

Planning and Environment Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

Permit No.: PA1800480-1

Melbourne Planning Scheme

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

102-108 JEFFCOTT STREET, 355-369 AND 371-383  
SPENCER STREET WEST MELBOURNE VIC 3003

THE PERMIT ALLOWS:

Use of the land for a Residential Hotel, ~~Food and Drinks Premises, and~~ Office (other than Medical Centre), ~~and Shop (other than Adult sex product shop),~~ staged development of a residential hotel tower and alternations and additions to the existing buildings with associated partial demolition and works, operation of licensed premises, a reduction of the car parking requirement and the alteration of access to a road in a Road Zone, Category 1, in accordance with the endorsed plans.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

1. Prior to the commencement of the development, including demolition and bulk excavation, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority generally in accordance with the plans prepared by ~~CHT Architects dated 21 January 2021 (Revision A) relevant to Stage 1, or the plans prepared by Hachem dated 6 June 2021 (relevant to Stages 2 and 3) Hachem dated 6 June 2020 (Rev 3),~~ but amended to show:
  - a) Indicative public tree replacement plots.
  - ~~b) The skybridge over McDougall Lane located entirely within the Certificate of Title for Lot 2 on Plan of Subdivision PS744960S.~~
  - c) Integrated permanent design treatment(s) in accordance with the plan prepared by ~~CHT Architects dated 21 January 2021 (Revision A) Hachem SK119 (Rev 4, dated 9/10/19)~~ to the southern elevation of levels 9 and above (excluding the roof level) of the building at 102-108 Jeffcott Street ("the Jeffcott Street building") to prevent views of the outdoor recreation areas of the Melbourne Assessment Prison.
  - d) The roof top façade of the Jeffcott Street building must be non-transparent to prevent views of the outdoor recreation areas of the Melbourne Assessment Prison.
  - e) Reinstatement of original window openings, as determined by a suitably qualified heritage professional, to the Jeffcott Street retained façade and McDougall Lane retained façade (to a depth of one window bay), of the Jeffcott Street building and

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integration of these openings with the internal layout of the development. The window bays to the Jeffcott Street façade and McDougall Lane façade, immediately at the corner of McDougall Lane and Jeffcott Street, may be altered subject to the retention/reinstatement of a band of original brickwork inclusive of the lower window sill of each first floor window and brickwork beneath. The extent of the retained/reinstated band of original brickwork is to provide a maximum clearance height of 2.5 metres above the Jeffcott Street pavement level.

- f) Retention or reinstatement of the original roof form, as determined by a suitably qualified heritage professional, behind the Jeffcott Street facade of the Jeffcott Street building to the extent practicable and to integrate with the residential hotel tower.
- g) Further exploration of:
  - i. Alternatives to closing off the footpath level (basement level) windows along Jeffcott Street (i.e. by closing off the windows from the inside only and leaving the original openings in the exterior facing wall).
  - ii. The reinstatement of the slate slabs above the internal quadrangle courtyard service stairs of the building at 355-369 Spencer Street, West Melbourne.
  - iii. The retention of a greater proportion of the window openings along the ground level of 355-369 Spencer Street, West Melbourne.
- h) ~~Reconfiguration of the car parking area under the Jeffcott Street building for alternative uses that support the use / development (e.g. motorcycle, bicycle spaces or storage), or a reduction in the number of basement levels, to reduce in the number of on-site car parking spaces to ensure a safe volume of vehicle movements per hour in McDougall Lane, as informed by a Road Safety Audit.~~
- i) Any additional changes as required as a result of the Road Safety Audit.
- j) Any changes as required as a result of the Façade Strategy.
- k) Any changes as required as a result of the Loading Management Plan.
- l) Any changes as required as a result of the revised Wind report.
- m) Any changes as required as a result of the revised Waste Management Plan.

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

- 2. The development and land uses as shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 3. The design treatments required by ~~the Site Security Reports prepared by ARUP conditions 1(c) and (d) of this permit~~ must be maintained at all times to:
  - a. prevent views from levels 9 and above (including the roof top) of the Jeffcott Street building into the outdoor recreation areas of the Melbourne Assessment Prison; and
  - b. prevent the use of any device from levels 9 and above (including the roof top) of the Jeffcott Street building to obtain a view, image or recording of the outdoor recreation areas of the Melbourne Assessment Prison.
- 4. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 5. Prior to the occupation of the development hereby approved, all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

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## Staging

6. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, footings, ground beams and ground slab and temporary structures, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority and Melbourne City Council. This Staging Plan must include, but is not limited to, plans and information detailing any public realm works, proposed temporary treatment and use of vacant land. The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

b) With the exception of condition 6a above, any references to 'development', 'buildings and works', or 'land use' and any requirement for endorsement of documents or plans in this permit is to be read as relating to each stage independently as identified in the endorsed staging plan under condition 6a.

## Heritage Conservation

7. Prior to the commencement of the development, including demolition, a detailed heritage conservation plan must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. The plan must be prepared by a suitably qualified heritage professional and a suitably qualified structural engineer and include detailed recommendations for the protection and integration of the historic buildings across the site, including salvaging and reuse of bluestone pitcher pavers from McDougall Lane to the extent possible, to ensure the heritage integrity of all buildings and McDougall Lane is protected and demonstrate the means by which the heritage buildings and fabric will be supported during demolition and construction works to ensure their retention.

8. Prior to the commencement of the development, including demolition and bulk excavation, ~~a bank guarantee or bond to the value of \$200,000.00 must be deposited with the Responsible Authority to ensure that the Jeffcott Street building, and the 355-369 and 371-383 Spencer Street buildings are not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.~~

a) a bank guarantee or bond to the value of \$70,000.00 must be deposited with the Responsible Authority to ensure that the Jeffcott Street building is not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.

b) a bank guarantee or bond to the value of \$70,000.00 must be deposited with the Responsible Authority to ensure that the 355-369 Spencer Street building is not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.

c) a bank guarantee or bond to the value of \$70,000.00 must be deposited with the Responsible Authority to ensure that the 371-383 Spencer Street building is not demolished, except to complete the development in accordance with the endorsed plans. The bank guarantee or bond will be returned when the development is completed to the satisfaction of the Council.

9. The buildings and works associated with the approved development must be planned and constructed in a manner which prevents damage to the heritage building and fabric to be retained in accordance with the endorsed heritage conservation plan. Where hidden and original or inaccessible details of the buildings are uncovered, works are to cease until the appropriate further record has been made. Where unanticipated original detail is discovered, the Responsible Authority and the Council is also to be notified prior to re-commencement of the works.

10. Prior to the commencement of the development, including demolition and bulk excavation,

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the permit holder must provide evidence to the Responsible Authority that progress has been made toward obtaining the necessary building permits for the development of the land generally in accordance with the development hereby approved, and that the permit holder is actively procuring the construction services for the development, or as otherwise agreed with the Responsible Authority.

## Security Management Plan

11. Prior to the commencement of the development (including demolition and bulk excavation), a detailed Security Management Plan must be submitted to and be approved by the Responsible Authority.

The Security Management Plan must be prepared in consultation with the Department of Justice and Community Safety and must include site management practices to avoid and minimise risks and potential impacts on the operation of the Melbourne Assessment Prison, including:

- a. During construction:

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i. A site induction program, which provides the Department of Justice and Community Safety with a process for obtaining contact information for all relevant personnel who are inducted on-site associated with construction activities. The site induction program must also include appropriate procedures to implement during construction to avoid and minimise risks and potential impacts on the operation of the Melbourne Assessment Prison; and

ii. Use of temporary hoarding and screening at levels 9 and above to prevent views and prevent the use of any device to obtain a view, image or recording of the outdoor recreation areas of the Melbourne Assessment Prison during construction.

b. For use and operation of the Jeffcott Street building:

i. Ensure that access to the roof top level is only available to approved personnel that require access to the roof top for maintenance or operational purposes. The approved personnel must complete a site induction program and follow procedures to avoid and minimise risks and potential impacts on the operation of the Melbourne Assessment Prison;

ii. Ensure that access to the roof top level is only available through a secure door under management supervision;

iii. Maintain a log book to record all access to the roof top, a copy of which must be produced to the Department of Justice and Community Safety upon written request.

### **Construction Management Plan**

12. Prior to the commencement of the development, including demolition and bulk excavation, a detailed construction and demolition management plan (CMP) must be submitted to and be approved by Melbourne City Council – Construction Management Group.

The Construction Management Plan must 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 materials reuse.
- f) traffic management.
- g) protection of street trees.

13. If a Construction Management Plan or Traffic and Loading Management Plan change any of the tree protection methodologies or impacts on public trees in ways not identified in the endorsed Tree Protection Plan (TPP) approved under this permit, a revised TPP must be submitted to and approved by, Melbourne City Council - Urban Forestry and Ecology.

### **External Materials, Colours and Finishes**

14. Prior to the commencement of the development, excluding demolition and bulk excavation, a schedule of all external materials, colours and finishes, including a colour rendered and notated set of elevations, must be submitted to the Responsible Authority.

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When provided to the satisfaction of the Responsible Authority, the schedule of materials will be endorsed by the Responsible Authority to form part of this permit.

- Facade Strategy**
15. Prior to the commencement of the development, excluding demolition and bulk excavation, a facade strategy and material and finishes must be submitted to and approved by the Responsible Authority. All materials, finishes and colours must be in conformity with the approved Facade Strategy to the satisfaction of the Responsible Authority. Unless otherwise approved by the Responsible Authority, the Facade Strategy must be **generally in accordance with the development plans prepared by CHT Architects and dated 22 January 2021 and amended in accordance with Condition 1 of this Permit and must detail: ~~generally in accordance with the development plans prepared by Hachem and dated 29 March 2019 and amended in accordance with condition 1 of this Permit and must detail:~~**
- a) Elevations generally at a scale of 1:50 illustrating typical podium details, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation. The drawings must demonstrate the:
- Finished floor levels and ceiling levels.
  - Further evolution and detail of the facade design of the tower to ensure the delivery of a high quality, textured, modulated form, as viewed from key vantage points in West Melbourne.
  - The design of the canopy to the facade of the Jeffcott Street building, which must be informed by the advice of a suitably qualified heritage professional and wind engineer, to ensure it provides appropriate wind amelioration whilst also achieving a sensitive design response to the heritage building.
  - Detailed design information regarding external materials, colours and finishes, glazing, services, security doors and lighting at the ground level.
  - Details of external painting and conservation works to the retained portions of the heritage buildings including the authenticity of any brickwork on the buildings and any corbelling or pattern that is to be employed. Detail in regard to the retention of the steel framed windows is to be provided.

### Glare

16. 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.

### Reflectivity

17. Light reflectivity from external materials and finishes must not reflect more than 20% of specular visible light, to the satisfaction of the Responsible Authority.

### Land Use - Licensed Premises

18. Prior to the occupation of the development, a licensed premises management plan for the licensed premises hereby permitted must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The licensed premises management plan must:
- Provide 'red line' plans identifying the licensed area for each licensed premises authorised under this permit;
  - Identify the maximum patron capacity, generally in accordance with the population capacity assessment prepared by PLP Building Surveyors & Consultants Pty Ltd, dated 28 March 2019;

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c. Identify the operating hours for all licensed premises authorised under this permit, which are to be limited to ordinary trading hours, being:

7am to 11pm on each day other than Sunday, Good Friday and ANZAC Day;

10am to 11pm on Sunday;

Midday to 11pm on Good Friday and ANZAC Day.

When provided to the satisfaction of the Responsible Authority, the licensed premises management plan will be endorsed to form part of this permit. The licensed premises management plan must not be amended except with the prior written consent of the Responsible Authority.

19. Prior to the occupation of the development, a Patron Management Plan for each of the licensed premises within the development listed below must be provided to the satisfaction of the Responsible Authority in consultation with the Council. Each Patron Management Plan must address the matters required under Clause 22.22 "Policy for Licensed Premises that require a Planning Permit" of the Melbourne Planning Scheme, including detail of the means by which patron noise will be reasonably controlled. When provided to and approved to the satisfaction of the Responsible Authority, the Patron Management Plan must be endorsed to form part of this permit. The Patron Management Plans must not be amended except with the prior written consent of the Responsible Authority.

The licensed premises requiring a patron management plan include:

- a. 355-369 Spencer Street (Sands and McDougall Manufactory):
  - i. Ground level: Wine Bar / Café
  - ii. Level 3: Tavern / Bar associated with Residential Hotel.
- b. 371-383 Spencer Street (Sands and McDougall Warehouse):
  - i. Tavern / Bar.

### Land Use - General

20. The uses hereby permitted must at all times comply with the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1, and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.
21. Except with a further permit, the development / uses hereby permitted must not include:
- a. A live music entertainment venue;
  - b. Amplified music or entertainment, which exceeds background music levels; and
  - c. Any loudspeaker, amplified, relay or other audio equipment installed outside a building.
22. Any music entertainment provided as part of the uses hereby permitted must at all times be limited to background music levels only. For the purpose of this condition 'background music level' has the same meaning as in the *Liquor Control Reform Act 1998*.

### Traffic Engineering

#### Bicycle facilities

23. The design and dimensions of the bicycle parking spaces must generally comply with the relevant Australian Standards or Bicycle Network Guidelines.



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## Car parking layout and access

24. All spaces, ramps, grades, transitions, accessways, height clearances and car lift must be designed in accordance with the Melbourne Planning Scheme and/or AS/NZS 2890.1:2004, to the satisfaction of Melbourne City Council – Engineering Services.

25. Pedestrian sight triangles of 2.0 metres x 2.5 metres must be provided at the exits from the Jeffcott Street building car park, as required by the Melbourne Planning Scheme. Columns should be located between 0.25 metres - 1.25 metres from the open end and  $\leq 1.75$  metres from the closed end of the relevant standard car spaces, as required by the Melbourne Planning Scheme.
26. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly lined marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.

## Road Safety Audit

27. Prior to the commencement of the development, including demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority in consultation with Melbourne City Council – Engineering Services. The Road Safety Audit must address the following matters:
  - a. The extent to which car parking must be reduced in order to achieve a level of vehicle movements per hour (which must not be greater than 30 vehicle movements per hour) generated by the use / development hereby permitted, which will present a safe environment for pedestrians and vehicles accessing McDougall Lane, without presenting the potential for traffic conflicts;
  - b. Vehicular / bicycle / pedestrian access arrangements;
  - c. Loading arrangements;
  - d. Internal circulation / layout;
  - e. The need to ensure vehicles entering the site do not queue in Jeffcott Street or McDougall Lane and obstruct pedestrians / bicycles / traffic;
  - f. How appropriate sightlines/ protection can be achieved for pedestrians / vehicles at the intersection of McDougall Lane and Jeffcott Street, whilst preserving the heritage integrity of the Jeffcott Street building and 355-369 Spencer Street, West Melbourne.

When provided to the satisfaction of Melbourne City Council – Engineering Services, the Road Safety Audit will be endorsed to form part of this permit.

## Traffic and Loading Management Plan (“TLMP”)

28. Prior to the commencement of the development, including demolition and bulk excavation, a comprehensive TLMP must be prepared in consultation with the Department of Justice and Community Safety, to the satisfaction of Melbourne City Council, specifying how the traffic associated with the permitted uses and development including access / egress of loading vehicles is to be managed during construction and operation, ensuring that:
  - a. All vehicle types expected to service the site are capable of being accommodated within the loading area / bays. Compliance with this requirement is to be demonstrated by the submission of appropriate swept path diagrams accompanying the TLMP.
  - b. Loading bays are designed in accordance with relevant Australian and New Zealand Standards or other relevant standards as determined by a suitably qualified traffic engineer.



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- c. The delivery needs of the various components of the uses and development can be accommodated.
- d. Vehicles do not queue on-street.
- e. Vehicles are able to both access / egress the site in a forward direction.
- f. Any potential conflicts between various vehicles (and other road users) are satisfactorily addressed; and
- g. Times for deliveries are limited insofar as possible to minimise potential amenity impacts on nearby sensitive land uses, including the guest rooms within the Residential Hotel use approved under this permit (e.g. by limiting vehicle deliveries to ordinary trading hours).
- h. Vehicles do not:
  - i. stop, park, load or unload at a clearway; or
  - ii. in any way obstruct or inhibit access or egress to or from the Melbourne Assessment Prison.
- i. Access (including for deliveries, prisoner transportation and in emergencies) to the Melbourne Assessment Prison from Jeffcott Street is maintained at all times (24 hours per day).

The TLMP is to be submitted to and approved by Melbourne City Council – Engineering Services. The owner must reimburse the Council for all costs associated with any off-site parking changes that may be required as a result of the development.

## Wind Test Modelling

29. Prior to the commencement of the development of Stage 1, excluding demolition and bulk excavation, an updated Wind Tunnel Test and Wind Analysis Report of the development must be submitted.

The updated report must be generally in accordance with the Wind Study prepared by Vipac Engineers & Scientists dated 22 January 2021, ~~RWDI Anemos Pty Ltd, dated 11 February 2019~~, but must be prepared on the basis of updated plans for consideration under Condition 1 of this permit. The updated Wind Tunnel Test and Wind Analysis Report must set out any recommended design revisions necessary to achieve the comfort criterion identified in the report prepared by ~~Vipec Engineers and Scientists and dated 22 January 2021 RDWI and dated 11 February 2019, and must not rely on existing or proposed vegetation for this purpose.~~

When provided to the satisfaction of the Responsible Authority, the Wind Tunnel Test and Wind Analysis Report submitted in accordance with this condition will be endorsed to form part of this permit.

## Waste Management

30. Prior to the commencement of the development, excluding demolition and bulk excavation, an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Leigh Design and dated 12 January 2021 (relevant to Stage 1) and the WMP prepared by Leigh Design dated 17 December 2018 (relevant to Stages 2 and 3), but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans), Condition 24 (Road Safety Audit) and Condition 25 (Loading Management Plan). The WMP must be in accordance with Melbourne City Council's Guidelines for Preparing a Waste Management Plan to the satisfaction of Melbourne City Council – Engineering Services. When provided to the satisfaction of Melbourne City Council – Engineering Services, the WMP will be endorsed to form part of this permit.

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31. The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). Waste storage and collection arrangements must not be altered without the prior consent of the Melbourne City Council - Engineering Services.

32. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of the Council.

### Environmentally Sustainable Design

33. Prior to the commencement of the development, excluding demolition and bulk excavation, an amended Sustainability Management Plan (SMP), generally in accordance with the Sustainability Management Plan prepared by WSP and dated 28 March 2019 must be submitted to and approved by the Responsible Authority. The amended SMP must be prepared by WSP or a similarly qualified person / company and provide further details on the targets included in the SMP dated 28 March 2019 (including all calculations, modelling reports, specification extracts, architectural drawing excerpts that have been produced to demonstrate compliance with the identified targets). When provided to the satisfaction of the Responsible Authority the amended SMP will be endorsed to form part of this permit.
34. Prior to the occupation of the development, a report from the author of the endorsed SMP, or similarly qualified person or company, outlining how the performance outcomes specified in the amended SMP have been implemented, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP report have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials, that have been produced to demonstrate compliance with the relevant targets included in the endorsed SMP.

### Protection of Public Trees and Public Realm Civil Works (Tree Plots)

#### Tree Protection Plan (TPP)

35. Prior to the commencement of the development, including demolition and any excavation, a Tree Protection Plan (TPP), for any public trees that may be affected by the development, must be provided to the satisfaction of Melbourne City Council - Urban Forestry and Ecology. When provided to the satisfaction of Melbourne City Council – Urban Forestry and Ecology, the TPP will be endorsed to form part of this permit. The TPP must be in accordance with 'AS 4970-2009 – Protection of trees on development sites' and include:
- City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - Reference to the finalised Construction and Traffic Management Plan, including any public protection gantries.
  - Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees
  - From the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
  - Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree. These must be provided for any utility connections or civil engineering works.
  - Full specifications of any pruning required to publicly owned trees.
  - Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.

h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au).

36. All works (including demolition) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed TPP and supervised by a suitably qualified arborist where identified in the report, except with the further written consent of the Council.

37. Following the approval of a TPP, a bank guarantee equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond amount will be calculated by the Council and provided to the applicant / developer / owner of the site. Should any tree be adversely impacted on, the Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

### Public Realm Civil Works (Tree Plots)

38. Prior to the commencement of the development (excluding demolition) Public Realm Civil Works (Tree Plots) Engineering Plans must be provided to the satisfaction of Melbourne City Council – Urban Forestry and Ecology detailing all proposed replacement public tree plots. When provided to the satisfaction of Melbourne City Council – Urban Forestry and Ecology, the Public Realm Civil Works (Tree Plots) Engineering Plans will be endorsed to form part of this permit.

39. Prior to the occupation of the development, the civil works shown on the Public Realm Civil Works (Tree Plots) Engineering Plans must be carried out at no cost to, and completed to the satisfaction of, the Council.

### Potentially Contaminated Land and Remediation

40. Prior to the commencement of the development, excluding demolition and including bulk excavation, the permit holder or owner must carry out a Preliminary Environmental Assessment (PEA) of the site to determine if it is suitable for the intended use(s). This PEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development.

The PEA should include:

- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This should include details of how long the uses occupied the site.
- A review of any previous assessments of the site and surrounding sites including details of the anticipated sources of any contaminated materials.
- Identification of the likelihood of the site being potentially contaminated.

41. Should the PEA reveal that further investigative or remedial work is required to accommodate the intended use(s), then prior to the commencement of the development, (excluding demolition and any works necessary to undertake the assessment) the permit holder or owner must carry out a Comprehensive Environmental Assessment (CEA) of the site to determine if it is suitable for the intended use(s).

This CEA must be carried out by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or a person who is acceptable to the Responsible Authority. This CEA must be submitted to and be approved by the Responsible Authority prior to the commencement of the development. The CEA should include:

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- Details of the nature of the land uses previously occupying the site and the activities associated with these land uses. This includes details of how long the uses occupied the site.
  - A review of any previous assessments of the site and surrounding sites, including details of any on-site or off-site sources of contaminated materials. This includes a review of any previous Environmental Audits of the site and surrounding sites.
  - Intrusive soil sampling in accordance with the requirements of Australian Standard (AS) 44582.1. This includes minimum sampling densities to ensure the condition of the site is accurately characterised.
  - An appraisal of the data obtained following soil sampling in accordance with ecological, health-based and waste disposal guidelines.
  - Recommendations regarding what further investigative and remediation work, if any, may be necessary to ensure the site is suitable for the intended use(s).
  - Recommendations regarding whether, on the basis of the findings of the CEA, it is necessary for an Environmental Audit in accordance with Section 53Y of the *Environment Protection Act 1970* to be performed or a Statement of Environmental Audit in accordance with Section 53Z of the *Environment Protection Act 1970* is required, to ensure the site is suitable for the intended use(s).
42. The recommendations of the CEA must be complied with to the satisfaction of the Responsible Authority 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 development.
- Prior to the occupation of the development, the applicant must submit to the Responsible Authority a letter confirming compliance with any findings, requirements, recommendations and conditions of the CEA.
43. Should the CEA recommend or the Responsible Authority consider that an Environmental Audit of the site is necessary, then prior to the commencement of the development, excluding demolition and any works necessary to undertake the assessment, the permit holder or owner 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 in accordance with Section 53Z of the *Environment Protection Act 1970*. This Statement must confirm that the site is suitable for the intended use(s).

Where a Statement of Environmental Audit is provided, all of the conditions of this Statement must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land, and must be fully satisfied prior to the occupation of the building. Written confirmation of compliance must be provided by a suitably qualified environmental professional who is a member of the Australian Contaminated Land Consultants Association or other person acceptable to the Responsible Authority. In addition, the signing off of the Statement must be in accordance with any requirements regarding the verification of remedial works.

If there are conditions on the Statement that the Responsible Authority consider requires significant ongoing maintenance and / or monitoring, the permit holder or owner must enter into a legal agreement in accordance with Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority. This Agreement must be executed

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on title prior to the occupation of the building. The owner of the site must meet all costs associated with the drafting and execution of this agreement including those incurred by the Responsible Authority.

## Noise Attenuation

44. Noise attenuation measures (including external glazing and doors and any air conditioning or ventilation system) designed by a recognised acoustic consultant must be included in any new, refurbished or converted building or part of a building used for residential use (including residential hotel) to ensure that the maximum noise level does not exceed 45dB in habitable rooms with windows closed when music noise is emitted from the Docklands stadium, to the satisfaction of the Responsible Authority. If the development is within 400 metres of the centre point of the stadium, the building must be fitted with ducted air-conditioning. The recommendations contained in the acoustic report must be implemented, at no cost to the Responsible Authority, prior to the occupation of the residential hotel.

## 3D Digital Model

45. Prior to the occupation of the development, a 3D digital model of the approved development must be submitted to, and must be to the satisfaction of, Melbourne City Council. The model should be prepared having regard to Advisory Note – 3D Digital Modelling Melbourne City Council. Digital models provided to the Council may be shared with other government organisations for planning purposes. The Council may also derive a representation of the model which is suitable for viewing and use within its own 3D modelling environment. 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 Council.
46. Before the development starts, excluding demolition, bulk excavation and site preparation works, or as 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 Environment, Land, Water and Planning Advisory Note 3D Digital Modelling.

## Building Appurtenances and Services

47. All building plant and equipment on the roofs, balcony areas and common areas 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.
48. 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.
49. All service pipes, apart from roof down pipes and those already on the existing heritage buildings, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.

## Melbourne City Council lane

50. The title boundaries for the property may not exactly agree with the road alignments of the abutting Melbourne City Council lane(s). The approved works must not result in structures that encroach onto any Council lane.

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Drainage  
51.

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

52. Prior to the commencement of the development, excluding demolition and bulk excavation, a stormwater drainage system, incorporating best practice integrated water management design principles to the satisfaction of Melbourne City Council – Engineering Services, must be submitted to and approved by Melbourne City Council – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Council’s underground stormwater drainage system.

### **Demolish and Construct Access**

53. 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 Melbourne City Council – Engineering Services.
54. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Melbourne City Council - Engineering Services.

### **Reconstruction of Roads and Footpaths**

55. The road adjoining the site along McDougall Lane must be reconstructed together with associated works including the modification of services as necessary at the cost of the owner / developer, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
56. The footpath(s) adjoining the site along Spencer Street and Jeffcott Street must be reconstructed together with associated works including the renewal/reconstruction of kerb and channel and modification of services as necessary at the cost of the owner / developer, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.
57. Existing street levels in Spencer Street, Jeffcott Street and McDougall Lane must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from Melbourne City Council – Engineering Services.

### **Street Lighting**

58. 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 Melbourne City Council – Engineering Services.

### **Street Furniture**

59. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council – Engineering Services.
60. All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on Spencer Street and Jeffcott Street footpaths outside the proposed building to plans and specifications first approved by Melbourne City Council – Engineering Services.



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**Pedestrian Ramps**

61. All pedestrian ramps must be designed and constructed in accordance with AS 1428:2009 Design for Access and Mobility and should be fitted with ground surface tactile indicators (TGSIs). Details of the TGSIs must be submitted to and approved by City of Melbourne – Engineering Services prior to their installation.

**Public Lighting**

62. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Melbourne City Council, a lighting plan must be prepared to the satisfaction of the Council. The lighting plan should be generally consistent with the Council’s Lighting Strategy. The lighting works must be undertaken prior to the occupation of the development, in accordance with plans and specifications first approved by Melbourne City Council – Engineering Services.

**Transport for Victoria**

63. The permit holder must take all reasonable steps to ensure that disruption to bus operations along Spencer Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing [customerservice@ptv.vic.gov.au](mailto:customerservice@ptv.vic.gov.au).

**Permit Expiry**

64. This permit will expire if one of the following circumstances applies:  
a) The development is not started within three years of the date of this permit.  
b) The development is not completed within five years of the date of this permit.  
c) The use has not commenced within two years off the completion of the development.  
d) The use is discontinued for a period of two years.  
The Responsible Authority may extend the permit if a re quest 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.

**Date Issued: 16 October 2019**

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**

*A Wood*

**This permit has been issued in accordance with the Victorian Civil and Administrative Tribunal (VCAT) Order P1269/2019 dated 9 October 2019.**

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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
28 August 2020	<ul style="list-style-type: none"><li>Update to the plans referenced under condition 1.</li></ul>	Department of Environment, Land, Water and Planning

**Notes:**

**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.

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit \*at the direction of the Victorian Civil and Administrative Tribunal. (Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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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 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 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 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.

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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.