

# PLANNING PERMIT

**Permit No.: PA2201540-2**

**Greater Geelong Planning Scheme**

**Responsible Authority: Minister for Planning**

**ADDRESS OF THE LAND:**

10 EASTERN BEACH ROAD GEELONG VIC 3220

**THE PERMIT ALLOWS:**

Use and development of a hotel, sale and consumption of liquor and a waiver of the provision of car parking for the restaurant use

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

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### Amended Plans

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans authored by PACT Architects dated 08.07.2022 plan numbers SK-00 to SK25 but modified to show:
  - a. Soffit lighting below the awnings.
  - b. Glazing reflectivity be provided with a perpendicular reflectivity less than 20 percent, measured at 90 degrees to the façade surface.
  - c. New Crossover, subject to separate crossover permit from the City of Greater Geelong
  - d. The internal accessway/ramp amended if practicable to match the width of the existing vehicle crossing which is approximately 4.0m wide. The eastern edge of the internal accessway should also be widened on plans if practicable
  - e. All notations shown on the plan that relate to the on-street car spaces in Brougham St, and the note that states 'Changes to car parks subject to separate application' deleted;
  - f. Relabel 20 "NEW" Car parks to "Re-located" Car parks
  - g. Initiatives contained within the ESD report along with the proposed changes, including:
    - i. A minimum 50kW roof mounted solar photovoltaic systems divided between new and existing roofs
    - ii. At least 4 dedicated electric vehicle car parking spaces complete with 7kW charger each

- iii. 4 Star selected for the WC water efficiency in BESS.
- h. Street tree locations with proximity to the development shown with their nominated Tree Protection Zones.

#### **Endorsed Plans**

- 2. The development, as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

#### **Sale and Consumption of Liquor onsite**

- 5. The sale and consumption of liquor as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 6. No more than 118 patrons are permitted on the restaurant at any time liquor is being sold or consumed.
- 7. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor may only occur between the hours of:
 

Monday – Saturday	7 a.m. and 11 p.m.
Sunday	10 a.m. and 11 p.m.
Good Friday & Anzac Day	12 noon and 11 p.m.

#### **Sustainability Management Plan**

- 8. Prior to the endorsement of plans, a Sustainability Management Plan (SMP) must be submitted to and approved to the satisfaction by the Responsible Authority. The Sustainability Management Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the report by Lucid dated 30 September 2021 and received by Council on 16/03/2022, but modified to include the following changes:
  - a. No longer claim BESS credit ‘Management 1.1 Pre-application meeting’ or provide evidence for claiming this credit.
  - b. Daylight assessment for the office space showing acceptable daylight levels
  - c. BESS ventilation credit completed based on the proposed building and services design.

Where alternative ESD initiatives are proposed to those specified in conditions above, the Responsible Authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development

- 9. All works must be undertaken in accordance with the endorsed Sustainability Management Plan and stormwater management plan to the satisfaction of the Responsible Authority. No alterations to these plans may occur without the written consent of the Responsible Authority.

10. Prior to the occupation of any part approved under this permit, a report from the author of the Sustainability Management Plan (SMP) approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm through supporting evidence that all measures specified in the endorsed SMP have been implemented in accordance with the approved plan.

#### **Drainage**

11. The site must be drained to the satisfaction of the Responsible Authority and no concentrated storm water may drain or discharge from the land to adjoining properties

#### **Drainage & Vehicular Access**

12. Prior to the occupation of the new building, the developer must:
  - a. Construct the new building stormwater system into the existing site stormwater system drainage to the existing LPOD, or other nominated point/s as approved by the Responsible Authority. The stormwater connection must be in accordance with City of Greater Geelong Standard Drawings.

all to the satisfaction of the Responsible Authority.

#### **Car Parking**

13. Prior to the occupation of the new building, the developer must construct the car park including accessways, surface with an all-weather sealed coat and linemark the car and accessways in accordance with the endorsed plans to the satisfaction of the Responsible Authority.

#### **Stormwater Management**

14. The site stormwater system must be designed and installed such that the site stormwater discharge is not increased by the proposed development. An appropriate on site detention system designed in accordance with the Infrastructure Design Manual and Stormwater Management Design Report is required, to the satisfaction of the Responsible Authority.

#### **Noise Management**

15. At the written request of the responsible authority, the permit holder must submit a report prepared by a suitably qualified acoustic engineer which assesses any impacts of the site to any other relevant legislation and provide any necessary recommendations to achieve compliance where noncompliance is identified or address any other issues as appropriate. Any recommendations of the assessment deemed appropriate by the Responsible Authority must be implemented within a timeframe specified by the Responsible Authority.
16. The premises must reasonably comply with all noise legislation and regulations in force and the level of noise emitted from the premises does not exceed permissible noise levels including EPA publication 1826.4 "Noise limit and assessment protocol - 7 - for the control of noise from commercial, industrial and trade premises and entertainment venues".
17. Comply with EPA publication 1834 "Civil construction, building and demolition guide".

18. Ensure compliance with any Commercial Noise regulations, Councils Local Laws and obtain permits where and when required

#### **Audible Music or Announcements**

19. No amplified music, including live amplified music, may be played or piped to external areas without the further written consent of the Responsible Authority.
20. No music or announcements may be audible outside the boundaries of the site to the satisfaction of the Responsible Authority.

#### **Waste Collection**

21. Waste collections are to occur with two or more collections per week, they must only occur during these times:
  - a. 7 am – 8 pm Monday to Saturday
  - b. 9 am – 8 pm Sunday and public holidays

#### **Delivery Restrictions**

22. All deliveries to the property and truck movements offsite must be in adherence with the EPA Noise Control Guidelines (publication 1254.2) which are:
  - a. 7am – 10pm Monday to Saturday
  - b. 9am – 10pm Sundays and public holidays.

#### **Security Alarms**

23. 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 monitored security service.

#### **Plant and Equipment Insulation**

24. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the Responsible Authority.

#### **Dust Emissions**

25. Dust control measures to prevent emissions that may cause nuisance to adjoining properties must be implemented to the satisfaction of the Responsible Authority. Such as but not limited to:
  - a. Identifying potential sources of dust and airborne particulates and processes which may generate dust and airborne particulates; and implementing dust and airborne suppression measures, including (but not limited to) covering materials and/or applying a light water spray, applying sprays before or during turning, but also avoiding excessive water- logging of organic materials and runoff;
  - b. cessation of some activities during windy days

#### **Light Emissions**

26. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining properties

## **General Amenity**

27. The amenity of the area must not be detrimentally affected by the use or development 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, odour, 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.

## **Garbage Storage**

28. The storage, removal and disposal of such/garbage refuse must be undertaken in such a manner so as to avoid any nuisance, pollution or loss amenity to the surrounding area and must at all times be to the satisfaction of the Responsible Authority.

## **External Plant and Equipment**

29. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the City of Greater Geelong.
30. All air-conditioning units are to be placed in an appropriate locations not visible from the streetscapes and acoustically treated to reduce noise to a level satisfactory to the City of Greater Geelong

## **Arborist Impact**

### **Tree Projection Zones**

31. All works within the nominated Tree Protection Zones must be:
- a. carried out in accordance with Australian Standard 4373–2007 Pruning of amenity trees and Australian Standard 4970–2009 Protection of trees on development sites
  - b. overseen by a suitably qualified, level-5 arborist
  - c. carried out to the satisfaction of the Responsible Authority by suitably trained and qualified arboricultural staff. Works encroaching within the nominated Tree Protection Zones must not be undertaken without the written consent of the Responsible Authority.
32. Prior to occupation of the development/the issue of Statement of Compliance, a written statement from the Project Arborist must be submitted to the Responsible Authority that certifies that the following items have been addressed as part of the works:
- a. Establishment of correct placement and installation of tree protection fencing
  - b. Attendance during Tree Protection Zone incursions
  - c. Adherence to Australian Standard 4970–2009 Protection of trees on development sites.
33. Unless with the prior written consent of the responsible authority, all street trees must be retained, with the exception of tree 6 which will be removed by the developer subject to compensation payable to the City of Greater Geelong based on the Tree Canopy Contribution Offset calculation method endorsed under the City of Greater Geelong Public Tree Management Council Policy.

34. If significant impact (as determined by a qualified arborist) on any other street tree other than tree 6 is unavoidable, the tree can be removed by the developer subject to compensation payable to the City of Greater Geelong based on the Tree Canopy Contribution Offset calculation method endorsed under the City of Greater Geelong Public Tree Management Council Policy, to the satisfaction of the responsible authority.

### **Permit Expiry**

35. This permit will expire if:

- the development is not started within two (2) years of the date of this permit; or
- the development is not completed within four (4) years of the date of this permit.
- The use is not commenced within five years of the date of this permit.

Pursuant to Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within six (6) months after the permit expires and the development started lawfully before the permit expired.

### **Notes:**

#### **Parks Notes**

Trees within plantations may be assessed as a group but must be individually numbered

The arborist must be provided all relevant information that will inform the inspection/assessment, i.e. their intended location, vehicle crossovers, intersections etc.

The Arboricultural Impact Assessment Report will be used to inform a Tree Protection Management Plan NDD – must obtain a works within roadway permit

In the instance that minor pruning is anticipated the applicant must contact Council's Parks Planning Officers on 5272 5272 ([treeplanning@geelongcity.vic.gov.au](mailto:treeplanning@geelongcity.vic.gov.au)) to lodge a request and provide adequate notice.

#### **Environmental Health Notes**

The proprietor of the proposed food business will be required to apply to the City of Greater Geelong Council's, Environmental Health Unit for registration of a food premises under the Food Act 1984. Recommend that contact is made prior to internal fit-out to be able to assist with compliance.

Noise during construction is to be managed and not emit unreasonable noise at any time of the day under the Environment Protection Act 2017

#### **Engineering Notes**

A pre-commencement meeting with Council's engineering department is required to be undertaken prior to works starting. To organise this meeting please contact 5272 4426.

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**Date Issued: 21 October 2022**

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

**Signature for the responsible authority**

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**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment
16 March 2023	<ul style="list-style-type: none"><li>• Delete Condition 1a)</li><li>• Re word Condition 1d)</li><li>• Re word Condition 1e)</li><li>• Re place the word "land" with the word "restaurant" in Condition 6.</li><li>• Delete Condition 8c.</li><li>• Delete Condition 12b)</li><li>• Delete Condition 31 and 32</li></ul>	Minister for Planning
4 July 2025	<ul style="list-style-type: none"><li>• Modification of exterior design detail</li><li>• Internal changes to several floors</li><li>• A new parking level and resultant increase in car parking spaces</li><li>• Removal of street tree #6.</li><li>• Add condition 33 and 34</li></ul>	Minister for Planning

# IMPORTANT INFORMATION ABOUT THIS PERMIT

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## WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit \*at the direction of the Victorian Civil and Administrative Tribunal. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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## CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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*[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act include the following paragraph—]*

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

*[If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]*

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

*[If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph—]*

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

*[List the specified part(s) of the permit that the Victorian Civil and Administrative Tribunal directed must not be amended by the responsible authority under Division 1A of Part 4 of the Act.]*

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## WHEN DOES A PERMIT BEGIN?

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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.

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## WHEN DOES A PERMIT EXPIRE?

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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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 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 of 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.

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## WHAT ABOUT REVIEWS?

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- \* 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.