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## PLANNING PERMIT

<b>Permit No.:</b>	PA2503781
<b>Planning scheme:</b>	Yarra Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	28 - 30 Stephenson Street, Cremorne (Land in Plan of Consolidation PC379409M)

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
34.02-4	Construct a building or construct or carry out works
34.02-1	Use land for a Waste to energy facility, restricted recreation facility and Food and drink premises in excess of 100sqm
43.02.2	Construct a building or construct or carry out works
52.34-10	Reduce the number of visitor bicycle parking spaces.

### 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

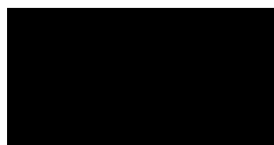
2. This permit will operate from the issued date of this permit.

#### Approved and Endorsed Plans – changes required

3. Before the use and development commences (excluding any demolition bulk excavation or piling), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Hassell, Plan no. TP001- TP0059 Rev A and dated 26 June 2025 but modified to show:

- a) Notations on floor plans to replace:

Date of issue: 20 March 2026 Signature for the responsible authority:



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- i. "Workplace" with "office";
  - ii. "Food and beverages" with "food and drink premises" and
  - iii. "Retail wellness/ indoor recreation" with "restricted recreation facility";
- b) Roof plan and openable louvres on the roof top level.
  - c) The building entry portal and associated doors modified to be located fully (including when opening) within title boundaries, except for elements that has a minimum vertical clearance of 2.7 metres above the footpath.
  - d) Removal of portal windows from the southern boundary wall and provide alternative visual interest to this wall;
  - e) Layout of the solar panel array on the roof plan;
  - f) Width and depth of the loading/waste collection area;
  - g) A vehicle clearance cross check demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - h) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
    - i. One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space
    - ii. A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand;
  - i) Provision of bollards at the stairwell and elevator entrances at Basement Level 01;
  - j) Details of on-street bicycle parking corrals, including locations and dimensions of all kerb ramps and bicycle racks, to the satisfaction of the Responsible Authority;
  - k) A minimum of 20% of employee bicycle parking spaces to be accessible to an electric bicycle charging point;
  - l) Provision of employee bicycle parking spaces for cargo bicycles trailers to the satisfaction of the Responsible Authority;
  - m) The provision of all bicycle spaces for employees to be provided in a secure location to the satisfaction of the Responsible Authority;
  - n) Any changes required to be consistent with the endorsed Façade Strategy.
  - o) Any changes required to be consistent with the endorsed Landscape Plan.
  - p) Any changes required to be consistent with the endorsed Waste Management Plan.
  - q) Any changes required to be consistent with the endorsed Sustainability Management Plan.
  - r) Any changes required to be consistent with the endorsed Acoustic Report.
  - s) Any changes required to be consistent with the endorsed Wind Assessment Report.

**Layout not altered**



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4. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

**Architects to be retained**

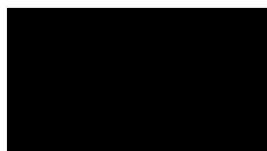
5. Except with the written consent of the responsible authority, Hassell or an architectural firm to the satisfaction of the Responsible Authority as part of the ongoing progress and development of the site must be engaged to:
- Oversee design and construction of the development; and
  - Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

**Façade Strategy and Materials and Finishes Plan**

6. Concurrent with the endorsement of development plans under Condition 3 and before the development starts (excluding any demolition, bulk excavation or piling), a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model;
  - Elevations at a scale of 1:20 or 1:50 illustrating typical street wall and upper level details, entries and doors;
  - Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - Details of the ground floor frontage;
  - Details of all services proposed along Stephenson and Gwynne Streets to be integrated into the overall design of the building;
  - Information about how the façade will be maintained;
  - A sample board and coloured renders outlining colours, materials and finishes including the glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface; and
  - Information about how the façade (including the terracotta pipe façade system) and vegetation will be maintained.

