

PLANNING PERMIT

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| Permit No.: | PA2201857-1 |
| Planning scheme: | Melbourne Planning Scheme |
| Responsible authority: | Minister for Planning |
| ADDRESS OF THE LAND: | 218-246 Macaulay Road and 23-35 Boundary Road, North Melbourne |

THE PERMIT ALLOWS:

| Planning scheme clause No. | Description of what is allowed |
|-----------------------------------|--|
| 34.01-1 | Use of the land for dwellings |
| 34.01-4 | Construct a building or construct or carry out works |
| 43.02-2 | Construct a building or construct or carry out works in accordance with Schedule 26 and Schedule 63. |
| 52.06-3 | Reduce the number of car parking spaces |
| 52.29 | Create or alter access to a road in a Transport Zone 2 |

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Compliance with documents approved under this permit

- 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.

Amended Plans

- Prior to the commencement of the use and development (excluding any demolition or bulk excavation), an electronic set of plans drawn to scale and an updated development summary, must be submitted to the Responsible Authority in consultation with Melbourne City Council, generally in accordance with the plans prepared by Rothelowman dated 27 November 2023 (Drawings TP01.01 – TP05.01) but amended to show:



Date issued: 21/06/2024 **Signature for the responsible authority:**

- a) A notation confirming a minimum of 16 bicycle spaces provided within the northern link (laneway), adjacent to the wall of the supermarket.
- b) An amended basement plan that provides dimensions, including setbacks from the basement to boundaries showing a minimum 1.5 metres clearance.
- c) Electric vehicle charging infrastructure provided in the car park to enable charging within each space in the future.
- d) Notation on the Basement Floor Plan that the water tank is connected to toilets and irrigation.
- e) Dimensioned car parking spaces and access ways.
- f) Nomination of storage areas for each dwelling in accordance with Standard D21 of Clause 58.05-4 of the Melbourne Planning Scheme.
- g) Any changes, technical information or plan notations (or otherwise) required as a consequence of any other condition in this permit.

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

Layout Not Altered

3. 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.

Glare

4. Glazing materials used on all external walls must be of a type that does not reflect more than 15% of visible light when measured at an angle of 90 degrees to the glass surface, to the satisfaction of the Responsible Authority.
5. 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.

Retention of Architect

6. Except with the written consent of the Responsible Authority, Rothelowman must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and schedule of materials and finishes to the satisfaction of the Responsible Authority.

Façade Strategy

7. Concurrent with the endorsement of plans pursuant to Condition 2, a Façade Strategy and Materials and Finishes Schedule must be submitted to and be approved by the Responsible Authority in consultation with Melbourne City Council. All materials, finishes and colours must be in conformity with the approved Façade Strategy to the satisfaction of the Responsible Authority in consultation with Melbourne City Council. The Façade Strategy must be generally in accordance with the development plans and must detail:
 - a) A concise description and design details of the lantern element associated with the lift



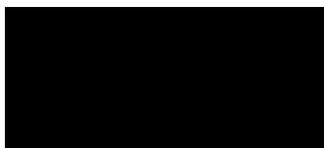
- cores of the building.
- b) Further detail of the proposed 'GT03 – Glazing – Patterned'.
 - c) The proposed imagery / graphics of the lantern facades.
 - d) Elevation details at a scale of 1:50 illustrating ground floor details for all buildings, including entries, arched ways, brick tiles, canopies / awnings and shopfront design.
 - e) Information about how the façade will be accessed and maintained and cleaned, including any planting if proposed.
 - 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 revised 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.

Land Survey

8. Prior to occupation, all internal laneways and accessways which provide a main entry point into a ground floor tenancy must be named in accordance with the *Geographic Place Names Act 1998* to provide appropriate street addressing.
9. Any proposed road name must comply with the *Naming Rules for Places in Victoria, Statutory Requirements for Naming Roads, Features and Localities 2016*.
10. Where storage cages are not independently accessed and rely on access over an adjoining car space, they must be used in association with that car space for which access is relied and must be assigned to a single unit or tenancy within the development.
11. All service cupboards must be independently accessed and must not rely on access over an abutting car parking space. In instances where access is relied on an abutting car parking space, the abutting car parking space must be removed to provide for adequate access.

