

AMENDED PLANNING PERMIT

Permit No.: MPA14/0003-1

Planning Scheme: Port Phillip

Responsible Authority: Minister for Planning

ADDRESS OF THE LAND:

60-82 JOHNSON STREET
SOUTH MELBOURNE

THE PERMIT ALLOWS:

Staged development, including demolition of existing building; construction of four mixed use towers comprising dwellings, retail, offices and a childcare centre, ~~residential towers; and use of the land for dwellings and home occupation~~ in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with informally amended plans by Rothe Lowman dated 19/9/2014, revised plans by Rothe Lowman submitted with the amended application in June 2016 (variously dated), and revised plans submitted with the amended application in [insert date] but modified to show:
 - a) [Insert Condition 1 requirements as necessary.]

Landscape and Public Realm

2. Before the development starts, the landscape plan prepared by Aspect Studios and dated 28 March 2013 must be updated to reflect the amendments required above and must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale with dimensions.
3. Except with the written consent of the responsible authority, all on-site landscaping must be completed before the building is occupied and then maintained to the satisfaction of the responsible authority.

4. Before on-site landscaping works start a Landscape Management Plan to the satisfaction of the Port Phillip City Council detailing the ownership, maintenance regime and management responsibilities associated with all landscaping for the development must be submitted to and approved by the Port Phillip City Council.
5. Before the development or any stage is occupied, a public realm plan - which complies with the City of Port Phillip streetscape design specifications once released - must be submitted to and approved by the Metropolitan Planning Authority. When approved, the plan will form part of the endorsed plans. The plan must be implemented at the permit holder's expense within six months of approval, or other period as agreed by the Metropolitan Planning Authority.
6. All roadways must be barrier free in their design and connection to other public space.
7. The owner of the land must construct the roadway to plans and specifications first approved by the Port Phillip City Council, and be transferred to council at completion.

Layout Not Altered and Satisfactory Completion

8. The use and development of any land or building or part thereof as shown on the endorsed plans must not be altered or modified in any way without the prior written consent of the responsible authority.
9. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

Materials and finishes

10. Except with the written consent of the responsible authority, the materials and finishes must be in accordance with those identified at Section 6.0 of the Architectural Statement (April 2013) prepared by Rothe Lowman.
11. Garage doors must be of a high quality material and solid in appearance to the satisfaction of the responsible authority.
12. Except with the consent of the responsible authority, all external glazing must be of a type that does not reflect more than 20% of visible light when measured at an angle of incidence normal to the glass surface.

Melbourne Water

13. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
14. The ground floor, with the exception of the retail tenancies, must be constructed with finished floor levels no lower than 3.0 metres to Australian Height Datum.
15. The retail tenancies must be constructed with finished floor levels set no lower than 2.4 metres to Australian Height Datum.
16. Prior to the issue of the occupancy permit, a certified survey plan showing finished floor levels as constructed reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
17. Flood resistant materials must be used for the construction of floor levels and walls below the applicable floor level.
18. All electrical and plumbing fittings must be to the standards of the Relevant Authority for areas subject to inundation.

19. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.

Amended Wind Report

20. Before the development starts excluding demolition and site preparation works, an amended comprehensive wind tunnel testing and environmental climate assessment report of the development by a suitably qualified engineering consultant must be undertaken and submitted to the responsible authority in consultation with the Port Phillip City Council. The amended report must:
 - a) Include wind tests taken at various points within the surrounding road and laneway network, carried out on a model of the approved building inclusive of the modifications required under Condition 1 of this permit, to determine the wind impacts of the development and provide recommendations for any modifications which must be made to the design of the building to improve any adverse wind conditions within the public realm;
 - b) Confirm that the wind conditions comply with the standards set out in the Capital City Zone Schedule 1 of the Port Phillip Planning Scheme.

Any further modifications required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas must be carefully developed as a high quality solution integrated with the architectural design to the satisfaction of the responsible authority and must not rely on street trees.

Noise Attenuation

21. Before the development starts, excluding demolition and site preparation works, an acoustic report prepared by a qualified acoustic consultant must be submitted to and be to the satisfaction of the responsible authority. The report must provide for noise attenuation measures to achieve a maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms with all windows and doors closed, unless there is no suitable air conditioning and/or mechanical ventilation, in which case the maximum noise level of 45dB(A)Leq in unfurnished and uncarpeted habitable rooms must be achieved with all the windows half open and the doors closed. The report must be based on average external noise levels measured as part of a noise level assessment. The report must also take into account the CitiPower substation to the south of the site, and ensure that there is no unreasonable amenity impact generated by the substation. The recommendations in the approved acoustic report must be implemented, at no cost to the responsible authority, prior to the occupation of the dwellings.

Construction Management Plan

22. Before the development starts, excluding demolition and site preparation works, a detailed Construction Management Plan (CMP) must be submitted to and approved by the Port Phillip City Council. The CMP must address the following, where applicable:
 - Staging of construction.
 - Management of public access and linkages around the site during construction.
 - Site access and traffic management (including any disruptions to adjoining vehicular and pedestrian access ways).
 - Any works within the adjoining street network road reserves.
 - Sediment control and site drainage.

- Hours of construction.
- Control of noise, dust and soiling of roadways.
- Discharge of polluted waters.
- Street trees.
- Collection and disposal of building and construction waste.

Development Contribution

23. Before the development starts excluding demolition and site preparation works, the owner of the land must enter into an agreement with the responsible authority and, if applicable, the Port Phillip City Council, pursuant to Section 173 of the *Planning and Environment Act 1987*. The Agreement must:
- a) Require the developer to pay a development contribution not exceeding:
 - \$15,900 per dwelling,
 - \$180 per sqm of gross commercial floor area, or
 - \$150 per sqm of gross retail floor area.
 - b) Require that development contributions are to be indexed quarterly from 1 July 2015 using the Price Index of Output of the Construction Industries (Victoria) by the Australian Bureau of Statistics.
 - c) Require registration of the Agreement on the titles to the affected lands as applicable.
 - d) Include a schedule of the types of infrastructure to be delivered by the Development Agency using development contributions.
 - e) Confirm that contributions will be payable to the Metropolitan Planning Authority.
 - f) Confirm that the contributions will be used by the Development Agency as stipulated by the Metropolitan Planning Authority to deliver the schedule of types of infrastructure.
 - g) Require that a bank guarantee to the value of 50% of the development contribution must be deposited with the responsible authority prior to the commencement of any works. The bank guarantee will be returned upon full payment of the development contribution.
 - h) Confirm the procedure for reducing the contribution paid if the permanent development contribution plan for the area is less than the amount stipulated in the Section 173 agreement.
 - i) The agreement must make provision for its removal from the land following completion of the obligations contained in the agreement.
 - j) Require that payment of 10% is at the time of building permit issue and 90% made prior to the issue of the statement of compliance in accordance with the *Subdivision Act 1988*.

The owner of the land to be developed must pay all reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

Environmentally Sustainable Development (ESD)

24. Before the building is occupied the recommendations of the Sustainability Management Plan (March 2013 Rev 2) prepared by Wood and Grieve Engineers or equivalent measures must be in place and implemented to the satisfaction of the responsible authority.

Waste Management

25. Before commencement of a stage or part of a stage, other than demolition and site preparation works, an updated Residential Waste Management Plan and Commercial Waste Management Plan detailing waste volumes consistent with the City of Port Phillip's Waste Management Guidelines and detailing on-site waste collection for both residential and commercial waste must be submitted to and approved by the Port Phillip City Council. The plan must have regard to the Waste Management Plan (WMP) prepared by Waste Tech Services dated 22 January 2014 (submitted with the application), the revised condition 1 plans and must specify the use of an 8.8m long collection vehicle.

Loading and Unloading

26. The loading and unloading of goods from vehicles on the land must only be carried out within the designated loading bay, as detailed on the endorsed plans, and must be conducted in a manner to the satisfaction of the Port Phillip City Council which does not cause any interference with the circulation and parking of vehicles on the land.

Drainage / Recycled Water / Infrastructure

27. Before commencement of a stage or part of a stage, other than demolition and site preparation works, a detailed plan showing the proposed stormwater drainage system design must be submitted to and approved by the Port Phillip City Council. The plan must have regard to the Best Practice Environmental Management Guidelines for Urban Stormwater and incorporate water sensitive urban design principles. The stormwater drainage system must be constructed for the development and provisions made to connect this system to 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 the Port Phillip City Council.
28. The construction of the development must comply with the provisions of any agreements between the owner and the relevant water authority relating to the supply of water, recycled water or the provision of sewerage as appropriate. All works in relation to the supply of water, recycled water or sewerage must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant water authority.
29. The construction of the development must comply with the provisions of any agreements between the owner and the relevant energy authority relating to the supply of energy as appropriate. All works in relation to the supply of energy must be completed prior to the issue of a Statement of Compliance unless an alternative arrangement is set out in any agreement with the relevant energy authority.
30. The development must include dual reticulation and a connection point to connect to a potential future precinct scale alternative water supply via a third pipe network unless otherwise agreed by South East Water and the responsible authority.

Building appurtenances / appearance etc.

31. All building plant and equipment on the roofs, balcony areas, common areas and public places are to be concealed to the satisfaction of the responsible authority. The construction of any additional plant machinery and equipment, including but not limited to all air-conditioning equipment, ducts, flues, all exhausts including car parking and communications equipment shall be to the satisfaction of the responsible authority.
32. All air conditioning and refrigeration plant must be screened and baffled and/or insulated to minimise noise and vibration to ensure compliance with noise limits determined in

accordance with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 to the satisfaction of the responsible authority.

33. Any satellite dishes, antennas or similar structures associated with the development must be designed and located at a single point on each building in the development to the satisfaction of the responsible authority, unless otherwise approved to the satisfaction of the responsible authority.

3D Model

34. Before the development starts other than demolition and site preparation works, a 3D digital model of the overall development and its immediate surrounds, as appropriate, must be submitted to the responsible authority and be to the satisfaction of the responsible authority in conformity with the MPA Advisory Note – 3D Digital Modelling.
35. In the event that substantial modifications are made to the overall development a revised 3D digital model must be submitted to and be to the satisfaction of the responsible authority.

Urban art

36. Before the occupation of the development allowed by this permit, an urban art plan in accordance with the Port Phillip City Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Port Phillip City Council. The value of the urban art must be at least 0.5% of the total building cost of the development to the satisfaction of the responsible authority. Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Port Phillip City Council.

Traffic and Transport

37. Without the further written consent of the responsible authority, on-site car parking for the development must not exceed a ratio of 0.66 spaces per dwelling.
38. Before the use or occupation of the development starts, the area(s) set aside for the parking of vehicles and bicycles and access lanes as shown on the endorsed plans must be constructed to the satisfaction of the responsible authority and be:
 - a) Line marked to indicate each car space, visitor space, bicycle space, loading bay and/or access lane;
 - b) Clearly marked to show the direction of traffic along access land and driveways.
39. The internal design of the car park and loading docks, the positioning of boom gates, card readers, control equipment, including car park control points, and ramp grades must be generally in accordance with the Australian and New Zealand Standard 2890.1-2004.
40. The areas set aside for the parking of vehicles within the site must not be operated as a public car parking facility.
41. No garbage bin or surplus materials generated by the permitted use may be deposited or stored outside the site and bins must be returned to the garbage storage areas as soon as practicable after garbage collection.
42. Car and bicycle parking areas and access lanes must be developed and kept available for those purposes at all times and must not be used for any other purpose such as storage to the satisfaction of the responsible authority.

Street Levels and Crossovers

43. Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with the Port Phillip City Council's current Vehicle Crossing

Guidelines and standard drawings to the satisfaction of the Port Phillip City Council. All redundant crossings must be removed and the footpath, nature strip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Port Phillip City Council.

44. The development's finished floor levels for pedestrian access and car parking areas must be such that pedestrian and vehicular access accords with Australian Standards.

Residential Services

45. Any recreational facilities, including lounge and cinema within the building must only be accessible to persons who are residents or guests of the residents. It is the responsibility of the management to ensure that access is restricted to persons registered to stay on the premises and their guests who hold a security pass or key to a room on the relevant date.
46. The development must provide the capacity for television signal distribution to each dwelling and any satellite dish, antenna or similar structure must be designed and located at a single point on each tower to the satisfaction of the responsible authority.

Public Services

47. Before the occupation of the development allowed by this permit, any modification to existing infrastructure and services within the road reservation (including, but not restricted to, electricity supply, telecommunications services, gas supply, water supply, sewerage services and stormwater drainage) necessary to provide the required access to the site, must be undertaken by the applicant/owner to the satisfaction of the relevant authority and the responsible authority. All costs associated with any such modifications must be borne by the applicant/owner.

Contaminated Land

48. Before the development starts (or the certification or issue of a Statement of Compliance under the subdivision Act 1988), with the exception of any works required by the Auditor, the responsible authority must be provided with:
 - a) A certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

Where a Statement of Environmental Audit is provided, all the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

If there are conditions on a Statement of Environmental Audit that the responsible authority consider require significant ongoing maintenance and/or monitoring, the applicant must enter into an agreement under Section 173 of the *Planning and Environment Act 1987*. The Agreement must be executed on title prior to the commencement of the use and prior to the issue of a Statement of Compliance under the

Subdivision Act 1988. The applicant must meet all costs associated with drafting and execution of the Agreement, including those incurred by the responsible authority.

Expiry of permit:

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- The development is not started within two (2) years of the date of this permit.
- The development is not completed or the use is not started within four (4) years of the date of this permit.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

Date Issued: 20 May 2015

Signature for the responsible authority

Date Amended:

Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the responsible authority that this permit is the current permit and can be acted upon.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
17 October 2016	<ul style="list-style-type: none">• Alteration to the preamble to remove reference to supermarket and place of assembly.• Reference in Condition 1 to revised plans (June 2016) splitting the podium with a central carriageway.• Deletion of condition 1(h) referencing a single podium.• Additional conditions 1(n-t) as a result of the revised plans.• Revised waste management condition (Condition 25)
Date of amendment	Brief description of amendment
	<ul style="list-style-type: none">• XXXX• XXXX• XXXX• XXXX

Notes:

- All street furniture such as street litter bins, recycling bins, seats and bicycle rails must be supplied and installed on the adjacent footpaths outside the proposed building to plans and specifications first approved by the Port Phillip City Council.
- The applicable flood level for the property is 1.6 metres to Australian Height Datum.

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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

WHEN DOES A PERMIT BEGIN?

A permit operates:

- * from the date specified in the permit; or
 - * if no date is specified, from:
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.
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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 a plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; 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 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 of 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?

- * 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.