


## PLANNING PERMIT

<b>Permit No.:</b>	PA2302581-1
<b>Planning scheme:</b>	Melbourne Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	Part Crown Allotment 2057 at West Melbourne City of Melbourne Parish of Melbourne North (indicative diagram below)
	

### THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
37.04-4	Construct a building or construct or carry out works
	Demolish or remove a building or works
37.04-5	Construct or put up for display a sign
43.01-1	Demolish or remove a building

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	Construct a building or construct or carry out works
	Construct or display a sign
43.02-1	Construct a building or construct or carry out works

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**Amended Plans**

1. Prior to the commencement of early works associated with any demolition, bulk excavation, site preparation and retention works, an electronic set of early works plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Kerstin Thompson Architects received 29 April 2024, but amended to show any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition of this permit. All early works must be in accordance with the approved plans under this condition.
2. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, an electronic set of plans drawn to scale, must be submitted to the Responsible Authority, generally in accordance with the plans prepared by Kerstin Thompson Architects received 29 April 2024, but amended to show:
  - a) The lower podium level and ground floor level associated with the west elevation and the termination of the east-west pedestrian link must provide further design and landscaping measures to improve the activation and human scale of the area as required by both Design Principles 7 and 16 (Parcel D Southern Development Site) in the endorsed Development Plan titled 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).
  - b) Deleted.
  - c) A typical alternative floorplate to demonstrate that the building can be converted to an alternate use within the approved building floorplate.
  - d) Annotations on the floor plans and the west elevation to more clearly show the fritted glass and screens to the habitable rooms on Levels 3-5 to limit overlooking to the building to the west of the site.
  - e) Any changes as a result of the Façade Strategy required by Condition 6 of this permit.
  - f) Any changes as a result of the Sustainability Management Plan required by Condition 7 of this permit.
  - g) Annotations to accord with the Wind Assessment required by Condition 11 of this permit.
  - h) Any changes as a result of the Waste Management Plan required by Condition 15 of this permit.
  - i) Annotations to accord with the Acoustic Assessment required by Condition 16 of this permit.
  - j) Annotations to accord with the Reflected Glare Assessment required by Condition 17 of this permit.

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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**

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

**Architect to be Retained**

4. Except with the consent of the Responsible Authority, Kerstin Thompson Architects must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed Façade Strategy to the satisfaction of Responsible Authority.

**Staging**

5. The development should be carried out generally in accordance with the staging plan in the endorsed Development Plan titled, 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time), including but not limited to any associated public realm works, temporary and/or interim treatment of land associated with the development, unless otherwise agreed to in writing by the Responsible Authority.

**Façade Strategy**

6. Concurrent with the endorsement of plans pursuant to Condition 2, a Façade Strategy must be submitted to and be approved by the Responsible Authority in consultation with the Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority. 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, including colonnade design, entries, lobbies and doors, services, 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.

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- 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.

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**

- 7. Concurrent with the endorsement of plans pursuant to Condition 2, 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 the Melbourne City Council. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by Aurecon Engineering dated October 2023, but modified to include or show:
  - a) Further detail and evidence that the development can achieve the minimum requirements (building's 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) Preliminary energy modelling for non-residential components including Class 3 that demonstrate the development can achieve a 10% improvement on minimum standards. Provide evidence via a completed Upfront Carbon Emissions Calculator.
  - c) 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 building's electricity will come from renewable sources and 100% of the building's energy comes from renewables.
  - d) Adequate information that demonstrates the whole permit site can achieve a 40% reduction in average annual stormwater discharge (ML/yr).
  - e) A signed copy of a maintenance contract for the stormwater proprietary products.

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**

- 8. Prior to the occupation of the development, a report from the author of the endorsed SMP, or similarly qualified persons or companies, outlining how the performance outcomes specified in the endorsed SMP have been implemented must be submitted to the Responsible Authority in consultation with the Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and must 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

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etc. that have been produced to demonstrate compliance with the relevant targets included in the endorsed SMP.

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

9. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, 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 Openwork, dated February 2024, but amended as follows:
- a) Include any changes required by Condition 2 of this permit.
  - b) Modifications in accordance with the approved Sustainability Management Plan.
  - c) A planting concept associated with a planting palette that identifies different planting groups and explains their spatial distinction.
  - d) Details on the extent of solar access to selected species to demonstrate their viability.
  - e) Details of proposed green infrastructure and planters (including volume of planter soil / media and depths) and mulch specifications.
  - f) Annotated cross-sectional details for green infrastructure and planters including materials, waterproofing, drainage, dimensions, support structures and tree anchors.
  - g) Irrigation systems demonstrating use of alternative water sources such as rainwater, stormwater and recycled water.
  - h) Demonstrate compliance with the Melbourne City Council's Design and Construction Standards.
  - i) Details of paving which reflects the dominant direction of traffic, usually perpendicular to the kerb line or building line unless where it is a path leading to an entrance or crossing.
  - j) 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.

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.

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

### **Wind Assessment**

11. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, an amended Wind Assessment must be submitted to and approved by the Responsible Authority. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Windtech and dated 3 June 2024, but modified to include or show:
- a) In Table 6:

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- i. Study point 8 to be further tested to comply with the comfort criteria; and
  - ii. The 'grade' for study point 20 should be updated to 'fail' with the testing treatment.
- b) Note that for study points 8, 20, 21 and 22 further localised screening / raised planters or tree foliage may be required as a result of the Parcel C detailed design and as required by the section 173 Agreement condition for wind mitigation measures outside the title boundary.

The Wind Assessment must achieve the target wind comfort criteria and safety criteria in the endorsed Development Plan titled 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time).

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

When approved, the Wind Assessment will be endorsed and will then form part of the permit.

### **Bicycle Management Plan**

12. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, a Bicycle Management Plan must be submitted to and approved by the Responsible Authority. The Plan must detail the means by which the on-site bicycle parking facilities approved under this permit will be operated, allocated, maintained and managed. The Plan should provide detail on the provision of visitor bicycle parking within the development and provide details on how visitors and staff access the bicycle parking.

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

### **Road Safety Audit**

13. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, an formal independent Road Safety Audit must be undertaken and submitted to the 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.
  - f) Road safety issues affecting all road users.

The findings of the Audit must be implemented at no cost to and be to the satisfaction of the Melbourne City Council.

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### Loading Management Plan

14. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, a Loading Management Plan must be submitted to and approved by the Melbourne City Council. The Loading Management Plan must specify how the access / egress of loading vehicles is to be managed to ensure that:
- The delivery needs of the uses within the development are accommodated.
  - Deleted.
  - Any potential conflicts between vehicles and other road users are satisfactorily addressed.
  - There are no obstructions in the path of the vehicles (kerbs, walls, etc.) and appropriate height clearances are provided for all required vehicles / manoeuvres.
  - All loading and unloading occurs within the curtilage of the site at all times.
  - A Loading Dock Manager, Building Manager or similar is appointed to be responsible for controlling the operation of the loading bay and loading and unloading of goods.

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

### Waste Management Plan

15. Prior to the commencement of the development (excluding demolition, bulk excavation, site preparation and retention works), an amended Waste Management Plan (WMP) must be approved and endorsed by the Melbourne City Council – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by WSP dated 23 May 2024, but amended to show:
- Any changes required by Condition 2 of this permit.
  - Any changes required by the Loading Management Plan required under Condition 14 of this permit.

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 the Melbourne City Council – Waste and Recycling.

### Acoustic Report

16. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, the Acoustic Report prepared by Acoustic Logic dated 23 October 2023 must be updated as required by Condition 2 of this permit and submitted to and approved by the Responsible Authority.

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

### Reflected Glare Assessment

17. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, 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.

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18. 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.
19. Light reflectivity from external materials and finishes must not reflect more than 15% of specular visible light, to the satisfaction of the Responsible Authority.

### 3D Model

20. Prior to the occupation of the development, 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 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, before these modifications are approved.

### Construction Management Plan and Tree Protection Plan

21. Prior to the commencement of the development, including demolition, bulk excavation, site preparation and retention works, a detailed Construction Management Plan, inclusive of a Tree Protection Plan, must be submitted to and be approved by the Melbourne City Council – Construction Management Group. This Construction Management Plan must be prepared in accordance with the Melbourne City Council’s Code of Practice for Building, Construction and Works and is to consider the following:
  - a) Public safety, amenity and site security.
  - b) Operating hours, noise and vibration controls.
  - c) Air and dust management.
  - d) Stormwater and sediment control.
  - e) Waste and materials reuse.
  - f) Traffic management.
  - g) The staging of the Queen Victoria Market Southern Development Site – Parcel D as included in the endorsed Development Plan titled, ‘Queen Victoria Market Southern Precinct Development Plan, June 2024’ (as may be amended from time to time).
  - h) A Tree Protection Plan (TPP) which must identify all impacts to public trees, be in accordance with *AS 4970-2009 – Protection of trees on development sites*, and include:
    - i. Melbourne City Council tree asset numbers.
    - ii. Site specific details of the temporary tree protection fencing to be used to isolate trees from the demolition and / or construction activities or details of any other tree protection measures considered necessary and appropriate to the works.
    - iii. Specific details of any special works methodologies to be used within the Tree Protection Zone of any trees. These must be provided for any utility connections or civil engineering works.
    - iv. Full specifications of any pruning required to trees with reference to marked images.
    - v. Any special arrangements required to allow ongoing maintenance of public trees for the duration of the construction of the development.
    - vi. Details of the frequency of the Project Arborist monitoring.
    - vii. Public trees to be retained and protected.



- viii. Public trees to be removed, lopped or pruned. Provide details of all reasonable options exhausted to retain public trees when identifying trees proposed for removal.

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

22. All works, including demolition, 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 Project Arborist where identified in the report, except with the further written consent of the Melbourne City Council.
23. In the event that public trees are proposed for removal at any stage of the development, the permit holder must make a separate application to the 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 site.

#### **Demolition in Capital City Zone**

24. The owner must construct temporary works on the land to the satisfaction of the Melbourne City Council in the following scenarios:
- The land remains vacant for 6 months after completion of the demolition;
  - Demolition or construction activity ceases for a period of 6 months; or
  - Construction activity ceases for an aggregate of 6 months after commencement of the construction.

Prior to the commencement of construction of the temporary works, details of the works must be submitted to and be to the satisfaction of the Melbourne City Council.

Temporary works may include:

- The construction of temporary buildings for short-term retail or commercial use. Such structures shall include the provision of an active street frontage; or
- Landscaping of the site for the purpose of public recreation and open space.

#### **Student Housing Operational Management Plan**

25. Prior to the occupation of the development, excluding demolition, bulk excavation, site preparation and retention works, an Operational Management Plan for the student housing must be submitted to and approved by the Melbourne City Council. When approved, the Plan will be endorsed and will then form part of the permit. The Plan must establish a set of 'house rules' for the use, to be followed thereafter to the satisfaction of the Melbourne City Council. The Plan must ensure that a suitably qualified full-time manager with responsibility to oversee students is on-site during general business hours and contactable off-site after hours by both student housing staff and residents. The Plan must also detail the maintenance, cleaning, garbage storage and collection, supervision and security of the site.

### Legal Agreement - Student Housing

26. Prior to the occupation of the development, 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*. 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.
  - b) The building is to operate at all times in accordance with the Operational Management Plan, including the set of 'house rules' for the use, as required by this permit to the satisfaction of the Melbourne City Council.
  - 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 Melbourne City Council. The on-site facilities are only permitted to be used by the residents / employees of the student housing, in accordance with the endorsed plans, and such facilities must not be subdivided, leased or sold separate from the facility for any reason, without the prior written consent of the Melbourne City Council.
  - d) The requirements contained in the agreement shall form part of any lease of the premises which the owner of the land under this permit may enter into with another party.

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.

### Legal Agreement – Publicly Accessible Outdoor Areas

27. Prior to the occupation of the development, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Melbourne City Council. The agreement must provide the following:
- a) Give public access rights of all publicly accessible outdoor areas 24 hours a day, 7 days a week, unless otherwise agreed in writing by the Melbourne City Council.
  - b) The owner of the land must, at its cost, maintain the outdoor areas in accordance with any endorsed Landscape Plans to the satisfaction of the Melbourne City Council.

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.

### Legal Agreement – Offsite Wind Mitigation Measures

28. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, unless otherwise agreed in writing by the Minister for Planning, the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* with the Minister for Planning and the Melbourne City Council. The agreement must provide the following:
- a) Implement offsite wind mitigation measures as referenced in the endorsed wind report. The agreement must contain covenants to be registered on the title for the land so as to run with the land, and must provide for the following:
    - i. The location, type and design of the wind mitigation measures outside the planning permit land boundary to be approved by the Minister for Planning in consultation with

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the Melbourne City Council and any other relevant agency prior to commencement of construction of such measures. The wind mitigation measures must be supported by a wind tunnel assessment report to the satisfaction of the Minister for Planning.

- ii. The wind mitigation measures within the future common property and outside the planning permit land boundary must be implemented prior to the completion and occupation of each applicable stage of development, as referenced in the endorsed 'Queen Victoria Market Southern Precinct Development Plan, June 2024' (as may be amended from time to time) and as agreed to by the Minister for Planning and the Melbourne City Council.

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

### **Road Encroachments**

29. All projections over street alignments must conform to Building Regulations 2018, Part 6, Sections 98 to 110 as appropriate. Reference can be made to the Melbourne City Council's Road Encroachment Operational Guidelines with respect to projections impacting on street trees and clearances from face / back of kerb.

### **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, excluding demolition, bulk excavation, site preparation and retention 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 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 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.

### **Construct and Maintain Access**

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

### **Roads**

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

### **Footpaths**

35. The footpaths adjoining the site along Franklin Street and Queen Street must be reconstructed 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 owner / developer (unless otherwise agreed by the Melbourne City Council – City Infrastructure), in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

### **Street Levels not to be Altered**

36. 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 the Melbourne City Council – City Infrastructure.

### **Street Furniture**

37. All 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, unless otherwise agreed by the Melbourne City Council – City Infrastructure.
38. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Melbourne City Council – City Infrastructure.

### **Lighting Plan**

39. Prior to the commencement of the development, excluding demolition, bulk excavation, site preparation and retention works, a Lighting Plan must be prepared to the satisfaction of the Melbourne City Council – City Infrastructure. The Lighting Plan should be generally consistent with the Melbourne City Council's Lighting Strategy, and include the provision of building lighting, lighting within the public realm and public lighting in the adjacent streets. The lighting works must be undertaken prior to the occupation of the development, in accordance with plans and specifications first approved by the Melbourne City Council – City Infrastructure.

40. 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.

### **Land Survey**

41. Prior to the commencement of the development, or as otherwise agreed with the Melbourne City Council, the owner must provide evidence to the Melbourne City Council that a light and air easement(s) have been created to protect windows along the relevant boundaries.
42. The owner of the land must enter into an agreement with the Department of Transport and Planning (DTP) pursuant to Section 138(A) of the *Land Act 1958* for the elements of the approved development that project more than 300 mm beyond the land's title boundary, to indemnify the Crown in relation to any claim or liability arising from the projections within the Government Road road reserve. Should the owner of the land seek to commence works prior to the issue of this tenure / authorisation, the owner of the land must enter into a legal agreement under Section 173 of the *Planning and Environment Act 1987*, concerning liability of those parts of the development projecting into airspace or sub-soil of land under the care and management of the Melbourne City Council.

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

### **Building Appurtenances and Structures Above Roof Level**

43. 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.
44. 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.
45. 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.

### **Potentially Contaminated Land and Remediation**

46. Prior to the commencement of the development, excluding works required to facilitate this condition, a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the *Environment Protection Act 2017* and respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority.

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If the PRSA requires an Environmental Audit be undertaken, or if the permit holder decides to undertake an Environmental Audit, then prior to the commencement of the development (excluding works required to facilitate this condition), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the *Environment Protection Act 2017* responding to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority. The EAS must either:

- a) State the site is suitable for the use and development allowed by this permit.
- b) State the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

All the recommendations of the EAS must be complied with for the full duration of any buildings and works on the land in accordance with the development hereby approved, and must be fully satisfied prior to the occupation of the approved building. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS prior to the occupation of the building.

If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the occupation of the approved building and prior to the issue of a statement of compliance under the *Subdivision Act 1988*, the owner of the land must enter into an agreement with the Melbourne City Council under section 173 of the *Planning and Environment Act 1987* to the effect that all conditions of the EAS issued in respect of the land will be complied with.

## Signage

47. Prior to erection of any signage approved by this permit, signage plans must be approved and endorsed by the Responsible Authority. The signage plans must be prepared to the satisfaction of the Responsible Authority, be drawn to scale with dimensions, be generally in accordance with the plans prepared by Kerstin Thompson Architects and received 29 April 2024 and must include:
  - a) Details of the signage including the location, size, materials, colours, lettering styles and details of illumination.
48. The location, orientation, size, materials, colours and degree of illumination of the signs shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
49. The signs, including their structure and advertising material as shown on the endorsed plans, must at all times be maintained in good order and condition, to the satisfaction of the Responsible Authority.
50. The illumination of the high wall signage must be turned off between:
  - a) 11 pm and 6 am on Sunday – Thursday nights; and
  - b) 1 am and 6 am on Friday and Saturday nights and of a day prior to a public holiday.
51. The signs hereby permitted must not be animated or contain any flashing light.

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52. The illumination of high wall signage and associated lighting must be dimmable and must not contain flashing light, to the satisfaction of the Responsible Authority.
53. All outdoor lighting associated with the signs must be located, designed, directed and baffled to comply with Australian Standard AS/NZS 4282:2023 (Control of the Obtrusive Effects of Outdoor Lighting) to the satisfaction of the Responsible Authority. The Responsible Authority, with just cause, may at any time request a review or undertake a review of the brightness of the signs and require any necessary modifications to the satisfaction of the Responsible Authority.
54. The time for commencement of the erection of any signage hereby approved is five years from the issue date this permit and the time for completion is specified as two years from the date of such commencement.
55. The signs hereby permitted will expire 15 years from the issue date of this permit, at which time the signs and all supporting structures must be removed, and the site reinstated to the satisfaction of the Responsible Authority.
56. In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension to the time periods referred to in Conditions 54 and 55.

**Head, Transport for Victoria**

57. Unless otherwise agreed in writing with the Head, Transport for Victoria, before development starts a Construction Management Plan must be submitted and approved to the satisfaction of Head, Transport for Victoria. The Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to public transport assets and operations during construction and must set out:
- b) how public transport operations, bus stops, traffic, walking and cycling movements will be managed during construction; and
  - c) how traffic impacts to bus operations and associated infrastructure will be mitigated.

All construction works must be carried out in accordance with the approved Construction Management Plan. The Construction Management Plan must be implemented at no cost to the Head, Transport for Victoria and to the satisfaction of the Head, Transport for Victoria.

58. Any request for written consent to disrupt bus operations during the construction of the development must be submitted to and approved by the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption as set out in the approved Construction Management Plan.
59. Unless otherwise agreed with the Head Transport for Victoria, before the development is occupied, the Green Travel Plan prepared by WSP dated February 2024 must implemented as shown on the approved Plan to the satisfaction of the Responsible Authority.

**Date issued:** 19 August 2024 **Signature for the responsible authority:**

*A Wood*

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**Expiry**

60. This permit will expire if one of the following circumstances applies:

- a) The development has not started within three years of the date of this permit.
- b) The development has not been completed within five 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>
26 September 2024	Section 72 amendment to delete permit conditions 2(b) and 14(b) that require the building to accommodate an 8.8 metre service vehicle.	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 subject site. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.

**Building works to accord with planning permit**

- The owner / developer will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the owner / developer 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 development must be to the satisfaction of the Melbourne City Council. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Melbourne City Council 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 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.

Date issued: 19 August 2024 Signature for the responsible authority:

*A Wood*

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**Civil design**

- 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 Branch.

**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 Melbourne City Council. 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 owner / developer of the site. The costs of these works will be provided and must be agreed to before the Council will remove the subject trees.

**Traffic engineering**

- Melbourne City Council is not obligated to amend the parking restrictions in the area to meet future parking demands from this development.
- Melbourne City Council is not obligated to provide any additional bicycle hoops to cater for future bike parking demands from this development.

**Road naming**

- The names to any roads or public areas shown on plans are indicative and have not been formally determined as a part of this application. Any naming process will need to occur in accordance with the relevant naming conditions within this permit.

Date issued: 19 August 2024 Signature for the responsible authority:

*A Wood*

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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.

(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: 19 August 2024 Signature for the responsible authority:

*A Wood*