

## PLANNING PERMIT

<b>Permit No.:</b>	PA2201602
<b>Planning scheme:</b>	Melbourne Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	5-17 Flemington Road, North Melbourne

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
32.04-2	Use of the land for medical centre, accommodation (other than dwelling) and retail premises.
32.04-6	Construct two or more dwellings on a lot.
32.04-9	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.
43.02-2	Construct a building or construct or carry out works.
52.06-3	Reduce the number of car parking spaces required for the retail premises.
52.29-2	Create or alter access to a road in a Transport Zone 2.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Amended Plans

1. Prior to the commencement of the development for each stage (excluding demolition and bulk excavation), an electronic set of plans drawn to scale, must be submitted to the Responsible Authority in consultation with Melbourne City Council, generally in accordance with the plans prepared by Architectus and Metier3 Architects, Sheets DA0000 to DA9401, listed on Cover Page and Drawing List DA0000 Revision M dated 09/08/2024 but amended to show:
  - a) The southern apartment building in Stage 2 provided with a minimum 6.25 metre setback from the south-western boundary, except for the apartments facing Blackwood

Date issued: 12 September 2024 Signature for the responsible authority:



Street on the south-western corner which are to be built to boundary, without reducing other side, rear and internal building setbacks and the location of the pedestrian through-link (Stage 2). Resultant changes should meet the standards and must meet the objectives of clause 58.

- b) Replacement of the screen shown on the western boundary with a masonry or precast wall to a height of RL 38.5AHD (Stage 1).
- c) An internal lounge or similar communal area integrated with the entrances to the external communal terraces on Levels 8 and 10 of the student housing building (Stage 1).
- d) Updated shadow diagrams demonstrating no additional shadow is cast on Bedford Street Reserve on June 21 between 10am and 3pm beyond the allowable shadow of the maximum street wall requirement under Schedule 61 of the Design and Development Overlay, along with any required modifications to the development (Stage 1 and 2).
- e) Columns on the lower ground floor plan drawing DA1000 along Flemington Road and Blackwood Street in accordance with the elevations.
- f) Any changes as a result of the Façade Strategy required by Condition 4 of this permit.
- g) Any changes as a result of the Sustainability Management Plan required by Condition 5 of this permit.
- h) Annotations to accord with the Wind Assessment required by Condition 9 of this permit.
- i) Any changes as a result of the Road Safety Audit required by Condition 10 of this permit.
- j) Any changes as a result of the Waste Management Plan required by Condition 13 of this permit.
- k) Annotations to accord with the Acoustic Assessment required by Condition 14 of this permit.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

#### **Endorsed plans**

- 2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

#### **Staging Plan**

- 3. Prior to the commencement of the development, a Staging Plan must be submitted to and be approved to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The Staging Plan must include, but is not limited to, plans and information detailing associated public realm works, proposed temporary and/or interim treatment of land associated with the development. The development must proceed in the order of the stages as shown on the endorsed plans, unless otherwise agreed to in writing by the Responsible Authority.



### Façade Strategy

4. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage, a Façade Strategy must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The Façade Strategy must be generally in accordance with the development plans and must detail:
- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
  - c) Street level elevations at a scale of 1:20 (or similar) for all public interfaces. These elevations should include plinths, canopies, integrated seating, window framing, operable windows, awnings over entries, integrated planters and the use of robust and fine-grained materials to different elements (columns, plinths, bench seats etc.). All proposed materials at the street wall level should be robust and of high quality, and should be annotated on these drawings.
  - d) Cross sections or another method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and / or material.
  - e) Information about how the façade will be accessed and maintained and cleaned, including any planting.
  - f) Example prototypes and / or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high quality built outcome in accordance with the design concept.
  - g) A 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, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.
  - h) The drawings and supporting information contained within the Façade Strategy must also address the following:
    - i. Specification of a highly robust and textured concrete finish to the lower levels of Stage 1 to add visual interest and grain to the public realm.
    - ii. Specification of a highly transparent glazing at the street level to maximise visibility and connection to the street and laneway.
    - iii. The use of creative wayfinding methods throughout the development, particularly Stage 1, reinforcing the student city character of the precinct.



A Façade Strategy submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

The Façade Strategy must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

### **Sustainability Management Plan**

5. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage (excluding demolition and bulk excavation), an amended Sustainability Management Plan (SMP) report prepared by a suitable qualified person must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended SMP report will be endorsed and form party of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by Wrap Engineering dated 7 July 2023, but modified to include or show:
  - a) Further detail and evidence that the development can achieve the minimum requirements (buildings up front carbon emissions are 10% less than those of a reference building). Preliminary modelling or calculations via the Upfront Emissions Calculator should be provided.
  - b) Provide preliminary energy modelling for non-residential components including Class 3 that demonstrate the development can achieve a 10% improvement on minimum standards.
  - c) Provide further detail of the 6 points claimed and how they will be achieved. Provide a brief scope of the Zero Carbon Action Plan for the building indicating how and when the project intends to operate as fossil fuel free, indicating 100% of the buildings electricity will come from renewable sources and 100% of the buildings energy comes from renewables.
  - d) Provide adequate information that demonstrates the whole site can achieve a 40% reduction in average annual stormwater discharge (ML/yr).

A SMP submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

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

### **Implementation of Sustainability Management Plan**

6. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP, or similarly qualified persons or companies, must be submitted to the Responsible Authority in consultation with Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and confirm and provide sufficient evidence that all measures specified in the endorsed SMP have been implemented in accordance with the relevant approved plans. The report must include all final calculations and modelling reports, commissioning and testing reports, building user guides and other supplementary materials etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed SMP.



Within 12 months of occupation of the building, certification must be submitted to the satisfaction of the Responsible Authority, that demonstrates that the building has achieved a minimum 5 Star Green Star Buildings V1 rating (or equivalent).

### **Landscape Plans and Landscape Maintenance**

7. Prior to the commencement of the development (excluding demolition and bulk excavation), an amended landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the Responsible Authority in consultation with the Melbourne City Council. The landscape plan must be generally in accordance with the Landscape Plans prepared by Tract, dated 1 August 2023, but amended as follows:
- a) Include any changes required by Condition 1 of this permit.
  - b) Modifications in accordance with the approved ESD report.
  - c) An amended planting to include the location of plants, as well as:
    - i. The use of an alternative species to *Eucalyptus caesia* as a rooftop tree planting.
    - ii. The use of an alternative species to *Brachychiton acerifolius* as a lower level planting.
    - iii. The use of an alternative species to *Hymenosporum flavum*.
    - iv. Synthetic turf replaced with an environmentally friendly alternative.
  - d) Details of proposed green infrastructure and planters (including volume of planter soil/media and depths) and mulch specifications.
  - e) Annotated cross-sectional details for green infrastructure and planters including materials, waterproofing, drainage, dimensions, support structures and tree anchors.
  - f) Irrigation systems demonstrating use of alternative water sources such as rainwater, stormwater and recycled water.
  - g) Include a Green Infrastructure Maintenance Plan, detailing:
    - i. Plant establishment maintenance schedule and period.
    - ii. Ongoing vegetation maintenance schedule after the 52-week period including monitoring of plants, weeding, re-mulching, pest management, fertilising, re-planting and re-planting timeframes for poorly performing plant stock.
    - iii. Maintenance schedule for green infrastructure structures.
    - iv. Maintenance access requirements and sample agreements.

A Landscape Plan submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

The landscape plan must be to the satisfaction of the Responsible Authority and when approved shall form a part of the endorsed plans of this permit.

8. Prior to the occupation of the development, landscape works as shown on the endorsed plans must be completed and be maintained to the satisfaction of the Responsible Authority.

Date issued: 12 September 2024 Signature for the responsible authority:



### Wind Assessment

9. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage (excluding demolition and bulk excavation), the Wind Assessment prepared by Vipac dated 26 July 2023 must be updated as required by Condition 1 of this permit and submitted to the satisfaction of and be endorsed by the Responsible Authority in consultation with Melbourne City Council.

The wind assessment submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

The recommendations contained within the endorsed Wind Assessment must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

### Road Safety Audit

10. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage (excluding demolition and bulk excavation), a formal independent Road Safety Audit must be undertaken and submitted to the Responsible Authority in consultation with Melbourne City Council. The Road Safety Audit must include an assessment of:

- a) Internal layout.
- b) Access arrangements.
- c) Loading arrangements.
- d) Pedestrian and bicycle access and movements within the site and in the public realm.
- e) Potential conflicts between vehicles / pedestrians / cyclists, having regard to the existing access arrangements for other properties utilising Bedford Place.
- f) Road safety issues affecting all road users.
- g) The potential conversion of Bedford Place to a shared zone.

The findings of the Audit should be incorporated into the design at the developer's expense to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

A Road Safety Audit submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

### Parking Management Plan

11. Prior to the commencement of the development (excluding demolition and bulk excavation), a Parking Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail the means by which the on-site car parking and bicycle parking facilities approved under this permit will be operated, allocated, maintained and managed. The plan should provide for electric vehicle infrastructure and car share facilities within the development to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

A Parking Management Plan submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.



When approved, the plan will be endorsed and will then form part of the permit. Management of the car and bicycle parking provided in association with the permitted development must be in accordance with the approved plan, to the satisfaction of the Responsible Authority.

### **Loading Management Plan**

12. Prior to the occupation of the development (excluding demolition and bulk excavation), a Loading Management Plan must be submitted to and approved and submitted to the Responsible Authority in consultation with Melbourne City Council. The Loading Management Plan must specify how the access / egress of loading vehicles is to be managed and ensuring that:
- a) The delivery needs of the uses within the development are accommodated.
  - b) Any potential conflicts between vehicles and other road users are satisfactorily addressed.
  - c) There are no obstructions in the path of the vehicles (kerbs, walls, etc.) and appropriate height clearances are provided for all required vehicles / manoeuvres.
  - d) A Loading Dock Manager, Building Manager, or similar is nominated, with the following responsibilities:
    - i. Present on site when deliveries are undertaken.
    - ii. Act as informal traffic controller to discourage pedestrian movements when vehicles reverse.
    - iii. Ensure conflicts do not occur between loading / other vehicles, including reversing movements into loading bays.
    - iv. Ensure that space used for vehicle manoeuvring is kept clear of other vehicles / obstructions at all times.

A Loading Management Plan submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

Once approved, the Loading Management Plan will be endorsed to form part of the permit.

### **Waste Management Plan**

13. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage (excluding demolition and bulk excavation), an amended Waste Management Plan (WMP) must be submitted to the satisfaction of and be endorsed by the Responsible Authority in consultation with Melbourne City Council. The amended WMP must be generally in accordance with the WMP prepared by One Mile Grid dated 25 July 2023, but amended as follows:
- a) Any changes required by Condition 1 of this permit.
  - b) Calculations within Tables 5, 6, 7, 8 and 12 to be corrected and correspond with the updated tenancy capacities with bin provision and collection frequency adjusted as necessary.
  - c) Provision for storage and disposal of e-waste for each component and tenancy.





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- d) Confirmation that students do not have access to commercial bins and commercial tenants do not have access to student bins, with associated management arrangements.
- e) Bin stores for disposal of waste that cannot go in the chutes, including large cardboard, hard waste, e-waste and charity donations. Indicate clearly on plan drawings that carousels, bin feeders and chute exits (and the like) will be suitably enclosed to minimise safety risks.
- f) The provision of adequate safety measures and management arrangements for the glass waste chute, or alternatively the glass waste chute deleted and replaced with adequate and accessible glass bins for residents and students.
- g) Confirm cleaning schedule for organic waste chute.
- h) Section 6.2 – confirm Council approved compostable liners used in organic waste, remove reference to 'similar' bags.
- i) Show safe transfer pathways for residents to waste bin store areas, and internal transfer pathways for commercial tenants to access their respective bin stores.
- j) Show typical residential and student accommodation floor plans showing location of chute rooms.
- k) Show clear zones required around the linear track and carousel systems.
- l) Include swept path diagrams showing collection movements for all waste locations, including separate commercial bin stores.
- m) Show where bins can be placed for collection in temporary holding areas.
- n) Include elevation drawings showing clearance for waste trucks entering and existing the development, including any overhanging services.

A WMP submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

Once approved, the WMP will be endorsed to form part of the permit. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council – Waste Services.

#### Acoustic Report

14. Concurrent with the endorsement of plans pursuant to Condition 1 for each stage (excluding demolition and bulk excavation), the Acoustic Report prepared by Renzo Tonin & Associates dated 25 July 2023 must be updated to reflect any changes required by Condition 1 of this permit and submitted to the satisfaction of and be endorsed by the Responsible Authority.

An Acoustic Report submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

The recommendations contained within the endorsed Acoustic Report must be implemented at no cost to and be to the satisfaction of the Responsible Authority.

Date issued: 12 September 2024 Signature for the responsible authority:





### Reflected Glare Assessment

15. Prior to the commencement of the development (excluding demolition and bulk excavation), a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Responsible Authority.

A Reflected Glare Assessment submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

16. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.
17. Specular light reflectance from external materials and finishes must be less than 15% to the satisfaction of and unless otherwise approved by the Responsible Authority.

### 3D Model

18. Prior to the occupation of the development for each stage, or as otherwise agreed with the Responsible Authority, a 3D digital model of the development must be submitted to and must be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. In the event that substantial modifications are made to the building envelope and design, a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority in consultation with Melbourne City Council, before these modifications are approved.

### Arboricultural Impact Assessment

19. Prior to the commencement of the development, including bulk excavation, an Arboricultural Impact Assessment prepared by a suitably qualified person must be prepared and submitted to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The Arboricultural Impact Assessment must detail the impacts of the proposed development on adjacent street trees in accordance with AS 4970-2009 and provide any necessary recommendations, including protection measures and an appropriate methodology to form part of any future Tree Protection Plan.

An Arboricultural Impact Assessment submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.

Once approved, the Arboricultural Impact Assessment will be endorsed to form part of the permit and its recommendations and findings must be implemented to the satisfaction of the Responsible Authority.

### Construction Management and Tree Protection

20. Prior to the commencement of the development, including bulk excavation, a detailed Construction Management Plan must be submitted to and be approved by the City of Melbourne – Construction Management Group. This Construction Management Plan must be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:
- a) Public safety, amenity and site security.



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- b) Operating hours, noise and vibration controls.
- c) Air and dust management.
- d) Stormwater and sediment control.
- e) Waste and materials reuse.
- f) Traffic management.
- g) A Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (City of Melbourne Urban Forestry & Ecology). The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
  - i. City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
  - ii. Reference to the finalised Construction Management Plan, including any public protection gantries, loading zones and machinery locations.
  - iii. Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
  - iv. Specific details of any special construction methodologies to be used within the Tree Protection Zone of any public trees. These must be provided for any utility connections or civil engineering works.
  - v. Full specifications of any pruning required to public trees with reference to marked images.
  - vi. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
  - vii. Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release)
- h) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

A Construction Management Plan submitted for approval can be separated as required in accordance with the Staging Plan approved under Condition 3 of this permit to the satisfaction of the Responsible Authority in consultation with Melbourne City Council

Once approved, the Construction Management Plan will be endorsed to form part of the permit.

- 21. All works within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Responsible Authority.
- 22. In the event that public trees are proposed for removal at any stage of the development, the applicant must make a separate application to Melbourne City Council and submit plans for the approval showing replacement and/or additional tree plots of equal or larger size and soil volume than currently exists in the street frontages adjacent to the development.

Date issued: 12 September 2024 Signature for the responsible authority:



### Operational Management Plan

23. Prior to the occupation of the development associated with Stage 1 of the permitted development, a Management Plan for the student housing must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the plan will be endorsed and will then form part of the permit. The Management Plan must establish a set of 'house rules' for the use, to be followed thereafter to the satisfaction of the Responsible Authority. The Management Plan must ensure that a suitably qualified full time manager with responsibility to oversee students is either on-site during general business hours or contactable off-site after hours by both professionally trained staff and residents. The Management Plan must also detail the maintenance, cleaning, garbage storage and collection, supervision and security of the site.

### Legal Agreement - Student Housing

24. Prior to the commencement of the development (excluding demolition and bulk excavation), the owner of the land must enter into an agreement with Melbourne City Council pursuant to Section 173 of the Planning and Environment Act 1987 for the land identified as Stage 1 of the permitted development. The agreement must provide the following:
- a) The accommodation provided on the subject land is to be used for the exclusive accommodation of students enrolled full time at a secondary or tertiary level educational institution and to be vacated within six months of completion of full time or part time studies or teaching.
  - b) The building to operate at all times in accordance with the Management Plan as endorsed pursuant to this permit to the satisfaction of the Responsible Authority.
  - c) Any on-site facilities, including bicycle parking spaces, approved under this permit must at all times be managed in accordance with this permit to the satisfaction of the Responsible Authority. The on-site facilities are only permitted to be used by the occupants / employees of the student housing, in accordance with the endorsed plans, and such facilities must not be subdivided or sold separate from the facility for any reason without the prior written consent of the Responsible Authority. This does not apply to the Retail Premises.
  - d) The requirements contained in the agreement shall form part of any lease of the premises which the owner of the land may enter into with another party.

The owner of the land must pay all of Melbourne City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

### Existing Legal Agreement

25. Prior to the commencement of works associated with Stage 1 of the permitted development, Registered Agreement AR309079T must be:
- a) Removed from all titles associated with Stage 1 of the permitted development; and
  - b) Modified so that it relates only to all titles associated with Stage 2, to the satisfaction of the Responsible Authority.



26. Prior to the commencement of works associated with Stage 2 of the permitted development, Registered Agreement AR309079T must be removed from all titles affected by the Agreement to the satisfaction of the Responsible Authority.

**Legal Agreement – Completion of Development**

27. Prior to the commencement of the development (excluding demolition and bulk excavation), 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 the following:
- a) The owner must only develop that part of the Land comprised in Lots 1 to 4 on TP836180V, Lot 1 on TP836184M and Crown Allotments 12 and 13, Section 10 at North Melbourne Parish of Jika Jika, shown on TP487543C, in the following ways:
    - i. Generally in accordance with the plans and Staging Plan endorsed by the Responsible Authority under Planning Permit PA2201602 or any subsequent approved amendment to the planning permit; or
    - ii. Generally in accordance with any planning permit that may be issued by the Responsible Authority as a result of any planning permit application that relates solely to that part of the land comprised in Lots 1 to 4 on TP836180V, Lot 1 on TP836184M and Crown Allotments 12 and 13, Section 10 at North Melbourne Parish of Jika Jika, shown on TP487543C.

The owner of the land must pay all of the Responsible Authority's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Consolidation**

28. Prior to the commencement of works associated with Stage 2 of the permitted development, all the land contained within certificates of title Volume 11487 Folio 965 (Lots 3 and 4 on TP836180V), 11847 964 & Volume 11487 Folio 963 (Lot 1 TP836184M) must be consolidated onto the one certificate of title to the satisfaction of the Responsible Authority.

**Delivery of Link**

29. The delivery of the internal pedestrian through link from Bedford Place to Blackwood Street must be secured and delivered with Stage 2 of development of the site to the satisfaction of the Responsible Authority.

**Drainage of projections**

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

**Drainage connection underground**

31. Prior to the commencement of the development for each stage, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Melbourne City Council – City Infrastructure. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council underground stormwater drainage system



### **Groundwater management**

32. All groundwater and water that seeps from the ground adjoining the building basement (seepage water) and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to the Council's drainage network. All contaminated water must be treated via a suitable treatment system and fully reused on site or discharged into a sewerage network under a relevant trade waste agreement with the responsible service authority.

### **Demolish and construct access**

33. Prior to the occupation of the development for each stage, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.

### **Construct and maintain access**

34. All pedestrian paths and access lanes shown on the endorsed plans must be constructed and maintained to the satisfaction of the Melbourne City Council – City Infrastructure.

### **Works abutting Council laneway**

35. The title boundaries for the property may not exactly agree with the road alignments of the abutting Melbourne City Council laneway (Bedford Place). The approved works must not result in structures that encroach onto the Melbourne City Council laneway.

### **Roads**

36. All portions of roads and laneways affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Bedford Place must be reconstructed together with associated works, including the modification of services as necessary and the provision of public lighting, pavement marking, signage and upgrade to asphalt footpath and sawn bluestone, or as otherwise approved by Melbourne City Council – City Infrastructure, and kerb and channel at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

### **Footpaths**

37. Prior to the occupation of Stage 2, the footpath adjoining the site along Flemington Road must be reconstructed in sawn bluestone, or as otherwise approved by Melbourne City Council – City Infrastructure, together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.
38. Prior to the occupation of Stages 1 and 2, the footpath adjoining the site along Blackwood Street Bedford Street must be reconstructed together with associated works including the renewal of kerb and channel and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.



**Street levels not to be altered**

39. Existing street levels in roads adjoining the site must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without the prior written approval from the Melbourne City Council – City Infrastructure.

**Street furniture**

40. Any proposed street furniture such as street litter bins recycling bins, seats and bicycle rails must be supplied and installed on footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council – City Infrastructure.
41. Existing street furniture must not be removed or relocated without the prior written approval of the Melbourne City Council – City Infrastructure.

**Public lighting**

42. Prior to the commencement of the development for each stage, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the City of Melbourne, a lighting plan must be prepared to the satisfaction of Melbourne City Council – City Infrastructure. The lighting plan should be generally consistent with Council's Lighting Strategy, and include the provision of public lighting in the surrounding streets of the subject land. The lighting works must be undertaken prior to the commencement of the use / occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.
43. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without the prior written approval of the Melbourne City Council – City Infrastructure.

**Building appurtenances and structures above roof level**

44. All building plant and equipment are to be concealed to the satisfaction of the Responsible Authority. The construction of any additional plant machinery equipment, including but not limited to air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment, shall be to the satisfaction of the Responsible Authority.
45. Any satellite dishes, antennae or similar structures associated with the development must be designed and located at a single point in the development to the satisfaction of the Responsible Authority.
46. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

**Head, Transport for Victoria**

47. Unless otherwise agreed in writing with the Head, Transport for Victoria prior to the occupation of stage 1 an additional tram shelter must be provided at stop 14 city bound (Flemington Road) to the satisfaction of the Head, Transport for Victoria and capped at no more than 50 thousand dollars (\$50,000) to the permit holder. The shelter must be a skillion type structure to match the existing shelter and provided with lighting and tactile treatment to the satisfaction of the Head, Transport for Victoria.





48. Any damage to public transport infrastructure during the construction of the development must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
49. Prior to occupation of stage 1 all disused or redundant vehicle crossings must be removed, and the area reinstated to along Flemington Road the satisfaction of and at no cost to the Head, Transport for Victoria.

**Victorian Health Building Authority**

50. The details of crane location and height must be advised at least five days prior to the commencement of the installation of the cranes.
51. Cranes and other associated construction equipment must be fitted with continuously operated low intensity steady red obstruction lighting in accordance with the Civil Aviation Safety Authority (CASA) Part 139 (Aerodromes) Manual of Standards 2019 Chapter 9 Division 4 – Obstacle Lighting at their highest point(s) to ensure that they can be seen within the helicopter flight paths.
52. Any cranes need to be lit in accordance with Air Ambulance Victoria (AAV) requirements as outlined below. For crane activity within one (1) km of the RMH helipad AAV requires cranes to be lit as follows:

Crane	Lighting Requirement	
	Day	Night
Top of Crane	Medium intensity white obstruction light	Medium intensity red obstruction light
End of Jib	Medium intensity white obstruction light	Medium intensity red obstruction light
Along Jib	Line of white LED (Weather proof emergency fluro with minimum 90 minute battery back-up) on a PE cell along the full length of the jib.	
Tower Section	Stairway lights or spot lights attached to the top of the tower pointing down and onto the tower	

**Expiry**

53. Stage 1 of the Planning Permit will expire if one of the following circumstances applies:
- The development associated with Stage 1 is not started within three years of the date of this permit.
  - The development associated with Stage 1 is not completed and the associated use has not commenced within five years of the date of this permit.
54. Stage 2 of the Planning Permit will expire if one of the following circumstances applies:
- The development associated with Stage 2 is not started within six years of the date of this permit.



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- d) The development associated with Stage 2 is not completed and the associated uses have not commenced within eight years of the date of this permit.

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 12 months after the permit expires and the development started lawfully before the permit expired.

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

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>
1 October 2024	Section 71 correction to the permit conditions 19, 20 and 21 to remove reference to demolition, given that demolition is not a permit requirement.	Minister for Planning

**USEFUL INFORMATION**

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

Building approval required

- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building works to accord with Planning Permit

- The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage point and method of discharge

- The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other approvals may be required

- This Planning Permit does not represent the approval of other departments of City of Melbourne or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Civil Design

Date issued: 12 September 2024 Signature for the responsible authority:



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- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the responsible authority – City Infrastructure Branch.
- All projections over future street alignment must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the City of Melbourne's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

Urban Forest and Ecology

- In accordance with the Tree Retention and Removal Policy a bank guarantee must be:
  1. Issued to City of Melbourne, ABN: 55 370 219 287.
  2. From a recognised Australian bank.
  3. Unconditional (i.e. no end date)
  4. Executed (i.e. signed and dated with the bank stamp)
- Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email [trees@melbourne.vic.gov.au](mailto:trees@melbourne.vic.gov.au) to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- At the time of lodgement of the bank guarantee the completed Project Arborist Confirmation Form must be provided. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the works and a final completion report confirms that the health of the subject public trees has not been compromised.
- Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited to significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.
- All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of trees to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before council remove the subject trees.

Date issued: 12 September 2024 Signature for the responsible authority:



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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.

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

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

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### WHEN DOES A PERMIT BEGIN?

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A permit operates:

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

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### WHEN DOES A PERMIT EXPIRE?

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1. A permit for the development of land expires if—
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and 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: 12 September 2024 Signature for the responsible authority:

