

PLANNING

Permit No.:

TPA/52268 VCAT Directed**PERMIT**

Planning Scheme:

Monash Planning Scheme

Responsible Authority:

Monash City Council**ADDRESS OF THE LAND**

251-261 Springvale Road GLEN WAVERLEY VIC 3150

THE PERMIT ALLOWS

In accordance with endorsed plans:

- Use of the land for the purpose of accommodation (residential apartments), construction of a mixed use building and a reduction in car parking.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**Amended Plans Required**

- 1 Before the development and use commences, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans prepared by Plus Architecture dated 21/02/2023 (VCAT Amended Plans) but modified to show:
 - (a) Clarification to be provided on all structures located at roof level including elevations of all enclosures to plant and balustrade height.
 - (b) Level 2, western facing windows associated with the commercial premises to be screened to prevent unreasonable views into habitable room windows of 52-54 O'Sullivan Road.
 - (c) Allocation of car parking spaces to be identified.
 - (d) Provide 300mm clearance to adjacent storage cages for car door opening in accordance with Diagram 1 of Clause 52.06-9 of the Monash Planning Scheme.
 - (e) A minimum headroom clearance of 4.5m provided within the loading bay in accordance with the requirements of AS2890.2-2018 for an 8.8m MRV medium rigid vehicle.
 - (f) Annotations to ensure double glazing to the apartments and retail tenancies

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necessary to comply with the acoustic noise levels prescribed by Standard D16 (Table D3) (SJ para 119).

- (g) Outdoor areas at roof level to comply with the solar access provisions of Standard D18, excluding the wind protection measures noting they are highly permeable (SJ para 134 and oral evidence).
- (h) The wind protection measures set out in the letter from RWDI Australia Pty Ltd, dated 27 March 2023 as modified by any recommendations arising from the wind tunnel testing required by Condition 5 with:
 - any rooftop pergola or similar structure to be constructed of a material that provides for sunlight penetration (such as light grey glazing, operable fins or similar); and
 - the full height glazing proposed for the balconies with a southern aspect at levels 4 – 19 is to be comprised of clear glazing above balustrade height.
- (i) An annotation ensure a minimum floor to ceiling height of 2.7m in all habitable rooms of the dwellings;
- (j) The platform lift at ground to be provided with direct access to the residential access;
- (k) The location of any air-conditioning or cooling units, condensers and the like located on roofs, external walls or on balconies.
- (l) Taller balustrades with landscaping at Level 3 within the south-west and south-east corners in accordance with the recommendations of the pedestrian wind study prepared by RWDI Australia Pty Ltd dated 28 July 2021.
- (m) The relevant floor plans and elevations to provide details of awnings and screens to terrace areas of the building in accordance with the revised recommendations prepared by RWDI Australia Pty Ltd dated 27 March 2023.
- (n) Any required fire services, electricity supply, gas and water meter boxes to be discreetly located and/or screened.
- (o) Details of basement ventilation (design, location and noise levels) ensuring any external flues are designed and integrated into the building design.
- (p) The volume of the rain water tank increased to 40,000L and the location noted to be connected to irrigation and toilet flushing as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- (q) At least eighteen (18) vehicle parking spaces be provided with electricity

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Date issued:
21 July 2023

**Signature for the
Responsible Authority:** 

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charging points and associated infrastructure as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.

- (r) Revised layouts of apartments 303 & 403 and 305 & 405 as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023. Deletion of the full height glazing element to the west facing balcony of apartment type 06c as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- (s) An increase in the capacity of the rooftop photovoltaic system from 25kW to 89.6kW as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- (t) An additional 50 bike racks for residents as recommended in the statement of evidence prepared by Jan Talacko, Ark Resources Dated 29 March 2023.
- (u) Annotation to indicate food and glass recycling receptacles for each dwelling;
- (v) Manoeuvrability of bins within waste room to be improved, by increasing the size and arrangement of the waste room;
- (w) A Landscape Plan required by Condition 3 of this Permit.
- (x) A Waste Management Plan required by Condition 4 of this Permit.
- (y) A Wind Tunnelling Model Study required by Condition 5 of this Permit.
- (z) A Sustainable Management Plan required by Condition 6 of this Permit.
- (aa) A Green Travel Plan required by Condition 7 of this Permit.

Layout Not to be Altered

- 2 The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Landscape Plan

- 3 Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan 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. When endorsed, the plan will form part of the Permit. The

Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Jack Merlo Design & Landscape, dated 12/11/20 (Revision D) except that the plan must be modified to show:

- (a) Consistency with the plans prepared by Plus Architecture dated 21/02/2023

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(VCAT Amended Plans); and

- (b) Any changes as required by Condition 1 of this Permit.

Before the occupation of any 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 thereafter maintained to the satisfaction of the Responsible Authority.

Waste Management Plan

- 4 Concurrent with the endorsement of plans required pursuant to Condition 1, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design dated 15 December 2020, except that the plan must be modified to show:

- (a) Any changes required by Condition 1 of this Planning Permit;
- (b) Purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants (last page of this checklist) must be added to the WMP;
- (c) Accessibility to hard waste and clothing/textiles waste area clarified;
- (d) Measures to minimise the impact upon the residents, users of Glenway Arcade and the local amenity including proposed hours for the waste collection;
- (e) Litter management; and
- (f) Location of e-waste storage.

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

Wind Tunnel Modelling Study

- 5 Concurrent with the endorsement of any plan requested pursuant to Condition 1, an amended Wind Tunnel Modelling Study prepared by a suitably qualified Wind Engineer must be submitted to and approved by the Responsible Authority. The study must be generally in accordance with the Wind Impact Assessment Prepared by RWDI Australia Pty Ltd dated 28 July 20 except that the plan must be modified to show:

- (a) Any changes required by Condition 1 of this Planning Permit.

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

Sustainable Management Plan

- 6 Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with, and include all recommendations made within the statement of evidence prepared by Jan Talacko, Arc Resources dated 29.03.2023, including the modifications to the plans required by condition 1.

Upon approval the Sustainable Management Plan will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the SMP to the satisfaction of the Responsible Authority.

Green Travel Plan

- 7 Before the use and 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;
 - (c) Education and awareness initiatives and incentives for residents and visitors to encourage more sustainable modes of travel to/from the site;
 - (d) Management practices identifying sustainable transport alternatives;
 - (e) Details of the provision of electric vehicle charging facilities;
 - (f) Lobby areas of building to include real time information of train, tram and bus services;
 - (g) Details of bicycle spaces for staff;
 - (h) Employee and resident packs (ie myki cards for new workers);
 - (i) An obligation to update the plan not less than every 5 years;
 - (j) Details of when and how this travel plan will be available for new staff; and

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- (k) Any other relevant matters.

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

Construction Management Plan

- 8 Prior to the commencement of any site works (including any demolition and excavation), a Construction Management Plan (CMP) must be submitted 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 CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:
- (a) Appropriate measures to control noise, dust and water and sediment laden runoff;
 - (b) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - (c) Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - (d) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;
 - (e) A program for the cleaning and maintaining surrounding road surfaces;
 - (f) 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;
 - (g) Measures to provide for public Safety and site security;
 - (h) 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-constructors/tradespersons upon completion of such areas, without delay;
 - (i) A Traffic Management Plan showing truck routes to and from the site;
 - (j) A 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;

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- (k) Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;
- (l) The provision of contact details of key construction site staff; and
- (m) Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or 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 that does not exceed the EPA guidelines)
 - No works are permitted on Sundays or Public Holidays.

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

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Privacy screens

- 9 Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

Amenity of Area

- 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; and
 - (d) presence of vermin.

To the satisfaction of the Responsible Authority.

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Landscaping Maintenance

- 11 All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

Hours for Waste Collection

- 12 Waste collection must only to be carried out within hours prescribed by EPA requirements for residential noise under the Environment Protection Regulations 2021 (or any replacement regulations), so that the collection of waste does not cause unreasonable noise.

No Waste Bin in View

- 13 No bin or receptacle or any form of rubbish or refuse shall be allowed to remain in view of the public from any public land and no odour shall be emitted from any receptacle so as to cause offence to persons outside the land.

Ongoing Architect Involvement

- 14 As part of the ongoing consultant team, Plus Architecture or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:
- (n) oversee design and construction of the development; and
 - (o) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Plant / Equipment or features on roof

- 15 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.

Car Parking and Driveways to be Constructed

- 16 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:
- (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;

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

Use of car parking spaces and driveways

- 17 Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.
- 18 Car parking spaces allocated for the residential dwellings must only be used by residential occupants of the residential dwellings or their visitors.
- 19 Car spaces must not be individually subdivided, on-sold or leased to any other person unless with the prior written consent of the Council.

Lighting of carparks and accessways

- 20 Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Drainage & Stormwater

- 21 The site must be drained to the satisfaction of the Responsible Authority. Stormwater must be directed to the Point of Connection as detailed in the Legal Point of Discharge report. Stormwater must not be allowed to flow into adjoining properties including the road reserve.
- 22 No polluted and/or sediment laden stormwater 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 is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to any stormwater drainage works commencing.
- 24 A plan detailing the stormwater drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of any works.

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The plans are to show sufficient information to determine that the drainage and civil works will meet all drainage requirements of this permit. Refer to Engineering Plan Checking on www.monash.vic.gov.au.

Department of Transport Conditions

- 25 The demolition and construction of the development must not disrupt bus operations on Springvale Road without the prior written consent of the Head, Transport for Victoria.
- 26 Any request for written consent to disrupt bus operations on Springvale Road during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption.

Time for Starting and Completion

- 27 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 has not started before 4 years from the date of issue.
- (b) The development is not completed before 6 years from the date of issue.
- (c) The use of the land has not commenced before 6 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:

- i within six (6) months afterwards if the use or the development has not commenced; or
- ii 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.