


Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2302374
Planning scheme:	Melbourne Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	Part Crown Allotment 2057 at West Melbourne City of Melbourne Parish of Melbourne North (indicative diagram below) 

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
37.04-1	Use of the land for a car park
37.04-4	Construct a building or construct or carry out works
37.04-5	Construct or put up for display a sign
43.02-1	Construct a building or construct or carry out works

Date issued: 19 August 2024 **Signature for the responsible authority:**

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

1. Prior to the commencement of the development, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by 3XN Architecture for Tower 1 and NH Architecture for Tower 2 received on 4 June 2024, but amended to show:
 - a) Alterations to the ground floor associated with the west elevation of Tower 1 to achieve a more active presentation to Peel Street in accordance with Design Principle 7 (Parcel D - Southern Development Site) of the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).
 - b) Design detail to the staircase and surrounding ground level area to Tower 2 to achieve a design response which assists in activating the junction of the north-south and east-west pedestrian links in accordance with Design Principle 16 (Parcel D - Southern Development Site) of the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).
 - c) Any seating element on the south side of Tower 2 setback from the title boundary to ensure there is no potential conflict with Franklin Street.
 - d) Reallocate car parking spaces within the basement to ensure that 200 public car parking spaces are provided.
 - e) The car park air intake details within the Peel / William Street frontage as shown on the plans prepared by 3XN, known as Drawings OMC-T1-L-P21-00-00 Rev 4, OMC-T1-L-P22-00-00 Rev 1 and OMC-T1-L-P85-00-00 (Rev 1) and received 5 April 2024.
 - f) Any changes as a result of the Façade Strategy required by Condition 5 of this permit.
 - g) Any changes as a result of the Sustainability Management Plan required by Condition 6 of this permit.
 - h) Any changes as a result of the Landscape Plans required by Condition 11 of this permit.
 - i) Annotations to accord with the Wind Assessment required by Condition 14 of this permit.
 - j) Any changes as a result of the Waste Management Plan required by Condition 18 of this permit.
 - k) Annotations to accord with the Acoustic Assessment required by Condition 19 of this permit.
 - l) Annotations to accord with the Reflected Glare Assessment required by Condition 20 of this permit.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

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Endorsed Plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Staging

3. The development should be carried out generally in accordance with the staging plan in the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time), including but not limited to any associated public realm works, temporary and/or interim treatment of land associated with the development, unless otherwise agreed to in writing by the Responsible Authority.

Architects to be retained

4. Except with the consent of the Responsible Authority, 3XN Australia and NH Architecture must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed Façade Strategy to the satisfaction of Responsible Authority.

Façade Strategy

5. Concurrent with the endorsement of plans pursuant to Condition 1, a Façade Strategy must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. The Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description by each architect of each building design concept and how the façade works to achieve this.
 - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, including entries, lobbies and doors, services, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
 - c) Street level elevations at a scale of 1:20 (or similar) for all public interfaces. These elevations should include plinths, canopies, integrated seating, window framing, operable windows, awnings over entries, integrated planters and the use of robust and fine-grained materials to different elements (columns, plinths, bench seats etc.). All proposed materials at the street wall level should be robust and of high quality and should be annotated on these drawings.
 - d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.

- e) Information about how the façade will be accessed and maintained and cleaned, including any planting.
- f) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
- g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.
- h) Specific details of the proposed brickwork and in particular the hand laid bricks at the lower levels of Tower 2.

The Façade Strategy must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

Sustainability Management Plan

- 6. Concurrent with the endorsement of plans pursuant to Condition 1, amended Sustainability Management Plan (SMP) reports prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. When approved, the amended SMP reports will be endorsed and form part of this permit. The amended SMP reports must be generally in accordance with the SMP reports prepared by WSP dated 27 March 2024, but modified to include or show:
 - a) Any changes required by Condition 1 of this permit.
 - b) Evidence to the satisfaction of the Responsible Authority that demonstrates the project has been registered to seek a minimum 6 Star Green Star Buildings V1 rating for Tower1 and a 5 Star Green Star Buildings V1 rating for Tower 2 with the Green Building Council of Australia.
 - c) A signed NABERS Commitment Agreement for Tower 1.
 - d) The pre-screening checklist and evidence that these risks have been communicated to the permit holder for both Tower 1 and Tower 2 to address Climate Change Resilience credit.
 - e) Evidence that indicates that Tower 1 has been registered and enrolled with the International WELL Building Institute for WELL v2 Core Gold standard.
 - f) Daylight modelling that demonstrates Tower 1 can achieve the Green Star credit achievement standard and Tower 2 can meet minimum requirements.
 - g) A plan that demonstrates a response to urban heat island impacts is met by at least 75% of the site is specified with compliant materials for both Tower 1 and Tower 2.
 - h) Evidence that Tower 1 and Tower 2 can achieve a 20% improvement compared to a reference building for up front carbon emissions. Modelling or calculations via the Upfront Emissions Calculator need to be provided.

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- i) Preliminary modelling that demonstrates all non-residential spaces can achieve a 20% improvement compared to a reference building.
- j) A draft Zero Carbon Action Plan that details how the development will address energy consumption, procurement and generation.
- k) Water efficiency modelling that demonstrates the development can achieve a 15% improvement compared to a reference building for Tower 1 and a 10% improvement compared to a reference building for Tower 2.
- l) A preliminary Sustainable Transport Plan including Movement and Place calculator to demonstrate a credit achievement standard is met.
- m) A response to the Biodiversity Enhancement credit demonstrating the development can achieve greening to 30% of site area using the Green Factor tool as evidence.
- n) MUSIC modelling that meets credit achievement standards for waterway protection.
- o) 30kL rainwater tanks are shown on the plans for Tower 1 and Towers 2 notating the tank volume and intended rainwater reuse.

The SMPs must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

Implementation of Sustainability Management Plan

- 7. Within 12 months of occupation of the approved buildings, a report from the author of the endorsed SMP reports, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended SMPs have been implemented must be submitted to the Responsible Authority in consultation with the Melbourne City Council. The reports must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMPs have been implemented in accordance with the relevant approved plans.
- 8. Within 24 months of occupation of the buildings, certification must be submitted to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council which demonstrates that the buildings have achieved a minimum 6 Star Green Star Buildings V1 rating for Tower 1 and a minimum 5 Star Green Buildings V1 rating for Tower 2.
- 9. Within 36 months of occupation of Tower 1 certification must be submitted to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council which demonstrates a NABERS Energy Operational Rating of at least 5 Stars has been achieved.
- 10. Within 36 months of occupation of Tower 1 and Tower 2 certification must be submitted to the satisfaction of the Responsible Authority in consultation with the Melbourne City Council which demonstrates a Climate Active Carbon Neutral Building rating has been achieved.

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Landscape Plans and Landscape Maintenance

11. Prior to the commencement of the development, amended landscape plans prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The landscape plans must be generally in accordance with the Landscape Plans prepared by Openwork, dated January 2024, but amended as follows:
- a) Include any changes required by Condition 1 of this permit.
 - b) Modifications in accordance with the approved Sustainability Management Plan Reports.
 - c) A planting concept associated with a planting palette that identifies different planting groups and explains their spatial distinction.
 - d) Details on the extent of solar access to selected species to demonstrate their viability.
 - e) Details of proposed green infrastructure and planters (including volume of planter soil/media and depths) and mulch specifications.
 - f) Annotated cross-sectional details for green infrastructure and planters including materials, waterproofing, drainage, dimensions, support structures and tree anchors.
 - g) Irrigation systems demonstrating use of alternative water sources such as rainwater, stormwater and recycled water.
 - h) Demonstrate compliance with the Melbourne City Council's Design and Construction Standards.
 - i) Details of paving which reflects the dominant direction of traffic, usually perpendicular to the kerb line or building line unless where it is a path leading to an entrance or crossing.
 - j) Include a Green Infrastructure Maintenance Plan detailing:
 - i. A statement to describe how the canopy and vegetation will be successfully maintained in the future.
 - ii. Maintenance tasks for the establishment period.
 - iii. Ongoing maintenance schedule for after the initial 52-week period detailing weed, pest management, succession planting, re-mulching, plant nutrition and hygiene.
 - iv. Replacement timeframes for poorly performing vegetation.
 - v. Access requirements/agreements if required.
 - vi. Maintenance schedule for green infrastructure structures.

The Landscape Plans must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

12. Prior to the occupation of the development, landscape works as shown on the endorsed Landscape Plans must be completed and thereafter maintained to the satisfaction of the Responsible Authority.

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Management and Maintenance Guidelines for Laneways

13. Prior to occupation of the development, guidelines for management and maintenance of laneways in private ownership must be submitted to and approved by the Melbourne City Council, including tenancy guidelines for furniture and identifying what furniture items are fixed and portable. The guidelines must be consistent with any Heritage Victoria permit conditions, generally in accordance with the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time) and to the satisfaction of the Melbourne City Council.

Wind Assessment

14. Prior to the commencement of the development, an amended Wind Assessment must be submitted to and approved by the Responsible Authority. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Windtech and dated 7 June 2024, but modified to include or show:
- a) In Table 5a:
 - i. Study point 8 to be further tested to comply with the comfort criteria.
 - b) In Table 6a:
 - i. Study points 33 and 34 to be further tested to comply with the comfort and safety criteria;
 - ii. Study point 52 to be updated to 'pass' for the comfort criteria with the treatment testing; and
 - iii. Study point 80 to be amended to correct the title of the row 'existing' to 'treatment testing'.
 - c) Note that for study points 17, 33, 34, 53, 57, 59, 65 and 66 further localised street furniture / screening / raised planters or vegetation may be required as a result of the Parcel C detailed design and as required by the section 173 Agreement condition for wind mitigation measures outside the title boundary.

The Wind Assessment must achieve the target wind comfort criteria and safety criteria in the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).

The recommendations contained within the endorsed Wind Assessment must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

When approved, the Wind Assessment will be endorsed and will then form part of the permit.

Road Safety Audit

15. Prior to the commencement of the development, a formal independent Road Safety Audit to the satisfaction of the Melbourne City Council. The Road Safety Audit must include an assessment of:
- Internal layout.
 - Access arrangements.
 - Loading arrangements.
 - Pedestrian and bicycle access and movements within the site and in the public realm.
 - Potential conflicts between vehicles / pedestrians / cyclists, having regard to the existing access arrangements for other properties.
 - Road safety issues affecting all road users.

The findings of the Audit should be incorporated into the design at the owner or developer's expense to the satisfaction of the Melbourne City Council.

Parking Management Plan

16. Prior to the commencement of the development, a Parking Management Plan must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The Plan must detail the means by which the on-site car parking and bicycle parking facilities approved under this permit will be operated, allocated, maintained and managed. The plan should provide for electric vehicle infrastructure and car share facilities, and set out how visitors are to access the bicycle parking, to the satisfaction of the Responsible Authority.

Management of the car and bicycle parking provided in association with the permitted development must be in accordance with the approved Plan, to the satisfaction of the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the permit.

Loading Management Plan

17. Prior to the commencement of the development, a Loading Management Plan must be submitted to and approved by the Melbourne City Council. The Loading Management Plan must specify how the access / egress of loading vehicles is to be managed to ensure that:
- The delivery needs of the uses within the development are accommodated.
 - Any potential conflicts between vehicles and other road users are satisfactorily addressed.
 - There are no obstructions in the path of the vehicles (kerbs, walls, etc.) and appropriate height clearances are provided for all required vehicles / manoeuvres.
 - All loading and unloading occurs within the curtilage of the site at all times.

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- e) A Loading Dock Manager, Building Manager or similar is appointed, to be responsible for controlling the operation of the loading bay and loading and unloading of goods.

Once approved, the Loading Management Plan will be endorsed to form part of the permit.

Waste Management Plan

18. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be approved and endorsed by the Melbourne City Council - Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by WSP dated 20 May 2024, but amended to show:
- a) Any changes required by Condition 1 of this permit.
 - b) Any changes required by the Loading Management Plan required under Condition 17 this permit.
 - c) Any other changes required to demonstrate Tower 2 (residential) is capable of municipal waste collection. These changes must include but not be limited to the following:
 - i. Details of an operationally viable arrangement for sharing compactors between municipal and private collection noting that additional / spare bins may be required for commercial garbage and recycling.
 - ii. Any modifications required to demonstrate the development can achieve the Melbourne City Council's requirement for organic waste services and glass collection for residential high rise developments.
 - iii. Modification to allow for the provision of any organic bin collection service including:
 1. Provision for a maximum of collections 3 times per week (2.33 days' worth) for the estimated 12715L per week of residential organics.
 2. Bins shown in all relevant tables (as an alternative to the proposed macerator / sludge tank system).
 3. Amended layout for the basement residential waste room to show where organics bins would be stored if the building were to be provided with a municipal bin based service rather than an organics processing unit.
 - iv. Update to Section 5.2.1 to confirm the commercial waste room is within basement 1 level.
 - v. Update to Section 5.2.3 to show 660L bins capable of temporary holding bins / cages for commercial paper / cardboard and soft plastic. Note the 660L bins are to be reflected in the relevant tables in the WMP.

Once approved, the WMP will be endorsed to form part of the permit. Waste storage and collection arrangements must not be altered without prior consent of the Melbourne City Council – Waste and Recycling.

Acoustic Report

19. Prior to the commencement of the development, the Acoustic Report prepared by PWNA dated 21 December 2023 for Tower 1 must be updated as required by Condition 1 of this permit and be submitted to and approved by the Responsible Authority.
20. Prior to the commencement of the development, the Acoustic Report prepared by PWNA dated 21 December 2023 for Tower 2 must be updated as required by Condition 1 of this permit and be submitted to and approved by the Responsible Authority. The Acoustic Report must also be amended to include the following:
 - a) An assessment of the surrounding noise sources including, traffic, tram, market and trader stall noise, including loading / unloading activities; and
 - b) How the building will be designed to limit internal noise levels in habitable rooms to a maximum of 45dB.

The recommendations contained within the endorsed Acoustic Reports must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Reflected Glare Assessment

21. Prior to the commencement of the development, a Reflected Glare Assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.
22. 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.
23. Light reflectivity from external materials and finishes must not reflect more than 15% of specular visible light, to the satisfaction of the Responsible Authority.

3D Model

24. Prior to the occupation of the development, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development must be submitted to and must be to the satisfaction of the Responsible Authority. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority, before these modifications are approved.

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Construction Management Plan and Tree Protection Plan

25. Prior to the commencement of the development, a detailed Construction Management Plan, inclusive of a Tree Protection Plan, must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This Construction Management Plan must be prepared in accordance with the Melbourne City Council's Code of Practice for Building, Construction and Works and is to consider the following:
- a) Public safety, amenity and site security.
 - b) Operating hours, noise and vibration controls.
 - c) Air and dust management.
 - d) Stormwater and sediment control.
 - e) Waste and materials reuse.
 - f) Traffic management.
 - g) The staging of the precinct as set out in the the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).
 - h) A Tree Protection Plan (TPP) which must identify all impacts to public trees, be in accordance with *AS 4970-2009 – Protection of trees on development sites*, and include:
 - i. Melbourne City Council tree asset numbers.
 - ii. Site specific details of the temporary tree protection fencing to be used to isolate trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - iii. Specific details of any special works methodologies to be used within the Tree Protection Zone of any trees. These must be provided for any utility connections or civil engineering works.
 - iv. Full specifications of any pruning required to trees with reference to marked images.
 - v. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - vi. Details of the frequency of the Project Arborist monitoring.
 - vii. Public trees to be retained and protected.
 - viii. Public trees to be removed, lopped or pruned. Provide details of all reasonable options exhausted to retain public trees when identifying trees proposed for removal.

Once approved, the Construction Management Plan and Tree Protection Plan will be endorsed to form part of the permit.

26. All works, including demolition, within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council.

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27. In the event that public trees are proposed for removal at any stage of the development, the owner / developer must make a separate application to the Melbourne City Council and submit plans for the approval showing replacement and/or additional tree plots of equal or larger size and soil volume than currently exists in the street frontages adjacent to the site.

Demolition in Capital City Zone

28. The owner / developer must construct temporary works on the land to the satisfaction of the Melbourne City Council in the following scenarios:
- a) The land remains vacant for 6 months after completion of the demolition;
 - b) Demolition or construction activity ceases for a period of 6 months; or
 - c) Construction activity ceases for an aggregate of 6 months after commencement of the construction.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council.

Temporary works may include:

- a) The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- b) Landscaping of the site for the purpose of public recreation and open space.

Legal Agreement – Affordable Housing

29. Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) with the Minister for Planning and the Melbourne City Council. The agreement must be in a form to the satisfaction of the parties and include covenants that run with title of the land to:
- a) Provide for the delivery of at least 15% of the net floor area of Tower 2, and any other dwelling floor space provided within Queen Victorian Southern Site - Parcel D, for affordable housing as defined by Section 3AA of the Act before the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:
 - i. Leasing dwellings within the development as affordable housing under the management or oversight of a registered housing agency or rental housing agency approved by the Minister for Planning in consultation with the Melbourne City Council at nil consideration. Leased affordable housing must be provided in perpetuity, and rental payments must be no greater than 30% of gross household income; or
 - ii. Transferring dwellings within the development to a registered housing agency or rental housing agency approved by the Minister for Planning in consultation with the Melbourne City Council at nil consideration; or

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- iii. Any other mechanism providing a contribution of equivalent or higher value to condition (a)(ii) to the satisfaction of the Minister for Planning in consultation with the Melbourne City Council.
- b) Unless otherwise agreed in writing by the Minister for Planning, in consultation with the Melbourne City Council, the affordable housing delivered under condition (a) must:
 - i. be delivered within the development approved by this planning permit;
 - ii. take the form of one- or two- or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered agency or rental housing agency;
 - iii. provide appropriate housing for very low and / or low and / or moderate income households;
 - iv. be functionally and physically indistinguishable from conventional dwellings within the development;
 - v. include appropriate access to communal facilities within the building at no extra fee for residents of affordable housing dwellings; and
 - vi. allocate one or more bicycle parking space per dwelling for the life of the affordable housing.
- c) If the affordable housing contribution is to be delivered through the mechanism set out in condition (a)(i), the owner of the land will engage a registered agency or rental housing agency to oversee the allocation of and annual reporting on the affordable housing. The registered agency or rental housing agency will be responsible for providing assurance that:
 - i. The affordable housing dwellings are allocated to eligible households (as set out in the Act);
 - ii. Rental payments are no greater than 30% of gross household income for allocated households;
 - iii. The allocated households are a mixture of very low and / or low and / or moderate income households;
 - iv. An annual compliance check is undertaken to ensure households continue to be eligible for affordable housing;
 - v. An annual report is prepared setting out the number of dwellings that have been rented as affordable housing and the annual and cumulative value of the discounted rent; and
 - vi. The housing is affordable housing as defined in the Act and by reference to relevant Regulations, Ministerial Notices, Orders in Council and the like.

The annual report prepared by a registered agency or rental housing agency must be provided to the Minister for Planning and the Melbourne City Council on 30 June.

For the purpose of these conditions, 'value' means the monetary value of a dwelling offered for sale at the date of the transfer (if applicable) or otherwise at the date of the agreement as determined by an independent valuer (appointed by the President of the Australia Property Institute – Victorian Division).

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Legal Agreement – Public Pedestrian Laneways

30. Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Melbourne City Council. The agreement must provide the following:
- a) Give rights of all publicly accessible areas 24 hours a day, 7 days a week, unless otherwise agreed in writing by the Melbourne City Council.
 - b) The owner of the land must, at its cost, maintain the areas in accordance with any endorsed Landscape Plans to the satisfaction of the Melbourne City Council.

The owner of the land must pay all of the Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Legal Agreement – Offsite Wind Mitigation Measures

31. Prior to the commencement of the development, unless otherwise agreed in writing by the Minister for Planning, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Minister for Planning and the Melbourne City Council. The agreement must provide the following:
- a) Offsite wind mitigation measures as referenced in the endorsed Wind Report. The agreement must contain covenants to be registered on the title for the land so as to run with the land, and must provide for the following:
 - i. The location, type and design of the wind mitigation measures within the future common property and outside the planning permit land boundary must be submitted to and approved by the Minister for Planning in consultation with the Melbourne City Council and any other relevant agency, prior to commencement of construction of such measures. The wind mitigation measures must be supported by a wind tunnel assessment report to the satisfaction of the Minister for Planning.
 - ii. The wind mitigation measures within the future common property and outside the planning permit land boundary must be implemented prior to the completion and occupation of each applicable stage of development, as referenced in the endorsed 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as amended from time to time) as agreed to by the Minister for Planning and the Melbourne City Council.

The owner of the land must pay all of the Minister for Planning and the Melbourne City Councils' reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Road Encroachments

32. All projections over street alignments must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the Melbourne City Council's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

Drainage of Projections

33. All projections over the street alignment must be drained to a legal point of discharge in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Drainage Connection Underground

34. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council underground stormwater drainage system.

Groundwater Management

35. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Melbourne City Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

Demolish and Construct Access

36. Prior to the occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Construct and Maintain Access

37. All pedestrian and access laneways shown on the endorsed plans must be constructed and maintained to the satisfaction of the Melbourne City Council – City Infrastructure.

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Roads

38. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the owner or developer (unless otherwise agreed by the Melbourne City Council – City Infrastructure), in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Footpaths

39. The footpath adjoining the site along Franklin Street and William Street must be reconstructed in sawn bluestone, or as otherwise approved by the Melbourne City Council – City Infrastructure, together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the owner or developer (unless otherwise agreed by the Melbourne City Council – City Infrastructure), in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Street Levels not to be Altered

40. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Melbourne City Council – City Infrastructure.

Street Furniture

41. All street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council – City Infrastructure, unless otherwise agreed by the Melbourne City Council – City Infrastructure.
42. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

Lighting Plan

43. Prior to the commencement of the development, or as may otherwise be agreed with the Melbourne City Council, a Lighting Plan must be prepared to the satisfaction of the Melbourne City Council – City Infrastructure. The Lighting Plan should be generally consistent with the Melbourne City Council's Lighting Strategy, and include the provision of building lighting, lighting with the public realm and laneways, and public lighting in the adjacent streets. 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 Melbourne City Council – City Infrastructure.

44. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

Land Survey

45. Prior to occupation of the development, the pedestrian laneways must be named in accordance with the *Geographic Place Names Act 1998* to provide appropriate street addressing for the retail and other tenancies.
46. Any proposed road name must comply with the Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016.
47. Prior to the commencement of the development, or as otherwise agreed with the Melbourne City Council, the owner must provide evidence to the Melbourne City Council that any light and air easement(s) required for the development have been created to protect any windows on the boundaries.

Building Appurtenances and Structures Above Roof Level

48. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
49. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority.
50. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

Potentially Contaminated Land and Remediation

51. Prior to the commencement of the development (excluding works required to facilitate this condition), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to

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the Responsible Authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority

If the PRSA requires an Environmental Audit be undertaken, or if the permit holder decides to undertake an Environmental Audit, then prior to the commencement of the development (excluding works required to facilitate this condition), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority. The EAS must either:

- a) State the site is suitable for the use and development allowed by this permit.
- b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

All the recommendations of the EAS must be complied with for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the approved building. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS prior to the occupation of the building.

If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the occupation of the approved building and prior to the issue of a statement of compliance under the *Subdivision Act 1988* the owner of the land must enter into an agreement with the Melbourne City Council under section 173 of the *Planning and Environment Act 1987* to the effect that all conditions of the EAS issued in respect of the land will be complied with.

Signage

52. Prior to erection of any signage approved by this permit, signage plans must be approved and endorsed by the Responsible Authority. The signage plans must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, be generally in accordance with the overall plans prepared by NH Architects, Tower 1 plans prepared by 3XN Architects and Tower 2 plans prepared by NH Architects dated various dates and received 4 June 2024 and must include:
 - a) Details of the signage including the location, size, material, colour, lettering style and details of illumination.
53. The location, orientation, size, materials, colours, wording / logo, and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

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54. The signs, including their structure and advertising material as shown on the endorsed plan, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
55. The illumination of the high wall signage must be turned off between:
- 11pm and 6am on Sunday – Thursday nights; and
 - 1am and 6am on Friday and Saturday nights and of a day prior to a public holiday.
56. The signs must only contain content which provides or supplies information relating to the business conducted on the site.
57. The illumination of high wall signage and associated lighting must be dimmable and must not contain flashing light, to the satisfaction of the Responsible Authority.
58. All outdoor lighting associated with the signs must be located, designed, directed and baffled to comply with Australian Standard AS/NZS 4282:2023 (Control of the Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority. The Responsible Authority, with just cause, may at any time request a review or undertake a review of the brightness of the signs and require any necessary modifications to the satisfaction of the Responsible Authority.
59. The time for commencement of the erection of any signage hereby approved is five years from the issue date this permit and the time for completion is specified as two years from the date of such commencement.
60. The signs hereby permitted will expire 15 years from the issue date this permit, at which time the signs and all supporting structures must be removed, and the site reinstated to the satisfaction of the Responsible Authority.
61. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension to the time period referred to in Conditions 59 and 60.

Head, Transport for Victoria

62. Before development starts a Construction Management Plan must be submitted and approved to the satisfaction of Head, Transport for Victoria. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to public transport assets and operations during construction and must set out:
- how public transport operations, bus stops, traffic, walking and cycling movements will be managed during the demolition and construction;

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- b) how traffic impacts to bus operations and associated infrastructure will be mitigated including any temporary bus stop relocations;
- c) a schedule of works for any temporary bus stop relocations;
- d) a schedule of works for ultimate bus stop locations with shelters and all associated infrastructure (as required); and
- e) all bus stops temporary and ultimate must be Disability Discrimination Act compliant.

All construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to the Head, Transport for Victoria to the satisfaction of the Head, Transport for Victoria.

63. If the existing bus stops along Franklin and William Streets cannot be used during the construction of the development temporary bus stops must be provided in an alternative location at no cost and to the satisfaction of the Head, Transport for Victoria.
64. Any request for written consent to disrupt bus operations or temporary bus stops during the construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption / temporary bus stop relocation as set out in the approved Construction Management Plan.
65. Prior to the occupation of the development the temporary bus stops must be removed and reinstated to an agreed location (as shown on the endorsed Construction Management Plan) all to the satisfaction of and at no cost to the Head, Transport for Victoria.

Expiry

66. This permit will expire if one of the following circumstances applies:
- a) The development has not started within three years of the date of this permit.
 - b) The development has not been completed within five years of the date of this permit.

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

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USEFUL INFORMATION:

(the following information does not form part of this permit)

Building approval required

- This permit does not authorise the commencement of any demolition or construction on the subject site. Before any demolition or construction may commence, the owner or developer must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building works to accord with planning permit

- The owner or developer will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the owner / developer and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage point and method of discharge

- The legal point of stormwater discharge for the development must be to the satisfaction of the Melbourne City Council. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Melbourne City Council prior to the commencement of any buildings or works.

Other approvals may be required

- This planning permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this planning permit.

Civil design

- All necessary approvals and permits are to be first obtained from the Melbourne City Council and the works performed to the satisfaction of the Melbourne City Council – City Infrastructure Branch.

Urban forest and ecology

- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
 1. Issued to City of Melbourne, ABN: 55 370 219 287.
 2. From a recognised Australian bank.
 3. Unconditional (i.e. no end date).
 4. Executed (i.e. signed and dated with the bank stamp).
- Please note that insurance bonds are not accepted by the Melbourne City Council. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.
- Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

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- All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the owner / developer of the site. The costs of these works will be provided and must be agreed to before the Council remove the subject trees.

Affordable housing

- Registered Agency means a registered housing association or a registered housing provider as outlined in the *Housing Act 1983 (Vic)*.
- Rental Housing Agency means (a) a corporation limited by shares or by guarantee that is a non-profit body and that provides or is established to provide rental housing; or (b) an incorporated association or non-trading co-operative that is a non-profit body and that provides or is established to provide rental housing as outlined in the *Housing Act 1983 (Vic)*.

Traffic engineering

- Melbourne City Council is not obligated to amend the parking restrictions in the area to meet future parking demands from this development.
- Melbourne City Council is not obligated to provide any additional bicycle hoops to cater for future bike parking demands from this development.

Road naming

- The names to any roads or public areas shown on plans are indicative and have not been formally determined as a part of this application. Any naming process will need to occur in accordance with the relevant naming conditions within this permit.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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.

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- 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.

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