Waste Management

12. Concurrent with the endorsement of plans under Condition 2, an amended WMP must be approved and endorsed by Melbourne City Council – Waste and Recycling. The amended WMP must be generally in accordance with the WMP prepared by Leigh Design, dated 3 April 2023, but amended to include or show:
 - a) Any changes as required by Condition 2 of this Permit.
 - b) Recalculate the residential waste in Table 1 and adjust bin numbers and/or compactor sizing accordingly.
 - c) The use of use 660 L glass bins in place of 240 L glass bins.
 - d) Table 1 shows that the supermarket will generate 26,450 L of recycling per week, yet only 2 x 240 L recycling bins collected 3 times per week have been nominated for use. Cardboard generation rates are shown as a separate item to the commingled recycling generation rate. The amended WMP must show adequate commingled recycling bins for the resulting commingled recycling generation rate.



13. 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.
14. Once approved, the WMP will be endorsed and will form part of this permit. At all times waste management and collection must be carried out in accordance with the requirements of the approved and endorsed WMP to the satisfaction of Melbourne City Council – Waste and Recycling.
15. Waste storage and collection arrangements must not be altered without prior consent of Melbourne City Council – Waste and Recycling.

Sustainable Management Plan

16. Concurrent with the endorsement of plans under Condition 2, an amended Sustainable Management Plan (SMP) prepared by a suitably qualified person must be submitted to and approved by the Responsible Authority in consultation with Melbourne City Council. When approved, the amended SMP report will be endorsed and form part of this permit. The amended SMP report must be generally in accordance with the SMP report prepared by GIW Environmental Solutions, dated 30 March 2023, but modified to include or show:
 - a) Any changes as required by Condition 2 of this Permit.
 - b) Green Star assessment in accordance with Clause 15.01-2L-01 of the Melbourne Planning Scheme.
 - c) Provide evidence of Green Star Buildings registration.
 - d) Daylight modelling to / for dwelling type 1B.
 - e) All glazing to habitable areas including living spaces and bedrooms is to be shown as double glazed.
 - f) Further sampling of NatHERS ratings (closer to 30%).
17. Once approved, the SMP will be endorsed and will form part of this permit. The performance outcomes specified in the SMP must be achieved in the completed development. The SMP must not be altered or amended without the written consent of the Responsible Authority, in consultation with Melbourne City Council.

Implementation of Sustainable Management Plan Report

18. Prior to the occupation of any building approved under this permit, a report from the author of the endorsed SMP report, or similarly qualified persons or companies, outlining how the performance outcomes specified in the amended ESD report have been implemented must be submitted to the Responsible Authority and Melbourne City Council. The report must be to the satisfaction of the Responsible Authority and Melbourne City Council and must confirm and provide sufficient evidence that all measures specified in the approved ESD report have been implemented in accordance with the relevant approved plans.

Landscape Architecture

19. Concurrent with the endorsement of plans pursuant to Condition 2, an amended landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved by the

Responsible Authority in consultation with Melbourne City Council. This plan must be generally in accordance with the plans prepared by Tract, dated 22 March 2023, and must be updated to include:

- a) Any changes as required by Condition 2 of this permit.
- b) Further detail of the proposed 'over raised planters' including sections indicating soil volumes.
- c) Quantity of proposed plant types to be updated in the schedule provided.
- d) Discussion and strategies for how the green roofs will provide ecosystem services (i.e. maximising biodiversity, connectivity, deep soil planting, urban heat island prevention etc).
- e) The Landscape Maintenance Plan should provide details of proposed maintenance regimes with provision for maintenance beyond the fifty two week period following Practical Completion.

