

## PLANNING PERMIT

<b>Permit No.:</b>	PA2604213
<b>Planning scheme:</b>	Boroondara Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	26-36 Princess Street and 11-15 Brougham Street, Kew <ul style="list-style-type: none"><li>• Lot 1 on TP015126G</li><li>• Lot 1 on TP699724Q</li><li>• Lot 2 on PS036988</li><li>• Lot 1 on PS036988</li><li>• Lot 1 on TP700086W</li><li>• Lot 1 on TP688061B</li><li>• Lot 1 on TP226564D</li><li>• Lot 1 on TP687656X</li></ul>

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
34.01-1	Use the land for accommodation (dwellings)
34.01-4	Construct a building or construct or carry out works
43.02-2	Construct a building or construct or carry out works (DDO14 & 19)
52.29-2	Create access to a road in a Transport Zone 2

### 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

Date issued: 13 May 2026 Signature for the responsible authority:



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3. Before the development starts, excluding demolition, bulk excavation and site preparation works, detailed development 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 and be generally in accordance with the Architectural Plans, prepared by Wardle, various revisions, all dated 27 February 2026, but amended to show the following details:
- a) The planter boxes used to mitigate overlooking on Level 1 of the townhouses shown on the proposed elevation plans.
  - b) The northern balustrades associated with the central communal garden located between the townhouses and within 9 metres of the northern property boundary increased to a height of 1.7m or other measures incorporated to mitigate overlooking to the secluded private open space associated with 38 Princess Street, Kew.
  - c) Detail the use of the western-most rooms (i.e. habitable or non-habitable) on Level 3 of Townhouse 4-TH06 and demonstrate compliance with Clause 55.04-4 (Overlooking).
  - d) The basement plans to delineate the proposed allocation of car parking spaces, including the residential, commercial and public spaces.
  - e) The 40.3kWp and 22.5kWp capacity of the solar roof top PV Array panel systems noted on the roof plans.
  - f) The location of the 20KL rainwater tank for irrigation and the 150KL rainwater tank for toilet flushing re-use.
  - g) The wind mitigation measures recommended in the Wind Tunnel Study, prepared by MEL Consultants, dated 2 April 2026.
  - h) Any changes required by the Façade Strategy.
  - i) Any changes required by the Landscape Plan.
  - j) Any changes required by the Wind Report.
  - k) Any changes required by the Sustainability Management Plan.
  - l) Any changes required by the Acoustic Report.
  - m) Any changes required by the Car Parking and Traffic Management Plan.
  - n) Any changes required by the Road Safety Audit.
  - o) Any changes required by the Waste Management Plan.

**Layout not altered**

4. The use and development as shown on the endorsed plans must not be altered (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.
5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

**Façade Strategy**

6. Concurrent with the endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the

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satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the Façade Strategy, prepared by Wardle, (21 sheets), all dated 27 February 2026, but amended to show the following details:

- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
- b) Elevation details generally at a scale of 1:50 illustrating typical lower-level details, balcony niches, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation. This includes details of hand laid bricks at the lower levels, with whole bricks used at corners of buildings.
- c) Street level elevations and elevations within the pedestrian link at scale of 1:20 (or similar) for all public interfaces. All proposed materials at the street wall level should be robust and of high quality, and should be annotated on these drawings.
- d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
- e) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
- f) Example prototypes and/or precepts that demonstrate the intended design outcome as indicated on plans and perspective images, to produce high quality-built form outcome in accordance with the design concept.
- g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a sample board with coding.
- h) Design details of wind mitigation measures consistent with the Wind Report, ensuring they are integrated with the broader design.
- i) Details of acoustic treatments recommended in the Acoustic Report, applicable to the façade strategy, including glazing types.
- j) Any changes required by the reflective glare assessment.

#### **Reflected glare assessment**

7. Concurrent with the endorsement of plans, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be approved and endorsed the responsible authority. The reflected glare assessment must be prepared to the satisfaction of the responsible authority.
8. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the responsible authority.



9. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

### **3D Model**

10. Before the development starts, excluding demolition, bulk excavation and site preparation works, a 3D digital model of the development and its immediate surrounds must be approved by the responsible authority, and provided to Boroondara City Council. The 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Transport and Planning.

### **Architects to be retained**

11. Except with the written consent of the responsible authority, Wardle must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and façade strategy.

### **Landscape plan**

12. Concurrent with the endorsement of plans, an amended landscape package, prepared by a suitably qualified landscape architect, must be approved and endorsed by the responsible authority. The landscape plans must be prepared to the satisfaction of the responsible authority, must be generally in accordance with the Landscape Plans, prepared by Oculus, various revisions, dated 15 October 2025 and the Landscape Town Planning Report, prepared by Oculus, dated 8 October 2025, but amended to show the following details:
- a) Any changes required to ensure consistency with the architectural plans.
  - b) Any changes in accordance with the Sustainability Management Plan.
  - c) The plans and report by Oculus consolidated into one document.
  - d) The land/public realm outside of the subject clearly delineated (i.e. through hatching) with a note stating, 'development of areas outside of the site is subject to a separate approval process with Boroondara City Council'.
  - e) A planting schedule of proposed vegetation, including common and scientific names, height/width specs, amounts, pot size and location of plants, relevant to works on the subject site only.
  - f) All canopy trees are to be a minimum two metres tall when planted.
  - g) Planting plans for each applicable level that incorporates landscaping, showing the location of proposed landscaping, plant quantities and species, as well as a legend containing key features, materials and surfaces.
  - h) Detailed drawings for elements such as furniture and planters, showing dimensions (including soil depth), drainage, lining materials and growing media. Volumes of growing media that are adequate for the plant species as well as cultivation depth must be provided. The details must be relevant to works on the subject site only.
  - i) A schedule of the confirmed proposed hard landscaping treatments.
  - j) Details to demonstrate the proposed landscaping can be accommodated while not prejudicing drainage infrastructure.



- k) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period (including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation).

#### **Completion of landscaping**

13. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed to the satisfaction of Boroondara City Council.

#### **Landscaping maintenance**

14. At all times the landscaping shown on the approved landscape plans must be maintained (including the of any dead, diseased or damaged plants) to the satisfaction of Boroondara City Council.

#### **Environmentally Sustainable Design**

15. Concurrent with the endorsement of plans, an amended Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority. The SMP must respond to the requirements of the Boroondara Planning Scheme and be generally in accordance with the SMP, prepared by Ark Resources, dated 4 February 2026, but amended to show the following details:
- a) Any changes required to ensure consistency with the architectural plans.
  - b) Evidence of the project registration with the Green Building Council of Australia.
  - c) National House Energy Rating (NatHERS) modelling and preliminary certificates to evidence the 7.5 star average rating.
  - d) Electric vehicle charging infrastructure in accordance with the National Construction Code.
  - e) A pre-screening climate change checklist and a project specific Climate Adaptation Plan (CAP).
  - f) A plan or evidence that demonstrates at least 75% of the whole site comprises one more combination of strategies that reduce the urban heat island effect.

#### **Implementation of ESD Initiatives**

16. Within six months of the occupation of the development, a report from the author of the endorsed SMP must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

#### **Wind assessment**

17. Concurrent with the endorsement of plans, a wind assessment report must be approved and endorsed by the responsible authority. The wind assessment report must be prepared to the satisfaction of the responsible authority and must include the following details:
- a) The Wind Tunnel Study, prepared by MEL Consultants, dated 2 April 2026.
  - b) The Computational Fluid Dynamics (CFD) Environmental Wind Study results, prepared by MEL Consultants (undated) advertised in March 2026, incorporated as an appendix



and discussion of any key variations in results between the Wind Tunnel Study and CFD assessment and any additional wind mitigation measures (if applicable)

c) Any changes required to ensure consistency with the architectural plans.

18. Before the development is occupied, the recommendations of the endorsed wind assessment must be implemented to the satisfaction of Boroondara City Council.

#### **Traffic and parking management plan**

19. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Boroondara City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Traffic and Transport Assessment prepared Traffic Engineering Assessment, prepared by Traffix, dated February 2026 and must include:

a) Any changes to ensure consistency with the architectural plans.

b) Any recommendations of the Road Safety Audit.

c) The means by which on-site car parking will be allocated and managed, including details of residential, staff, patron and public parking.

d) The convenient location/relocation of 61 'public' spaces, ensuring they are clearly delineated and identifiable as public parking separate from the residential and commercial parking, with unrestricted access 24 hours a day, 7 days a week, unless otherwise agreed.

e) The number and location of any on-site security staff.

f) Measures to discourage patron parking in residential car parking spaces, particularly on Level B01.

g) The means by which the direction of traffic, bicycle and pedestrian flows to and from the site will be controlled both on and off site.

h) A line marking and/or way finding plan demonstrate convenient and easily identifiable ways of pedestrian travel to and from car parking spaces.

i) The Green Travel Plan, prepared by Traffix Group, dated February 2026 as an attachment.

20. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:

a) Constructed.

b) Properly formed to such levels that they can be used in accordance with the plans.

c) Sealed with a concrete or asphalt surface.

d) Drained.

e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.

f) Clearly marked to show the direction of traffic along access lanes and driveways.

Car spaces, access lanes and driveways must be kept available for these purposes.



Once constructed, these areas must be maintained to the satisfaction of Boroondara City Council.

### **Road safety audit**

21. Concurrent with the endorsement of plans, a Road Safety Audit must be approved and endorsed by the responsible authority. The audit must be prepared to the satisfaction of the responsible authority, and must address:
  - a) Vehicular, bicycle and pedestrian access arrangements.
  - b) Loading arrangements.
  - c) Internal circulation and layout.
  - d) Interactions with the public realm.
22. The findings of the endorsed Road Safety Audit must be incorporated into the detailed design and reflected on the endorsed development plans at the expense of the permit holder.

### **Waste Management Plan**

23. Concurrent with the endorsement of plans, a Waste Management Plan must be approved and endorsed by the responsible authority. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan, prepared by Traffix Group, dated September 2025, but amended to show the following details:
  - a) Any changes required to ensure consistency with the architectural plans.
  - b) Where waste collection vehicles are proposed to prop in the basement for waste collection relevant to each waste storage area and measures to manage conflict with vehicles and pedestrians.
24. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Boroondara City Council.

### **Acoustic report**

25. Concurrent with the endorsement of plans, an amended acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Acoustic Report, prepared by Acoustic Logic, dated 5 February 2026, but amended to show the following details:
  - a) Any changes required to ensure consistency with the architectural plans and façade strategy.
  - b) An assessment of the potential for live outdoor music at the Skinny Dog Hotel (to the extent permitted by Planning Permit PP20/0553) and any additional noise attenuation measures required to ensure noise standards of Clause 53.06-3 (Live Music Entertainment Venues) of the Boroondara Planning Scheme are met.
  - c) Noise attenuation measures proposed to ensure noise impacts from mechanical plant within the development are mitigated.



26. Within six months of the occupation of the development, a report from the author of the endorsed acoustic report must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the development achieve the performance outcomes specified in the endorsed acoustic report, to the satisfaction of the responsible authority.

### **Stormwater Management Plan**

27. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by Boroondara City Council. The stormwater management plan must be prepared to the satisfaction of Boroondara City Council and must be generally in accordance with the Stormwater Management Plan, prepared by O'Neil Group, dated 2 February 2026, but amended to show the following details:
- a) Details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
  - b) The use of an on-site Stormwater Detention System.
  - c) Connection to the Council nominated Legal Point of Discharge.
  - d) Any changes so as to not conflict with the endorsed landscape plan.
  - e) Stormwater management strategies to mitigate the impacts of pollutants at risk of entering the stormwater system during construction generally in accordance with the endorsed Sustainability Management Plan.
28. The stormwater management system approved by Boroondara City Council and included in the stormwater management plan must be constructed, managed and maintained to the satisfaction of Boroondara City Council.
29. Before the development is occupied, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to Boroondara City Council's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Boroondara City Council.

### **Street Tree Removal**

30. Before the development starts, excluding demolition, bulk excavation and site preparation works, a fee must be paid to Boroondara City Council for the following in relation to the removal of 1 street tree to Princess Street:
- a) Amenity value of the trees.
  - b) Tree and stump removal.
  - c) Replacement of trees of a similar height and canopy spread to the existing.
  - d) Two years of maintenance.

### **Demolition and construction management plan (DCMP)**

31. Before the development starts, including demolition, bulk excavation and site preparation works, a demolition and construction management Plan must be approved and endorsed by Boroondara City Council. The DCMP must be prepared to the satisfaction of Boroondara City



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Council, must be in accordance with the Boroondara City Council's Construction Management Plan Template, may be undertaken in stages, and is to address the following:

- a) Hours for construction activity in accordance with Boroondara's Protection of Council Assets and Control of Building Sites Local Law.
- b) Measures to control noise, dust, water and sediment laden runoff.
- c) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
- d) Measures to ensure the avoidance of any damage to street trees as a consequence of the movement of large vehicles and machinery (including cranes and excavators) to from the land or as a consequence of the operation of these vehicles and machines in association with the construction of the proposed building, including excavation of the land.
- e) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub constructors/tradespersons upon completion of such areas, without delay.
- f) A Traffic Management Plan showing truck routes to and from the site.
- g) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction.
- h) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.
- i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
- j) Site Managers name and contact email and mobile number.
- k) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves.
- l) Stormwater management strategies to mitigate the impacts of pollutants at risk of entering the stormwater system during construction generally in accordance with the Sustainability Management Plan, prepared by Ark Resources, dated 4 February 2026.
- m) Any other relevant matters, including the requirements of the Head, Transport for Victoria.

**Environmental audit**

32. Before the development starts (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site, including the public parks, must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the responsible authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority.

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33. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site, including the public parks, must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority. The EAS must either:
- a) State the site is suitable for the use and development allowed by this permit; or
  - b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
34. All the recommendations of the EAS must be complied with to the satisfaction of the responsible authority for the full duration of any buildings and works on the land in accordance with the development, including the public parks, hereby approved and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
35. If any of the conditions of the EAS require significant ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the responsible authority and Boroondara City Council under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

**Legal agreement – Affordable Housing**

36. Before the development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing contribution by way of either of the following options:
- a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority.
  - b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.

The land owner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

**Legal agreement – Public Realm**

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37. Before the development starts, excluding demolition, bulk excavation and site preparation works, the owner of the land must enter into an agreement with Boroondara City Council, and the Minister for Planning specified as a party to the agreement, under section 173 of the Planning and Environment Act 1987, in a form to the satisfaction of the parties, providing for the following:
- a) That the Owner of the Site will undertake best endeavours to secure the agreement of Boroondara City Council in respect of:
    - i. Conducting works on the land described Lot 1 on TP676389, owned by Boroondara City Council, generally in accordance with reports and plans prepared by Oculus dated 4 and 15 October 2025 and the plans by Wardle dated 4 February 2026 (**Plans**) or otherwise amended and agreed with Boroondara City Council;
    - ii. The detailed design of all public works depicted in the Plans, including any pedestrian paths, vehicle accessways, landscaping and public spaces and works on Council owned land;
  - b) That the Owner will place funds equal to 25% of the estimated cost of the works depicted in the Plans into the trust account of its appointed solicitors within 30 days of executing the agreement;
  - c) That the Owner will provide a Trust Receipt in respect of the funds deposited under clause (b) to the Minister for Planning and Boroondara City Council within 24 hours of making the deposit; and
  - d) That in the event the consent of Boroondara City Council is obtained under Clause (a), the Owner will fund and deliver works on the land described Lot 1 on TP676389, with the timing and delivery to be agreed with Boroondara City Council.
  - e) That in the event:
    - iii. the consent of Boroondara City Council cannot be obtained within 2 years of the deposit of funds under clause (b); and
    - iv. the Owner has complied with clause (a) to the satisfaction of the Minister for Planning;

the funds are to be returned to the Owner.

The agreement must be registered on title on the land to which this permit applies and the owner of the land must be responsible for the expense of preparation and registration of the agreement including Boroondara City Council's and the Minister for Planning's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

**Public Realm**

38. Consent must be obtained from Boroondara City Council for any works proposed to be carried out on Council land, including abutting roads, footpaths and car parking areas.

**Legal agreement – Public Access**

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39. Before the development is occupied, the owner of the land must enter into an agreement with Boroondara City Council under section 173 of the Planning and Environment Act 1987, in a form to the satisfaction of Boroondara City Council, providing for the following:
- a) Unrestricted public pedestrian and bicycle access within all areas of the Athenaeum Lane, the-south-facing stepped garden and the southern and eastern ground level setbacks of the site commencing on occupation of the building.
  - b) Unrestricted vehicle access to the public car parking spaces within the development, in accordance with the endorsed Traffic and Parking Management Plan. The vehicle spaces must be made publicly accessible and free of charge 24 hours a day and 7 days a week unless fees or charges and altered access arrangements are introduced with the approval of Boroondara City Council.
  - c) The owners of the land to indemnify Boroondara City Council against any claims associated with the use of the publicly accessible areas and separately accept liability and responsibility for the ongoing maintenance of the publicly accessible areas in perpetuity.

The agreement must be registered on title and the owner of the land must be responsible for the expense of preparation and registration of the agreement including Boroondara City Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

**Site Access**

40. Before the development starts, excluding demolition, bulk excavation and site preparation works, evidence must be provided to the responsible authority demonstrating that the proposed vehicle access from the Council land (land described Lot 1 on TP676389) is legally permitted.

**Head, Transport for Victoria conditions**

41. Prior to commencement of use, the crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria and at no cost to the Head, Transport for Victoria.
42. Prior to commencement of use, the following roadworks on Princess Street must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria:
- a) Loading bay crossover – left in/ left out only, with appropriate signage and line marketing.
43. Prior to commencement of use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.
44. The permit holder must avoid disruption to tram operation along High Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
45. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.



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46. The demolition and construction of the development must not disrupt bus operations on Princess Street and High Street without the prior written consent of the Head, Transport for Victoria.
47. Any request for written consent to disrupt bus operations on Princess Street and High Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.
48. Prior to commencement of use, amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority 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 architectural plans prepared by Wardle date stamped 27/02/2026 and annotated DA Issue Rev 6 but modified to show:
  - a) The primary Princess Street access to have all right out movements banned, access to be clearly line marketed and appropriate signed for left in/ left out/ right in only.
  - b) At Intersection of Brougham Street and High Street, 'keep clear' line marking to facilitate the existing left in/ left out/ right in movements.
49. Prior to commencement of use, the following roadworks on Princess Street and High Street must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria:
  - a) Princess Street, car park access – altered to left in/ left out/ right in only, with signage and line marked banning all right out movements.
  - b) 'Keep Clear' line marking at the intersection of Brougham Street and High Street.
50. Unless otherwise agreed in writing by Head, Transport for Victoria, within 6 months from the commencement of the use, a post development Transport Impact Assessment report must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The Transport Impact Assessment must consider the following:
  - a) Any increase of services delays to tram services operating along High Street.
  - b) Detailed Mitigation measures and how the delays can be addressed.
  - c) A review of the primary Princess Street access left in/left out/right in only movements and its impact on the broader road network.
51. Within 12 months from the commencement of use, or any such time as agreed with the Head, Transport for Victoria, the mitigation measures outlined in the post development Transport Impact Assessment must be constructed to the satisfaction of and at no cost to the Head, Transport for Victoria and the Responsible Authority.

**Loading Management Plan**

52. Before the development is occupied, a loading management plan must be approved and endorsed by the responsible authority, in consultation with Boroondara City Council. The loading management plan must be prepared to the satisfaction of the responsible authority, and must address the following:
  - a) The delivery needs of the uses within development and how they are accommodated, including provision for residential move in/move out requirements.

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- b) Specify how the access / egress of loading vehicles is to be managed.
- c) How building management will be responsible for controlling the operation of the loading bay/dock and unloading of goods, including acting as a spotter, being present on site for deliveries, and management potential conflicts and pedestrian movements.
- d) Any management recommendations consistent with the endorsed acoustic report.
- e) The design of the loading area, including all space dimensions, grades and height clearances, must comply with relevant standards for Commercial Vehicles (AS2890.1:2018) and the recommendations of the endorsed acoustic report.

### **Lighting Plan**

53. Before the development is occupied, a detailed lighting plan must be approved by the responsible authority, in consultation with Boroondara City Council. The plan be prepared to the satisfaction of the responsible authority and must address the following:
- a) Be generally consistent with Boroondara City Council's Lighting Strategy (if one is applicable).
  - b) Identify the proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
  - c) Show all public lighting in conformity with AS1158.3.1-2000 *Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements* and AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting and the Public Lighting Code December 2015 (v2).
54. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority

### **Drainage**

55. The site must be drained to the satisfaction of Boroondara City Council.
56. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of Boroondara City Council.

### **Vehicle crossovers**

57. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of Boroondara City Council.
58. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of Boroondara City Council.

### **Reticulated Gas Connection**

59. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 or the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Noise control**



60. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of Boroondara City Council.

**General amenity**

61. The amenity of the area must not be detrimentally affected by the use and development, including through:
- c) The transport of materials, goods or commodities to or from the land
  - d) Appearance of any building, works or materials
  - e) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - f) presence of vermin
- to the satisfaction of the responsible authority.

**Expiry – use and development**

62. This permit will expire if one of the following circumstances applies:
- g) The development is not started within three years of the issued date of this permit.
  - h) The development is not completed within five years of the issued date of this permit.
  - i) The use does not start within two years of completion of the development.

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. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**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*.

Head, Transport for Victoria:

- Foreseen disruptions to tram or bus operations and mitigation measures must be communicated to Head, Transport for Victoria 35 days prior by telephoning 1800 800007 or emailing [customerservice@transport.vic.gov.au](mailto:customerservice@transport.vic.gov.au)
- The proposed development requires the construction of a crossover and removal of redundant access. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport



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prior to commencing any works. Please go to the Working within the road reserve – Transport Victoria web site for further information: <https://transport.vic.gov.au/business/road-and-traffic-management/road-permits-and-charges/working-within-the-road-reserve>



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Sections 63, 64, 64A and 86

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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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**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

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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 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.

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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.

Date issued: 13 May 2026    Signature for the responsible authority:

*Julia Smith*