

## PLANNING PERMIT

<b>Permit No.:</b>	PA2503517
<b>Planning scheme:</b>	Melbourne Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	695 – 699 La Trobe Street, Docklands (Lot 2 on Plan of Subdivision 432271H)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
37.05-2	Use of land north of the Major Sports and Recreation Facility for dwellings
37.05-4	Construct a building or construct or carry out works on land in the Docklands Zone
43.02-2	Construct a building or construct or carry out works on land affected by Schedules 12 and 52 of the Design and Development Overlay
44.04-2	Construct a building or construct or carry out works on land affected by the Land Subject to Inundation Overlay, Schedule 3

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Commencement

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

#### Approved and endorsed plans

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, detailed development plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the Architectural Plans,

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prepared by FK Architects, various revisions, dated 27 November 2025 and the BADS Apartment Layout Plans, dated 3 December 2025 but modified to show:

- a) The width and depth dimensions of balconies associated with Apartment Type A02, A03, A10, A14, B01, B04, B06, B07, C01 and S08 corrected to achieve and be consistent with the noted minimum clearance areas in square metres.
- b) The layout of Apartment type B04 altered to contain a functional living room in accordance with the requirements of Standard D26 (Functional Layout) of Clause 58.07-1.
- c) The canopies to La Trobe Street and Harbour Esplanade modified to comply with Melbourne City Council's Road Encroachment Operational Guidelines.
- d) Minimum ramps and accessway dimensions and height clearances throughout the levels with car parking which generally accord with the Melbourne Planning Scheme or AS/NZS 2890.1:2004.
- e) Safe and convenient access to the bicycle store provided from within the site boundaries only.
- f) Relocation of visitor bicycle parking spaces on La Trobe Street to inside the title boundaries of the site, unless otherwise agreed to by Melbourne City Council.
- g) All car parking spaces adjacent to the storage areas deleted or redesigned to allow for adequate access.
- h) Notation on the roof plan confirming the PV system is 62kw.
- i) Notation on the floor plans confirming the volume of the rainwater tank as at least 40KL and that it is intended for reuse for toilets, irrigation and washdown.
- j) Notations on the elevations or material schedule confirming the Visual Transmittance value for all glazing.
- k) Any changes required by the Façade Strategy.
- l) Any changes required by the Landscape Plan.
- m) Any changes required by the Wind Report.
- n) Any changes required by the Acoustic Report.
- o) Any changes required by the Car Parking and Traffic Management Plan.
- p) Any changes required by the Road Safety Audit.
- q) Any changes required by the Waste Management Plan.
- r) Any changes required by the Sustainability Management Plan.
- s) Any changes as required by Development Victoria conditions.
- t) Any changes required by the Melbourne Water conditions.

**Layout not altered**

4. The use and 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.

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5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

**Façade Strategy**

6. Concurrent with the endorsement of plans, a façade strategy must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the development plans, and must include the following details:
- a) A concise description by the architect(s) of the building design concept and how the façade works to achieve this.
  - b) Elevation details generally at a scale of 1:50 illustrating typical lower level details, balcony niches, entries, lobbies and doors, utilities and structural columns, as well as typical tower details, key junctures and any special features which are important to the building's presentation.
  - c) Street level elevations at scale of 1:20 (or similar) for all public interfaces. 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 if proposed.
  - f) Example prototypes and/or precepts that demonstrate the intended design outcome as indicated on plans and perspective images, to produce high quality built form outcome in accordance with the design concept.
  - g) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. Materials and finishes must be of a high quality, contextually appropriate, durable and fit for purpose. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes linking them to a physical sample board with coding.
  - h) Further details on the hand laid bricks at the lower levels of the podium including specific details on the whole bricks at corners of the development.
  - i) Details of wind mitigation measures consistent with the Wind Report, ensuring they are integrated with the broader design.
  - j) Details of glazing, wall and roof construction confirming accordance with the recommendation of the acoustic report.
  - d) Any changes required by the reflective glare assessment.

**Reflected glare assessment**

7. Concurrent with the endorsement of plans, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be approved and endorsed the responsible authority. The reflected glare assessment must be prepared to the satisfaction of the responsible authority.



8. Extended periods of discomfort glare for pedestrians and occupants of surrounding buildings caused by glazing (including tilted glazing) and external cladding materials and finishes with specular or glossy finishes (including polished metal cladding, finished stainless steel, glazed tiles, high gloss paint finishes) must be avoided or minimised, to the satisfaction of the responsible authority.
9. Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence), except with the written consent of the responsible authority.

### **3D Model**

10. Before the development starts, excluding demolition, bulk excavation and site preparation works, a 3D digital model of the development and its immediate surrounds must be approved by the responsible authority, and provided to Melbourne City Council. The 3D model must be in accordance with the *Technical Advisory Note for 3D Digital Model Submissions* prepared by the Department of Transport and Planning.

### **Architects to be retained**

11. Except with the written consent of the responsible authority, Fender Katsalidis Architects (FK Architects) must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans and façade strategy.

### **Wind assessment**

12. Concurrent with the endorsement of plans, a wind assessment report must be approved and endorsed by the responsible authority. The wind assessment report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Environmental Wind Condition Report, prepared by MEL Consultants, dated 3 December 2025.
13. Before the development is occupied, the recommendations of the endorsed wind assessment must be implemented to the satisfaction of the responsible authority.

### **Landscape plan**

14. Concurrent with the endorsement of plans, an amended landscape package, prepared by a suitably qualified landscape architect, must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The landscape plans must be prepared to the satisfaction of the responsible authority and generally in accordance with the landscape and public realm plans prepared by Oculus, dated August 2024, but modified to show:
  - a) Any changes required to ensure consistency with the architectural plans.
  - b) Any changes in accordance with the Sustainability Management Plan.
  - c) A resolved hard and soft landscaping strategy within the western ground floor setback which draws on placemaking principles and creates an inviting and functional thoroughfare.
  - d) A deep soil and canopy coverage plan demonstrating the extent of deep soil and canopy coverage achieved across the development in accordance with the objectives of Standard D10 (Landscaping) of Clause 58.03-5. At a minimum the plans must demonstrate



- i. the proposal achieves at least 250sqm of deep soil areas;
  - ii. The proposal at least 300sqm of canopy coverage;
  - iii. Efforts to increase the above amounts in the upper-level terraces; and
  - iv. Planting of tree types which comply with the requirements of Clause 58.03-5.
- e) A planting schedule of proposed vegetation, including common and scientific names, height/width specs, amounts, pot size and location of plants.
  - f) Planting plans for each applicable level that incorporates landscaping, showing the location of proposed landscaping, plant quantities and species, as well as a legend containing key features, materials and surfaces.
  - g) Detailed drawings for elements such as furniture and planters, showing dimensions (including soil depth), drainage, lining materials and growing media. Volumes of growing media that are adequate for the plant species as well as cultivation depth must be provided.
  - h) A deep soil and canopy coverage plan demonstrating the extent of deep soil and canopy cover achieved across the development in accordance with the objective of Standard D10 (Landscaping) of Clause 58.03-5.
  - i) Irrigation systems demonstrating use of alternative water sources such as rainwater, stormwater and recycled water.
  - j) Deletion of references to artificial lawn.
  - k) Incorporation of more native shade tolerant species specified for the ground level.
  - l) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period (including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation).

### **Completion of landscaping**

15. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed to the satisfaction of Melbourne City Council.

The responsible authority may consent in writing to vary this requirement.

### **Landscaping maintenance**

16. At all times the landscaping shown on the approved landscape plans must be maintained (including the of any dead, diseased or damaged plants) to the satisfaction of Melbourne City Council.

### **Environmentally Sustainable Design**

17. Concurrent with the endorsement of plans, an amended Sustainability Management Plan (SMP) must be approved and endorsed by the responsible authority in consultation with Melbourne City Council. The SMP must respond to the requirements of the Melbourne Planning Scheme and be generally in accordance with the SMP, prepared by ARUP, dated August 2024, but modified to show:

- a) Any changes required to ensure consistency with the architectural plans.



- b) Evidence that the project is registered for 5 Star Green Star Buildings – V1 Revisions B tool or equivalent.
- c) The Green Star Accredited Professional (individual) who has been engaged on the project.
- d) Further evidence provided on the consideration of an average 7.5 NatHERS.
- e) Further information indicating that at a minimum the external landscape of the building achieves either 30% of the site area or equivalent.
- f) A schematic design to provide a review of the proposed design including an air barrier.
- g) Evidence of a risk and opportunities assessment and a responsible procurement plan.
- h) Provide calculations that demonstrate the amount of space that has adequate daylight as a proportion of the total regularly occupied areas of the building.
- i) A copy of the pre-screening climate change checklist.
- j) A Green Star movement and place calculator indicating 3 points can be achieved by the development.
- k) Evidence that shows at least 75% of the whole site areas comprises of one or a combination of strategies that reduce the heat island effect.
- l) A Green Factor scorecard demonstrating a minimum score of 0.55 and a plan that shows where all of the Green infrastructure elements provided in the tool are located.
- m) A note on the roof plan that indicates the PV system size is 62 kw.
- n) A note on the floor plans showing the volume of the rainwater tank as at least 40kl, including a notation for intended reuse for toilets, irrigation and washdown.
- o) The Visual Light Transmittance value for all glazing on the elevations.

#### **Implementation of ESD Initiatives**

- 18. Within six months of the occupation of the development, a report from the author of the endorsed SMP must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.
- 19. Within 24 months of the occupation of the development, evidence of a certified 5 Star Green Star Buildings rating should be provided to the responsible authority and Melbourne City Council.

#### **Traffic and parking management plan**

- 20. Concurrent with the endorsement of plans, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Melbourne City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Traffic and Transport Assessment prepared Traffic Engineering Assessment, prepared by MCG Consult, dated 12 October 2023 but modified to show:
  - a) Any changes to ensure consistency with the architectural plans.



- b) Detail of how the approved on-site car and bicycle parking facilities will be operated, allocated, and managed, including how residents and visitors are to access the bicycle parking.
  - c) Details of the electric vehicle infrastructure and car share facilities (if proposed) consistent with the reports endorsed under this permit.
  - d) Sight triangles of 2 x 2.5 metres, or an alternative treatment to the satisfaction of the responsible authority, to be provided at all exits to the building to ensure visibility of pedestrians. If landscaping is proposed within the sight triangles, it must be less than 900mm in height.
  - e) Any recommendations of the Road Safety Audit.
21. Before the development is occupied, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
- a) Constructed.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Sealed with a concrete or asphalt surface.
  - d) Drained.
  - e) Line marked to indicate each car parking space, all access lanes and pedestrian paths.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways.
- Car spaces, access lanes and driveways must be kept available for these purposes.  
Once constructed, these areas must be maintained to the satisfaction of Melbourne City Council.

#### **Road safety audit**

22. Concurrent with the endorsement of plans, a Road Safety Audit must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The audit must be prepared to the satisfaction of the responsible authority, and must address:
- a) Vehicular, bicycle and pedestrian access arrangements.
  - b) Loading arrangements.
  - c) Internal circulation and layout.
  - d) Interactions with the public realm.
23. The findings of the endorsed Road Safety Audit must be incorporated into the detailed design and reflected on the endorsed development plans at the expense of the permit holder.

#### **Waste Management Plan**

24. Concurrent with the endorsement of plans, a Waste Management Plan must be approved and endorsed by the responsible authority in consultation with Melbourne City Council. The plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Waste Management Plan, prepared by WSP, dated May 2025 but modified to show:
- a) Any changes required to ensure consistency with the architectural plans.



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- b) Any changes required to meet municipal waste collection requirements in accordance with 'Residential' specifications in the City of Melbourne's Guidelines for Preparing a Waste Management Plan'.
  - c) Updates to the loading dock arrangements to accommodate operational collection requirements and to:
    - I. Clarify the role of building management in the collection and movement of compactors.
    - II. Demonstrate that the design of the loading bay is such that compactor/s will be easily accessible and ready for collection when the truck arrives, and that upon return, the compactor/s can easily be put back into their storage position.
    - III. Provide manufacturer specifications for the proposed compactor/s, including dimensions and updated plan drawings with the correct compactor dimensions.
    - IV. Provide an elevation diagram showing that the hook lift operation, in the context of the loading bay ceiling, can be achieved in accordance with the guidelines.
  - d) If required, a bin lifter for emptying small glass and FOGO bins from each floor.
  - e) Updates to tables 7, 11, and 18 to note that Council can supply 660L bins for residential E-waste.
  - f) Further swept path diagrams to show a 9.8m hook lift vehicle and an 8.8m services vehicle, with adequate clearances from hard structures during all manoeuvres.
25. 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.

**Acoustic report**

26. Concurrent with the endorsement of plans, an amended acoustic report must be approved and endorsed by the responsible authority. The acoustic report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Acoustic Report, prepared by Acoustic Logic, dated August 2024 but modified to show:
- a) Any changes required to ensure consistency with the architectural plans.
27. Within six months of the occupation of the development, a report from the author of the endorsed acoustic report must be approved and endorsed by the responsible authority. The report must outline how the design initiatives implemented within the development achieve the performance outcomes specified in the endorsed acoustic report, to the satisfaction of the responsible authority.

**Stormwater Management Plan**

28. Before the development starts, excluding demolition, bulk excavation and site preparation works, a stormwater management plan must be approved and endorsed by Melbourne City Council. The stormwater management plan must be prepared to the satisfaction of the Responsible Authority and must address the following:
- a) Incorporate the water sensitive urban design and stormwater management initiatives set outlined in the Stormwater Management Report, prepared by MCG Consult, dated October 2023 but updated to address the amended architectural and deletion of the

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proposal to not remove, vary or create easements under Clause 52.02 of the Melbourne Planning Scheme.

- b) Include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system.
  - c) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.
29. The stormwater management system approved by Melbourne City Council and included in the stormwater management plan must be constructed, managed and maintained to the satisfaction of Melbourne City Council.
30. Before the development is occupied, a stormwater drainage system, incorporating water sensitive urban design, must be constructed for the development and provisions made to connect this system to Melbourne City Council's underground stormwater drainage system and, where necessary, upgrade the system to accept the discharge from the site in accordance with plans and specifications first approved by Melbourne City Council.

#### **Loading Management Plan**

31. Before the development starts, excluding demolition, bulk excavation and site preparation works, a loading management plan must be approved and endorsed by the responsible authority, in consultation with Melbourne City Council. The loading management plan must be prepared to the satisfaction of the responsible authority, and must address the following:
- a) Specify how the access / egress of loading vehicles is to be managed. A Dock Manager must be employed, responsible for controlling the operation of the loading bay, with responsibilities including:
    - i. Present on site when deliveries are undertaken
    - ii. Act as a spotter for any reversing movements into the loading bay
    - iii. Act as informal traffic controller to discourage pedestrian movements when vehicles reverse
    - iv. Ensure conflicts do not occur between loading / other vehicles
    - v. Ensure that spaces used for vehicle manoeuvring are kept clear of other vehicles / obstructions at all times.
  - b) The design of the loading area, including all space dimensions, grades and height clearances, must comply with relevant standards for Commercial Vehicles (AS2890.1:2018) and Clause 52.07.
  - c) Amended swept path diagrams detailing all on-street infrastructure, including the recently installed platform tram stop in La Trobe Street, to ensure there is no conflict.

#### **Restriction on Title**

32. Before the development starts, excluding demolition, bulk excavation and site preparation works, the Section 173 Agreement AD030407C that affects the subject land, must be amended under Section 178A of the *Planning and Environment Act 1987* to enable the vehicle access to the subject land. Specifically, the agreement must be amended to enable



vehicles, other than emergency vehicles or vehicles used for maintenance to be permitted on the stadium link, located on and adjacent to the eastern boundary of the site.

33. Before the development starts, excluding demolition, bulk excavation and site preparation works, evidence must be submitted to responsible authority confirming Easement 'E-1' as shown on Lot 2 of on Plan of Subdivision 432271H, has been varied or removed; or a 'Build over Easement' application has been approved; or offending built form deleted, to the satisfaction of the responsible authority.

**Demolition and construction management plan (DCMP)**

34. Before the development starts, including demolition, bulk excavation and site preparation works, a demolition and construction management Plan must be approved and endorsed by Melbourne City Council. The DCMP must be prepared to the satisfaction of Melbourne City Council and be in accordance with the Melbourne City Council's Code of Practice for Building, Construction and Works, and is to address 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) An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) must be provided to the satisfaction of the City of Melbourne. These documents may be staged to cover the demolition, excavation, construction or civil works. The AIA-TPP must collectively identify all impacts to public trees, be in accordance with AS 4970-2009 (Protection of trees on development sites), AS4373-2007 (Pruning of Amenity Trees), and be authored by a qualified consulting arborist (min. AQF Level 5), including, but not limited to:
  - I. A public tree location plan drawn to scale including approved building design, construction zones, site access, machinery, equipment, temporary structures and dimensioned tree protection zones required to enable demolition, excavation, and construction, where these works are to impact public trees
  - II. City of Melbourne asset numbers for the public trees to be impacted (found at <http://melbourneurbanforestvisual.com.au>).
  - III. A written assessment of all public trees located adjoining property, detailing the general condition and specific data of each public tree, and any construction impact the proposal will have on the trees, presented concisely with the assistance of tables and photos
  - IV. Reference finalised Construction and Traffic Management Plan, including designs, details, and dimensions of any public protection gantries, scaffold, loading zones and machinery locations
  - V. Site specific details of the temporary tree protection fencing or hoarding to be used to isolate public trees from the demolition and construction activities. These must



be shown on the location plan. Details of any other tree protection measures considered necessary and appropriate to the works.

- VI. Specific details of any design modifications or 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.
- VII. Any pruning required to public trees must include detailed specifications with reference to marked images.
- VIII. A supervision schedule for the Project Arborist, interim reporting periods and final completion report (necessary for bond release).

### Lighting plan

- 35. Before the development starts, excluding demolition, bulk excavation and site preparation works, a lighting plan must be approved and endorsed by Melbourne City Council. The lighting plan should be generally consistent with Council's Lighting Strategy and include the provision of public lighting in La Trobe Street and Harbour Esplanade, to the satisfaction of Melbourne City Council. Before development is occupied, the lighting works must be implemented to the satisfaction of Melbourne City Council.

### Environmental audit

- 36. Before the development starts (excluding any works necessary to undertake the assessment), a Preliminary Risk Screen Assessment (PRSA) of the site, including the public parks, 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.
- 37. If the PRSA requires an Environmental Audit to be undertaken, then prior to the commencement of the development (excluding any works necessary to undertake the audit), an Environmental Audit of the site, including the public parks, 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; or
  - 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.
- 38. All the recommendations of the EAS 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, including the public parks, hereby approved 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.
- 39. If any of the conditions of the EAS require significant 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 and Melbourne City Council 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.

**Legal agreement – Public Access**

40. Before the development is occupied, the owner of the land must enter into an agreement with Melbourne City Council under section 173 of the *Planning and Environment Act 1987*, in a form to the satisfaction of Melbourne City Council, the agreement must provide for the following:
- a) Unrestricted public pedestrian and bicycle access within all areas of the western ground level setback of the site 24 hours a day and 7 days a week commencing on occupation of the building.
  - b) The owners of the land to indemnify Melbourne City Council against any claims associated with the use of the publicly accessible areas and to accept liability and responsibility for the ongoing maintenance of the publicly accessible area in perpetuity.

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

**Legal agreement – Affordable Housing**

41. Before the development is occupied, the landowner must enter into an agreement with Melbourne City Council and the Responsible Authority specified as a party to the agreement, under Section 173 of the *Planning and Environment Act 1987*, to the satisfaction of the parties, for the delivery of affordable housing (as defined by the Act). The agreement must be in a form to the satisfaction of Council and include covenants that run with title to the Land to:
- a) Provide for the delivery of 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:
    - i. Gifting 3% of the dwellings above 75m in height (above natural ground) within the development to a registered agency (or rental housing agency approved by the Responsible Authority) at nil consideration; or
    - ii. Sale of 10% of the total number of dwellings in the component of the development above 75m in height (above the natural ground) at a 30% discount to market rate to a Registered Housing Agency or Homes Victoria for operation as social and/or affordable housing; or
    - iii. Leasing of 10% of the total number of dwellings in the component of the development above 75m in height (above the natural ground) as affordable housing under the management or oversight of a registered agency (or rental housing agency approved by the Responsible Authority). The cumulative value of the discounted rent must be of equivalent or higher value to condition 41(a)(i); or
    - iv. Any other mechanism providing a contribution of equivalent or higher value to condition 41(a)(i) to the satisfaction of the Responsible Authority in consultation with Melbourne City Council.



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- b) Unless otherwise agreed in writing by the Responsible Authority, in consultation with Melbourne City Council, the affordable housing delivered under condition 41(a) must:
- i. be delivered within the development approved by this planning permit;
  - ii. take the form of one or two or three-bedroom dwellings generally representative of the approved dwelling mix unless otherwise required by a registered agency or rental housing agency;
  - iii. be functionally and physically indistinguishable from, and have comparable amenity to, other dwellings;
  - iv. include appropriate access to communal 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.
- c) If the affordable housing contribution is to be delivered through the mechanism set out in condition 41(a)(i) or (ii), the landowner will engage a registered agency or rental housing agency to oversee the allocation of and annual reporting on the affordable housing. The registered agency or rental housing agency will be responsible for providing assurance that:
- i. The affordable housing dwellings are allocated to eligible households (as set out in the Planning and Environment Act);
  - ii. Rental payments are no greater than 30% of gross household income for allocated households;
  - iii. An annual compliance check is undertaken to ensure households continue to be eligible for affordable housing;
  - iv. An annual report is prepared setting out the number of dwellings that have been rented as affordable housing and the annual and cumulative value of the discounted rent; and,
  - v. The annual report prepared by a registered agency or rental housing agency must be provided to the Responsible Authority and Melbourne City Council on 30 June

The agreement must be registered on title to the Land and the landowner must be responsible for the expense of preparation and registration of the agreement including Melbourne City Council's and the Minister for Planning's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and ending of the agreement (where applicable).

**Development Victoria conditions**

42. Access to the bicycle store must occur from within the site boundaries only (Lot 2 on Plan of Subdivision 432271H).

**Head, Transport for Victoria conditions**

43. The permit holder must avoid disruption to tram operation along La Trobe Street and Harbour Esplanade during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.



44. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

**Melbourne Water conditions**

45. The layout of buildings and works at ground level, including all ground floor finished floor levels, all ground floor access points as shown on the endorsed plans must not be altered without prior written consent from Melbourne Water.
46. With the exception of transition and service areas, the finished floor level for the ground floor must be set no lower than 3.0 metres to Australian Height Datum, which is 600mm above the applicable flood level of 2.4 to Australian Height Datum.
47. The electrical and mechanical components of the lifts must be designed to withstand inundation from floodwaters and the design must ensure that all lifts remain above 3.0 metres AHD when the site is inundated from floodwaters.
48. Prior to commencement of the development, a Flood Risk Management Plan (FRMP) prepared by an accredited risk management professional must be submitted to and approved by Melbourne Water and the Responsible Authority. When approved, the FRMP will then form part of this permit. The FRMP must detail the following:
- a) Site specific flood risks associated with flooding from Melbourne Water's waterways;
  - b) Identify and list organisations associated with flood/weather warnings;
  - c) Identify the management of a flood emergency response e.g. Evacuation procedures/clearly defined plan of evacuation including people's roles, details of lockable pedestrian and vehicular gates etc;
  - d) Notification and contacts of people to be alerted in the event of a flood;
  - e) Ongoing staff training and periodic review of these procedures;
  - f) Details of flood warning signage and flood markers etc; and
  - g) Ongoing use and periodic review of the FRMP (undertaken by suitably qualified person);
  - h) 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 fall aspects of the FRMP, and for that person to be present on Site during all operational hours (Responsible Person);
  - i) Identification of who is responsible for the maintenance, dissemination and execution of the plan before, during and after the flood event;
  - j) Instructions on how this plan is provided to occupants including when updated following a review;
  - k) Identification of who the FRMP is intended for and who must have a copy.
  - l) Identify the management of a flood emergency response, e.g. Evacuation procedures/ clear defined plan of evacuation including people's roles and actions required to avoid unsafe evacuation paths, details of lockable pedestrian and vehicular gates etc.
  - m) Ongoing staff training and periodic review of these procedures



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- n) Ongoing use and periodic review of the FRMP (undertaken by a suitably qualified person).
49. Prior to commencement of development, the owner 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 cost (including legal fees) associated with the creation, review, execution and registration of the agreement must be borne by the owners 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;
  - b) the use of the approved development to at all times be in accordance with the FRMP approved by Melbourne Water;
  - c) the owners to maintain all flood related measures identified in the FRMP in good working condition;
  - d) The owners to comply with ongoing maintenance and reporting requirements in the approved FRMP.

**Public tree protection**

50. No public tree adjacent to the site can be removed or pruned in any way without the written approval of the City of Melbourne.
51. Approval for any tree removal is subject to the Tree Policy 2021, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. All options for tree retention must be explored and exhausted to the satisfaction of a City of Melbourne Arborist before public tree removal, or significant pruning, is approved.
52. All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. Costs will be provided and must be agreed to before council remove the subject trees.
53. All new or replacement tree plots must maximise available soil volume and rooting area, with either enlarged pit dimensions, relocating, or providing protection for underground services, or the use of structural soils.
54. 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 City of Melbourne.
55. Following the approval of a Tree Protection Plan (TPP), a bond equivalent for 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 amount will be calculated by council and provided to the permit holder. Should any tree be adversely impacted on, Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred



56. Following the approval of a TPP, a bond equivalent for the combined environmental and amenity values of any public tree that may be affected by the development may be held against the TPP for the duration of construction activities. The bond amount will be calculated by the Melbourne City Council and provided to the permit holder. Should any tree be adversely impacted on, the Melbourne City Council will be compensated for any loss of amenity, ecological services or amelioration works incurred.
57. No public tree adjacent to the site can be removed or pruned in any way without the written approval of Melbourne City Council.

### **Drainage**

58. 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.

### **Groundwater management**

59. All groundwater and water that seeps from the ground adjoining the building basement and any overflow from a reuse system which collects groundwater or seepage water must not be discharged to 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.

### **Street works required**

60. Before the development is occupied, all new or altered portions of road (including the provision of footpaths, public lighting, street trees, pavement marking and signage) in Harbour Esplanade must be constructed in accordance with plans and specifications first approved by Melbourne City Council.

### **Roads and street assets**

61. All portions of roads affected by the building related activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of services as necessary at the cost of the developer, in accordance with plans and specifications first approved by Melbourne City Council.
62. The footpath adjoining the site along La Trobe Street and Harbour Esplanade (including the widened portion) 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 permit holder, in accordance with plans and specifications first approved by Melbourne City Council.
63. 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.
64. Before the development is occupied, the two light / tram joint poles and tram pole in La Trobe Street must be relocated 750 mm from the face of kerb at the cost of the permit holder in accordance with plans and specifications first approved by Melbourne City Council and to the satisfaction of the relevant service authority.
65. 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 Melbourne City Council.

66. Existing street furniture must not be removed or relocated without first obtaining the written approval of Melbourne City Council.

### **Vesting**

67. Before the development is occupied, the widened portion of Harbour Esplanade abutting the subject land is to be constructed and vested in Melbourne City Council as a road under the provision of the *Subdivision Act 1988*.

### **Noise control**

68. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of the responsible authority.

### **Reticulated Gas Connection**

69. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 or the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

### **General amenity**

70. The amenity of the area must not be detrimentally affected by the use and development, including through:
- a) The transport of materials, goods or commodities to or from the land
  - b) Appearance of any building, works or materials
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin
- to the satisfaction of the responsible authority.

### **Expiry – use and development**

71. This permit will expire if one of the following circumstances applies:
- e) The development is not started within three years of the issued date of this permit.
  - f) The development is not completed within five years of the issued date of this permit.
  - g) The use does not start within two years of completion of the development.

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

### **USEFUL INFORMATION:**

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

**Date issued:** 27 March 2026 **Signature for the responsible authority:**



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The permitted use or development may need to comply with, or obtain the following further approvals:

- The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
- A building permit under the *Building Act 1993*.

*Melbourne Water*

- The property is subject to flooding during a 1% Average Exceedance Probability (AEP) storm event. The 1% AEP flood level for the property is 2.4 metres to Australian Height Datum (AHD).

*Melbourne City Council*

- The City of Melbourne (CoM) 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 CoM. 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."
- All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – City Infrastructure.
- 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.
- This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.
- 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.
- The owners and occupiers of the development allowed by this permit will not be eligible for Council resident or visitor parking permits.
- It is noted that reference is made to a 'Ron Casey Lane' in the application document. Melbourne City Council notes that this is not an approved name. Any road naming must accord with the Geographic Place Names Act 1998 and must comply with the Naming rules for places in Victoria 2022 - Statutory requirements for naming roads, features and localities (the naming rules), and the Geographic Place Names Act 1998.
- Registered Agency means a registered housing association or a registered housing provider as outlined in the Housing Act 1983 (Vic).



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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: 27 March 2026    Signature for the responsible authority:

