



Minister for Planning

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Our Ref: BMIN015213
File: 11/012691

1 NOV 2012

Fifth Grange Pty Ltd
C/- Urbis Pty Ltd
Attn: Mr Andrew Lanarus
Level 12, 120 Collins Street
MELBOURNE VIC 3000

Dear Mr Lanarus,

**MELBOURNE PLANNING SCHEME PERMIT APPLICATION NO 2011/012691
450 ELIZABETH STREET MELBOURNE**

I refer to the above application which was lodged with the Department of Planning and Community Development (DPCD) on 28 November 2011.

As the Responsible Authority for the subject application for the development of 450 Elizabeth Street, I have determined to grant planning permit 2011/012691.

Please find enclosed a copy of the approved planning permit.

If you have any further queries in relation to this matter please contact Adrian Salmon, Assistant Director, Statutory Approvals on telephone 03 9098 8954.

Yours sincerely


MATTHEW GUY MLC
Minister for Planning

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Privacy Statement

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PLANNING PERMIT

Permit No.: 2011/012691

Planning Scheme: Melbourne

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND: 450 Elizabeth Street, Melbourne

THE PERMIT ALLOWS: Demolition of the existing building and construction of a new mixed-use multi-storey tower comprising dwellings and ground floor and first level retail premises (other than adult sex bookshop, department store, hotel, supermarket and tavern) and the provision of associated car parking.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams, ground slab and associated development, amended plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must generally be in accordance with the plans submitted with the application but modified to show the following:
 - a) The tower setback from adjoining sites to the east and south to achieve an average of 5.0 metres with a minimum setback of no less than 4.5 metres.
 - b) Further details at a scale of 1:50 of the finishes of the building including all cladding and screens;
 - c) The provision of a total of 200 bicycle parking spaces within the building in accordance with Melbourne City Council guidelines including directional signage for visitor bicycle users;
 - d) The car lift doors and door to the loading/unloading bay finished in high quality, semi-transparent materials which provide for visual interest.
 - e) The provision of active uses across the entire extent of the Elizabeth Street frontage of the podium from Levels 2 to 7.
 - f) The provision of twin rubbish chutes or a single chute dual stream in accordance with the City of Melbourne's Draft Waste Guidelines 2011.
 - g) Details of all car lifts, including internal platform dimensions.
 - h) Six of the bicycle parking spaces allocated to employees of the building. These spaces must be provided in easily accessible locations.
 - i) Signs directing visitors to basement and other bicycle parking space areas.
 - j) Provision of a minimum of 2 motorcycle spaces conveniently located within the car parking area or other suitable location;
 - k) Provision of the Environmentally Sustainable Development (ESD) initiatives detailed in the Sustainable Design Report prepared by Ark Resources and dated October 2011;
 - l) Any modifications to the car park layout/ access ways or waste management arrangements as a result of any recommendations within the car parking and traffic management report and waste management report, and
 - m) Any modifications to the design to address any matter identified in the wind report required in Condition 4.

Layout Not Altered

2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Facade Details

3. Prior to the commencement of the development, a facade strategy must be submitted to the Responsible Authority for consideration. The facade strategy for the podium and towers must be generally in accordance with plans prepared by 'Elenberg Fraser' and submitted with the application and subsequently revised and detail a schedule of material, finishes and details, including but not limited to the colour, type of materials (and quality), construction and appearance. The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of facade pattern, level of colours and the ability to provide richness, saturation and depth as contained within the artist's studies. This can be provided through montages from various vantage points and/or a built model. The facade strategy must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans.

Wind Assessment

4. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, an amended comprehensive wind tunnel testing and environmental Wind Climate Assessment report of the development by a suitably qualified engineering consultant must be undertaken by the owner of the land and be submitted to and be to the satisfaction of the Responsible Authority. This report must be generally in accordance with that prepared by Mel Consultants dated August 2011 (updated on 30 March 2012). Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as an integrated high quality solution with the architectural and landscape design to the satisfaction of the Responsible Authority.

Demolition

5. Demolition must not commence unless the Responsible Authority is satisfied that the permit holder has made substantial progress towards obtaining the necessary building permits for the development of the land generally in accordance with the development proposed under this permit and the permit holder has entered into a bona fide contract for the construction of the development, or otherwise as agreed with the Responsible Authority.

Construction Management Plan

6. Prior to the commencement of the development, including demolition, a detailed Construction Management Plan (CMP) must be submitted to and approved by the Responsible Authority in consultation with the City of Melbourne. This construction management plan is to be prepared in accordance with the City of Melbourne-Construction Management Plan Guidelines 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 material reuse; and
 - f) traffic management.

The recommendations of the report must be implemented at no cost to the Responsible Authority or the City of Melbourne. All development must be carried out in accordance with the approved Construction Management Plan.

Environmental Site Conditions

7. Prior to the commencement of the development hereby approved, excluding demolition, the applicant must undertake an environmental assessment of the site to determine if it is suitable for residential use. This assessment must be carried out by a suitably qualified environmental professional who is acceptable to the Responsible Authority. The recommendations of this assessment, if any, must be implemented prior to the occupation of the building to the satisfaction of the Responsible Authority.

Should this assessment reveal that an Environmental Audit of the site is necessary then prior to the occupation of the building the applicant must provide either:

- a) A Certificate of Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970*; or
- b) A Statement of Environmental Audit under Section 53Z of the *Environment Protection Act 1970*. This Statement must state that the site is suitable for the intended uses.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement must be complied with to the satisfaction of the Responsible Authority prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the Responsible Authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of required works.

If there are any conditions of a Statement of Environmental Audit that the Responsible Authority considers requires significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement under section 173 of the *Planning and Environment Act 1987*. This Agreement must be executed on title prior to the occupation of the building. The applicant must meet all costs associated with the drafting and execution of the Agreement including those incurred by the Responsible Authority.

Materials and Finishes

8. Prior to commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab, a sample board including a colour rendered and notated plan /elevation that illustrates the location and details of all external materials and finishes must be submitted to and be to the satisfaction of the Responsible Authority and when approved will form part of the endorsed plans. All finishes and surfaces of all external buildings and works, including materials and colours must be in conformity with the approved schedule to the satisfaction of the Responsible Authority.
9. Except with the consent of the Responsible Authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Environmentally Sustainable Design (ESD)

10. The Environmental Sustainable Development (ESD) initiatives noted in the Environmental Sustainable Design Report Statement submitted with the application (dated October 2011) must be implemented prior to the occupation of the development and at no cost to the Responsible Authority.

Noise Attenuation

11. Prior to the occupation of the dwellings, a report from a qualified acoustic engineer, must be submitted to the satisfaction of the Responsible Authority certifying that the development will achieve a maximum noise level of 45dB(A) in habitable rooms with windows closed.

Building appurtenances

12. All projections over the street alignment must conform to the Building Regulations 2006, Part 5, Sections 505 to 514 as appropriate. Reference should be made to the City of Melbourne's Road Encroachment Guidelines with respect to projections impacting on street trees and clearances from face/back of kerb.
13. 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 Responsible Authority.
14. All roof top building plant and equipment including service pipes, must be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the Responsible Authority.
15. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the Responsible Authority, unless otherwise approved to the satisfaction of the Responsible Authority.

Landscaping- Street Trees

16. Any trees in Franklin Street or Elizabeth Street which are shown on the endorsed plans to be removed, relocated or replaced must not be removed, lopped or pruned without the prior consent of the City of Melbourne (Manager Parks and Urban Design). All costs in connection with the removal/ relocation or replacement of the trees, including any payment for the amenity value of the tree(s) to be removed, must be met by the developer/owner of the site.

Street Furniture

17. Any requirement to temporarily relocate and/or remove street furniture must first be approved by the Responsible Authority.
18. Any requirement to temporarily relocate the existing street trading kiosk on the Elizabeth Street footpath adjacent to the site must first be approved by the Responsible Authority, Manager, Street Trading.
19. Any street furniture temporarily relocated and/or removed must be reinstated to the satisfaction of the Responsible Authority, Manager, Street Trading.

Car Parking, Traffic and Access, Loading Bays & Bicycle Facilities

20. Prior to the commencement of the development hereby approved, the applicant must submit to and have approved by the Responsible Authority a Green Travel Plan (GTP). This GTP may include the provision of car share and bicycle share facilities on site and must include details of all public transport services available to the site. This information must be displayed in prominent locations within the building and be updated whenever necessary.
21. Prior to the commencement of the development, excluding demolition, a Car Parking and Traffic Management Report by a suitably qualified and recognised traffic consultant must be submitted and be to the satisfaction of the Responsible Authority in consultation with City of Melbourne. This report must be generally in accordance with the reports prepared by Cardno Grogan Richards.
22. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004 to the satisfaction of the Responsible Authority.

23. The areas for the parking of vehicles must be clearly indicated on the floor and the boundaries of all car parking spaces and access lanes and the direction in which vehicles should proceed along the access lanes must be in conformity with the endorsed plans. The car parking spaces must not be used for any other purpose and all access aisles must be kept clear. Priority should be given to pedestrians on the street over vehicles entering/ exiting the building via the ramp.
24. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
25. All mechanical exhaust systems to the car park hereby approved must be sound attenuated to prevent noise nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
26. The loading and unloading of vehicles and delivery of goods to and from the premises must at all times take place within the boundaries of the site.
27. Bicycle parking must be provided, located and appropriately signed generally in accordance with Clause 52.34 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority.
28. All pedestrian ramps should be fitted with ground surface tactile indicators TGSI's. The design of any TGSI's must first be approved by the Responsible Authority, Manager, Engineering Services.

Department of Transport

29. All reasonable steps to ensure that disruption to tram and bus operations along Elizabeth Street and Franklin Street is kept to a minimum during the construction of the development. Foreseen disruptions to tram and bus operations during construction and mitigation measures must be communicated to YarraTrams and the Director of Public Transport fourteen days (14) prior.
30. All track, tram and overhead infrastructure must not be damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Director of Public Transport at full cost to the permit holder.

Waste Management

31. Prior to the commencement of the development, excluding demolition, bulk excavation, construction or carrying out of works on the land, hereby approved, a Waste Management Plan (WMP) must be prepared and submitted to the City of Melbourne's Engineering Services Branch for approval. The WMP must be prepared with reference to the City of Melbourne's *Guidelines for Preparing a Waste Management Plan*. The waste storage and collection arrangements as shown on the development plans must accord with the approved WMP, and the WMP must be followed at all times unless an amendment is approved by the City of Melbourne's Engineering Services Branch. The WMP must include information regarding the size of vehicles to be used for waste collection, the transport of waste through the site to the loading area and confirmation that the collection of waste will be undertaken from the loading area. The collection and storage of refuse must at all times be to the satisfaction of the City of Melbourne's Engineering Services Branch.
32. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.

Street Levels and Crossovers

33. The Owner of the subject land should construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications first approved by the City of Melbourne (Engineering Services).
34. The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6 metres. Crossings wider than 7.6 metres must include a pedestrian refuge a minimum of 2.0 metres in length at 7.6 metre maximum clear spacings.
35. The Owner of the subject land will not be permitted to alter the existing footpath/road levels in Franklin Street for the purpose of constructing new vehicle or pedestrian entrances without first obtaining the written approval of the City of Melbourne (Engineering Services).
36. Footpaths in Elizabeth Street and Franklin Street must be upgraded and reconstructed in sawn bluestone together with associated works including the renewal and/or relocation of kerb and channel and the relocation of all services puts and covers as necessary at the cost of the Owner/Developer in accordance with the plans and specifications first approved by City of Melbourne (Engineering Services).

Drainage

37. Prior to the occupation of the development, a stormwater drainage system, incorporating water sensitive urban design must be provided, within the development connected to Council's stormwater drainage system in accordance with plans and specifications first approved by the City of Melbourne (Engineering Services).

Melbourne Water (Application reference 195141)

38. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or waterways.
39. The ground floor must be constructed with finished floor levels at least 300mm above the flood level.
40. The car lift must be constructed with all entrance points at least 300mm above the flood level.
41. The ground floor pedestrian lift with access via the retail/commercial lobby must be constructed with all entrance points at least 300mm above the flood level.
42. Prior to the endorsement of plans or the commencement of work amended plans must be submitted to Melbourne Water for approval that address all of Melbourne Water's conditions.
43. Plans must not be amended without the prior written approval of Melbourne Water.

Lighting

44. All public lighting must conform to AS1158, AS3771 and The Public Lighting Code September 2001 to the satisfaction of the City of Melbourne (Engineering Services). All light poles including modifications to existing public street lighting should be first approved by the City of Melbourne (Engineering Services).
45. Any requirement to temporarily relocate street lighting must first be approved by the Responsible Authority.
46. All street lighting temporarily relocated to accommodate the development must be reinstated to the satisfaction of the Responsible Authority.

3D Model

47. Prior to the commencement of the development excluding any site preparation works (or otherwise agreed with the Responsible Authority) a 3D digital model of the development and its immediate surrounds, as appropriate, must be submitted to the Responsible Authority and be to the satisfaction of the Responsible Authority in conformity with the Department of Planning and Community Development Advisory note – 3D Digital Modelling.
48. In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

No Advertising Displayed on Building

49. No advertising signs shall be erected, painted or displayed on the land without the permission of the Responsible Authority unless in accordance with the provisions of the Melbourne Planning Scheme.

Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development is not started within three (3) years of the date of this permit.
- The development is not completed within five (5) years of the date of this permit.

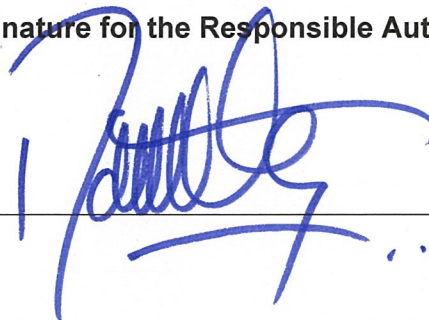
In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date Issued:

1.11.12

Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

Signature for the Responsible Authority:



Notes:

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication *Fibre in new developments; policy update* dated 22 June 2011 (as amended).

IMPORTANT INFORMATION ABOUT THIS NOTICE

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*.)

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.

Sch. 1 *Planning and Environment Regulations 2005*, S.R. No. 33/2005, 35

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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 in the case of a subdivision or consolidation within 5 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 of 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 APPEALS?

- * 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 an Application for Review 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.
- * 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.