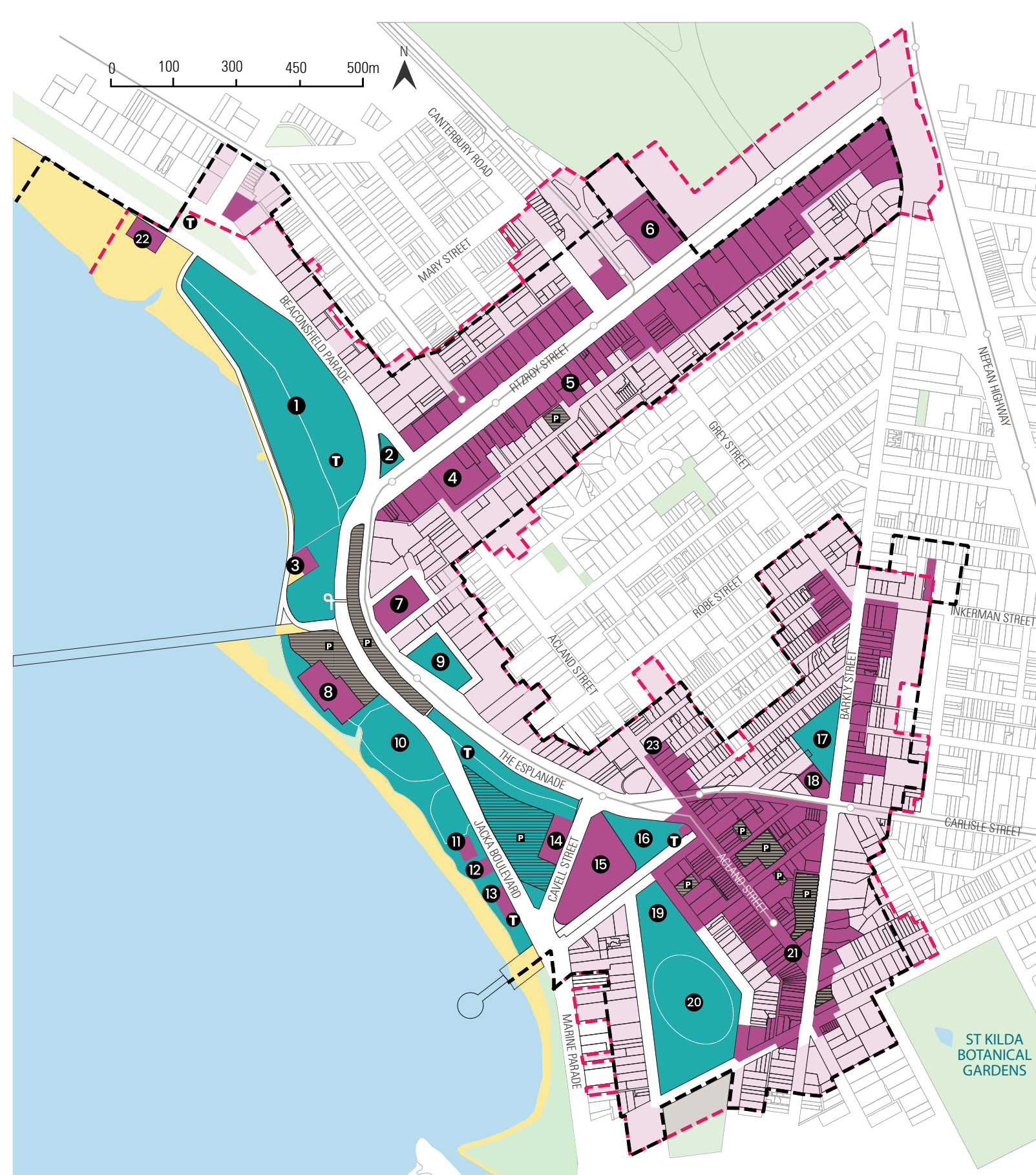
St Kilda Landmarks

(note: not all existing music venues are shown)

