

PLANNING PERMIT

Permit No.:	PA2403219
Planning scheme:	Melbourne Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	516-550 Epsom Road, Flemington (Lot 2 of Plan of Subdivision 72182M)

THE PERMIT ALLOWS:

Planning clause	scheme	Matter for which the permit has been granted
37.02-1		Use of land for a residential hotel
37.02-4		Construct a building and construct or carry out works
52.27		Use of land to sell and consume liquor

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement

2. This permit will operate from the issued date of this permit.

Approved and endorsed plans – changes required

3. Before the use and development starts, excluding demolition, bulk excavation and site preparation works, amended plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, and be generally in accordance with the plans prepared by JCB Architects, Revision D, dated 10 November 2024, but modified to show:
 - a) The setback of the building (including the façade elements) to be no less than 4 metres from all boundaries.
 - b) All roof plant equipment to be acoustically screened.

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- c) The red line plan updated to ensure consistency with all floor plans.
- d) The initiatives outlined within the approved Acoustic Report condition annotated on all plans and elevations, where possible and practical.
- e) The initiatives outlined within the approved Sustainability Management Plan condition annotated on all plans and elevations, wherever possible and practical.
- f) Any changes required to ensure consistency with the approved Wind Impact Assessment.
- g) Any changes required to ensure consistency with the approved Façade Strategy.

Layout not altered

- 4. The development as shown on the endorsed plans must not be altered (unless the Melbourne Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Landscape plan

- 5. Concurrent with the endorsement of plans, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Landscape Plan, prepared by TCL, Revision 02, dated 29 October 2024 but modified to show:
 - a) Deletion of the 'T3 (Paving T2 Crazy Stone Paving)' along the eastern boundary and replacement with landscaping, including trees.

Landscaping maintenance

- 6. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Melbourne City Council.

Tree Protection Management Plan

- 7. Concurrent with the endorsement of plans, a tree protection management plan must be approved and endorsed by the responsible authority in consultation with Melbourne City Council. The tree protection management plan must be prepared to the satisfaction of the responsible authority and must adopt the recommendations of the arboricultural advice for Tree 5, prepared by Tree Logic, dated 26 August 2024.

Sustainability Management Plan

- 8. Concurrent with the endorsement of plans, the Sustainability Management Plan prepared by Sustainable Development Consultants, Revision V2, dated 12 November 2024 must be approved and endorsed by the responsible authority.

Implementation of ESD Statement Initiatives

- 9. Within six months of the occupation of the development, a report from the author of the endorsed report must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.



Waste Management Plan

10. Concurrent with the endorsement of plans, the Waste Management Plan prepared by Leigh Design, dated 30 October 2024, must be approved and endorsed by the responsible authority.

Green Travel Plan

11. Concurrent with the endorsement of plans, the Green Travel Plan prepared by Stantec, Revision C, dated 13 November 2024, must be approved and endorsed by the responsible authority.

Stormwater Management Plan

12. Concurrent with the endorsement of plans, a stormwater management plan must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority, and must:
- a) include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
 - b) set out how the stormwater management system will be managed on an ongoing basis, as appropriate.
 - c) demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.
 - d) Confirmation that the water quality performance will satisfy Best Practice Environmental Management Guidelines for Stormwater (CSIRO, 1999).

Acoustic Report

13. Concurrent with the endorsement of plans, the acoustic report prepared by Octave Acoustics, Revision 2, dated 7 November 2024, must be approved and endorsed by the responsible authority.

Wind assessment

14. Concurrent with the endorsement of plans, a Wind Impact Assessment must be approved and endorsed by the responsible authority. The report must generally in accordance with the Environmental Wind Assessment, prepared by MEL Consultants, dated 20 September 2024 but modified to include:
- a) A wind tunnel assessment.
 - b) Design recommendations to ensure acceptable wind conditions to the surrounding streets and public areas. These must be carefully developed as an integrated high-quality solution with the architectural and landscape design to the satisfaction of the responsible authority.

Reflected glare assessment

15. Concurrent with the endorsement of plans, a reflected glare assessment of external building materials and finishes must be approved and endorsed by the responsible authority. The



reflected glare assessment must be prepared to the satisfaction of the responsible authority and demonstrate that:

- a) Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the responsible authority.
- b) Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

Façade strategy

16. Concurrent with the endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and must include:
 - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding.
 - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
 - d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
 - e) Information about how the façade will be accessed, maintained and cleaned.
 - f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
 - g) Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.

Construction Management Plan

17. Before the development starts, a construction management plan (CMP) must be submitted to and be approved by Melbourne City Council. The CMP must be prepared in accordance with the *Melbourne City Council – Construction Management Plan Guidelines*, and is to also consider the following:
 - a) Consider traffic and amenity impacts during the construction period.
 - b) Set out how the community reference group will be involved in the drafting of the CMP and its ongoing role through implementation of the CMP.



Noise and Amenity Plan / Patron Management Plan

18. Before the use starts, a noise and amenity plan / patron management plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority, and must include the following details:
- a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
 - b) signage to be used to encourage responsible patron behaviour
 - c) the training of staff in the management of patron behaviour
 - d) staff communication arrangements
 - e) measures to control noise emissions from the premises
 - f) complaint handling process to effectively manage any complaints received. This must include a Complaints Register to be kept at the premises which records details of the complaint received, any action taken and the response provided to the complainant
 - g) the hours of the sale and consumption of liquor on-premises, and the handling of liquor service

Hours of operation

19. The residential hotel (restaurant) use may only operate between the hours of 5am to 1am (of the following day) between Monday to Sunday.
20. The residential hotel (function room) use may only operate between the hours of 8am to 1am (of the following day) between Monday to Sunday.
21. The residential hotel (bar and private dining) use may only operate between the hours of 8am to 1am between Monday to Sunday.
22. The responsible authority may consent in writing to vary these requirements.

General Amenity Provision

23. The use and development must be managed so that the amenity of the area is not detrimentally affected, 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) presence of vermin
- to the satisfaction of the responsible authority.

Security Alarms

24. All security alarms or similar devices installed on the 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 to the satisfaction of the responsible authority.



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Run-off

25. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into Melbourne City Council drains or watercourses.

Drainage

26. The land must be drained to the satisfaction of Melbourne City Council.

Retention of Architects

27. Except with the consent of the responsible authority, JCB Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of responsible authority.

Expiry

28. This permit will expire if one of the following circumstances applies:
- The development is not started within three years of the issued date of this permit.
 - The development is not completed within five years of the issued date of this permit.
 - The use does not start within two years of completion of the development.

In accordance with Section 69 of the Planning and Environment Act 1987, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION

(the following does not form part of this permit)

Melbourne City Council

- This planning permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this planning permit.
- The internal roads should remain the responsibility of the landowner in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
- Council will not change on-street parking restrictions to accommodate access, servicing, delivery and parking needs of this development. As per Council's policy, the residents/guests/visitors/staff of this development will not be entitled to resident parking permits

Date of issue: 30 January 2024 **Signature for the responsible authority:**



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - ii. the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Date of issue: 30 January 2024 Signature for the responsible authority:

