

7.1.3 TPA/40955D – 170-174 Highbury Rd Mount Waverley

Responsible Manager:	Catherine Sherwin, Manager City Planning
Responsible Director:	Peter Panagakos, Director City Development

EXECUTIVE SUMMARY

An application has been received for an extension of time to Planning Permit TPA/40955/D for the construction of a three-storey building (plus basement) and use for a medical centre (up to 17 practitioners), child care centre (up to 144 children), cafe and dwellings and alteration of access to a road zone, category 1.

The original permit was issued on the 11 October 2013. The permit has been extended on four (4) previous occasions.

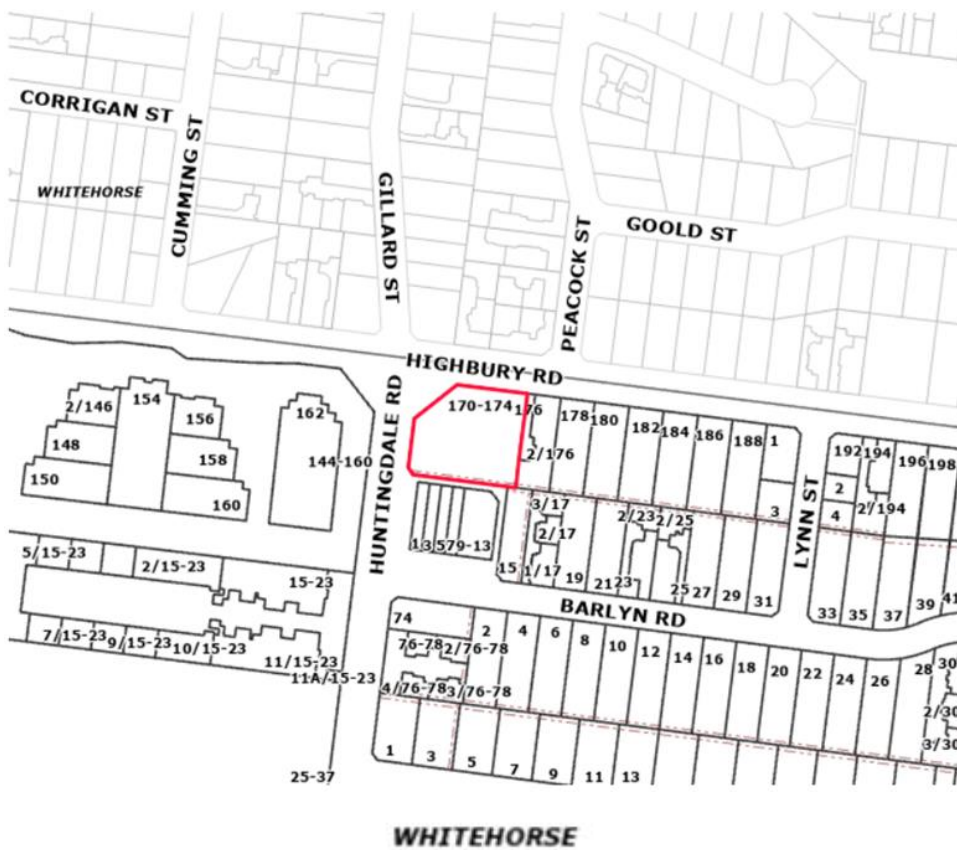
Construction of the development has commenced and its construction is advanced. The current permit expired on 11 October 2023. The reason for presenting this report to Council is this is the fifth extension of time request, and the period of time sought to extend the permit exceeds 6 years.

The proposed extension of time is considered consistent with the relevant provisions of the Monash Planning Scheme. It is recommended a further two (2) year extension be granted to complete the development.

RESPONSIBLE DIRECTOR:	Peter Panagakos, Director City Development
RESPONSIBLE MANAGER:	Catherine Sherwin
RESPONSIBLE PLANNER:	Anne Maree Roberts
WARD:	Mount Waverley
PROPERTY ADDRESS:	170-174 Highbury Road
NUMBER OF OBJECTIONS:	N/A
ZONING:	General Residential Zone, Schedule 3
OVERLAY:	Vegetation Protection Overlay, Schedule 1
EXISTING LAND USE:	Development under construction
RELEVANT POLICY:	<p><u>Planning Policy Framework</u></p> <p>Clause 11.01-1R - Settlement – Metropolitan Melbourne</p> <p>Clause 13.07-1S - Land Use Compatibility</p> <p>Clause 15.01-1S&R - Urban Design</p> <p>Clause 15.01-2S - Building Design</p> <p>Clause 15.01-4S & R - Healthy Neighbourhoods</p> <p>Clause 15.01-5S - Neighbourhood Character</p> <p>Clause 15.02-1S - Energy and Resource Efficiency</p>

	<p>Clause 16.01-1S &R - Housing supply Clause 16.01-2S - Housing affordability Clause 17.01-1S&R - Diversified Economy Clause 17.02-1S - Business Clause 18.01-1S - Land Use and Transport Planning Clause 18.02-1S & R - Sustainable Personal Transport Clause 18.02-4S - Car Parking Clause 19.03-3S - Integrated Water Management</p> <p><u>Local Planning Policy Framework</u></p> <p>Clause 21 - Municipal Strategic Statement (Introduction) Clause 21.04 - Residential Development Clause 21.05 - Economic Development Clause 21.08 - Transport and Traffic Clause 21.13 - Sustainability and Environment Clause 22.01- Residential Development and Character Policy Clause 22.04 - Stormwater Management Policy Clause 22.09 - Non-Residential Use and Development in Residential Areas Clause 22.13- Environmentally Sustainable Development Policy</p> <p><u>Particular Provisions</u></p> <p>Clause 52.06 - Car Parking Clause 52.29 - Land Adjacent to the Principal Road Network Clause 53.18 - Stormwater Management in Urban Development Clause 55 - Two or more dwellings on a lot and residential buildings Clause 65 - Decision Guidelines</p>
RELEVANT LEGISLATION	Section 69 of the Planning and Environment Act, 1987

LOCALITY PLAN & NEIGHBOURHOOD PLAN



RECOMMENDATION

That Council resolves to grant an extension of time to Planning Permit No. TPA/40995/D for the development of a three-storey building (plus basement) and use for a medical centre (up to 17 practitioners), child care centre (up to 144 children), cafe and dwellings and alteration of access to a road zone, category 1 in accordance with the endorsed plans at 170-174 Highbury Road Mount Waverley, pursuant to the provisions of Section 69 of the Planning and Environment Act 1987:

1. That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the completion of the development be extended for a further 2 years.
2. Accordingly, the development must be completed by 11 October 2025.

COUNCIL PLAN STRATEGIC OBJECTIVES

Enhanced Places

Pursue a planning framework that meets Monash needs.

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality

Good Governance

Maintain the highest standards of good governance.

BACKGROUND

History

Planning Permit No. TPA/40955

Planning Permit No. TPA/40955 was issued on 11 October 2013 allowing the development of a two storey building with basement car parking and use for a medical centre (up to 12 practitioners) and child care centre (up to 123 children) and alteration of access to a Road Zone, Category 1.

The permit was issued at the direction of the Victorian Civil and Administrative Tribunal (VCAT) following an appeal being lodged by an objector against Council's decision to issue a Notice of Decision to Grant a Permit. The VCAT determination was generally supportive of Council's decision to approve the application subject to minor modifications.

Development plans were endorsed 17 October 2013.

Planning Permit No. TPA/40955/A

Planning Permit No. TPA/40955/A was issued by Council on 21 October 2014. The Permit facilitated the addition of a third building level for the purpose of nine (9) apartments, and increased the intensity of the medical and childcare centre uses permitting up to 17 medical practitioners and 130 children within the child care centre and occasional child care up to 45 children.

Development Plans were endorsed on 5 December 2014.

The approved development commenced excavation works in mid 2015, however works to excavate the basement were stopped when the site experienced subsidence issues necessitating immediate site stabilisation measures.

The permit was extended 31 October 2017.

Planning Permit No. TPA/40955/B

Planning Permit application TPA/40955/B sought an additional level of apartments to create a four storey building comprising a total of 20 apartments (including the medical centre and childcare centre), variations to the built form, childcare centre use and car parking. The application was

refused by Council and VCAT determined to approve the proposal, however the decision required the deletion of the fourth level of apartments.

The permit was issued on 8 November 2017 and development plans were endorsed on 20 March 2018.

A second extension of the permit was granted on 11 December 2018.

Planning Permit No. TPA/40955/C

An Amendment Application was lodged directly with the Tribunal via Section 87A of the Planning and Environment Act 1987 for changes to the Permit and associated endorsed plans. This amendment application was supported by Council at its meeting on 27 August 2019.

The application was approved by the Tribunal and the Amended Permit TPA/40995/C was subsequently issued on 20 January 2020.

A third extension of time was granted on 22 September 2020.

Planning Permit No. TPA/40955/D

Planning Permit TPA/40955/D was issued at the direction of VCAT on 23 August 2021 after Council resolved to refuse amendments to the endorsed plans at the Council meeting of 29 September 2020. The amended development plans were endorsed on 18 October 2021.

A fourth extension of time was granted on 20 December 2022 requiring works on the site to be completed by 11 October 2023. The permit has subsequently expired.

The current extension of time request was made on 18 September 2023 which is before the expiry date of the permit but within 12 months of the expiry date in accordance with the requirements of the Planning and Environment Act 1987.

A copy of the Permit is contained in Attachment 4.

Application No TPA/40955/E

Planning Application TPA/40955/E was lodged on 18 August 2023 seeking further changes to the permit and endorsed plans. The applicant has only recently provided the requested further information and has made additional changes to the plans. This information is under review by Officers to determine if any additional information is required prior to advertising to adjoining properties. In summary the amendment seeks:

- Increase the number of medical practitioners from 17 to 22.
- No additional car parking is to be provided but parking would continue to satisfy the requirements of the Planning Scheme.
- Alterations to the ground floor tenancies to provide for medical imaging facilities however, no substantial changes to the building envelope are proposed
- Amendment to the Car Parking Management Plan and Waste Management Plan
- Amendment to permit citation and conditions.

Works undertaken on the land

Due to the site's previous use as a petrol station an Environmental Audit has been conducted for the land prior to the commencement of the development in accordance with the Planning Permit.

Excavation works associated with the approved development commenced in mid-2015. These works were stopped in July 2015 when the site experienced land slip and subsidence issues impacting the adjoining properties.

Currently construction works are well underway with the development nearing lock up stage as shown in the below images. The applicant has advised of anticipating the internal fit out, furnishing and landscaping being undertaken and completed within the next few months.



(Image above - Taken from Huntingdale Road)



(Image above - taken from Highbury Road)



(Image above – taken from laneway along southern boundary)

Site and Surrounds

The subject land is located on the south-east corner of the intersection of Huntingdale Road and Highbury Road in Burwood. The site has an overall area of 2557 square metres and has a fall of approximately 3.76 metres from south-east to north-west. A 1.83 metre drainage and sewerage easement encumbers the southern boundary of the land. A 4 metre wide laneway runs along the southern boundary.

Surrounding land to the north and east is residential in nature comprising of a mix of single and double storey dwellings including several multi-dwelling developments. Immediately to the south separated from the subject land by the laneway is a small group of one and two storey commercial buildings which provide basic convenience services such as milk bar and take away food shop.

Land on the western side of Huntingdale Road is developed for industrial purposes including buildings of a two storey scale, building and car parking setbacks in excess of 10 metres and substantial landscaping areas within the street setback.

An aerial photograph of the subject site and surrounding land can be found attached to this report (Attachment 2).

PROPOSAL

The applicant has requested an extension of the permit to allow for the completion of the development by a further 12 months due to many delays that have occurred in commencing construction and during construction including the restrictions of the Covid-19 pandemic and post Covid labour shortage in 2021 and 2022.

DISCUSSION:

Pursuant to the provisions of Section 69(1) of the Planning and Environment Act 1987:

“Before the permit expires or within 12 months afterwards, the owner or the occupier of the land to which it applies may ask the responsible authority for an extension of time.”

The request was made on 18 September 2023 which is before the development was required to be completed and permit expiry. Accordingly, Council is able to consider a further extension to the completion date under the Act.

Assessment

The Supreme Court decision *Kantor v Murrumbidgee Shire Council 18 AATR 285 (1997)* established the following tests to determine if a permit should be extended:

- Whether there has been a change of planning policy.
- Whether the landowner is seeking to “warehouse” the permit.
- Intervening circumstances bearing on the grant or refusal of the extension.
- The total elapse of time.
- Whether the time limit originally imposed was adequate.
- The economic burden imposed on the landowner by the permit.
- The probability of a permit issuing should a fresh application be made. These tests must be considered on balance, meaning that an application does not necessarily need to meet all tests.

These tests are considered in detail below

Whether there has been a change of planning policy.

Since the permit was issued in 2013 there have been significant state, regional and local amendments affecting the land.

Mandatory garden area and height requirements have been introduced by state-wide Amendment VC110, which was gazetted on 27 March 2017. It is noted that these requirements are only applicable for residential buildings, and not applicable to the approved mixed use buildings.

Amendment C125 Part 1 & 2 (gazetted April 2018 and November 2019) introduced new policies in Clause 21.04 Residential Development and Clause 22.01 Residential Development and Character Policy. This amendment also rezoned the land from General Residential Zone – Schedule 2 (GRZ2) to General Residential Zone 3 (GRZ3).

Amendment C125 also changed the ‘purpose’ of the zone to refer to the ‘encouragement’ of ‘housing growth’. The purpose of the General Residential Zone now reads:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The schedule to the General Residential Zone 3 has similar variations to the previous General Residential 2 schedule with the addition of a 5 metre rear setback provision, 50% site coverage provision and 30% permeability provision. The schedule also retains a 7.6m front setback variation. The proposal if lodged today would fail to meet the variations in the schedule to this zone.

A number of local policies were also amended as a result of Amendment C125 including Clause 21.04 and 22.01. In summary, the desired future character statement identifies that whilst there will be some changes within the area, it seeks to maintain a character with well-landscaped front setbacks and large canopy trees. It is acknowledged that architecture will become more dominant, although it should be buffered from the street by a well planted front garden. Setbacks will be generous and consistent with individual streets.

The changes in State policies under Clause 18 *Transport* and Clause 52.29 *Land adjacent to the Principal Road Network* do not have any implications on this approval as the original application had been referred to the Department of Transport (former VicRoads). It is noted that the previous Road Zone, Category 1 is now known as Transport Zone 2, however, this does not trigger any additional consents.

Clause 22.13 (Environmentally Sustainable Development Policy) was introduced following the issue of the initial Planning Permit (Amendment C113 - 29 September 2016). If the development was submitted as a new application, Table 1 of this policy would apply, and a Sustainability Management Plan (SMP) would be required to be submitted with the application.

Clause 55.07 *Apartment Developments* was introduced on 31 July 2018 as part of Amendment VC148. This policy sets out additional design guidelines relating to apartment developments. There are also further changes to the requirements in Clause 55.07 since the last extension of time was granted to the Permit. The changes and response are as follow:

Amended standards	Response
Clause 55.07-2 Communal Open Space objective	Does not comply - no communal open space is provided to the development which contains 13 or more dwellings (14 dwellings).
Clause 55.07-4 Landscaping objective	Sufficient landscaping is provided within the development.
Clause 55.07-6 Access objective	Vehicle access is satisfactory. This standard is satisfied.
Clause 55.07-7 Noise impacts objective	There are no noise sources that may affect existing dwellings.
Clause 55.07-8 Accessibility objective	Complies- over 60% of the development complies with the accessibility requirement.
Clause 55.07-9 Private open space objective	Generally complies - each dwelling is provided with a balcony of 9-14 square metres.
Clause 55.07-10 Storage objective	Generally complies - each dwelling contains a storage area of 3.1 to 3.4m within the basement garage
Clause 55.07-12 Functional layout objective	Does not comply - Apartments 8, 10 & 12 have poor functional layout to the living room as there does not appear to have sufficient space for furniture outside of the circulation areas.
Clause 55.07-16 Building entry and circulation objectives	Does not comply - The apartment building entry does not provide a clear identification of the residential and commercial components of the development.
Clause 55.07-17 Integration with the street objective	Does not comply - The apartment building was not designed to integrate with the street as they are on the 2nd level.
Clause 55.07-18 Site services objective	Site services are integrated within the landscape setting within the Highbury Road setback.

Clause 55.07-19 External walls and materials objective	The proposed external walls and finishes are appropriate and provide a good level of visual interest. They are not expected to easily deteriorate or stain.
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Amendment GC197 was gazetted on 30 September 2022 which relates to the Suburban Rail Loop Project and Authority. The subject site is not within the area of the SRL.

There are some non-compliances with apartment design layouts listed above. These relate to parts of the development already under construction and were not required to be met when the application was assessed in 2013.

Whether the landowner is seeking to "warehouse" the permit.

Warehousing is the obtaining of permits with no intention of acting on them in the foreseeable future to obtain a windfall by selling the land.

Substantial works on the land have commenced and it is clear that the owner is not seeking to warehouse the Permit.

Whilst a considerable period of time has passed since the original approval, it is acknowledged that the COVID-19 pandemic since early 2020 has caused significant delays in building constructions. The increase in building costs is also a contributing factor to the delay in completion of the approved building works.

Intervening circumstances bearing on the grant or refusal of the extension.

According to the applicant the development has not been completed due to a number of intervening circumstances including undertaking an environmental audit and having to re-appoint an environmental consultant, construction delays due to the landslide in 2015, amendments made to the Planning Permit and more recently further delays due to the impacts of Covid-19.

The total elapse of time.

The original Permit was issued on 11 October 2013. There has been 10 years and two months since the original permit was issued, which is sufficient to have enabled the completion of the development. This is not fatal to the application in isolation.

Whether the time limit originally imposed was adequate

It is considered that the initial time provided of two years commencement and four years completion is a reasonable time frame and consistent with timelines in the *Planning and Environment Act*. Although the original time imposed was adequate, intervening circumstances have caused delays in completion.

The economic burden imposed on the land owner by the permit.

Matters relating to the landslide and the preparation of the Environmental Audit have caused an economic burden on the land owner. The development has commenced and undergone substantial works in construction.

The probability of a permit issuing should a fresh application be made

If a fresh application were to be made, it is unlikely that a Permit would be issued.

However, as substantial works have commenced, and the development is nearing completion it is the best planning outcome to extend the permit and allow for completion. If the extension is not granted, the site would be left in an unreasonable state resulting in unreasonable impacts to adjoining residents and the wider community.

In balancing the proposed development against existing policies and the current state of the land and circumstances in which the owners find themselves, it is considered that it is appropriate to grant an extension to complete the development.

However, given the scope of the remaining works to be completed include requested changes to the approved internal layout out to the medical tenancies currently under consideration, it is considered 12 months may not be a realistic time frame. Although the works are well underway the applicant's time frame does not allow for any possible additional delays associated with the current request for amendment including advertising, potential objections or any VCAT proceedings.

As such an extension of 2 years is recommended as it allows for any delays associated with the amendment (e.g. objections, VCAT hearings).

It is noted that the Planning Permit expiry condition (Condition 42) includes a specific date for completion of works. It is considered that a Section 72 amendment is not required to amend the Condition, and that the approved extension of time allows for consent in accordance with *Section 68 of the Planning and Environment Act*.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Community consultation was not required.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.


GENDER IMPACT ASSESSMENT

A GIA was not completed because this policy/program/service does not have a 'direct' and 'significant' impact on the community.

CONCLUSION

It is considered appropriate to grant a further extension of time to the permit. The proposal on balance meets the tests established in the Supreme Court decision *Kantor v Murrindindi Shire Council (1997)*. Given the substantial works undertaken to date, completion of the development is the best planning outcome for adjoining residents and the wider community in providing a mixed use building within a landscaped setting and additional medical and childcare services in the local area.

Although the applicant has requested an extension of 12 months it is recommended Council approve an extension of two years for the completion of the development by 11 October 2025. Given that a further amendment to the permit and endorsed plans is currently being considered, which may result in the development taking longer to complete while the application is processed,

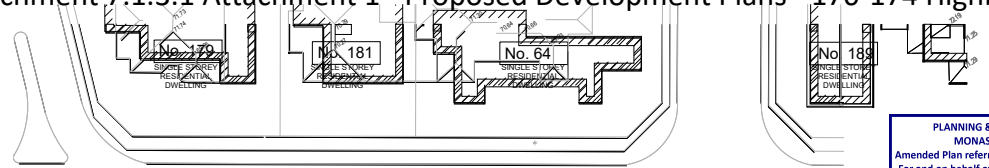
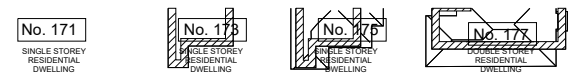


the two years extension is considered appropriate to see the development completed and potentially avoid the need for any further extension of time applications being made in the future.

ATTACHMENT LIST

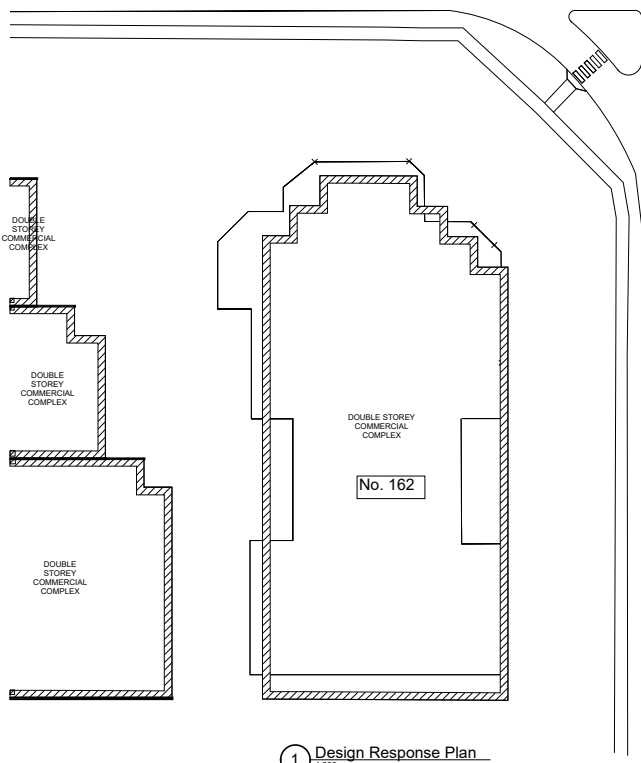
1. Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734) [**7.1.3.1** - 9 pages]
2. Attachment 2 - Aerial Photograph - 170-174 Highbury Rd (D 23-370731) [**7.1.3.2** - 1 page]
3. Attachment 3 - Zoning and Overlays - 170-174 Highbury Rd (D 23-370733) [**7.1.3.3** - 1 page]
4. Attachment 4 - Approved VCAT Decision Permit Amendment Form 4 Petridis Architects 170 174 Highbur [**7.1.3.4** - 9 pages]

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)

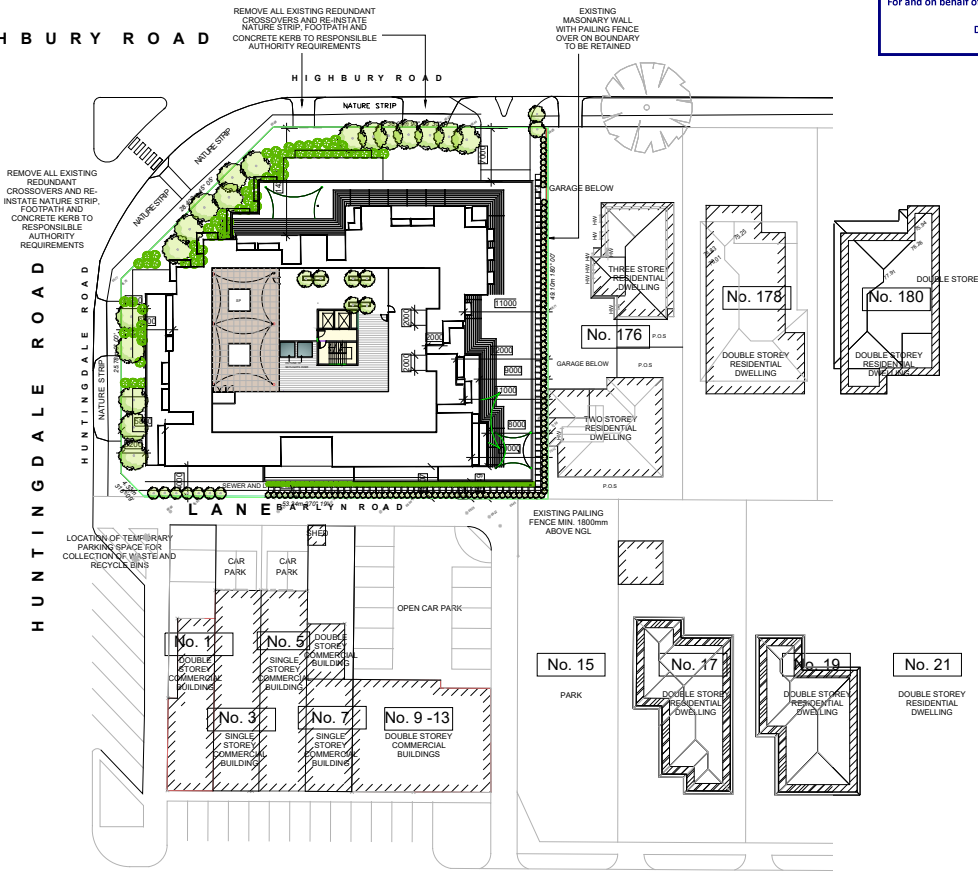


PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemaree
 Sheet 1 of 9
 Date: 18.10.2021

HIGHBURY ROAD



1 Design Response Plan
 1:300



AREA ANALYSIS

SITE AREA	m ²	%
PROPOSED SITE COVERAGE	1930.43	75.50
PROPOSED SITE PERMEABILITY	571.60	22.40

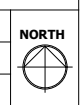
FLOOR AREA	m ²	sq's
BASEMENT LEVEL 1	2113.00	227.45
BASEMENT LEVEL 2	2113.00	227.45
GROUND FLOOR - MEDICAL CENTRE, CAFE, COMMUNAL AREAS	1682.48	181.11
GROUND FLOOR - CHILDCARE CENTRE	254.33	27.37
GROUND FLOOR - OUTDOOR PLAY AREA	101.98	10.97
FIRST FLOOR - CHILDCARE CENTRE	858.16	92.37
FIRST FLOOR - OUTDOOR PLAY AREA	912.32	98.20
SECOND FLOOR	1145.5	123.3
THIRD FLOOR	1146.50	123.41
ROOF	1070.70	115.25
TOTAL AREA	11,508.70	1237.94



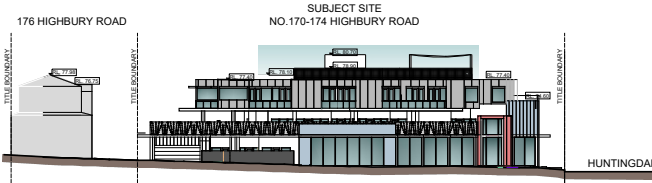
PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 Highbury Road, Mount Waverley
 SECONDARY CONSENT.2 APPLICATION

DRAWING TITLE
 DESIGN RESPONSE PLAN (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE: 27.09.21
 SCALE: 1:300
 DRAWN: M.S./M.I./S.L.
 CHECKED: G.P.
 JOB No: 20-08



DWG No: TPA01
 REVISION FOR TOWN PLANNING ENDORSEMENT



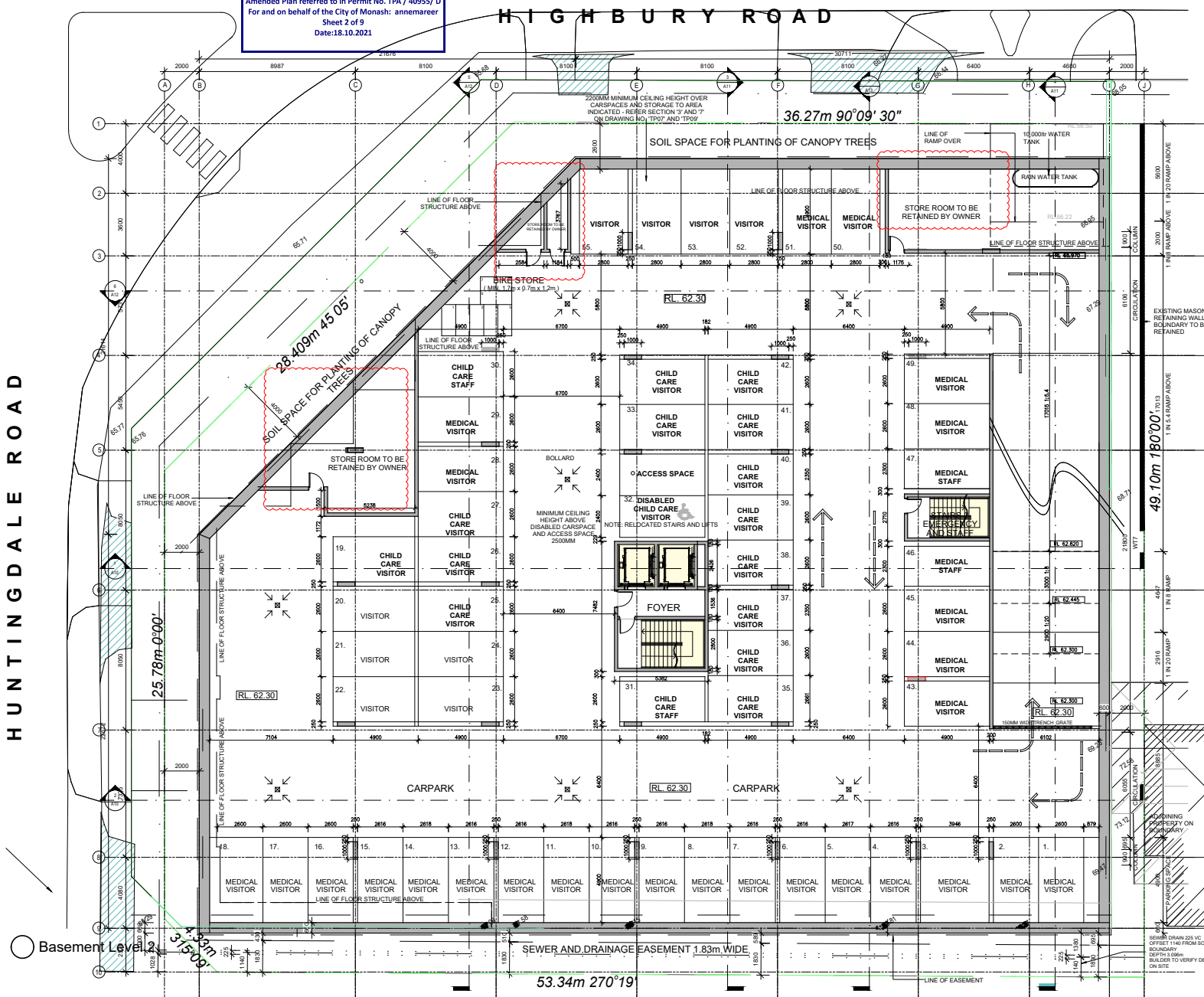
2 Highbury Road Streetscape Elevation
 1:300



3 Huntingdale Road Streetscape Elevation
 1:300

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)

PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemaree
 Sheet 2 of 9
 Date: 18.10.2021



CAR SPACE SCHEDULE

LEVEL	No. OF SPACES
BASEMENT LEVEL 1	56
BASEMENT LEVEL 2	57
TOTAL	112

CAR SPACE ALLOCATION

	No. OF SPACES
RESIDENT CARSPACE	14
MEDICAL STAFF	17
CARE STAFF	2
CHILD CARE STAFF	12
MEDICAL VISITOR	36
CHILDCARE VISITOR	20
VISITOR	11
TOTAL	112

LEGEND

RL 62.30 FLOOR LEVEL TO AHD
RL 62.30 FLOOR LEVEL TO AHD
RL 62.30 SITE LEVEL TO AHD
SP SAND PIT
TY RECYCLED TYRES
TD TIMBER DECK
WTP STORM WATER PIT TO CIVIL ENGINEER'S DETAIL

LEGEND

○ EXISTING TREE TO BE REMOVED SHOWN DASHED
○ PROPOSED VEGETATION
→ DIRECTION OF VEHICULAR TRAFFIC
— FLOOR LEVEL TO AHD
— SITE LEVEL TO AHD
SP SAND PIT
TY RECYCLED TYRES
TD TIMBER DECK



PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 Highbury Road, Mount Waverley
 SECONDARY CONSENT.2 APPLICATION
 DRAWING TITLE
 MINOR AMENDMENTS BASEMENT LEVEL 2
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE: 27.09.21 SCALE: 1:100
 DRAWN: M.S./M.A. CHECKED: G.P.
 JOB No: 20-08
 DWG No: TP02

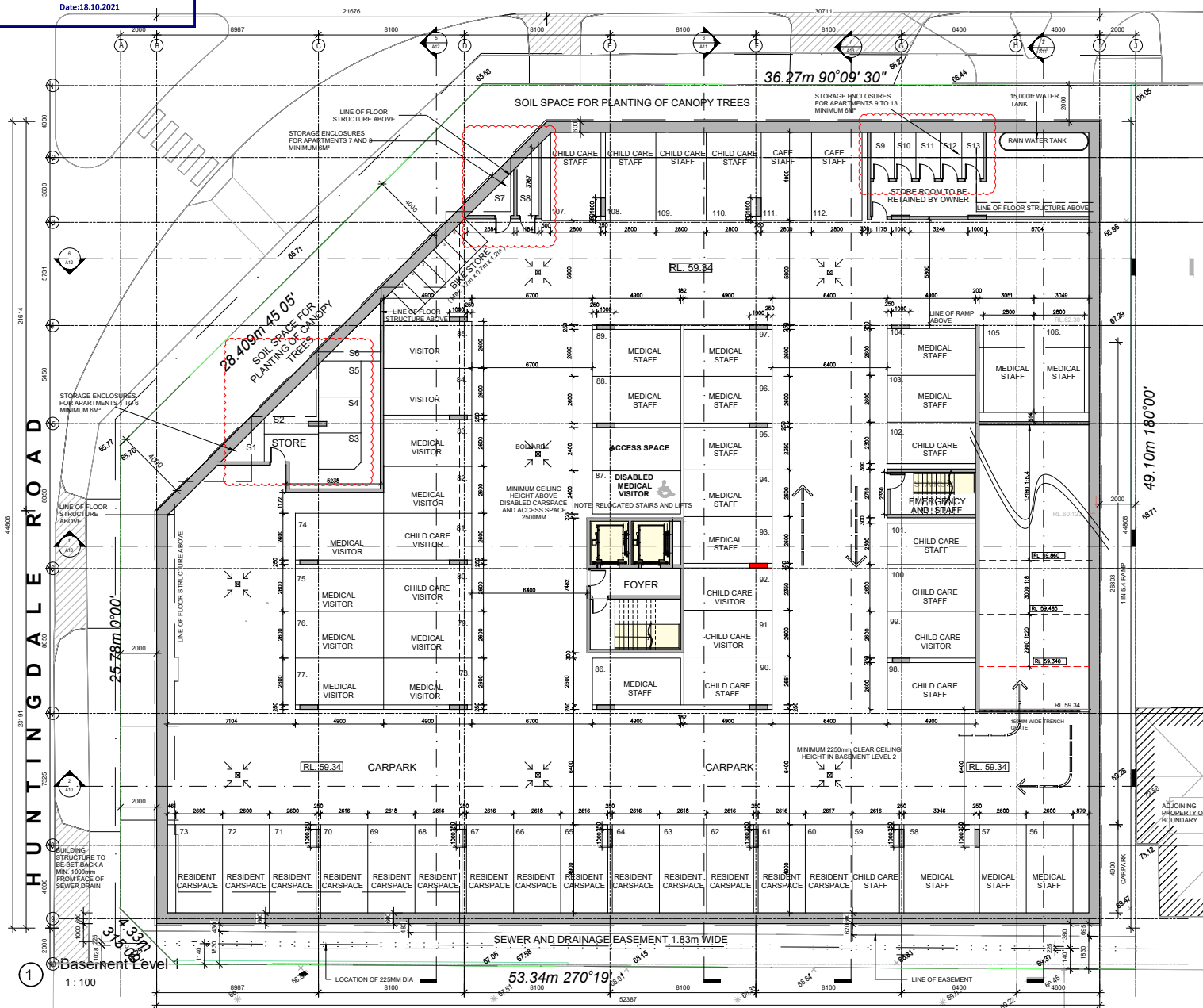
NORTH

REVISION FOR TOWN PLANNING ENDORSEMENT

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)

H I G H B U R Y R O A D

PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemaree
 Sheet 3 of 9
 Date: 18.10.2021



CAR SPACE SCHEDULE

LEVEL	No. OF SPACES
BASEMENT LEVEL 1	56
BASEMENT LEVEL 2	57
TOTAL	112

CAR SPACE ALLOCATION

	No. OF SPACES
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VISITOR	11
TOTAL	112

LEGEND

- FLOOR LEVEL TO AHD
- STORM WATER PIT TO CIVIL ENGINEER'S DETAIL
- EXISTING TREE TO BE REMOVED SHOWN DASHED
- PROPOSED VEGETATION
- DIRECTION OF VEHICULAR TRAFFIC
- FLOOR LEVEL TO AHD
- SITE LEVEL TO AHD
- SAND PIT
- RECYCLED TYRES
- TIMBER DECK

PETRIDIS
ARCHITECTS

LEVEL 1 / 173
UPPER HEIDELBERG ROAD
WANSEE VIC 3079
TEL 9499 8850
EMAIL office@petridisarchitects.com.au

PROJECT TITLE

PROPOSED MIXED USE
 DEVELOPMENT AT
 170-174 HIGBURY
 ROAD, MOUNT
 WAVERLEY

SECONDARY CONSENT.2 APPLICATION

DRAWING TITLE

MINOR AMENDMENTS
 BASEMENT LEVEL 1
 RL 59.34
 (FROM AN ORIGINAL DESIGN
 BY BMG ARCHITECTS)

DATE

27.09.21 SCALE: 1:100

DRAWN

M.S./M.A. CHECKED: G.P.

JOB No.

20-08

DWG No.

TP03

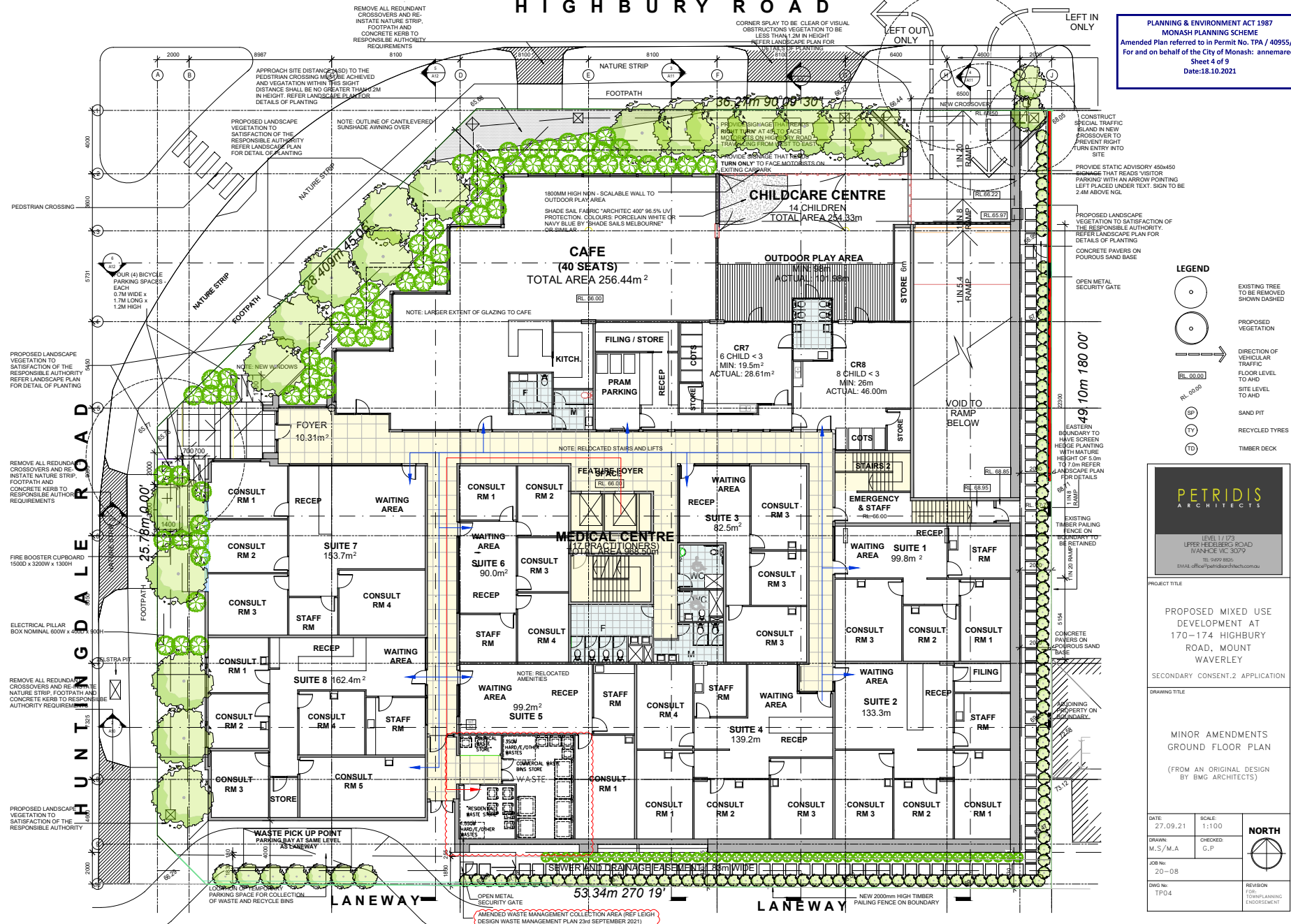
REVISION

FOR TOWN PLANNING ENDORSEMENT



Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)

HIGBURY ROAD



PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
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 For and on behalf of the City of Monash: annemaree
 Sheet 4 of 9
 Date: 18.10.2021

- LEGEND**
- EXISTING TREE TO BE REMOVED SHOWN DASHED
 - PROPOSED VEGETATION
 - DIRECTION OF VEHICULAR TRAFFIC
 - FLOOR LEVEL TO AHD
 - SITE LEVEL TO AHD
 - SAND PIT
 - RECYCLED TYRES
 - TIMBER DECK

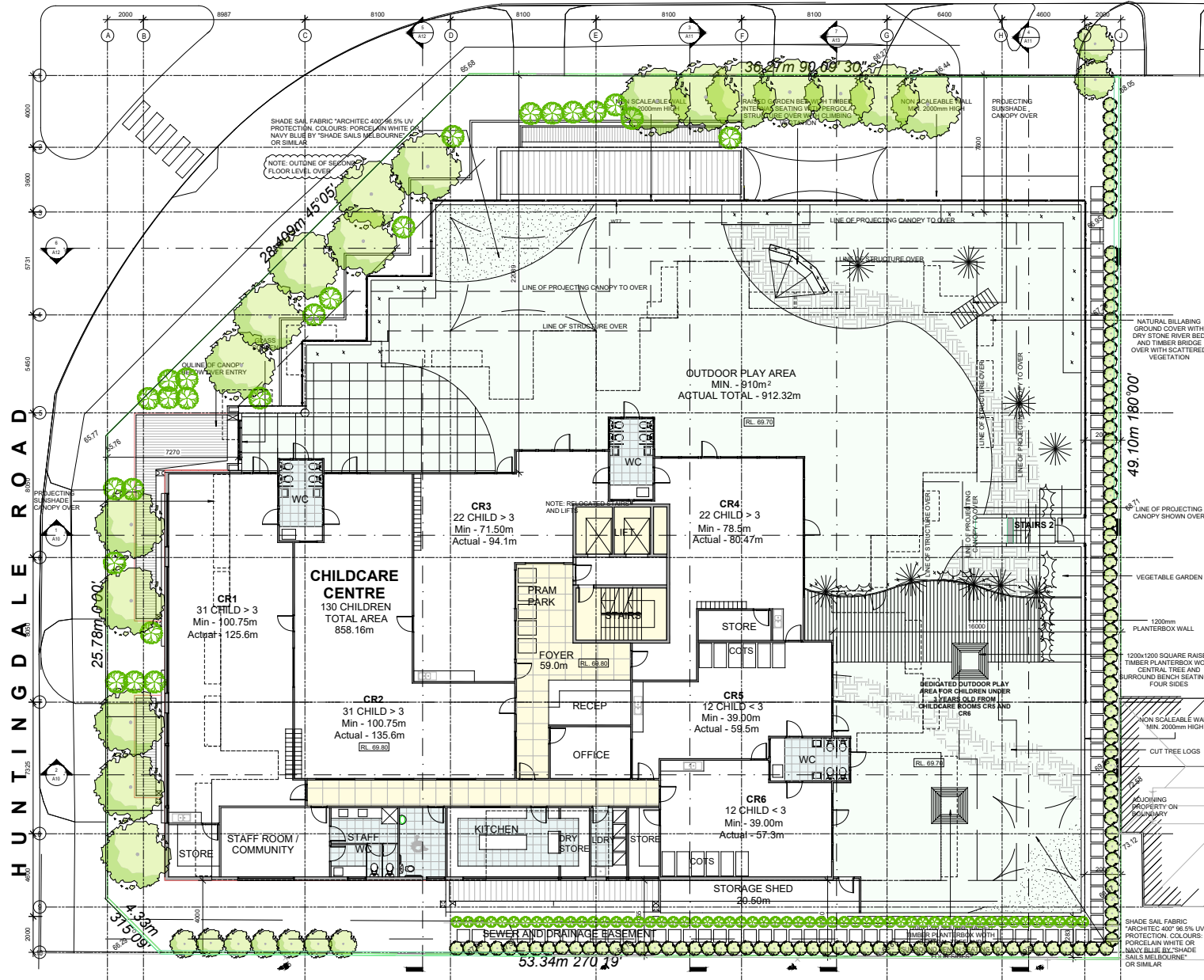
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 TEL 9499 8520
 WWW.OFFICE@PETRIDISARCHITECTS.COM.AU

PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 HIGBURY ROAD, MOUNT WAVERLEY
 SECONDARY CONSENT.2 APPLICATION

DRAWING TITLE
 MINOR AMENDMENTS GROUND FLOOR PLAN
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:100	NORTH
DRAWN M.S./M.A.	CHECKED G.P.	
JOB No. 20-08	DWG No. TP04	REVISION FOR CONSULTING ENGAGEMENT

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)
H I G H B U R Y R O A D



PLANNING & ENVIRONMENT ACT 1987
MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemaree
 Sheet 5 of 9
 Date: 18.10.2021

- LEGEND**
- EXISTING TREE TO BE REMOVED SHOWN DASHED
 - PROPOSED VEGETATION
 - DIRECTION OF VEHICULAR TRAFFIC
 - FLOOR LEVEL TO AHD
 - SITE LEVEL TO AHD
 - SAND PIT
 - RECYCLED TYRES
 - TIMBER DECK

PETRIDIS ARCHITECTS

LEVEL 1 / 173
 UPPER HEIDELBERG ROAD
 WANDERLEIGH VIC 3179
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 EMAIL office@petridisarchitects.com.au

PROJECT TITLE

PROPOSED MIXED USE DEVELOPMENT AT 170-174 HIGBURY ROAD, MOUNT WAYERLEY

SECONDARY CONSENT.2 APPLICATION

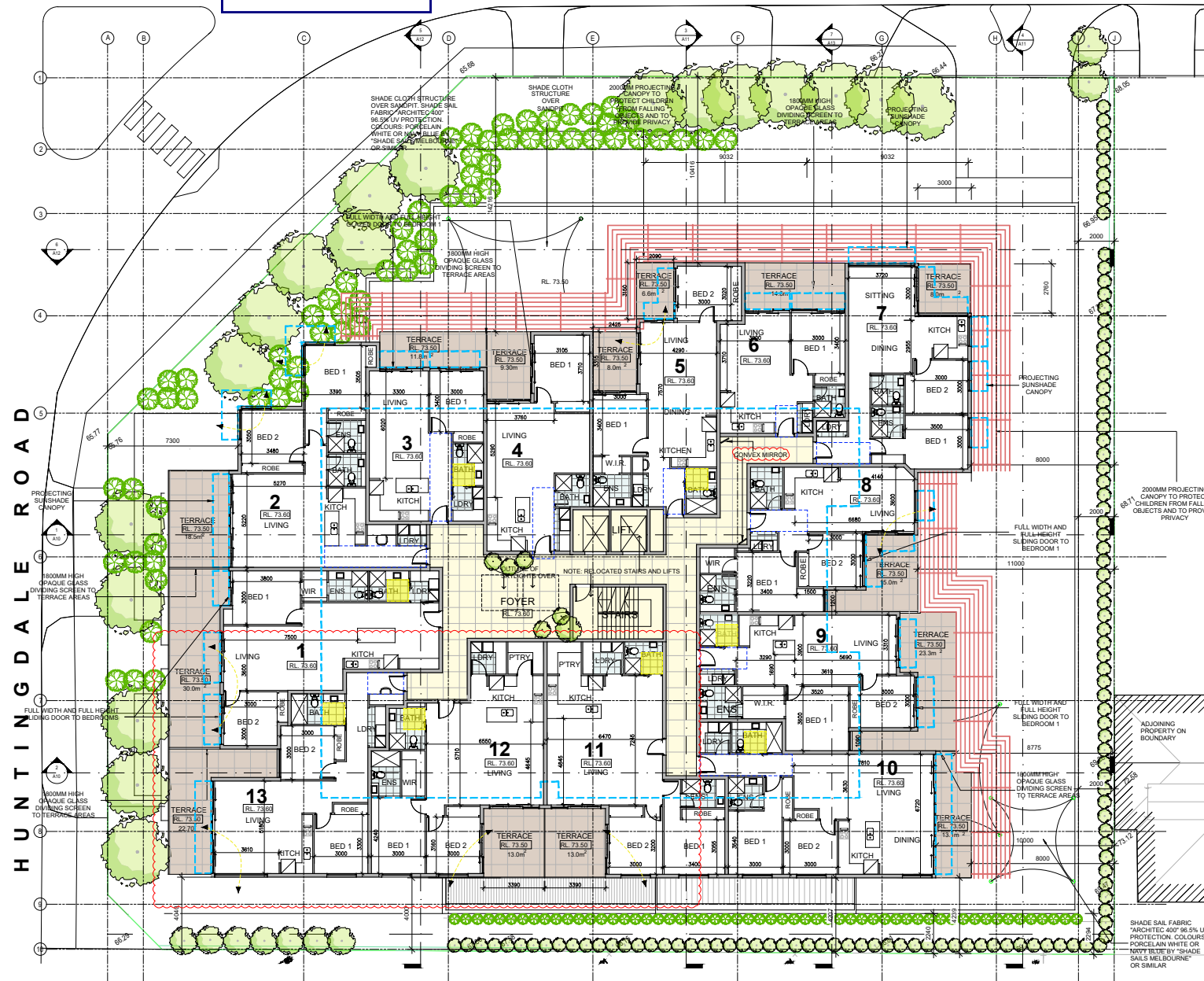
DRAWING TITLE

MINOR AMENDMENTS
 FIRST FLOOR PLAN
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:1000	NORTH
DRAWN M.S./M.A	CHECKED G.P	
JOB No. 20-08		
DWG No. TP05	REVISION FOR TOWN PLANNING ENDORSEMENT	

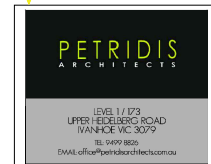
PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemaree
 Sheet 6 of 9
 Date:18.10.2021

HIGHBURY ROAD



AREA SCHEDULE					
AREA	m ²				
STAIRS / LIFTS	38.90				
COMMON AREAS	91.50				
DWELLINGS					
UNIT NO.	BEDS	BATHS	LIVING	TERRACE	TOTAL
1	2	2	90.20	30.00	120.20
2	2	2	92.30	18.50	110.80
3	1	1	57.90	11.80	69.70
4	1	1	62.6	9.30	71.9
5	2	2	80.5	14.60	95.1
6	1	1	48.60	14.60	63.20
7	2	1	77.20	8.0	85.20
8	2	2	74.9	15.0	89.90
9	2	2	80.5	23.30	103.80
10	2	2	93.8	13.10	106.90
11	2	2	86.8	13.0	109.8
12	2	2	86.5	13.0	109.5
13	2	1	81.20	22.70	103.90
DWELLING TOTAL					1029.59
TOTAL					1240.6 m ²

- LEGEND
- 1200mm WIDE BATHROOM ACCESS
 - 1200mm WIDE ACCESS WAY
 - CROSS VENTILATION - BREEZE PATH

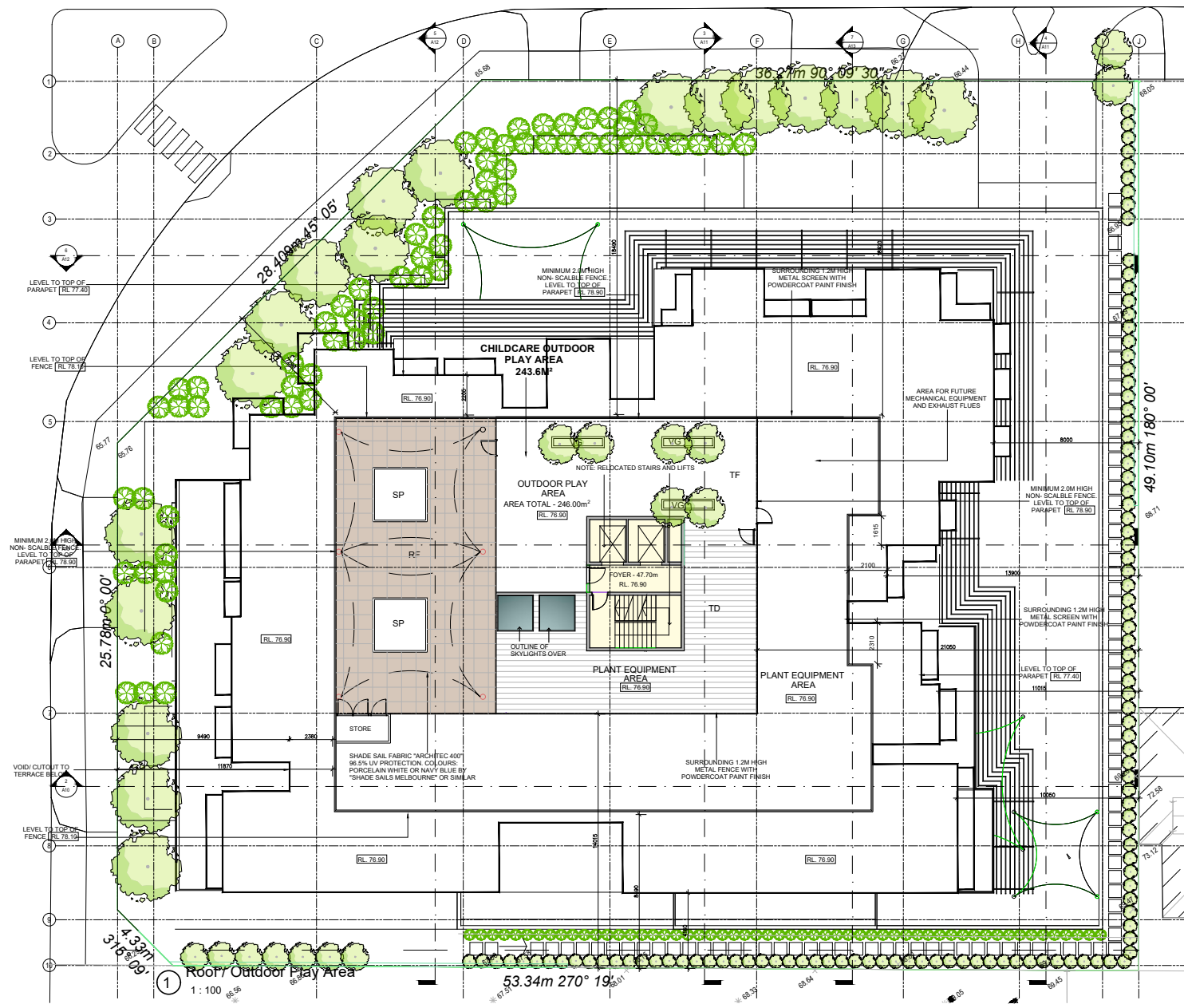


PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 HIGHBURY ROAD, MOUNT WAVERLEY
 SECONDARY CONSENT.2 APPLICATION
 DRAWING TITLE
 MINOR AMENDMENTS SECOND FLOOR PLAN
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:100	NORTH
DRAWN M.S./M.A	CHECKED G.P	
JOB No. 20-08	DWG No. TP06	REVISION FOR TOWN PLANNING ENDORSEMENT

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)

PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: annemareer
 Sheet 7 of 9
 Date:18.10.2021



- LEGEND**
- EXISTING TREE TO BE REMOVED SHOWN DASHED
 - PROPOSED VEGETATION
 - DIRECTION OF VEHICULAR TRAFFIC
 - FLOOR LEVEL TO AHD
 - SITE LEVEL TO AHD
 - SAND PIT
 - RECYCLED TYRES
 - TIMBER DECK
 - SOFT IMPACT RUBBER FLOORING
 - ARTIFICIAL TURF
 - SUPPORT POST FOR SUNSHADE

PETRIDIS ARCHITECTS

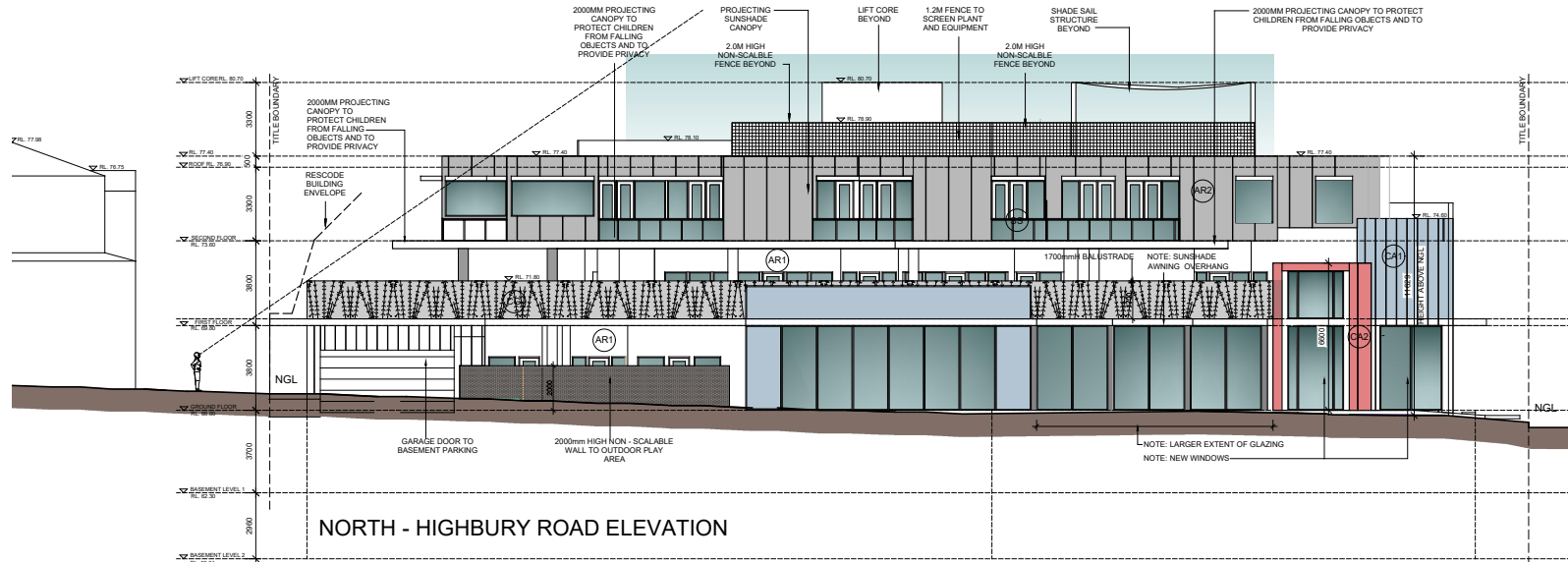
LEVEL 1 / 173
 UPPER HEDELBURG ROAD
 WANSEE VIC 3079
 TEL 9499 8850
 EMAIL office@petridisarchitects.com.au

PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 Highbury Road, Mount Waverley
 SECONDARY CONSENT.2 APPLICATION

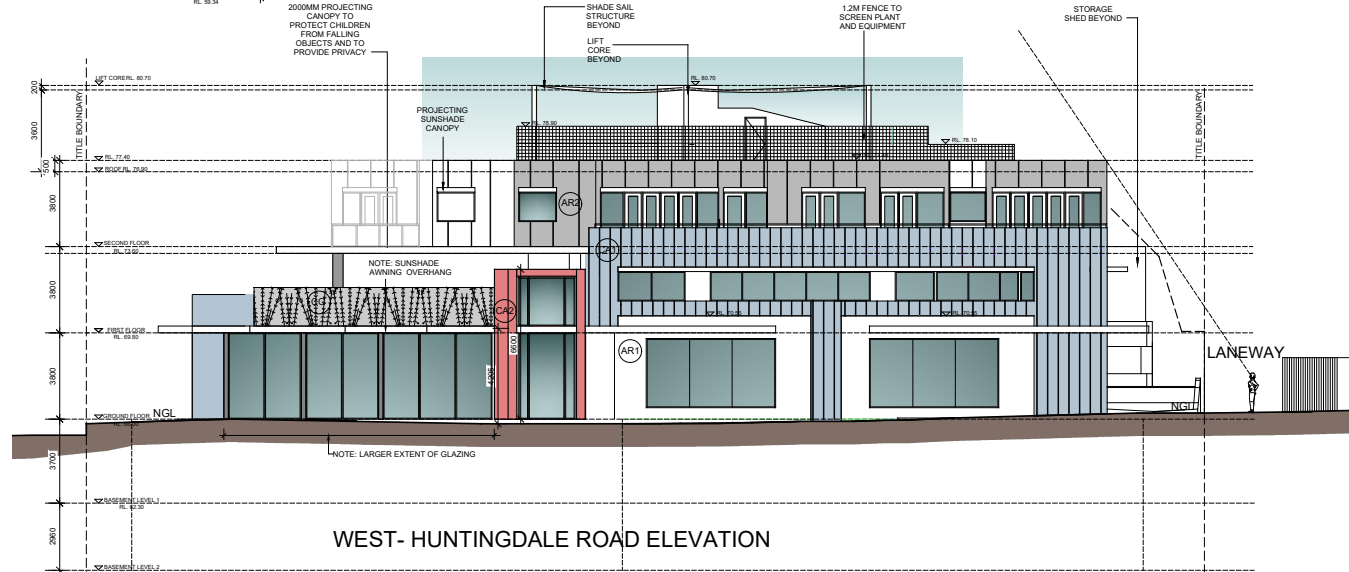
DRAWING TITLE
 MINOR AMENDMENTS ROOF PLAN
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:100	NORTH
DRAWN M.S./M.A	CHECKED G.P	
JOB No. 20-08	REVISION FOR TOWN PLANNING ENDORSEMENT	
DWG No. FP07		

Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)



NORTH - HIGHBURY ROAD ELEVATION



WEST- HUNTINGDALE ROAD ELEVATION

- FINISHES SCHEDULE**
- (AR1) - ACRYLIC RENDER FINISH TYPE 1
COLOUR: DULUX WHITE ON WHITE
 - (AR2) - ACRYLIC RENDER FINISH TYPE 2
COLOUR: SHALE GREY
 - (NA) - NATURAL ANODIZED ALUMINIUM
 - (GC) - CLEAR GLASS BALUSTRADE WITH
STAINLESS STEEL HANDRAIL
 - (SS) - STAINLESS STEEL HANDRAIL
 - (PS) - PERFORATED METAL NON - SCALABLE
SCREEN WITH RUST METAL FINISH
 - (CG) - COLOURED GLASS - DIGITAL IMAGE
LANDSCAPE THEME
 - (CA1) - COLOURED ALUMINIUM CLADDING SYSTEM
"ZINTL" - HVG FACADES - OR SIMILAR
EXTERNAL CLADDING MATERIAL
COLOUR: PACIFIC BLUE
 - (CA2) - COLOURED ALUMINIUM CLADDING SYSTEM
"DIBOND" HVG FACADES - OR SIMILAR
EXTERNAL CLADDING MATERIAL
COLOUR: RUBY RED

PLANNING & ENVIRONMENT ACT 1987
MONASH PLANNING SCHEME
Amended Plan referred to in Permit No. TPA / 40955/ D
For and on behalf of the City of Monash: anemareer
Sheet 8 of 9
Date: 18.10.2021

PETRIDIS
ARCHITECTS

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PROJECT TITLE

PROPOSED MIXED USE
DEVELOPMENT AT
170-174 HIGHBURY
ROAD, MOUNT
WAVERLEY

SECONDARY CONSENT.2 APPLICATION

DRAWING TITLE

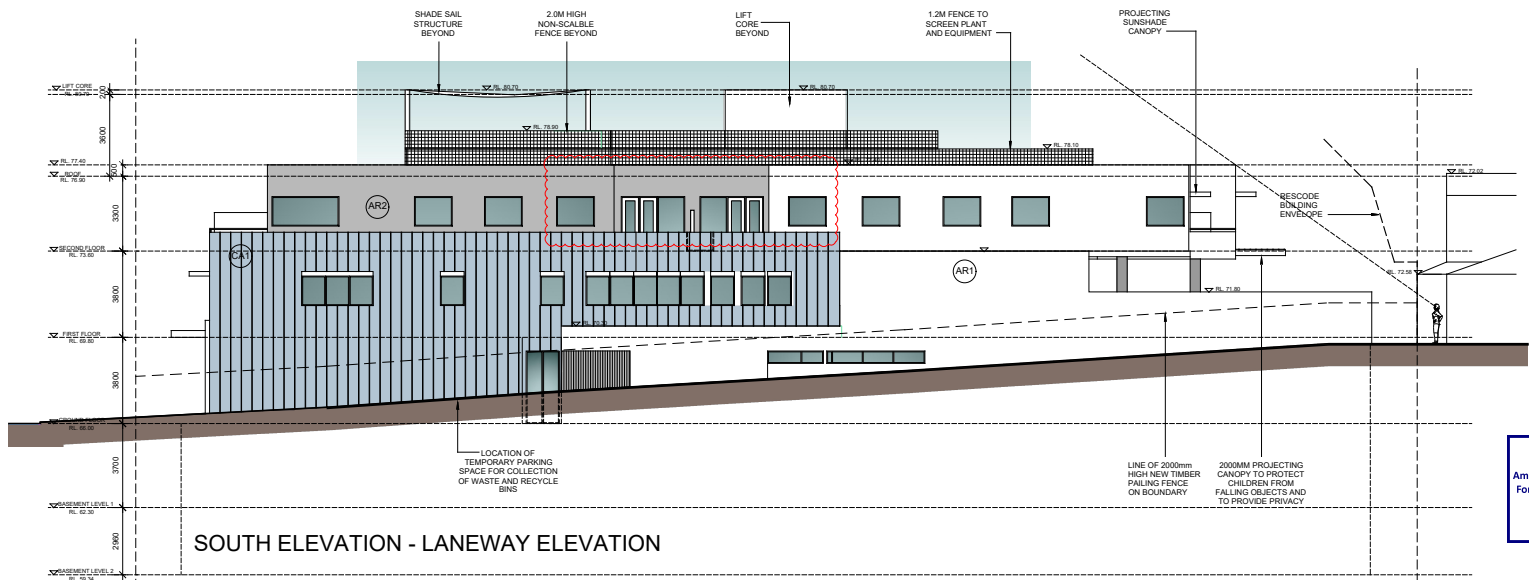
MINOR AMENDMENTS
ELEVATIONS

(FROM AN ORIGINAL DESIGN
BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:100	NORTH
DRAWN M.S./M.A	CHECKED G.P	
JOB No. 20-08		REVISION FOR TOWN PLANNING ENDORSEMENT
DWG No. TF08		

- (CA2) COLOURED ALUMINIUM CLADDING SYSTEM
"DIBOND" HVG FACADES - OR SIMILAR
EXTERNAL CLADDING MATERIAL
COLOUR: RUBY RED
- (CG) COLOURED GLASS -
DIGITAL IMAGE
LANDSCAPE THEME
- (PS) PERFORATED METAL NON - SCALABLE
SCREEN WITH RUST METAL FINISH
- (AR2) ACRYLIC RENDER FINISH TYPE 2
COLOUR: SHALE GREY
- TOUGHENED GLASS PANEL
WITH PHOTOGRAPHIC IMAGE
FIXED TO EXTERNAL FACE OF
CONCRETE PANEL

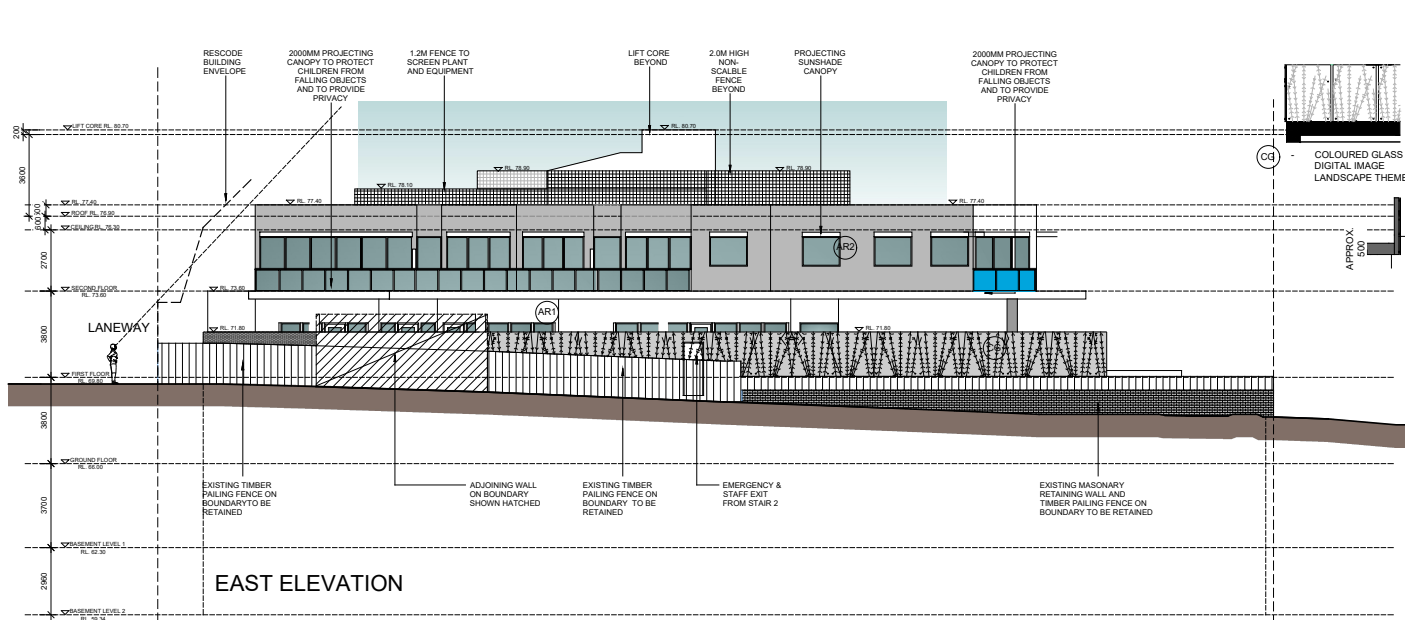
Attachment 7.1.3.1 Attachment 1 - Proposed Development Plans - 170-174 Highbury Rd (D 23-370734)



SOUTH ELEVATION - LANEWAY ELEVATION

- FINISHES SCHEDULE**
- (AR1) - ACRYLIC RENDER FINISH TYPE 1
COLOUR: DULUX WHITE ON WHITE
 - (AR2) - ACRYLIC RENDER FINISH TYPE 2
COLOUR: SHALE GREY
 - (NA) - NATURAL ANODIZED ALUMINIUM
 - (GC) - CLEAR GLASS BALUSTRADE WITH STAINLESS STEEL HANDRAIL
 - (SS) - STAINLESS STEEL HANDRAIL
 - (PS) - PERFORATED METAL NON - SCALABLE SCREEN WITH RUST METAL FINISH
 - (CG) - COLOURED GLASS - DIGITAL IMAGE LANDSCAPE THEME
 - (CA1) - COLOURED ALUMINIUM CLADDING SYSTEM "ZINTL" - HVG FACADES - OR SIMILAR EXTERNAL CLADDING MATERIAL COLOUR: PACIFIC BLUE
 - (CA2) - COLOURED ALUMINIUM CLADDING SYSTEM "DIBOND" HVG FACADES - OR SIMILAR EXTERNAL CLADDING MATERIAL COLOUR: RUBY RED

PLANNING & ENVIRONMENT ACT 1987
 MONASH PLANNING SCHEME
 Amended Plan referred to in Permit No. TPA / 40955/ D
 For and on behalf of the City of Monash: anemareer
 Sheet 9 of 9
 Date: 18.10.2021



EAST ELEVATION

(CG) - COLOURED GLASS - DIGITAL IMAGE LANDSCAPE THEME

(PS) - PERFORATED METAL NON - SCALABLE SCREEN WITH RUST METAL FINISH

(CA1) - COLOURED ALUMINIUM CLADDING SYSTEM "DIBOND" HVG FACADES - OR SIMILAR EXTERNAL CLADDING MATERIAL COLOUR: RUBY RED

(AR2) - ACRYLIC RENDER FINISH TYPE 2 COLOUR: SHALE GREY

APPROX 500

TOUGHENED GLASS PANEL WITH PHOTOGRAPHIC IMAGE FIXED TO EXTERNAL FACE OF CONCRETE PANEL

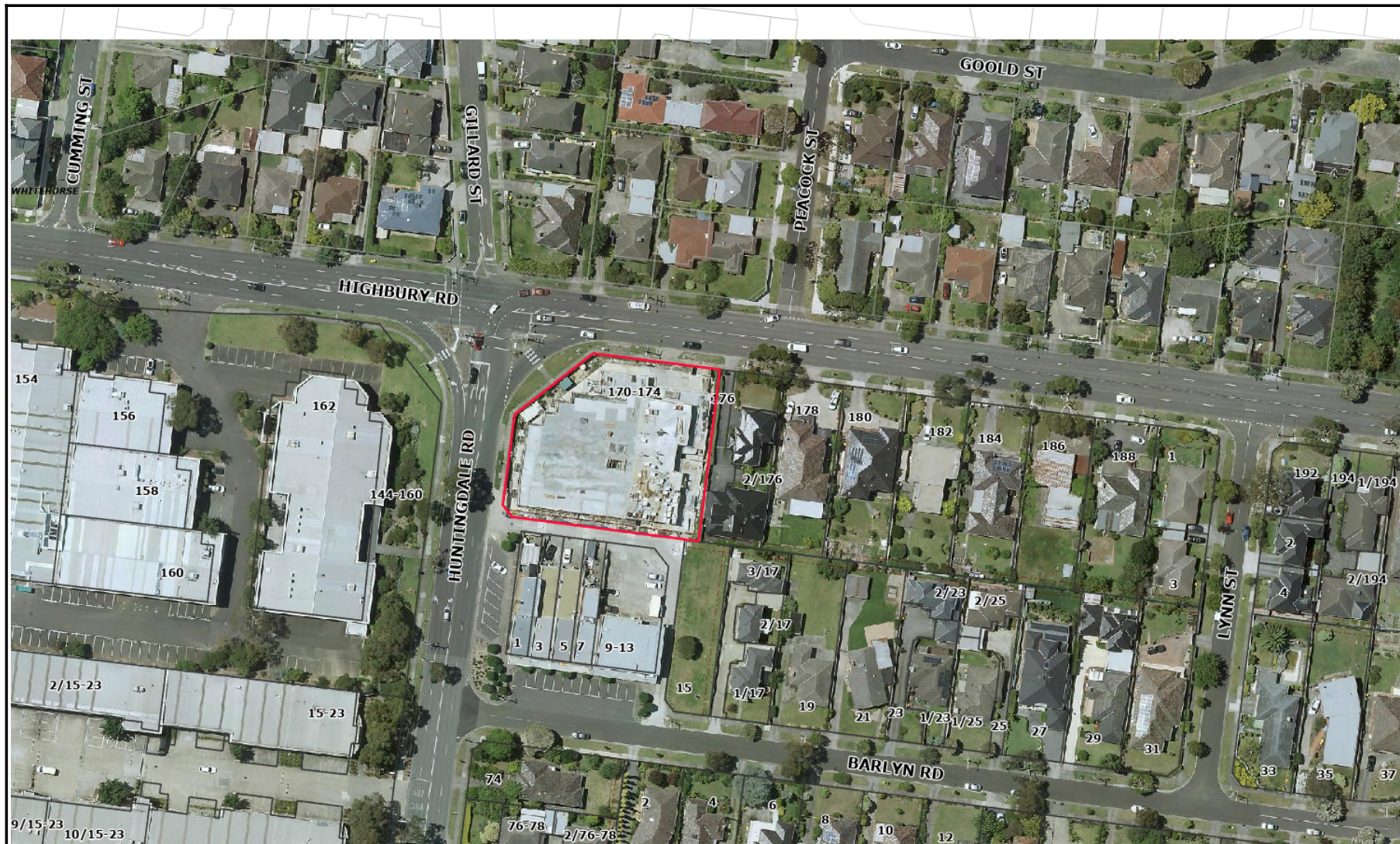
PETRIDIS ARCHITECTS

LEVEL 1 / 173
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 TEL 0499 8850
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PROJECT TITLE
 PROPOSED MIXED USE DEVELOPMENT AT 170-174 Highbury Road, Mount Waverley
 SECONDARY CONSENT.2 APPLICATION

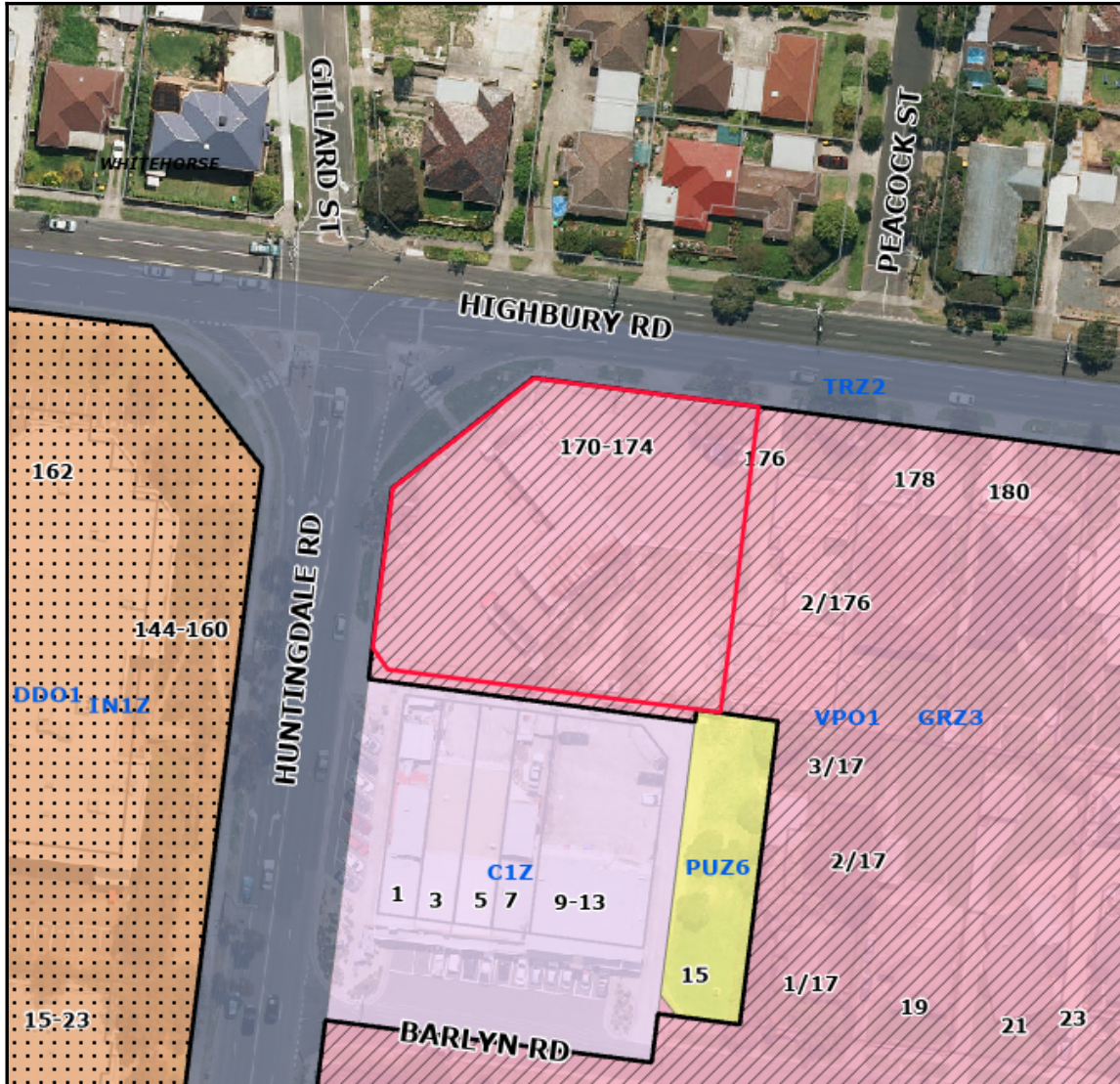
DRAWING TITLE
 MINOR AMENDMENTS ELEVATIONS
 (FROM AN ORIGINAL DESIGN BY BMG ARCHITECTS)

DATE 27.09.21	SCALE 1:100	NORTH
DRAWN M.S./M.A	CHECKED G.P	
JOB No. 20-08		REVISION FOR TOWN PLANNING ENDORSEMENT
DWG No. TF09		





Planning Overlays and Zones



Legend

Planning Zones

C1Z	GRZ10	GRZ7	MUZ2	PCRZ	PUZ4	RGZ1	SUZ3
C2Z	GRZ2	GRZ8	NRZ1	PPRZ	PUZ5	RGZ3	SUZ4
CA	GRZ3	GRZ9	NRZ2	PUZ1	PUZ6	RGZ4	SUZ5
CDZ1	GRZ5	IN1Z	NRZ3	PUZ2	PUZ7	RGZ5	SUZ6
GRZ1	GRZ6	MUZ	NRZ4	PUZ3	RDZ1	SUZ2	UFZ

Planning Overlays

DDO	EAO	IPO	NCO	PO
DPO	HO	LSIO / SBO	PAO	VPO

1:1000

Address: 170-174 Highbury Road MOUNT WAVERLEY VIC 3149

Area: null sqm

Base data is supplied under Licence from Land Victoria. This map is for general use only and may not be used as proof of ownership, dimensions or any other status. The information must be verified before taking any action which may be affected by a planning scheme requirement. This can be done by visiting the website: <http://services.land.vic.gov.au/landchannel/content/>

The City of Monash endeavours to keep the information current, and welcomes notification of omissions or inaccuracies.

PLANNING	Permit No.:	TPA/40955/D-VCAT Directed
PERMIT	Planning Scheme:	Monash Planning Scheme
	Responsible Authority:	Monash City Council

ADDRESS OF THE LAND

170-174 Highbury Road MOUNT WAVERLEY VIC 3149

THE PERMIT ALLOWS

The development of a three storey building with basement car parking and use for a medical centre (up to 17 practitioners), child care centre (up to 144 children), cafe and dwellings and alteration of access to a road zone, category 1

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans

- 1 Within two months of the issue of an amended permit, three copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. The submitted plans must clearly delineate and highlight any changes. When approved the plans will be endorsed and will then form part of the permit. The plan must be generally in accordance with the plans prepared by Petridis Architects drawing nos. TPA01, TP02, TP03, TP04, TP05, TP06, TP07, TP08, TP09, TP10, TP11, TP12, TP13, Revision 'For VCAT' dated 6 June 2021 but modified to show:
 - (a) Consolidation of Units 11, 12 and 13 into two units, each with private open space above 10 square metres in area.
 - (b) Convex mirrors or other devices to provide visibility to the corridor to Units 6 and 7 from the main eastern corridor.
- 2 Prior to the commencement of development, you are required to provide to Council either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
 - (b) An environmental auditor appointed under the Environment Protection Act 1970 must make a Statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

Date issued:
11 October 2013

Signature for the
Responsible Authority:



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

Three copies of the Certificate of Environmental Audit or the Statement of Environmental Audit and the audit area plan must be submitted to the Responsible Authority.

The development and use allowed by this permit must strictly comply with the directions and conditions of the Environment Protection Act 1970 and also with the conditions on the Certificate or Statement of Environmental Audit.

A section 173 Agreement under the Planning and Environment Act 1987 may need to be entered into with the Responsible Authority depending on the conditions of the Statement of Environmental Audit issued for the land. Any amendment must be approved by the Responsible Authority prior to the commencement of any works, use and development and may require further assessment of the land.

Should the land be unable to be remediated or the Environmental Audit Certificate or Statement conditions seek change to the form of development approved under this permit or extensive statement conditions for the future management of the site, the Responsible Authority may seek cancellation or amendment to the permit pursuant to Section 87 of the Planning and Environment Act 1987.

Excavation and construction of the basement and other remediation works can be carried out in accordance with the endorsed plans before the requirement in Condition 2 is satisfied.

- 3 The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 4 Once the development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.
- 5 No more than 17 medical practitioners/technicians are permitted to practice or operate from the premises at any single time.
- 6 No more than 144 children at any time are permitted to be in care under the control of the childcare centre including the occasional childcare centre unless the Responsible Authority consents in writing.
- 7 No more than 40 patrons and seats are permitted within the café premises at any single time.
- 8 The medical centre and café use may operate only between the hours of:
 - 8:00am-9:00pm Monday to Friday;
 - 9:00am-5:00pm Saturday;Unless the Responsible Authority gives consent in writing.
- 9 The childcare centre use may operate only between the hours of:
 - 7:00am-7:00pm Monday to Friday;

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Date issued:
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Signature for the
Responsible Authority:



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

Unless the Responsible Authority gives consent in writing.

- 10 The amenity of the area must not be detrimentally affected by the use or development, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) presence of vermin;
- 11 The use of the site approved by this permit shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise associated with the use. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
- 12 The loading and unloading of goods from vehicles must be carried out on the land and be conducted so as not to cause any disturbance to nearby residential properties and must only be carried out between 7:30am and 6:00pm to the satisfaction of the Responsible Authority.
- 13 No form of public address system may be installed so as to be audible from outside the building.
- 14 No goods must be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
- 15 No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.
- 16 Adequate provision shall be made for the storage and collection of garbage and other solid wastes and these facilities are to be located on the site to the satisfaction of the Responsible Authority.
- 17 Prior to the commencement of works on the site, the owner shall prepare a revised Waste Management Plan (to replace any previously endorsed Waste Management Plan) for the collection and disposal of garbage and recyclables for all uses on the site by private contractor. The revised Waste Management Plan shall provide for:
 - (a) The method of collection of garbage and recyclables for uses;
 - (b) Designation of methods of collection by private contractor;
 - (c) Appropriate areas of bin storage on site and areas for bin storage on collection days;

Page 3 of 8

Date issued:
11 October 2013

**Signature for the
Responsible Authority:**



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

- (d) Measures to minimise the impact upon local amenity and on the operation, management and maintenance of car parking areas;
- (e) Litter management;
- (f) Appropriate ventilation;
- (g) Bin washing facility;
- (h) Suitable capacity to store all the bins;
- (i) The maximum height of waste and expected loading vehicles to be accommodated within the Ground Level car park and ensure that these vehicles can exit in a forward direction onto Huntingdale Road;
- (j) Waste storage rooms must be constructed so to prevent the entrance of vermin and must be able to be easily cleaned. The floor must be graded to a sewer connection located within the waste storage room.

A copy of this plan must be submitted to Council. When endorsed the plan will form part of this permit.

- 18 Any infectious or potentially infectious wastes (as defined by the EPA) shall be properly segregated in containers colour coded yellow for infectious wastes and orange for potentially infectious wastes. Any prescribed waste which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.
- 19 A grease trap must be provided and be located outside kitchen and server areas.
- 20 External wet areas or wash areas must be graded and drained to a sewer connection. Waste water from these areas must not be discharged to the stormwater system.
- 21 Provision is to be made for the protection of food from insects and dust by providing:
 - (a) self closing doors and fly screens;
 - (b) air curtains;
 - (c) positive air pressure ;
 - (d) plastic strips to open doorways for a reduction in size openings.
- 22 Before the development starts, a revised construction management plan (to replace any construction management plan endorsed prior to the 2017 amendment of the permit) must be prepared and submitted to the Responsible Authority for approval. The plan must be to the satisfaction of the Responsible Authority. Once approved, the plan must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
 - (a) measures to control noise, dust and water runoff;

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Date issued:
11 October 2013

Signature for the
Responsible Authority:



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

- (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - (c) the location of where building materials are to be kept during construction;
 - (d) site security;
 - (e) maintenance of safe movements of vehicles to and from the site during the construction phase;
 - (f) on-site parking of vehicles associated with construction of the development;
 - (g) wash down areas for trucks and vehicles associated with construction activities;
 - (h) cleaning and maintaining surrounding road surfaces;
 - (i) a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)
- 23 The construction works associated with the use/development and/or subdivision hereby permitted must only be carried out during the following hours:
- Monday to Friday (inclusive) – 7:00am to 6pm;
 - Saturday – 9am to 1pm;
 - Saturday – 1pm to 5pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery);
- Unless otherwise approved in writing by the Responsible Authority.
- 24 No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
- 25 Disabled access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled access must be constructed in accordance with Australian Standards Design for Access and Mobility AS 1428.1.
- 26 Before the use and development permitted starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed to the satisfaction of the Responsible Authority;

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Date issued:
11 October 2013

**Signature for the
Responsible Authority:**



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

- 27 All existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
- 28 Within two months of the issue of an amended permit, a revised Parking Management Plan (to replace any previously endorsed Parking Management Plan) must be submitted and endorsed as part of this permit clearly designating the allocation of car spaces between uses.
- 29 No less than 53 car spaces must be provided on the land for the medical centre use. Any future subdivision of the approved development must provide for appropriate allocation of medical centre car parking on Title to the satisfaction of the Responsible Authority
- 30 No less than 32 car spaces must be provided on the land for the childcare centre use. Any future subdivision of the approved development must provide for appropriate allocation of childcare centre car parking on Title to the satisfaction of the Responsible Authority.
- 31 No less than 1 car space must be provided on the land for each dwelling. Any future subdivision of the approved development must provide allocation of 1 car space per dwelling on Title to the satisfaction of the Responsible Authority.
- 32 Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Responsible Authority.

The plans must show a drainage scheme providing for the collection of stormwater within the site and for the conveying of the stormwater to the nominated point of discharge.

The nominated point of discharge is the north-west corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the Council pit in the nature strip to be constructed to Council Standards. A new pit is to be constructed if a pit does not exist or is not a standard Council pit.

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Date issued:
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**Signature for the
Responsible Authority:**



PLANNING PERMIT

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If the point of discharge cannot be located then notify Council's Engineering Division immediately.

- 33 All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from driveways onto the footpath. Such a system may include either:
- (a) trench grates (150mm minimum internal width) located within the property; and/or
 - (b) shaping the driveway so that water is collected in a grated pit on the property; and/or
 - (c) another Council approved equivalent
- 34 Stormwater discharge is to be detained on site to the predevelopment level of peak stormwater discharge. Approval of any detention system is required by the City of Monash, the Responsible Authority, prior to works commencing.
- 35 Driveways are to be designed and constructed using appropriate engineering standards.
- 36 A revised landscape plan (to replace any landscape plan endorsed prior to the 2017 amendment of the permit) prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority within two months of the issue of an amended permit. The plan must show the proposed landscape treatment of the site and must be generally in accordance with the landscape plan prepared by Memla Pty Ltd (project no. 1463, Rev b, dated 12.8.16) but amended to show the removal of the existing crossover to Huntingdale Road and the continuation of the proposed planting within that former crossover area.
- When approved the plan will be endorsed and will then form part of the permit.
- 37 Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.
- 38 Before the development start(s), amended plans, showing the access arrangements to the waste management vehicle to the site, to the satisfaction of VicRoads must be submitted to the responsible authority for endorsement. Once endorsed, the plans will form part of this planning permit. The amended plans shall include (But not limited to):
- (a) Define the extent of access crossover required for waste management vehicle using appropriate turn path analysis.

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Date issued:
11 October 2013

Signature for the
Responsible Authority:



PLANNING PERMIT

No. TPA/40955/D VCAT Directed

- (b) A 'No Right Turn' sign at the entrance at the access point on Highbury Road facing eastbound traffic.
- 39 Prior to the commencement of the use or the occupation of the development, all redundant crossovers must be removed and footpaths, kerbs, channels and nature strips reinstated to the satisfaction of the Responsible Authority.
- 40 Prior to commencement of the use or the occupation of the buildings, all works required under this permit must be provided and available for use to the satisfaction of the Responsible Authority and at no cost to VicRoads.
- 41 No work shall be commenced in, on, under or over the road reserve without having first obtained all necessary approvals under the Road Management Act 2004, the *Road Safety Act 1986*, and any other relevant acts or regulations created under those Acts.
- 42 This permit will expire in accordance with section 68 of the *Planning and Environment Act 1987* if the development is not completed before 11 October 2020.

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.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief Description of Amendment	Name of responsible authority that approved the amendment
21 October 2014	<ul style="list-style-type: none"> • Citation amended • Conditions 1, 5 & 6 amended • New Conditions 7, 8, 19, 20, 21, 27, 28, 29, 30, 31 • New Conditions 38, 39, 40, 41, 42, & 43 required by VicRoads 	VCAT
16 November 2017	<ul style="list-style-type: none"> • VCAT directed amended permit 	VCAT
31 January 2019	<ul style="list-style-type: none"> • Condition 2 amended 	Monash City Council
20 January 2020	<ul style="list-style-type: none"> • New Condition 1 • New Condition 28 • Omit the heading to Condition 38 	VCAT
23 August 2021	<ul style="list-style-type: none"> • VCAT directed amended permit 	VCAT

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Date issued:
11 October 2013

Signature for the Responsible Authority:



IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.
(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.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if-
 - the development or any stage of it does not start within the time specified in the permit, or
 - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 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 after the issue of the permit, or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if-
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision -
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on 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.
- 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.