- | | |
|---|-------------------------------------|
| 1 Catani Gardens | 13 Donovans |
| 2 Cleve Gardens | 14 Palais Theatre |
| 3 Royal Melbourne Yacht Squadron | 15 Luna Park |
| 4 The Prince Hotel | 16 O'Donnell Gardens |
| 5 Victorian Pride Centre | 17 J Talbot Reserve |
| 6 St Kilda Bowling Club | 18 The National Theatre |
| 7 Hotel Esplanade | 19 Veg Out Community Gardens |
| 8 St Kilda Sea Baths | 20 Peanut Farm Reserve |
| 9 Alfred Square | 21 Acland Street Plaza |
| 10 South Beach Reserve | 22 West Beach Pavilion |
| 11 The Stokehouse | 23 Dogs Bar |
| 23 St Kilda Lifesaving Club | |

AMENITIES

- Tram line and stops
- Car parks (including ground level/open air/under cover)
- Public toilets



Stage 2 SKLMP boundary

- Stage 2 updated St Kilda Live Music Precinct (SKLMP) boundary.
- Core live music area.
Areas or places where live music entertainment venues currently exist or could be established (subject to required approvals).
- Core live music area.
Public open spaces that currently or may host events with live music.
- Buffer area (50m). New noise sensitive residential development will need to provide appropriate noise attenuation.

