

ADDRESS OF THE LAND:

28 - 32 ALBERT ROAD SOUTH MELBOURNE VIC 3205

THE PERMIT ALLOWS:

The construction of buildings and works, the use of the land for dwellings and residential hotel (as of right) with a ground floor level frontage exceeding 2 metres, the use of the land for the sale and consumption of liquor and variation of easement E-1 in TP948355L, generally in accordance with the endorsed plans and subject to the following conditions.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans Required

1. Before the development ~~as amended commences~~~~starts (excluding demolition)~~, 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 generally in accordance with the plans submitted with the Section 87a application (identified as ~~project no 17046~~Revision B, plans no's A00~~9700~~, A00~~9804~~, A0099, A01~~00G.002~~, A00~~003~~, A00~~099~~, A0100LG, ~~A0400~~, A0101, A0102, A0103, ~~A0406~~, A0107, ~~A0108~~, A0110, A0111, ~~A0112~~, ~~A0113~~, ~~A0114~~, A0115, ~~A0116~~, ~~A0117~~, ~~A0118~~, ~~A0119~~, ~~A0120~~, A0121, ~~A0122~~, A0123, A0124, A0125, ~~A0126~~, ~~A0953~~ and ~~A4000~~ all dated 07.04.2022; A2500, A2501, A2502, A2503, A2504, A2505, A2506, A2507, A2508, A2510 all dated 20.04.2022; A2509 dated 19.05.2022; and A0126, A00900, A00901, A00902, A00903, A00950, A00951, A00952, A0953, A1100, A0100, A0101, A0102, A0103, A0107, A0108, A4000 all dated 29.01.2025 prepared by Artisan Architects but modified to show:
- a) ~~The height of any electrical /gas points or switches that are located external to the automated flood barriers on the western elevation must be above the level of 4.12m AHD.~~

b) ~~Swept path diagrams to demonstrate that there would be adequate clearance from column and parking offset from obstructions and columns in accordance with Clause 52.06 of the Port Phillip Planning Scheme.~~

c) ~~Confirmation from the manufacturer of the car lift, the car lift make and model to be installed has the capacity to prop at different levels.~~

d) ~~Deleted.~~

e) ~~Details of sightlines at the exit point to Albert Road to improve the visibility of pedestrians waiting on the footpath along Albert Road.~~

Commented [RC1]: Updated to reflect the amended development and remove reference to demolition (which has already occurred)

Commented [RC2]: Deleted to reflect that these have been discharged

- f)

A longitudinal section through the entire length of the vehicle accessway from the entry point at the Right of Way to the exit point on Albert Road (including the loading bay area).

The longitudinal section to show details of ramp grades and head room clearance, with a minimum 2.5m head clearance to be provided throughout the entire vehicle accessway and loading bay area.
- g)

20 percent of provided bicycle facilities to be horizontal.
- h)

A schedule to demonstrate compliance with Clause 58.05-4, Standard D20 Storage objective of Port Phillip Planning Scheme.
- i)

The roof plan to detail access arrangements for plant maintenance.
- j)

Access to the rooftop machinery and plant
- k)

Elevations to detail that all screening, access and roof structures, lift over runs, structures for mechanical and service equipment and the like do not exceed the maximum development height of 85 m AHD and any height over 85 m AHD be deleted.
- l)

The redline plan amended to show any relevant internal layout changes.
- m)

Delete the podium level terraces associated with hotel rooms on level 6 and replace with four hotel rooms with a floor to ceiling not exceeding 4 m in height.
- n)

The physical enclosure of the balconies associated with apartments A1 and A3 on levels 12 to 20 (inclusive) to a height of 1.7 m above FFL.
- o)

The inclusion of vertical louvres on balconies for apartments A1 and A3 on levels 10 and 11 (inclusive) to minimise direct views to the adjoining site.
- p)

The south eastern edge of the building to be setback from the boundary:

i.

4.5 m at levels 21 to 24 (inclusive);

ii.

4.3 m at level 20;

iii.

4.1 m at level 19;

iv.

3.9 m at level 18;

v.

3.7 m at level 17; and

vi.

3.5 m at level 16.
- q)

The relocation of the commercial kitchen exhaust and filtration system from the rooftop to the ground floor of the building adjacent to the main kitchen;

Commented [RC3]: Deleted to reflect that these conditions have been discharged.

- r) ~~The manufacturing specifications and design of the commercial kitchen exhaust and filtration system;~~
- s) ~~The width of the pedestrian arcade at the lower ground and ground levels is to increase generally in accordance with plans A0100LG and A0100, prepared by Elenberg Fraser (Rev H dated 30 August 2022);~~
- t) ~~Realignment of the crossover for egress from the Site to Albert Road to retain Tree PH046, an on-street loading zone indicated on the Approved Amended Domain Development Plans for Anzac Station and to create an on-street drop off / pick up space, relocation of the bicycle parking to adjoin the pedestrian arcade and the width of the pedestrian arcade at the lower ground and ground levels is to increase generally in accordance with the plans A0100LG and A0100, prepared by Elenberg Fraser (Rev H dated 30 August 2022);~~
- u) ~~The deletion of any LED lighting on the southern elevation and a notation that LED lighting will not be used along the southern elevation (with the exception of balcony lights used for the purposes of lighting the balcony for its use);~~
- v) ~~Any changes required by condition 13 (Pedestrian Link Plan);~~
- w)a) Any changes required by condition ~~16 23~~ (Disability Access Report).
- x)b) Any changes required by condition ~~18 25~~ (Sustainable Management Plan).
- y)c) Any changes required by condition ~~23 34~~ (Water Sensitive Urban Design).
- z)d) Any changes required by condition ~~32 25~~ (Wind Impact Assessment)
- aa)e) Any changes required by condition ~~26 33~~ (Waste Management Plan).
- bb)f) Any changes required by condition ~~37 45~~ (Landscape Plan).

Commented [RC4]: Deleted as these conditions have been discharged.

Commented [RC5]: Deleted as Council's Arborist has provided approval for the removal of this tree.

Commented [RC6]: Deleted as these conditions have been discharged.

Commented [RC7]: Deleted as this condition has been deleted.

Commented [RC8]: References updated to reflect new condition numbers

No Alterations (use and development)

2. The layout of the site and the size, levels, design and location of buildings and works and the layout and description of the uses as shown on the endorsed plans must not be modified for any reason without the prior written consent of the Responsible Authority, unless the Port Phillip Planning Scheme exempts the need for a permit.

Hours for sale and Consumption of Alcohol

3. The sale of alcohol may occur at any time to guests of the hotel in their room, and in the restaurant and bar between the following hours:

Restaurant and Bar

- a) Good Friday and ANZAC Day: between 12 noon and 10 pm.
- b) Any other day: between 9am and midnight.

External Areas at level 1

- c) Good Friday and ANZAC Day: between 12 noon and 10pm.
- d) Any other day: between 9am and 10pm.

Hotel MiniBar

- e) Anytime.

Restaurant and Bar

- 4. Tables and chairs must be placed in position on the licensed premises so as to be available for at least 75 per cent of the patrons attending the premises at any one time; and
 - a) The licensee must not permit –
 - i. The live performance of any musical works; or
 - ii. the playing of any recorded musical works – on the premises at higher than background music level
- 5. The windows to the bar are to be closed between the hours of 10pm and 7am

No Alterations – Red Line Plan

- 6. The red line indicating areas in which liquor may be sold for consumption on the site as shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.

Responsible Serving of Alcohol

- 7. The Permit Operator must require that all employees of the premises engaged in the service of alcohol undertake a "Responsible Serving of Alcohol" course.

Noise Emissions

- 8. All noise emissions associated with the licensed premises must comply with the noise limits determined in accordance with Part II of the Noise Limit and assessment protocol for the control of noise from commercial, industrial or trade premises and entertainment venues, Publication 1826 (the Noise Protocol) to the satisfaction of the Responsible Authority.
- 9. The Responsible Authority may require noise monitoring to be undertaken, at no cost to the Responsible Authority, to demonstrate compliance with the Noise Protocol.
- 10. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Venue & Patron Management Plan

- 11. Before the development is occupied, a Venue & Patron Management Plan (the VPMP) to the satisfaction of the Responsible Authority and prepared by a suitably qualified consultant must be submitted to and approved by the Responsible Authority. The restaurant and bar use must operate and be managed in accordance with the

approved VPMP to the satisfaction of the Responsible Authority. The VPMP must include:

Noise

- a) The identification of all noise sources (including, but not limited to, patrons on the premises, patrons entering and leaving the premises);
- b) Measures to be undertaken to address all noise sources identified, including on and off-site noise attenuation measures;
- c) Details of the provision of music, including the frequency and hours of entertainment provided; Hotel,

restaurant, and bar operations

- d) Hours of operation for all parts of the building.
- e) Procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, or an authorised officer of the Responsible Authority.
- f) Details of any measures to work with neighbours and other residents to address complaints and general operational issues;
- g) Details of the staffing arrangement, including numbers and working hours of all security staff, hotel staff, bar staff, waiters, on-premises manager, and any other staff.
- h) Details of proposed management of the venue including emergency procedure management plan, patron management, crowd control and access to external areas.
- i) The management and dispersal of patrons, including patrons loitering around the venue after the venue has closed:
- j) Details of operating procedures for patron querying and patron management when the restaurant and bar uses close.
- k) Arrival and departure process for hotel guests.
- l) Location and operation of air-conditioning, exhaust fan systems and security alarms.
- m) A monitoring and maintenance program for the kitchen exhaust and filtration system.
- n) How waste facilities and collection are to be managed for the site.
- o) Emergency evacuation procedures.
- p) The procedure for cleaning services associated with hotel.
- q) Details of deliveries associated with the hotel, restaurant, bar and licensed premises including timing of deliveries.

Other

- r) Any other measures to be undertaken to ensure appropriate amenity impacts from the restaurant and bar use and licenced premises.
- s) Details of any measures to work with neighbours or other residents in the immediate areas to address complaints and general operational issues.

When approved, the plan will be endorsed and will then form part of this permit.

The provisions, recommendations and requirements of the endorsed VPMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Except with the prior written consent of the Responsible Authority, the VPMP must not be modified.

Agreements under Section 173 of the Act

12. Prior to occupation, the owner must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority and make application to the Registrar of Titles to have the agreement recorded on the title to the land under section 181 of the Act to the satisfaction of the Responsible Authority. The agreement must: ~~provide for the following:~~

Commented [RC9]: Amended to remove a typo

- a) ~~subject to condition 14 require allow for unencumbered access to the pedestrian link upon the opening of a future pedestrian link at 13-21 Palmerston Crescent, that is to be open except between the hours 12 midnight and 6am.~~
- b) to define the areas of responsibility for the maintenance and upkeep of the pedestrian link.
- c) to ensure the design of the pedestrian link provided for in the development as approved in planning permit 1051/2017/A and any subsequent amendment or application contributes to an active, high quality pedestrian environment.
- d) to ensure a high level of amenity to users and occupants of the approved hotel rooms on levels 02 to 09 of the building that forms part of the residential hotel are to remain for the use of a Residential Hotel use only as approved in planning permit 1051/2017/A and any subsequent amendment or application.

Commented [RC10]: Amended to reflect that the walkway will not be open to the public until the completion of the walkway at 13-21 Palmerston Crescent

The agreement must include covenants that run with title to the Land.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

Pedestrian Link

- ~~13. Before the endorsement of plans under Condition 4, an urban design and functional layout plan for the pedestrian link must be submitted to, be to the satisfaction of and approved by the Responsible Authority. The plan must include:~~

- a) ~~The pedestrian link widened to the width at the entrance / exit points generally in accordance with plans A0100LG and A0100, prepared by Elenberg Fraser (Rev H dated 30 August 2022)~~

~~All to the satisfaction of the Responsible Authority~~

Commented [RC11]: Deleted as this condition has been discharged.

Public Access to the Pedestrian Arcade

~~Before a formal pedestrian link on 13 Palmerston Crescent between Palmerston Crescent and the laneway to the rear of the subject site (Palmerston Crescent Link) is open to the public~~

- ~~14.13. Until such time as the full extent of the pedestrian link between Palmerston Crescent and Albert Road is complete on 28-32 Albert Road and 13-21 Palmerston Crescent ('Palmerston Crescent Link'), the western end of the pedestrian arcade in the 28-32 Albert Road development will remain closed to the public and only accessible privately, which allows public access between the laneway to the rear of the subject site and the pedestrian arcade may only be open~~

between the hours of 10.00am and 4.00pm subject to the matters outlined below in conditions 15, 16, 17, 18, 19 and 20 below.

15. ~~Prior to the commencement of development an independent Road Safety Audit (RSA) of the laneway to the rear of the subject site must be undertaken by Traffix Group, who must be appointed for the duration of the project and must author all RSAs and oversee the implementation and recommendations associated with this permit. All costs associated with the RSA including the implementation of works, signage or other improvements arising from the recommendations are at the owner's/occupier's expense~~

~~The RSA must be submitted to and approved by the responsible authority. Once approved, the RSA will be endorsed and will form part of the Permit. The RSA must:~~

- ~~a) Identify the vehicular/bicycle/pedestrian access arrangements, loading arrangements and internal circulation/layout.~~
- ~~b) Assess whether the continued operation of the pedestrian arcade is safe for use by the public.~~
- ~~c) Based on the above, outline any further works, signage or other improvements to the laneway environs should be implemented~~

16. ~~When endorsed by the responsible authority, the recommendations in the RSA in respect of the operation of the pedestrian arcade must be implemented to the satisfaction of the responsible authority.~~

17. ~~No earlier than 6 months and no later than 7 months after any opening of the pedestrian arcade, a second independent Road Safety Audit (Second RSA) of the laneway to the rear of the subject site must be undertaken by Traffix Group, who must be appointed for the duration of the project and must author all RSAs and oversee the implementation and recommendations associated with this permit.~~

18. ~~All costs associated with the RSA including the implementation of any works, signage or other improvements arising from the recommendations are at the owner's/occupier's expense.~~

19. ~~The Second RSA must be submitted to and approved by the responsible authority. Once approved, the Second RSA will be endorsed and will form part of the Permit. The Second RSA must:~~

- ~~a) Assess whether the continued operation of the pedestrian arcade is safe for use by the public.~~
- ~~b) Based on the above, outline any further works, signage or other improvements to the laneway environs should be implemented.~~

20. ~~When endorsed by the responsible authority, the recommendations in the Second RSA in respect of the operation of the pedestrian arcade must be implemented to the satisfaction of Responsible Authority until the Palmerston Crescent Link is open to the public. Where the endorsed Second RSA recommends operational restrictions more stringent than those specified in the conditions on this permit or the RSA, the stricter restriction applies.~~

After the Palmerston Crescent Link is open to the public

- ~~21.14.~~ Once the Palmerston Crescent Link is complete and open to the public, the pedestrian arcade must be open to the public for use between 6am and 12 midnight. At all other times, the pedestrian arcade must be closed to the public unless otherwise approved in writing by the responsible authority.

- ~~22.15.~~ Subject to the consent of the Port Phillip City Council as the relevant land owner, prior to the opening of the Palmerston Crescent Link to the public~~occupation~~, a ground floor treatment that delineates the pedestrian path in

Commented [RC12]: Deleted as the walkway is no longer proposed to be open until the redevelopment / opening of the link at 13-21 Palmerston Crescent.

between the pedestrian links of the subject site and the ~~future-approved~~ pedestrian link on no 13 – 21 Palmerston Crescent must be provided to the satisfaction of and at no cost to the Responsible Authority.

Commented [RC13]: Amended as the walkway is no longer proposed to be open until the redevelopment / opening of the link at 13-21 Palmerston Crescent.

Disability Access Report

- ~~23.16.~~ Prior to the endorsement of Condition 1 plans, a Disability Access Report prepared by a Disability Access Consultant must be submitted to and approved by the Responsible Authority. ~~The Disability Access Report must be generally in accordance with the report prepared by B4 Compliance dated 10 April 2025. When approved, the report will be endorsed and will form part of the permit. The Disability Access Report must demonstrate how the design of the development meets the needs of people with limited mobility with specific regard to:~~
- ~~a) the functionality and accessibility to all common areas;~~
 - ~~a) Recommendations to improve the layout and built form to improve the functionality and accessibility to all common areas;~~
 - ~~All to the satisfaction of the Responsible Authority.~~

Commented [RC14]: Amended to be generally in accordance with the latest DDA Report / delete references to requirements which have been discharged.

- ~~24.17.~~ The provisions, recommendations and requirements of the endorsed Disability Access Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- ~~25.18.~~ Before the endorsement of plans under Condition 1 an ~~amended~~ ESD report based on the Environmentally Sustainable Design Assessment prepared by ~~IGS dated 21 March 2025-Lid Consulting and dated 26/05/2022~~ must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit and the project must incorporate the sustainable design initiatives listed.
- ~~a) Stormwater response at Appendix 5 of the SDA containing the Stormwater Treatment Plan indicating all catchment areas to be clearly linked to rainwater tanks (or raingardens);~~
 - ~~b) Consistency with the BESS report including:~~
 - ~~i. Net Zero carbon / carbon neutral capability commitments for gas consumption and the BESS report;~~
 - ~~ii. EV Infrastructure amended in BES. The plans must annotate;~~
 - ~~c) RWT's location, size and connections;~~
 - ~~d) all permeable areas including those to the front entrance area;~~
 - ~~e) EV infrastructure to be provided in the basement carpark and annotated on plans;~~
 - ~~f) the openable component of a window;~~
 - ~~g) air conditioning indoor and outdoor units;~~
 - ~~h) hot water system location and type;~~
 - ~~i) car park CO2 sensor — ventilation system and carbon monoxide monitor;~~
 - ~~j) internal / external clotheslines~~

k) ~~air conditioning indoor and outdoor units~~

Commented [RC15]: Amended to be generally in accordance with the latest SMP Report / delete references to requirements which have been discharged.

Incorporation of Sustainable Design Initiatives

~~26-19.~~ The project must incorporate the sustainable design initiatives listed in the endorsed Sustainable Management Plan to the satisfaction of the Responsible Authority.

Implementation of Sustainable Design Initiatives

~~27-20.~~ Before the occupation of the development approved under this permit, a report from the author of the Sustainable Management Plan approved pursuant to this permit, or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures and recommendations specified in the Sustainable Management Plan report have been implemented and/or incorporated in accordance with the approved report to the satisfaction of the Responsible Authority. Water Sensitive Urban Design.

Incorporation of Water Sensitive Urban Design Initiatives

~~28-21.~~ Before the occupation of the development approved under this permit, the project must incorporate the water sensitive urban design initiatives listed in the endorsed Water Sensitive Urban Design Report to the satisfaction of the Responsible Authority, and thereafter maintained to the satisfaction of the Responsible Authority.

Implementation of Water Sensitive Urban Design Initiatives

~~29-22.~~ Prior to the occupation of the development approved under this permit, a report from the author of the endorsed Sustainable Management Plan, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the endorsed Sustainable Management Plan have been implemented in accordance with the approved plan.

Maintenance manual for water sensitive urban design initiatives

~~30-23.~~ Before the endorsement of plans under condition 1, a Maintenance Manual for Water Sensitive Urban Design Initiatives must be submitted to and approved by the Responsible Authority. The manual must set out future operational and maintenance arrangements for all WSUD (stormwater management) measures. The program must include, but is not limited to:

- a) inspection frequency
- b) cleanout procedures
- c) as installed design details/diagrams including a sketch of how the system operates

The WSUD Maintenance Manual may form part of a broader Maintenance Program that covers other aspects of maintenance such as a Builder' User's Guide or a Building Maintenance Guide.

Site Management Water Sensitive Urban Design

~~34-24~~ The developer must ensure that:

- a) No water containing oil, foam, grease, scum or litter will be discharged to the stormwater drainage system from the site;
- b) All stored wastes are kept in designated areas or covered containers that prevent escape into the stormwater system;
- c) The amount of mud, dirt, sand, soil, clay or stones deposited by vehicles on the abutting roads is minimised when vehicles are leaving the site
- d) No mud, dirt, sand, soil, clay or stones are washed into, or are allowed to enter the stormwater drainage system;
- e) The site is developed and managed to minimise the risks of stormwater pollution through the contamination of run-off by chemicals, sediments, animal wastes or gross pollutants in accordance with currently accepted best practice.

Wind Impact Assessment

~~32-25~~ Before the endorsement of plans under Condition 1, an amended Wind Impact Assessment, generally in accordance with the Wind Impact Assessment prepared by Vipac dated 8 April 2025 based on wind tunnel modelling must be provided for the written endorsement of the Responsible Authority. ~~Issued: 20 February 2019 Signature for the Responsible Authority Date Amended: 31 October 2022 Planning and Environment Regulations 1998 Form 4 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 that can be acted upon Page 10 of 18 authority.~~ Any modifications required to the development in order to ensure acceptable wind conditions must be submitted to and approved by the Responsible Authority as part of the plans for endorsement. The design details of any wind mitigation works must receive the endorsement of the owner's wind climate experts, preferencing the use of architectural features and planting to resolve any issues identified, to the satisfaction of the Responsible Authority.

Commented [RC16]: Amended to be generally in accordance with the latest Wind Report / delete references to requirements which have been discharged and delete typo.

Waste Management Plan

~~33-26~~ Before the endorsement of plans under condition 1, an ~~amended~~ Waste Management Plan based on the report prepared by prepared by Low Impact Development Consulting, dated ~~27 March 2025-6 June 2022~~ must be submitted to, approved by and be to the satisfaction of the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. ~~The report must be amended to detail:~~

- ~~a) Bin allocation for restaurant increased or the frequency of collection increased~~
- ~~b) Bin allocation for bar increased or the frequency of collection.~~
- ~~c) Collection times per our Local Laws:

 - ~~i. Any onsite loading/unloading or collection of waste must not occur between 7am to 9am and 4pm to 7pm Monday to Friday.~~
 - ~~ii. Information about keeping the bin room vermin proof and clean.~~~~
- ~~d) Consistency with plans. The plans must annotate:~~

e) ~~FOGO and Glass bins as noted on the WMP.~~

f) ~~Details consistent with the report~~

Loading / Unloading

~~34-27.~~ Any onsite loading/unloading must not occur between 7am and 9am and 4pm to 7pm Monday to Friday.

Car Parking and Bicycle Parking Layout

~~35-28.~~ 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
- Properly formed to such levels that may be used in accordance with the plans;
- Surfaced with an all weather surface or seal coat (as appropriate);
- Drained and maintained;
- Line marked, as appropriate, to indicate each car space, visitor space, bicycle space, loading bay and/or access lane;
- Clearly marked to show the direction of traffic along access land and driveways

All to the satisfaction of the Responsible Authority

Parking and Loading Areas must be Available

~~36-29.~~ Car and bicycle parking and loading 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.

Lighting

~~37-30.~~ External lighting of the areas set aside for car parking, access lanes and driveways must be designed, baffled and located to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.

Direction Sign

~~38-31.~~ Before the occupation of the development allowed by this permit a sign containing details and of a size to the satisfaction of the Responsible Authority must be displayed directing drivers to the area(s) set aside for car parking. The sign must be located and maintained to the satisfaction of the Responsible Authority.

Vehicle Crossings

~~39-32.~~ Before the occupation of the development allowed by this permit, vehicle crossings must be constructed in accordance with Council's current Vehicle Crossing Guidelines and standard drawings to the satisfaction of the Responsible Authority. All redundant crossings must be removed and the footpath, naturestrip, kerb and road reinstated as necessary at the cost of the applicant/owner and to the satisfaction of the Responsible Authority.

Applicant to Pay for Reinstatement

~~40-33.~~ Before the occupation of the development allowed by this permit, the applicant/owner must do the following things to the satisfaction of the Responsible Authority:

- a) Pay the costs of all alterations/reinstatement of Council and Public Authority assets necessary and required by such Authorities for the development.
- b) Obtain the prior written approval of the Council or other relevant Authority for such alterations/reinstatement.
- c) Comply with conditions (if any) required by the Council or other relevant Authorities in respect of alterations/reinstatement.

Public Services

~~41-34.~~ 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.

Car Parking Automated System and Lift Maintenance and Provision

~~42-35.~~ The mechanical lifts are to be maintained in a good working order for the parking of vehicles in accordance with their purpose, to the satisfaction of the Responsible Authority. Prior to the occupation of the approved development, a lift system management plan must be prepared and then submitted to the Responsible Authority for approval. The plan must include but not be limited to the following:

- a) Ongoing maintenance of the lift system;
- b) Instructions to owners/occupiers about the operation of the car stacker system;
- c) Details of procedure in the event of a mechanical failure.
- d) Car lift internal platforms to have a clear width of 3m wide and 5.85m long.
- e) Minimum headroom within the system to be at least 2.2m.
- f) Car lift speed to be at least 0.5m/s.
- g) Car lift system to be activated by remote.

Once approved this document must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

Car Parking Allocation

~~43. Without the further written consent of the Responsible Authority car parking for the approved development must be allocated on any Plan of Subdivision as follows:~~

- ~~• A minimum of 1 car space for each one and two bedroom apartment~~
- ~~• A minimum of 2 car spaces for each three or four bedroom apartment~~
- ~~• No car parking spaces are permitted to be leased to anyone not working or living on the premises.~~

All to the satisfaction of the Responsible Authority

Commented [RC17]: Condition sought to be deleted.

On Site Bicycle Parking

~~44-36.~~ Before the development is occupied, bicycle racks must be provided on the land to the satisfaction of the Responsible Authority.

Landscape Plan

~~45-37.~~ Before the endorsement of plans under Condition 1 an amended Landscape Plan must be submitted to, approved by and be to the satisfaction of the Responsible Authority. This is to be generally in accordance with the plans prepared by Barber (Rev 02 dated 15 May 2023) and the Landscape Concept Plans dated February 2025. When the Landscape Plan is approved, it will become an endorsed plan forming part of this Permit. The Landscape Plan must incorporate:

Commented [RC18]: Amended to be generally in accordance with the endorsed Landscape Plan and latest concept Landscape Plan that accompanies this submission.

- a) All condition 1 changes;
- b) A survey plan, including botanical names, of all existing vegetation/trees to be retained;
- c) Buildings and vegetation (including botanical names) on neighbouring properties within 3m of the boundary;
- d) Significant trees greater than 1.5m in circumference, 1m above ground;
- e) All street trees and/or other trees on Council land;
- f) A planting schedule of all proposed vegetation including botanical names; common names; pot sizes; sizes at maturity; quantities of each plant; and details of surface finishes;
- g) All planters dimensioned and volume notated;
- h) Details of access to planter boxes and a maintenance schedule;
- i) Landscaping and planting within all open space areas of the site; and
- j) Water sensitive urban design treatments.

All species selected must be to the satisfaction of the Responsible Authority.

Completion of landscaping

~~46-38.~~ The landscaping as shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority before the occupation of the development and/or the commencement of the use or at such later date as is approved by the Responsible Authority in writing.

Landscaping Maintenance

~~47-39.~~ The landscaping as shown the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the landscaping plan to the satisfaction of the Responsible Authority.

Green Roofs / Walls Maintenance Plans

~~48-40.~~ Prior to occupation, a Landscape Management Plan detailing the maintenance regime and management responsibilities for the Rooftop Gardens and Green Walls associated with the development must be prepared and submitted to the satisfaction of the Responsible Authority. The Landscape Management Plan should include, but is not necessarily limited to, the following:

- a) State the systems and products in the green roof and how they are designed to maintain the green roof;
- b) Outline access to the green roofs;
- c) Outline any management risks, and how these will be managed
- d) State the estimated annual maintenance budget;
- e) Summarise the type of maintenance tasks required;
- f) Outline the skills and certification required in the maintenance team to perform these tasks
- g) Outline communication requirements to Body Corporate / Owners / Users;
- h) State when the management plan is due for review; and
- i) Any setbacks of the southern façade to accommodate access for maintenance purposes.

If the Rooftop Garden and Green Walls falter or fail, details of an alternative treatment must be submitted to, and approved by, the Responsible Authority. The alternative treatment must be implemented within three months of approval and to the satisfaction of the Responsible Authority.

Walls on or facing the boundary

~~49-41.~~ Prior to the occupation of the building(s) allowed by this permit, all new walls on or facing the boundary of adjoining properties and/or the laneway must be cleaned and finished to a uniform standard. Unpainted or unrendered masonry walls must have all excess mortar removed from the joints and face and all joints must be tooled or pointed 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.

No Change to External Finishes

~~50-42.~~ All external materials, finishes and colours as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No Equipment or Services

~~51-43.~~ Any plant, equipment or domestic services visible from the primary street frontage (other than a lane) or public park must be located and visually screened to the satisfaction of the Responsible Authority.

Piping and ducting

~~52-44.~~ All piping and ducting (excluding down pipes, guttering and rainwater heads) must be concealed to the satisfaction of the Responsible Authority.

Noise Attenuation for Apartments

~~53-45.~~ Prior to the occupation of the development, an amended acoustic review based on the advertised s87a report prepared by Acoustic Logic dated 20 March 2025 SLR-Consulting-Australia Pty Ltd, dated 23 May 2022 must be submitted to, approved by and to be to the satisfaction of the Responsible Authority. ~~The report must confirm that the building has been constructed to achieve the following noise levels:~~
~~Not greater than 35dB(A) for bedrooms, assessed as an LAeq, 8h from 10pm to 6am.~~
~~Not greater than 40dB (A) for living areas, assessed LAeq, 16h from 6am to 10pm.~~
~~Noise levels should be assessed in unfurnished rooms with a finished floor and the windows closed. The~~

~~noise influence area should be measured from the closest part of the building to the noise source.~~

Commented [RC19]: Amended to be generally in accordance with the latest Acoustic Report / delete references to requirements which are demonstrated as met within the current report.

~~54-46.~~ All works must be undertaken in accordance with the endorsed Acoustic Report to the satisfaction of the Responsible Authority. No alterations to the Acoustic Engineering Report may occur without the written consent of the Responsible Authority.

Ongoing Involvement of the Architect

~~55.~~ The applicant must retain Elenberg Fraser Architects to complete the design and provide architectural oversight of the delivery of the detailed design as shown in the endorsed plans and endorsed schedule of materials and finishes during construction except with the prior written approval of the Responsible Authority.

Commented [RC20]: Deleted as Elenberg Fraser is no longer the project architect (and Council has approved Artisan Architects being the project architect).

Number of Dwellings

~~56.~~ Without the further written consent of the Responsible Authority, no more than 44 dwellings may be constructed on the land.

Commented [RC21]: Deleted as less dwellings are proposed and to reduce 'double ups' of requirements within the planning permit.

Urban Art Plan

~~57-47.~~ Before the occupation of the development allowed by this permit, an urban art plan in accordance with Council's Urban Art Strategy must be submitted to, be to the satisfaction of and approved by the Responsible Authority.

This should be generally in accordance with the Public Art Strategy prepared by the Blueprint, Issue 03 / J10229 and dated 30 May 2022.

Urban art in accordance with the approved plan must be installed prior to the occupation of the building to the satisfaction of the Responsible Authority.

EPA noise guidelines (roof plant)

~~58-48.~~ All air conditioning, refrigeration and other plant must be screened, baffled and insulated to minimise noise and vibration and comply with applicable noise levels in the Noise Limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826.4 May 2021 to the satisfaction of the Responsible Authority.

~~59-49.~~ Within 3 months of all uses commencing, an acoustic compliance report prepared by an independent, suitably qualified acoustic consultant and to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The acoustic compliance report must demonstrate the required level of noise attenuation has been achieved in accordance with the Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826.4 May 2021 or, if not, what further buildings and works must be undertaken to achieve the required levels of noise attenuation.

Any further works must be:

- a) Undertaken within 2 months of the compliance report being submitted to Responsible Authority or such later time as agreed by the Responsible Authority; and

- b) Retested to demonstrate compliance with the Noise Limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826.4, May 2021. The results of the retesting must be provided to and approved by the Responsible Authority.

Reflectivity assessment

~~60-50.~~ Prior to the endorsement of the plans, a Reflectivity Assessment of external glazing and any other visibly reflective material must be submitted to the responsible authority. The assessment must ~~be generally in accordance with the report prepared by Vipac dated 15 April 2025. ensure that materials, including glazing, used on external walls must be of a type that do not reflect more than 20% of visible light when measured at an angle of 90 degrees to the surface (or such other reflectivity that is to the satisfaction of the responsible authority).~~ The Assessment must be to the satisfaction of the responsible authority and when approved will form part of this permit.

Commented [RC22]: Updated to reflect the amended report submitted as part of the S87a and that the requirements have already been discharged.

Air Quality (Kitchen Exhaust)

~~61-51.~~ Before the hotel use starts, the commercial kitchen exhaust filtration system must be installed to the satisfaction of the Responsible Authority. The system must include conveniently located odour sampling points in the exhaust duct for odour testing.

~~62-52.~~ When installed, the commercial kitchen exhaust filtration system must be tested in operation and an odour commissioning report must be submitted to and approved by the Responsible Authority. The odour commissioning report must:

- a) be prepared by an independent odour management consultant with suitable qualifications and experience to the satisfaction of the Responsible Authority, and
- b) demonstrate that odour emissions from the commercial kitchen exhaust filtration system achieve compliance with Australian Standard AS 1668.2.2012.

~~63-53.~~ After the hotel use starts a commercial kitchen exhaust filtration system maintenance report must be submitted to the Responsible Authority. The maintenance report must demonstrate that odour emissions from the commercial kitchen exhaust filtration system achieve ongoing compliance with Australian Standard AS 1668.2.2012.

~~64-54.~~ The commercial kitchen exhaust filtration system must achieve compliance with Australian Standard AS 1668.2.2012.

Light Baffled

~~65-55.~~ All lighting of external areas both during construction and after completion must be suitably baffled so as not to cause nuisance or annoyance to nearby properties or roads, to the satisfaction of the Responsible Authority and all illuminated advertising lighting on cranes must be turned off between the hours of 10pm and 7am.

Emergency Contact

~~66-56.~~ Before development starts, including demolition and bulk excavation, an emergency contact that is available for 24 hours per day for residents of Owners Corporation in Albert Road and the Responsible Authority must be provided in the event of relevant queries or problems experienced.

Major Transport Infrastructure Authority**67-57.** Provision of Final Foundation Plans

Prior to occupation, Major Transport Infrastructure Authority must be provided with a copy of the final foundation designs, loading details and as constructed details of the footings and if piled, the piling records. Plans should be submitted electronically by emailing planningapprovals@railprojects.vic.gov.au quoting reference no. MM2018/005

Major Transport Infrastructure Authority**68-58.** Ground Anchor/Rock Bolts

Ground anchors or rock bolts used in the development must not intrude into the road reserve of Albert Road unless first agreed in writing by Major Transport Infrastructure Authority.

Major Transport Infrastructure Authority**69-59.** Ground Water Management Plan

Before bulk excavation of the development starts, a Groundwater Management Plan must be submitted to the satisfaction of Major Transport Infrastructure Authority to demonstrate that any change in the groundwater level, either during or post construction, will not have adverse impact on the Metro Tunnel structures.

Major Transport Infrastructure Authority**70-60.** Construction Management Plan and Traffic Management Plan

Before development starts, including demolition and bulk excavation, a Construction Management Plan and a Traffic Management Plan must be submitted to the satisfaction of Major Transport Infrastructure Authority.

The Construction Management Plan and Traffic Management Plan may be approved in stages.

The Construction Management Plan and Traffic Management Plan must include details of (but not be limited to) management proposals to minimise impacts to Metro Tunnel Infrastructure during construction and must set out objectives and performance and monitoring requirements for:

Construction Management Plan

- a) The demolition and construction program
- b) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services
- c) Describe how the public interfaces between the Melbourne Metro Tunnel project area and the subject site will be managed in respect to public and worker safety and wayfinding
- d) Measures to ensure that all works on the subject site will be carried out in accordance with the Construction Management Plans

Traffic Management Plan

- a) Preferred arrangement for trucks accessing to the subject site, including delivery and unloading and

expected duration and frequency

- b) How traffic management (including traffic controllers) will be delineated from the Melbourne Metro Tunnel project and the subject site to avoid confusion between areas of control

Major Transport Infrastructure Authority

~~71-61~~ Compliance with Groundwater Management Plan, Construction Management Plan, and Traffic Management Plan

All demolition and construction works must be carried out in accordance with the approved Groundwater Management Plan, Construction Management Plan, and Traffic Management Plan. These must be implemented at no cost to Major Transport Infrastructure Authority.

Time for starting and Completion

~~72-62~~ This permit will expire if one of the following circumstances applies:

- a) The development is not started within four (4) years of the date of this permit.
- b) The development is not completed within two (2) years of the date of commencement of works.
- c) The use is not commenced within two (2) years of the completion of the development.

The Responsible Authority may extend the periods referred to if a request is made in writing.

- before or within 6 months after the permit expiry date, where the use or development allowed by the permit has not yet started; and
- within 12 months after the permit expiry date, where the development allowed by the permit has lawfully started before the permit expire