**Amended Sustainable Management Plan (SMP)**

7. Concurrent with the endorsement of development plans under Condition 3, or by such later date as approved in writing by the Responsible Authority and before the development starts (excluding any demolition, bulk excavation or piling), an amended SMP must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by Finding Infinity and dated 7 August 2025 but modified to show or detail the following:



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- a) Reference to the amended plans referred to in condition 3;
  - b) Removal of the passive house innovation credit;
  - c) Registration of the project with the Green Building Council of Australia for a minimum 5 Star Green Star Buildings rating. Provide a letter of registration and project number.
  - d) Evidence of a commitment with NABERS for a NABERS Commitment Agreement for 5.5 star NABERS energy.
8. Within six (6) months of the occupation of the development, or by such later date as approved in writing by the Responsible Authority, a report from the author of the SMP or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all provisions, recommendations and requirements specified in the endorsed Sustainable Management Plan have been implemented. This shall include:
- a) The submission of evidence that the Greenstar Buildings As Built 5 Star or higher certification has been achieved; and
  - b) The submission of evidence that the 5.5 star NABERS energy rating has been achieved.

**Amended Waste Management Plan (WMP)**

9. Concurrent with the endorsement of development plans under Condition 3 and before the development starts (excluding any demolition, bulk excavation or piling), an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan shall include:
- a) Reference to the amended plans required by Condition 3 and associated updates to development data and waste calculations;
  - b) All relevant risk assessments associated with waste management at the site; and
  - c) A clause in the plan regarding potential review into the service if operational requirements change.
10. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

**Wind Report**

12. Before the use and development starts, the wind assessment prepared by Vipac, dated 14 February 2024 must be approved and endorsed by the Responsible Authority. The recommendations of the wind assessment must be implemented to the satisfaction of the responsible authority.

**Landscape Plan (Private Realm)**

13. Concurrent with the endorsement of development plans under Condition 3 and before the development starts (excluding any demolition, bulk excavation or piling), an updated landscape plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the landscape plan will then form part of this permit. The plan must be generally in accordance with the landscape concept plans, prepared by Tract, but modified to show:



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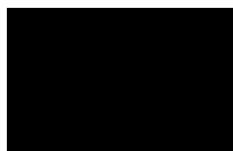
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- a) The amended plans required by Condition 3;
  - b) Provide a plant schedule with the following information:
    - i. The proposed plant species (botanical and common name), installation size, width x height at maturity, and plant numbers; and
    - ii. Plant species selection needs to avoid plants listed in 'Advisory list of environmental weeds in Victoria';
  - c) Provide a planting plan(s) showing the location of proposed planting and plant numbers and species, as well as a legend containing key features, materials and surfaces;
  - d) Provide information on proposed irrigation for all planter beds and hanging plant sculptures;
  - e) Provide a maintenance schedule, including task details and frequency; for multi-storey developments and planting, maintenance access will need to be provided for; and
  - f) Load bearing weights for the building structure
- to the satisfaction of the Responsible Authority.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

**Green Travel Plan (GTP)**

15. Before the development is occupied, a Green Travel Plan (GTP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan should include, but not be limited to, the following:
- a) A description of the location in the context of alternative modes of transport;
  - b) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - c) A designated 'manager' or 'champion' responsible for coordination and implementation;
  - d) Details of bicycle parking and bicycle routes;
  - e) Details of GTP funding and management responsibilities;
  - f) The specific design of bicycle storage devices proposed to be used for employee spaces, including demonstration of their suitability for parking cargo bikes;
  - g) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;



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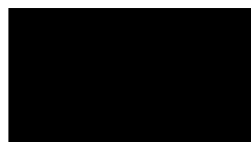
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- h) Security arrangements to access the employee bicycle storage spaces;
  - i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - j) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
  - k) Provisions for the Green Travel Plan to be updated not less than every 5 years.
16. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Public Realm Plan**

17. Before the development starts (excluding any demolition, bulk excavation or piling), or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan must be submitted to and approved by the Responsible Authority in consultation with the Yarra City Council. The Public Realm Plan should include the following:
- a) Three (3) new additional trees along the Stephenson Street frontage. Species to be confirmed in consultation with Council;
  - b) Remove the perforated steel flooring and bluestone pavers and replace with asphalt;
  - c) Bike hoops to be Council's standard bike hoops;
  - d) Detail of the concrete seats to demonstrate compliance with Council standard requirements;
  - e) Tactile indicators (where required) for pram ramp per Council standard requirements;
  - f) Crossover to be asphalt or charcoal coloured concrete in accordance with engineering standards;
  - g) Convert all rain gardens into 'passive irrigation' gardens;
  - h) Tree planting and ground cover planting;
  - i) Show dimensions for the unobstructed footpath width and setbacks from the kerb;
  - j) Show all underground services and any existing features;
  - k) Annotation stating that any outdoor dining is subject to separate approval from Council (footpath trading licence);
  - l) landscaping and seating;
  - m) All pavements reinstated as asphalt footpaths with concrete kerb and channels to match existing for the full length of the site as per City of Yarra's Infrastructure – Road Materials Policy. City of Yarra Latte mix asphalt is to be used in kerb extension areas where outdoor dining is proposed;
  - n) All paving must be compliant with Australian Standards and Council standards for slip resistance and DDA;
  - o) Details of any re-located street infrastructure;
  - p) Details of pedestrian kerb crossing;



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- q) Details of the materiality of outstands including edges, permeable surface finishes, drainage, and landscaping;
  - r) Footpaths and any paving adjacent to the site reinstated to a gradual and DDA compliant grade of the footpath, or as otherwise agreed by the Responsible Authority.
18. Before the development is occupied unless otherwise agreed by the Responsible Authority, all works associated with the Public Realm Plan as shown on the endorsed plans and Public Realm Plan must be fully constructed and completed by the permit holder, with all costs borne by the permit holder, to the satisfaction of the Responsible Authority.

**Civil Work and Drainage Design Plans**

19. Within 6 months of the commencement of development, Civil Work and Drainage Design Plans must be submitted to and approved by the Responsible Authority in consultation with the Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Drainage Design Plans must:
- a) Be consistent with the Public Realm Plan required under Condition 17;
  - b) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
  - c) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
  - d) Drainage details of the proposed passive irrigation gardens;
  - e) Be in accordance with Council's engineering standards and requirements;
  - f) Be DDA compliant to the satisfaction of Council;
  - g) Show all existing and proposed street fixtures and furniture including but not limited to service authority assets, street lighting, signs and line marking in Stephenson and Gwynne Streets abutting the development;
  - h) Surface material finishes shown and specified to the satisfaction of the responsible authority;
  - i) Provide street lighting in accordance with Council standards;
  - j) Show all underground services within the road reserve abutting the development;
  - k) Provide a minimum 1m wide road pavement adjustment strip adjoining the new kerb extension to match the channel lip to the satisfaction of Council;
  - l) The road pavement must be graded to the kerb and channel in accordance with Council standards;
  - m) Show existing and proposed footpath, kerb and channel and pavement levels on Civil Works and Drainage Design plans to the satisfaction of Council;
  - n) Provide road cross-sections from building line to centre of road at 5m intervals along the kerb extension with existing and proposed surface levels;
  - o) Provide a long-section of the new channel invert showing chainages related to the cross-sections and channel levels and grades;



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- p) Show dimensions of the kerb extension;
  - q) Ensure redundant stormwater property drains in the footpath are removed;
  - r) Ensure active property stormwater drains are connected to the new kerb and channel or underground drainage to the satisfaction of Council;
  - s) Existing Council underground stormwater drainage is to be modified to suit the proposed kerb extension in accordance with Council standards and to the satisfaction of Council. Redundant drainage infrastructure is to be removed and the excavation backfilled and pavements reinstated in accordance with Council standards;
  - t) A new legal point of Discharge for the development must be obtained and connections within the road reserve shown on Civil Works and Drainage Design Plans;
  - u) Show parking signs, traffic signs and line marking changes to the satisfaction of Council;
  - v) Demonstrate that the vehicle crossing in Gwynne street are suitable for a 99 percentile vehicle as specified in Australian standard AS/NZS 2890.1:2004 and comply with Council standards;
  - w) Demonstrate that the vehicle crossing must be DDA compliant for a minimum width of 1.5m from the building line;
  - x) Provide vehicle crossing detail and cross-sections in accordance with Council requirements and standards;
  - y) Where tables and chairs are to be placed in the kerb extension, notate the asphalt footpath be constructed in accordance with Latte mix asphalt in accordance with council standards;
  - z) Notate the footpath abutting the development must be fully reconstructed in accordance with Council standards; and
  - aa) Notate the section of kerb and channel at the southern end of the kerb extension and across the vehicle crossing must not hold water.
20. Before the development is occupied or at a later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil Work and Drainage Design Plans must be fully constructed and completed by the permit holder at their cost, all to the satisfaction of the Responsible Authority.

**Street Trees**

21. Before the development starts (excluding any demolition, bulk excavation or piling), the permit holder must make a financial contribution to the Council towards the proposed street trees and understorey planting within public land of \$5,592 (ex GST), being \$755 for each of the three (3) street trees, and \$4,082 for the understorey planting.
22. After the building is completed, and prior to occupation of the building, the permit holder must notify the Council in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

**Car Lift**

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car lift must be installed in accordance with the manufacturer's specifications by a



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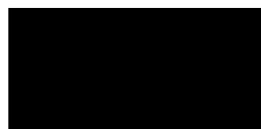
suitably qualified person. The car lift must be maintained thereafter to the satisfaction of the Responsible Authority.

**Car Park Management Plan**

24. Before the use commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- a) The number and location of car parking spaces, including DDA spaces;
  - b) The management of car parking spaces and security arrangements for employees of the development;
  - c) Details of way-finding, cleaning and security of end of trip bicycle facilities;
  - d) Policing arrangements and formal agreements;
  - e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
  - f) Details regarding the management of loading and unloading of goods and materials; and
  - g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
25. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**General**

26. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
27. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
28. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park and pedestrian entries must be provided within the property boundary.  
Lighting must be:
- a) Located;
  - b) Directed;
  - c) Shielded; and
  - d) Of limited intensity,
- to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.



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30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
31. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- a) The transport of materials, goods or commodities to or from land
  - b) The appearance of any buildings, works or materials
  - c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil; or
  - d) The presence of vermin.
32. At all times noise emanating from the land must comply with the requirements of the Environment Protection Regulations 2021 (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

**Road Infrastructure**

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with the City of Yarra, any damage to Council infrastructure resulting from the development must be reinstated:
- a) At the permit holder's cost; and
  - b) To the satisfaction of the Responsible Authority.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with the City of Yarra, any new vehicle crossing must be constructed:
- a) In accordance with any requirements or conditions imposed by Council;
  - b) At the permit holder's cost; and
  - c) To the satisfaction of the Responsible Authority.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with the City of Yarra, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- a) At the permit holder's cost; and
  - b) To the satisfaction of the Responsible Authority.

**Development Contributions**

36. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

**Uses**

37. Except with the prior written consent of the Responsible Authority, the restricted recreation facility must have no more than 100 patrons at any one time.



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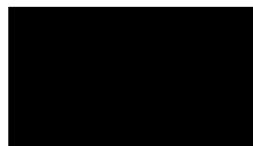
38. Except with the prior written consent of the Responsible Authority, the restricted recreation facility use can only be used between the following hours:
- a) 7.00am -10.00pm on any day.
39. Except with the prior written consent of the Responsible Authority, no more than 90 patrons are permitted in the food and drink premise at ground floor, and no more than 150 patrons within the restaurant at roof top.
40. Except with the prior written consent of the Responsible Authority, the food and drink premise at ground floor may only operate between the following hours:
- a) 7.00am – 10.00pm on any day.
41. Except with the prior written consent of the Responsible Authority, restaurant use at roof top may only operate between the following times:
- a) 7am and 10pm Sunday to Wednesday.
  - b) 7am and 1am Thursday to Saturday or the night before a public holiday.
42. Speakers or audio systems installed on the rooftop should be designed to minimise off-site noise emissions.
43. Except with the prior written consent of the Responsible Authority, emptying of bottles and cans into bins may only occur between 7.00am and 10.00pm on any day.
44. Delivery and collection of good to and from the land (including deliveries for the waste may only occur between 7.00am and 10.00pm Monday to Saturday, or after 9.00am on a Sunday or public holiday except for those allowed under any relevant local law.

**Waste to energy facility management plan**

45. Prior to the commencement of use, a management plan must be provided for the waste to energy facility to the Responsible Authority which specify:
- a) Maximum staff numbers on the premises
  - b) Hours of deliveries being contained between 7.00am and 10.00pm
  - c) Cleaning and maintenance details; and
  - d) Contact details and emergency procedures.

**Construction Management**

46. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
47. Before the development starts, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in



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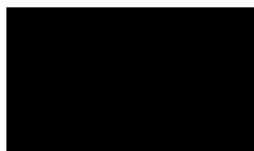
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consultation with the City of Yarra. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - b) Works necessary to protect road and other infrastructure;
  - c) Remediation of any damage to road and other infrastructure;
  - d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - e) Facilities for vehicle washing, which must be located on the land
  - f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - g) Site security;
  - h) Management of any environmental hazards including, but not limited to:
    - i. Contaminated soil
    - ii. Materials and waste
    - iii. Dust
    - iv. Stormwater contamination from run-off and wash-waters
    - v. Sediment from the land on roads
    - vi. Washing of concrete trucks and other vehicles and machinery; and
    - vii. Spillage from refuelling cranes and other vehicles and machinery;
  - i) The construction program
  - j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency
  - k) Parking facilities for construction workers;
  - l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan
  - m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services
  - n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
48. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Noise Attenuation (Endorsement of Acoustic Report)**



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49. Before the use and development starts (excluding any demolition, bulk excavation or piling), the acoustic report prepared by DDEG, dated 16 May 2023 must be approved and endorsed by the responsible authority. The recommendations of the approved acoustic report must be implemented to the satisfaction of the responsible authority. The responsible authority may consent in writing to alter the requirements.
50. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the responsible authority.

**Railway Interface Conditions (Head, Transport for Victoria)**

51. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) The designs prevent items from being thrown or falling onto railway land from any part of the building development.
  - b) The development design does not require people to access onto railway land, or breach electrical safety requirements, for the purposes of routine cleaning, replacement, inspection, maintenance and repair of any part of the building or development.
  - c) The development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
  - d) The development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
  - e) The development exterior avoids use of red, green or yellow colour schemes that may interfere with driver operations.
  - f) The development's landscaping and planting will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future.
52. Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
53. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.

**Digital Train Radio Systems (DTRS) (Head, Transport for Victoria) Conditions**

54. Prior to commencement of the works hereby approved, the permit holder must undertake an initial analysis to determine if the project may have a potential impact on Digital Train Radio Systems Coverage to the satisfaction of the Head, Transport for Victoria.

If **no** impact, the permit holder must complete a Digital Train Radio Systems Coverage Impact Statement to the satisfaction of the Head, Transport for Victoria requirements and provide a copy of the Impact Statement to the Head Transport for Victoria. Should it be determined that there is no impact on Digital Train Radio Systems Coverage, Conditions 55 to 58 can be discharged from the



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Planning Permit. Please contact [Developerinterfaceprojects@transport.vic.gov.au](mailto:Developerinterfaceprojects@transport.vic.gov.au) prior to commencing any works.

