

**PLANNING
PERMIT**

Permit No.:

TPA/40955/C-VCAT Directed

Planning Scheme:

Monash Planning Scheme

Responsible Authority:

Monash City Council**ADDRESS OF THE LAND****ADVERTISED COPY**

170-174 Highbury Road MOUNT WAVERLEY VIC 3149

THE PERMIT ALLOWS

In accordance with the endorsed plans:

- 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 By no later than 3 February 2020, or by such later date as the Responsible Authority may agree in writing on application made before 3 February 2020, 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 BMG Architects drawing nos. DR01 rev L, SA01 rev G, TP01 rev K, TP01A rev K, TP02 rev L, TP03 rev J, TP03A rev I, TP03B rev J, TP04 rev J, TP05 rev I, TP06 rev H, TP07 rev H, TP08 rev H, TP09 rev H, 3D01 rev G & 3D02 rev G, all dated 28 June 2019, but modified to show:
 - (a) The deletion of the following expressions on drawing no. TP02:
 - '3 PRACT', being located under the expression 'SUITE 1'.
 - '3 PRACTITIONERS', being located under the expression 'SUITE 2'.
 - '4 PRACTITIONERS', being located under the expression 'SUITE 3'.

Page 1 of 11**Date issued:****11 October 2013****Extensions of time:****31 October 2017****11 December 2018****Signature for the****Responsible Authority:**

IMPORTANT INFORMATION ABOUT THIS NOTICE

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 appeal 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.

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- '3 PRACTITIONER', being located under the expression 'SUITE 4'.
 - '3 PRACTITIONER', being located under the expression 'SUITE 5'.
 - '3 PRACTITIONERS', being located under the expression 'SUITE 6'.
 - '3 PRACTITIONERS', being located under the expression 'SUITE 7'.
- (b) The entry to dwelling 10 from the foyer area and a wall between bedroom 1 and the adjoining dwelling 1.
- (c) Further detail (pattern) of the rooftop screens including colour swatches.
- (d) Details of the materials in the shade sails.
- (e) The reallocation of the two medical visitor spaces (car spaces 47 and 48 within Basement Level 1) with two medical staff spaces. The total number of medical visitor and medical staff spaces must not be altered.
- (f) The setback of the plant screen adjacent to the eastern façade of the building to be a minimum of 2 metres from the edge of the roof form.
- 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.

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.

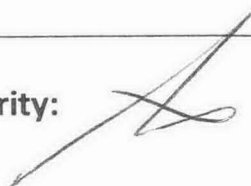
The development and use allowed by this permit must strictly comply with the directions and conditions of the Environment Protection Act 1970 and also with the conditions on the Certificate or Statement of Environmental Audit.

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.

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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*.

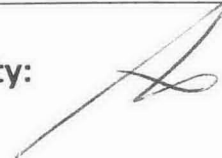
Excavation and construction of the basement and other remediation works can be carried out in accordance with the endorsed plans before the requirement in Condition 2 is satisfied.

- 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;
 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;

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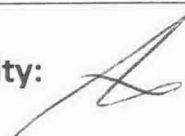
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- (d) presence of vermin;
- 11 The use of the site approved by this permit shall not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise associated with the use. In this regard the emission of noise shall comply 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 Waste Management Plan endorsed prior to the 2017 amendment of the permit) 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;
 - (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;

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- (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.

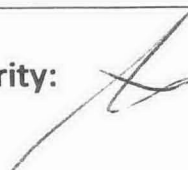
A copy of this plan must be submitted to Council. When endorsed the plan will form part of this permit.

- 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;
 - (b) prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;

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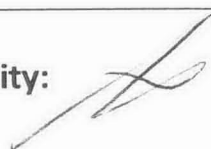
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- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- (d) drained, maintained and not used for any other purpose to the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

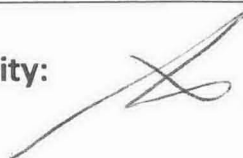
- 27 All existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
- 28 By no later than 3 February 2020, or by such later date as the Responsible Authority may agree in writing on application made before 3 February 2020, a revised Parking Management Plan (to replace any Parking Management Plan endorsed before the 2017 amendment to the permit) 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.

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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.

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 prior to the commencement of any works. 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.

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- 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.
 - (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 one of the following circumstances applies:
- 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.

NOTES-

- A. Building approval must be obtained prior to the commencement of the above approved works.
- B. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.

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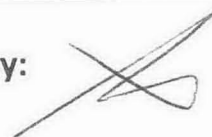
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- C. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
- D. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- E. Any new drainage work within the road reserve requires the approval of the City of Monash's Engineering Division prior to the works commencing. Three copies of the plans (A3-A1 size) for the drainage works must be submitted to and approved by the Engineering Division. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the permit. A refundable security deposit of \$500 is to be paid prior to the drainage works commencing.
- F. Engineering permits must be obtained for new or altered vehicle crossings and for connections to Councils drains / Council pits / kerb & channel and these works are to be inspected by Council (telephone 9518 3690).
- G. Stormwater detention requirements may be obtained from Council's Engineering Department prior to the design of any stormwater detention system.
- H. An on site detention system for storm events up to the 1% AEP event to be retained on site for the basement carpark.
- I. A Licensed Surveyor or Civil Engineer (who is a Registered Building Practitioner) must certify that the stormwater detention system including all levels, pits, pipes and storage volumes is constructed in accordance with the approved plans. The certifier's registration number must be included on the certificate.
- J. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act and require Council approval via the Chief Environmental Health Officer before occupation.

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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

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