20. Except with the prior written consent of the Responsible Authority and Melbourne City Council the approved landscaping must be implemented prior to the occupation of the development. The landscaped areas must be maintained to the satisfaction of the Melbourne City Council.

Flood Mitigation

21. The finished floor levels as shown at ground floor, including all access points to the ground floor and basement including all electrical installation locations, and all bicycle parking facilities are not to be altered unless with the prior written consent of the Responsible Authority, in consultation with Melbourne Water

22. Any external openings to the basement, including windows, vents, doors and stair openings, must be constructed no lower than 3.83 metres AHD, which is 600 millimetres above the applicable flood level of 3.23 metres AHD.

23. Concurrent with the endorsement of plans, a Flood Risk Management Plan (FRMP), prepared by an accredited risk management professional, must be submitted to and approved by the Responsible Authority and Melbourne Water in writing. When approved, the FRMP (as revised from time to time in accordance with this condition) will form part of this permit. The FRMP must:

- a) Include and agree that:
 - i. the flood depths predicted on the subject land and on the surrounding land (including the adjacent road network) may result in a risk to human safety and property.
 - ii. the subject land and access and egress to the subject land is subject to flooding from Moonee Ponds Creek, the Arden Street Main Drain and drainage system storm surge flooding associated with tidal inundation from Port Phillip Bay.
- b) The FRMP must also detail the following:
 - i. Site specific flood risks associated with flooding from Melbourne Water's waterways and drains in both current day and Climate Change (2100) scenarios;

- ii. Identify and list all relevant organisations associated with flood and weather warnings;
- iii. Include a requirement for there to be a building manager, flood warden or responsible person to be the single point of contact responsible for the application and maintenance of all aspects of the FRMP, and for that person to be present on-site during all operational hours (responsible person)
- iv. Require that, in implementing the FRMP, the responsible person is to:
 - a. formally confirm in writing to the property owner(s) and Melbourne Water that the FRMP is operational and that all measures required to give effect to the FRMP are in place, active and functional;
 - b. address any concerns, uncertainties, questions or other matters as a matter of priority and on an ongoing basis; and
 - c. include a copy of the FRMP in an operational folder kept in prominent locations on the subject site that is well known to the responsible person and other persons who need to access it.
- v. Identify management procedures to mitigate flood risk in the lead up to, during, and post, a flood emergency, including:
 - i. evacuation plans and procedures/clearly defined plan of evacuation through the subject site (to the north) (inclusive of confirmation of how / whether any proposed route is viable);
 - ii. evacuation plans and procedures/clearly defined plan of evacuation through the subject site (to the east to Boundary Road). (inclusive of confirmation of how / whether any proposed route is viable).
 - iii. The pedestrian Ramp located on the eastern extent of the site must have a finished floor level no lower than 2.80 AHD;
 - iv. Details as to how evacuation via Macaulay Road is to be actively prevented;
 - v. responsible person's role and responsibilities;
 - vi. procedures to manage vehicles parked on-site;
 - vii. details of any lockable pedestrian and vehicular gates that may require access;
- vi. Notification and contacts of people to be alerted in the event of a flood (e.g. building manager);
- vii. Specific details of any additional flood warning systems to be relied upon;
- viii. Ongoing staff training and periodic review of procedures;
- ix. Use of flood warning signage and flood markers as appropriate;



- x. Ongoing use and periodic review of the FRMP (undertaken by a suitably qualified person); and
- xi. General principles of operation of any flood barrier(s), including flood barrier rise times and a maintenance and reporting Schedule, to the satisfaction of the Responsible Authority and Melbourne Water.

Section 173 Agreements

Flooding Risk

24. Prior to the commencement of development, the owner(s) of the land must enter into an agreement pursuant to section 173 of the *Planning and Environment Act 1987 (Vic)* with the Responsible Authority and Melbourne Water Corporation, as below.

All costs (including legal fees) associated with the creation, review, execution and registration of the agreement must be borne by the owner(s) of the land.

The agreement must be registered on title and run with the land prior to the occupation of the development and must provide, to the satisfaction of the Responsible Authority and Melbourne Water, for:

- a) prospective and future owners and occupiers of the land to be informed that the land is subject to inundation and flood risk; and
- b) the use of the approved development to at all times be in accordance with the FRMP approved by Melbourne Water.

Affordable housing

25. Before the development starts (excluding any demolition), the owner(s) must enter into an agreement with the Responsible Authority and Melbourne City Council specified as parties to the agreement, under section 173 of the *Planning and Environment Act 1987*, to the satisfaction of both parties, for the delivery of affordable housing (as defined in the *Planning and Environment Act 1987* (the Act)).

The agreement must be registered on title to the land and the owner(s) must be responsible for the expense of preparation and registration of the agreement including the Responsible Authority and Melbourne City Councils' reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

The agreement must be in a form to the satisfaction of all parties and include covenants that run with the land to:

- a) Provide for the delivery of at least 4.5% of the total number of dwellings for affordable housing as defined by Section 3AA of the Act before the development is occupied. This may be provided by utilising one or more of the following mechanisms for the delivery of affordable housing:
 - i. Transferring dwellings within the development to a registered housing agency or other housing provider or trust entity approved by the Responsible Authority at a minimum 35% discount to market value; or
 - ii. Any other mechanism providing a contribution of equivalent or higher value to Condition 24(a)(i) to the satisfaction of both parties.

- b) Unless otherwise agreed in writing by the Responsible Authority and Melbourne City Council, the affordable housing delivered under condition 24a) must:
 - i. Be delivered within the development approved by this planning permit;
 - ii. Take the form of one, two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise agreed;
 - iii. Be functionally and physically indistinguishable from conventional dwellings within the development;
 - iv. Include access to all common facilities within the building at no extra fee for occupants of affordable housing dwellings; and
 - v. Allocate one or more bicycle parking space per dwelling for the life of the affordable housing.
- c) The agreement must include terms which provide for the manner in which the affordable housing is to be made, including the timing for and how the contribution is to be delivered and maintained.
- d) For the purposes of the agreement 'affordable housing' is to have the same meaning as the definition under the Act.

Through links (laneways)

26. Prior to the commencement of the development (excluding any demolition), the owner of the land must enter into a legal agreement pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) with Melbourne City Council. The agreement must at a minimum provide the following:
- a) Give rights of public access to the north - south and east - west links (laneways) along the west and north boundary of the site that connects Macaulay Road to Boundary Road, 24 hours per day, 7 days per week.

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

Developer contributions

27. Before the commencement of development or works, excluding site remediation, the applicant must:
- a) Enter into an agreement under Section 173 of the *Planning and Environment Act 1987* (the Act) with Melbourne City Council; Register the agreement on the title(s) for the land in accordance with Section 181 of the *Planning and Environment Act 1987*; and
 - b) Provide the Responsible Authority and Melbourne City Council with the dealing number confirming the registration of the title.

The agreement must be in a form to the satisfaction of Melbourne City Council and the applicant must be responsible for the expense of the preparation and registration of the agreement, including Melbourne City Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration, enforcement and ending of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:



- a) The developer to pay a development contribution of:
- i. \$20,209 per dwelling,
 - ii. \$229 per square metre of gross commercial floor area,
 - iii. \$191 per square metre of gross retail floor area,
- or other amount outlined within an approved development contribution plan to the satisfaction of Melbourne City Council.
- b) Require that development contributions are to be indexed quarterly from 1 January 2018 to the Price Index of the Output of the Construction Industries (Vic.) published by the Australian Bureau of Statistics (ABS).
- i. Require registration of the Agreement on the titles to the affected lands as applicable.
- c) Confirm that contributions will be payable to Melbourne City Council.
- d) Require that where the permit authorises building and works and a subdivision of the subject land, full payment of the development contribution must be paid before the issue of a Statement of Compliance in respect of that subdivision or where the permit authorises buildings and works but not subdivision, the development contribution must be paid before the issue of either the certificate of occupancy (in the case of a building) or a certificate of completion (in the case of works).
- e) Confirm the procedure for reducing the contribution paid if the permanent development contributions plan for the area is less than the amount stipulated in the Section 173 Agreement.
- f) The Section 173 agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.

Noise Attenuation

28. Concurrent with the endorsement of plans under Condition 2, the Acoustic Report prepared by RWDI Australia Limited, dated 30 March 2023, must be amended to reflect the changes as required by Condition 2.
29. Prior to the occupation of the development, 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.

Wind Report

30. Concurrent with the endorsement of plans under Condition 2, the Wind Assessment prepared by RWDI Australia Limited, dated 30 March 2023, must be amended to reflect the changes as required by Condition 2. The Wind Assessment must outline the wind tests carried out by a suitably qualified expert on the approved development to ensure compliance with Standard D17 of Clause 58.04-4 of the Melbourne Planning Scheme to the satisfaction of the Responsible Authority. The recommendations of the report must be implemented at no cost to the Responsible Authority and must not include reliance on street trees.

31. Prior to the occupation of the development, the provisions, recommendations and requirements of the endorsed Wind Assessment 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.

Construction Management Plan

32. Prior to the commencement of the development, excluding site remediation, a detailed Construction Management Plan (CMP) must be submitted to and approved by Melbourne City Council – Construction Management Group.

The CMP must be prepared in accordance with Melbourne City Council – Construction Management Plan Guidelines and is to consider the following:

- a) Management of public access and linkages around the site during construction.
- b) Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian accessways).
- c) Any works within the adjoining street network road reserves.
- d) Sediment control and site drainage.
- e) Discharge of polluted waters.
- f) Public safety and site security.
- g) Hours of construction.
- h) Control of noise, dust and soiling of roadways.
- i) Collection and disposal of building and construction waste.
- j) Reasonable measures to ensure that disruption to adjacent public transport services are kept to a minimum.

Urban Forestry

Tree Protection Plan

33. Prior to the commencement of any works, including demolition and bulk excavation and following clarification of site access requirements for works, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Melbourne City Council - Urban Forestry & Ecology. The TPP must identify all impacts to public trees, be in accordance with AS 4970-2009 – Protection of trees on development sites and include:
- a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Reference to the finalised Construction and Traffic 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).

Additional Public Tree Plots

34. Prior to the commencement of any works, a public tree plot plan must be provided to the satisfaction of the Melbourne City Council that shows new plots on Macaulay Road and Boundary Road. The plans must be accompanied by confirmation that any below ground services do not exist, or can be relocated, to enable plot construction.

Public Tree Removal / Pruning

35. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the Melbourne City Council. Should the removal of public trees be approved, the permit holder must submit detailed plans showing the design and location of replacement tree plots to the satisfaction of the Melbourne City Council.
36. Approval for any tree removal is subject to the Tree 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.
37. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a trees to be removed, must be met by the permit applicant / developer / owner of the site. Costs will be provided and must be agreed to before Council will remove the subject trees.

Public Tree Protection

38. All works (including demolition) within the Tree Protection Zone of public trees must be undertaken in accordance with the endorsed Tree Protection Plan (TPP) and supervised by a suitably qualified Arborist where identified in the report, except with the further written consent of the Melbourne City Council.
39. Following the approval of a 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 Melbourne City Council. Should any tree be adversely impacted by the works, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.

New / Replacement Tree Plots

40. All new or replacement tree plots must utilise structural soils to increase soil volume and rooting area.

Traffic Engineering

Car Parking Management Plan



41. Concurrent with the endorsement of plans pursuant to Condition 2, a detailed Car Parking Management Plan must be prepared to the satisfaction of the Responsible Authority and Melbourne City Council, allocating the provided car parking spaces amongst the dwellings, retail and supermarket premises and management of these. The plan must specify that all parking spaces are to remain in common ownership, with a minimum of one (1) car share space and one (1) accessible space available at all times, or as otherwise agreed by the Responsible Authority and Melbourne City Council.

Road Safety Audit

42. Prior to the commencement of the development, excluding demolition and bulk excavation, a desktop Road Safety Audit prepared by a suitably qualified professional must be provided to the satisfaction of the Responsible Authority and Melbourne City Council. The Road Safety Audit must address the following matters:
- a) Vehicular / bicycle / pedestrian access arrangements.
 - b) Loading arrangements.
 - c) Internal circulation / layout.
 - d) All works within the public realm.

When provided to the satisfaction of the Responsible Authority and Melbourne City Council the Road Safety Audit will be endorsed to form part of this permit.

Loading Management Plan

43. Prior to the commencement of works, excluding demolition and bulk excavation, a comprehensive Loading Management Plan (LMP) must be prepared to the satisfaction of the Responsible Authority and Melbourne City Council, specifying how the access / egress of loading vehicles is to be managed, so that any potential conflicts are satisfactorily addressed.

Dock Manager

44. A Dock Manager must be employed, responsible for controlling the operation of the loading bay and unloading of goods.

Plan Details

45. Prior to the occupation of the development, a LED 'Watch for bikes' sign must be installed on Macaulay Road facing exiting drivers, to be activated by approaching cyclists.
46. Prior to the commencement of works, excluding demolition and bulk excavation, further traffic analysis is required to be submitted to the satisfaction of the Responsible Authority to determine whether 'No Right Turn' signage and other measures should be installed at the intersections of the new links (laneways) with Macaulay Road and / or Boundary Road. If such measures are required, they must be installed to the satisfaction of the Responsible Authority.
47. The internal layout of the car park including all ramp grades / widths / transitions, dimensions of car spaces, aisle widths, height clearances, etc. must generally comply with the Melbourne Planning Scheme or the relevant Australian Standards (AS/NZS 2890.1:2004).
48. The design and dimensions of the bicycle parking must comply with the relevant Australian Standards / Bicycle Network guidelines.

Green Travel Plan

49. Prior to the occupation of the development, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Responsible Authority. The GTP must:
- a) Describe the location in the context of alternative modes of transport and objectives for the GTP.
 - b) Outline GTP measures for the building including:
 - i. employee welcome packs to include public transport information;
 - ii. other incentives for employees (i.e. provision of public transport discounts if available);
 - iii. cycle parking and facilities available;
 - iv. GTP management;
 - v. monitoring and review.

Once approved, the GTP will form part of the permit or any on-going management plan for the site to ensure the GTP continues to be implemented by the owners / management of the site to the satisfaction of the Responsible Authority.

Head, Transport for Victoria Conditions

50. Prior to commencement of the building and /or works, amended development plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with plan referenced 24.03.23 RFI Response and modified to show:
- a) Dedicated line marked short right turn lane on Boundary Road to accommodate the right turn movement into the proposed east west roadway.
 - b) Pedestrian visibility splays in accordance with the Design Standards of the Melbourne Planning Scheme should be provided for the east-west road connection to Boundary Road, where the pedestrian visibility triangles are to be augmented with convex mirrors.
 - c) Internal roadway markings located on east west internal roadway exit, adjacent to Boundary Road, to ensure safe access and egress.
51. Prior to the commencement of use and/or occupation of the development, a Functional Layout Plan and a Traffic Management Plan of the proposed Boundary Road/east-west roadway intersection is to be prepared to the satisfaction of the Head, Transport for Victoria. The Functional Layout Plan should consider the removal of parking located on the east side of Boundary Road when designing the short right turn lane on Boundary Road to accommodate the right turn movement into the east-west roadway.
52. Prior to commencement of the use and or occupation of development, the roadworks, and line marking are to be completed in accordance with the above condition and at no cost to and to the satisfaction of the Head, Transport for Victoria, and the Responsible Authority, including:
- a) Dedicated line marked short right turn lane on Boundary Road to accommodate the right turn movement into the east west roadway.

b) Internal roadway markings located on the east west internal roadway exit, adjacent to Boundary Road, to ensure safe access and egress.

53. No vehicle larger than 8.8 metres is to undertake loading activities for the supermarket.
54. Prior to the commencement of use and / or occupation of the development the crossover on Boundary Road and the east-west roadway are to be constructed to the satisfaction the Responsible Authority and at no cost to the Head, Transport for Victoria.
55. Prior to commencement of use and / or occupation of the development the access lanes, ramps, driveways, and crossover on Boundary Road and associated works must be provided and available for use and be:
- a) Formed to such levels and drained so that they can be used in accordance with the endorsed plans.
 - b) Treated with an all-weather seal or some other durable surface.

Driveways/ ramps must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety. (e.g. by spilling gravel onto the roadway).

56. All vehicles must always enter and exit the site in a forward direction.
57. Prior to the occupation of buildings and works, the redundant crossover on Boundary Road must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority, at no cost to the Head, Transport for Victoria.
58. The light pole located on the northeast side of Boundary Road must be relocated to be setback a minimum of 1 metre from the edge of the proposed crossover.

Civil Design

Drainage of projections

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

Drainage system upgrade

60. Prior to the commencement of the development, a stormwater drainage analysis and design with flood modelling, according to Macaulay Integrated Water Management Strategy, must be submitted to and approved by 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 City of Melbourne's underground stormwater drainage system. Where necessary, the City of Melbourne's drainage network must be upgraded to accept the discharge from the site in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.

Groundwater management

61. 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 Melbourne City Council.

Functional layout plan

62. Prior to the commencement of use and/or occupation of the development, a Functional Layout Plan for the proposed links (laneways) along and within the properties northern and western title boundaries must be submitted to and approved by Melbourne City Council – City Infrastructure.

Roads

63. All portions of Macaulay and Boundary 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 permit holder / developer, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.

Footpaths

64. The footpath adjoining the site along Macaulay Road and Boundary Road must be reconstructed together with associated works including the upgrade of kerb and channel to sawn bluestone and modification of services as necessary at the cost of the permit holder / developer, in accordance with plans and specifications first approved by Melbourne City Council – City Infrastructure.

Street levels not to be altered

65. 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

66. 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. Interim lighting arrangements must be provided until the reinstatement / upgrade of public lighting is completed. Existing public street lighting must not be altered without first obtaining the written approval of Melbourne City Council.

Public lighting

67. Prior to the commencement of the development, excluding preliminary site works, demolition and any clean up works, or as may otherwise be agreed with the Responsible Authority in consultation with Melbourne City Council, a lighting plan must be prepared to the satisfaction of Council. The lighting plan should be generally consistent with Council's Lighting Strategy and include the provision of public lighting in the adjacent streets. The lighting works must be undertaken prior to the commencement of the use/occupation of the development, in accordance with plans and specifications first approved by the Responsible Authority in consultation with Melbourne City Council – City Infrastructure.



68. The lighting plan must also provide for a minimum vertical clearance of 6 metres above and 2 metres below the surface pavement to allow installation of electrical conduits and wall-mounted lights.

Construct and maintain access

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

Demolish and construct access

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

Environmental Audit

71. Prior to the commencement of the development (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site must be conducted by a suitably qualified environmental auditor. The PRSA statement and report must be submitted to the Responsible Authority in accordance with section 205 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority. The PRSA must respond to the matters contained in Part 8.3, Division 2 of the *Environment Protection Act 2017*.
72. If the PRSA referred to in Condition 70 of this permit requires an Environmental Audit be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement (EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the *Environment Protection Act 2017* to the satisfaction of the Responsible Authority and in consultation with Melbourne City Council. The EAS must respond to the matters contained in Part 8.3, Division 3 of the *Environment Protection Act 2017* and 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.
73. All the recommendations of the EAS referred to in Condition 71 of this permit must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
74. If any of the conditions of the EAS referred to in Condition 71 of this permit require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the *Subdivision Act 1988* the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.



Building Appurtenances and Services

75. 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 or as otherwise exempt under the Melbourne Planning Scheme.
76. All building plant and equipment on the roofs, balcony areas and common areas 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.
77. 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, unless otherwise approved by the Responsible Authority.
78. Mailboxes and newspaper receptacles must be provided prior to the occupation of the development, including an additional mailbox for the body corporate (or similar management authority) if and when the development is subdivided or privately managed, to the satisfaction of the Responsible Authority.
79. All service pipes, apart from roof down pipes, must be concealed from the view of a person at ground level within common areas, public thoroughfares and adjoining properties.
80. Prior to the occupation of the development, any privacy screening shown on the endorsed plans must be installed and must then be maintained to the satisfaction of the Responsible Authority.
81. Prior to the occupation of the development, all new or extended walls on or facing the boundary of adjoining properties and / or a laneway must be cleaned and finished to a uniform standard to the satisfaction of the Responsible Authority. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed also to the satisfaction of the Responsible Authority. Painted or rendered or bagged walls must be finished to a uniform standard to the satisfaction of the Responsible Authority.

3D Digital Model

82. 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 submitted to and 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 Environment, Land, Water and Planning.
83. The development must be in accordance with the endorsed 3D model, to the satisfaction of the Responsible Authority.

Commencement

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

Use and Development Time Limit

85. This permit will expire if one or more of the following circumstances apply:

- a) The development is not started within three (3) years of the date of this permit.
- b) The development is not completed within six (6) years of the date of this permit.
- c) The use is not started within six (6) 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 permit 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:

| Date of amendment | Brief description of amendment | Name of responsible authority that approved the amendment | Section of the Act under which the permit has been amended |
|--------------------------|--|--|---|
| 24 January 2025 | Amend Condition 25 a) to reduce the affordable housing requirement from 6% to 4.5% | Department of Transport and Planning | 72 |

USEFUL INFORMATION:

Urban Forestry

- A tree protection bond can be provided as a bank guarantee or by EFT. 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)
- If the bond is to be lodged as an EFT, Melbourne City Council's bank details will be provided on request.
- 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 to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.
- Any pruning works identified in the Tree Protection Plan will be undertaken once the Tree Protection Bond is lodged, all permits issued and works are ready to commence.
- On completion of the works, the bond will only be released when evidence is provided of project arborist supervision throughout the works and a final completion report confirms that the public trees have not been affected by the works.

Traffic

- The Melbourne City Council (Council) will not change on-street parking restrictions to accommodate the servicing, delivery and parking needs of this development, as the restrictions are designed to cater for other competing demands and access requirements. However, new parking restrictions may be introduced in the surrounding streets at the discretion of Council. As per Council's policy, new developments in this area that increase the density of residential development are not entitled to resident parking permits. Therefore, the residents of this development will not be eligible to receive parking permits and will not be exempt from any on-street parking restrictions.

Civil Design

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

Projections

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

Building Approval Required

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

Other Approvals May be Required

- This 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 permit.

Parking Permits

- The owners and occupiers of the development allowed by this permit will not be eligible for Melbourne City Council resident or visitor parking permits.

Head, Transport for Victoria

- The development requires works within the road reserve, the submission of the Functional Layout Plan and Traffic Management Plan, that Head, Transport for Victoria requires separate approval under the *Road Management Act 2004* for this activity.

All Working Within the Road Reserve (WWRR) consent applications are required to be submitted through the Road Access Permit Portal (RAPP). Below are links that will assist you in applying for this consent.

Please get in touch via rapp.support@roads.vic.gov.au if you have any questions.
[You can access RAPP through the website https://rapp.transport.vic.gov.au/](https://rapp.transport.vic.gov.au/)

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

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: 21/06/2024 Signature for the responsible authority:

