

PLANNING PERMIT

Permit Number	PA2302533
Planning Scheme:	Melbourne Planning Scheme
Responsible Authority:	Minister for Planning
ADDRESS OF THE LAND:	522 – 552 Flinders Lane, Melbourne

THE PERMIT ALLOWS:

Planning Scheme Clause	Description of what is allowed
Clause 37.04	Demolish or remove a building or works Construct a building or construct or carry out works
Clause 43.02	Construct a building or construct or carry out works

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Demolition Plan to be Endorsed

- Before the development starts, including demolition, bulk excavation and site preparation works, a demolition plan must be approved and endorsed by the responsible authority. The demolition plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plans prepared by Hassell Architects, Revision B, dated 21 February 2024, but amended to show any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.

Demolition in Capital City Zone

- Before the demolition starts (or as otherwise agreed with the Responsible Authority), the permit holder must satisfy the Responsible Authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land approved under this permit and that the permit holder has entered into a formal contract for the construction of the development.

Approved and endorsed architectural plans – changes required

- Before the development starts, excluding demolition, bulk excavation and site preparation works, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the architectural plans prepared by Hassell Architects, Revision B, dated 21 February 2024, but amended to show the following details:
 - The depth of the tower’s central rebate increased by 500mm to achieve a minimum depth of 3 metres for the full height of the tower façade on the south elevation.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

- b) A variation in glazing within the podium generally in accordance with the discussion plan 'TP_0403, Revision C (Elevations – Detail)' prepared by Hassell Architects dated 18 March 2024.
- c) Deletion of any references to the potential wintergarden zones, potential balconies, and potential and soft zones for future penetrations.
- d) The provision of details demonstrating how to future proof the ability to provide a connection through to 567 Collins Street.
- e) The 'photovoltaic cell array' shown on Drawing no. TP_02018 (Revision B) setback a minimum of 3 metres from the tower façade.
- f) Redesign the blank wall abutting the eastern laneway to ensure a visually interesting design.
- g) The east and west elevations of the ground floor 'RETAIL' tenancies amended to improve their engagement and passive surveillance / visual permeability to and from the public realm.
- h) The architectural fin structures encroaching beyond the facades of the building dimensioned to be no more than 300 mm.
- i) Deletion of any development within the Flinders Lane road reserve with the exception of the removal and reinstatement of redundant vehicle crossovers.
- j) Where service areas within the basement are not independently accessed and/or rely on access over an adjoining car space, access required to the service area must be marked as a clearway zone.
- k) Delete the pedestrian doorway to the ground floor 'Substation' requiring access from 559-587 Collins Street over the property to the north.
- l) A notation that bicycle facilities are to be designed and dimensioned in accordance with the requirements of Clause 52.34 (Bicycle Facilities) of the Melbourne Planning Scheme and/or comply with the relevant Australian Standards.
- m) Confirm the 'on grade accessible walkway' achieves compliance with the relevant requirements of the *Disability Discrimination Act 1992*.
- n) A development summary generally in accordance with the development summary in the Town Planning Report prepared by Hassell Architects dated March 2024, but amended to include any relevant changes required by the conditions of this permit.
- o) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.

Layout not Altered

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

Compliance with documents approved under this permit

- 5. 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.
- 6. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above the roof level of the building, unless with the prior written consent of the Responsible Authority.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

Completion of Development

7. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Retention of Architect

8. Except with the consent of the responsible authority, Hassell Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans to the satisfaction of Responsible Authority.

Landscape Plan

9. Concurrent with the endorsement of architectural plans, an amended Landscape Plan prepared by a suitably qualified person must be approved and endorsed by the Responsible Authority in consultation with the Melbourne City Council. The amended landscape plan must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, be generally in accordance with the Landscape Plan prepared by Arcadia Landscape Architecture VIC Pty Ltd, Revision C, dated 13 April 2023, and must include the following:

- a) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.
- b) Further design consideration of the main pedestrian entrance to Flinders Lane and the eastern laneway stair interface to ensure landscaping, materials, lighting and floor surfaces amplify the publicness of the experience of key public interfaces.
- c) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
- d) Street trees (including botanical names) in the vicinity of the subject site.
- e) Details of surface finishes of pathways and driveways.
- f) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, location and quantities of each plant.
- g) Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation, demonstrating use of non-potable water sources (rainwater, storm water and recycled water).
- h) Clear demarcation of public realm and private spaces including arrangements for pedestrian, bicycle and vehicular circulation.
- i) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.

Landscape Maintenance Plan

10. Before the development is occupied, a Landscape Maintenance Plan prepared by a suitably qualified person must be approved and endorsed by the Responsible Authority in consultation with the Melbourne City Council. The Landscape Maintenance Plan must include the following:
- a) A statement to describe how the vegetation will be maintained.
 - b) Maintenance tasks for establishment period.
 - c) Ongoing maintenance schedule for after the initial 52-week period detailing weed, pest management, succession planting, re-mulching, plant nutrition and hygiene.
 - d) Replacement timeframes for poorly performing vegetation.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

- e) Access requirements to the landscaping.

Completion of Landscaping

- 11. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority. The Landscape Plan must not be altered or amended without the written consent of the Responsible Authority.
- 12. At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Responsible Authority and Melbourne City Council.

Façade Strategy

- 13. Concurrent with endorsement of architectural plans, façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the 'Town Planning Report' prepared by Hassell Architects, dated March 2024, and must include:
 - a) A concise description by the architect of the building design concept and how the façade works to achieve this.
 - b) 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 photograph and/or sample board with coding.
 - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
 - d) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the Responsible Authority, illustrating street level elevations including key public realm interfaces, 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, including, but not limited to:
 - i. The street wall.
 - ii. The variation of the podium glazing as required by Condition 1 of this permit to emphasise the 'stepping stone' entrance.
 - iii. The eastern elevation of the podium, including the stair and blank walls to ensure a visually interesting and attractive interface that encourages use of the stair.
 - iv. The double height Flinders Lane interface of the podium to provide a high-quality, fine grain, and visually engaging interface.
 - v. The architectural fins structures on the tower forms to ensure the tower forms are visually distinct.
 - e) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or materials.
 - f) Information about how the façade will be accessed, maintained and cleaned.

- g) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- h) Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.

The façade strategy must not be altered or amended without the written consent of the Responsible Authority.

3D Digital Model

- 14. Before the development starts, excluding demolition, bulk excavation and site preparation works (or as otherwise agreed with the responsible authority), a 3D digital model of the development and its immediate surrounds must be approved by the responsible authority. The 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Transport and Planning and having regard to the *Advisory Note – 3D Digital Modelling* prepared by Melbourne City Council.

Reflected Glare Assessment

- 15. Concurrent with the endorsement of architectural plans, (or as otherwise agreed by the Responsible Authority), a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be approved and endorsed by the Responsible Authority. The reflected glare assessment must be prepared to the satisfaction of the Responsible Authority.

Disability Glare

- 16. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the Responsible Authority.

Discomfort Glare

- 17. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the Responsible Authority.

Disability glare to transport

- 18. External glazing and cladding materials and finishes must avoid disability glare to public transport operators, road users and aircraft, to the satisfaction of the Responsible Authority.

Loading Management Plan (LMP)

- 19. Concurrent with the endorsement of architectural plans, a LMP, prepared by a suitably qualified professional, must be approved and endorsed by the Responsible Authority in consultation with the Melbourne City Council. The LMP must include the following:
 - a) Details that there are no obstructions in the path of the vehicles.
 - b) Details of appropriate height clearances for all required vehicles / manoeuvres.
 - c) Specify how the access / egress of loading vehicles is to be managed.
 - d) Details of a loading dock manager, responsible for controlling the operation of the loading bay and unloading of goods.

- e) The design of the loading areas, including all space dimensions, grades and height clearances should comply with Australian Standard AS2890.1:2018.
- f) The Responsible Authority, in consultation with the Melbourne City Council, may alter the above requirements.

Once approved, the LMP will be endorsed and will form part of this permit. The building must operate in accordance with the endorsed LMP at all times. The LMP must not be altered or amended without the written consent of the Responsible Authority in consultation with the Melbourne City Council.

Car parking layout and access

- 20. The areas set aside for car parking, the access of vehicles and access ways must be constructed, delineated and clearly line-marked to indicate each car space, the access ways and the direction in which vehicles must proceed along the access ways, in conformity with the endorsed plans. Parking areas and access ways must be kept available for these purposes at all times and maintained to the satisfaction of the Melbourne City Council.

Easements - Drainage

- 21. Before the development starts, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, the permit holder must provide evidence that Drainage Easement E-1 on PS509797D has been removed or varied, or is not required to be removed or varied, to the satisfaction of the Responsible Authority, in consultation with the Melbourne City Council.

Easements - Light and air

- 22. Before the development starts, excluding demolition, bulk excavation and site preparation works, or as otherwise agreed with the Responsible Authority, the permit holder must provide evidence that the land subject to this permit benefits from a Light and Air Easement over the land at 567 Collins Street, Melbourne (Lot 2 on PS509797D), and/or the private laneway to the east (PL5261), or does not require any Light and Air Easements, to the satisfaction of the Responsible Authority, in consultation with the Melbourne City Council.

Wind Assessment

- 23. Concurrent with endorsement of architectural plans, an addendum to or updated Environmental Wind Considerations report, prepared by a suitably qualified professional, of the development must be submitted and approved by the Responsible Authority. The addendum or updated report must generally be in accordance with the Environmental Wind Considerations report, prepared by MEL Consultants and dated 30 June 2023 and revised to reflect any changes required under the conditions of this permit.
- 24. The recommendations of the wind assessment must be implemented to the satisfaction of the Responsible Authority. The endorsed report must not be altered or amended without the written consent of the Responsible Authority.

Sustainability Management Plan (SMP) and Stormwater Management and Water Sensitive Urban Design (SMWSUD) reports

- 25. Concurrent with endorsement of architectural plans, amended SMP and SMWSUD reports prepared by a suitable qualified person must be approved and endorsed by the Responsible Authority in consultation with the Melbourne City Council. The amended SMP must be generally in accordance with the SMP prepared by ARUP dated 14 December 2023 (Rev. R3) and the amended SMWSUD prepared by TWW dated 23 June 2023 (Rev. 1) but amended to:

Date issued: 13 June 2024

Signature for the Responsible Authority: 

- a) Include any changes required in condition one of this permit.
 - b) Include the registration details of the project with the Green Building Council of Australia under Green Star Buildings (5 Star) and provide a registration number and reference to the Green Star Buildings directory.
 - c) Provide a NABERS simulation report.
 - d) Provide an air barrier schematic and air tightness target for the development.
 - e) Indicate the glazing Visual Light Transmittance for GL-01 on elevations.
 - f) Provide a pre-screening climate change checklist.
 - g) Indicate the total system size of the onsite PV system is 72.8 kW and show 182 PV panels on the planning drawings.
 - h) Provide a draft Zero Carbon Action Plan that details how the development will address energy consumption, procurement and generation.
 - i) Provide a response to the Biodiversity Enhancement credit demonstrating the development can achieve greening to at least 15 per cent of the site area.
 - j) Provide a MUSIC modelling that demonstrates waterway protection credit achievement standards can be achieved for stormwater volume and stormwater quality.
 - k) Provide the location, size and reuse of the 30 kL rainwater tank.
 - l) the Responsible Authority, in consultation with the Melbourne City Council, may alter the above requirements.
26. Once approved, the reports will be endorsed and will form part of this permit. The performance outcomes specified in the reports must be achieved in the completed development. Any change during detailed design which prevents or alters the attainment of the performance outcomes specified in the endorsed reports must be documented by the author of the endorsed reports (or another suitably qualified person) in an addendum which must be approved and endorsed by the Responsible Authority, in consultation with the Melbourne City Council. The reports must not be altered or amended without the written consent of the Responsible Authority in consultation with the Melbourne City Council.
27. Prior to the commencement of the development, including demolition and bulk excavation, evidence of registration with the Green Building Council of Australia under Green Star Buildings must be submitted to the Responsible Authority.

Implementation of Sustainability Management Plan (SMP) and Stormwater Management and Water Sensitive Urban Design (SMWSUD) initiatives

28. Before the development is occupied, a report from the author of the endorsed SMP and SMWSUD reports, or another suitable sustainability consultant as agreed to by the Responsible Authority, must be submitted to and approved by the Responsible Authority, in consultation with Melbourne City Council. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed SMP and SMWSUD reports. The report must be to the satisfaction of the Responsible Authority and must confirm and provide sufficient evidence that all measures specified in the approved SMP and SMWSUD reports have been implemented in accordance with the relevant approved plans.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

Construction Management Plan (CMP)

29. Before the development starts, including demolition, bulk excavation, and site preparation works (or as otherwise agreed with Melbourne City Council), a CMP must be approved by the Melbourne City Council – Site Services department. The CMP must be prepared in accordance with the Melbourne City Council – Construction Management Plan Guidelines and is to control the following (but not limited to):
- a) Management of public access and linkages around the site during construction.
 - b) Public safety, amenity and site security.
 - c) Hours of operation, noise, and vibration controls.
 - d) Air and dust management.
 - e) Stormwater, sediment control and site drainage
 - f) Waste and materials reuse.
 - g) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
 - h) Any works within the adjoining street network road reserves.
 - i) Discharge of polluted waters.
 - j) Collection and disposal of building and construction waste.
 - k) Include reference to the Tree Protection Plan required by this permit, as required.

Tree Protection Plan

30. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Protection Plan (TPP) must be approved by the Melbourne City Council – Urban Forest and Ecology department. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) Reference to the Melbourne City Council’s asset numbers for the subject trees.
 - b) Reference to the finalised construction management plan, including any public protection gantries, loading zones and machinery locations.
 - c) Site specific details of the temporary tree protection fencing to be used to isolate public trees from the demolition and or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
 - d) 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.
 - e) Full specifications of any pruning required to public trees with reference to marked images.
 - f) Any special arrangements required to allow ongoing maintenance of public trees for the duration of the development.
 - g) Details of the frequency of the project arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release).

Date issued: 13 June 2024

Signature for the Responsible Authority: 

Tree Protection Bond

- 31. Before the development starts including demolition, bulk excavation and site preparation works, and if required by the approved Tree Protection Plan (TPP), a bond equivalent to the combined environmental and amenity values of public trees that may be affected by the development will be held against the TPP for the duration of construction activities. The bond must be lodged by the Principal contractor. The bond value will be calculated by the Melbourne City Council – Urban Forest and Ecology. Should any tree be adversely impacted by the works, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Public Tree Protection

- 32. 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 Melbourne City Council – Urban Forest and Ecology.

Noise Attenuation

- 33. Concurrent with endorsement of architectural plans, an acoustic report must be approved and endorsed by the Responsible Authority. The acoustic report must be prepared to the satisfaction of the Responsible Authority, be generally in accordance with the ‘Acoustic Town Planning Report’ prepared by Resonate, Revision A, dated 27 June 2023 and updated to include any changes required by the conditions of this permit.
- 34. Before the development is occupied, the provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the Responsible Authority. The report must not be altered or amended without the written consent of the Responsible Authority.

Stormwater drainage system

- 35. Before the development starts, excluding demolition, bulk excavation and site preparation works, 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’s underground stormwater drainage system.

Groundwater Management

- 36. 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 Melbourne City 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

- 37. Before the development is occupied, all necessary vehicle crossings must be constructed (if they are being 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 the Melbourne City Council – City Infrastructure.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

Roads

38. All portions of roads 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.

Sawn bluestone footpath

39. The footpaths adjoining the subject land along Flinders Lane must be upgraded in sawn bluestone together with associated works including the renewal of kerb and channel, provision of street furniture, and modification of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.

Street levels not to be altered

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

Existing street lighting not altered without approval

41. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

Existing street furniture

42. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council.
43. All street furniture such as seats and bicycle rails must be supplied and installed on Flinders Lane footpaths outside the proposed building to plans and specifications first approved by the Melbourne City Council – City Infrastructure.

Concealed service pipes and equipment

44. All pipes, fixtures, fittings vents, plant and equipment servicing any building on the land (excluding storm water down pipes, guttering and rain heads) must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

Waste Management Plan (WMP)

45. Concurrent with endorsement of architectural plans, an amended WMP prepared by a suitably qualified person must be approved and endorsed by the Melbourne City Council – Waste and Recycling department. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design dated 14 December 2023, but amended to show:

- a) Any changes required in condition one of this permit, including amended swept path diagrams using the most up-to-date floor plan.

Once approved, the WMP will be endorsed and will form part of this permit. The WMP must not be altered or amended without the written consent of the Melbourne City Council – Waste and Recycling department.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

Waste Storage

- 46. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.
- 47. No garbage bin or waste materials generated by the development may be deposited or stored outside the site and bins must be returned to the garbage storage area as soon as practical after garbage collection, to the satisfaction of Melbourne City Council – Waste and Recycling.

Loading/Unloading

- 48. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles, to the satisfaction of the Responsible Authority.

Section 173 Agreements

Demolition

- 49. Before the development starts including demolition, bulk excavation and site preparation works (or as otherwise agreed by the Responsible Authority) the owner of the land must enter into an agreement with the Melbourne City Council pursuant to section 173 of the *Planning and Environment Act 1987* and have it recorded on title. The agreement must provide the following:
 - a) If the land remains vacant for 6 months after completion of the demolition; or
 - b) If demolition or construction activity ceases for a period of 6 months; or
 - c) If construction activity ceases for an aggregate of 12 months 6 months after commencement of the construction the owner must construct temporary works on the land to the satisfaction of the Melbourne City Council.
 - d) Prior to the commencement of construction of the temporary works, details of the works must be submitted to and approved by the Melbourne City Council. Temporary works may include:
 - i. The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage.
 - ii. Landscaping of the site for the purpose of public recreation and open space.
 - e) The agreement must make provision for its removal from the title following completion of the obligations contained in the agreement.

The Melbourne City Council may consent in writing to varying any of the above requirements.

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

Office (public benefit)

50. Before the development starts excluding any demolition, bulk excavation and site preparation works (or as otherwise agreed by the Responsible Authority) the owner of the land must enter into an agreement with the Melbourne City Council pursuant to section 173 of the *Planning and Environment Act 1987* and have it recorded on title. The agreement must provide the following:
- a) The office use of level three of the building must be secured for a minimum of ten years from the date of issue of a certificate of occupancy for the building.
 - b) In accordance with clause 73.03 of the Melbourne Planning Scheme, the office use is defined as 'land used for administration or clerical, technical, professional or other like business activity. No goods or materials intended for manufacture, sale or hire may be stored on the land' which must be physically separated and administratively independent of any other use within the building.
 - c) The agreement must make provision for its removal from the title following completion of the obligations contained in the agreement.

The Melbourne City Council may consent in writing to varying any of the above requirements.

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

Closure of windows and openings on boundary

51. Before the development starts excluding any demolition, bulk excavation and site preparation works (or as otherwise agreed by the Responsible Authority) the owner of the land must enter into an agreement with the Melbourne City Council pursuant to section 173 of the *Planning and Environment Act 1987* and have it recorded on title. The agreement must provide the following:
- a) Windows and openings on a boundary must be removed when the adjoining property is further developed in a manner that the Melbourne City Council considers would affect these windows and openings.

The Melbourne City Council may consent in writing to varying any of the above requirements.

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

Commencement of Permit

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

Expiry

53. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a) The development is not started within three (3) years of the issued date of this permit.
 - b) The development is not completed within six (6) years the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

USEFUL INFORMATION:

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

Building approval

- A. This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- B. The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.
- C. Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.

Other approvals may be required

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

Car parking and bicycle spaces

- E. The Melbourne City Council is not obliged to change on-street parking restrictions to accommodate the servicing, delivery and parking needs of the development under this planning permit.
- F. The Melbourne City Council is not obligated to provide any additional bicycle parking facilities to cater for this development.

Archaeology

- G. The land affected by this planning permit appears to be identified in Heritage Victoria's Heritage Inventory as having archaeological potential. The permit holder is advised to contact Heritage Victoria prior to the commencement of the development.

City infrastructure

- H. All necessary approvals and permits are to be first obtained from the Melbourne City Council and the works performed to the satisfaction of the Melbourne City Council – City Infrastructure.

Date issued: 13 June 2024

Signature for the Responsible Authority: 

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—
 - 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.

WHEN DOES A PERMIT EXPIRE?

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

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.

Date issued: 13 June 2024

Signature for the Responsible Authority: _____

