

6 Ordinary Business
6.1 Town Planning Reports

6.1.1 Amendment To Planning Permit T130057 - To Amend Conditions to Allow Low Level Live Music in Outdoor Areas of the Hotel At L1, L2 And L3 LP6442, 200 Beaconsfield-Emerald Road, Beaconsfield

File Reference: T130057-1
Responsible GM: Peter Benazic
Author: Evangeline McGauley-Kennedy

Recommendation(s)

That Council issue a Notice of Decision to Grant Amended Planning Permit for the amendment to conditions of the planning permit T130057 to allow low level live music in the outdoor areas of the hotel at L1, L2 and L3 TP873363C, 200 Beaconsfield-Emerald Road, Beaconsfield Victoria 3807 subject to the conditions attached to this report.

Attachments

1. Locality Map [6.1.1.1 - 1 page]
2. Copy of Existing Permit [6.1.1.2 - 6 pages]
3. Copy of Patron Management Plan [6.1.1.3 - 9 pages]
4. CONFIDENTIAL - Copy of Objections - Circulated to Councillors only [6.1.1.4 - 15 pages]

Executive Summary

APPLICATION NO.:	T130057-1
APPLICANT:	BSP Lawyers
LAND:	L1, L2 and L3 TP873363C, 200 Beaconsfield-Emerald Road, Beaconsfield.
PROPOSAL:	Amendment to planning permit T130057 to allow low level live music in the outdoor areas of the hotel.
PLANNING CONTROLS:	Green Wedge Zone - Schedule 1 Land adjacent to a Road Zone Category 1 Environmental Significance Overlay – Schedule 1 Bushfire Management Overlay (partial) Floodway Overlay (partial)
NOTIFICATION & OBJECTIONS:	Pursuant to Section 55 of the Planning and Environment Act 1987, the application was advertised by the placing of two (2) signs on site and notices in the mail to 19 property owners including those shown beyond the areas in the Acoustic report provided as being potentially affected by the proposal.

	Six (6) objections were received.
KEY PLANNING CONSIDERATIONS:	Green Wedges – Metropolitan Melbourne Noise Amenity Patron behaviour
TITLE RESTRICTIONS	Section 173 Agreement – AL371213S This relates to an agreement between Cardinia Shire Council and Bridele Pty Ltd which refers to the payment of the Annual Community Contribution to Community Groups for as long as the 40 EGMs permitted by the planning permit are installed on the land. The Agreement includes obligations on how the annual contribution is to be indexed and the distribution and reporting of the annual contribution. This Agreement is therefore, not applicable to the proposal.
RECOMMENDATION:	Notice of Decision to Grant a Permit

Background

The site is located on the east corner of Beaconsfield-Emerald Road and Payne Road Beaconsfield.

The site is made up of three (3) parcels (L1, L2 and L3 TP873363C) and is sometimes referred to as L3 LP6442. The site totals approximately 4.8 hectares, with the Hotel use being located adjacent to Beaconsfield-Emerald Road in the south-western corner of the site.

The site currently contains the Cardinia Park Hotel, a historic hotel which has been located on the site for many years. Originally called The Bush Inn, then the Cardinia Creek Hotel and sometimes referred to as the Kardinia Creek Hotel, this pub was built prior to 1883 with the hotel signage stating it was established in 1926. Interestingly, although given its age and remnants of Victorian architecture, the building is not covered by a Heritage Overlay.

The Hotel enjoys existing use rights. Under the provisions of GWAZ1 a hotel is a Section 3, prohibited use. However the Hotel benefits from existing use rights and the existing use rights provisions allow for uses to continue into the future.

Throughout the years, the hotel has been subject of a number of applications, the most notable being T130057 which allowed for the buildings and works to an existing hotel, use and installation of 40 electronic gaming machines (EGMs), increase in the area and number of patrons permitted externally for the sale and consumption of liquor, and the alteration of access to a road zone category 1 on 7 October 2013.

The Hotel is single storey and orientated to Beaconsfield-Emerald Road. The Hotel currently incorporates a bistro and lounge, saloon bar, sports bar, gaming lounge with 40 EGM's and smoking area, two (2) alfresco dining areas (located to the south of the bistro and east of the entrance)

The Hotel currently operates pursuant to general liquor license number 31902043. The Liquor Licence currently allows an overall maximum patron capacity of 735 patrons, with 200 of those

patrons allowed in the external areas, during the following trading hours for consumption on the premises:

- Internal areas:
 - Sunday between 10am and 11pm
 - Good Friday and ANZAC Day between 12 noon and 11pm
 - On any other day between 7am and 1am
- External areas:
 - Sunday between 10am and 11pm
 - Good Friday and ANZAC Day between 12noon and 11pm
 - On any other day between 7am and 12 midnight

The endorsed plans show three (3) proposed outdoor areas, with two being located on the Beaconsfield-emerald Road side of the building and a third which was never constructed on the eastern side of the building adjacent to the car parking area to the rear.

The current permit allows for up to 200 persons to be in the outdoor areas at any one time, which is broken into each individual area as follows:

- Eastern outdoor dining area: 80 people
- Southern outdoor lounge area: 50 people
- Northern outdoor sports bar area: 50 people
- North-western outdoor smoking courtyard area: 20 people

Currently the permit does not allow any music (apart from background music) to be played in the external areas of the site. The total number of patrons allowed on the premises or in the outdoor areas at any one time is not proposed to be altered.

There have been a number of requests recorded by Council in relation to alleged breaches of the Cardinia Planning Scheme and/or planning permits. Some of these requests have resulted in action being taken to remedy a breach and others have resulted in no breach being detected.

This enforcement history mostly pertains to vegetation removal, earthworks and the display of an advertising sign without planning permits. A planning permit for the sign was issued following this breach.

Council is unaware of any previous complaints regarding noise arising from the operations of the premises apart from those now made known to Council through the objections received for this application.

Planning Permit History

There is a planning permit T010702 listed as being issued for an Art & Craft Centre on 20 June 2012 for the site, however, an inspection of the file this permit could not be located as being for this address.

Planning Permit T070344 was issued for a proposed outdoor smoking area, designated by portable barriers and minor works 24 July 2007.

Planning Permit T130057 was issued for buildings and works to an existing hotel, use and installation of 40 electronic gaming machines (EGMs), increase in the area and number of patrons permitted externally for the sale and consumption of liquor, and the alteration of access to a road zone category 1 on 7 October 2013.

Planning Permit T170311 was issued for an internally illuminated business identification sign on 11 September 2017.

Subject Site



The site is located on the north-east corner of the intersection of Beaconsfield-Emerald Road and Payne Road, Beaconsfield. The existing hotel is located in the south-western corner of the site. The site is transversed by Brisbane Creek towards the eastern title boundary. The site is relatively flat at the bottom of a valley with approximately 1 metre of fall across the site. The site contains existing Hotel and its infrastructure including a car parking area to the east and south of the building.

Surrounding land is generally used for rural-residential and smaller rural lifestyle and agricultural allotments being located in the vicinity. Beaconsfield Town Centre is located approximately 1.8 kilometres to the south of the site.

Relevance to Council Plan

Nil.

Proposal

The Hotel is seeking permission to delete conditions 15 and 16 of the Permit and amend the relevant provision in the patron management plan currently endorsed under condition 7 of the Permit so as to allow low level amplified live entertainment in the external areas of the Hotel.

It is proposed that as the external areas are used for alfresco dining, entertainment would be ancillary to food service with music noise emissions commensurate with certain types of performances, generally being 'acoustic duo' acts and/or background DJs.

It is proposed that low level amplified background music should be allowed during the hours outlined in the Liquor License for the consumption of liquor in the external areas of the site being:

- Sunday between 10am and 11pm

- Good Friday and ANZAC Day between 12noon and 11pm
- On any other day between 7am and 12 midnight.

However based on the locality and potential amenity impacts it is recommended that these hours be reduced to the hours of:

- Monday to Sunday from 10am to 9pm

Planning Scheme Provisions

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11.01-1R – Green Wedges – Metropolitan Melbourne
- Clause 13.05-1S – Noise abatement
- Clause 13.07-1S - Land use compatibility
- Clause 17.01-1S – Diversified economy

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.01 - Cardinia Shire Key issues and strategic vision
- Clause 21.03-3 – Rural Townships

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 51.02 – Metropolitan Green Wedge Land: Core Planning Provisions
- Clause 52.27 - Licensed premises
- Clause 53.06 - Live music and entertainment noise
- Clause 63.05 - Existing use rights
- Clause 65 – Decision guidelines
- Clause 66 – Referral and Notice provisions

Cardinia Shire's Liveability Plan 2017-2029

This proposal has regard to Cardinia Shire's Liveability Plan 2017-2029, in particular:

- Reduce financial vulnerability by facilitating investment in the local economy that facilitates new job opportunities.

Zone

The land is subject to the Green Wedge Zone - Schedule 1

Overlays

The land is subject to the following overlays:

- Environmental Significance Overlay – Schedule 1
- Bushfire Management Overlay (partial)
- Floodway Overlay (partial)

Planning Permit Triggers

The proposal relates to the amendment of Planning Permit T13057 originally issued for buildings and works to an existing hotel, use and installation of 40 electronic gaming machines (EGMs), increase in the area and number of patrons permitted externally for the sale and consumption of liquor, and the alteration of access to a road zone category 1 to amend conditions relating to the prohibition of live music in the outdoor areas of the hotel as discussed above. Therefore, there are no new permit triggers as a result of the proposal.

The original application required a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 63.05 (Existing Uses) outline a use that is in section 3 (prohibited uses) may continue as long no building and works are constructed or carried out without a permit.
- Pursuant to Clause 35.05-5 of the Green Wedge Zone A, a planning permit is required for required to construct or carry out works within 30m of a Road Zone 1.
- Pursuant to Clause 35.05-1 of the Green Wedge Zone A, a hotel would be a prohibited use however the site has existing use rights under Clause 63 of the Cardinia Planning Scheme.
- Pursuant to Clause 52.27 a permit is required to use land to sell or consume liquor if the number of patrons allowed under a licence is to be increased.
- Pursuant to Clause 52.28-2 a permit is required to install or use gaming machines
- Pursuant to Clause 52.29 a permit is required to alter access to a road in a Road Zone Category

Public Notification

The application has been advertised pursuant to Section 52 of the Planning and Environment Act 1987, by:

- *Sending notices to the owners and occupiers of adjoining land and those properties beyond the shown as being potentially affected on the Noise Testing Locations Map prepared by Enfield Acoustics Pty Ltd dated 15 November 2019 (see Figure 1 below); and*

- *Placing two (2) signs on site.*
- *A total of 19 residences within an 800m radius of the site received notice of the application by mail.*

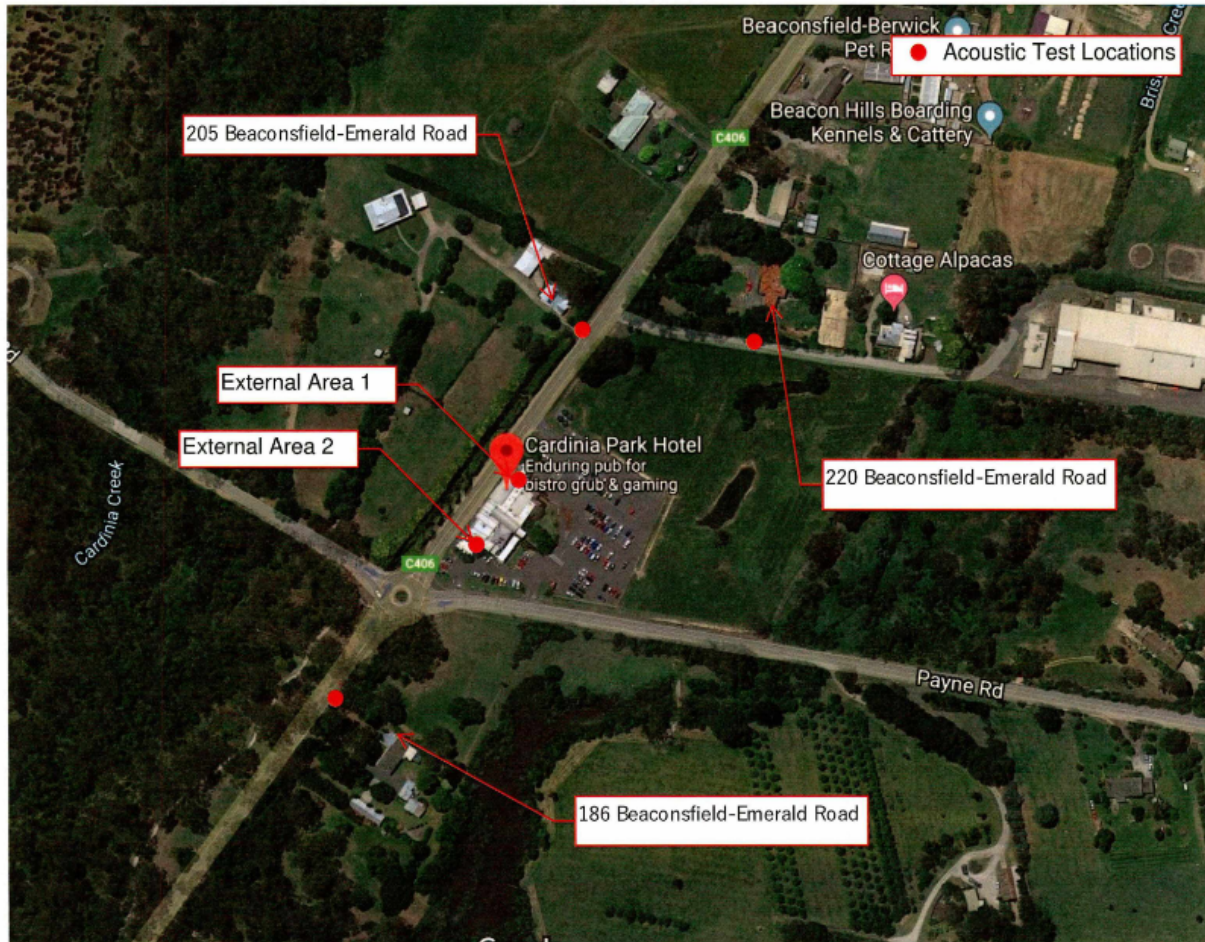


Figure 1: Acoustic mapping used to determine advertising notices for adjoining residences.

The notification has been carried out correctly, with the Statutory Declaration being received on 2 March 2020.

Council has received six (6) objections to date.

Objections were received from the following properties:

- 66 Payne Road Beaconsfield Vic 3807.
- 64 Payne Road Beaconsfield Vic 3807.
- 240 Beaconsfield Emerald Road Beaconsfield Vic 3807.
- 24 Payne Road Beaconsfield 3807.
- 205 Beaconsfield-Emerald Road Beaconsfield Victoria 3807
- 186 Beaconsfield-Emerald Road, Beaconsfield Victoria

The key issues that were raised in the objections are:

- Noise (arising from patrons and music)
- Previous issues with patron behaviour
- Increased alcohol consumption

Referrals

Victoria Police

The application was referred to the Department of Transport as a statutory referral. The Department of Transport had no objection to the proposal subject to conditions.

Council's Health Department

The application was referred to Council's Health Department who had no objection to the proposal subject to conditions regarding noise monitoring and complaints being placed on the permit.

Council's Compliance Department

The application was referred to Council's Compliance Department to confirm any complaints arising from compliance with the existing permit. They confirmed no complaints regarding compliance with the existing permit in terms of noise or amenity complaints. Council's record shows only breaches as discussed previously in this report.

Discussion

The application to amend the permit has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed changes on balance are determined to be consistent with these requirements, subject to some changes to be discussed below.

The Planning Scheme recognises that live music is an important part of the State's culture and economy. Policy seeks to facilitate and protect live music and entertainment venues from the encroachment of noise sensitive residential uses, as well as ensuring that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure that industries such as this are protected (where located in appropriate locations), as well as ensuring that potential conflicts with sensitive land uses can be appropriately managed and mitigated.

Clause 11.01-1R (Green Wedges – Metropolitan Melbourne) seeks to protect green wedges from inappropriate development as well as support development in green wedges that provides environmental, economic and social benefits including tourism and recreation opportunities. This policy directs the Responsible Authority to consider other policy documents as relevant to support decision making such as the *Upper Yarra Valley and Dandenong Ranges Region – Region Strategy Plan (1996)*. This policy document seeks to support tourist and visitor related facilities such as accommodation, hotels and restaurants, to encourage visitors to visit and stay in the region for longer periods of time in order to strengthen the local economy.

Clause 13.05-1S (Noise abatement) seeks to assist the control of noise effects on sensitive land uses by ensuring that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07-1S (Land use compatibility) seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

Clause 17.01-1S (Diversified economy) seeks to strengthen and diversify the economy and support rural economies to grow and diversify.

The proposal with appropriate conditions (as mentioned below) is considered to be compatible with the rural character from the area. The Hotel has been in operation since at least 1926, and is currently operating under various planning permits discussed above, and the changes to allow for low-level live music to be played in the external areas of the Hotel within certain hours is considered reasonable as to not cause any major disruption to the surrounding residences.

It is noted that the Green Wedge is primarily an agricultural zone which should facilitate, above all else the right to farm. Other compatible uses can be considered when appropriate in the Green Wedge, and in this instance where existing use rights are applicable. However, in any case the Planning Scheme requires the appropriate amenity protection measures to be put in place to minimise these effects. Local policies also all seek to facilitate appropriate commercial uses, while protecting the rural-lifestyle amenity of Cardinia's hills townships when appropriately located the Green Wedge.

It is considered that the proposal, subject to the proposed conditions adequately responds to the above and therefore, it is considered that the proposal is consistent with the PPF and MPS as it appropriately balances the objectives of the policy that will not result in a detrimental impact on the amenity of the surrounding area.

Green Wedge Zone:

Some of the key purposes of the Green Wedge Zone is to implement the MPS and PPF, along with providing for and protecting the use of the land for agriculture. It is also in place to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities and mineral and stone resources. The decision guidelines of the Zone require the Responsible Authority to consider the following when assessing an application, in particular:

- The capability of the land to accommodate the proposed use or development.
- How the use or development relates to rural land use, rural diversification, natural resource management, natural or cultural heritage management, recreation or tourism.
- Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.
- Whether the use or development is essential to the health, safety or well-being of the State or area but is not appropriate to locate in an urban area because of the effect it may have on existing or proposed urban areas or the effect that existing or proposed urban areas may have on the proposed use or development.

Before deciding on an application to amend a plan or permit, the Responsible Authority must also consider:

- The relevant planning scheme or any changes to the scheme;
- All objections and other submissions which it has received and which have not been withdrawn;

- Any decision and comments of a referral authority which it has received;
- Any significant effects which the Responsible Authority considers the changes may have on the locality / environment / etc; and
- Will not cause an increase in detriment to any person.

Changes in policy

There have been some changes to the Cardinia Planning Scheme since the permit was issued in 2013, including namely the following Planning Scheme Amendments.

The most notable amendment that is relevant to this proposal is VC120 implemented on 4 April 2014 which saw the introduction of a new particular provision for live music and entertainment noise at what was formally Clause 52.43, now known as Clause 53.06 (Live music and entertainment noise).

One of the objectives of the policy is to recognise the importance of live music and entertainment for both the municipality and metropolitan Melbourne and ensuring that these activities are not detrimental to the environment or amenity of the surrounding area.

It seeks to do this by implementing strategies to:

- provide for the fair, orderly, economic and sustainable use, and development of land.
- secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- balance the present and future interests of all Victorians.

The Amendment implemented the 'agent of change principle' for live music entertainment venues and noise sensitive residential use in their vicinity. It requires an applicant for a live music entertainment venue or a noise sensitive residential use near a venue to include appropriate noise attenuation measures as part of an application for use or buildings and works that requires a planning permit under any zone of a planning scheme.

Formally Clause 52.43 (now Clause 53.06) sets out obligations for information to be submitted with an application together with requirements and guidance for decision makers. A schedule to Clause 52.43 (now Clause 53.06) 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. Cardinia's Planning Scheme did not include any schedule to this Clause, therefore only the controls of the head Clause apply to applications in the Shire.

The Amendment properly considered and responded to environmental effects (as set out in section 12(2)(b) of the Act). It was implemented to positively impact on urban environments as it requires decision makers to take into account noise effects that the environment might have on a new use or buildings and works for a Live music entertainment venue or Noise sensitive residential use in the vicinity of a venue. The Amendment addressed the relevant social and economic effects (section 12(2)(c) of the Act) as it will generate a net community benefit by helping to facilitate more liveable dwellings located near live music entertainment venues, while also supporting the music industry.

The Amendment ensured via policy that a properly attenuated venue that employs operating practices that also ease noise emissions will reduce potential for disturbance to the surrounding area and protect the business from any potential future sensitive use or development establishing nearby.

The Amendment specifically brought in the State Environment Protection Policy - Control of Music Noise from Public Premises N2 (SEPP N2) measure to help control noise from inside a habitable room of a nearby dwelling.

By specifying a noise measurement location from inside a closed habitable room, the requirement does not demand a SEPP N2 noise standard for a balcony, private open space or habitable room with open windows and doors. Despite the noise limits specified in Clause 53.06 (formally 52.43), the general amenity benefited from openable rooms and unencumbered private open spaces can continue to be provided for noise sensitive residential uses. The current standards set out in SEPP N2 must still be met by venues.

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

Although Planning Scheme VC120 was one of the most notable change directly relating to this land use, there have also been some other significant changes to the Planning Scheme since the permit issued.

These changes include changes to the Bushfire Management Overlay mapping which saw part of the subject site included into the overlay via the implementation of Amendment GC13 on 3 October 2017.

There were also some minor 'fix-up' amendments between 2017 and 2020, the most recent being VC160 which amends the Victoria Planning Provisions (VPP) and all planning schemes to correct errors and omissions, clarify the operation of certain provisions, and implement planning reforms for certain industries and the table of uses for certain zones. The most notable of the changes to the Green Wedge Zone is the clarification of certain Animal industry uses to make them clearer.

The above changes to the Scheme over time have been implemented to ensure the greater protection of this industry, given its importance to the fabric of Victorian culture and the hospitality and tourism industry's contribution to the Victorian economy. The changes to the Scheme over time demonstrate the Planning Scheme's support for these industries.

Given the above, it is considered that the changes in the Planning Scheme since the permits issue further facilitate this land use in the correct locations, and therefore, do not mitigate against the approval of this amendment or render it unsupportable due to changes in Planning Policy over the years.

Advertising and response to objections

Council considered that the proposal as it was submitted would likely result in unreasonable off-site amenity impacts due to the operating hours that the Hotel currently enjoys in accordance with their liquor license. What was originally proposed would have allowed low-level amplified music to be played in the external areas until 12am (on any other day) and 11pm (on Sundays, ANZAC Day and Good Friday), which is not considered reasonable given the locality.

The proponents offered a concession to their proposal suggesting they would be amenable to the following condition:

"Any live entertainment and amplification (excluding background music) in the external areas must cease:

(a) On Mondays to Saturdays at 11pm

(b) On Sundays at 9pm"

Council considered this unreasonable as for the reasons stated in the proponents application that the reason for the application is to allow low-level live music (such as an acoustic duo or background DJ) during diner service, to create an ambiance for the patrons experience. For this reason, Council considers that if this application were to be supported that the low-level live music proposed should end when dinner service has ended at around 9pm.

It is however important to note that currently Condition 16 of the permit already allows for 'background music' to be played in the external areas of the site.

Condition 13 of the permit also requires that the noise levels emanating from the premises must comply at all times with SEPP-N2 noise of Music Noise from Public Premises, which the low-level live music proposes to also comply with the same requirement.

The amendment will allow for the strengthening of conditions around the volume allowed from the premises (through the installation of a noise limiter) which currently is not a requirement of the permit. This noise limiter will ensure that the noise emanating from the premises does not exceed SEPP-N2 which is currently a requirement of the existing permit. This means that the noise from external areas should be no different from what is already allowed.

Further to this, additional conditions giving the Responsible Authority the ability to measure the noise emanating from the premises from a neighbouring residence for future complaints will be placed on the permit. This will allow Council more control and ability to enforce conditions than the existing permit affords.

The key issues that were raised in the objections are generally amenity-based concerns and can be summarised into the following categories:

- Noise (arising from patrons and music)
- Previous issues with patron behaviour
- Alcohol consumption

In response to these concerns the following can be said:

Noise (arising from patrons and music)

As discussed in further detail below, the application was accompanied by an Acoustics Report which demonstrates that the proposed low level music in the external areas of the Hotel (with the installation of a noise limiter) will not exceed the SEPP N-2 requirements that the hotel is already subject to as a requirement of Condition 13.

It is also noted that Clause 53.06 only requires that a live music entertainment venue must be designed, constructed and managed to minimise noise emissions from the premises and provide acoustic attenuation measures that would protect a noise sensitive residential use within 50 metres of the venue. As there are no dwellings within 50 metres of the hotel, it is considered that the distance from the hotel of the nearest dwelling should be able to comfortably comply with these requirements if only allowed low-level live music in the external areas of the hotel.

The decision guidelines of Clause 56.03 state that in addition to the decision guidelines of Clause 65, the Responsible Authority must consider, as appropriate:

- The extent to which the siting, layout, design and construction minimise the potential for noise impacts;
- Whether existing or proposed noise sensitive residential uses will be satisfactorily protected. from unreasonable live music and entertainment noise.
- Whether the proposal adversely affects any existing uses.

Acoustic assessment

In addition to the responses above, it is also noted that the application was accompanied by an Acoustic Report prepared by Enfield Acoustics Pty Ltd dated 15 November 2019 which monitored three (3) noise sensitive receptors. The receptors were located between 110 and 180 metres away from the Hotel boundaries, near the following addresses (see Figure 1):

1. 205 Beaconsfield-Emerald Road, approximately 110m to the north of External Area 1;
2. 220 Beaconsfield-Emerald Road, approximately 180m to the northeast of External Area 1; and
3. 186 Beaconsfield-Emerald Road, approximately 160m to the south of External Area 2.

The above properties being the closest to the Hotel ultimately determine the noise thresholds required to be managed, despite the 50 metre requirement in Clause 56.03. It is considered that if compliance is met at the above properties, it would result in compliance at all other sensitive properties.

The testing involved simulated noise testing, by placing a loudspeaker within the designated external areas of the Hotel and measuring the noise level reduction at residential properties.

The purpose of this testing was to establish the Noise Reduction (NR) values between the Hotel and proximate sensitive uses. This test empirically determines the maximum music noise levels that can be emitted from the Hotel before noncompliance with SEPP N-2, and whether specific controls would be required.

SEPP N-2 aims to protect adjoining properties sleep in the 'night time'. Stringent night period noise limits are set for indoor and outdoor venues to ensure sleep is not disturbed. According to the policy outdoor venues are not allowed to operate beyond 11pm after which people's sleep should not be disturbed by loud music. According to SEPP N-2 night time is regarded as the time between:

- Any other day: 11pm-9am
- Saturday: 11pm-10am
- Sunday: 10pm-10am

The SEPP N-2 policy sets a single noise limit of 65dB(A) (or 55 dB(A) when the measurement point is located inside a residence). The limit for outdoor venues is higher than that set for indoor venues because of the different sensitive uses to be protected.

From the testing at the three (3) receptors the following threshold music noise levels could be generated by the Hotel and is summarised in Section 4 of the Acoustic assessment:

Frequency Band	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
From External Area 1							
Approximate noise level within external area allowable during 'Night' period, L ₁₀	86	85	86	87	82	85*	85*
From External Area 2							
Approximate noise level within external area allowable during 'Night' period, L ₁₀	83	81	89	91	90	93*	93*

The test results showed the following Noise Reduction (NR) levels being experienced by the three (3) residences closest by, and further reduced at residences further away:

Frequency Band	63Hz	125Hz	250Hz	500Hz	1000Hz	2000Hz	4000Hz
From External Area 1							
205 Beaconsfield-Emerald Road	30	32	36	39	36	40	42
220 Beaconsfield-Emerald Road	34	36	49	55	48	43	48
186 Beaconsfield-Emerald Road	38	39	52	55	52	54	60
From External Area 2							
205 Beaconsfield-Emerald Road	33	36	47	48	-*	-*	-*
220 Beaconsfield-Emerald Road	Inaudible or not measureable. Indicates this property is not material to the assessment.						
186 Beaconsfield-Emerald Road	27	28	40	43	43	42	44
Notes:	*Noise emission levels were equivalent to, less than ambient noise or inaudible. Noise which is not measureable infers compliance with policy and that there would be no material noise impacts.						

According to the results at each of these locations, the Acoustic report concludes that the proposal would likely comply with SEPP N-2 without any specific noise management generally between the hours of 10am and 10pm as the noise limits are recorded as below the 65dB(A) standard.

The report states that live entertainment in the form of acoustic music which does not include low frequencies (i.e. no bass or drums) operating at reasonable levels in the external areas of the Hotel would likely be on the threshold of SEPP N-2 compliance during the defined night period (11pm-9am any other day, 11pm-10am Saturday and 10pm-10am Sunday).

For this reason, Council believes it suitable to limit the hours of low level music in the external areas of the site, rather than grant the allowable noise until 11pm or 12am.

The report details that other forms of live entertainment which include low frequencies (for example: DJs) would require specific noise management controls such as a noise limiter to ensure that noise limits are not exceeded.

The Acoustics report concluded that the proposed use of the external areas for low level live music will not result in adverse noise impacts and the proposed permit amendment can be approved, where the risk of non-compliance from music noise emissions in the external areas can be managed by the following conditions:

- A frequency controlled noise limiting system is installed in each outdoor area proposed to be used. The system shall be calibrated by an acoustic consultant to ensure that the limits correspond with SEPP N-2 compliance limits at surrounding sensitive properties for the relevant times of operation.
- All music and amplification is played through a permanent PA/loudspeaker system installed at the Hotel, which is connected to the above limiter system.

Based on the recommendations of the Acoustic Report and objections received, it is recommended that the following conditions being placed on the Permit conditions to control the following being placed on the Permit:

- Any low level live entertainment and amplification (excluding background music) in the external areas must cease:
 - On Mondays to Sundays at 9pm

To the satisfaction of the Responsible Authority.

- Background music is permissible in the external areas during any period of the trading hours in compliance with SEPP N-2 and to the satisfaction of the Responsible Authority (although this is already allowed by Condition 16).
- Low level live entertainment and amplification is permissible in the external areas, where a noise limiter is installed and calibrated by a suitably qualified acoustic consultant to in compliance with SEPP N-2 and to the satisfaction of the Responsible Authority.
- All music and amplification is played through a permanent PA/loudspeaker system installed at the Hotel, which is connected to the above limiter system to the satisfaction of the Responsible Authority.

Noise attenuation techniques for live music venues:

Planning Practice Note 81 details that one or more of the following measures may be considered to help achieve the requirements of Clause 52.43, as appropriate:

- 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 through the use of vestibule / sound-lock entry arrangements
- Installing a sound limiter to cap the volume of any amplified sound to an appropriate level.

It is noted that some of these measures are already in place at the Hotel, including a Patron Management Plan, acoustic glass barriers surrounding the outdoor areas, with others (including noise limiting devices) being able to be implemented via the conditions of the amended permit.

These measures, in conjunction with the amended hours proposed are considered appropriate given the scale, context and locality of the site and are considered to reasonably ensure that potential off-site amenity impacts can be appropriately managed and enforced.

The Subject Site is somewhat isolated from any residential dwellings. The closest of which is approximately 110 metres away. This is well outside the 50 metres where clause 53.06 directs a specific need to consider the impact of music noise between an live music venue and a sensitive residential use.

In the context of the Subject Site's location from the nearest dwellings, the agent of change provisions at clause 53.06 and the need for compliance with State Environment Protection Policies, the proposal can be acceptably managed subject to suitable permit conditions.

Existing and proposed permit conditions to control noise

It should be noted that there are a number of existing permit conditions in addition to those proposed to be altered or deleted that require the Hotel to control the noise levels emanating from both the internal and external areas of their site. These will continue to have force and effect.

These conditions include:

Condition 7:

- *The endorsed Patron Management Plan dated July 2013, or any subsequently endorsed amended Patron Management Plan, must be complied with at all times to the satisfaction of the Responsible Authority and Victoria Police. Any amended Patron Management Plan must be approved by the Responsible Authority, in conjunction with Victoria Police prior to coming into operation.*

Condition 13:

- *Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.*

Condition 17:

- *Before the outdoor alfresco areas are occupied the acoustic fence must be put in place along the north, south and west side boundaries of the outdoor alfresco areas. The design of the fence must be prepared in consultation with/by a suitably qualified*

acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.

Condition 18:

- *All mechanical services noise must comply with the limits established by using the methodology set under State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.*

Condition 19:

- *The use and development must not detrimentally affect the amenity of the area through the:*

(c) Emission of noise...vibration...

(d) Patron noise and vehicle movements

Or in any other way, to the satisfaction of the Responsible Authority.

Condition 27:

- *Within two (2) months of the completion of the buildings and works the measures identified in the Marshall Day Acoustics report dated 25 July 2013 must be implemented and a further report submitted by Marshall Day Acoustics (or other suitably qualified practitioner) to the Responsible Authority confirming all the measures have been satisfactorily implemented. All measures must then be maintained to the satisfaction of the Responsible Authority.*

Additional conditions will require compliance with the following:

- *Live entertainment and amplification is permissible in the external areas, where a noise limiter is installed and calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2.*
- *Any low level live entertain and amplification (excluding background music) in the external areas must cease:*
 - *On Mondays to Sundays at 9pm*
 - To the satisfaction of the Responsible Authority.*
- *The premises must not cause a noise or knowingly allow or suffer a noise to emanate from any land owned or occupied that person which in the opinion of an Authorised Officer is unreasonable or which would cause discomfort to other persons.*

Patron behaviour and alcohol consumption

Although not considered a planning consideration, this aspect of the objections has been taken into account, as there is a fear that allowing music (even low level acoustic music) in the outdoor areas of the site will contribute to additional alcohol consumption and therefore, more rowdy or noisy patron behaviour. This is considered a matter for the Hotel to manage in accordance with their Patron Management Plan, security, their Responsible Service of Alcohol obligations and other obligations of the Liquor License and for the Police and VCGLR to enforce.

The application was referred to Victoria Police in accordance with the requirement of Condition 7 which required that any changes to the patron management plan obtain both Council's and Victoria Police's approval. Victoria Police responded with no objection to the proposed changes to the Patron Management Plan and did not raise any concerns about the proposal to have low level music in the outdoor areas of the Hotel and its potential to increase antisocial behaviours (such as more alcohol consumption and loud behaviour). The changes to the Patron Management Plan mainly relate to the following sections:

- Part 5 - Amenity of the neighbourhood:

- Point 12 – to update the relevant acoustic report the report prepared by Enfield Acoustics dated 15 November 2019.
- Part 6 – Noise
 - Point 17 – to update the relevant conditions relating to live music.
 - Point 20 – to delete the requirement that no live or amplified music is to be played in the external areas.

It is also important to note that due to the limitations of SEPP N-2 it does not prescribe noise limits for noise associated with the arrival and departure of people attending the premises, therefore the application should identify how they propose to manage the behaviour of patrons coming and going from the venue so that nuisance impacts on neighbours are minimised. The Scheme specifies that this information can be explained in a venue management plan (or patron management plan), one of which has already been prepared and will continue to have force and effect. The existing patron management plan provides for these requirements including details on how the following will be managed:

- Trading hours
- Liquor licensing
- Neighbourhood amenity
- Noise
- Patron behaviour
- Responsible service of Alcohol
- Security and surveillance
- Police
- Residents

Therefore, it is considered that if the Hotel operate within their requirements to responsibly serve alcohol to their patrons and manage their patrons accordingly through security measures and requirements of their liquor license, there should be no further detrimental effect caused by the changes to adjoining residences.

Advice from referral authorities

The amended permit application was required to be referred to Victoria Police pursuant to the requirements of Condition 7 and previously under the existing permit pursuant to Clause 66 (Referral and notice provisions).

Victoria Police provided a response that they were supportive of the amendment and offered no new conditions.

Increase in detriment to any persons

Although there is no agreement on the reduced hours, in accordance with the supporting documents and above assessment and discussion, Council considers if the measures are followed in the Acoustic report, hours music can be played undertaken in accordance with the amended permit (until 9pm), and patrons managed in accordance with the obligations of the establishments liquor license, there should be no further detriment in the form of noise, patron behaviour, traffic or any other adverse effect arising from the operations to any person living within close proximity to the Hotel and its surrounds.

Before deciding on an application to amend a plan or permit, the Responsible Authority, if the circumstances appear to so require, may consider:

- Any significant social and economic effects of the amendment;
- Any other strategic plan, policy statement, code or guideline which has been adopted by a Minister, government department, public authority or municipal council;

- Any amendment to the planning scheme which has been adopted by a planning authority but not, as at the date on which the application is considered, approved by the Minister or a planning authority;
- Any agreement made pursuant to section 173 affecting the land the subject of the application; and
- Any other relevant matter.

Social and economic impacts

It is considered that there will not be any significant detrimental social or economic effects of the proposed amendment. The amendment to allow low level live music is expected to have a positive economic effect by providing more opportunities for the Hotel, whilst balancing the expectations of surrounding land owners and the character of the Hotels Green Wedge setting.

Live music is an important part of the state's rich culture. Melbourne has a long established and highly regarded live music scene, making it the leading music city in Australia. Live music makes a significant contribution to the state's economy, drawing visitors from near and far and provides vital opportunities for emerging and established local musicians.

As previously discussed the acoustic report provided with this application demonstrates that if the conditions of the permit are followed, along with the reduced hours as proposed and management of the hotel continues to comply with all other requirements, it is considered that the proposed amendment will not cause any accumulative or material detriment to the surrounding area.

Other strategic plans or works

There are no strategic plans, policy statements, codes or guidelines which have been adopted by a Minister, Government Department, Public Authority or Municipal Council which would impact on the approval of the proposed amendment, other than those discussed above.

There has also been no amendment to the Planning Scheme, which has been adopted by a Planning Authority but not approved by the Minister or a Planning Authority, which would affect the approval of the proposed amendment, other than those already discussed above.

Section 173 Agreement – AL371213S

This relates to an agreement between Cardinia Shire Council and Bridele Pty Ltd which refers to the payment of the Annual Community Contribution to Community Groups for as long as the 40 EGMs permitted by the planning permit are installed on the land. The Agreement includes obligations on how the annual contribution is to be indexed and the distribution and reporting of the annual contribution. This Agreement is therefore, not applicable to the proposal.

Other relevant matters

It is considered that there are no other relevant matters, other than what has already been discussed which should be considered in the application to amend the permit.

Are the changes to the Planning Permit considered appropriate?

These measures, in conjunction with the reduced hours proposed by Council are considered appropriate given the scale, context and locality of the site and are considered to reasonably ensure that potential off-site amenity impacts can be appropriately managed and enforced.

Neighbours and live music entertainment venues should be encouraged to cooperatively solve noise issues by communicating directly to achieve a balanced solution. A collaborative approach is often the most effective and quickest means of solving noise conflict.

Based on the above assessment, it has been demonstrated that the concerns arising from the proposed low level live music have been appropriately discussed and addressed by this assessment.

The proposal is considered reasonable given their scope and scale. The proposed amended hours and other noise mitigation conditions will ensure that land use conflicts from sensitive uses can be minimised. The hotel has been operating lawfully at various stages since approximately 1926, with no records of noise complaints about amenity being located on Council's file.

Given that there are a number of policies in the Victorian Planning Scheme in place to facilitate and protect live music venues and their nearby sensitive residential uses (and visa versa), it is considered appropriate to consider this request based on the justification and evidence provided in the application that it is unlikely that any further detriment will be caused by the amendment.

As demonstrated by the accompanying technical reports and site visit, although the proponent has not agreed to the reduced hours Council is satisfied that allowing low level live music such as an acoustic duo in the external areas of the Hotel until 9pm each night, will not unreasonably disrupt the amenity currently enjoyed by the surrounding residences. The noise levels have been shown to comply with the relevant requirements of SEPP N-2 which is considered acceptable for this locality.

Given the support of Victoria Police, and Council's Health Department who both deal with noise nuisance, it is considered that the application can be supported.

Planning Practice Note 81 details that one or more of the following measures may be considered to help achieve the requirements of Clause 52.43, as appropriate:

- 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 through the use of vestibule / sound-lock entry arrangements
- Installing a sound limiter to cap the volume of any amplified sound to an appropriate level.

It is noted that some of these measures are already in place at the Hotel, including a Patron Management Plan, acoustic glass barriers surrounding the outdoor areas, with others (including noise limiting devices) being able to be implemented via the conditions of the amended permit.

A decision under Clause 53.06 of the planning scheme is based on the requirements set out in Clause 53.06-5. Enforcement will therefore generally be to ensure compliance with conditions specified in the planning permit.

Despite Clause 53.06, venues must still meet specified noise limits in SEPP N-2. Regardless of the establishment of a new noise sensitive residential development, a venue that is in breach of SEPP N-2 is still capable of being separately enforced under the policy.

Enforcement action against noise complaints can be taken by a number of agencies which should ensure piece of mind for surrounding residences. These include:

- Local government planning enforcement officers, who can enforce against planning permit conditions pursuant to the Planning and Environment Act 1987.
- EPA officers, who can issue a remedial notice under section 31A of the Environment Protection Act 1970 for breach of SEPP N-2.
- Liquor licence compliance inspectors, who can enforce liquor licence conditions under the Liquor Control Reform Act 1998.

- Police officers, who can enforce liquor licence conditions, as well as direct a venue to take action to abate noise under section 48AB of the Environment Protection Act 1970.
- Local government environmental health officers, who can take action under the nuisance provisions of the Public Health and Wellbeing Act 2008.

By amending the permit, Council is able to strengthen conditions to ensure peace of mind for the surrounding residences, while allowing the Hotel to extend its operations and appeal to customers, which is considered an appropriate outcome.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The effect on the amenity of the area.
- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.
- Traffic and road safety impacts

As discussed the application to amend the operation hours aligns with Planning Policy Frameworks and the purpose of the Zone to provide for and protect both live music venues and their surrounding sensitive residential uses.

The Hotel has been in existence for quite some time under existing use rights. The application has demonstrated compliance with noise levels and is not expected to further reduce the amenity of the surrounding sensitive uses, subject to the reduced hours proposed by Council. The potential perceived patron behaviour issues have also been assessed and considered appropriate, subject to conditions being implemented and followed.

Therefore, it is considered that the application is consistent with the decision guidelines of all applicable planning controls.

Conclusion

The proposed amendment is consistent with the requirements of the Cardinia Planning Scheme and based on the assessment above it is not considered that allowing low level live music in the outdoor areas of the Hotel until 9pm each night will cause any unreasonable detriment to adjoining properties. It is therefore recommended that a Notice of Decision for amended planning permit T130057-1 be issued for the amendment to Planning Permit T130057 to amend conditions to allow low level live music in the outdoor areas of the hotel at L1, L2 and L3 TP873363C, 200 Beaconsfield-Emerald Road, Beaconsfield Victoria 3807 subject to the following amended conditions:

Conditions

**AMENDED
PLANNING
PERMIT**

*Planning Scheme:
Responsible Authority:*

Cardinia Planning Scheme
Cardinia Shire Council

PLANNING PERMIT NUMBER: T130057-1

ADDRESS OF THE LAND: L1, L2 and L3 TP873363C, 200 Beaconsfield-Emerald Road

THIS PERMIT ALLOWS: Buildings and works to an existing hotel, use and installation of 40 electronic gaming machines (EGMs), increase in the area and number of patrons permitted externally for the sale and consumption of liquor, low level live music in the external areas and the alteration of access to a road zone category 1, generally in accordance with the endorsed plans.

Date amended:	Pursuant to Section 72-76B of the <i>Planning and Environment Act 1987</i> the permit has been amended to:
28 May, 2020	<p>Permit preamble</p> <p>Permit preamble amended to allow low level music in external areas</p> <p>Conditions</p> <p>Inclusion of new Conditions (1 and 18).</p> <p>Condition 16 (previously condition 15) deleted.</p> <p>Conditions 17 (previously condition 16) amended to allow for low level live music in outdoor areas.</p> <p>Condition 21 amended (previously condition 19) to include 21(f).</p> <p>Conditions subsequently renumbered.</p> <p>Endorsed plans</p> <p>Patron Management Plan amended.</p>

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Prior to music being played in the outdoor areas, an amended Patron Management Plan must be prepared and submitted to the Responsible Authority. The plan must be generally in accordance with the plan prepared by Bridele Pty Ltd dated November 2019 (submitted with this application) but updated as follows:
 - (a) Include measures that ensure stages or loudspeakers of external entertainment spaces are orientated to direct noise away from any noise sensitive residential use;
 - (b) Include measures for ongoing noise monitoring, maintenance and calibration of the noise limiters required in the external areas; and
 - (c) Point 17(b) amended to state:
 - i. Live entertainment and amplification is permissible in the external areas until 9pm (Monday to Sunday), where a noise limiter is installed and calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2.
2. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.

3. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
4. Stormwater from the proposed car parking area should be collected and connected to the property internal stormwater drainage system and be discharged to the Council nominated Legal Point of Discharge, in an appropriate manner and to the satisfaction of the Responsible Authority.
5. The car parking spaces should be line marked and delineated to the satisfaction of the Responsible Authority.
6. Before the development is occupied a commercial standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
7. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
8. The endorsed Patron Management Plan dated July 2013, or any subsequently endorsed amended Patron Management Plan, must be complied with at all times to the satisfaction of the Responsible Authority and Victoria Police. Any amended Patron Management Plan must be approved by the Responsible Authority, in conjunction with Victoria Police prior to coming into operation.
9. Except with the written consent of the Responsible Authority, the electronic gaming machines may only operate between the following hours:
 - (a) Monday to Saturday: 7am to 1am the following day
 - (b) Sunday: 10am to 11 pm
 - (c) Good Friday and Anzac Day: 12 noon to 11 pm
10. Except with the written consent of the Responsible Authority, alcohol may only be served and/or consumed in all outdoor areas between the following hours:
 - (a) Monday to Saturday: 7am to 12am (midnight)
 - (b) Sunday: 10am to 11 pm
 - (c) Good Friday and Anzac Day: 12 noon to 11 pm
11. Except with the written consent of the Responsible Authority, no more than 735 patrons may be present on the premises at any one time. Of these patrons, not more than 200 patrons may be located in the outdoor areas at any one time.
12. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the area (referred to in this permit as "the manager").
13. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.

14. Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
15. All security alarms or similar devices installed on the subject land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
16. Deleted.
17. Low level live music and entertainment is permissible in the external areas of the Hotel to the satisfaction of the Responsible Authority as follows:
 - (a) Background music permissible in the external areas of the Hotel during any period of the trading hours; and
 - (b) Live entertainment and amplification is permissible in the external areas of the Hotel until 9pm (Monday to Sunday), where a noise limiter is installed and calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2 at all times.
18. Without the further written consent of the Responsible Authority any low level live entertainment and amplification (excluding background music) in the external areas must cease to the satisfaction of the Responsible Authority:
 - (a) On Mondays to Sundays at 9pm.

If the Responsible Authority's consent is sought to extend these hours, the applicant must also notify all adjoining and opposite property owners a minimum of ten (10) days prior to the event.
19. Before the outdoor alfresco areas are occupied the acoustic fence must be put in place along the north south and west side boundaries of the outdoor alfresco areas. The design of the fence must be prepared in consultation with/by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.
20. All mechanical services noise must comply with the limits established by using the methodology set under State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
21. The premises must not detrimentally affect the amenity of the area to the satisfaction of the Responsible Authority, through the:
 - (a) Transport of materials, goods or commodities to or from the land;
 - (b) Appearance of any building, works or materials;
 - (c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) Patron noise and vehicle movements;
 - (e) Presence of vermin; or
 - (f) In any other way, including causing a noise or knowingly allow or suffer a noise to emanate from any land owned or occupied that person which in the opinion of an Authorised Officer is unreasonable or which would cause discomfort to other persons.
22. External lighting must be designed, baffled and located so as not to detrimentally affect the amenity of adjoining land to the satisfaction of the Responsible Authority.
23. Provision must be made on the site for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the

satisfaction of the Responsible Authority.

24. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
25. The dimensions and layout of the proposed access, parking areas and loading bays must be in accordance with the requirements of Clauses 52.06 and 52.07 of the Cardinia Planning Scheme.
26. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
27. Before the use commences, direction signs and direction pavement markings must be installed as shown on the approved plans. Once works are completed, the area must be maintained to the satisfaction of the Responsible Authority.
28. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
29. Within two (2) months of the completion of the buildings and works the measures identified in the Marshall Day Acoustics report dated 25 July 2013 must be implemented and a further report submitted by Marshall Day Acoustics (or other suitably qualified practitioner) to the Responsible Authority confirming all the measures have been satisfactorily implemented. All measures must then be maintained to the satisfaction of the Responsible Authority.
30. Prior to any works commencing, Tree Protection Fencing (TPF) must be erected around all vegetation proposed to be retained to form an appropriate Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority
31. Exclusion zones are to be accurately plotted on construction plans and contractors and sub-contractors, suppliers and service providers are to be made aware these protective measures apply to the site.
32. Within three (3) months of the completion of the buildings and works, landscaping (including an appropriate extent of mature planting) along the Payne Road boundary to adequately screen the car parking area, and around the rear alfresco dining area must be completed to the satisfaction of the Responsible Authority. All landscaping must be maintained in a healthy condition thereafter.

VicRoads Conditions

33. The existing, bottle-shop entrance and exit, access crossovers made redundant must be removed and the area reinstated with footpath, nature strip, and kerb and channel at no cost and to the satisfaction of VicRoads and the responsible authority.
34. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.

Expiry of Permit

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

- a) The development and use is not started within two years of the date of this permit .
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

Notes:

- A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.
- Prior to any alteration works commencing on the septic tank system, a Permit to Alter must be obtained from Council. An application for a permit must include a report from a licensed plumber which details:
 - the position, type and condition of the present septic tank system including wastewater dispersal details;
 - whether the existing septic tank system has been desludged within the last three years; and
 - that the septic tank system, once altered, is capable of containing all wastewater from the proposed, and existing buildings, on the subject land in accordance with the EPA Septic Tank Code of Practice and Council requirements.

Please note that additional drainage, or other works, may still be required to ensure that all wastewater is treated and contained on-site.

- Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Health, Food or Tobacco Acts.
- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

T130057-1 APP – 200 Beaconsfield-Emerald Road, Beaconsfield – Locality Map



PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



FORM 4

PLANNING PERMIT NUMBER: T130057

ADDRESS OF THE LAND: L3 LP6442, 200 Beaconsfield-Emerald Road,
Beaconsfield

THIS PERMIT ALLOWS: Buildings and works to an existing hotel, use and installation of 40 electronic gaming machines (EGMs), increase in the area and number of patrons permitted externally for the sale and consumption of liquor, and the alteration of access to a road zone category 1, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
2. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
3. Stormwater from the proposed car parking area should be collected and connected to the property internal stormwater drainage system and be discharged to the Council nominated Legal Point of Discharge, in an appropriate manner and to the satisfaction of the Responsible Authority.
4. The car parking spaces should be line marked and delineated to the satisfaction of the Responsible Authority.
5. Before the development is occupied a commercial standard concrete vehicle crossing as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
6. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
7. The endorsed Patron Management Plan dated July 2013, or any subsequently endorsed amended Patron Management Plan, must be complied with at all times to the satisfaction of the Responsible Authority and Victoria Police. Any amended Patron Management Plan must be approved by the Responsible Authority, in conjunction with Victoria Police prior to coming into operation.
8. Except with the written consent of the Responsible Authority, the electronic gaming machines may only operate between the following hours:

Monday to Saturday:	7am to 1am the following day
Sunday:	10am to 11 pm
Good Friday and Anzac Day:	12 noon to 11 pm

Date Issued: 19 November 2013

**Signature for the
Responsible Authority:**

A handwritten signature in black ink, appearing to be 'H. Engel', written over a horizontal line.

Page 1 of 6

PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



FORM 4

PLANNING PERMIT NUMBER: T130057

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patrons permitted externally for the sale and
consumption of liquor, and the alteration of access
to a road zone category 1, generally in accordance
with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

9. Except with the written consent of the Responsible Authority, alcohol may only be served and/ or consumed in all outdoor areas between the following hours:

Monday to Saturday:	7am to 12pm (midnight)
Sunday:	10am to 11 pm
Good Friday and Anzac Day:	12 noon to 11 pm
10. Except with the written consent of the Responsible Authority, no more than 735 patrons may be present on the premises at any one time. Of these patrons, not more than 200 patrons may be located in the outdoor areas at any one time.
11. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the area (referred to in this permit as "the manager").
12. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
13. Noise levels emanating from the subject land must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.
14. All security alarms or similar devices installed on the subject land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
15. Except with the written consent of the Responsible Authority no external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Date Issued: 19 November 2013

**Signature for the
Responsible Authority:**

A handwritten signature in black ink, appearing to be 'J. Dwyer', written over a horizontal line.

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PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



FORM 4

PLANNING PERMIT NUMBER: T130057

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(EGMs), increase in the area and number of
patrons permitted externally for the sale and
consumption of liquor, and the alteration of access
to a road zone category 1, generally in accordance
with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

16. There must be no live, amplified or recorded music (excluding background music) or entertainment provided in any external area without the further permission of the Responsible Authority. If the further permission of the Responsible Authority is sought to have external music or entertainment, the applicant must also notify all adjoining and opposite property owners a minimum of ten (10) days prior to the event.
17. Before the outdoor alfresco areas are occupied the acoustic fence must be put in place along the north south and west side boundaries of the outdoor alfresco areas. The design of the fence must be prepared in consultation with/by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.
18. All mechanical services noise must comply with the limits established by using the methodology set under *State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1*.
19. The use and development must not detrimentally affect the amenity of the area, through the:
 - a) Transport of materials, goods or commodities to or from the land;
 - b) Appearance of any building, works or materials;
 - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d) Patron noise and vehicle movements;
 - e) Presence of vermin
 or in any other way, to the satisfaction of the Responsible Authority.
20. External lighting must be designed, baffled and located so as not to detrimentally affect the amenity of adjoining land to the satisfaction of the Responsible Authority.
21. Provision must be made on the site for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.

Date Issued: 19 November 2013

Signature for the
Responsible Authority:

Page 3 of 6

**PLANNING
PERMIT**

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



FORM 4

PLANNING PERMIT NUMBER: T130057**ADDRESS OF THE LAND:** L3 LP6442, 200 Beaconsfield-Emerald Road,
Beaconsfield**THIS PERMIT ALLOWS:** Buildings and works to an existing hotel, use and
installation of 40 electronic gaming machines
(EGMs), increase in the area and number of
patrons permitted externally for the sale and
consumption of liquor, and the alteration of access
to a road zone category 1, generally in accordance
with the approved plans**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

22. No plant, equipment, services or architectural features other than those shown on the endorsed plan/s are permitted above the roof level of the building/s without the written consent of the Responsible Authority.
23. The dimensions and layout of the proposed access, parking areas and loading bays must be in accordance with the requirements of Clauses 52.06 and 52.07 of the Cardinia Planning Scheme.
24. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental effect on the environment or adjoining property owners.
25. Before the use commences, direction signs and direction pavement markings must be installed as shown on the approved plans. Once works are completed, the area must be maintained to the satisfaction of the Responsible Authority.
26. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building, including the roof, must be of a non-reflective nature.
27. Within two (2) months of the completion of the buildings and works the measures identified in the Marshall Day Acoustics report dated 25 July 2013 must be implemented and a further report submitted by Marshall Day Acoustics (or other suitably qualified practitioner) to the Responsible Authority confirming all the measures have been satisfactorily implemented. All measures must then be maintained to the satisfaction of the Responsible Authority.
28. Prior to any works commencing, Tree Protection Fencing (TPF) must be erected around all vegetation proposed to be retained to form an appropriate Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority.
29. Exclusion zones are to be accurately plotted on construction plans and contractors and sub-contractors, suppliers and service providers are to be made aware these protective measures apply to the site.

Date Issued: 19 November 2013**Signature for the
Responsible Authority:**

A handwritten signature in black ink, appearing to be 'J. E. G.', written over a horizontal line.

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PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
Responsible Authority: Cardinia
Shire Council



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with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

30. Within three (3) months of the completion of the buildings and works, landscaping (including an appropriate extent of mature planting) along the Payne Road boundary to adequately screen the car parking area, and around the rear alfresco dining area must be completed to the satisfaction of the Responsible Authority. All landscaping must be maintained in a healthy condition thereafter.
31. All wastewater must be discharged into the reticulated sewerage system, to the satisfaction of the Responsible Authority, within three (3) months of the sewerage system becoming available to the property.
32. Before the installation and use of the gaming machines start, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, and make application to the Registrar of Title to have the agreement registered on Title to the land under section 181 of the Act, which provides for an annual payment of \$45,000.00 per annum (indexed to CPI) in cash donations to local community groups, charities and sporting clubs in Beaconsfield and abutting suburbs/ towns of Cardinia Shire, to the satisfaction of the Responsible Authority.

VicRoads Conditions

33. The existing, bottle-shop entrance and exit, access crossovers made redundant must be removed and the area reinstated with footpath, nature strip, and kerb and channel at no cost and to the satisfaction of VicRoads and the Responsible Authority.
34. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the *Road Management Act 2004*, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.

Date Issued: 19 November 2013

Signature for the
Responsible Authority:

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PLANNING PERMIT

Planning Scheme:
Cardinia Planning Scheme
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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Expiry of Permit

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

- a) The development and use is not started within two (2) years of the date of this permit.
- b) The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

Notes:

A Building Permit may be required for this development. To obtain a building permit you will need to contact a registered building surveyor.

Prior to any alteration works commencing on the septic tank system, a Permit to Alter must be obtained from Council. An application for a permit must include a report from a licensed plumber which details:

- a) the position, type and condition of the present septic tank system including wastewater dispersal details;
- b) whether the existing septic tank system has been desludged within the last three years; and
- c) that the septic tank system, once altered, is capable of containing all wastewater from the proposed, and existing buildings, on the subject land in accordance with the EPA Septic Tank Code of Practice and Council requirements.

Please note that additional drainage, or other works, may still be required to ensure that all wastewater is treated and contained on-site.

Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Health, Food or Tobacco Acts.

A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.

Date Issued: 19 November 2013

Signature for the
Responsible Authority:

Page 6 of 6

PLAN OF MANAGEMENT

BRIDELE PTY LTD

TRADING AS

CARDINIA PARK HOTEL

200 Beaconsfield-Emerald Road, Beaconsfield

November 2019

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PART 1 - Purpose

1. The purpose of this Plan of Management (**the Plan**) is to establish performance criteria for various aspects of the operations of Cardinia Park Hotel, 200 Beaconsfield-Emerald Road, Beaconsfield (**the Premises**) and in particular our obligations under the Liquor Control Reform Act 1988.
2. This Plan covers all areas of the Premises.

PART 2 - Use of Plan

3. All staff shall be made familiar with this Plan and shall be required to read and sign off on their understanding of the Plan.

PART 3 - Hours of Trade

4. The Premises operates pursuant to General Licence 31902043 and in accordance with the hours and conditions of trade as set out thereon.

PART 4 –Signage

5. The Premises' Liquor Licence must be displayed in a prominent position within the Premises which invites public attention.
6. All staff must read through the conditions of the Liquor Licence prior to the commencement of their first shift.
7. The four (4) Responsible Service of Alcohol signs will be displayed behind each liquor service area in the Premises in a manner that invites customer attention.
8. Signage reading "For the safety and security of patrons and staff this area is under electronic surveillance" shall be displayed in all areas subject to camera surveillance.
9. Signage reading "Please be respectful of our neighbours when leaving the Premises and leave in a quiet and orderly fashion" will be displayed at the public exits of the Premises.

PART 5 - Amenity of Neighbourhood

10. At all times the Premises will consider the amenity of its neighbours and shall take all reasonable measures to ensure that adverse impacts to the surrounding area do not occur. This will be achieved by a combination of the implementation of the strategies as set out in this Plan as well as ensuring that competent, experienced management is on duty at all times. This will ensure that all situations that may arise at or in the vicinity of the Premises can be promptly and appropriately dealt with.
11. The Premises will take all reasonable measures to ensure that the behaviour of staff and patrons when entering or leaving the Premises does not detrimentally affect the amenity of the neighbourhood. This will be achieved by a combination of the implementation of the

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strategies as set out in this Plan as well as ensuring that competent, experienced management is on duty at all times. This will ensure that all situations that may arise at or in the vicinity of the Premises can be promptly and appropriately dealt with.

12. The Premises shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise. This will be achieved through the compliance with any recommendations as put forward by the acoustic report prepared by ~~Marshall Day dated July 2013~~ Enfield Acoustics dated 15 November 2019 as well as by proactive management.
13. Where necessary, staff will monitor and collect any liquor related products in the immediate vicinity of the premises.
14. The Premises will facilitate taxi services to the venue by promptly and without charge arranging for taxis to collect any patron from the Premises when he or she requests such a service.

PART 6 - Noise

15. The Premises shall ensure that the level of noise emitted from the Premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, in particular through the continued use of noise monitors.
16. The Premises shall ensure that the level of noise emitted from the Premises shall not exceed the permissible noise levels for entertainment noise as specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
17. All recommendations made by Enfield Acoustics dated 15 November 2019 ~~Marshall Day in their July 2013~~ report will be implemented, ~~prior to the commencement of operations,~~ including the following conditions:
 - (a) Background music permissible in the external areas during any period of the trading hours;
 - 17.(b) Live entertainment and amplification is permissible in the external areas, where a noise limiter is installed and calibrated by a suitably qualified acoustic consultant to ensure compliance with SEPP N-2.
18. No bottles or hard waste will be placed in any outside garbage container between the hours of 7:00pm and 7:00am on any day. All waste will be stored in designated rubbish rooms within the Premises outside these hours.

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19. The behaviour of patrons in external areas within the Premises will be strictly controlled.
20. ~~No live or recorded amplified entertainment other than background music will be provided in the external areas.~~

PART 7 - Behaviour of Patrons

21. The Premises and staff shall take all reasonable steps to control the behaviour of the patrons of the Premises whilst on the Premises and as they enter and leave the Premises.

This will be achieved by a combination of the implementation of the strategies as set out in this Plan as well as ensuring that competent, experienced management is on duty at all times. This will ensure that all situations that may arise at or in the vicinity of the Premises can be promptly and appropriately dealt with.
22. The Premises and staff shall take all reasonable steps to ensure that there is no loitering by persons seeking admittance to the Premises in the vicinity of the Premises. It will be the task of Security Staff employed at the venue to ensure this aim is achieved.
23. The Premises shall not permit drunkenness or any indecent, disorderly or quarrelsome conduct on the Premises. Any person causing such disturbance shall be refused service and asked to leave the Premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Premises for a period determined by the Premises.

Any patron asked to leave the Premises on the basis of disorderly behaviour will have a taxi called for them upon request.

PART 8 – Responsible Service of Alcohol

24. Monthly staff meetings will be held to discuss any incidents or issues in relation to the Responsible Service of Alcohol (RSA).
25. The following operational policies for RSA shall apply:
 - (a) All staff employed at the Premises who serve alcohol shall complete an approved course in RSA no more than one month after they begin serving alcohol on the licensed premises unless they have already completed one within the last three (3) years.
 - (b) The Premises and staff shall comply with the measures for RSA at all times.
 - (c) The Premises shall not permit drunkenness or any indecent, disorderly or quarrelsome conduct on the premises. Any person causing such disturbance shall be refused service and asked to leave the premises. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Premises for a period determined by the Premises.

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Any patron asked to leave the Premises on the basis of disorderly behaviour will have a taxi called for them upon request..

- (d) The Premises and staff will not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- (e) No person who is intoxicated shall be served alcohol and the Premises shall decline entry or service to any person who is already unduly intoxicated.
- (f) The Premises will promote the service of non-alcoholic beverages and food.
- (g) Water will be available for patrons free of charge at all times upon request.
- (h) Production of photographic identification will be required where age is an issue. The only acceptable proof of age identification shall be:
 - Photo driver's licence; or
 - Victorian Learner's Permit; or
 - Proof of age card; or
 - Keypass card; or
 - Current passport.
- (i) When checking any proof of age document staff must verify:
 - Photo - person gaining entry is the same as on the photograph;
 - Seal - check impression on the lamination surface;
 - Lamination - peeled back corners, faulty re-sealing, air bubbles; and
 - Birthdate - check for altered numbers.
- (j) The Premises will ensure that the RSA Signage developed by the Liquor Licensing Victoria is prominently displayed at each liquor service area within the premises.
- (k) Low alcohol beer and non-alcoholic beverages will be available in the Premises at all times when full strength liquor is available.
- (l) All conditions imposed on the Premises' liquor licence and planning permit shall be met.

PART 9 - Security

- 26. The Premises shall ensure that on any occasion where live or recorded amplified music other than background music is provided crowd controllers are employed at a ratio of 2 crowd controllers for the first 100 patrons and 1 crowd controller for each additional 100 patrons or part thereof.
- 27. Crowd controllers are to be present from 30 minutes before the start of any entertainment

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until 30 minutes after closure.

28. The Premises shall require any crowd controller employed to: -

- (a) Be dressed in readily identifiable uniform displaying identification as a security agent and be appropriately licensed.
- (b) Be appropriately attired and groomed.
- (b) Fill in a time sheet (start and finish times) which is to be initialed by the manager on duty.
- (c) Report to the manager on duty to obtain a briefing on any specific duties to be addressed before commencing duty.
- (d) Patrol the Premises on a regular basis to monitor the behavior of patrons.
- (e) Prevent any person, detected as intoxicated, entering the Premises and bring to notice of the Premises or manager on duty, any person on the Premises who might be considered to be intoxicated.
- (f) Prevent patrons leaving the Premises with open drinking containers.
- (h) At the end of each shift, bring any incidents that have occurred and the actions taken to the attention of the Premises or manager on duty. Details of incidents reported shall be recorded in an 'Incident Book' kept by the Premises.
- (i) At closing times, monitor patron behaviour in the vicinity of the Premises until all patrons have left the vicinity of the premises, taking all practical steps to ensure the quiet and orderly departure of patrons.
- (j) Collect any rubbish on the streets that may be associated with the Premises' operations when final patrols are being conducted.
- (k) Co-operate with the Police and any other private crowd controller operating in the vicinity of the Premises.
- (o) Keep entrances clear and free of patrons at all times.
- (p) Assess patrons are to their suitability to enter the Premises.
- (q) Monitor the male and female toilets (whereby crowd controllers of the appropriate gender patrol each toilet) on a regular basis to ensure they are clean and that patrons are behaving appropriately when using toilet facilities.
- (r) Ensure that patron capacities as endorsed on the License are strictly adhered to at all times.
- (s) Ensure that the Premises is a safe and welcoming environment for patrons.

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29. The Premises or manager on duty shall record in an Incident Book, in addition to the matters noted above, any complaints made directly to the management or staff of the Premises about the operation of the Premises or the behaviour of its patrons.
30. Staff will be instructed to read the Incident Book before the commencement of each shift so they are aware of what has been occurring at the Premises.
31. The Premises shall make the Incident Book together with any relevant internal and external video surveillance tapes available to the Director of Liquor Licensing, Council and authorised officers of Council or the Victoria Police within 24 hours of receipt of a written request from any of those organisations to do so.

PART 10 – Camera Surveillance

32. The Premises shall install and maintain CCTV surveillance of the premises.
33. The CCTV equipment shall record continuously 24 hours a day, 7 days a week.
34. The CCTV equipment installed shall be capable of producing images of a quality acceptable to Victoria Police.
35. The CCTV equipment shall be maintained in working condition with any repairs or maintenance required being carried out as quickly as is reasonably possible.
36. Recorded tapes shall be preserved for, at least, 30 days after which they may be re-used or destroyed.

PART 11 - Police

37. Staff are to facilitate the Victoria Police when they inspect the premises.
38. Police officers can:
 - Request to view the Liquor Licence (which should be on display);
 - Check details in the crowd controller/Incident register;
 - Walk through each public room of the Premises to make observations in relation to intoxicated and underage patrons, bar staff serving intoxicated patrons and whether the conditions of liquor licence are being met.
39. The Manager/Manager on duty should remain with the Police whilst they are conducting their inspection.

PART 12 - Residents

40. Any telephone complaints by neighbours in relation to the operation of the Premises will be dealt with by the Manager on duty and recorded in the Incident Register.
41. The Premises shall make the Incident Register available to the Director of Liquor Licensing,

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Council and authorised officers of Council or the Victoria Police within 24 hours of receipt of a written request from any of those organisations to do so.

42. The Premises will take all possible steps to resolve any complaints received and will meet residents if so requested at any time to discuss the operation of the Premises.