

**PORT PHILLIP PLANNING SCHEME
INCORPORATED DOCUMENT
LUNA PARK**

1 Introduction

This document is incorporated into the Port Phillip Planning Scheme pursuant to Section 6 (2)(j) of the Planning & Environment Act 1987. It came into operation on the date of approval of Amendment L16 to the St Kilda Planning Scheme.

This document includes specific controls related to Clauses 37.01 and 81 of the Port Phillip Planning Scheme for Luna Park, Cavell Street, St Kilda.

2 Conditions of use and development

The following conditions apply to the development and use of the land:

1. The land may be used and developed in accordance with the Concept and Building Envelope Plan for the purpose of an amusement park and associated and ancillary uses including but not restricted to entertainment, restaurant, cafe and shop (not exceeding 500 square metres) if the following conditions are met:

- 1.1 Prior to the commencement of the development allowed by this Notice, a development Plan drawn to scale showing the details of the development must be prepared to the satisfaction of the Responsible Authority as evidenced by the endorsement of the responsible authority.

The development plan and associated material relating to the development and use of the land must be:

- Referred to the Environment Protection Authority for comment;
- Referred to Heritage Victoria for comment in respect if any registered building or designated land pursuant to the Heritage Act 1995; and
- Approved by the Department of Natural Resources & Environment

prior to endorsement by the Responsible Authority.

- 1.2 The Development Plan must be generally in accordance with the Concept Plan and Building Envelope Plan and must show:

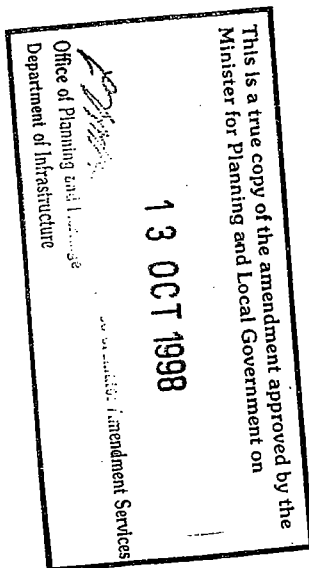
- The staging of any works, rides and structures to be undertaken in the first 10 years of operation of the lease.
- The proposed demolition, relocation, removal or external alteration of any permanent structure.

- The proposed range of uses of all buildings.
- The location, height and dimensions of all existing and proposed buildings and works including fencing, signs and lighting.
- A Conservation Programme including restoration works pursuant to the Heritage Act 1995, and;
- The location of loading and unloading and trade waste facilities.

The Development Plan may be amended at the request of or with the consent of the operator under this Notice to the satisfaction of the responsible authority.

Before deciding on a request to endorse the Development Plan the responsible authority must consider:

- The extent to which the Development Plan furthers the objectives of the Consent Notice;
- The extent to which the development Plan is consistent with the requirements of the Consent Notice;
- Any objectives applicable to the foreshore area;
- How well the Development Plan achieves a fantasy image and character of the Part through:
 - The construction of facades and buildings to create a world of fantasy;
 - Ensuring a harmonious and convincing theme for Luna Park; and
 - The themes, buildings, attractions, rides and colour schemes which are clearly identified in the Development Plan.
- The views of Heritage Victoria, the Department of Natural Resources & Environment, and the Environment Protection Authority.



- 1.3 The use and layout of the site and the size of the proposed buildings and works and the materials of construction, as shown on the endorsed Development Plan shall not be altered or modified (whether or not to comply with any statute, statutory rule or regulations or by-law or for any other reason) without the consent of the Responsible Authority.
- 1.4 Notwithstanding the provisions of Conditions 1.2 and 1.3, amusement rides and buildings and works associated with those rides may be introduced, removed, or relocated within the areas identified for such rides on the Concept and building Envelope Plan provide that they comply with the category of ride and maximum height specified on that plan and provided that notice of the introduction, removal or relocation is given to the responsible authority.

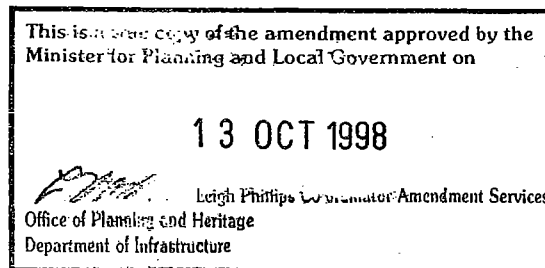
- 1.5 Details of the external design and finishes of proposed buildings and works shall be to the satisfaction of the responsible authority.
- 1.6 The terms and conditions of any lease or licence with the Department of Conservation and natural Resources in respect of the land shall be observed.
- 1.7 Except with the further written consent of the Responsible Authority, the use allowed under this Notice may only operate between the hours of 8.00 am and 12.00 midnight except for the following:
- Unenclosed mechanical rides which may operate only between the following hours:
 - * Sunday to Tuesday (except for proclaimed school holidays) - 9.00 am to 11.30 pm
 - * Wednesday to Saturday and proclaimed school holidays - 9.00 am to 12.00 midnight
 - On no more than ten occasions during a calendar year, the use may operate between the hours of 9.00 am and 2.00 am provided that the following is done to the satisfaction of the responsible authority:
 - * A minimum of 7 days prior written notice is given to residents in Shakespeare Grove and 1 Spencer Street and the lessees of the Palais Theatre, and;
 - * All mechanical rides cease operating by 1.00 am.
- 1.8 The music noise level emanating from the site shall comply with the requirements of the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2 or any other relevant gazetted policy of the Environment Protection Authority pertaining to noise.
- 1.9 Prior to any live concert which includes amplified live musical performances and which extends past 10.00 pm, not less than 7 days written notice must be given to the Responsible Authority.
- 1.10 The noise level generated by mechanical plant and equipment within Luna Park when measured at the boundary of the nearest residential property shall not exceed 70 dB(A) ENL when measured according to Schedule A2 "Common Measurement Procedures for major and Minor Premises" and Schedule 4 "Measurement Procedures Specific to Minor Premises" contained in State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
- 1.11 There shall be on the premises at all times whilst the premises are used for the purpose hereby permitted, a person above the age of 18 years responsible for the good conduct of persons resorting to the premises (hereinafter referred to as "the Manager")
- 1.12 The Manager of the premise shall use all reasonable endeavours to ensure that the use hereby permitted does not cause injury to or

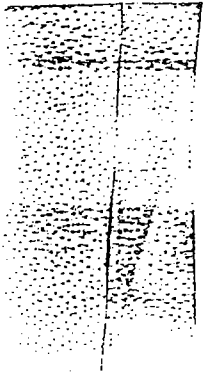
prejudicially affect the amenity of the locality by reason of the activities carried on, or by reason of the behaviour of patrons or otherwise.

- 1.13 All lighting used to externally illuminate buildings and works shall be fitted with cut-off luminaries (baffles) so as to prevent the emission of direct light onto properties in Shakespeare Grove and Jacka Boulevard to the satisfaction of the Responsible Authority.
- 1.14 The use and development allowed under this notice shall after it is commenced be continued to the satisfaction of the responsible authority.
2. The land must not be used or developed except in accordance with this notice.
3. If the land described in this notice is not used or developed in accordance with the conditions outlined in the notice, the responsible authority has the right to enforce any breaches of any condition specified in this notice.

NOTES:



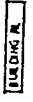
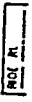
1. In addition to the requirements of this notice any registered building or designated land pursuant to the Heritage Act 1995 is subject to the requirements of that Act.
2. Any proposed activity or use which involves the consumption or sale of alcohol must be referred to the Liquor Licensing Commission and must comply with the requirements of the Liquor Control Act 1987.
3. No part of any use allowed under this notice shall be carried on outside the site boundary.





LUNA PARK CONCEPT AND BUILDING ENVELOPE PLAN

EXPLANATORY NOTES

-  BOUNDARY OF LAND SUBJECT TO THE CONCEPT PLAN SHOWN THEIR REGISTERED BUILDING ENVELOPES SUBJECT TO HISTORIC BUILDINGS ACT
-  APPROXIMATE EXISTING HEIGHTS OF BUILDINGS AND WORKS IN (440)
-  MAXIMUM HEIGHT EXCEPT FOR ARCHITECTURAL FEATURES, GLAZED ROOFS, BUILDING SERVICES, ELECTRONIC MEDIA ANTENNAE, FLAGPOLES, LIGHTING POLES (FENCES AND ADVERTISING SIGNS) TO WHICH BUILDINGS AND WORKS ARE CONSTRUCTED BEING THE REDUCED LEVEL ABOVE THE AUSTRALIAN HEIGHT DATUM
-  RED R. MINIMUM HEIGHT FOR ROOFS AND ANTI-COLLISIONS BEING THE REDUCED LEVEL ABOVE THE AUSTRALIAN HEIGHT DATUM