55. If there is a potential impact on Digital Train Radio Systems Coverage, engage a suitably qualified party to undertake coverage modelling and/or analysis, including using industry standard radio system modelling tools. Such tools shall be consistent with relevant International Telegraph Union (ITU) recommendations and Australian Communications and Media Authority (ACMA) requirements.
56. If the modelling and/or analysis demonstrates that there will be **no** impact, complete the Digital Train Radio Systems Coverage Impact Statement to the satisfaction of the Head, Transport for Victoria requirements and provide a copy of the Impact Statement to the Head, Transport for Victoria.
57. If the modelling and/or analysis demonstrates that there will be an impact on Digital Train Radio Systems Coverage Impact Statement, the Head, Transport for Victoria will need to assess the cost to remediate this impact. The capital cost must be covered by the developer.
58. At no cost to the 'Head, Transport for Victoria' the proponent shall engage Nokia Siemens to undertake appropriate radio coverage modelling and analysis. Where the modelling and analysis demonstrates that there will be an impact on the communications system that affects safe operations, the proponent shall implement reasonable and suitable mitigations measures in agreement with Nokia Siemens, as agreed with, and at no cost to, the 'Head, Transport for Victoria' and the metropolitan Rail Transport Operator. Such mitigation measures may include the relocation or reconstruction of radio communications antennas and supporting infrastructure. Please contact the rail operator on [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) prior to commencing any works.

**CityLink Conditions**

59. Prior to the endorsements of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, including but not limited to, demonstrating:
  - a) That the development will not compromise the structural integrity of CityLink assets and infrastructure;
  - b) The load and ground stress effected by the development;
  - c) That the development will not result in temporary or permanent drawdown of the regional groundwater table.
  - d) Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing the hold points.
60. In addition to Condition 59 above, the Head, Transport for Victoria and City Link must be informed of the following:
  - a) Initial ground water level;
  - b) The reduced level temporary dewatering during basement excavation is intended to lower the water table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;



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- c) If the completed basement is tanked or drained;
  - d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
61. Permit holder to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.

**Section 173 Agreement**

62. Prior to the commencement of the development (excluding any demolition, bulk excavation or piling), the owner of the land must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must provide for the following:
- a) The terracotta pipe façade system on the north elevation (with the exception of the 2.65m return where no building wall abuttal exists at 3 Cubitt Street) must be removed if and when the adjoining property is further developed in a manner that would affect pipe façade system in this location.

**Permit Expiry**

63. This permit will expire if:
- a) The development is not commenced within three years of the date of this permit
  - b) The development is not completed within five years of the date of this permit; or
  - c) The use is not commenced within five years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

**NOTES**

The following notes apply:

Yarra City Council

- A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
- All future employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.
- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.
- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.



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- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.
- The Permit Holder/developer is responsible for the management and protection of their building from groundwater.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management Unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath.
- A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.
- The permit holder must obtain approval from the relevant authorities to remove and/or build over the easements.
- These premises will be required to comply with the Public Health and Wellbeing Act 2008. The use must not commence until registration has been granted by Council's Health Protection Unit

Head, Transport for Victoria

- Please contact Head, Transport for Victoria Inner Metropolitan Statutory Referral Department by emailing [statutory.planning@transport.vic.gov.au](mailto:statutory.planning@transport.vic.gov.au) to obtain details relating to the requirements for the Digital Train Radio Systems Coverage Impact Statement.
- All relevant approvals and or consents should be obtained from Head, Transport for Victoria (Development Interface Projects) prior to the commencement of the development. Please forward Demolition, Construction Management Plans and Detailed Construction/Engineering drawings to email [developerinterfaceprojects@transport.vic.gov.au](mailto:developerinterfaceprojects@transport.vic.gov.au)

Environment Protection Authority (EPA)

- This permit is not an EPA permission/approval. Before the use or development authorised under this permit starts, the permit holder must ensure that any obligations or duties that arise under the Environment Protection Act 2017 are met. This may include obtaining an EPA permission, approval or exemption, in accordance with the Environment Protection Regulations 2021.
- The Environment Protection Act 2017 came into effect on 1 July 2021. The general environmental duty (GED) is a centrepiece of the laws. It applies to all Victorians. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.
- This involves a continuous, preventative approach and should be undertaken with the understanding that where an operation presents low-level risks, or already has appropriate risk mitigation measures in place, further mitigation measures may still be necessary at a future point.
- For further information on what the laws mean for Victorian businesses and community go to: <https://www.epa.vic.gov.au/general-environmental-duty>.



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## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit.

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

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

### WHEN DOES A PERMIT BEGIN?

A permit operates:

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

### WHEN DOES A PERMIT EXPIRE?

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

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- 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.

