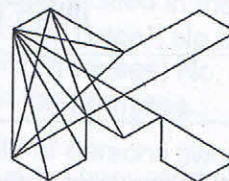


NOTICE OF DECISION TO GRANT A PERMIT



CITY OF MELBOURNE

APPLICATION NO.

TP-2013-337/A

PLANNING SCHEME

Melbourne Planning Scheme

RESPONSIBLE
AUTHORITY

Melbourne City Council

For further reference contact:

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Planning and Building Branch

Level 3, Council House 2

240 Little Collins Street, Melbourne

The Responsible Authority has decided to grant a permit. The permit has NOT been issued.

ADDRESS OF THE LAND

Rydges on Swanston - Melbourne, 701-713 Swanston Street, CARLTON
VIC 3053

WHAT WILL THE PERMIT
ALLOW?

Amend Conditions 4 and 11 and insert new condition 12 to the Permit to allow amplified background music to be played on the rooftop and remove restriction to background music internally.

WHAT WILL THE CONDITIONS OF THE PERMIT BE?

1. The use as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
2. The liquor licence applies between the following hours:
 - Monday to Saturday (excluding ANZAC Day and Good Friday) – 7.00am to 1.00am
 - Sunday – 10.00am to 11.30pm
 - Sunday (being Christmas Eve or Day; New Year's Eve or Day) – 10am to 1am
 - Good Friday – 12 noon to 11.30pm
 - ANZAC Day (Falling on Monday to Saturday) – 7am to 1am
 - ANZAC Day (falling on a Sunday) 12noon to 11.30pm
3. The maximum number of patrons for the fourth floor must not exceed 380.
4. **'No loudspeaker, amplifier, relay or other audio equipment may be used on the outdoor rooftop area of the premises between the hours of 11pm and 9am the following day.**
5. All garbage and other waste material must be stored in an area set aside for such purposes to the satisfaction of the Responsible Authority.
6. The uncovered pool, decking and bar area to be only made available to residents of the complex and as a pre dinner area for pre booked functions.
7. No garbage bin or waste materials generated by the permitted use shall be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practicable after garbage collection.
8. Waste disposal shall not occur outside the premises between the hours of 5.00pm and 7.00am the following day.

Date Issued: 21 December 2015

Signature of the Responsible Authority

9. The maximum noise level emitted from the premises must not exceed levels specified in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-1 and the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2. regulations which set the maximum noise levels which can be emitted from the premises.
10. The use must not detrimentally affect the amenity of the area or the amenity of persons living in proximity to the site by reason of the emission of noise. The Responsible Authority, with just cause, may at any time request lodgement of an acoustic report, prepared by a suitably qualified acoustic consultant. The report must be to the satisfaction of the Responsible Authority and identify all potential noise sources and sound attenuation work required to address any noise issues and to comply with *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*. The recommendations of the report must be implemented by the owner of the land to the satisfaction of the Responsible Authority.
11. **'No amplified live music is permitted on the premises without the prior written consent of the Responsible Authority. No music higher than background music may be played on the outdoor rooftop area without the prior written consent of the Responsible Authority.'**
12. Upon installation of audio equipment on the rooftop, acoustic testing must be conducted by a qualified acoustic consultant.

The noise emitted from the premises must comply with the standards specified in the conditions of this permit including those specified in the approved Acoustic Report prepared by 'Resonate Acoustics' and dated 1 September 2015. In the event that the noise emitted from the premises does not comply with the standards specified in the conditions of this planning permit and in the approved Acoustic Report:

- a. A further acoustic assessment must be undertaken by a suitably qualified acoustic consultant. This further acoustic assessment must be to the satisfaction of the Responsible Authority and must make recommendations regarding noise attenuation measures required to be implemented to ensure that noise from the premises complies with the specified standards. A copy of this further acoustic assessment must be submitted to the Responsible Authority.
 - b. The applicant/owner of the premises must implement any noise attenuation measures recommended by the further acoustic assessment to ensure the premises complies with the specified standard, to the satisfaction of, and at no cost to, the Responsible Authority.
13. At all times during the use of the fourth floor as a function space, tables and chairs must be placed in position so as to be available for at least 75% of the patrons to the satisfaction of the Responsible Authority.
 14. At all times when the premises is open for business, a designated manager must be in charge of the premises.
 15. This permit will expire if the use is not started within two 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.