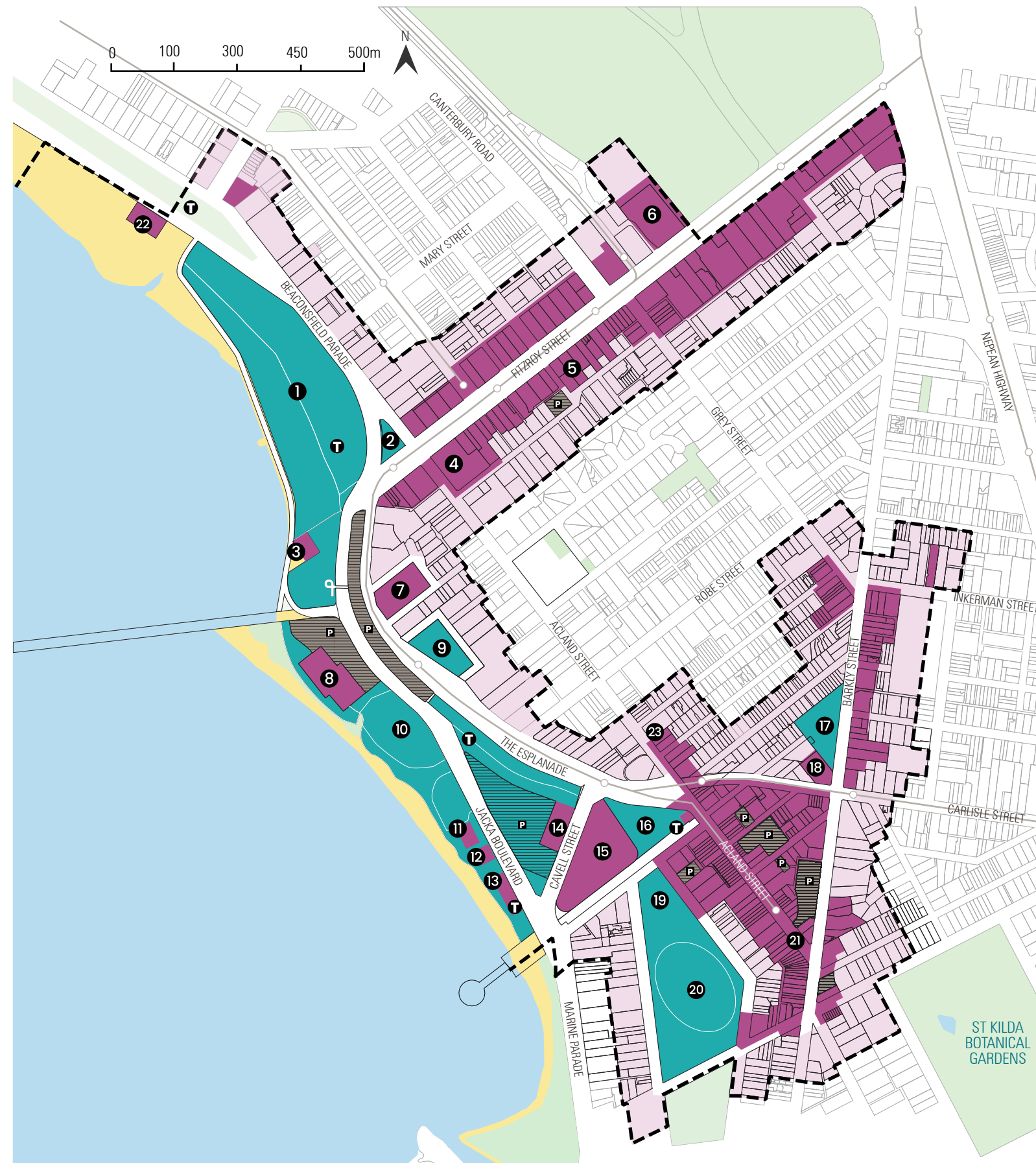
St Kilda Landmarks

(note: not all existing music venues are shown)

- | | |
|---|-------------------------------------|
| 1 Catani Gardens | 13 Donovans |
| 2 Cleve Gardens | 14 Palais Theatre |
| 3 Royal Melbourne Yacht Squadron | 15 Luna Park |
| 4 The Prince Hotel | 16 O'Donnell Gardens |
| 5 Victorian Pride Centre | 17 J Talbot Reserve |
| 6 St Kilda Bowling Club | 18 The National Theatre |
| 7 Hotel Esplanade | 19 Veg Out Community Gardens |
| 8 St Kilda Sea Baths | 20 Peanut Farm Reserve |
| 9 Alfred Square | 21 Acland Street Plaza |
| 10 South Beach Reserve | 22 West Beach Pavilion |
| 11 The Stokehouse | 23 Dogs Bar |
| 23 St Kilda Lifesaving Club | |

Amenities

- Tram line and stops
- Car parks
(including ground level/open air/under cover)
- Public toilets



02.02

VISION

44/04/2023
G203port

Proposed C220port

The vision in the *We are Port Phillip Council Plan 2017 – 2027* is for Port Phillip to be *‘Beautiful, Liveable, Caring, Inviting, Bold and Real’*.

The vision is shaped by a desire to celebrate history, protect character, and encourage inclusion and creativity, while planning for the future of a dynamic and evolving City.

Port Phillip will be a city:

- That produces low greenhouse gas emissions, is resilient to climate change and maximises use of environmentally sustainable modes of travel.
- That is creative and prosperous with a dynamic economy that connects and grows business as well as bringing arts, live music, culture and creative expression to everyday life.
- Of vibrant activity centres and employment areas, providing high accessibility to goods and services and prosperous conditions for all residents and businesses.
- That is liveable, with well-designed buildings that contribute to safe, lively, high amenity places with public spaces that are safe and inviting places for people to enjoy.
- Of diverse and distinctive neighbourhoods where well-designed new development is integrated with, and enhances our valued heritage and character and the beauty of our neighbourhoods.
- That respects and values its past, its diversity and its link with traditional owners.
- That is easy to get around, with 10-minute neighbourhoods that give locals access to shops, community spaces and a strong sense of place.
- With a range of affordable, accessible and diverse housing types to meet the needs of the population and is supported by a range of community facilities and services.
- That is inclusive; where community diversity and harmony are sustained and encouraged, and where members of our community feel connected through a strong sense of place and can participate in community life.
- With a healthy and safe environment for residents, workers and visitors.

Fishermans Bend Urban Renewal Area

The Fishermans Bend Urban Renewal Area (FBURA) is a declared project of State significance. It includes the major urban renewal precincts of Montague, Sandridge and Wirraway in the City of Port Phillip, and Lorimer and the Fishermans Bend NEIC (Employment Precinct) in the City of Melbourne.

The vision for FBURA is “*a thriving place that is a leading example for environmental sustainability, liveability, connectivity, diversity and innovation*” that will by 2050, accommodate 80,000 residents and 80,000 jobs and be Australia’s largest urban renewal *Green Star – Community*. FBURA is striving for a 6 Star *Green Star – Community* rating.

Council supports:

- Create thriving, lively, mixed-use neighbourhoods and a place of design excellence with highest densities of employment opportunities close to existing and planned public transport.
- Provide housing opportunities for a diverse community including at least six per cent of dwellings as Affordable Housing, with additional Social Housing dwellings provided as part of a Social Housing uplift scheme.
- Create a benchmark for sustainable and resilient urban transformation that supports the creation of a climate adept, water sensitive, low carbon, low waste community, addresses potential flood impacts with measures which maintain activity at ground level, and is designed to provide best practice waste and resource recovery management.
- Create a connected, permeable and accessible community that prioritises walking, cycling, and public transport use and supports 80 per cent of movements via active and public transport.

02.03-2

14/04/2023
C203port

Environmental and landscape values

Port Phillip is a highly modified urban environment with remnant areas of indigenous vegetation confined to the Port Phillip Bay foreshore and Ripponlea area. Replanting efforts have led to a number of significant sites of indigenous vegetation.

The foreshore is Port Phillip’s most outstanding natural and cultural asset and provides a number of functions including providing habitat for local flora and fauna and managing stormwater. Environmental management is essential in supporting the health of the Port Phillip Bay and ensuring that the foreshore remains an attractive destination that continues to support local biodiversity.

The City’s public open spaces and landscaping within road reserves, transport corridors and on private land provide an essential balance to Port Phillip’s urban environment and have a positive impact on the liveability and biodiversity of the City.

Council supports:

- Protecting Port Phillip’s natural environment and landscape values.
- Protecting and enhancing Port Phillip’s urban forest, including large canopy trees and vegetation.
- Protecting and enhancing Port Phillip’s green spaces and corridors to provide habitat to native flora and fauna.
- Reducing the environmental impact of urban areas on waterways and receiving bodies by managing stormwater quality and quantity.

02.03-3

14/04/2023
C203port Proposed C220port

Environmental risks and amenity

Climate change

Port Phillip is subject to the impacts of climate change, including increased heat, more extreme weather events, changed rainfall patterns, greater flooding due to overland flow and sea level rise, and increased erosion of the foreshore.



Designing and managing built form and physical infrastructure to better respond to a changing climate will contribute to improving the liveability and sustainability of the City for the benefit of the community. Reduced emissions and achieving sustainable land use and development within the built environment will help achieve a City that is adaptive and resilient to climate change.

Council supports:

- Ensuring development responds to a changing climate and helps mitigate against its impacts by:
 - Incorporating environmentally sustainable design.
 - Prioritising walking, cycling and use of public transport, shared transport modes and low-emissions vehicles.
 - Providing new housing and employment in locations close to activity centres and public transport.
- Creating a greener, cooler City that reduces urban heat island effect by:
 - Increasing canopy cover and diversity of tree species in public open spaces, road reserves and transport corridors.
 - Protecting and enhancing vegetation on private land and in development.
- Use and development of the foreshore that responds to the impacts of climate change.
- Use of sustainable and low energy infrastructure and renewable energy.
- Integrating water sensitive urban design in development to improve water quality to Port Phillip Bay and other receiving water bodies, reduce the impacts of localised flooding and sea level rise and to facilitate water conservation.
- Reducing potable water consumption through more efficient water use and establishing alternative water sources.
- Facilitating the maximisation of recycling and diversion from landfill, reduction in waste generation and the circular economy.

St Kilda Live Music Precinct

St Kilda's live music scene emerged in the 1970's and has played an important role in defining and contributing to the local character and establishing St Kilda's live music legacy, which is acknowledged nationally and internationally.

The St Kilda Live Music Precinct is an area in the City recognised for its high concentration of live music entertainment venues. They provide important social, cultural, and economic benefits, contributing to making Port Phillip an attractive place in which to live, work and visit.

The Precinct's purpose is to encourage and support opportunities for live music entertainment venues within the designated core area. It also ensures the primary responsibility for noise attenuation rests with the agent of change, either new live music entertainment venues or new noise sensitive residential uses within the precinct.

Council supports:

- Facilitating the St Kilda Live Music Precinct through encouraging the development and land use of live music entertainment venues within the designated core area.
- Ensuring new development for noise sensitive residential uses within the St Kilda Live Music Precinct incorporates measures to mitigate potential noise.

11.03-1L-06 St Kilda Major Activity Centre

07/08/2023 --/--/----
 G2+3port Proposed C220port

Policy application

This policy applies to all land in the St Kilda Major Activity Centre as defined by the boundaries of the Commercial 1 Zone along Fitzroy and Acland Streets, St Kilda.

Objective

To reinforce the St Kilda Major Activity Centre as a significant retail, recreational, tourism, entertainment and leisure destination, whilst managing the cumulative impacts on local amenity and community safety.

Fitzroy Street**Strategies**

Retain the spacious boulevard atmosphere of Fitzroy Street.

Promote the tourism and entertainment role of Fitzroy Street, which includes live music, while maintaining the local retail servicing role, including core retail along Fitzroy Street between Princes and Acland Streets.

Encourage office and non-retail commercial uses north of Princes Street and facilitate a transition to St Kilda Junction.

Encourage non-retail commercial uses and residential development on the north-west side of Fitzroy Street, between Beaconsfield Parade and Canterbury Road.

Ensure the design of new development respects:

- The slope of the street toward the sea.
- The wide pavements and spacious character of Fitzroy Street.

Acland Street**Strategies**

Promote the tourism and entertainment role of Acland Street, which includes live music, while retaining the distinctive village atmosphere and local retailing services role.

Ensure new development respects the strong seaside location and the low scale, fine grain built form at the street edge.

13.07-3S28/09/2020
VC183**Live music****Objective**

To encourage, create and protect opportunities for the enjoyment of live music.

Strategies

Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Policy guidelines

Consider as relevant:

- The social, economic and cultural benefits to the community of:
 - Retaining an existing live music venue.
 - The development of new live music entertainment venues.
 - Clustering licensed premises and live music venues.

13.07-3L

 Proposed C220port
St Kilda Live Music Precinct**Policy application**

This policy applies to an application subject to Schedule to Clause 53.06 (Live Music Entertainment Venues) and within the St Kilda Live Music Precinct as shown on the plan to this clause.

Objectives

To recognise the important social, cultural, and economic benefits that live music contributes to the local community and City.

To facilitate a thriving live music industry by supporting the retention, growth, concentration, and operation of live music entertainment venues in the core live music area of the Precinct.

To facilitate the economic development of the Precinct by supporting live music sector employment and investment opportunities and resolving land-use conflicts.

To facilitate the development of well-designed and accessible new live music entertainment venues while minimising and managing any potential adverse off-site operational and amenity impacts on the community.

Strategies

Locate and cluster new live music entertainment venues within the core live music area to support the live music role and function of the Precinct.

Consider, and where appropriate, support and manage a higher ambient sound environment within the core live music area.

Ensure the agent of change (whether a new live music entertainment venue or a new noise-sensitive residential use) minimises and manages the amenity impacts through land use separation, siting, building design and operational measures.

Promote a diversity of live music venues, including location, size, number of patrons and hours of operation to support different performance spaces and levels of activity.

Support the use of land for food and drink premises, nightclubs, function centres or residential hotels that include live music entertainment and also rehearsal studios, where a permit is required.

Protect existing live music entertainment venues from encroachment by use or development that would compromise the ability of the venues to function effectively.

Enhance the sense of place of the Precinct by ensuring development responds to its context in terms of cultural identity and local character.

New live music entertainment venues

Ensure new live music entertainment venues, as the agent of change, minimise off-site operational and amenity impacts on existing noise sensitive residential uses.

Ensure new live music entertainment venues locate noise generating activities, away from habitable rooms (and in particular, bedrooms) and private open space of existing noise sensitive residential uses and incorporate acoustic attenuation measures.

New noise sensitive residential uses

Ensure that new noise sensitive residential uses, as the agent of change, provide appropriate noise attenuation measures to minimise the impacts of existing live music entertainment venues and protect internal amenity.

Ensure new noise sensitive residential use and development locates habitable rooms (in particular, bedrooms) and private open space away from existing and potential noise sources.

Policy guidelines

New live music entertainment venues

Consider as relevant:

- The nature of the proposed use, including:
 - .. The hours of operation.
 - .. The patron and staff numbers.
 - .. The potential off-site amenity impacts associated with the proposed use, as well as how these impacts will be managed and mitigated.
- The current land use of the site and land use of adjoining properties.
- The location and layout of the existing/proposed building on the site, including the location of all external windows, doors, and car parking areas.
- Any existing noise sensitive residential use within 50 metres, including details of habitable room windows, balconies, and secluded private open spaces.
- The design and siting of new live music entertainment venues, including:
 - .. The location of entertainment rooms and spaces, stages, and loudspeakers.
 - .. The attenuation measures, such as acoustic glazing and insulation.
 - .. The use of setbacks and acoustic fencing.
 - .. The location of any proposed external lighting and signage associated with the proposed use.
 - .. Whether the site and facilities are accessible to all.

New noise sensitive residential uses

Consider as relevant:

- The nature of the proposed use.
- The current land use of the site and land use of adjoining properties.

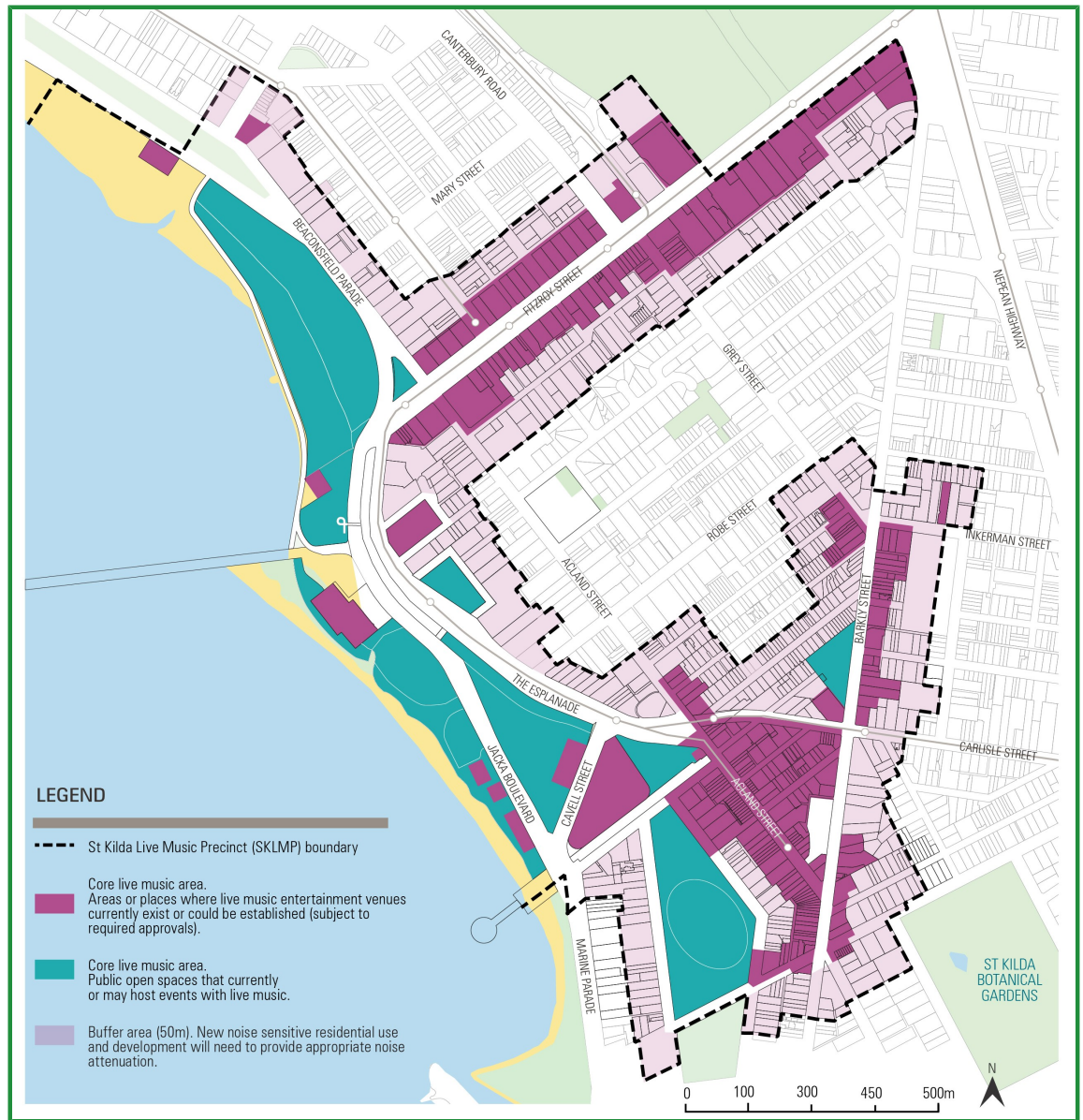
- The location and layout of the existing/proposed buildings on the site, including the location of all external windows, doors, and car parking areas.
- Any existing live music entertainment venue within 50 metres, including details of habitable room windows, balconies, and secluded private open spaces.
- The design and siting of new noise sensitive residential development, including:
 - .. The orientation of windows and ventilation systems.
 - .. The location of habitable rooms (in particular, bedrooms) and private open space.
 - .. The attenuation measures, such as acoustic glazing and insulation.
 - .. The use of setbacks and acoustic fencing.

Policy documents

Consider as relevant:

- *St Kilda Live Music Precinct Policy* (City of Port Phillip, June 2023)
- *St Kilda Live Music Precinct Planning Study Report* (Hodyl & Co, Echelon Planning and Enfield Acoustics, July 2023)
- *St Kilda Live Music Precinct Planning Study Stage 2: detailed investigations & recommendations* (Hansen Partnership, March 2024)

St Kilda Live Music Precinct Plan



18/02/2021
GC175**SCHEDULE TO CLAUSE 53.06 LIVE MUSIC ENTERTAINMENT VENUES****1.0 Areas to which Clause 53.06 does apply**04/05/2022 --/--/---
V6240 Proposed C220port

Name of area	Description
None specified St Kilda Live Music Precinct	Refer to Clause 13.07-3L (St Kilda Live Music Precinct) and Clause 4 of this schedule for a plan of the declared SKLMP area.

2.0 Areas to which Clause 53.06 does not apply04/05/2022 --/--/---
V6240 Proposed C220port

Name of area	Description
None specified	None specified

3.0 Other venues to which Clause 53.06 applies04/05/2022 --/--/---
V6240 Proposed C220port

Name of venue	Address	Condition or limitation
None specified Theatreworks	14 Acland Street (cnr St Leonards Ave), St Kilda	None specified
Allan Eaton Studios	80 Inkerman Street, St Kilda	None specified
The Crest Hotel	47 Barkly Street, St Kilda	None specified
South Beach Reserve	Beaconsfield Parade, St Kilda	None specified
Catani Gardens	Beaconsfield Parade, St Kilda	None specified
Cleve Gardens	Beaconsfield Parade (cnr Fitzroy Street), St Kilda	None specified
Alfred Square	The Esplanade, St Kilda	None specified
St Kilda Triangle	Jacka Boulevard, St Kilda	None specified
O'Donnell Gardens	The Esplanade, St Kilda	None specified
Veg Out Community Gardens	Shakespeare Grove, St Kilda	None specified
Peanut Farm Reserve	Chaucer Street/ Spencer Street, St Kilda	None specified
J Talbot Reserve	Barkley Street, St Kilda	None specified
Linden New Arts	26 Acland Street, St Kilda	None specified
Christ Church/Community Centre	14 Acland Street, St Kilda	None specified
Sacred Heart Church	83 Grey Street, St Kilda	None specified

4.0 St Kilda Live Music Precinct Plan

PORT PHILLIP PLANNING SCHEME

