

## PLANNING PERMIT

<b>Permit No.:</b>	PA2402798
<b>Planning scheme:</b>	Merri-bek Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	511-537 Sydney Road, Coburg (Lot 1 on Title Plan 409652N and Land in Plan of Consolidation 364199E)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
Clause 37.08 Schedule 1	Use of the land for a dwelling with a frontage at ground floor exceeding 2m Construct a building or construct or carry out works
Clause 45.01-1	Use of the land for any use in Section 1 or Section 2 in the zone Construct a building or construct or carry out works
Clause 52.02	To remove an easement
Clause 52.06-3	Reduce to the car parking requirement
Clause 52.29-2	To create access to a road in a Transport Zone 2 and land in a Public Acquisition Overlay

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

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

#### Commencement

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

Date issued: 22 July 2024

Signature for the responsible authority:



**Approved and endorsed plans – changes required**

3. Before the development commences, excluding demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority, in consultation with Merri-bek City Council. 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 JCB Architects dated 28 February 2024, but amended to show the following details:
- a) A reduction in the extent of overshadowing to the secluded private open space of 2 Lobb Street measured at 10am on 22 September through revisions to the massing of the northern breezeway building (including reorientation of the external stair and increased setback for Level 8 of the southern element of the northern breezeway building (Dwelling A.08.14), or as otherwise agreed by the responsible authority).
  - b) The development's interface to Ross Street softened through revisions to the north and south breezeway stairs, refinement of the landscape response, introduction of recesses / breaks to the podium, or through any other measures as agreed by the responsible authority.
  - c) Greater articulation to the southern boundary wall, including but not limited to changes that introduce a finer-grained rhythm of embossed patterning, variation in concrete colouring, variations in materials or through any other measure as agreed by the responsible authority.
  - d) Reduction in length of the colonnade to the east-west link including removal of columns adjacent to the loading dock / drop off zone to improve pedestrian movement and increase opportunities for landscaping.
  - e) The material and finishes schedule to show variations in the colour of pre-cast panels, to achieve a response similar to the reference image on Page 41 of the Urban Context Report.
  - f) A detailed East-West Green Link plan, that includes all the land north of the building (including the Assemble Garden and vehicle accessway) in consultation with Merri-bek City Council, including but not limited to:
    - i. Amended materials to the northern vehicle accessway to better encourage the shared use of this space by pedestrians and cyclists;
    - ii. The vehicle accessway and loading area reduced as much as practicable;
    - iii. An amended landscaping response that maximises tree planting and should ideally achieve an avenue of trees on the north and south side of the accessway from Sydney Road to Ross Street, to enhance the visual connection of this space as a publicly accessible pedestrian link.
  - g) Dimension each bicycle parking device in horizontal bike spaces as 1,800mm long and the vertical bicycle spaces as 1,200mm long, with every space accessed from a 1,500mm wide access aisle (or 2,000mm wide for double stacked bicycles) as required by the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).



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- h) Dimension each bicycle parking space (BPD) 500mm wide unless the responsible authority accepts the proposed bicycle parking devices meet the three 'Dynamic BPD' conditions in Clause 3.3 of the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3).
- i) Amended ground-floor plan to include prominent Notes as follows:
  - i. Label the Sydney Road public footpath with a prominent Note stating "Reinstate public asphalt footpath with a crossfall slope of 1 in 33 from top of roadside kerb to property boundary"; and
  - ii. Label the Ross Street public footpath with a prominent Note stating "Reinstate public concrete footpath with a crossfall slope of 1 in 40 from top of roadside kerb to property boundary"; and
  - iii. Label each pedestrian entrance and garage with a prominent Note stating, "Floor to be ramped down to match the level of the public footpath that will be reinstated at 1 in 33 from top of roadside kerb".
- j) Extent of glazing increased to 'bridge' bedrooms as per memorandum prepared by Hip V. Hype dated 08/05/2024.
- k) An amended Landscape Plan as required by Condition 5 of this permit, including any modifications required to align with this plan.
- l) The Environmentally Sustainable Design initiatives that are required to be shown on plans, as contained within Condition 8 of this permit.
- m) An amended Waste Management Plan as required by Condition 12 of this permit, including any modifications required to align with this plan.
- n) An amended Acoustic Report as required by Condition 15 of this permit, including any modifications required to align with this plan.
- o) An amended Wind Impact Statement as required by Condition 18 of this permit, including any modifications required to align with this plan.
- p) A Public Works Plan and detailed East-West Green Link Plan as required by Condition 28 of this permit, including any modifications required to align with this plan.
- q) A Facade Strategy as required by Condition 30 of this permit, including any modifications required to align with this plan.

**Layout not altered**

- 4. The use and development as shown on the endorsed plans must not be altered (unless the Merri-bek Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

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### Landscape Plan

5. Before the development starts, excluding demolition, bulk excavation and site preparation works, a landscape plan must be approved and endorsed by the responsible authority, in consultation with Merri-bek City Council. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plan prepared by Mala and dated 29 February 2024 and must include the following:
- Reflect the development hereby approved, including changes necessitated by the requirements of Condition 3 to this permit.
  - Further detail on planter boxes and planter mounds at Level 3, including information relating to any structural engineering requirements that may be required to support the soil volumes. Unless otherwise agreed by the responsible authority, planter beds are to be a minimum of 800mm deep and provided with sides, with mounding to occur on top of this if required.
  - The *Eucalyptus torquata* tree replaced with a tree species that is more suited to the local climate.
  - A maintenance and planting schedule for the replacement of dead, diseased, or damaged plants which anticipates the future low-light context of the area of the Level 3 courtyard and nominates alternative planting in the event the original planting is no longer suitable.
  - Maintenance schedule and plan for the satisfactory upkeep and management of the publicly-accessible 'Assemble Garden' open space.

When submitted and approved to the satisfaction of the responsible authority, the Landscape Plan will be endorsed to form part of this permit.

6. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, which ever comes first, all landscaping works, including installation of automatic irrigation and lighting must be completed in accordance with the endorsed landscape plan to the satisfaction of the responsible authority in consultation with Merri-bek City Council.
7. All landscaping and irrigation systems must be maintained to the satisfaction of the responsible authority in consultation with Merri-bek City Council in accordance with the endorsed landscape plans and/or the maintenance schedule, as applicable. Any dead, diseased, or damaged plants must be replaced with a suitable species to the satisfaction of the responsible authority.

### Environmentally Sustainable Design

8. Concurrent with endorsement of plans, an amended SMP must be submitted to and approved to the satisfaction by the responsible authority. Plan must demonstrate a best practice standard of environmentally sustainable design and be generally in accordance with the SMP drafted by HIP V. HYPE dated 29 February 2024, but modified to include the following changes:
- Provide further detail on proposed fire system test water re-use.
  - Provide a copy of the preliminary NCC Section J facade calculator.
  - Provide an updated daylight model, including:

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- i. An accurate, representative image of the development as modelled in the 3D software.
    - ii. Adjacent buildings modelled per their likely developed form based on current zoning.
    - iii. Material reflectance values outlined in accordance with the proposed design.
  - d) Provide a revised WSUD strategy that:
    - i. Is integrated with the overall development plan including the street and public open space networks and landscape design to meet best practice stormwater targets.
    - ii. Provides a stormwater assessment using BESS/Green star, STORM/MUSIC or other methods.
9. Where alternative ESD initiatives are proposed to those specified in condition 8, the responsible authority may vary the requirements of this condition at its discretion, subject to the development achieving equivalent (or greater) ESD outcomes in association with the development.
10. When submitted and approved to the satisfaction of the responsible authority, the amended Sustainability Management Plan and associated notated plans will be endorsed to form part of this permit.
11. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report, from the author of the endorsed report or similarly qualified person or company, must be submitted to and approved by the responsible authority in consultation with Merri-bek 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 the responsible authority.

### Waste Management

12. Concurrent with endorsement of plans, an amended Waste Management Plan (WMP) must be submitted to the satisfaction of the responsible authority. The amended WMP must be generally in accordance with the WMP prepared by Traffix Group and dated March 2024 but modified to:
  - a) Reflect the development hereby approved and the changes required by Condition 3 of this permit;
  - b) Provide a Food and Organics collection for the volumes that exceed the capacity of the in-house composter.
  - c) Cover the requirement of Condition 14.

When submitted and approved to the satisfaction of the responsible authority, the WMP will be endorsed to form part of this permit. No alterations to the WMP may occur without the written consent of the responsible authority.

13. The Waste Management Plan approved under this permit must be implemented and complied with at all times to the satisfaction of the responsible authority unless with the further written approval of the responsible authority.

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14. The land owner or owners corporation must provide a glass recycling bin adjacent to each garbage and recycling chute on each level of the building and ensure these bins are emptied in time for every waste collection.

**Noise Attenuation**

15. Concurrent with endorsement of plans, an amended Acoustic Report must be submitted to the satisfaction of the responsible authority. The report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic dated 29 February 2024, and must:
- a) Reflect the development hereby approved and the changes required by Condition 3 of this permit.

When submitted and approved to the satisfaction of the responsible authority, the Acoustic Report will be endorsed to form part of this permit. No alterations to the Acoustic Report may occur without the written consent of the responsible authority.

16. The building must be constructed and thereafter maintained in accordance with the recommendations contained within the approved Acoustic Report to the satisfaction of the responsible authority, unless with the further written approval of the responsible authority.
17. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, a report from the author of the Acoustic Report approved pursuant to this permit or similarly qualified person or company must be submitted to the responsible authority and Merri-bek City Council. The report must be to the satisfaction of the responsible authority and must confirm that all measures specified in the Acoustic Report have been implemented in accordance with the approved Acoustic Report.

**Wind Impact Statement**

18. Concurrent with endorsement of plans, an amended Wind Impact Statement must be submitted to the satisfaction of the responsible authority. The report must be generally in accordance with the Wind Impact Statement prepared by VIPAC dated 29 February 2024, and must:
- a) Reflect the development hereby approved and the changes required by Condition 3 of this permit; and
  - b) Set out results of the scaled wind tunnel study required by the Wind Impact Statement, including any recommendations to changes in built form that arise from this study.

When submitted and approved to the satisfaction of the responsible authority, the Wind Impact Statement will be endorsed to form part of this permit. No alterations to the Environmental Wind Assessment may occur without the written consent of the responsible authority.

19. The Wind Impact Statement approved under this permit must be implemented and complied with at all times to the satisfaction of the responsible authority unless with the further written approval of the responsible authority.

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**Wayfinding strategy,**

20. Prior to the commencement of the use, a wayfinding strategy report for all modes of access to the development must be provided to the satisfaction of the responsible authority.

**Environmental Audit**

21. Before the development starts (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the responsible authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority.
22. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the responsible authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the responsible authority. The EAS must either:
- a) State the site is suitable for the use and development allowed by this permit; or
  - b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.
23. All the recommendations of the EAS 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. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
24. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the responsible authority and Merri-bek City Council to the effect that all conditions of the EAS issued in respect of the land will be complied with.
25. Prior to any remediation works (if required) being undertaken in association with the environmental audit, a 'remediation works' plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must detail all excavation works as well as any proposed structures such as retaining walls required to facilitate the remediation works. Only those works detailed in the approved remediation works plan are permitted to be carried out prior to the issue of an environmental audit statement.





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26. Prior to commencement of the use, the issue of an Occupancy Permit under the *Building Act 1993* or the issue of a Statement of Compliance under the *Subdivision Act 1988* (whichever occurs first), written confirmation of compliance with all the recommendations of the environmental audit statement must be provided by an environmental auditor appointed under the *Environment Protection Act 2017*, including confirming that any requirements in the environmental audit statement recommendations regarding verification of works have been complied with. All the recommendations of the environmental audit statement must be complied with to the satisfaction of the responsible authority in consultation with Merri-bek City Council.
27. Where a preliminary risk screen assessment has satisfied Condition 21 and 22 (that an environmental audit is not required), the development and use must not deviate from the assumptions or limitations contained in the preliminary risk screen assessment, including but not limited to the layout and design of the development and use of the land without the written consent of the Responsible Authority. The development and use must accord with any requirements and recommendations of the preliminary risk screen assessment to the satisfaction of the responsible authority.

### Public Works Plan

28. Concurrent with endorsement of plans, a Public Works Plan (PWP) and associated construction drawing specifications detailing public works at the northern, eastern and western interfaces of the property must be submitted to the satisfaction of the responsible authority in consultation with Merri-bek City Council. The PWP must include:
- a) Any proposed buildings and works to the council-owned right-of-way at No. 539 Sydney Road, in consultation with and to the satisfaction of the responsible authority.
  - b) All construction details in accordance with the *Merri-bek City Council Technical Notes July 2019* (or any updated version).
  - c) A detailed level and feature survey of the footpaths and roads.
  - d) Longitudinal plans of the road verge commencing 10 metres beyond the site boundary, together with cross-sections between the kerb and the building line at 5 metre intervals, with levels showing the slope of the public footpath and highlighting how the level difference between footpath and floor levels will be made up within the site to the satisfaction of the responsible authority.
  - e) The upgrade of the Ross Street footpath adjacent to the site's western boundary. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 40 (2.5 per cent).
  - f) The upgrade of the Sydney Road footpath adjacent to the site's eastern boundary. Public footpaths are to be reinstated to the previous levels with a maximum cross fall slope of 1 in 33 (2.5 per cent).
  - g) The vehicle crossing to have a slope of 1 in 40 over a 1 metre width along the public footpath.
  - h) Any necessary parking signs.
  - i) Any necessary drainage works.
  - j) The installation of bike hoops, provided with graffiti-resistant surfaces.

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- k) The provision of new street tree planting in Sydney Road and Ross Street in appropriate locations in front of the site (where practicable), with the number of trees maximised based on the space available.
- l) The undergrounding of powerlines and power poles adjacent to the site's Sydney Road frontage (where practicable), to the satisfaction of the relevant authorities.
- m) Any new street lighting is to be supported by a Lighting Plan with LUX levels tested against CPTED principles.

When submitted and approved to the satisfaction of the responsible authority in consultation with Merri-bek City Council, the Public Works Plan will be endorsed to form part of the permit. No alterations to the Public Works Plan may occur without the written consent of the responsible authority.

29. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever comes first), all public works shown on the endorsed public works plan must be implemented to the satisfaction of the responsible authority in consultation with Merri-bek City Council at the expense of the owner of the land, unless otherwise agreed with prior written consent of the responsible authority.

### **Facade Strategy and Materials & Finishes Schedule**

30. Concurrent with endorsement of plans, a Facade Strategy and Materials and Finishes Schedule must be submitted to and approved by the responsible authority in consultation with Merri-bek City Council. The Facade Strategy must be generally in accordance with the decision plans referred to in Condition 3 and must include:
- a) Detailed elevation plans generally at a scale of 1:50 (or as otherwise agreed by the responsible authority) illustrating:
    - i. The lower levels relating to public realm interfaces (ie. the Sydney Road and Ross Street podiums, and the lower two levels of the north elevation), doors, openings, activation, services and external finishes & treatments. Any services on the facade must be appropriately concealed and/or treated to integrate with the building architecture, to the satisfaction of the responsible authority.
    - ii. Examples of balcony niches, entries and doors, and utilities, typical tower detail, and any special features which are important to the building's presentation.
    - iii. Any subsequent modifications to plant screening and plant enclosure as a result of the facade update.
  - b) Information about how the facade will be accessed, maintained and cleaned, including the maintenance of any planting (if proposed).
  - c) A detailed schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, durable and fit for purpose.

31. When approved, the endorsed Facade Strategy will form part of the permit. All materials, finishes and colours employed on external elevations of the development must be in

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accordance with the approved Facade Strategy, to the satisfaction of the responsible authority. The endorsed Facade Strategy must not be altered without the prior written consent of the responsible authority.

### **Easement to be removed**

32. Prior to the commencement of development hereby approved (or as otherwise agreed by the responsible authority), the easement in favour of MMBW (shown as E-1 on the Land in Plan of Consolidation PC364199E) must be removed and registered at the office of Land Use Victoria.

### **Civil Engineering**

33. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, each bicycle storage room must have self-closing and self-locking doors or gates that are only accessible using keys, codes or swipe cards in accordance with the Australian Standard for Bicycle Parking (AS2890.3).
34. Lighting on each balcony must be designed not to unreasonably impact nearby properties through light emissions, to the satisfaction of the responsible authority.
35. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance, whichever comes first, all telecommunications and power connections (whereby means of a cable) and associated infrastructure to the land must be underground to the satisfaction of the responsible authority.
36. The substation must be incorporated within the building (i.e. not free standing or pole mounted in the street) to ensure minimal impact on the visual amenity of the public realm, to the satisfaction of the responsible authority.
37. Prior to commencement of the development hereby approved, a Construction Management Plan must be submitted to, and approved by Merri-bek City Council under council's General Local Law.
38. All stormwater from the land, where it is not collected in rainwater tanks for re-use, must be collected by an underground pipe drain approved by and to the satisfaction of the Merri-bek City Council (Note: Please contact Merri-bek City Council, City Infrastructure Department).

### **Car Share**

39. A minimum of four car parking spaces within the car park are to be reserved for a car-share operation (Car Share Spaces), for use by residents. The car-share operation is to be managed by the owner or a commercial provider, pending demand.

### **3D Model**

40. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works (or as otherwise agreed with the responsible authority), a 3D digital

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model of the approved development which is compatible for use on the council's Virtual Merri-bek tools and software for the council and community must be submitted to the satisfaction of the Merri-bek City Council. The model should be prepared in accordance with Merri-bek City Council's 3D model submission guidelines. A copy of the 3D model submission guidelines and further information on the Virtual Merri-bek Project can be found at <https://www.merri-bek.vic.gov.au/building-and-business/planning-and-building/planning/virtual-merri-bek/#autoAnchor1>. In the event that substantial modifications to the building envelope are approved under an amendment to this planning permit, a revised 3D digital model must be submitted to, and be to the satisfaction of Merri-bek City Council.

41. 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 must be approved by the responsible authority. The 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Transport and Planning.

#### **Affordable Housing Management Plan**

42. Concurrent with endorsement of plans, an Affordable Housing Management Plan must be submitted to and approved by the responsible authority in consultation with Merri-bek City Council. The plan must:
- a) Require 60 percent of the dwellings to be in the form of the Assemble Futures alternative housing model, or some other affordable housing that is to the satisfaction of the responsible authority.
  - b) Collect demographic information, including age, sex and occupations of each household living in an affordable housing dwelling and use this information to inform and evaluate affordable housing and key worker policy objectives.
  - c) Provide for annual reporting to the responsible authority and Merri-bek City Council for the relevant 60 percent of dwellings for five consecutive years from the one year anniversary of issuing of the Statement of Compliance or Certificate of Occupancy, whichever occurs first. This reporting should be reviewed and verified by a suitably qualified entity as agreed.
  - d) Detail the parameters of rental rate and purchase price (including any associated annual increases in either) for the relevant 60 percent of dwellings during a 5-year lease and purchase arrangement, to be agreed between the prospective tenant/owner and the owner of the land at the point of sale, including:
    - i. Ensuring the annual cost of the rent, until the point of sale, does not exceed 30 per cent of the gross household income for moderate income households at time of occupation.
    - ii. Ensuring the cost of future mortgage repayments (principal and interest) does not exceed 35 per cent of the gross household income for moderate income households at the time of sale.



When submitted and approved to the satisfaction of the responsible authority, the Affordable Housing Management Plan will be endorsed to form part of the permit. No alterations to the Affordable Housing Management Plan may occur without the written consent of the responsible authority.

### **Section 173 Agreement – Affordable Housing**

43. Prior to issue of a certificate of occupancy for the development, the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with Merri-bek City Council and the Minister for Planning pursuant to Section 173 of the *Planning and Environment Act 1987* (the Agreement) to:
- a) At least 60 percent of the dwellings must comply with the meaning of 'affordable housing' at Section 3AA of the *Planning and Environment 1987* and must be affordable to households with at least a 'moderate income range', consistent with Section 3AB of the *Planning and Environment Act 1987*;
  - b) 60 percent of the dwellings on site must be delivered, managed, leased and sold in accordance with the approved Affordable Housing Management Plan required by Condition 42 of the permit.
  - c) This restriction, as it applies to each individual dwelling, will expire at the first sale of each individual dwelling.
  - d) The agreement must be in a form to the satisfaction of the Minister for Planning and the Merri-bek City Council. The owner of the land must pay all of the Minister for Planning's and the Merri-bek City Council's reasonable legal costs and expenses of this agreement concerning the preparation, execution, and registration on title.

### **Section 173 Agreement – Public Access**

44. Prior to the commencement of the development, excluding demolition, bulk excavation and site preparation works (or as otherwise agreed with the responsible authority) the owner of the property must:
- a) Lodge with Merri-bek City Council a request to amend, pursuant to section 178 of the *Planning and Environment Act 1987* (the Act), the Section 173 Agreement registered on title (AM223891Q) to reference the updated 'Endorsed Detailed East-West Green Link Plan' in place of the existing 'Northern Accessway' plan found at 'Annexure A', with a copy of the endorsed plan provided as an attachment.
  - b) Do all things necessary to enable the Merri-bek City Council to register the amended agreement with the Registrar of Titles in accordance with section 181 of the Act; and
  - c) Pay to the Merri-bek City Council costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the amended agreement on the certificate of title to the land.



### Retention of Architects

45. Unless with the prior written approval of the responsible authority, JCB Architects must provide lead architectural oversight of the delivery of the detailed design (as shown in the endorsed plans and endorsed schedule of materials and finishes) during construction.

### Head, Transport for Victoria Conditions

46. Unless otherwise approved in writing from the Head, Transport for Victoria, prior to commencement of the development amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the concept plans Traffic Group Sydney Road Urquhart Street Function Layout Plan Drawing G32748-02-01 dated 21st February 2024 submitted but modified to show:
- a) all features such as pavement, kerb/shoulders, line marking, power poles, trees, and other road furniture within 50 metres of additional access point.
  - b) details of how the shared cycle path along the property frontage will be managed / retained in the public realm works.
  - c) no right turn lane into the site from the north approach (through lane only)
  - d) allow for pedestrian space in the public acquisition overlay and limit any infrastructure that may need to be relocated if the public acquisition overlay is acquired.
  - e) no building structures or foundations within the public acquisition overlay for the principle building approved.
  - f) retention of the existing bus stop along the site frontage and all associated infrastructure.
47. Prior to the occupation of the development all works outlined on the approved Function Layout Plan must be completed to the satisfaction of the Head, Transport for Victoria at the full cost to the permit holder.
48. Prior to the commencement of the development a statement must be provided by a licensed land surveyor that the development is clear of the public acquisition overlay land to the satisfaction of the Head, Transport for Victoria.
49. Any approved structures which encroach into the public acquisition overlay must not be permanent and integral to the building structure and must be constructed with materials that are easily removed and would not have a negative impact on the balance of the development following removal.
50. All disused or redundant crossings along Sydney Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.



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51. The permit holder must avoid disruption to bus and tram operation along Sydney Road during the construction of the development. Any planned disruptions to bus and tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria a minimum of 8 weeks prior. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
52. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.

**Permit Expiry**

53. This permit will expire if one of the following circumstances applies:
- a) the development is not commenced within three (3) years from the date of issue of this permit.
  - b) the development is not completed within five (5) years from the date of issue of this permit.
  - c) the use is not commenced within five (5) years from the date of issue of this permit.
  - d) the Removal of Easement is not certified under the *Subdivision Act 1988* within two (2) years of the issued date of this permit.
  - e) the Certified Plan of Removal of Easement is not registered within five (5) years from the date of the Certification of the Plan.

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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**USEFUL INFORMATION:**

- The permitted use or development may need to comply with, or obtain the following further approvals:
  - A building permit under the *Building Act 1993*.
- **Merri-bek City Council Note 1**  
Should Merri-bek City Council impose new or further car parking restrictions in the street or surrounding streets, the owners and/or occupiers of the land would generally not be eligible for residential or visitor parking permits to allow for on street parking. See Council's website for more information.
- **Merri-bek City Council Note 2 - Environmental Audit Notes**
  - i. A copy of the Environmental Audit Statement, including the Environmental Audit Report, must be submitted to the responsible authority within 5 business days of issue, as set out in s 210 of the Environment Protection Act 2017.
  - ii. The person in management or control of the site must also provide a copy of any statement to any person who proposes to become the person in management or control of the site, such as a potential occupier or potential purchaser.
  - iii. The land owner and all its successors in title or transferees must, upon release for private sale of any part of the land, include in the Vendor's Statement pursuant to Section 32 of the Sale of Land Act 1962, a copy of the Environmental Statement including a copy of any cover letter.
- **Merri-bek City Council Note 3**  
As per Merri-bek City Council's General Local Law 2018, it is noted:
  - 10.1 A person must not commence to carry out building works (other than minor building works) unless he or she gives at least 48 hours written notice to the Council of his or her intention to do so.
  - 10.2 A notice under clause 10.1 must be in the form prescribed by the Council and if requested, include a Construction Management Plan which must be approved by the Council prior to commencement of building works.
- **Merri-bek City Council Note 4**  
Council allocates new street addressing to the street that the frontage/main access faces. Should a development abut a suburb boundary, the street addressing will reflect the suburb of that street. In some instances a suburb boundary realignment may be required, should the land be at the suburb boundary.
- **Merri-bek City Council Note 5**  
Council's Engineering Services Unit charges plan checking fees on laneway and drainage construction plans.
- **Head, Transport for Victoria Note**  
The proposed development requires construction of new crossover to Syndey Road. Separate approval under the Road Management Act 2004 for this activity is required from the Head, Transport for Victoria. Please contact the Department of Transport prior to commencing any works.

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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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**.)

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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 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.

Date issued: 22 July 2024

Signature for the responsible authority:

