Permit No.: 2012/002250  
Planning Scheme: Melbourne  
Responsible Authority: Minister for Planning  

ADDRESS OF THE LAND:  
17-31 Digital Drive, Docklands  

THE PERMIT ALLOWS:  
The development of the land for an office building with ground level retail areas  

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT  

Amended Plans  

1. Prior to the commencement of the development (excluding early works and bulk and internal construction preparation including excavation, piling, site preparation, inground services, soil removal, site remediation, and retention works) or as may otherwise be agreed with the Responsible Authority, amended plans, prepared in consultation with Places Victoria, the City of Melbourne and the Responsible Authority, must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the Planning Permit. The plans must be drawn to scale with dimensions and three copies must be provided. Such plans must be generally in accordance with the planning submission by Woods Bagot titled ‘Commercial Office Building Digital Harbour Docklands (Final Design Statement dated 16 May 2012), but modified to show the following:  

   a. Revised Plans at a scale of 1:100 to show the following:  
      i. Additional articulation in the ground floor façade of the foyer and retail spaces with quality materials, a high level of transparency to the street, framing of entries and vertical rhythm to provide a fine grain and human scale response.  
      ii. Continuation of the design response required by 1a)(i) to the balance of the elevation shown as ‘Services’.  
      iii. Introduction of a continuous canopy where possible at a height of no more than 4.5 metres or as otherwise agreed to provide appropriate weather protection.  
      iv. Additional detail is required of the proposed facade system including the extent and type of frit to be applied to glazed surfaces, extent of reflectivity of glazing, and details of applied vertical and horizontal fins.  

   b. Ground floor plans and elevations at a scale of 1:50 demonstrating how the access road underneath the building fits in with Digital Drive and the pedestrian routes leading to and from the building entrance.  

   c. Fully resolved elevations, materials and finishes; including floor wall and ceiling treatments as applicable, to the Service Pods on Ground Floor, Water Tanks, Ground floor edge interfaces to the existing Access Ramp, Cricketer’s Lane, Level 4 linking structure, and Ground Floor foyer and Core External Elevations.
d. Details of the canopy including materials and finishes and full dimensions.

e. A plan showing the extent of the land, including roads, if any be vested in City of Melbourne for which approval is sought under this permit. The plan should indicate any easements other than for building services anticipated to be required by other agencies over land to be vested in City of Melbourne.

f. Introduction of an additional pedestrian crossing immediately to the north of the existing Access Ramp off Digital Drive.

g. Pedestrian safety fencing adjacent to the access ramp to be integrated with the design of the building.

h. New location for the sewer pit in the Digital Drive footpath so that is clear of the building overhang.

i. The site boundary adjusted to provide a setback of at least 5m from the public open space boundary to any part of the building to allow for a paved area suitable for service vehicle access. The area of land to be removed from the approved open space boundary is to be accurately calculated and shown on the plans to allow for replacement public open space to be provided as part of one of the public open space areas in the Digital Harbour precinct shown in the revised 'Digital Harbour development plan’ dated April 2011.

j. Further details of the ground floor of the north elevation to demonstrate the achievement of quality materials, a high level of transparency to the street, framing of entries and vertical rhythm to provide a fine grain and human scale response.

k. Further details of the lower levels fronting the western laneway to demonstrate the achievement of high quality materials with a textured and varied response to activate the space.

l. Further details of the roof treatment to achieve the intent of a fifth elevation and a folding roof concept with the concealment of all plant equipment.

m. Plans showing the proposed relocation of Public Open Space within the Digital Harbour Precinct to achieve the total of 1,952m².

n. Details of access to bicycle facilities including shower and change facilities in accordance with the minimum requirements of the Melbourne Planning Scheme.

o. Details of upgrades to the temporary termination of Digital Drive including vehicular access arrangements and turning movements in accordance with the relevant Australian Standards.

p. Recommendations of a revised Wind Tunnel Report as required by Condition 20

q. Recommendations of a Waste Management Plan as required by Condition 24

2 Prior to the commencement of any early works (excluding, bulk and internal construction preparation including excavation, piling, site preparation, in-ground services, soil removal, site remediation, and retention works) or as may otherwise be agreed with the Responsible Authority details and plans of the preliminary works must be prepared in consultation with City of Melbourne, Places Victoria, and be the satisfaction of the Responsible Authority.

3D Model

3 Prior to the commencement of the development excluding any early works or otherwise agreed with the Responsible Authority a 3D digital model of the 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 Department of Planning and Community Development Advisory note – 3D Digital Modelling.

In the event that substantial modifications are made to the building envelope a revised 3D digital model must be submitted to and be to the satisfaction of the Responsible Authority.

**Services**

4 Any new service cabinets shall be the elliptical cabinet type, positioned 750mm from face of kerb to the requirement and satisfaction of the City of Melbourne.

5 Within six months of the issue of this planning permit or as may otherwise be agreed with the Responsible Authority the permit holder must either obtain the necessary permission(s) from the relevant parties/authorities to construct over the easement(s) and provide evidence of this approval(s) to the City of Melbourne and the Responsible Authority or obtain a planning permit to vary the location of the easement(s).

6 Any pedestrian ramps/wide vehicle crossings must be designed and constructed in accordance with Australian Standards AS 1428 'Design for Access and Mobility,' and must be fitted with tactile ground surface indicators (TGSI's) to the requirement and satisfaction of the City of Melbourne.

**Drainage**

7 The owner of the subject land must construct a stormwater drainage system incorporating water sensitive urban design features, for the development at no cost to the Responsible Authority and City of Melbourne and make provision 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 City of Melbourne.

8 The owner of the subject land must construct all necessary vehicle crossings and demolish all unnecessary vehicle crossings adjacent the subject land in accordance with plans and specifications to the requirement and satisfaction of the City of Melbourne.

9 The maximum permissible width of a vehicle crossover without a pedestrian refuge is 7.6m. Crossings wider than 7.6m must include pedestrian refuges a minimum of 2m in length at 7.6m maximum clear spacings. The width of an abutting laneway entrance should deemed to be included in the crossing width unless a 2m long pedestrian refuge is provided between the laneway entrance and the crossing to the requirement and satisfaction of the City of Melbourne.

**Construction Management Plan**

10 Prior to the commencement of the development a detailed Construction Management Plan must be submitted to and approved by the City of Melbourne. This Construction Management Plan may be staged and is to be prepared in accordance with the City of Melbourne - Construction Management Plan Guidelines and is to consider the following:

   a) public safety, amenity and site security;
   b) operating hours, noise and vibration controls;
   c) air and dust management;
   d) stormwater and sediment control;
   e) waste and material reuse; and
   f) traffic management.
The recommendations of the report must be implemented at no cost to the Responsible Authority or the City of Melbourne. All development must be carried out in accordance with the approved Construction Management Plan.

11 Any detailed engineering drawings, including plan, long section and cross sectional information required under the permit at appropriate scales must be submitted a minimum of 21 days before works are due to commence in consultation with and to the satisfaction of the City of Melbourne.

Traffic Impact Assessment

12 Prior to commencement of development, unless otherwise agreed with the Responsible Authority, excluding bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, a Traffic Impact Assessment must be prepared and submitted to the responsible authority in consultation with Places Victoria and the City of Melbourne (Engineering Services). The Traffic Impact Assessment must detail the proposed traffic impact of the proposal including details of loading arrangements and upgrades to Digital Drive to deal with pedestrians, cyclists and vehicular access.

Legal Agreements

13 Within twelve months of the issue of this planning permit or as may otherwise be agreed with the Responsible Authority, the owner of the property must enter into a legal agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, concerning the liability of those parts of the development projecting into airspace or subsoil of land under the care and management of the City of Melbourne and / or Places Victoria. The owner of the property to be developed must pay all the City of Melbourne's and Places Victoria's reasonable legal expenses of this agreement, including preparation, execution and registration on title.

14 Within twelve months of the issue of this planning permit or as may otherwise be agreed with the Responsible Authority, the owner of the property must modify the existing legal agreement under section 173 of the Planning and Environment Act 1987 or enter into a new agreement with the Responsible Authority concerning the provision of 1,952 sq m of public open space within the Digital Harbour Precinct. The owner of the property to be developed must pay all the City of Melbourne’s and Places Victoria’s reasonable legal expenses of this agreement, including preparation, execution and registration on title.

15 Prior to the occupation of the building or as otherwise be agreed with the Responsible Authority, the owner of the property must enter into a legal agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act which provides for the upgrading and signalisation of the intersection of Digital Drive and LaTrobe Street to the requirements and satisfaction of the City of Melbourne, VicRoads and Yarra Trams. The owner of the property to be developed must pay all the City of Melbourne's and any other authority's reasonable legal expenses of this agreement, including preparation, execution and registration on title.

If the upgrading and signalisation of the intersection of Digital Drive and LaTrobe Street is undertaken prior to the occupation of the building or as may otherwise be agreed with the Responsible Authority the agreement does not need to be entered into.

Landscaping and Public Realm

16 Within six months of the issue of the Planning Permit approval or as may otherwise be agreed with the Responsible Authority, a qualified landscape architect is to produce a detailed scaled and dimensioned landscape plan that shall be prepared in
consultation with Places Victoria and the City of Melbourne and to the satisfaction of the City of Melbourne. The plan must include;

a) Landscape design of the public realm (including all hard and soft materials of open space and roads, up to 10 metres of the proposed building to the north of the proposed public open space).
b) Water Sensitive Urban Design techniques and supporting rationale showing how the development contributes to the Docklands ESD strategy.
c) Planting and its relationship with street furniture.
d) Public art and its relationship with any public open spaces.
e) Details of any grade changes, spaces and edge treatments.
f) Maintenance, management and access requirements of designated café spill out areas and public open space.
g) Street furniture including bike hoops and bins.
h) Detailed design showing interface between private and public areas.
i) All materials, street furniture, soft landscaping etc. within public highways must comply with City of Melbourne standards including the provision of Charcoal coloured concrete kerbs where required.
j) All public litter bins shall be fitted with twin bin mounted butt litter bins.
k) The developer shall request from Council details of current design of street furniture, pedestrian ramps, vehicle crossings, street name plates, parking signs, TGSIs, before purchasing/installing any of these items and to the satisfaction of the Responsible Authority.
l) The location of any trees removal and the location of all tree planting and irrigation systems.
m) Should any proposed vehicle crossing be within 4.5m of an existing tree in the road reserve then a site inspection shall be undertaken with City of Melbourne’s Senior Tree Planner any conditions imposed by the City of Melbourne complied with.

Materials and Finishes

17 Within six months of the issue of this planning permit or as may otherwise be agreed with the Responsible Authority, a schedule and sample of all external materials, colours and finishes must be prepared and submitted in consultation with Places Victoria and to the satisfaction of the Responsible Authority. The schedule must show the materials, colours and finishes of all materials and finishes cross referenced to all building drawings to demonstrate achievement of the benchmark renders.

18 All works in the public realm must be undertaken in accordance with the current Docklands Design and Construction Standard except for where prior arrangements exist between the developer and Places Victoria in consultation with the City of Melbourne to the satisfaction of the Responsible Authority

19 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.

Wind

20 Within three months of the issue of this planning permit or as may otherwise be agreed with the Responsible Authority, the applicant is required to complete and submit a Wind Tunnel Model Assessment for the building and surrounding public spaces demonstrating that the development is within the required safety and comfort criteria in the public realm adjacent to the building in consultation with Places Victoria, the City of Melbourne and be to the satisfaction of the Responsible Authority in consultation with Places Victoria.

The revised wind report must recommend additional wind mitigation measures which does not rely on street trees.
Environmental Sustainable Design (ESD)

21 Within six months of the issue of the planning permit or as may otherwise be agreed with the Responsible Authority, an ESD report must be prepared and submitted to be assessed against the Melbourne Docklands Environment Sustainable Design Guide and be in accord with Clause 22.19 of the Melbourne Planning Scheme to demonstrate how the proposal achieves an Award of Merit in consultation with Places Victoria and be to the satisfaction of the Responsible Authority.

Water Sensitive Urban Design (WSUD)

22 Within six months of the issue of the Planning Permit Approval or as may otherwise be agreed with the Responsible Authority, the applicant is required to provide a report from a suitably qualified WSUD consultant. The report is to demonstrate how the proposal will achieve ‘best practice’ principles. This should include the capture, storage and reuse of stormwater in consultation with Places Victoria and to the satisfaction of the Responsible Authority.

23 The owner of the subject land should construct a stormwater drainage system, incorporating water sensitive urban design, for the development at no cost to Council and make provision 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 in consultation with and to the satisfaction of the City of Melbourne.

Waste Management Plan

24 Prior to the commencement of the development (excluding demolition, bulk and internal construction preparation including excavation, piling, site preparation, in-ground services, soil removal, site remediation, and retention works) or as may otherwise be agreed with the Responsible Authority, a Waste Management Plan (WMP) must be prepared in consultation with and to the satisfaction of the City of Melbourne in accordance with the City of Melbourne Guidelines for Preparing a Waste Management Plan 2012.

Disability Discrimination Act Compliance

25 Prior to the commencement of development, unless otherwise agreed with the Responsible Authority, excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab, details that ensure the building design achieves Disability Discrimination Act compliance are to be submitted to the satisfaction of Places Victoria and the Responsible Authority.

Lighting

26 All public lighting must conform to Australian Standards AS1158, AS3771 and The Public Lighting Code September 2001. All new light poles and fittings should be Poles and Luminaries approved by City of Melbourne and CitiPower to match existing.

27 All public lighting shall be on an unmetered system complying with CitiPower rules and regulations. When CitiPower requires a cabinet to be provided it must be in conformity with Condition 5.

Public Art

28 Within six months of the issue of the planning permit or as may otherwise be agreed with the Responsible Authority. The applicant is required to submit a Public Art Strategy identifying the location, type, and theme and commission process of urban art for the building including ownership and management arrangements as well as an indication of the percentage of total precinct Art Budget that is to be consumed by these proposals. The Responsible Authority in consultation with Places Victoria will determine the final extent of ground floor conditions deemed to satisfy the requirements for consideration as ‘Urban Art’ elements.
If through further design development, the Responsible Authority determines the areas described as the Service Pods, Access Ramp edge conditions, water tanks and 'Cricketer's Lane do not satisfy the requirements for assessment as 'Urban Art' elements, the applicant shall submit revised documentation confirming the proposed revisions and an amended precinct art budget statement.

Building Plant and Equipment

All building plant and equipment on the roofs 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.

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 three (3) years of the date of this permit.
- The development is not completed 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 periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Date Issued: 17 JUL 2012

Signature for the Responsible Authority:

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.

The development must provide for and meet the requirements of the Australian Government Department of Broadband, Communications and Digital Economy publication Fibre in new developments; policy update dated 22 June 2011 (as amended).
IMPORTANT INFORMATION ABOUT THIS NOTICE

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.)

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.

Sch. 1 Planning and Environment Regulations 2005, S.R. No. 33/2005, 35

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 the 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 5 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.

WHAT ABOUT APPEALS?

* 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 an Application for Review 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.
* 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.