

Noise and Amenity Action Plan

166 - 182 Gertrude Street, Fitzroy

Prepared on behalf of Kalex (Gertrude Street) JV Pty Ltd

Updated July 2019

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Overview

The land known as 166-182 Gertrude Street, Fitzroy is currently being developed for a five storey (plus two basement levels) building which will contain ground floor shops, ground floor food and drink premises and a total of 26 dwellings contained with the upper floors.

Planning permit (Amended) PLN14/0419 approves the sale and consumption of liquor from the ground floor food and drink premises: Tenancy 1 (Café), Tenancy 4 and Tenancy 5 (Restaurant). It is intended that liquor will be sold and consumed on these premises between the hours of 10am and 11pm, seven days per week.

The purpose of this document is to ensure appropriate management and control of these premises, particularly in relation to the responsible service of alcohol, minimising the risk of alcohol misuse and abuse and to minimise any adverse impact on the amenity of the surrounding area including other residents and businesses within the development.

This document has been prepared in accordance with Clause 22.09 (Licensed Premises) of the Yarra Planning Scheme and the points contained at sub-Clause 22.09-4.3 (Noise and Amenity Action Plan).

This document has also taken into consideration the amendments proposed to Clause 22.09 through Amendment C209 with respect to patron management.

1.0 Existing Licenced Premises

A Cumulative Impact Assessment Map is attached at Attachment 1 to this document and details all licenced venues within a 500-metre radius of the application site, the type of licence held, operating hours and maximum patronage capacity.

What is demonstrated by this map is that there are many licenced premises within 500 metres of the application site and the predominant licence form is a 'Restaurant and Café Licence' with operating hours typically being between 12pm midday and 12am midnight.

This is unsurprising given the application site is in the heart of the Gertrude Street Neighbourhood Activity Centre and a Commercial 1 Zone where these uses are as of right and encouraged to locate.

It is considered that the licensed food and drink premises will contribute to the vibrancy of this Neighbourhood Activity Centre; which the Commercial 1 Zone, within which the site is located, seeks to create.

It is not considered that the proposal will cause a saturation of licenced premises within this Neighbourhood Activity Centre, primarily due to the nature of the proposal. The food and drink premises are approved as café and restaurant where the primary focus is the preparation and serving of meals to be consumed with the service of alcohol being a secondary component. The proposed hours of operation are not 'late night' but instead correspond with 'ordinary trading hours' as defined by the Victorian Commission for Gambling and Liquor Regulation, whilst the patron numbers are not substantial, particularly given each patron is provided with seating.

On balance, therefore, it is anticipated that the proposal will generate more positive cumulative impacts then potential negative cumulative impacts.

2.0 Potential Noise Sources and Their Mitigation

The primary noise sources can be broken into three categories being service equipment noise, patron noise and music noise.

Condition 6 of the planning permit required an acoustic report to be submitted detailing noise impacts resulting from the proposed use and development to surrounding properties. Such a report has previously been prepared and endorsed by Council on 28 June 2016.

This endorsed acoustic report contemplates noise from all the above three categories and concludes that appropriate acoustic measurement targets are reached subject to various design recommendations. These design recommendations are required to be implemented and maintained in accordance with Condition 7 of the planning permit.

Whilst, it is proposed to introduce the sale and consumption of liquor from the food and drink premises, it is important to note that this endorsed acoustic report considered the prospect of these premises being licenced as set out at Section 6.5 of the report.

Accordingly, it is considered that all noise source sources have previously been identified, addressed and deemed acceptable. The requirements of this endorsed acoustic report will be required to be complied with throughout the life of the development.

3.0 Complaints

In the event of a complaint by a member of the public, the Victoria Police, an authorised officer of Council or an officer of the Victorian Commission for Gambling and Liquor Regulation, the procedures to be undertaken by staff include the following:

- 1. Complaints associated with the site activities shall be recorded on a Noise Complaint Register.
- 2. The Noise Complaint Register should provide the following details:
 - a. The name address of the complainant;
 - b. The time and date the complaint was received
 - c. The nature of the complaint and the time and date the complaint relates to.
 - d. Indicate what operations were occurring on site at the time of the complaint
 - e. Summarise actions taken to investigate the complaint and the results of the investigation.
 - f. Remedial actions undertaken (if required).

The Noise Complaint Register should be reviewed by management periodically to determine whether there are any consistent complaints, and, if so, to address them. In the event of an ongoing complaint which cannot be addressed by management, external advice should be sought.

If requested by the complainant, management should contact the complainant by telephone to advise what actions were taken to address the complaint and to establish a positive working approach between the operators of the premises and surrounding residents.

4.0 Staff

Staffing arrangements will be determined by the success of each premises with it reasonably anticipated that staffing levels will fluctuate in line with peak demand periods. Kitchen staff, front of house staff and at least one duty manager can reasonably be expected to be on site at all time each premise is operating. Due to the nature of the tenancies as restaurants, no dedicated security staff will be required or provided.

All front of house staff and duty managers will be required to obtain and maintain a Responsible Service of Alcohol Certificate in accordance with the requirements of the Victorian Commission for Gambling and Liquor Regulation. Signage related to alcohol consumption as also required by the Victorian Commission for Gambling and Liquor Regulation will be provided at prominent locations within both tenancies. Additionally, as part of the induction process, the importance of the responsible service of alcohol will be reinforced on all staff.

In the event of any dispute between a staff member and a patron regarding the service of alcohol, the duty manager is to be immediately informed and in turn will determine and undertake any necessary actions in accordance with their responsible service of alcohol training.

5.0 Premises details

The proposed premises will serve liquor between 10am and 11pm, seven days per week. Seating will be available for all patrons during these hours.

At all times the venue is operating, regardless of whether alcohol is being sold/ consumed, appropriate lighting will be provided noting that any external lighting will be required to be designed and baffled so as not to affect the amenity of the neighbourhood in accordance with Conditions 12 and 18 of the planning permit.

Deliveries and collections for both premises will be between 9am and 10pm on any day only.

From a waste management perspective, a Waste Management Plan has been prepared and endorsed in accordance with Condition 8 of the planning permit. It is considered that any additional waste generated on any premises by the sale and consumption of liquor will be comfortably covered by the existing details and requirements of the endorsed Waste Management Plan.

6.0 Other measures

It is noted that under Amendment C209, additional emphasis is placed on patron management, albeit this being primarily directed to tavern style establishments as opposed to restaurants/ cafes. In this respect, it is noted that queuing for entry will not be expected and any large group bookings will be able to be easily managed as tables will be reserved as necessary.

In terms of management and dispersal of patrons, again considering the proposed operation and small size of the tenancies, this is not considered to be an issue requiring addressing. Nevertheless, upon closing, the duty manager will politely request that any patrons lingering around the premises disperse in the interests of being respectful to nearby residents.

7.0 Summary

Due to the nature of the premises, it is considered unlikely that the sale of consumption will lead to any potential negative amenity impacts that have not already been considered and addressed as part of the broader planning permit proposal.

In summary, however, this Nosie and Amenity Action Plan recommends:

- The provisions, recommendations and requirements of the Acoustic Report endorsed under Planning Permit PLN14/0419 are to be abided by at all times.
- A Noise Complaint Register as outlined at Section 3.0 is to be maintained.
- All staff are to hold Responsible Service of Alcohol Certificate and be advised of the importance of the responsible service of alcohol as part of their induction.
- The provisions, recommendations and requirements of the Waste Management Plan endorsed under Planning Permit PLN14/0419 are to be abided by at all times.
- The responsible Duty Manager to have final determination as to the service of alcohol, request patron dispersal, if necessary, upon closure of the premises and to be responsible for the keeping of the Noise Complaint Register.

Attachment 1: Cumulative Impact Assessment Map

SJB Planning

Cumulative Impact Assessment Map Carlton St Carlton Napoleon St. Cartton Gardens North King William St Stanley St 33 Hanover St. Atherton Charles St Carlton * Singleton St Gardens Webb St Gipps St 101 _Glasshouse Rd Carlton 106 Waterloo Rd Gardens South Langridge St. Derby St Glasgow St Wing Renhead 116 Royal As Ibout A Royal
College of
Surgeons
Gardens 32 Victoria Pdi

107

East

Melbourne

Cathedral PI

37

Freemasons

Hospital

Powlett

Reserve



500m radius around 166-182 Gertrude Street, Fitzroy

Source: Victorian Commission for Gambling and Liquor Regulation Interactive Map Online

Gardens -

Parliament

House

SJB Planning Cumulative Impact Assessment Map

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
1	Konjo Ehiopian Restaurant & Craft	20 Smith St	12pm- 11pm	12pm- 11pm	12pm- 11pm	Not Specified
2	The Social Studio	126 Smith St	12pm- 11pm	12pm- 11pm	12pm- 11pm	Not Specified
3	Coconut Palms Restaurant	183 Smith St	12pm-1am	12pm-1am	12am- 11:30pm	Not Specified
4	Old Kingdom	197 Smith St	Closed (Mon) 12pm-3pm 5pm- 11:30pm (Tue-Wed)	12pm-3pm 5pm- 11:30pm (<i>Thu-Fri</i>) 5pm- 11:30pm (<i>Sat</i>)	5pm- 11:30pm	Not Specified

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
5	Gertrude Street Eonteca	229 Getrude St	8am- 11pm	8am-1am	10am- 11pm	Not Specified
6	Grace Darling Hotel	114 Smith St	7am-1am	7am-1am	10am- 11pm	300
7	The Fitzroy Beer Garden	243-245 Getrude St	7am-1am	7am-1am	10am- 1am	156
8	The Vine Collingwood	59 Wellington St	7am- 11pm	7am- 11pm	10am- 11pm	114
9	Metropole Hotel	42-44 Brunswick St	7am- 11pm	7am- 11pm	10am- 11pm	1964
10	The Elysian Whisky Bar	113 Brunswick St	10am- 1am	10am- 1am	10am- 1am	40
11	The British Crown Hotel	14-18 Smith St	7am- 12am	7am- 12am <i>(Thu)</i> 7am-1am <i>(Fri-Sat)</i>	10am- 11pm	449
12	Cutler & Co	51-57 Getrude St	7am- 12am	7am- 12am	7am- 12am	225
13	The Workers Club	51 Brunswick St	7am-1am	7am-1am	10am- 1am	340
14	Napier Hotel	210 Napier St	7am- 11pm	7am- 12am (Thu) 7am-1am <i>(Fri-Sat)</i>	10am- 11pm	140
15	Builders Arms Hotel	211 Getrude St	7am-1am	7am-1am	10am- 11pm	290

	The Getrude	148 Getrude	7am-1am	7am-1am	10am-	260
	Hotel	St			11pm	
ate Night (general) Licence					
Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
17	Ichi Ni Nana Izakaya	127 Brunswick St	7am-3am	7am-3am	10am- 11pm	478
18	Surcuit Bar	103-105 Smith St	10am-3am	10am-3am	10am-3am	460
19	Baden Powell Hotel	61 Victoria Pde	7am-1am	7am-1am	10am- 11pm	200
20	Yah Yah's	99 Smith St	11am-1am	10am-5am	10am-5am	250
_ate Night (c	on-premises) Licence					
Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
21	The 86 Bar	185 Smith St	10am- 1am	10am- 3am	10am- 1am	100
22	Greenwood Loft	83-87 Smith St	10am- 1am	10am- 4am	10am- 4am	100
23	Forester's Beer & Music	64 Smith St	12pm- 2am	12pm- 4am	12pm- 4am	300 (Sun-Wed) 400 (Thu-Sat)
24	Mr Scruffs	60 Smith St	7am-1am	7am-4am	12pm- 1am	145
25	Caz Reitop's Dirty Secrets	80 Smith St	7am-1am	7am-1am (Thu) 7am-3am (Fri-Sat)	12pm- 11pm	60
_imited Lice	ence					
Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
26	12 Smith Street	12 Smith St	4pm- 11pm	4pm- 11pm	4pm- 11pm	Not specified
	Breizoz French	49	9am-	9am- 11pm	10am- 11pm	Not specified
27 (97)	Creperie	Brunswick St	11pm	i i piti		Specifica
27 (97) 28		Brunswick St 132 Gore St	N/A	N/A	N/A	Not specified
	Creperie Two Blind Mice					Not
28	Creperie Two Blind Mice Wines Aunt Maggie's	132 Gore St 188-196	N/A	N/A	N/A 10am-	Not specified Not

Attachment 2: Floor plan approved in accordance with Condition 1 of PLN14/0419

32	The Space Agency	235 Bridge St	12pm- 12am	12pm- 12am	12pm- 12am	Not specified
33	Sample Brew	219 Smith St	At any time	At any time	At any time	Not specified
34	Junior Space	65 Smith St	6pm-9pm	6pm-9pm	6pm-9pm	Not specified
35 (48/86)	Huxtaburger & Bills Bar	104-106 Smith St	11am- 11pm	11am- 11pm	11am- 11pm	Not specified
36 (45)	The Everleigh Melbourne	150-156 Gertrude St	7am-1am	7am-1am	7am-1am	Not specified
37	Epworth Freemasons	320 Victoria Pde	12pm- 9pm	12pm- 9pm	12pm- 9pm	Not specified
38	Halle Aux Vins	17 Little Oxford St	At any time	At any time	At any time	Not specified
39 (83)	Café Umago	171-173 Brunswick St	11:30am- 12am	11:30am- 12am	11:30am- 11pm	Not specified
40	Gertrude Contemporary Arts Space	200 Gertrude St	Closed (Mon) 5;30pm- 8:30pm (Tue-Wed)	5;30pm- 8:30pm	Closed	Not specified

On	Premises	inonno

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
41	Kent St	201 Smith St	8am-1am	8am-1am	10am- 1am	140
42	Ladro Gertrude	224 Gertrude St	7am-1am	7am-1am	10am- 11pm	78
43	Radio Bar and Café	79 Gertrude St	7am- 11pm	7am-1am	10am- 11pm	50
44	Shimbashi Japanese Soba & Sake Bar	131-133 Smith St	9am- 11pm	9am- 11pm	10am- 11pm	65
45 (36)	The Everleigh Melbourne	150-156 Gertrude St	9am-1am	9am-1am	10am- 1am	85
46	The Catfish Tavern	30-32 Gertrude St	7am-1am	7am-1am	10am- 11pm	204
47	Anada Bar & Restaurant	197 Gertrude St	11am- 1am	11am- 1am	11am- 11pm	Not specified
48 (35/86)	Huxtaburger & Bills Bar	104-106 Smith St	11am- 1am	11am- 1am	11am- 1am	48
49	The Umpire Strikes Back	9-11 Peel St	7am- 12am <i>(Mon)</i> 7am-1am <i>(Tue-Wed)</i>	7am-1am	10am- 1am	240
50	Wabisabi	94 Smith St	11am- 11pm	11am- 1am	11am- 11pm	Not specified
51	Beach Burrito Company	230-232 Gertrude St	7am- 11pm	7am-1am	10am- 11pm	170
52	Mondopiero	28 Brunswick St	11am- 11pm	11am- 11pm	11am- 11pm	20

53	Archie's All Day	189 Getrude St	7am-1am	7am-1am	10am- 11pm	50
54 (82)	Trippy Taco	238 Gertrude St	7am- 11pm	7am-1am (Thu-Fri) 8am-1am (Sat)	8am- 11pm	33
55	Dianne Tazner Gallery	108-110 Gertrude St	Closed (Mon) 10am- 5pm (Tue-Wed)	10am- 5pm (Thu-Fri) 12pm- 5pm (Sat)	Closed	20
56	La Niche Café	67 Smith St	8am- 11pm	8am- 11pm	10am- 11pm	46
57	Grumpy's Green	125 Smith St	7am-1am	7am-1am	10am- 1am	120
58	Charcoal Lane	136 Gertrude St	10am- 11pm	10am- 11pm	10am- 11pm	Not specified
59	Pixel Alley	95 Smith St	11am- 12am	11am- 1am	11am- 11pm	100
60	Bar Sk	90 Smith St	8am-1am	8am-1am	8am-1am	70
61	Mr Wow's Emporium	97B Smith St	7am-1am	7am-1am	10am- 1am	197

Packaged Liquor Licence

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
62	Wine Window	113-115	9am-	9am-	10am-	Not
		Brunswick St	11pm	11pm	11pm	specified
63	Blackhearts &	123 Smith St	9am-	9am-	10am-	Not
	Sparrows		11pm	11pm	11pm	specified
64	Smith Street	195 Smith St	9am-	9am-	10am-	Not
	Cellars		11pm	11pm	11pm	specified
65	Liquorland	132-172	9am-	9am-	10am-	Not
		Smith St	11pm	11pm	11pm	specified
66	Gertrude Street	169 Gertrude	9am-	9am-	10am-	Not
	Bottle Shop	St	11pm	11pm	11pm	specified
67	Kimchi Korean	161-163	9am-	9am-	10am-	Not
	Japanese Grocery	Brunswick St	11pm	11pm	11pm	specified
68 (118)	Casa Ciuccio	15 Gertrude	10am-	10am-	10am-	Not
1101/2000 * 000/1100/8		St	7pm	7pm	7pm	specified
69	Sutherlands Fine	31 Victoria	9am-	9am-	10am-	Not
	Wines	Pde	11pm	11pm	11pm	specified

Pre-retail Licence

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
70 (30)	Henkell Wines	PO Box	At any	At any	At any	Not
		2160	time	time	time	specified

Number	Premise Name	Address	Mon-Wed	Thu-Sat	Sun	Patron Capacity
71	The Meatball & Wine Bar	98 Smith St	8am-1am	8am-1am (Thu) 7:30am- 1am (Fri-Sat)	10am- 11pm	87
72	Smith & Daughters	175 Brunswick St	7am-1am	7am-1am	10am- 11pm	61
73	Mighty Boy Eatery	59-61 Gertrude St	7am- 11pm	7am- 11pm	10am- 11pm	80
74	Ish Restaurant	199 Gertrude St	7am- 11pm	7am- 11pm	10am- 11pm	35
75	Easy Tiger Smith St	96 Smith St	12pm- 12am	12pm- 12am	12pm- 12am	99
76	Ecco Hospitality	115 Victoria Pde	12pm- 11pm	12pm- 11pm (Thu-Fri) Closed (Sat)	Closed	195
77	Akari Japanese Restaurant	177 Brunswick St	7am-12am	7am-12am	10am- 11pm	Not specified
78	Pabu Grill & Sake	190 Smith St	10am- 10pm	10am- 10pm (<i>Thu</i>) 10am- 12am (Fri) 5pm- 12am (Sat)	5pm-12am	77
79	Peko Peko	199 Smith St	8am- 11pm	8am- 11pm	Closed	45
80	Sonido!	69 Gertrude St	Closed (Mon) 8:30am- 4pm (Tue-Wed)	8:30am- 10pm (Thu-Fri) 9am- 10pm (Sat)	10am- 10pm	25
81	Mr Bulgogi	189 Smith St	7am- 11pm	7am- 11pm	10am- 11pm	50
82 (54)	Trippy Taco	234 Gertrude St	9am- 11pm	9am-1am	10am- 10pm	30
83 (39)	Café Umago	171-173 Brunswick St	7am-1am	7am-1am	10am- 11pm	71
84	Smithward Bar	48A Smith St	9am- 11pm	9am- 11pm	10am- 11pm	17
85	Slowpoke Espresso	157 Brunswick St	7am- 11pm	7am- 11pm	8am-11pm	30
86 (35/48)	Huxtaburger & Bills Bar	104-106 Smith St	11am-1am	11am-1am	11am-1am	19
87	Ides Restaurant	92 Smith St	10am- 11pm	10am- 11pm	10am- 11pm	45
88	Hotel Jesus	174 Smith St	11:30am- 11pm	11:30am- 11pm (Thu)	10am- 11pm	102

				11:30am- 1am <i>(Fri)</i> 8am-1am <i>(Sat)</i>		
89	Uptown Jazz Café	177 Brunswick St	12pm- 12am	12pm- 12am	12pm- 12am	Not specified
90	Aegean Restaurant	17-19 Brunswick St	10am-1am	10am-1am	10am-1am	Not specified
91	Xe Om	194 Smith St	10am-1am	10am-1am	10am-1am	50
92	Noi Thai	205 Smith St	9am- 11pm	9am- 11pm	9am-11pm	29
93	Tokushima Japanese Restaurant	70 Smith St	7am- 11pm	7am- 11pm	10am- 11pm	Not specified
94	Blue Chillies	182 Brunswick St	10:30am- 11pm	10:30am- 11pm	10:30am- 11pm	100
95	Major Tom Collingwood	108 Smith St	7am-1am	7am-1am	7am-1am	97
96	Café Rosamond	191A Smith St	9am- 11pm	9am- 11pm	10am- 11pm	20
97 (27)	Breizoz French Creperie	49 Brunswick St	9am- 11pm	9am- 11pm	10am- 11pm	40
98	Biggie Smalls	86 Smith St	9am- 11pm	9am-1am	9am-11pm	32
99	Amarillo Fitzroy	149 Brunswick St	7am- 11pm	7am- 11pm	10am- 11pm	35
100	Majormajor	5 Smith St	7am- 11pm	7am-11pm	10am- 11pm	40
101	Akasiro	106 Cambridge St	Closed (Mon) 11am- 4pm (Tue) 11am- 10pm (Wed)	11am- 10pm (<i>Thu</i>) 11am- 11pm (<i>Fri</i>) 3pm-11pm (<i>Sat</i>)	10am- 4pm	20
102	Arcadia Café/Restaurant	193 Gertrude St	7am- 11pm	7am-11pm	10am- 11pm	Not specified
103	Chalawan	102 Smith St	7am- 11pm	7am-11pm	10am- 11pm	42
104	Madras Brothers	129 Smith St	7am-1am	7am-1am	10am- 11pm	136
105	Belle's Diner	150-156 Gertrude St	9am-1am	9am-1am	10am- 11pm	82
106	South of Johnston	46 Oxford St	10am- 11pm	10am- 11pm	10am- 11pm	60
107	Zio's Restaurant	14 Lansdowne St	7am- 11pm	7am-11pm	10am- 11pm	165
108 (31)	413 Fahrenheit Pizza	1-3 Smith St	Closed (Mon) 5pm- 11pm (Tue-Wed)	5pm-11pm (Thu) 5pm-1am (Fri-Sat)	5pm- 11pm	14

109	Copacabana International	135-139 Smith St	10am-3am	10am-3am	10am- 3am	Not specified
110	Bowl Bowl Dumpling	88-88A Smith St	12pm- 11pm	12pm- 11pm	12pm- 11pm	61
111	De Clieu Speciality Coffee	187 Gertrude St	7am- 11pm	7am-11pm (<i>Thu-Fri</i>) 7:30am- 11pm (<i>Sat</i>)	7:30am- 11pm	70
112	Soubar	153 Gertrude St	11am-1am	11am-1am	11am- 11pm	135
113	Sherpaz Restaurant	209 Victoria Pde	12pm- 2:30pm 6pm- 11pm	12pm- 2:30pm 6pm-11pm	12pm- 2:30pm 6pm- 11pm	63
114	Kinyoubi Izakaya	117 Smith St	7am- 11pm	7am-11pm	10am- 11pm	41
115	Neko Neko	83 Smith St	9am- 11pm	9am-11pm (Thu) 9am-1am (Fri-Sat)	9am- 11pm	24
116	Chotto	35 Smith St	Closed (Mon) 8am- 11pm (Tue-Wed)	8am-11pm	10am- 3pm	20
117	Gontran Cherrier Australia	140 Smith St	7am- 11pm	7am-11pm	7am- 11pm	97
118 (68)	Casa Ciuccio	15 Gertrude St	12pm- 11pm	12pm- 11pm (Thu) 12am-1am (Fri-Sat)	12pm- 11pm	70