

PLANNING PERMIT

Permit No.:	PA2402865
Planning scheme:	Ballarat Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	140 (Lot 183) Lydiard Street N, Ballarat Central (5\PS806198)

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
37.07-1	Use the land for a restricted recreation facility (gymnasium)

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/report – no changes required

3. Before the use starts, 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, be generally in accordance with the Site Plan prepared by Radley Holdings Pty Ltd.

Hours of operation

4. The use must only operate between the following times:
 - a) 5 am and 9 pm Monday to Friday
 - b) 6 am and 9 pm Saturday
 - c) 6 am and 9 pm Sunday or public holiday.

The responsible authority may consent in writing to vary these requirements.

Date of issue: 20 January 2025 **Signature for the responsible authority:**



Limit on number of persons

5. At any time no more than 45 patrons/staff may be present on the land.

The responsible authority may consent in writing to vary this requirement.

Noise Control

6. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Act 2017* and *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

Noise Protocol means the *Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*, published by the Environment Protection Authority on its website, as in force from time to time.

Noise Limiter

7. Before the use starts, a noise limiter must be installed on the land to the satisfaction of the responsible authority. The noise limiter must:
- a) ensure the emission of noise from amplified music does not exceed the levels specified in the Noise Limit And Assessment Protocol For The Control Of Noise From Commercial, Industrial And Trade Premises And Entertainment Venues (EPA Publication 1826.4); and
 - b) be maintained and operated at all times,

Noise and amenity plan/patron management plan

8. Before the use starts, a Patron Management Plan (PMP) must be approved and endorsed by the responsible authority. The PMP must be prepared to the satisfaction of the responsible authority and be generally in accordance with the PMP prepared by Radley Holdings Pty Ltd and dated February 2024 but amended to show the following details:
- a) Title of document corrected to '*patron management plan*'
 - b) Trading hours corrected to be consistent with that allowed under the planning permit
 - c) Requirement that at all times noise emanating from the land must comply with the requirements of the *Environment Protection Act 2017* and *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.
 - d) Requirement that at all times noise emanating from the land must be in general accordance with the guidelines of the *State Environment Protection Policy (SEPP) No. N-2*



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- e) Requirement that doorways must be closed prior to 6am every Monday to Friday, and 8am every weekend or public holiday
- f) Informal car parking and bicycle parking arrangements for patrons and staff members on site
- g) Waste management details as follows:
 - i. Types of waste generated
 - ii. Type and number of waste bins
 - iii. Frequency of waste collection
 - iv. Hours of waste collection

Expiry

9. This permit as it relates to use will expire if the use does not start within [2] years after the issued date of this permit.

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.

USEFUL INFORMATION:

- *(the following information does not form part of this permit)*
- *The permitted use or development may need to comply with, or obtain the following further approvals:*
 - *The recommendations of a cultural heritage management plan approved under the Aboriginal Heritage Act 2006.*
 - *A building permit under the Building Act 1993.*

Date of issue: 20 January 2025 **Signature for the responsible authority:**



Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

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: 20 January 2025 **Signature for the responsible authority:**

