

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

**PLANNING PERMIT**

<b>Permit No.:</b>	PA2503685
<b>Planning scheme:</b>	Melbourne Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	331-381 Footscray Road, Docklands

**THE PERMIT ALLOWS:**

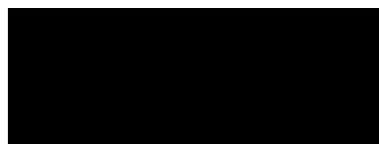
<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
37.05-4	Demolish a building, construct a building or construct or carry out works
43.02s54	Construct a building or construct or carry out works
45.09	Provide car spaces in excess of statutory car parking requirements

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

**Approved and endorsed plans – changes required**

1. Before the development starts, excluding demolition, bulk excavation and site preparation works, 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 nettltontribe, Issue A, dated 03.09.2024, but amended to show the following details:
  - a) Provision of a double width crossover of at least 5.0m in width to Observation Drive from the proposed drop off area.
  - b) The two outward opening doors onto Waterfront Way redesigned so that they do not project beyond the street alignment when open, closed or when being opened or closed.

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**Compliance with documents approved under this permit**

2. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

**Layout not altered**

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

**Commencement**

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

**General amenity provision**

6. 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.
  - d) presence of vermin.

to the satisfaction of the Melbourne City Council.

**Landscape Plan**

7. Before the development starts, a landscape plan must be approved and endorsed by Melbourne City Council. The landscape plan must be prepared to the satisfaction of Melbourne City Council, be drawn to scale with dimensions, be generally in accordance with the Landscape Report prepared by Aspect Studios dated 29.08.2024.

**Completion of landscaping**

8. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Melbourne City Council. The responsible authority may consent in writing to vary this requirement.



**Landscaping maintenance**

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

**Tree protection during construction**

10. Before the development, including demolition starts, a tree protection fence must be erected around the trees to be protected, as detailed in the Preliminary Tree Assessment prepared by Homewood Consulting Pty Ltd dated 23 July 2024. The tree protection fencing and Tree Protection Zone must be established and maintained in accordance with the following requirements to the satisfaction of the Melbourne City Council:
- a) the tree protection fence must be constructed of star pickets and chain mesh or similar.
  - b) the tree protection fence must remain in place until the development is completed.
  - c) the Tree Protection Zone must be covered by a 100 mm deep layer of mulch and watered regularly.

The responsible authority may consent in writing to vary any of these requirements.

11. During the course of construction, the Tree Protection Zone must not be used for:
- a) vehicular or pedestrian access.
  - b) trenching or soil excavation.
  - c) storage or dumping of materials, tools, equipment or waste.

The responsible authority may consent in writing to vary any of these requirements.

**Environmentally Sustainable Design**

12. Before the development starts, an environmentally sustainable design statement (ESD) or sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The ESD or SMP must be prepared to the satisfaction of the Melbourne City Council, be generally in accordance with the SMP prepared by Waterman Group Pty Ltd v3 dated 25 March 2025. The recommendations of the approved ESD report must be implemented to the satisfaction of the Melbourne City Council.
13. Within six months of the occupation of the development, a report from the author of the endorsed report must be submitted to and approved by Melbourne City Council. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of Melbourne City Council.



**Traffic**

14. All car parking spaces, ramps, grades, transitions, accessways and height clearances must be generally designed in accordance with the Melbourne Planning Scheme and/or AS/NZS 2890.1:2004.

**Loading Management Plan**

15. Prior to the occupation of the building, a Loading Management Plan (LMP) must be approved and endorsed by the City of Melbourne. Once approved, the LMP will be endorsed and will form part of this permit. The building must operate in accordance with the endorsed LMP at all times. The LMP must not be altered or amended without the written consent of the City of Melbourne. The LMP must include the following:
- a) Confirmation that there are no obstructions in the path of the vehicles (kerbs, walls, etc).
  - b) Appropriate height clearances are provided for all required vehicles/manoeuvres.
  - c) Specify how the access / egress of loading vehicles is to be managed.
  - d) Building Management will be responsible for controlling the operation of the loading bay and unloading of goods.
  - e) The design of the loading areas, including all space dimensions, grades and height clearances should comply with Australian Standard AS2890.1:2018.
16. The loading and unloading of goods from vehicles must only be carried out on the land, in accordance with the approved LMP and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Melbourne City Council.

**Waste Management Plan**

17. The waste storage and collection arrangements must generally be in accordance with the Waste Management Plan (WMP) prepared by onemilegrid dated 5th September 2024, but amended to include:
- a) A dedicated hard waste storage area for bulky items within the bin storage room.
  - b) Commingled recycling waste generation rates in Table 1 (only paper and cardboard waste generation rates have been provided).
  - c) Confirmation that a 31m<sup>3</sup> compactor can be supplied.
  - d) Confirmation that the nominated waste vehicle has carrying capacity for a 31m<sup>3</sup> garbage compactor at its maximum weight.
  - e) A waste collection strategy that shows all waste streams collected a maximum of 3 times per week.

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- f) Wording to the effect of “Any changes to the endorsed WMP will require the submission of an amended WMP that will be STCA”. The reference to the WMP being a dynamic document (section 9.4) needs to be removed.
- g) An explanation of how the smaller garbage and commingled recycling bins will be emptied into the garbage and recycling compactors.

**Civil Infrastructure**

- 18. The works shall be undertaken in accordance with the current Docklands Design and Construction Standards for Infrastructure Works.
- 19. All Tactile Ground Surface Indicator (TGSi) serving private properties shall be contained within the property boundary. Stair shall be set back sufficiently to allow the installation of TGSi's in accordance with AS/NZS 1428.4.1 - Design for access and mobility.
- 20. 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 City of Melbourne's City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.
- 21. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the City of Melbourne's City Infrastructure.
- 22. Prior to the commencement of the use/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 City of Melbourne's City Infrastructure.
- 23. All portions of roads and footpaths including kerb and channel 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 developer, in accordance with plans and specifications first approved by the City of Melbourne's City Infrastructure.
- 24. 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 City of Melbourne's City Infrastructure.
- 25. 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 City of Melbourne's City Infrastructure.



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26. Existing street furniture must not be removed or relocated without first obtaining the written approval of the City of Melbourne's City Infrastructure.

**Concealed service pipes and equipment**

27. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the land (excluding storm water down pipes, guttering and rainheads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.

**Disability glare to transport**

28. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the responsible authority.

**Permit Expiry**

29. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- a) The development is not started within 2 years of the issued date of this permit.
- b) The development is not completed within 4 years of the issued date of this permit.

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.

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

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

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

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

**USEFUL INFORMATION:**

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

Civil Infrastructure Notes

1. The internal roads should remain the responsibility of the land owner(s) in perpetuity. The City of Melbourne is unlikely to agree to the internal roads being made public.
2. All necessary approvals and permits are to be first obtained from the City of Melbourne's City Infrastructure Branch and VicRoads and the works performed to the satisfaction of the responsible road authority.

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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.

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**CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?**

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

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**WHEN DOES A PERMIT BEGIN?**

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A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
  - i. the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - ii. the date on which it was issued, in any other case.

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**WHEN DOES A PERMIT EXPIRE?**

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1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation, within five years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to

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any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—

- the use or development of any stage is to be taken to have started when the plan is certified; and
- the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

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#### WHAT ABOUT REVIEWS?

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- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must also be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

