

Officer Assessment Report

Amend DP1800354 & PA2403219 –
550 Epsom Road, Flemington



Officer Assessment Report
Development Approvals & Design

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Department
of Transport
and Planning

OFFICIAL

Executive Summary



Key Information	Details		
Application No's:	DP1800354 and PA2403219		
Received:	20 September 2024		
Statutory Days:	70		
Applicant:	Pace Development Group		
Planning Scheme:	Melbourne		
Land Address:	516-550 Epsom Road, Flemington		
Proposal:	Amend Development Plan DP1800354 to facilitate an additional building within the subject site, and concurrently approve a planning permit for the use of land and development of land for a 6-storey residential hotel and use of land for the sale and consumption of liquor.		
Development Value:	\$ 36.9 million		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible authority for administering and enforcing the scheme for administering and enforcing the scheme for the Comprehensive Development Zone – Schedule 4 550 Epsom Road.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 37.02	Comprehensive Development Zone – Schedule 4 (CDZ4)	Clause 37.02-1 – Use of land for a residential hotel. Clause 37.02-4 – To construct a building or construct or carry out works
Overlays:	Clause 43.01	Heritage Overlay – Schedule 272 (HO272)	No permit trigger <ul style="list-style-type: none"> The site is located on the Victorian Heritage Register (Ref No. H2220). In accordance with Clause 43.01-3, no permit is required under the heritage overlay to develop a heritage place, which is included in the Victorian Heritage Register.
Particular Provisions:	Clause 52.06	Car Parking	No permit trigger <ul style="list-style-type: none"> Car parking for the use of land for a residential hotel is to be provided to the satisfaction of the responsible authority.
	Clause 52.27	Licensed Premises	Clause 52.27 – Use of land to sell and consume liquor
	Clause 53.18	Stormwater Management in Urban Development	No permit trigger
Cultural Heritage:	The land is <u>not</u> located within an area of cultural heritage sensitivity.		
Total Site Area:	10,600	m ²	
External Advice	<u>Amendment to DP1800354</u> <ul style="list-style-type: none"> Melbourne City Council – informal consultation – no objection, subject to conditions Moonee Valley City Council – informal consultation – no response Head, Transport for Victoria – informal consultation – no objection Office of the Victorian Government Architect (OVGA) – informal consultation – supportive 		



Planning permit application PA2403219

- Melbourne City Council – informal notice – no objection, subject to conditions
- Moonee Valley City Council – informal notice – no response
- Head, Transport for Victoria – s55 (determining) referral – no objection

Public Notice:

Amendment to DP1800354

- The amendment to DP180035 was not required to be advertised.

Planning permit application PA2403219

- The application for the use of land and buildings and works is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, as it is deemed to be generally consistent with the amended (concurrently assessed) Comprehensive Development Plan.
- As such, notice of the application was not required.

Delegates List:

Approval to determine under delegation received on 14 January 2025.

Recommendation:

Amend DP1800354 and grant planning permit PA2403219.



Site History

1. Planning history for the subject site can be traced back to Amendment C290 of the Melbourne Planning Scheme which was gazetted on 2 March 2017. The amendment rezoned the subject site at 550 Epsom Road from the Special Use Zone to become the Comprehensive Development Zone and introduced schedule 4 to the Comprehensive Development Zone (CDZ4).
2. Under the Schedule to Clause 72.01 of the Melbourne Planning Scheme (the Scheme), the Minister for Planning is the responsible authority for administering and enforcing the Scheme for land in the CDZ4.
3. The CDZ4 facilitates a 15-storey residential building through an endorsed Development Plan DP1800354 and planning permit PA1800377 which was issued in May 2019 and September 2020, respectively. This building is currently under construction.

Application Background

Heritage Victoria Permit – Proposed Development

4. As the subject site is included within the Victorian Heritage Register (Ref No H2220), a permit is required to be granted by Heritage Victoria. Heritage Permit P33444 for the proposed development was granted on 24 May 2024 under section 102 of the *Heritage Act 2017* by the Executive Director of Heritage Victoria.
5. The proposed development plans generally consistent with the plans that have been endorsed by Heritage Victoria under Heritage Permit P33444. Accordingly, no heritage assessment is required to be undertaken as part of this assessment of the proposal.
6. DTP officers and Melbourne City Council (MCC) have noted some minor differences between the proposed development plans under this application, and that which were endorsed by Heritage Victoria. These differences generally relate to the representation of certain drawing details, do not impact the merits of the application and discussed later in this body of the report.

Amendment of Development Plan DP1800354

7. Section 5.0 of the CDZ4 states that:
“Before a permit can be granted under any provision of this Schedule a Comprehensive Development Plan must be prepared in accordance with the requirements of this Schedule and be approved by the responsible authority.”
8. As noted above, *550 Epsom Road Development Plan* (DP1800354), which included an Integrated Transport and Access Plan (ITAP), was endorsed on 20 May 2019.
9. The endorsed Development Plan (DP) generally shows (amongst other things) the footprint of the approved 15-storey building, a 25m curtilage buffer around the existing heritage-protected former Jockey’s Convalescent Lodge (Jockey’s Lodge) and an indicative landscaping scheme. Refer to Figure 1.
10. It is proposed to amend the endorsed DP to introduce a new 6-storey building in the southern corner of the site. Refer to Figure 2.

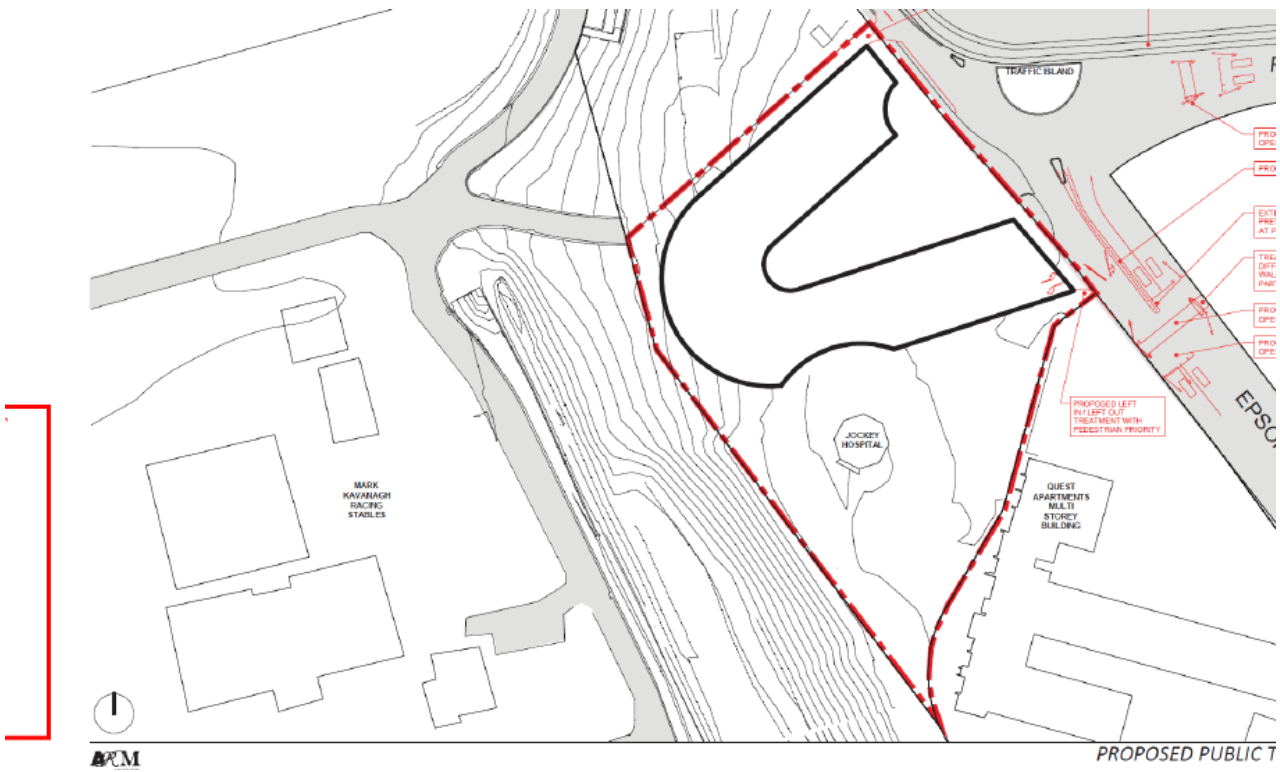
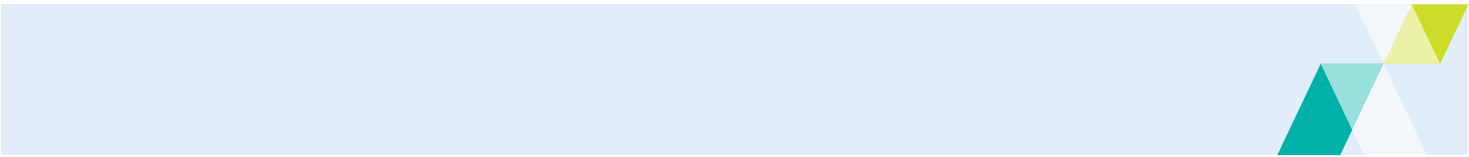


Figure 1 - Extract from the endorsed DP showing the approved footprint of Planning Permit PA1800354 and Jockey's Lodge

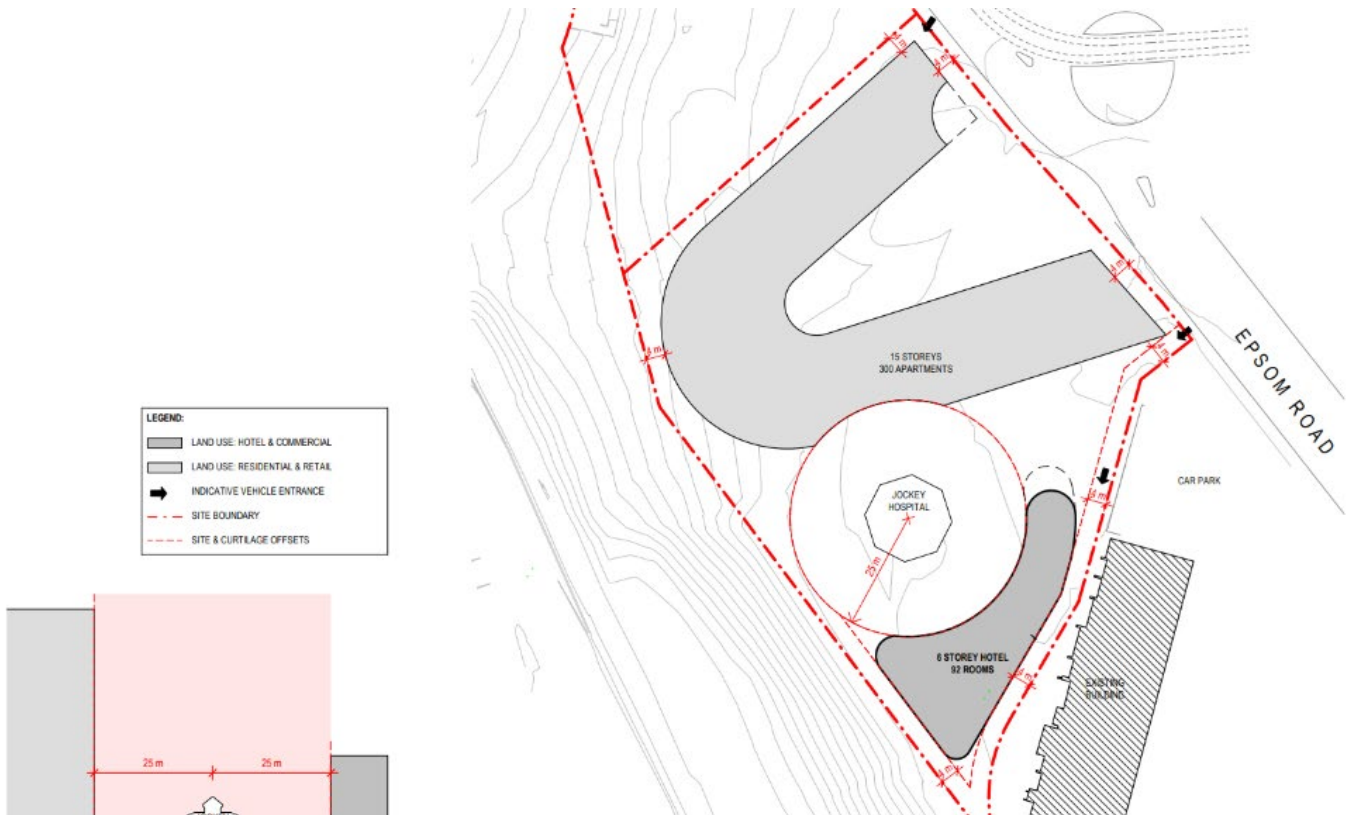


Figure 2 - Extract from the proposed amended DP showing the footprint of the proposed hotel, relative to the approved building and Jockey's Lodge



11. Section 5.0 of the CDZ4 states that
 - *Prior to approving, or amending a Comprehensive Development Plan The responsible authority must consider the views of:*
 - *Melbourne City Council (MCC),*
 - *Moonee Valley City Council (MVCC), and*
 - *The Office of the Victorian Government Architect (OVGA), or any other independent reviewer, as to the architectural expression and materiality of the proposal having regard to the significance of the racecourse precinct.*
12. The views of MCC, MVCC and OVGA have been sought through the pre-application process who do not object to the amendment of the endorsed DP. Their views are outlined and have been considered within the body of this report.
13. In addition, the owner of the land was required to into an agreement with MCC and the responsible authority, to the satisfaction of the responsible authority requiring:
 - *Payment by the owner to the City of Melbourne of a contribution of \$3,000.00 per dwelling (indexed 1 July each year according to the Building Price Index, June Quarter, Melbourne, in Rawlinsons Australian Construction Handbook), such contribution to be paid prior to a certificate of occupancy being granted;*
 - *Provision of 5% of new dwellings to be held in Trust and managed as affordable housing;*
 - *Contribution towards the shared path between the site and the Showgrounds Village Shopping Centre on the west side of Epsom Road and a shared path from the site to connect to the existing bicycle path on Smithfield Road; and*
 - *Payment by the owner of all of the City of Melbourne and the responsible authority's reasonable legal costs and expenses of the agreement, including preparation, execution and registration on title.*
14. The section 173 agreement was executed on 3 May 2019.
15. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meeting (DTP, Melbourne Council & Pace Development Group)	1 November 2023
OVGA review	5 December 2023
Heritage Victoria Permit issued	24 May 2024
Clause 53.22 Eligibility Confirmation	23 July 2024
Application lodgement	20 September 2024
Further information requested	14 October 2024
Further information received	14 November 2024
Assessment Documents	<u>Decision Plans</u> <ul style="list-style-type: none">• Architectural Plans prepared by JCB Architects, Revision 4, dated 10 November 2024• Landscape Plans prepared by TCL, Revision 02, dated 29 October 2024• Proposed amended Development Plan 550 Epsom Road Comprehensive Development Plan, prepared by Pace Development

Other Assessment Documents

- Acoustic Report, prepared by Octave Acoustics, Revision 2, dated 7 November 2024
- Green Travel Plan, prepared by Stantec, Revision C, dated 13 November 2024
- Urban Context Report, prepared by MGS Architects, Revision D, dated September 2024
- ESD Statement, prepared by Sustainable Development Consultants, Revision E, dated 29 July 2024
- Traffic Management Plan, prepared by Stantec, Revision C, dated 13 November 2024
- Waste Management Plan, prepared by Leigh Design, dated 30 October 2024
- Wind assessment report, prepared by Vipac, dated 7 November 2024

16. The subject of this report is the decision plans (as described above).

Proposal Summary

17. The proposal involves two key components:

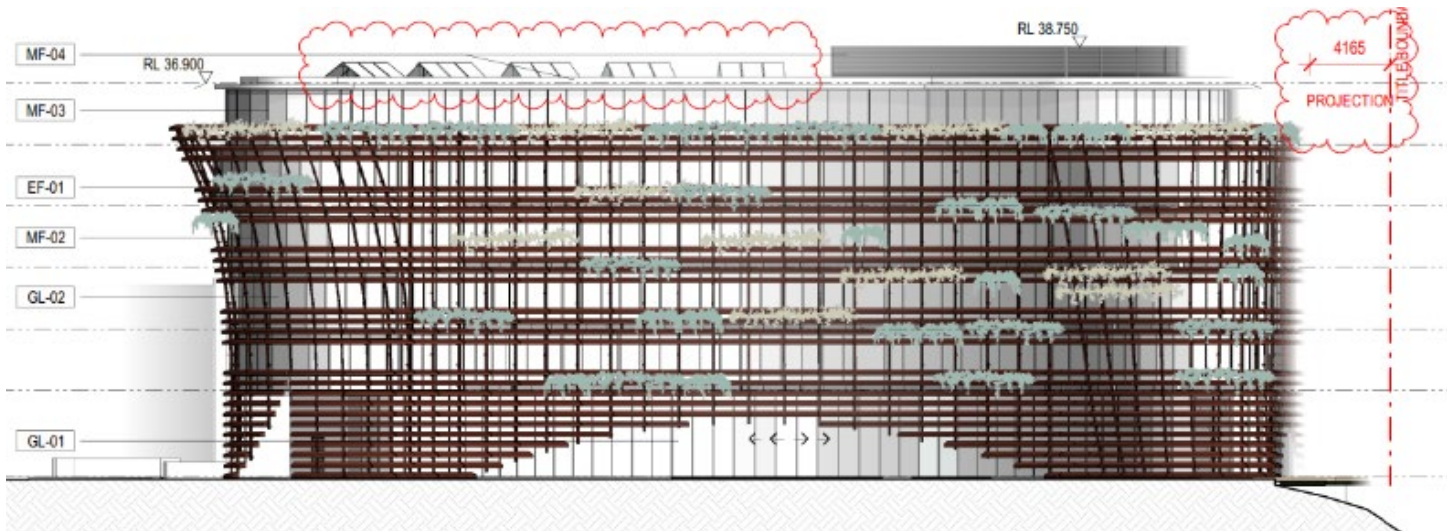
- Amending the endorsed DP1800354 to introduce a new residential hotel in the southern corner of the site, and the removal of three trees (previously retained) with consequential amendments to the endorsed ITAP.
- A planning permit application which proposes for a 6-storey residential hotel within the footprint as shown in the amended DP.

18. Specifically, the submitted architectural plans and technical reports shows:

- A 6-storey residential hotel building reaching to a height of approximately 20.5m AHD (excluding roof services and parapet), generally setback a minimum of 4 metres from the southern and eastern boundary, and 25m from the Jockey's Lodge.
- 93 hotel rooms ranging between 22m² to 51m².
- Two levels of basement accessed from the existing (shared) driveway off Racecourse Road. The basement contains 42 car spaces, 23 bicycle spaces (with end of trip facilities) and 4 motor bicycle spaces.
- A range of ancillary uses associated with the hotel including a:
 - Hotel gym and restaurant at ground floor (approximately 27m² and 122m², respectively).
 - Hotel function area at ground floor (approximately 105m²).
 - Hotel bar and private dining area at the roof level (approximately 189m²).
- A "red line plan" which generally highlights the sale and consumption of liquor (via an 'On-Premises Licence) within hotel rooms, the ground floor restaurant function room, and roof top hotel bar and private dining area.



Figure 3 - 3D render of the proposal when viewed from Racecourse Road



WEST ELEVATION

1 : 300

Figure 4 – Extract of the western elevation showing the overall height and general design of the building

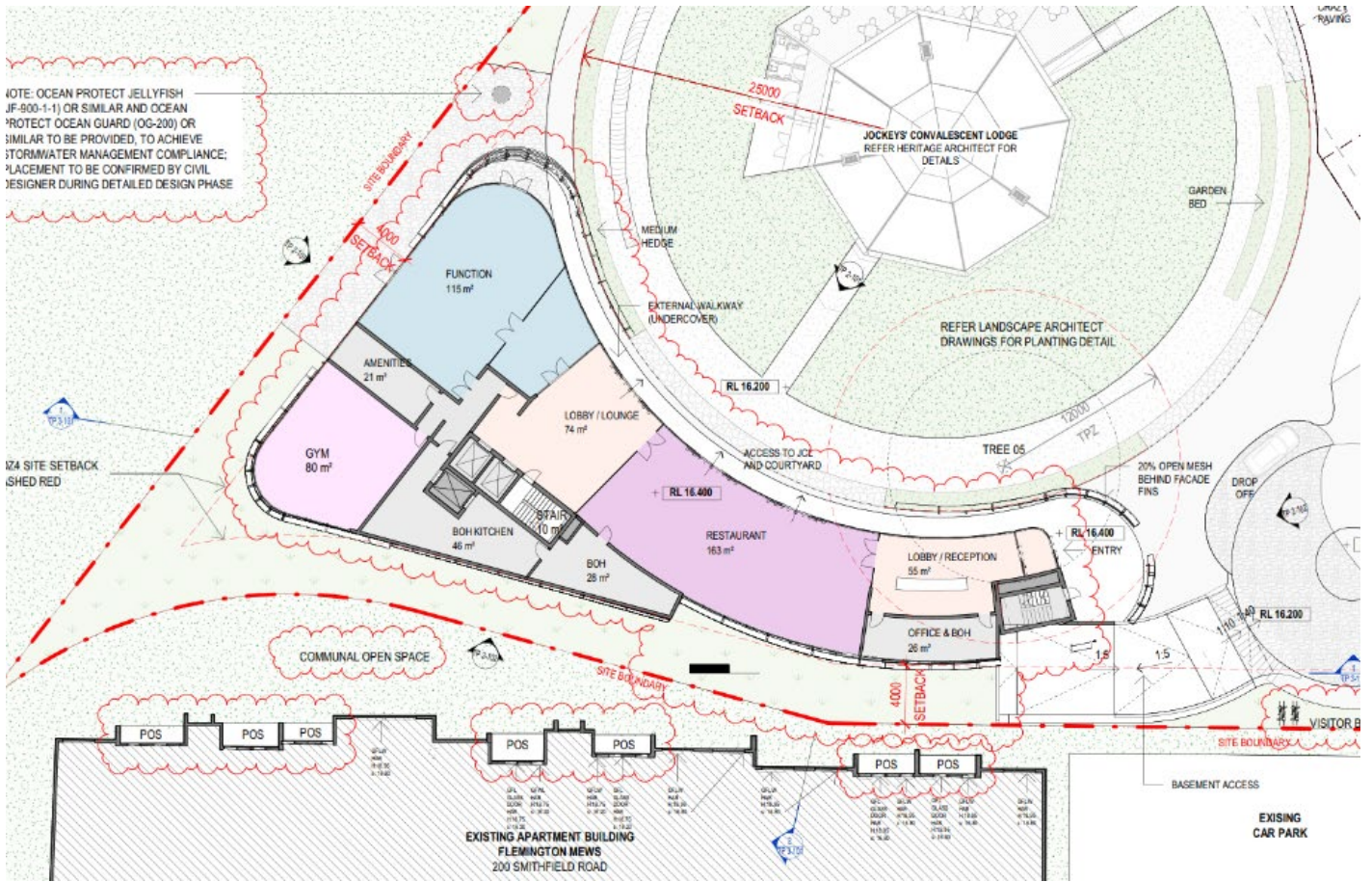


Figure 5 – Extract of the ground floor plan



Site Description

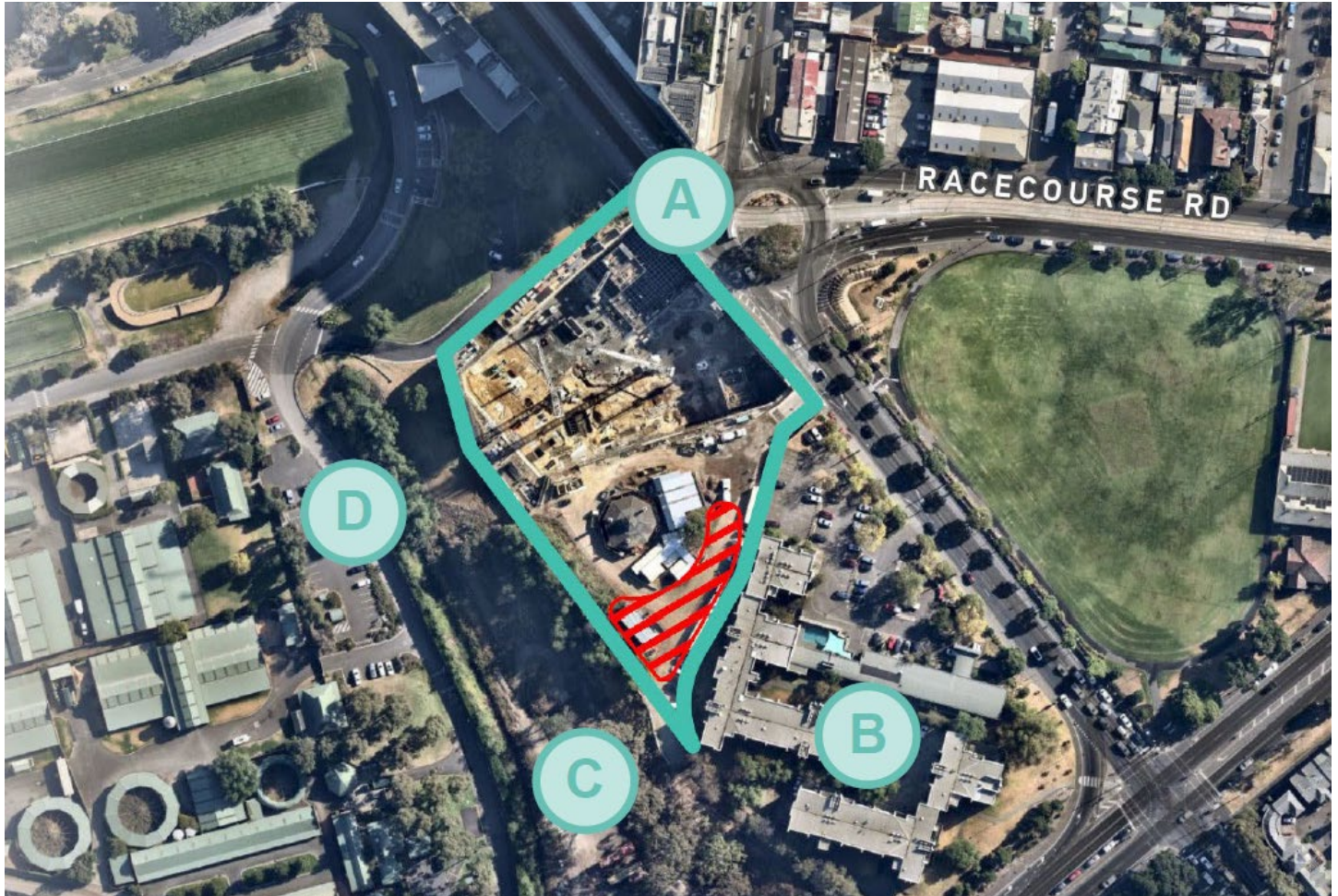


Figure 6 - Aerial of the subject site with the planning unit hatched in red (source: Applicant)

20. The site is accessed via an existing crossover from Epsom Road.
21. Aerial photos show that the site is currently undergoing construction work. The site is listed on the Victorian Heritage Register (Ref H2220) and currently contains:
 - The former Jockey's Convalescent Lodge, which is an octagonal timber building located within the centre of the subject site.
 - A recent 15-storey building under construction (authorised under PA1800377) towards the northern edge of the site.



22. The subject site is also affected by numerous s173 agreements/restrictions that do not impact the proposed use and development of land. These are summarised below:

Relevant Restriction	Assessment / Comment
Covenant AS845866S	<p>The covenant empowers the transfer of land from Victoria Racing Club to Pace Development Group for a cost of \$37,077,268.</p> <p>The covenant otherwise does not impose any built form restrictions or similar that would otherwise restrict the development.</p> <p>The project does not breach this covenant.</p>
Covenant AT096100U	<p>The covenant is established pursuant to Section 134 of Heritage Act 2017.</p> <p>The covenant requires that the landowner (at its own expense and care for the land) will implement a Heritage Audit Management Plan that was approved in accordance with Condition 1.1 of Heritage Permit P28548. This heritage permit relates to the approved 15-storey building on the site that is currently under construction.</p> <p>This heritage audit management plan primarily requires that the landowner undertake maintenance of the former Jockey's Lodge building and landscaping within 22m radius from that building.</p> <p>The proposal does not breach this covenant.</p>
Agreement AS171271G	<p>The agreement is between Melbourne City Council and Pace of Flemington Pty Ltd</p> <p>The S173 agreement relates to requirements of the land owner specified under the CDZ4 in relation to a payment to the City of Melbourne, provision of 5% of new dwellings (within the development authorised under PA1800377) as affordable housing, and contribution towards the shared path between the site and the Showgrounds Village Shopping Centre on the west side of Epsom Road, and a shared path from the site to connect to the existing bicycle path on Smithfield Road.</p> <p>The agreement does not impose any built form or land use restriction on the subject site.</p>
Agreement AW664552A	<p>This agreement is between the Minister for Planning, Melbourne City Council, Victoria Racing Club Limited, Pace Development Group Pty Ltd, and Pace of Flemington Pty Ltd.</p> <p>The S173 agreement relates to the installation of temporary ground anchors that will encroach beyond the Subject Site onto council.</p> <p>The council grants permission to install the anchors on the terms and conditions set out in the agreement.</p> <p>The agreement does not impose any built form or land use restriction on the subject site.</p>

Site Surrounds

23. The surrounding development mainly consists of the Flemington Racecourse which occupies a substantial portion of the land (127ha). The racecourse generally bounded by Smithfield Road and the Maribyrnong River to the south, Epsom Road to the east, the Flemington Racecourse railway to the north, and Fisher Parade to the west.



Figure 7 - Aerial of the broader surrounds showing the subject site relative to Flemington Racecourse

24. Development immediately surrounding the site can be described as follows:

- To the **north and west** of the site: Flemington Racecourse which is zoned within a Special Use Zone – Schedule 1 (SUZ1).
- To the **south** of the site: 600 Epsom Road, zoned Mixed Use Zone (MUZ), which contains existing 3-storey apartment buildings accessed via Epsom Road commonly known as the “Flemington Mews.” A row of apartments directly faces onto the subject site.
- To the **east** of the site: Epsom Road, which is a road located within the Transport Road Zone (TRZ2).



Planning Policy Framework

25. The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions.
26. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state. The following policies are considered relevant to this assessment:
 - Clause 2 – Municipal Planning Strategy
 - Clause 2.01 Context
 - Clause 2.02 Vision
 - Clause 2.03 Strategic Directions
 - Clause 2.04 Strategic Framework Plan
 - Clause 11 – Settlement
 - Clause 15 – Built environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.03 – Heritage
 - Clause 17 – Economic Development
 - Clause 17.02 – Commercial
 - Clause 17.04 – Tourism
 - Clause 18 – Transport
 - Clause 18.01 – Land Use and Transport
 - Clause 19 – Infrastructure
 - Clause 19.03 – Integrated water management

Statutory Planning Controls

Zone

27. The subject site is located within the CDZ4, the purpose of which is:
 - *To develop 550 Epsom Road for medium and/or high density urban living incorporating a variety of residential uses and dwelling types with a high quality of internal amenity, supported by a limited mix of complementary uses including commercial and retail.*
 - *To provide for an exemplary standard of architecture and urban design, having regard to the site's premier location close to both a major intersection and main entrance to the Flemington Racecourse.*
 - *To ensure that the design of buildings respect and enhance the heritage significance of the former Jockey's Convalescent Lodge and its landscape setting, which is identified in the statement of significance for the Flemington Racecourse Heritage citation within the Victorian Heritage Database (H220).*
 - *To support the ongoing operation of the Flemington Racecourse and Melbourne Showgrounds.*
 - *To provide for best practice sustainability outcomes in the design, construction and ongoing management of development on the site.*
 - *To provide for development of the land in accordance with the approved Comprehensive Development Plan*
28. Under the CDZ4, a planning permit is triggered for the following:
 - Clause 37.02-1 – use of land for accommodation (residential hotel)

- Clause 37.02-4 – construct a building or carry out works

Overlays

29. The subject site is included within Heritage Overlay – Schedule 272 (HO272). As noted above, the land is included within the Victorian Heritage Register (VHR).
30. In accordance with Clause 43.01-3, no permit is required under the heritage overlay to develop a heritage place within is included within the VHR. Accordingly, a planning permit is not triggered under HO272.

Particular Provisions

Clause 52.06 (Car Parking)

31. Clause 52.06-2 specifies that before a new use commences or floor area of an existing use is increased, the number of car parking spaces be provided to the satisfaction of the responsible authority.
32. The proposal involves the increase of an existing use, being a residential hotel. No statutory rates are provided and car parking must be provided to the satisfaction of the responsible authority.

Clause 52.34 (Bicycle Facilities)

33. Clause 52.34-1 specifies that a new use must not commence, or the floor area of an existing use must not increase until the required bicycle facilities have been provided on the land.
34. For the residential hotel use, the proposal generates a statutory provision of 18 spaces (9 for employee/resident and 9 for visitors). As 27 spaces for the hotel use are proposed, a planning permit is not triggered for the reduction in bicycle spaces.

Clause 53.18 (Stormwater in Urban Development)

35. Clause 53.18 seeks to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.



Referrals

Amendment to DP1800354

36. Having regard to the decision guidelines of the CDZ4, the following groups were informally consulted about the proposed amendment of DP1800354:

Organisation	Response and date received
Melbourne City Council (informal under the decision guidelines)	<p>No objection, in-principle.</p> <p>Response received 13 December 2024. Recommends that:</p> <ul style="list-style-type: none"> • Notice of the DP amendment be given. • Landscape concept plan and detail within the DP is updated to align with the proposed development.
Moonee Valley City Council (informal under the decision guidelines)	<p>No response received.</p> <p>However, informal officer level comments were provided during the Development Facilitation Program (DFP) assessment on 2 July 2024. The officer reiterated the requirement for a shared path under the CDZ4.</p>
Office of the Victorian Government Architect (informal under the decision guidelines)	<p>Supportive</p> <p>OVGA memorandum of advice received on 5 December 2024.</p>
Head for Transport for Victoria (informal under the decision guidelines)	<p>No objection</p> <p>Response received 21 October 2024. Advised that:</p> <p>The additional traffic likely to be generated from the DP amendment (and proposed hotel) can be readily absorbed within the road network, given that traffic mitigation required within previous stages has been completed.</p>

Planning Permit application PA2403219

37. The following groups were notified of the application.

Provision / Clause	Organisation	Response and date received
Section 55 referral (determining) in accordance with clause 66.02-11	Head, Transport for Victoria	No objection – response received 21 October 2024
Informal referral	Moonee Valley City Council	<p>No response received.</p> <p>Informal officer level comments were provided during the Development Facilitation Program (DFP) assessment on 2 July 2024. The officer reiterated the requirement for a shared path under the CDZ4.</p>

Melbourne Council Comments

38. Melbourne City Council (the council) was informally notified of the planning permit application given the exemptions from formal notice under section 52(1)(b) under the CDZ4. The council provided a response on 13 December 2024, confirming that it does not object to the permit application and providing recommendations and draft conditions. These recommendations and conditions have been considered within the body of the report.

Notice

Amendment to Development DP1800354

39. The decision guidelines of the CDZ4 states that before amending a development plan, only the views of MCC, MVCC, Head Transport for Victoria, and the OVGA must be considered. There is no requirement to give notice of a development plan in the header CDZ provision.
40. Accordingly, notice to owners and occupiers of adjoining lots was not required.

Planning permit application

41. The application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the *Planning and Environment Act 1987*, if it is generally consistent with the approved Comprehensive Development Plan.
42. Given that the proposed amendment to the endorsed DP is being supported, the 'generally consistent' with test is applied in relation to the proposed amended DP. The application is deemed to be consistent with the amended DP.
43. Accordingly, the application is exempt from the notice requirements, pursuant to the following provisions:
 - Clause 2.0 (Use of Land) of schedule 4 to clause 37.02 (Comprehensive Development Zone), which specifies that an application for use of land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, if it is generally consistent with the approved Comprehensive Development Plan.
 - Clause 4.0 (Buildings and works) of schedule 4 to clause 37.02 (Comprehensive Development Zone), which specifies that an application to construct a building or construct or carry out works under any other provision of the planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act, if it is generally consistent with the approved Comprehensive Development Plan.
44. As such, notice of the application was not required.



Amendment to Development Plan DP1800354

45. Clause 5.0 (550 Epsom Road Comprehensive Development Plan) of the CDZ4 provides objectives and requirements in relation any Comprehensive Development Plan to be approved by the responsible authority. As noted above, a development plan has already been endorsed and approved for the subject site.
46. An amendment to the development plan is proposed to be introduced in the southern corner of the subject site to facilitate the proposal. An amended Development Plan (DP) and Integrated Transport and Access Plan (ITAP) was submitted as part of this application to reflect this.

Comprehensive Development Plan Requirements

47. The amended DP has been fully assessed against the requirements of the schedule and is considered to be acceptable. In particular:
 - a. The amended DP continues to show site context and existing conditions plan of its surrounding context.
 - b. The site master plan shows clearly shows:
 - i. Indicative location of the proposed building (as well as that under construction) that is setback 4m from all site boundaries.
 - ii. Maintenance of a 25m curtilage around the former Jockey's Lodge with no development occurring within.
 - iii. No more than two indicative vehicle entry points (noting that this has not changed since endorsement).
 - iv. The proposed building does not introduce any more dwellings, and therefore does not exceed the maximum 300 dwellings.
 - c. The amended DP provides a high-level landscaping concept initiative. It is noted that this slightly differs from the conceptual landscape plan that was submitted as part of the permit application. To ensure consistency between the two concepts, it will be a condition of the DP approval to revise the landscape plan within the amended DP.
 - d. An amended ITAP was submitted which revises the technical data and traffic assumptions underpinning the originally endorsed ITAP. The amended ITAP continues to meet the requirements in that:
 - i. The mitigating works for 300 dwellings for Epsom Road, Racecourse Road and Ascot Vale Road are still shown (and have been completed).
 - ii. The amended ITAP confirms that an introduction of a residential hotel (section 2 use) on the site will not result in any unreasonable traffic impacts, beyond what has already been considered. As such, no further mitigation works are necessary.
 - iii. The amended ITAP has been assessed by the Head, Transport for Victoria which raises no objection to the proposal. The views of MCC and MVCC have also been considered.
 - iv. The amended ITAP continues to include an assessment of how the plan responds to the recommendations of the advisory committee.
48. As such, the amended DP and ITAP provides an acceptable response to the requirements.

Comprehensive Development Plan Objectives

49. The schedule also states that the Comprehensive Development Plan must be prepared to address the Objectives of clause 5.0. As such, the proposed amendment to the development has been assessed against the relevant comprehensive development objectives. This assessment is undertaken within the table below, and concludes that the amendment is acceptable and supported.



Relevant Comprehensive Development Objective	DTP Assessment / Comment
<p><i>To promote medium and/or high density residential living that encourages both day and evening activity through the provision of limited complementary community, convenience and service uses</i></p> <p><i>To provide for limited community facilities and other non-residential uses that support the current and future residential community and provide opportunities for social interaction</i></p>	<p>The amended DP continues to achieve these objectives.</p> <p>The introduction of a residential hotel is considered complementary to the redevelopment of the site, having regard to the site's proximity to the Flemington Racecourse, Showgrounds, major, other tourism-related locations such as the Melbourne CBD and major sporting stadiums accessible via public transport nearby.</p>
<p><i>To provide ground level uses (including residential, community and commercial) that promote activity to Epsom Road</i></p>	<p>The proposed building is generally setback from Epsom Road, and so its presence to the streetscape is limited.</p> <p>However, the ground floor plan of the permit application shows that the building is predominantly clear glazed and will have a range of uses that promote passive surveillance and activation such as a lobby reception area, restaurant and function rooms.</p>
<p><i>To provide for a mix of residential accommodation, dwelling typographies and apartment sizes</i></p>	<p>The amendment proposes to facilitate a residential hotel which is nested under accommodation. The hotel does not have any dwellings, but includes a range of rooms of varying sizes.</p>
<p><i>Materials and finishes to be of a high quality and generally consistent throughout the development</i></p>	<p>The amended DP does not provide any specific detail in relation to the building. However, the permit application has included an urban context report and detailed elevations confirming the type of materials to be utilised within the design of the building</p> <p>The material schedule shows that the building is predominantly glazed but skinned with an architectural skeleton.</p>
<p><i>To provide high quality internal amenity for future residents, including the provision of communal spaces for the overall development</i></p>	<p>The building is generally massed such that it faces inward towards the former Jockey's Lodge and its associated landscaping and open space.</p> <p>The architectural plans (associated with the permit application) shows that the development is single-loaded with all rooms either facing north towards the Jockey's Lodge, or west towards the Racecourse.</p>
<p><i>To optimise solar access and minimise the effect of wind to streets and public open spaces to enhance amenity and function throughout the year</i></p>	<p>The amended DP proposes a 6-storey high building.</p> <p>The proposal does not unreasonably overshadow any public open spaces.</p>
<p><i>To limit minimise the extent of overshadowing of the Newmarket Reserve between 9am-3pm at the equinox (22 September) and to allow a minimum of 3 hours of direct sunlight between 9 am and 3 pm at the winter solstice (22 June).</i></p>	<p>The subject site does not cause any impacts to the Newmarket Reserve.</p>
<p><i>To protect and enhance the former Jockey's Convalescent Lodge including retaining a visual relationship between the Lodge and the Racecourse</i></p>	<p>The proposal building achieves a minimum 25m curtilage around the Jockey's Lodge, while submitted renders within the permit application demonstrate that the building is visually subservient to the Jockey's Lodge, when viewed from the streetscape.</p>
<p><i>To provide sufficient car parking and utilise, where possible, the fall across the site to minimise the view of car parking areas from the street frontage</i></p>	<p>Plans associated with the permit application show that car parking for the building is located within a 2-level basement, adequately concealing the presence of car parking areas from the street frontage.</p> <p>The extent of car parking is considered to be sufficient for the proposed 92-room residential hotel.</p>
<p><i>To provide safe pedestrian and bike paths to connect to the principal pedestrian bicycle and public transport networks</i></p>	<p>The proposal does not impact the pedestrian and bike paths.</p>
<p><i>To ensure buildings achieve high environmental performance standards at the design, construction and operation</i></p>	<p>The ESD statement submitted with the permit application illustrates that the proposed building achieves a high degree of sustainability merit (refer to below</p>



<i>phases</i>	assessment)
<i>To improve the water and energy efficiency of buildings and encourage the use of alternative water and energy (such as on-site solar generation) sources</i>	
<i>To explore opportunities for innovative precinct scale environmentally sustainable initiatives</i>	
<i>To minimise the impacts of waste on the community</i>	The waste management plan submitted with the permit application illustrates appropriate waste managements (refer to the below assessment).

50. Having regard to the above, it is considered that the amended DP is appropriate response to the requirements and the objectives of the CDZ4.

Key Considerations of Permit Application

51. Having established that the amendment to the DP to introduce the new building is appropriate, the permit application for the 6-storey residential hotel has been assessed in detail.
52. The following are deemed the key considerations in assessing the acceptability of the proposal:
- Strategic direction and land use
 - Buildings and works (including building height, site layout, setbacks)
 - Landscaping
 - Amenity and microclimate
 - Traffic, car parking and waste
 - Sustainability

Strategic Direction and Land Use

53. The *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
54. In this context, the use of a land for a residential hotel on this site has been fully assessed and is considered to be appropriate for the following reasons:
- The proposal aligns with key directions of Plan Melbourne and provides an appropriately response to planning policy in that it will deliver opportunities for employment and tourism (refer to Clause 17.04-1R), which in turn will support ongoing redevelopment of the areas around the Flemington Racecourse.
 - The proposal aligns with the purpose of the CDZ4 which is to (amongst others) develop 550 Epsom Road for medium and/or high-density urban living incorporating a variety of residential uses and dwelling types with a high quality of internal amenity, supported by a limited mix of complementary uses including commercial and retail.
 - The design response has been appropriately informed by and responds well to its surrounding context. The design is high-quality, site-responsive and has had particular regard to the minimum 25m curtilage around the former Jockey's Lodge. This is consistent clause 15.01-1S and clause 15.03-1S.



- The co-location with other uses on-site such as the dwellings within a highly strategic location responds appropriately to Clause 17.01-1R which encourages co-location of facilities to better utilise existing infrastructure.
 - The proposed development will rely on an existing vehicle access that has been approved as part of PA1800377, will not introduce any additional vehicle crossovers to Epsom Road and provides sufficient car parking (refer to below assessment), noting the site's proximity to public transport and modes of alternative transport.
55. The use of land for a residential hotel is a 'section 2' use under the CDZ4. The submitted plans show that the residential hotel will also include a function room, gym, restaurant and private dining areas. These additional activities appropriately fall under the definition of a residential hotel and are considered to be an intrinsic component of, and complementary to, the primary land use.
56. The applicant has requested that all activities be permitted to operate between 5am – 1am (the following day). The proposed hours of operation are generally acceptable subject to conditions that will confirm:
- In relation to the restaurant: the proposed operating hours of 5am – 1am are acceptable noting that an early start will permit guests to have access to a breakfast sitting prior to any morning obligations (i.e. travel/flight).
 - In relation to the function room: it is recommended that the hours be limited to 8am – 1am (the following day), given its interface at the ground floor. A later start will ensure no unreasonable amenity impacts on the days where a function is proposed.
 - In relation to the private dining and bar area: it is recommended that hours of operation be limited to 8am – 1am (the following day). This area is located on level 6 and interfaces with hotel rooms. A slightly later start time will ensure that guests are not unreasonably disturbed.
57. These hours have been discussed with the applicant, which accepts the revised hours.
58. Overall, the proposal responds appropriately to the strategic direction for the area and the proposed land use is consistent with the direction of the CDZ4 and policies for the area, subject to conditions.

Buildings and Works

Building Height

59. The proposal reaches an overall height of approximately 20.5m to AHD, containing 6-storeys. The proposed height optimises development of the site, as it achieves an appropriate balance between mediating between the taller (15-storey) built form west of the site, and the existing 3-storey residential apartments east of the site, while taking advantage of the site's good access to existing infrastructure, and public transport opportunities around the site.
60. The proposed building height has been fully assessed and is considered to be acceptable for the following reasons:
- The proposal continues to align with the purpose of the CDZ4 and is generally in accordance with the footprint that is shown on the amended DP.
 - The building height does not exceed the 15-storey height requirements that has been referenced within the CDZ4.
 - Although the building will be visible from 600 Epsom Road, the proposed building is setback a minimum of 4m from the site boundary, in accordance with the CDZ4 requirements and as generally shown on the amended DP. However, a detailed review of the floor plans shows that parts of the exoskeleton façade slightly encroach into the 4m setback. This is not detrimental and does not lead to any unreasonable visual impacts, but it is inconsistent with plans approved under Heritage Permit P33444, which shows the façade wholly within the 4m setback. As such, it will be a condition of permit requiring that the façade of the building does not encroach into the 4m setback.



- The building separation between the proposal and the neighbouring apartment will be between approximately 6.2m and approximately 14.3m. This is due curved nature of the building, and irregular alignment of the site boundary. This building-to-building separation avoids unreasonable visual bulk impacts.
- The submitted shadow diagrams illustrate that the proposed development will not overshadow the ground level secluded private open spaces (SPOS) of the neighbouring apartment until sometime after 1:30pm at 22 September, while apartments above the ground level will not be affected by any (vertical) shadows until sometime after 2:30pm. This, coupled with the building's 4m setback from the eastern boundary (subject to the above condition), sufficiently ensures that neighbouring apartments will not be unreasonably affected.

61. As such, it is considered that the building height is acceptable.

Building Setbacks and Layout

62. The building is generally located within the south-east corner of the site, generally setback a minimum of 4m from the eastern and southern boundaries, and achieves a minimum 25m of separation to the Jockey's Lodge.

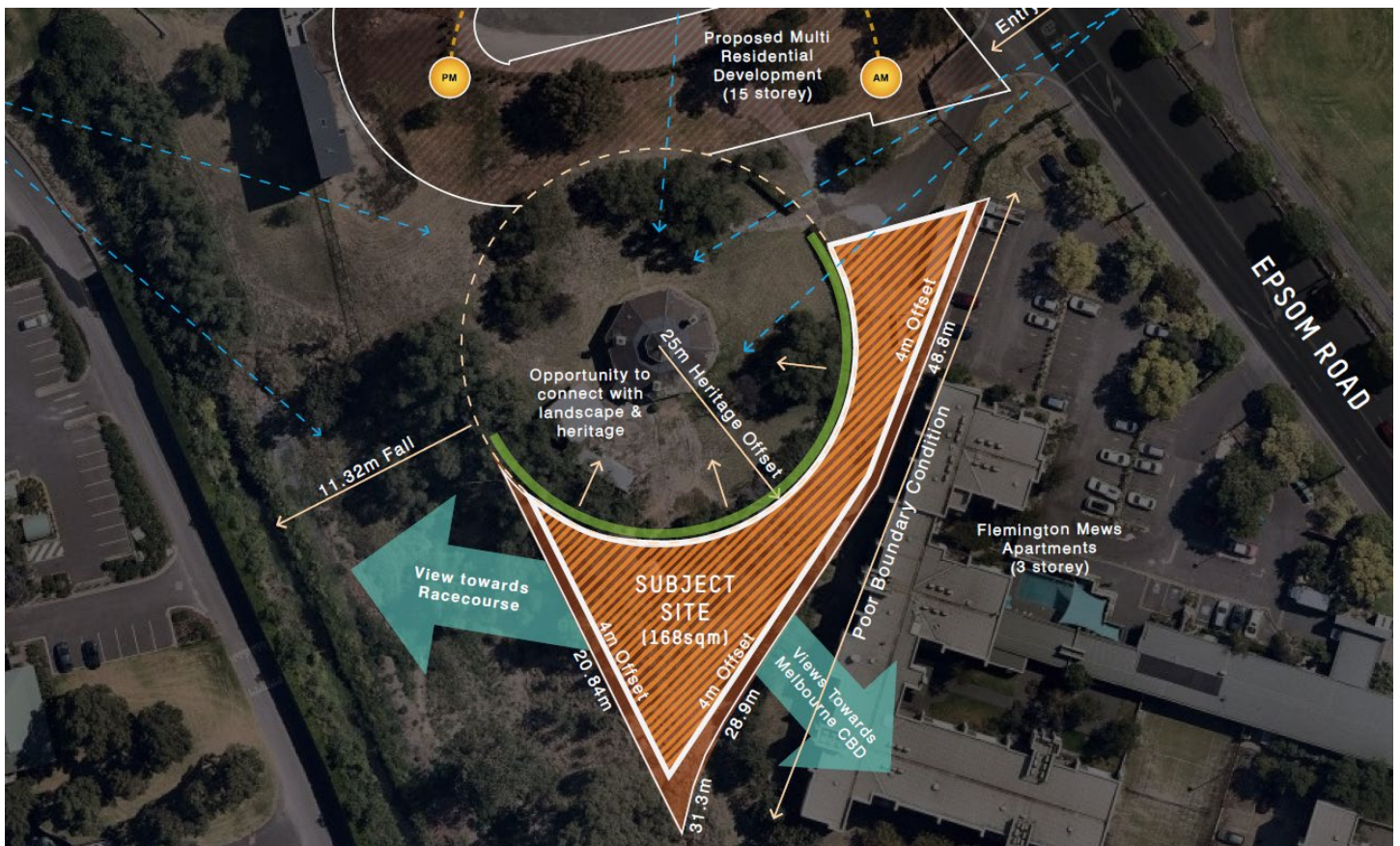


Figure 8 - Extract from the Urban Context Report conceptually outlining the applicant's rationale for their building layout

63. The setback requirements under the CDZ4 have informed the overall setbacks and layout of the proposal. As such, it is considered that the building is appropriately positioned on the site.
64. The proposed building is well setback from Epsom Road and positioned around the Jockey's Lodge building achieving the minimum of 25m curtilage as required by the CDZ4. This is confirmed by 3D renders and building sections that have been provided from the applicant showing the proposed building, relative to the Jockey's Lodge.
65. Subject to conditions, the building achieves a minimum 4m setback from all site boundaries as required by the CDZ4. This is also generally in accordance with the footprint shown on the amended DP.

66. At the ground floor, the building is designed to address the Jockey's Lodge and incorporates a range of active uses. This provides a strong sense of building identity and address to the proposal, and will promote passive surveillance of the open space areas, including the lobby, restaurant and function room, consistent with clause 15.01-1S (Urban Design).
67. Further, the building has been designed to generally be a 'single-loaded' floorplate, orienting all hotel rooms out either towards the open space areas of the Racecourse or the Jockey's Lodge.
68. This ensures a high degree of visual amenity to be achieved for future occupants and will further promote passive surveillance of the open space areas, responding appropriately to clause 15.01-1R (Urban Design – Metropolitan Melbourne).

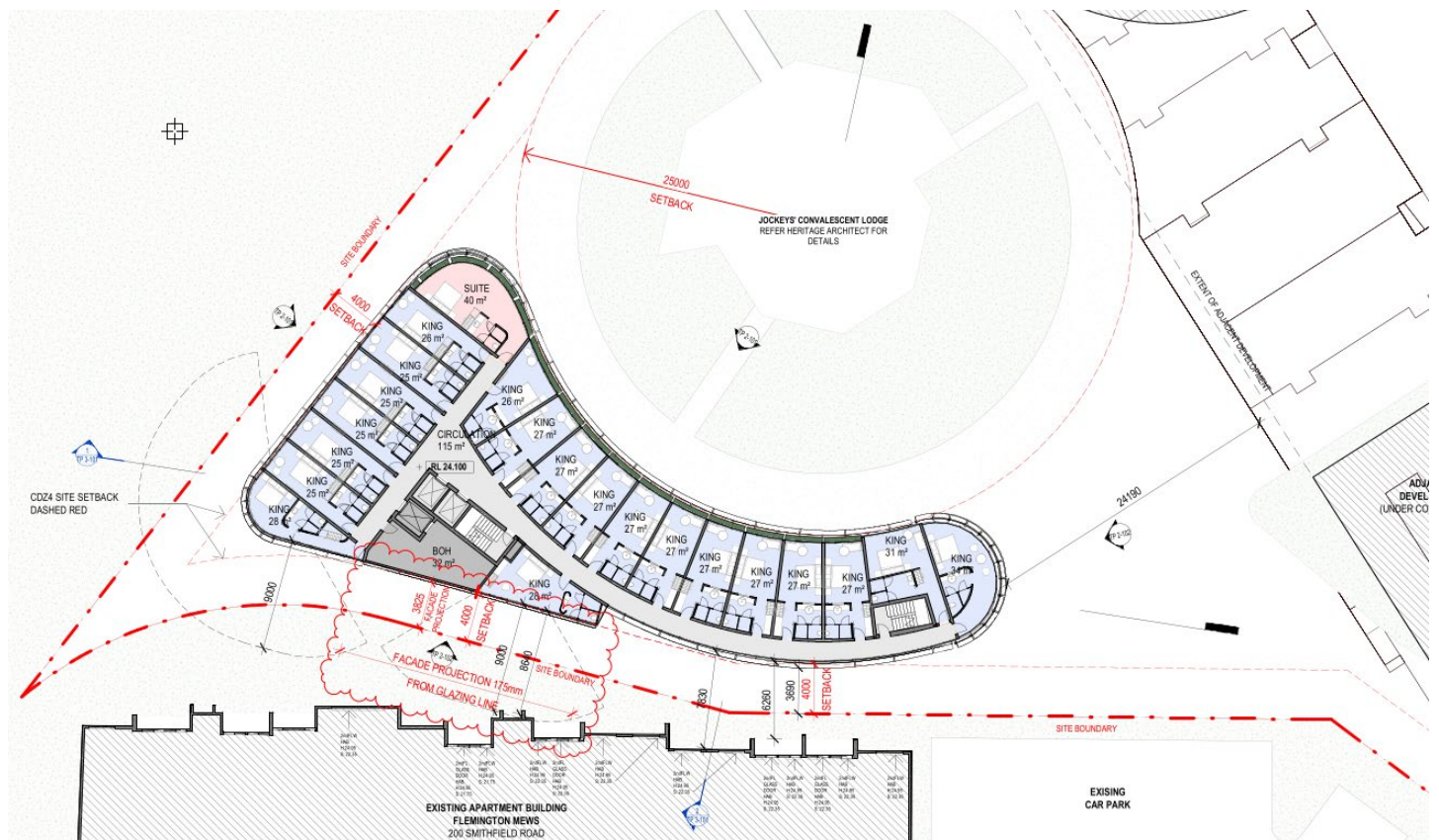


Figure 9 - Extract of Level 2 plan, which is a typical floor plate of the building

69. Overall, the building layout and setbacks are considered acceptable.

Landscaping

70. The concept plan contained within the amended DP and decision guidelines of the CDZ4 encourage buildings which are set within landscaped settings respect the heritage setting that surrounds the Jockey's Lodge.
71. This is also encouraged by clause 15.01-1S which aims to encourage development provide landscaping that supports the amenity and attractive of public realm.
72. The building has the benefit of interfacing directly with the Jockey's Lodge open space, which provides a high degree of landscaping and tree planting as required by the endorsed DP.
73. The applicant has submitted a landscape concept which shows that the building is proposed to be positioned within appropriate landscape setting including a range of open garden beds, and new canopy trees along the eastern and southern boundary.

LANDSCAPE PROPOSAL

Precinct connections include footpath to Epsom Road and resident only access gate to Flemington Racecourse.

Drip irrigation will be installed with a moisture sensor for water efficiency.



74. Notably, the concept plan shows that existing Tree 5 outside of the former Jockey's Lodge will be retained and incorporated as part of the overall development. The council's urban forestry team raises doubts as to whether retention of this tree is realistic, given the level of encroachment into the tree protection zone of that tree.
75. The applicant has provided arboricultural advice has also been confirming that the proposed basement associated with the proposal will not unreasonably impact the health of the tree, subject to appropriate tree measures. Given that the retention of the tree will further add to the amenity of the ground level open spaces, it is considered appropriate to support the retention of tree 5. However, it will be a condition of permit requiring a tree protection management plan be prepared to confirm the recommendations of the arboricultural advice to ensure the ongoing viability of the tree.
76. The landscape concept report provides a suitable degree of landscaping. In particular, 8 canopy trees are proposed to be planted along the eastern boundary which are capable of growing up to a maximum height of 6m – 10m at maturity. Those new trees are positioned within open garden beds with a mix of low level shrubs and bushes.
77. To further enhance opportunities for landscaping, it is recommended that the 'T3 – Paving T2 Crazy Stone Paving' be deleted and replaced with tree planting and landscaping.
78. However, as noted above, the landscape concept report submitted as part of the permit application slightly differs from that of the conceptual design shown within the amended DP. As such, it will be a condition of the amended DP approval requiring that the amended DP be updated to align with this landscape plan.
79. Subject to conditions, the proposal provides an acceptable landscape response.

Amenity and Microclimate

Internal Amenity

80. The hotel rooms range in size and are oriented towards the Racecourse or internally towards the Jockey's Lodge provided a high degree of outlook. This ensures a high degree of internal amenity for future occupants. Further, as there are no hotel rooms that are located or oriented within 9m of any SPOS areas or habitable rooms, there is no requirement to screen any of the hotel room windows.
81. This will further enhance the quality of outlooks and amenity for future occupants.

External Amenity

82. The subject site is located within proximity to an existing 3-storey apartment building at 600 Epsom Road. As such, an assessment of potential amenity impacts to this building is required.
83. This building's interface has been fully assessed and it is considered that the proposal will not cause unreasonably amenity impacts noting the following:
- The proposed building is 'single-loaded,' where the common corridor faces onto towards 600 Epsom Road. Additionally, there are no habitable rooms proposed within 9 metres of the existing 3-storey building. As such, the proposal does not cause raise any overlooking issues.
 - As noted above, owing to 6-storey height of the building will be visible from 600 Epsom Road. However, the building has been appropriately setback from the respective boundaries to ensure a good degree of building-to-building separation ranging between approximately 6.2m – 14.3m. As such, this building separation is sufficient to avoid unreasonable visual impacts.
 - The submitted shadow diagrams illustrate that the proposed development will not overshadow the ground level secluded private open spaces (SPOS) of the neighbouring apartment until sometime after 1:30pm at 22 September, while apartments above the ground level will not be affected by any (vertical) shadows until sometime after 2:30pm. Accordingly, the building will not unreasonably diminish daylight and sunlight to the proposal, and avoids unreasonable overshadowing.

Wind

84. The application has included an environmental wind assessment through a desktop study, rather than the wind tunnel test.
85. The desktop study has revealed that the proposal will not result in any unreasonable wind impacts and accordingly requires no design modifications. In particular, the report confirms that the proposal would sufficiently satisfy the respective criterion for that respective area. For example:
- Wind conditions in the ground level areas are expected to be within the walking comfort criteria.
 - The roof top deck are expected to be within the recommended standing / walking comfort criteria.
 - The seated areas outside of the former Jockey's Lodge are expected to fulfill the standing criteria.
86. This is considered acceptable.
87. Given that the desktop study demonstrated a high degree of compliance, it is recommended that this is confirmed by a wind tunnel test. This can be achieved through a condition of any amended permit to issue.

Traffic, car parking, bicycle facilities, loading and waste

Access and Traffic Movement

88. The proposal will utilise the driveway (and crossover) which was facilitated through permit PA1800377 for the 15-storey residential building currently under construction. The proposal will introduce a new left turn from the internal roundabout which will provide access into the basement of the hotel. Refer to Figure 10.

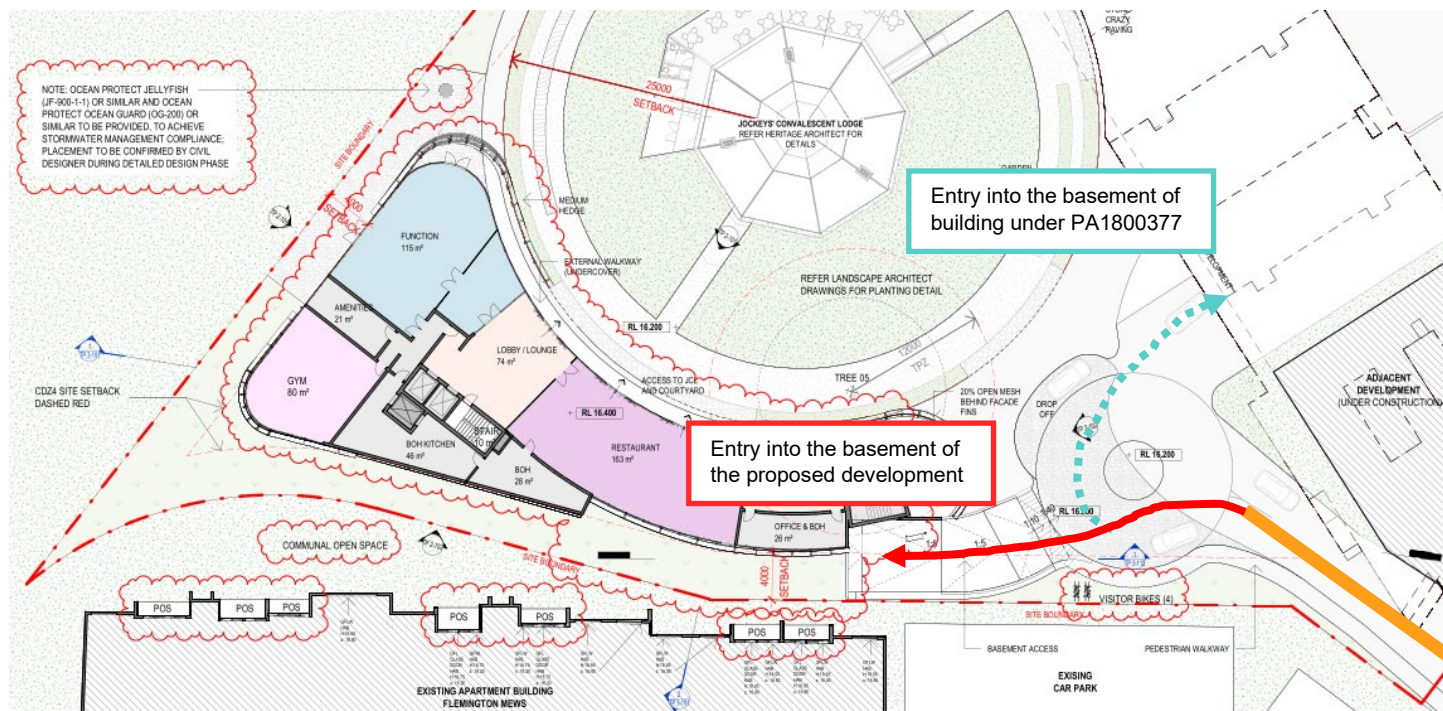


Figure 10 - Extract of the ground floor plan show the access arrangements

89. The submitted traffic impact assessment demonstrates that vehicles (including waste trucks) are capable of entering and exiting the basement in a safe and efficient manner, in a forward direction.
90. As such, the proposed access arrangements are acceptable.

Car Parking

91. There are no prescribed car parking rates for the use of land for a residential hotel under clause 52.06-9. As such, car parking for this use is required to be to the satisfaction of the responsible authority. The development includes two levels of basement providing up to 42 car parking spaces. This equates to approximately 0.45 spaces per room.
92. A traffic impact assessment was submitted as part of this application which provided comparative hotel examples in similarly located areas of metropolitan Melbourne with good access to public transport, similar to the subject site. In those cited examples, the average car parking rate for a residential hotel of this nature was approximately 0.45 spaces per room.
93. DTP has reviewed and accepts the 5 cited examples used to justify the average ratio that was calculated. Accordingly, it is considered that the technical data supporting the average that the development has been designed to comply with is sound and appropriate.
94. Further, given the strategic location of the subject site and availability of alternative methods other than private vehicle, such as public transport, walkability, availability of bicycle infrastructure and ride-share, it is considered that



the proposed hotel rooms use will not result in any unreasonable traffic impacts to the locality, noting that vehicle access and circulation is generally internalised within the subject site

95. It is also noted that the council's internal traffic engineering department reviewed the traffic impact assessment and raised no objections from traffic engineering perspective.
96. As such, the proposal provides an acceptable degree of car parking.

Waste Management

97. The application was accompanied by a waste management plan (WMP) which proposes to utilise a private waste contractor to undertake waste collection services for the proposal.
98. The submitted plans generally show that there is sufficient room within the basement waste storage areas for the residential hotel use. The size of the waste storage areas generally aligns with the quantum of waste likely to be generated outlined within the WMP.
99. The swept path diagrams within the WMP also shows that there is sufficient space within the basement of 8.8m medium rigid vehicle to undertake waste private waste collection. This is acceptable.
100. The WMP was also reviewed by the council's waste department who raised no concerns with the WMP.
101. Overall, the waste arrangements are acceptable, subject to conditions.

Loading and Unloading

102. The submitted traffic impact assessment notes that given the absence of any on-street unloading / loading provision, all unloading and loading activities associated with the residential hotel will be undertaken on-site within the basement.
103. The report includes swept path diagrams which demonstrates that a medium rigid vehicle is capable of entering and exiting the site in a forward direction and in a safe and efficient manner.
104. Sectional drawings contained within the architectural plans show that the entry to the basement has a minimum height of 2.6m. This is sufficient head height to accommodate medium rigid vehicles.
105. Overall, the proposal provides acceptable loading and unloading arrangements.

Bicycle Facilities

106. Under clause 53.23, the proposal is required to provide 18 bicycle spaces (9 for visitors and 9 for staff). The plans show that the basement provides up to 27 spaces. This is considered acceptable noting the compliance of spaces for staff, and the short stay nature of a residential hotel.
107. As such, the proposal provides an acceptable degree of bicycle spaces.

Sustainability

Environmentally Sustainable Design (ESD)

108. It is an objective of clause 15.01-2S and clause 15.01-2L-01 to support energy efficient buildings and for developments to achieve a high degree of environmentally sustainable design practice.
109. The application was accompanied by a sustainability management plan which outlines a range of ESD initiatives that have been incorporated within the development. It is also noted that – wherever possible – the ESD initiatives have been shown on architectural plans.
110. In particular, the SMP identifies that the proposal achieves a BESS rating of 61% noting that:

- The proposal achieves 57% water score and 100% stormwater score, noting all; owing the use of rainwater tanks, which support on-site water retention and re-use, noting that the tanks will be utilised for toilet flushing, and deployment of water saving fixtures for showers, low-flow toilets and taps.
- The proposal achieves 50% energy score owing to use of appropriately insulated walls, energy efficient heat plumbing units, and utilising the existing 15kW solar panel system. Overall, this reduces the use energy consumption and minimises the energy emission associated with the new building.
- The layout achieves a 50% Indoor Environment Quality (IEQ), noting all room have access to good natural daylight, appropriate building sealings and insulation to support acoustic comfort and operable windows.

111. These initiatives were reviewed by the council which confirmed that the SMP responds to its initial concerns and is acceptable for endorsement.
112. As such, the development will achieve the objectives of clause 15.01-2L-01 and the strategies of clause 19.03-2S, in that it is integrated within the existing campus and supports best practice building design.

Stormwater Management

113. The SMP also provided a response to the stormwater management requirements of clause 19.03-3S and clause 53.18. In particular, the report noted the following initiatives:
- A 15,000L rainwater tank located within the basement to support rainwater catching and plumbed for toilet flushing and landscaping maintenance purposes.
 - Water efficient fixtures and appliances, achieving a minimum 40% reduction on potable water usage.
 - Waterless HVAC systems for air-conditioning units.
114. The council raised no objections to stormwater management, however, recommended that permit conditions be introduced to appropriately integrate the proposal with the council stormwater drainage system.
115. The proposal a range of satisfactory initiatives relating to the treatment of stormwater. As such, it is recommended that this is confirmed within a stormwater management plan to ensure that it can also be appropriately integrated with council's drainage system.
116. Subject to the above conditions, the proposal will result in appropriate stormwater outcomes.

Liquor Licence

117. The application was accompanied by a red line plan indicating areas of liquor sale and consumption. The applicant notes that it will be applying for an on-premises licence, which permits the sale of liquor without being required to serve meals.
118. The plan shows that liquor is to be sold and consumed within the individual hotel rooms (forming part of 'mini-bars'), on the ground floor restaurant and function centre, and private dining area on level 6.
119. The use of land for the sale and consumption of liquor has been assessed and is considered to be appropriate noting that:
- The sale and consumption of liquor will predominantly within rooms owing to the presence of a mini-bar which is a common feature of residential hotels and service offering typical of hotels exclusively for guests.
 - It is noted that the licensed area is proximate to the neighbouring apartment at 600 Epsom Road. However, the sale of liquor is not the primary function / purpose of this proposal – that is, the proposed hotel is not operating as a pseudo packaged liquor premises. The sale of liquor is a minor component of the primary land use of a residential hotel.



- The sale and consumption of liquor within the hotel is reasonable noting that guests within the function centre may opt to consume liquor for a specific event, while diners within the restaurant may choose to consume liquor associated with a meal.
- The applicant notes that all persons involved the sale and supply of liquor will be required to be appropriate Responsible Service of Alcohol (RSA) training and the like, and therefore not likely to result any unreasonable amenity impacts to the surrounding neighbourhood.



120. The proposal is consistent with the relevant planning policies of the Melbourne Planning Scheme, subject to conditions.

121. It is **recommended** that:

- The amendments to Development Plan DP1800354 be approved, subject to conditions.
- Planning permit no. PA2403219 for 516-550 Epsom Road, Flemington be issued, subject to conditions.
- The applicant, Head Transport for Victoria, Melbourne City Council and Moonee Valley City Council be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
- Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.

Name:

Title:

Phone:

Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
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Name:

Title:

Phone:

Appendix 1: Response to Key CoM conditions



CoM recommended Condition	DTP Assessment / Comment
Condition 1 – amended architectural plans	
a. <i>Setback the building (including façade encroachments) no less than 4 metres from all title boundaries.</i>	Adopted
b. <i>Any kitchen areas / back of house areas / bathrooms servicing the rooftop bar and private dining to be shown on the floor plans.</i>	Not adopted – it is noted that the internal rearrangement of a building (provided that it does not increase the floor area or number of dwellings) is exempt from planning permission.
c. <i>Include dimensions, notations, etc. of all car parking, loading, roads, ramps, drop-off areas, pedestrian walkways, and bicycle parking, generally in accordance with the Traffic Management Plan prepared by Stantec dated 13 November 2024 (Revision C).</i>	Not adopted – this has now been shown on plans as part of the response to the RFI.
d. <i>The indoor and outdoor (if applicable) areas of the ancillary restaurant, function, bar and private dining uses clearly marked generally in accordance with the red line plans prepared by Jackson Clements Burrows Architects</i>	Not adopted – this has now been shown on plans as part of the response to the RFI.
e. <i>Any changes, plan notations, or otherwise required from any other condition in this permit required to be satisfied concurrently with the endorsement of plans.</i>	Partially adopted – it will be a condition of permit requiring the initiatives of the endorsed acoustic report and sustainability management plan be annotated wherever possible, and practical.
Condition 2 – amended red line plan	
a. <i>Include any changes resulting from condition 1 of this permit.</i>	Adopted
Condition 6 – 16 – Use	
6. <i>At all times when the residential hotel and ancillary uses are open for business, a designated manager must be in charge of the premises to the satisfaction of the Responsible Authority.</i>	Not adopted – the land owner is required to ensure that the use of land must be carried out the satisfaction of the responsible authority.
7. <i>The indoor and outdoor spaces of the ancillary restaurant, function, bar and private dining associated with the residential hotel as shown on the endorsed plans may only operate during the following times...</i>	Partly adopted – while the definition of a residential hotel includes provision for these activities, there is no requirement to deem the activities as ‘ancillary.’ However, given proximity to 600 Epsom Road, it is recommended that these activities as part of the residential hotel be restricted in its operating hours.
8. <i>Outside the opening times set out in condition 7, the outdoor areas must be closed to patrons, and all patrons must vacate the outdoor area. The outdoor areas must remain closed with no patrons permitted within the outdoor areas until the time specified in condition 7 for the outdoor area to open the following day (unless using the outdoor area to exit the premises).</i>	Not adopted – as part of the response of the RFI, external access to an outdoor area along the eastern boundary was removed, as such there is no outdoor areas that are proposed to be accessible.
9. <i>At any time no more than the following patrons may be present (both indoor and outdoor) in the ancillary gym, restaurant, function, bar and private dining uses associated with the residential hotel (unless further limited by the Building Act 1993, or as otherwise amended) as shown on the endorsed plans...</i>	Not adopted – there is no requirement to restrict patronage as part of the permit application. There are no traffic related concerns that would require the need to restrict patrons. It is noted that patronage associated with the private dining, bar, function room will be restricted through the liquor licence and/or building permit.
10. <i>The ancillary gym, restaurant, function, bar and private dining associated with the residential hotel must:</i>	Not adopted – the definition of a residential hotel includes provision for these activities. As such, there is no requirement for this be explicitly specified.
a. <i>Not be used independently of the residential hotel.</i>	
b. <i>Only be used by registered guests of the residential</i>	



hotel and their visitors

<i>11. Any external openable walls, doors, windows, or glazing of the ancillary gym, restaurant, function, bar and private dining must be closed from 10:00pm every night and not be opened until the business begins operating the following day, except for access and egress.</i>	Not adopted – as part of the response of the RFI, external access to an outdoor area along the eastern boundary was removed, as such there is no outdoor areas that are proposed to be accessible.
<i>12. Tables and chairs must be set out for at least 75 per cent of patrons present at the ancillary restaurant associated with the residential hotel at any one time.</i>	Not adopted – this appears to be an extract from the definition of a restaurant from under Clause 73.03.
<i>13. Waste collection and deliveries shall only occur between the following times:</i> <i>a. a. 7:00am to 8:00pm Monday to Saturday.</i> <i>b. 9:00am to 8:00pm Sundays and public holidays.</i>	Not adopted – it will be a condition of permit requiring that the waste management plan is to be endorsed.
<i>14. The car parking spaces must only be utilised by patrons and visitors to the residential hotel (including its ancillary uses).</i>	Not adopted – the use of land is required to be carried out the satisfaction of the responsible authority.
<i>15. A sign must be attached to an internal wall in a prominent position adjacent every entry/exit point to advise patrons to leave the premises in a quiet and orderly fashion.</i>	Adopted in part – this will be addressed within the patron management plan.
<i>16. The use must be managed so that the amenity of the area is not detrimentally affected</i>	Adopted.