

Planning and Environment  
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Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

|                               |                                                                      |
|-------------------------------|----------------------------------------------------------------------|
| <b>Permit No.:</b>            | PA2604321                                                            |
| <b>Planning scheme:</b>       | Yarra Planning Scheme                                                |
| <b>Responsible authority:</b> | Minister for Planning                                                |
| <b>ADDRESS OF THE LAND:</b>   | 81-95 Burnley Street and 26-34 Doonside Street,<br>Richmond VIC 3121 |

### THE PERMIT ALLOWS:

| <b>Planning scheme clause</b> | <b>Matter for which the permit has been granted</b>                                     |
|-------------------------------|-----------------------------------------------------------------------------------------|
| 32.04-2                       | Use of land for Restricted retail premises and Retail premises                          |
| 32.04-7                       | Construct two or more dwellings on a lot and construct or extend a residential building |
| 32.04-10                      | Construct a building or construct or carry out works for a Section 2 use                |
| 43.01-1                       | Demolish or remove a building                                                           |
| 43.01-1                       | Construct a building or construct or carry out works                                    |
| 43.02-2                       | Construct a building or construct or carry out works                                    |
| 52.06-3                       | Reduce the minimum number of car parking spaces required under Clause 52.06-5           |
| 52.29-2                       | Create or alter access to a road in a Transport 2 Zone                                  |

### 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

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2. This permit will operate from the issued date of this permit.
3. Before the use and development starts, excluding demolition, excavation, piling, site preparation works, basement works and works to remediate contaminated land, 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, be generally in accordance with the plans prepared by Fender Katsalidis dated 30 June 2026 revision G, but amended to show the following details:
  - a. Delineation of the public open space on the landscape plans and ground floor plans that detail the boundaries and area in square metres, that maintains the 9 metre laneway width and that ensures there are no encroachments below or above the space that is intended to be vested in Yarra City Council, or otherwise as agreed with the Responsible Authority and Yarra City Council.
  - b. Provision of shadow diagrams to replace page TP400 in the Fender Katsalidis Architectural plan set dated 30 June 2026, to confirm the proposed development does not overshadow the western footpath of Burnley Street at 11.00am on September 22 (Equinox). If shadow is cast by the development of Building A at this time, a revised built form is required to ensure no overshadowing of the western footpath at this time.
  - c. The retail building in the southern section of Building C to have an accessible entry.
  - d. Compliance with Standard D18 of Clause 58.05-1 (Accessibility) of the Yarra Planning Scheme.
  - e. All apartments to meet Standard D21 of Clause 58.05-4 (Storage) of the Yarra Planning Scheme.
  - f. Room depths dimensioned on all Clause 58 plans, TPA606, TPA607, TPA608, TPA609, TPA610 that have single-aspect rooms, demonstrating compliance with Standard D27 at Clause 58.07-2 (Room Depth) of the Yarra Planning Scheme.
  - g. Indicate the allocation of external storage units to apartments.
  - h. A notation confirming residents of all apartments in the development are provided with access to the communal open space between Buildings B and D.
  - i. Label the loading arrangements for Building C for both retail and residential uses.
  - j. Label service cabinet doors which have an interface with the road reserve to open a maximum 180 degrees and latched to the building when open.
  - k. All materials notated on the elevations including all glazing types, the materials of the vehicle entry door and service cabinet doors, ensuring they are well-integrated with the development, with the materials schedule updated accordingly.
  - l. Maximum building heights dimensioned from natural ground level to the parapet of the top-most storey.
  - m. Setbacks of buildings from title boundaries dimensioned across all floor plans, measured from the external surface of the building (inclusive of balconies/terraces) to the title boundary.
  - n. Dimensions of all bicycle parking spaces shown on the plans to demonstrate compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3.

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- o. Provision of 20% of resident bicycle parking spaces and 20% of employee bicycle parking spaces provided as on-ground, horizontal hoops.
- p. At least 4 of the required on-ground resident bicycle parking spaces to be designed for cargo bicycles in accordance with AS2890.3.
- q. A notation added confirming secure access for all resident and employee bicycle parking rooms.
- r. Provision of at least 10% of all car spaces as comprising Electric Vehicle charging.
- s. Any changes in accordance with the Conservation Management Plan (Condition 10), Façade Strategy (Condition 12), Landscape Plan (Condition 14), Public Realm Plan (Condition 17), Sustainability Management Plan (Condition 24), Waste Management Plan (Condition 27), Wind Report (Condition 30) and Acoustic Report (Condition 32). The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

**Layout Not Altered**

- 2. The use and development as detailed on the endorsed plans/reports must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.
- 3. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 4. The use and development authorised by this permit must be carried out in accordance with the Environmental Audit Statements (Environmental Audit ID EA8006527) dated 11 July 2025 and all recommendations and requirements contained within those Statements, to the satisfaction of the Responsible Authority.
- 5. The development must be generally in accordance with the plans relied upon by the Environmental Auditor. Any substantive changes to the development, including but not limited to changes to basement extents, additional basement levels, detailed basement drainage design, waterproofing design, ground floor footprints or land use arrangements, must be reviewed and verified by an EPA appointed Environmental Auditor. Written verification must be provided to the Responsible Authority prior to the commencement of the relevant works.

**Staging Plan**

- 6. Concurrent with the issuing of the permit a staging plan must be approved and endorsed by the responsible authority. The staging plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the staging plans prepared by Fender Katsalidis dated 30 June 2026. The staging plan must include:
  - a. Stage 1: Early works including:

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- i. Demolition and basement bulk excavation, including piling and basement retention, heritage retention works and any works required in accordance with the environmental audit.
  - b. Stage 2: Development of Buildings A and D including;
    - i. Main vehicle entry;
    - ii. All loading and waste collection areas for Buildings A and D;
    - iii. All public realm works (on and off site) to be undertaken in this stage, which must include the development of Harrys Lane and the southern section of Park Lane;
    - iv. The development of the publicly accessible areas shown in Stage 2 must be completed and open for use by the public prior to the occupation of Buildings A and D.
  - c. Stage 3: Development of Buildings B and C, including:
    - i. Residual basement works;
    - ii. All remaining onsite and off-site public realm works, including:
    - iii. The provision of the communal open space and all associated facilities on the podium of Buildings B and D which must be completed and available for use prior to the occupation of Building B;
    - iv. Doonside Park public open space;
    - v. Signalisation of the intersection of Burnley Street and Doonside Street, unless otherwise agreed by Head, Transport for Victoria; and
    - vi. All public realm works specified in Condition 17 (Public Realm Plan) of this permit.
7. The development may be carried out in stages generally in accordance with the endorsed Staging Plan of this permit, with stages permitted to overlap or proceed concurrently provided all conditions applicable to the relevant stage are satisfied.
8. Once each stage of the development has started it must be completed to the satisfaction of the responsible authority.

**Stage 1 – Early works**

9. Before the development commences, a staging plan generally in accordance with the staging plans prepared by Fender Katsalidis Architects, dated 30 June 2026 must be approved by the responsible authority. The staging plan must be prepared to the satisfaction of the responsible authority and all works must comply with the endorsed staging plan. The staging plan should identify:
- a. Extent of basement bulk excavation works, including piling and retention.
  - b. Heritage retention works in accordance with the:
    - i. Heritage retention management plan prepared by Bryce Raworth, dated 30 July 2025.

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- ii. Heritage Retention Drawings prepared by ISG, dated 22 September 2025.

All to the satisfaction of the responsible authority.

### **Heritage Conservation Works – Stages 2 and 3**

10. Concurrent with the endorsement of plans for Stage 2 Stage and 3, a Heritage Conservation Management plan, generally in accordance with the Façade Conservation Works Plan and Schedule prepared by Bryce Raworth, dated February 2026, must be submitted to and approved by the responsible authority. The plan must include the following, as appropriate, for the relevant stage:
- a) A schedule of conservation works for the retained facade of the heritage building.
  - b) Archival recordings of the heritage building.
  - c) A heritage maintenance plan defining the ongoing cyclical repair and maintenance.
  - d) Time frames for the conservation works to be undertaken.
11. The conservation works required by the Heritage Conservation Management Plan must be implemented within the timeframes specified in that plan, to the satisfaction of the responsible authority.

### **Façade Strategy**

12. Concurrent with the endorsement of plans for Stage 2 and Stage 3, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority for the relevant stage. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- a. Elevation drawings at a scale of 1:50 illustrating typical podium details, entries and doors, and utilities and typical tower facade details.
  - b. Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form.
  - c. Details of ground floor frontages.
  - d. Details of all services proposed along Doonside Street, Harry's Lane and Park Lane.
  - e. Confirmation that the glazing materials used on all external walls will be of a type that does not reflect more than 20% visible light, when measured at an angle of 90 degrees to the glass surface.
  - f. Information about how the façade will be maintained, including any vegetation.
  - g. Images or coloured renders outlining colours, materials and finishes.

### **Retention of Architect and Landscape Architect**

13. Except with the consent of the responsible authority, Fender Katsalidis Architects and TCL Landscape Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of responsible authority.

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## Landscaping

14. Concurrent with endorsement of plans for Stage 2 and 3, a landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the landscape concept plans prepared by TCL, dated 2 July 2026 and must include the following:
- a. Consistency with endorsed condition ; including an amendment to the current landscape area adjoining the public open space to provide a suitable entry to the retail unit in Building C, as appropriate.
  - b. Include the canopy tree types in accordance with Clause 58.03-5 Standard D10 (Landscaping), of the Yarra Planning Scheme, with the specified soil volume and the calculation of the canopy cover for the development.
  - c. Landscape planters included on the porte cochere roof of Building B to satisfy the required wind mitigation requirements associated with condition 30, with planter boxes to accommodate Type A trees as specified in Clause 58.03-5 Standard D10 (Landscaping).
  - d. Provision of irrigated planter boxes to all Building C apartment balconies.
  - e. Ensure arbour structures in Harry's Lane are designed to provide appropriate clearance for loading vehicles.
  - f. Provision of indicative outdoor seating locations within Harrys Lane.
  - g. Provision of indicative outdoor seating locations in Park Lane, ensuring the maintenance of a 4-metre clearance for emergency vehicles.
  - h. All outdoor seating to be DDA compliant.
  - i. Staging of landscaping outcomes in accordance with the staging plans confirming landscape and public realm works to be completed by the end of Stage 2 (prior to occupation of Buildings in that stage) and works to be completed for Stage 3 prior to occupation of relevant buildings.
  - j. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant that ensures plant species are not included on the Victorian Advisory List of Environmental Weeds.
  - k. A detailed maintenance schedule, including task details and frequency of ongoing operations (pruning, irrigation maintenance, regular watering for standalone pots, upkeep, pest management, replacement of dead/diseased plants, etc.), record keeping practices and level of qualification required for the ongoing maintenance contractor.
  - l. Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation.

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- m. Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
- 15. Before each stage of the development is occupied, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the approved landscape plans for that stage must be carried out and completed to the satisfaction of the Yarra City Council.
- 16. 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 the Yarra City Council.

**Public Realm**

- 17. Concurrent with the endorsement of plans for Stage 2, or by such later date as approved in writing the responsible authority, a Public Realm Plan generally in accordance with the public realm concept plan prepared by TCL and dated 2 July 2026, detailing of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority in consultation with Yarra City Council. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
  - a. Consistency with the endorsed plans.
  - b. General layout plan showing all existing and proposed features and surface levels.
  - c. Provision for the reconstruction of footpaths along the property's Burnley Street, Doonside Street and Appleton Street frontages.
  - d. Streetscape and public realm improvements to Doonside Street that includes the provision for 6 new street trees.
  - e. Streetscape and public realm improvements to Appleton Street including the undergrounding of electricity.
  - f. Harrys Lane and Park Lane to be clearly delineated.
  - g. Provision of public seating, lighting and visitor bike parking within the site.
  - h. Where street trees are proposed, include:
    - i. Demonstration of feasibility to install all new street trees in the indicatively proposed locations in footpath cutouts along the subject site's Doonside Street frontage.
    - ii. Street tree footpath squares to be marked out at approximate 6-metre spacings, to be 1-metre x 1-metre as per Council Standard Detail YSD803(b); and
    - iii. Written confirmation of the following:
      - Council will determine an appropriate tree species and undertake planting once the development is complete.
      - The developer is to notify Council as the development is nearing completion so that Council can program the planting; and
  - i. Removal of redundant crossovers and appropriate reinstatement of kerbs.
  - j. All existing and proposed streetscape infrastructure including (but not limited to) light poles, street trees, drains and street signs.

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- k. A notation included on the plans noting that the design and delivery of the zebra crossing on Doonside Street is to in consultation with the adjoining owners of Victoria Gardens.
- 18. Before Stage 2 of the development commences, or by such later date as approved in writing by Yarra City Council, detailed design drawings of the works approved under the Public Realm Plan, must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
- 19. Before the Buildings in Stage 3 are occupied, all associated works shown on the endorsed detailed design plans for the public realm must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Yarra City Council.
- 20. Before occupation of the development, the permit holder must make a one-off contribution of \$23,760 (inclusive of GST and subject to annual CPI increase) to Yarra City Council to be used for new street tree plantings that are required as a result of the development. The contribution will cover the cost of tree sourcing, planting and two years' establishment maintenance in locations that are consistent with the approved Public Realm plan approved as part of this Permit.

**Street Trees**

- 21. Before the development commences (inclusive of demolition, site preparation and bulk excavation works) an amended Tree Management Plan to the satisfaction of Yarra City Council must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Yarra City Council. When approved the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Glenn Waters Arboriculture, dated 22 July 2026 but modified to include:
  - a. An assessment and protection measures for all Public Trees:
    - i. Pre-construction;
    - ii. During construction; and
    - iii. Post construction.
  - b. The provision of any barriers.
  - c. Any pruning necessary.
  - d. Watering and maintenance regimes.
  - e. Measurements for all Tree Protection Fencing locations and offsets.
  - f. For multi-stem trees, present DSH in accordance with AS4970-2025.
  - g. Re-write the Tree Protection Fencing requirements using enforceable language.
  - h. Provide further explanation of the potential impacts on Trees 8, 9, 10 and 11, including whether any pruning is required.
  - i. Include a requirement that all excavation within the Notional Root Zone (NRZ) of public trees is to be supervised by the Project Arborist.
  - j. Include the date of the site inspection and the date all photos were taken.

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- k. Confirm that all photos in the report were taken during the site inspection and are not sourced from Google Maps, Street View or other desktop imagery.
  - l. The documents must be prepared by a suitably qualified Arborist (minimum AQF Level 5 in Arboriculture or equivalent) and must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites including current terminology and calculations; and
  - m. A copy of the endorsed Tree Management Plan must be kept on site at all times and produced upon request to demonstrate that all site personnel are aware of, and complying with, the approved tree protection measures.
22. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Yarra City Council.
23. Before the development commences (inclusive of demolition, site preparation and bulk excavation works) the permit holder must provide an Asset Protection Bond of \$117,000 (ex GST and subject to annual CPI increase) for the Yarra City Council street trees located on the site's Burnley Street and Appleton Street frontages. The security bond:
- a. Must be provided in a manner, and on terms, to the satisfaction of the Yarra City Council;
  - b. May be held by Yarra City Council until the works are completed to the satisfaction of the Council; and
  - c. Be in accordance with the requirements of this permit; or
  - d. Otherwise to the satisfaction of Yarra City Council.

**Sustainability**

24. Concurrent with the endorsement of plans for Stage 2 of the development, a Sustainability Management Plan (SMP) for the development (or the relevant Stage), must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with the sustainability management plan prepared by ADP, dated 2 July 2026, and must ensure:
- a. Consistency with the endorsed plans.
  - b. Provision of precinct wide MUSIC model inclusive of the open space.
  - c. Preliminary NatHERS modelling updated to include the spandrel panels in the methodology.
  - d. Clarify the percentage of renewable vs non-renewable energy generation on the site.
  - e. In relation to car park spaces allocated to building occupants and visitors:
    - i. Provision of a minimum 10% car spaces that have all infrastructure including Electric Vehicle Supply Equipment to support Electric Vehicle charging.
25. Within six months of the occupation of the relevant Stage of the development, a report from the author of the endorsed report must be submitted to and approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development for that stage achieve the performance outcomes specified in the endorsed SMP, to the satisfaction of the responsible authority.

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26. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management**

27. Concurrent with endorsement of plans for Stage 2, a Waste Management Plan (WMP) must be approved and endorsed by the responsible authority. The WMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Waste Management Plan prepared by Leigh Design, dated 28 May 2026 and must include the following:
- a. Consistency with the endorsed plans.
  - b. Detail bin allocation for each tower and commercial space
  - c. Nominate the bin storage area in square metres for each waste room.
  - d. Bin storage areas for Buildings A and B to provide adequate circulation space for convenient access to all bins; and
  - e. Clearly identify locations for hard waste and e-waste storage in each waste room or basement area.
28. The provisions, recommendations and requirements of the endorsed WMP must be implemented and complied with to the satisfaction of the responsible authority.
29. The collection of waste from the site must be by private collection, unless with the prior written consent of the Yarra City Council.

### **Wind Report and Mitigation**

30. Concurrent with endorsement of plans for Stage 2 and Stage 3, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Wind Tech, dated 13 July 2023, but modified to include:
- a. Consistency with the endorsed plans.
  - b. Minimum walking comfort criteria achieved for outdoor seating areas, including within Doonside Park.
  - c. Minimum walking comfort criteria achieved for pedestrian areas along the site's frontages.
  - d. Minimum standing comfort criteria achieved for all building entrances; and
  - e. Wind comfort criteria for the building frontages, entries, private balconies, terraces, outdoor amenities and north-south link confirmed via a wind tunnel study.
31. The provisions, recommendations and requirements of the endorsed Wind Assessment Report and related wind tunnel study must be implemented and complied with to the satisfaction of the Responsible Authority.

### Acoustic Report

32. Concurrent with the submission of architectural drawings for Stage 2 and Stage 3, an Acoustic Report for that stage, generally in accordance with the acoustic report prepared by ADP, dated 27 May 2026, but updated to reflect the endorsed plans, must be submitted to and approved by the responsible authority.
33. The development must be designed, constructed and operated in accordance with the recommendations and requirements of the Acoustic Town Planning Report prepared by ADP Consulting Pty Ltd (Project MEL2264, Revision 7, dated 27 May 2026), to the satisfaction of the Responsible Authority. Any changes to the development that may affect acoustic performance must be supported by further advice from a suitably qualified acoustic engineer.
34. The uses and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

### Car Parking and Vehicle Access

35. Before the occupation of Stage 2 of the development, or such later date as approved in writing by the responsible authority, an Access, Parking and Loading Management Plan must be approved and endorsed by the responsible authority. The Access, Parking and Loading Management Plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Access, Parking and Loading Management Plan prepared by Traffix Group, dated 27 May 2026, and amended to include the following details:
- a. The means by which the on-site car parking and bicycle parking spaces will be allocated and managed, including the management of the tandem car parking spaces.
  - b. The location of all areas on-site to be allocated for staff and visitor parking.
  - d. Confirmation that harbour structures in Harry's Lane are designed with the appropriate clearance for loading vehicles.
  - e. Provision of line-marking and signage that manages conflicts between vehicles exiting the basement and those within the porte cochere.
  - f. Details of way-finding and security of end of trip bicycle facilities.
  - g. The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 27; and
  - h. Details regarding the management of loading and unloading of goods and materials for each building and confirmation that the loading and unloading of goods to be carried out on the land will take place in the designated areas and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

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36. All vehicles utilising Harrys Lane for loading, waste collection or deliveries must be pre-booked through a booking system administered by an on-site manager in accordance with the approved Access, Parking and Loading Management Plan. The booking system must be used to manage all loading, waste and delivery vehicle movements that take place on site. No bookings or vehicle arrivals are permitted outside the operating times specified in the approved Access, Parking and Loading Management Plan, and no more than 40 traffic movements are permitted in Harrys Lane per day, on any day.
37. The provisions, recommendations and requirements of the endorsed Access, Parking and Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
38. Before the occupation of each of Stage 2 and Stage 3 of the development, the area set aside for the parking of vehicles and bicycles and access lanes associated with that Stage of the development as shown on the endorsed plans must be:
- a. constructed and available for use;
  - b. properly formed to such levels that they can be used in accordance with the endorsed plans;
  - c. surfaced with an all-weather seal coat;
  - d. drained;
  - e. line-marked to indicate each car space and all access lanes; and
  - f. clearly marked to show the direction of traffic along access lanes and driveways,
- all to the satisfaction of the Yarra City Council.
39. Concurrent with the endorsement of plans for Stage 2 and Stage 3, the Green Travel Plan for the relevant stage, prepared by Traffix Group, dated 2 July 2026, must be endorsed by the Responsible Authority.
40. The provisions, recommendations and requirements of the endorsed Green Travel Plan, prepared by Traffix Group and dated 2 July 2026, must be implemented and complied with to the satisfaction of the Yarra City Council.

**Civil Work and Drainage Design Plans**

41. Concurrent with the endorsement of plans, excluding bulk excavation, piling and site preparation works, a Civil Work and Stormwater Analysis, Catchment and Drainage Plan prepared to the satisfaction of the Yarra City Council must be submitted to and approved by Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Stormwater Analysis, Catchment and Drainage Design Plan must:
- a. Be consistent with the public realm plan required under Condition 17;
  - b. Show all existing stormwater discharge points around the site, with all new stormwater discharge points to be in locations to the satisfaction of Council;

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- c. All finished floor levels must be set above footpath levels.
  - d. Provide details of how the basement car park entry will be protected from flooding risks.
  - e. Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works.
  - f. Be in accordance with Council's engineering standards and requirements.
  - g. Show surface material finishes specified to the satisfaction of the Yarra City Council.
42. Before the development is completed or at a later date as agreed in writing by the Yarra City Council, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Yarra City Council.

#### **Public Open Space Contribution**

43. Before the occupation of Stage 2 or prior to the issuing of a statement of compliance for the land, whichever is first, the owner of the land must enter into an Agreement with Yarra City Council under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:
- a. The area of the land identified as public open space on the endorsed plans is to be set aside to contribute to public open space provisions, pursuant to Clause 53.01 of the Yarra Planning Scheme, at the point in time when the land is subdivided;
  - b. If there is a remaining balance to achieve the contribution as required by Clause 53.01 of the Yarra Planning Scheme, at the point in time when the land is subdivided, the balance is to be either a financial contribution or a 'works in kind' contribution, to not less than the remaining percentage of the site value of the land;
  - c. If a financial contribution is provided for the purposes of public open space pursuant to Clause 53.01 of the Yarra Planning Scheme, at a point in time when the land is subdivided, it must in the first instance contribute to the delivery of the proposed public open space associated with this Permit, or otherwise in agreement with the landowner and Yarra City Council;
  - d. The public open space is to be delivered before the occupation of Buildings B and C, or otherwise with the written agreement with the landowner and Yarra City Council; and
  - e. The agreement must be in a form to the satisfaction of Yarra City Council, and the owner must pay all costs associated with the preparation, execution, registration and enforcement of the agreement, including Council's reasonable legal and administrative costs.

#### **Public Realm Plan - Legal Agreement**

44. Before the use and development starts, excluding demolition, excavation, piling, site preparation works, basement works and works to remediate contaminated land, the owner of

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the land must enter into an agreement with the Yarra City Council pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must:

- a. Provide for the landowner to construct the public realm works in the approved Public Realm Plan approved under this permit, with all costs associated with the preparation, delivery and completion of the public realm works, including design, approvals, construction, landscaping and associated infrastructure, being borne by the landowner.
- b. Give unrestricted rights of public access to:
  - i. Harrys Lane
  - ii. Park Lane
  - iii. The landscape area adjoining Doonside Park.

for 24 hours a day (365 days a year), commencing at the time of commencement of the use.

- c. The owners of the land to indemnify Yarra City Council against any claims associated with the use of the publicly accessible areas and to accept liability and responsibility for the on-going maintenance of the publicly accessible areas in perpetuity.
- d. Both links and the additional landscape area are to be maintained and managed by the landowner.
- e. Outline the contribution towards the provision of a zebra crossing on Doonside Street and indicate how and when it is to be delivered, and the relevant financial contribution.

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

### Construction Management

45. Within 2 months of the completion of the development, or by such later date as approved in writing by Yarra City Council, any damage to Council infrastructure resulting from the development must be reinstated:
  - a. At the landowner or permit holder's cost; and
  - b. To the satisfaction of the Yarra City Council.
46. Except with the prior written consent of the Yarra City Council, demolition or construction works must not be carried out:
  - a. Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - b. Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - c. Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Date of issue: 20 August 2026 Signature for the responsible authority:

*A Wood*

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47. Before the development commences, a Construction Management Plan that incorporates the requirements of Environmental Audit Statements issued for the land, to the satisfaction of Yarra City Council must be submitted to and approved by Yarra City Council. When approved, the plan will be endorsed and will form part of this permit. The plan must also provide for:
- a. A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - b. Works necessary to protect road and other infrastructure;
  - c. Remediation of any damage to road and other infrastructure;
  - d. Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - e. Facilities for vehicle washing, which must be located on the land;
  - f. The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - g. Site security;
  - h. Management of any environmental hazards including, but not limited to:
    - i. Contaminated soil;
    - ii. Materials and waste;
    - iii. Dust;
    - iv. Stormwater contamination from run-off and wash-waters;
    - v. Sediment from the land on roads;
    - vi. Washing of concrete trucks and other vehicles and machinery; and
    - vii. Spillage from refuelling cranes and other vehicles and machinery;
  - i. The construction program;
  - j. Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - k. Parking facilities for construction workers;
  - l. Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - m. An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;



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- n. An emergency contact that is available for 24 hours per day for residents and the Yarra City Council in the event of relevant queries or problems experienced;
- o. The provision of a traffic management plan to comply with provisions of AS 1742.3 2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- p. A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Yarra City Council. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. Using lower noise work practice and equipment;
  - ii. The suitability of the land for the use of an electric crane;
  - iii. Silencing all mechanical plant by the best practical means using current technology;
  - iv. Fitting pneumatic tools with an effective silencer;
  - v. Other relevant considerations; and

During the construction:

- q. Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- r. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- s. Vehicle borne material must not accumulate on the roads abutting the land;
- t. The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- u. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Yarra City Council.

48. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

### **Environmental Audit and Management**

49. Any soil excavated from the site and removed off-site must be sampled, classified, transported and disposed of in accordance with the *Environment Protection Act 2017*, Environment Protection Regulations 2021 and relevant EPA Victoria guidance. Records of classification and disposal must be retained and made available to the Yarra City Council upon request.
50. Any groundwater encountered during excavation, dewatering or construction activities must be managed in accordance with the Groundwater Quality Management Plan (GQMP) and applicable EPA and water authority requirements.
51. Contaminated groundwater must not be discharged to land, stormwater, or waterways unless authorised by the relevant regulatory authority.
52. Before occupation of any stage of the development, the permit holder must provide written confirmation to Yarra City Council from an EPA appointed Environmental Auditor that all recommendations relevant to the development contained in the Environmental Audit Statements have been implemented to the Auditor's satisfaction. The endorsed measures must thereafter be maintained at all times.
53. Prior to occupation of any Stage of the development, an Environmental Management Plan (EMP) prepared in accordance with the Environmental Audit Statement must be submitted to and endorsed by the Yarra City Council.
54. The EMP must be implemented and maintained at all times by the owner and occupiers of the land and must include requirements for:
  - a. maintenance of site capping and barriers;
  - b. ongoing inspection and maintenance of waterproofing and basement drainage measures;
  - c. management of contaminated soils;
  - d. management of groundwater-related risks; and
  - e. auditing and reporting requirements.
55. Any amendment to the EMP must be verified by an EPA appointed Environmental Auditor and provided to the Yarra City Council.

### **Legal Agreement - Affordable Housing**

56. Before Stage 2 of the development of the land begins, or as otherwise agreed by the Responsible Authority, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:

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

### **Head, Transport for Victoria Conditions**

57. Unless otherwise agreed in writing with the Responsible Authority and the Head Transport for Victoria prior to the occupation of stage 3 the signalisation of the intersection of Burnley Street, Doonside Street and Buckingham Street must be designed and installed to the satisfaction of the Head Transport for Victoria at no cost to the Head Transport for Victoria.
58. Unless otherwise agreed in writing with the Responsible Authority, within 6 months of the commencement of the use of stage 2, a post-development independent Road Safety Audit (PD-RSA) must be submitted to the satisfaction of the Head, Transport for Victoria and the Responsible Authority. The PD-RSA must consider the operational and road safety impacts of stage 2 at the intersection of Burnley and Doonside Streets for all road users. The permit holder must respond to the recommendations of the PD-RSA and undertake any further mitigating works recommended as required by the Head, Transport for Victoria (within the time specified) at no cost to the Head Transport for Victoria.
59. Unless otherwise agreed in writing with the Responsible Authority, prior to the occupation of stage 2 the Owner must enter into an agreement with the Head, Transport for Victoria and the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* which requires:
- a. a staging plan for the development site
  - b. the provision of the signalised intersection treatment at Burnley Street, Doonside Street and Buckingham Street prior to the occupation of stage 3 to the satisfaction of the Head Transport for Victoria and no cost to the Head Transport for Victoria.
  - c. the ability for the Head Transport for Victoria to vary any timeframe specified in the agreement subject to the approval of the Head Transport for Victoria in writing.
  - d. sunset provisions that once the signals are installed and released to the Head Transport for Victoria all obligations of the 173 Agreement are expired.

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The owner must pay the costs of the Head, Transport for Victoria and Responsible Authority for preparing reviewing, executing and registering the agreement.

**General**

60. Except with the prior written consent of the Responsible Authority, the Restricted Retail Premises approved by this permit may only operate between the hours of 8am and 8pm, 7 days a week.
61. Except with the prior written consent of the Responsible Authority, the Retail Premises approved by this permit may only operate between the hours of 7am and 11pm, 7 days a week.
62. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
63. Prior to the occupation to the relevant Stage, a Development Infrastructure Levy that is calculated to take into consideration the public realm works secured under the Section 173 Agreement as part of this permit, must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, as relevant to that Stage.
64. Prior to the occupation of the relevant Stage, the Community Infrastructure Levy that is calculated to take into consideration the public realm works secured under the Section 173 Agreement as part of this permit, must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, as relevant to that Stage.
65. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
66. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
67. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. transport of materials, goods or commodities to or from the land;
  - b. appearance of any building, works or materials;
  - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - d. presence of vermin,

to the satisfaction of the Yarra City Council

**Date of issue:** 20 August 2026 **Signature for the responsible authority:**

*A Wood*

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68. Before the building in a Stage is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
- a. Located
  - b. Directed;
  - c. Shielded; and
  - d. Of limited intensity,
- to the satisfaction of the Responsible Authority.
69. This permit will expire if one of the following circumstances applies:
- a) The development is not started within 3 years of the issued date of this permit
  - b) The development is not completed within 10 years of the issued date of this permit
  - c) The use does not start within 3 years of completion of the relevant stage

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.

*A Wood*

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:
  - A building permit under the *Building Act 1993*.

**Note from the Head, Transport for Victoria**

The proposed development requires works within the Declared Road network. 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 and Planning prior to commencing any works.

**Notes from the Yarra City Council**

A local law permit may be required for tree removal or lopping. Please contact Council's Compliance Branch on 9205 5555.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

All future residents and businesses (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for resident, business or visitor parking permits unless the development has heritage controls where parking would adversely affect the integrity of the heritage place, or if there's no increase in separate occupancies and the development does not reduce existing on-site parking. For more information refer to [www.yarracity.vic.gov.au/residents/transport/parking/parking-permits](http://www.yarracity.vic.gov.au/residents/transport/parking/parking-permits).

Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:

- (a) At the permit holder owner's cost; and
- (b) To the satisfaction of the City of Yarra.

No parking restriction signs, or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerb-side parking sensors and any reinstatement of parking sensors will require the permit holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway.

Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the permit holder.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters.

No private pits, boundary traps, valves or meters on Council property will be accepted.

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Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system.

*A Wood*



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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit *\*at the direction of the Victorian Civil and Administrative Tribunal. \*Delete if not applicable*

(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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*[If this permit was not issued at the direction of the Victorian Civil and Administrative Tribunal or if this permit was issued at the direction of the Tribunal but the Tribunal did not direct that the permit or part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act include the following paragraph-]*

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

*[If the Victorian Civil and Administrative Tribunal directed that the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph-]*

The Victorian Civil and Administrative Tribunal directed that this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

*[If the Victorian Civil and Administrative Tribunal directed that a specified part of the permit must not be amended by the responsible authority under Division 1A of Part 4 of the Act insert the following paragraph-]*

The Victorian Civil and Administrative Tribunal directed that the following specified part(s) of this permit must not be amended by the responsible authority under Division 1A of Part 4 of the **Planning and Environment Act 1987**:

*[List the specified part(s) of the permit that the Victorian Civil and Administrative Tribunal directed must not be amended by the responsible authority under Division 1A of Part 4 of the Act.]*

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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.

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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.

*A Wood*