

**PLANNING  
PERMIT**

Permit No.: **TPA/51498 VCAT Directed**  
Planning Scheme: **Monash Planning Scheme**  
Responsible Authority: ***Monash City Council***

**ADDRESS OF THE LAND**

12-14 Johnson Street OAKLEIGH VIC 3166

**THE PERMIT ALLOWS**

Construction of mixed use development including office and retail and a reduction in the standard car parking requirement in accordance with the endorsed plans

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**

**Amended Plans Required**

- 1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the plans prepared by Bruce Henderson Architects, dated 12 February 2021, Plan nos. TP-204 – TP-211, TP-301 – TP-305 and TP-401 – TP-402 but modified to show:
  - (a) A Waste Management Plan in accordance with Condition 4 of this Permit.
  - (b) A Sustainable Design Assessment to be prepared in accordance with Condition 8 of this Permit.

**Layout not to be Altered**

- 2 The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 3 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

**Waste Management Plan**

- 4 Concurrent with the endorsement of any plans pursuant to Condition 1, a Waste Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by RB Waste



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Consulting Service dated 12 February 2021, but showing to the satisfaction of the Responsible Authority:

- (a) The purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants.
  - (b) Calculation method of waste generation to be described.
  - (c) Retail waste generation rate to assume seven days of trading (not five).
  - (d) Management of food waste recycling described.
  - (e) The management of separate glass recycling to be planned for and addressed.
  - (f) Inclusion of e-waste management details and provision within the waste storage area.
  - (g) Reference to the legislated ban to landfill for e-waste to inform the site operator and tenants of their obligations to prevent e-waste entering the garbage waste system.
  - (h) Bin colours.
  - (i) Reference to EPA guidelines and City of Monash Local Law for permitted waste collection hours.
  - (j) Further clarification of how waste is to be managed within tenancies.
  - (k) Detail of how cleaners will know how to handle waste correctly, and who will monitor this.
  - (l) A scale drawing to be included within the plan, showing bin storage areas, equipment and features, access routes, strategy for bin transfer and swept path analysis for collection vehicles.
- 5 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Green Travel Plan

- 6 Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) A description of the location in the context of alternative modes of transport.
  - (b) Details of end of trip facilities provided.



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- (c) Education and awareness initiatives and incentives for users of the building to encourage more sustainable modes of travel to/from the site.
  - (d) Management practices identifying sustainable transport alternatives.
  - (e) Consider the provision of electric vehicle charging facilities.
  - (f) Details of bicycle spaces for staff.
  - (g) Employee packs (ie myki cards for new workers).
  - (h) An obligation to update the plan not less than every five years.
  - (i) Details of when and how this travel plan will be available for new staff.
  - (j) Any other relevant matters.
- 7 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sustainable Design Assessment (SDA)**

- 8 Concurrent with the endorsement of any plans pursuant to Condition 1, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by SBE dated 17 July 2020 but modified to include or show:
- (a) any requirements specified in Condition 1 of this Permit.
- 9 The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Construction Management Plan**

- 10 Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted to and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must address the following issues:
- (a) Hours for construction activity in accordance with any other condition of this permit.
  - (b) Measures to control noise, dust and water and sediment laden runoff.



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- (c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network.
- (d) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
- (e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.
- (f) Cleaning and maintaining surrounding road surfaces.
- (g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves.
- (h) Public Safety and site security.
- (i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-contractors/tradespersons upon completion of such areas, without delay.
- (j) A Traffic Management Plan showing truck routes to and from the site.
- (k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction.
- (l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
- (m) Contact details of key construction site staff.
- (n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- (o) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
  - i Monday to Friday (inclusive) – 7.00am to 6.00pm
  - ii Saturday – 9.00am to 1.00pm
  - iii Saturday – 1:00pm to 5:00pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)
  - iv No works are permitted on Sundays or Public Holidays.



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- 11 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Boundary Walls**

- 12 The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

### **Ongoing Architect Involvement**

- 13 As part of the ongoing consultant team, Bruce Henderson Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:

- (a) oversee design and construction of the development; and
- (b) ensure the design quality and appearance of the development is realised as shown on the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Plant / Equipment or features on roof**

- 14 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 except as shown on the plans endorsed pursuant to Condition 1 unless otherwise agreed to in writing by the Responsible Authority.

### **Service Location**

- 15 Any required fire services, electricity supply, gas and water meter boxes must be discreetly located and/or screened to complement the development to the satisfaction of the Responsible Authority. Any required services must be clearly detailed on endorsed plans forming part of this permit.

### **Hours for Waste Collection**

- 16 Waste collection only to be carried out within hours prescribed by EPA guidelines.

### **No Waste Bin in View**

- 17 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.

### **Car Parking and Accessways**

- 18 Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:



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- (a) constructed to the satisfaction of the Responsible Authority
- (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.

- 19 Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

### **Bike provision on public land**

- 20 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, two (2) bike racks must be installed in accordance with the endorsed plans:

- (a) at the permit holder's cost; and
- (b) in a location and manner

to the satisfaction of the Responsible Authority.

### **Drainage and Stormwater**

- 21 The site must be drained to the satisfaction of the Responsible Authority.
- 22 No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
- 23 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 prior to works commencing.
- 24 A plan detailing the drainage works must be submitted to the Engineering Division prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage requirements of this permit.
- 25 The full cost of reinstatement of any Council assets damaged as a result of demolition, building or construction works, must be met by the permit applicant or any other person responsible for such damage, to the satisfaction of the Responsible Authority.



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### Time for Starting and Completion

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

- (a) The development is not started within three years from the date of issue.
- (b) The development is not completed within five years from the date of issue.

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

- (c) within six (6) months afterwards if the development has not commenced; or
- (d) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.



## 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.