

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

- a. from the date specified in the permit; or
- b. 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.

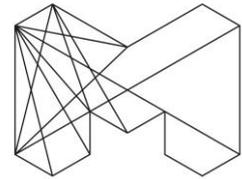
WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) 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
 - (c) 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 5 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 -
 - (a) 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
 - (b) the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - (a) the development or any stage of it does not start within the time specified in the permit, or
 - (b) 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
 - (c) 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
 - (d) 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 -
 - (a) the use or development of any stage is to be taken to have started when the plan is certified; and
 - (b) the permit expires if the plan is not certified within two years of the issue of a permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPLICATIONS FOR REVIEW?

- The person who applied for the permit may apply for review against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, 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 an Application For Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and must be accompanied by the prescribed fee.
- An application for review must state the grounds upon which it is based.
- 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.

PLANNING PERMIT



CITY OF MELBOURNE

For further reference contact:

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Planning and Building Branch

Level 3, Council House 2

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PERMIT NO.	TP-2016-188
PLANNING SCHEME	Melbourne Planning Scheme
RESPONSIBLE AUTHORITY	Melbourne City Council
ADDRESS OF THE LAND	222-224 Faraday Street and 291-299 Lygon Street, CARLTON VIC 3053
THE PERMIT ALLOWS	Partial demolition, construction of buildings and works, waiver of car parking and loading requirements and use of the land for the sale and consumption of liquor in accordance with the endorsed plans.

This permit is issued in accordance with the Victorian Civil and Administrative Tribunal's order dated 17 August 2016 (and correction order dated 30 August 2016), pursuant to Section 85(1) of the Planning and Environment Act 1987.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. Prior to the commencement of the use and / or development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the plans by Herbert and Mason, all drawings nominated as 'VCAT Submission' and dated 3 August 2016 but amended to show:
 - a) Details of bollard/s to limit loading, deliveries and waste collection to non-peak pedestrian times.
 - b) Details of the security lighting to improve safety to King and Godfree and Faraday Lanes.
 - c) Measures to prevent patrons using the roof top terrace from either sitting or standing within 1 metre of the parapet to the southern and eastern facades.
 - d) Details of rooftop terrace roof structure to comprise lightweight materials;
 - e) Written confirmation on plans stating that there will be no temporary or permanent shading structures or any similar structures on the rooftop at any time of year as per Condition 3.
 - f) Revised orientation of the "Sirena Tuna" sign.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

2. The use and development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Signature of the Responsible Authority

Date Issued: 5 September 2016

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.

3. There must be no temporary or permanent shading structures, or any similar structures, to the rooftop at any time to the satisfaction of the Responsible Authority.
4. Prior to the commencement of the use of the land, the applicant must submit to the Responsible Authority an amended Venue Management Plan generally in accordance with the Venue Management Plan submitted with the application on 11 March 2016, but revised as follows:
 - a) The ways in which staff are to be made aware of the conditions attached to this permit.
 - b) Operating hours to reflect planning permit.
 - c) Details on how to reduce anti-social behaviour, in particular to the new through block link, after hours.
 - d) Removal of any reference to DJs unless playing background music only.
 - e) Details of the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties. This includes the management of smokers and is particularly important to the rooftop and courtyard.
 - f) No music to the ground floor courtyard at all times.
 - g) No umbrellas or other shading devices to the roof top.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed operational management plan unless with the prior written consent of the Responsible Authority.

5. Prior to the commencement of the use of the land, revised traffic advice by a suitably qualified professional providing:
 - a) Exact time and frequency of loading, deliveries and waste collection to the satisfaction of the Responsible Authority.
 - b) Details of the operation of the bollard/s to prevent loading, deliveries and waste outside of non-peak pedestrian times to the satisfaction of the Responsible Authority.
6. The use of any land or building or part thereof as shown on the endorsed plan(s) must not be altered or modified unless with the prior written consent of the Responsible Authority.
7. Except with the prior written consent of the Responsible Authority, the ground floor restaurant must only be open to public and be used for the sale and consumption of alcohol between the following hours:
 - a) Indoor areas: 7.00am to 12 midnight
 - b) Ground floor courtyard: 10.00am to 10.00pm
8. The maximum number of patrons to the ground floor restaurant must be no more than 170 persons at any one time unless with the prior written consent of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, the rooftop terrace must only be open to the public and be used for the sale and consumption of alcohol between the following hours:
 - a) Sunday to Thursday: 12 noon to 11.00pm
 - b) Friday and Saturday: 12 noon to 12 midnight

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10. The maximum number of patrons to the rooftop tavern must be no more than 200 persons at any one time unless with the prior written consent of the Responsible Authority.
11. There must be no music to the courtyard at all times (7 days a week). Music noise in all other outdoor areas must only be played at background levels to the satisfaction of the Responsible Authority.
12. At all times when the premises is open for business, a designated manager must be in charge of the premises.
13. A sign must be attached to an internal wall in a prominent position adjacent to the entry/exit point to advise patrons to leave the premises in a quiet and orderly fashion.
The sign must be to the satisfaction of the Responsible Authority.
14. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Ratio dated 29 Feb 2016. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services
15. No bottles or other waste material may be removed from the site between the hours of 9.00pm and 7.00am the following morning, seven days a week.
16. Empty bottles from the operation of the premises must be placed into a bag and deposited into recycling bins quietly so as not to cause disturbance to adjoining and nearby residents, to the satisfaction of the Responsible Authority.
17. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy, (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
18. Prior to the endorsement of plans under condition 1 of this permit, an acoustic report prepared by a suitably qualified acoustic consultant must be submitted to and approved by the Responsible Authority. When approved the report will be endorsed and will form part of the permit. The report must:
 - a) identify all potential noise sources, sound attenuation work and any management/operational measures required to ensure that the noise levels generated by the activities on the land will comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, and
 - b) demonstrate that background noise levels used are measured in accordance with the schedule C of State Environment Protection Policy No. N-1 to the satisfaction of the Responsible Authority.The recommendations of the report must, as appropriate, be shown on the plans submitted for endorsement, and thereafter be implemented to the satisfaction of the Responsible Authority.
19. The use must not detrimentally affect the amenity of the area or the amenity of persons living in proximity of the site by reason of the emission of noise.
20. Except with the prior written consent of the Responsible Authority noise levels from the premises (both the ground level and rooftop) must be background music only at all times.

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21. Management must take all reasonable steps to ensure appropriate patron behaviour in and around the premises at all times the premises is operating.
22. Sexually explicit entertainment must not be provided on the premises at any time. Sexually explicit entertainment is that provided by a person or persons who are nude, display sexual organs or are topless females. Entertainment includes "table-top" dancing "lap" dancing, topless bar serving staff, live strip tease shows and their equivalent.
23. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
24. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's stormwater drainage system.
25. Prior to the commencement of the use/occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
26. The footpath(s) adjoining the site along Lygon Street and Faraday Street must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and/or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.
27. Existing street levels in Lygon Street and Faraday Street must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services
28. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.
29. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.
30. This permit will expire if one of the following circumstances applies:
 - a) The development is not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.
 - c) The use is not started within four years of the date of this permit.

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 12 months after the permit expires and the development started lawfully before the permit expired.

Signature of the Responsible Authority



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