

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403211
<b>Planning scheme:</b>	Port Phillip Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>Address of the land:</b>	11-17, 19, 21, 23 and 25 - 27 Dorcas Street, South Melbourne
<b>Legal description</b>	<ul style="list-style-type: none"><li>• Land in Plan of Consolidation 153719. Vol 10224 Fol 394</li><li>• CA 20 Section 59 City of South Melbourne Parish of Melbourne South. Vol 03062 Fol 211</li><li>• CA 19 Section 59 City of South Melbourne Parish of Melbourne South. Vol 03066 Fol 057</li><li>• Lot 1 on Title Plan 412247E (formerly known as part of CA 18 Section 59 City of South Melbourne Parish of Melbourne South). Vol 08399 Fol 303</li><li>• Lots 1 and 2 on Title Plan 687121Q. Vol 04220 Fol 837</li></ul>

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
34.01-1	Use the land as a dwelling with a frontage at ground floor level exceeding 2 metres in the Commercial 1 Zone
34.01-4	Construct a building or construct or carry out works in the Commercial 1 Zone
43.02-2	Construct a building or construct or carry out works in the Design and Development Overlay
52.06-3	Reduce the number of car parking spaces

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Amended Plans Required

1. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, an electronic set of plans drawn to scale, must be submitted to and approved by the Responsible

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

Authority, generally in accordance with the plans prepared by BATESSMART Architects, Rev 02 dated 11 September 2024 2024 but amended to show:

- a) Improved visual connection between port cohere and foyer (by provision of clear glazing between these spaces (or similar)).
- b) External shades to windows, including north and west facing windows of retail tenancies.
- c) The provision of a bluestone / material or pattern at the rear within the title boundary which is clearly different to the existing bluestone in Middleton Lane to differentiate the private from the public realm.
- d) The doors of the substation open to the inside so that it does not obstruct the laneway.
- e) The location of Urban Art required by Condition 8 below.
- f) Typical plans for all dwelling types.
- g) The development to comply with objectives of :
  - i. Clause 58.04-2 (Internal views objective),
  - ii. Clause 58.05-3 (Private open space objective),
  - iii. Clause 58.07-1 (Functional layout objective),
  - iv. Clause 58.07-2 (Room depth objective).of the Port Phillip Planning Scheme, unless otherwise agreed to by the Responsible Authority.
- h) Details of any dwellings within the development which rely on the allocation of a lockable storage cage on the Basement Levels in order to meet the standards set out at Table B11 (Clause 55.07-10) and Table D6 (Clause 58.05-4) on the updated development summary.
- i) A note on any plan relating to the Basement Levels stating that all storage cages assigned to specific dwellings (as listed on the development summary) must be clearly labelled and set aside at no additional charge for the future tenants of those dwellings in accordance with the standards set out at Table B11 (Clause 55.07-10) and Table D6 (Clause 58.05-4) of the Port Phillip Planning Scheme.
- j) A Better Apartments Design Standards (BADS) summary table demonstrating compliance with Clause 58 of the Port Phillip Planning Scheme
- k) Plan notations requiring the development to meet:
  - i. Any changes required to meet the requirements of the Façade Strategy and materials and finishes in the corresponding condition(s) below.
  - ii. Any changes required to meet the requirements for external reflectivity in the corresponding condition(s) below.
  - iii. Any changes required to meet the requirements for Landscaping and the Public Realm in the corresponding condition(s) below.
  - iv. Any changes required to meet the requirements for Traffic, Parking and Loading and Unloading in the corresponding condition(s) below.
  - v. Any changes required to meet the requirements of the Waste Management Plan in the corresponding condition(s) below.

**Compliance with documents approved under this permit**

- 2. 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. This does not apply to any exemption specified in Clause 62 of the Port Phillip Planning Scheme.

**No Alterations**

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

3. The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority.

**Satisfactory Continuation and Completion**

4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Section 173 Agreement - Affordable Housing**

5. Prior to the commencement of the development, the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).

The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made.

The Agreement must specify that the Affordable Housing Contribution will be delivered by one or a combination of the following methods, all to the satisfaction of the Responsible Authority:

- a) sale of not less than 10 per cent of the total number of approved dwellings at a discount of not less than 30 per cent:
- i. to a Registered Housing Agency; or
  - ii. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to Condition 7 below; or
- b) A cash contribution equal to 3% of the estimated development cost for the residential component of the development to the Social Housing Growth Fund (SHGF) (Payment to be made to the Department of Treasury (DTF) and Finance accounts receivable prior to occupation.
- c) translation of the value of the Affordable Housing Contribution that would otherwise be provided by the landowner under option at Condition 5(b), to:
- i. provision of land or dwellings at a discount to market value to a registered housing agency;
  - ii. long-term leasing of dwellings to eligible households at a discount to market rent, overseen by a registered housing agency; and or
  - iii. any other model as agreed by the responsible authority.

For the purposes of the above requirements and Agreement:

- 'Eligible Household' means a household that meets the threshold for a very low income household, low income household or moderate income household, consistent with Section 3AB of the *Planning and Environment Act 1987*.
- 'Affordable Housing' has the same meaning as any definition of that phrase contained within the *Planning and Environment Act 1987*.
- 'Market Value' means the value of a Dwelling as determined by an independent qualified Valuer.
- The translation of the value of the Affordable Housing Contribution is to be calculated by reference to the dwellings that are agreed to be sold at a discount as agreed with a registered

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

housing agency, or the median unit value in the development as determined by an independent and qualified valuer.

- The term of use and discount is to be determined with regards to the Net Present Value of the Affordable Housing Contribution and the number of dwellings to be facilitated.

6. Prior to the issue of a certificate of occupancy for the development, the owner of the land must:
- a) do all things necessary to enable the responsible authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
  - b) pay to the responsible authority its reasonable costs and disbursements incurred in relation to the negotiation, preparations, execution and registration of the Agreement on the certificate of title to the land.

**Affordable Housing Management Plan**

7. Prior to issue of a certificate of occupancy for the development, an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the responsible authority. When approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the responsible authority:
- a) delivery of Affordable Housing managed, leased and sold in accordance with Condition 5(a) and 5(c) through an appropriately monitored management arrangement;
  - b) a framework for regular reporting to the responsible authority annually to demonstrate ongoing compliance with the Plan;
  - c) detail of all dwellings leased by the landowner as affordable housing, including the quantity and type of dwellings (e.g. 1 bedroom), including details of any changes to the pool of leased dwellings;
  - d) detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*; and
  - e) any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

This requirement does not apply to affordable housing sold or leased to a Registered Housing Agency in accordance with Condition 5(b).

**Urban Art Plan**

8. Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the City of Port Phillip. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of City of Port Phillip. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the City of Port Phillip.

**Façade Strategy**

9. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a facade strategy must be submitted to and approved by the Responsible Authority. Unless otherwise approved by the Responsible Authority, the facade strategy must include, but not be limited to:

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- a) Details of how the architecture will be showcased at dark (e.g. through lighting effects or similar).
- b) A concise description by the architect of the building design concept and how the façade works to achieve this.
- c) A schedule of colours, materials and finishes, including the colour, type and quality of materials identifying their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints and must be accompanied by a physical sample board with clear coding linking back to the schedule and elevations.
- d) Elevation details at a scale of 1:50 (or as otherwise appropriate) illustrating typical podium details, entries and doors, privacy screening, building services, typical tower details, and any special features which are important to the building's presentation.
- e) Cross sections (or other method as appropriate) demonstrating the façade systems, including fixing details indicating junctions between materials, and significant changes in form and/or material.
- f) Information about how the façade will be accessed for maintenance and cleaning, including planting upkeep where proposed.
- g) Example prototypes and/or precedents that demonstrate the intended design outcome and how a high-quality built outcome will be achieved in accordance with the design concept.

All materials and finishes must be in accordance with the Façade Strategy, to the satisfaction of the Responsible Authority.

**Materials and Finishes**

10. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a schedule and samples of all external materials, colours and finishes, including a colour rendered and notated plans/elevations, in electronic form, must be submitted to and approved by the Responsible Authority.

**No change to external finishes**

11. All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

**Reflectivity**

12. 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.

**Glare**

13. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.
14. The recommendations and requirements of the endorsed Glare Report prepared by Inhabit Consultant dated 10 September 2024 must be implemented at no cost to and be to the satisfaction of the Responsible Authority. All mitigation measures must be incorporated as part of the overall architectural design.

**Retain Architects**

15. Except with the written consent of the Responsible Authority, BATESSMART Architects must be retained to provide architectural oversight during construction and completion of the detailed design as

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

**Amended Sustainable Management Plan**

16. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, an amended Sustainability Management Plan (SMP) must be submitted to and approved by the City of Port Phillip. The updated SMP must be generally in accordance with the SMP prepared by NYD dated 12 September 2024 but modified to address the following:
- Provision of MUSIC Report (with evidence of the correct modelling in MUSIC provided), Stormwater Report, supporting WSUD report, plan or maintenance manuals.
  - 30kL Rain water tank provided with supporting WSUD report or plan and connection details for stormwater reuse.
  - Preview watermark removed.
  - Daylight Access - Non-Residential – Daylight to Retail 03 clarified.
  - The proposed roof plan allows for 70sqm to locate P/V, reference needs to be made to the system capacity; noted as 10kW.

Where alternative ESD initiatives are proposed to those specified in this condition, the City of Port Phillip may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes.

When approved, the updated SMP will be endorsed and will then form part of this permit. The ESD initiatives in the endorsed SMP must be fully implemented and must be maintained throughout the operational life of the development to the satisfaction of the City of Port Phillip.

**Implementation Report for Environmentally Sustainable Design**

17. Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, an ESD Implementation Report (or reports) from a suitably qualified person or company, must be submitted to and endorsed by the City of Port Phillip. The Report must confirm that all ESD initiatives in the endorsed SDA/SMP and WSUD report have been implemented in accordance with the approved plans to the satisfaction of the City of Port Phillip. The ESD and WSUD initiatives must be maintained throughout the operational life of the development to the satisfaction of the City of Port Phillip.

**Construction Management Water Sensitive Urban Design**

18. The permit holder must ensure that throughout the construction of the building(s) and construction and carrying out of works allowed by this permit;
- No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site.
  - All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system.
  - The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site.
  - No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system.
  - The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

**Waste Management Plan**

19. Concurrent to endorsement of plans pursuant to condition 1 of this permit, an amended Waste Management Plan based on the City of Port Phillip's *Waste Management Plan Guidelines for Developments* must be prepared by a Waste Management Engineer or Waste Management Planner to the satisfaction of the City of Port Phillip and endorsed as part of this permit. The Plan must be generally in accordance with WMP prepared by Traffix Group dated September 2024 but amended to include the following:
- a) The estimated garbage and recycling volumes for the whole development.
  - b) Bin quantity, size and colour.
  - c) The garbage and recycling equipment to be used.
  - d) Collection frequency.
  - e) The location and space allocated to the garbage and recycling bin storage area and collection point
  - f) The waste services collection point for vehicles.
  - g) Waste collection provider
  - h) How tenants will be regularly informed of the waste management arrangements
  - i) Signage.
  - j) Scaled waste management drawings.
  - k) Appendix A and B included.

Once submitted and approved, the waste management plan must be carried out to the satisfaction of City of Port Phillip.

**Landscape Plan**

20. Concurrent to endorsement of plans pursuant to condition 1 of this permit, a detailed Landscape Plan must be submitted to, approved by and be to the satisfaction of the City of Port Phillip, generally in accordance with the Landscape Plan submitted with the application. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:
- a) Green Walls and Facades – species selection, with comment on suitability of these species for this purpose.
  - b) Significant trees greater than 1.5m in circumference, 1m above ground.
  - c) All street trees and/or other trees on Council land.
  - d) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes of pathways and driveways.
  - e) Landscaping and planting within all open space areas of the site.
  - f) Water sensitive urban design.
  - g) Details of paving materials, dimension of planters and furniture palette
  - h) Details of irrigation (including whether the water source is from rainwater capture, or it is a freshwater source
  - i) All invasive species be removed from the plant list.

**Completion of Landscaping**

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

21. The landscaping on the subject land as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the City of Port Phillip before the occupation of the development and/or the commencement of the use or at such later date as is approved by the City of Port Phillip in writing.

**Landscaping Maintenance**

22. The landscaping as shown in the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the City of Port Phillip.
23. All landscaping shown in the approved landscape and public realm plans must be carried out and completed prior to occupation of buildings and thereafter maintained to the satisfaction of the City of Port Phillip.

**Vehicle Crossings – Removal**

24. Prior to the issue of any Certificate of Occupancy or Certificate of Final Inspection for the development approved by this permit, all disused or redundant vehicle crossings must be removed and the area reinstated with footpath, nature strip and kerb and channel at the cost of the applicant/owner and to the satisfaction of the City of Port Phillip.

**Applicant to Pay for Reinstatement**

25. Before the occupation of the development allowed by this permit, the permit holder/owner must do the following things to the satisfaction of the City of Port Phillip:
- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
  - b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
  - c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

**Public Services**

26. Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the permit holder/owner to the satisfaction of the relevant authority and the City of Port Phillip. All costs associated with any such modifications must be borne by the permit holder/owner.

**Parking and Loading Areas Must be Available**

27. Car and bicycle parking and loading areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the City of Port Phillip.

**Loading/unloading**

28. The loading and unloading of goods from vehicles must only be carried out on the subject land within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner which does not cause any interference with the circulation and parking of vehicles on the land to the satisfaction of the City of Port Phillip.

**Car Parking Management Plan**

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

29. Before the use commences, a Car Park Management Plan must be submitted and approved to the satisfaction of the City of Port Phillip. When approved, the plan will be endorsed and will then form part of the permit. Two copies of the plan must be submitted and must include:
- Details of protocols that are in place in the car lifts are out of order, clarify the operation of the lifts to detail how vehicles would enter and exit and how people with accessible needs would be provided for
  - Details of access and security arrangements.
  - Arrangements for use of the share car including availability, seating capacity, person(s) responsible and any restrictions on the use.

The car parking management plan must be implemented to the satisfaction of the City of Port Phillip.

**Traffic, Parking and Loading/Unloading**

30. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, an updated traffic engineering assessment, including functional layout plans and other supporting information as appropriate must be submitted to and approved by the City of Port Phillip. The traffic engineering assessment must be generally in accordance with the Traffic Engineering Assessment prepared by Traffix Group, dated September 2024 but modified to include:
- The ability to upgrade each car space to a trickle charge EV station.
  - The provision of a convex mirror for the loading bay to assist with sightline for the loading bay.
  - Swept path diagrams provided to show how vehicles would access into and out of parking spaces in the podium on levels 1, 2 and 3.
  - Details of line marking and signage within the porte cochere to show no standing zones and movement directions.
  - Details of the existing yellow bollards / posts abutting the property 145-149 Wells Street and confirmation whether these have been considered in the swept path analysis.
  - The provision of bicycle hoops in the public realm redesigned to relocate more of the hoops to Dorcas Street.
31. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 and to the satisfaction of the City of Port Phillip.
32. Mechanical exhaust systems to the car park must be sound attenuated to prevent noise nuisance to the occupants of the building and surrounding properties to the satisfaction of the City of Port Phillip.
33. Bicycle parking must be provided, located and appropriately signed in accordance with the endorsed plans.
34. Prior to the occupation of the development, a formal independent desktop Road Safety Audit of the proposed development must be undertaken, at the owner / permit holder's costs, which must include the works within the public realm, vehicular / bicycle / pedestrian access arrangements, loading arrangements and internal circulation / layout to the satisfaction of the City of Port Phillip. The findings of the Road Safety Audit must be incorporated into the detailed design, at the owner / permit holder's costs.

**Car Parking, Access and layout and Loading**

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

35. The parking, loading and unloading areas shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and accessways must not be obstructed or otherwise rendered inaccessible.
36. Traffic access and parking and loading/unloading arrangements must not be altered without the prior written consent of the City of Port Phillip.
37. The accessways and areas set aside for car parking must be constructed, delineated and clearly line-marked to indicate each car space and the direction in which vehicles must proceed along the accessways, in conformity with the endorsed plans. Accessways and parking areas must be kept available for these purposes at all times and maintained to the satisfaction of the City of Port Phillip.

**Wind Mitigation**

38. Prior to the occupation of any building approved under this permit, the recommendations and requirements of the endorsed Environmental Wind Study prepared by Mel Consultant dated 5 September 2024 must be implemented at no cost to and be to the satisfaction of the Responsible Authority. All mitigation measures must be incorporated as part of the overall architectural design.

**Noise Attenuation**

39. The recommendations in the approved Acoustics Assessment prepared by WatsonMossGrowcott dated 17 September 2024, must be implemented, at no cost to and be to the satisfaction of the City of Port Phillip.
40. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the City of Port Phillip.

**Incorporation of Noise Attenuation Measures**

41. Prior to the occupation of the building(s) allowed by this approval, a report by a suitably qualified acoustic consultant must be submitted to, approved by and be to the satisfaction of the City of Port Phillip:
  - a) Certifying that the dwellings incorporate the noise attenuation measures as specified in the endorsed Acoustic Report and shown on the endorsed plans.
  - b) Verifying the dwellings achieve the internal noise levels specified in the corresponding condition(s) in this approval.

The report must detail the set-up on site and methodology of the testing process.

Where post construction measurement and testing show internal noise levels exceeding those specified in the corresponding condition above, the applicant must make rectifications and retest as necessary to demonstrate compliance with the noise levels to the satisfaction of the Responsible Authority.

The cost of certification acoustic works is to be met by the permit holder.

**Public Lighting**

42. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a lighting plan must be prepared to the satisfaction of the City of Port Phillip. The lighting plan should include the provision of public lighting along the Middleton Lane (south and east), Dorcas Street and Wells Street. The lighting design must assess light spill along the Middleton Lane (south and east) The lighting plan must detail that any lighting will be integrated to the building, will be on a separate circuit and not linked with retail space.

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

43. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the city of Port Phillip.
44. All lighting of external areas must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads.

**No Equipment or Services**

45. Any plant, equipment or domestic services visible from the primary street frontage and side street (other than a lane), or public park must be located and visually screened to the satisfaction of the City of Port Phillip.

**Permit commencement and expiry**

46. This permit will operate from the issued date of this permit.

47. This permit will expire if:

- a) the development is not started within three (3) years of the date of this permit; or
- b) the development is not completed within five (5) years of the date of this permit; or
- c) the use is not stated within 12 months of completion of the development.

Pursuant to Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:

- a) The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- b) The completion date referred to if a request is made in writing within six (6) months after the permit expires and the development started lawfully before the permit expired.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended
N/A	N/A	N/A	N/A

**THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:**

Date of extension	Brief description of the extension	Duration of extension
N/A	N/A	N/A

**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:

- An adequate waste management arrangement must be provided for the premises, in accordance with Community Amenity Local Law 2023 to the satisfaction of the City of Port Phillip.

Date of issue: 20 January 2025

Signature for the responsible authority:



Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

- The permit holder must take all reasonable measures to ensure that these works shall not reduce water levels of Coode Island Silt and shall not affect the ground water system around the CityLink tunnels

**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

---

**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:

