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## PLANNING PERMIT

<b>Permit No.:</b>	PA2403089
<b>Planning Scheme:</b>	Monash Planning Scheme
<b>Responsible Authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	209-211 Carinish Road, CLAYTON (Land in Plan of Consolidation 167469P)

### THE PERMIT ALLOWS:

<b>Planning scheme clause No.</b>	<b>Description of what is allowed</b>
Clause 37.02-4	Construct a building or construct or carry out works.
Clause 1.0 to Schedule 2 to Clause 37.02.	Use of the land for the purposes of accommodation within the commercial/mixed use precinct and use of the land for a 'retail premises' in the Mixed Use Precinct.
Clause 4.0 to Schedule 2 to Clause 37.02	Remove one existing 'high' value tree and one existing 'medium' value tree.
Clause 52.06-3	Reduce the number of car parking spaces required under Clause 52.06-5.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority, or with the written consent of the Responsible Authority.

#### Commencement

2. This permit will operate from the issued date of this permit.

#### Amended Plans

3. Before the use and development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation and retention works, plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale

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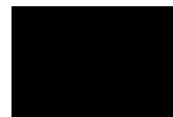
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with dimensions, be generally in accordance with the development plans prepared by Jackson Clement Burrows Architects, dated 7 May 2024, but amended to show the following details:

- a) The location of the northern loading access to the retained industrial uses to be shown on Drawing No. TP 1-110 and informed by swept path diagrams to avoid conflict to the car park entrance of Building C.
- b) Modifications to basement level columns in the car park to accord with Clause 52.06-9 Design Standard 2, Diagram 1 of the Monash Planning Scheme.
- c) Modifications to the ground floor car park to ensure accessible parking spaces are free of obstructions.
- d) Notation showing the indicative location of the north-south 'off-road shared path' in accordance with PMP Printing Comprehensive Development Plan.
- e) Provision of electric vehicle charging in the basement car park.
- f) Additional landscaping in the form of tree plantings to the frontage of Building C to Bendix Drive.
- g) Annotations detailing the locations of Tree Protection Zones and Structural Root Zones on the floor plans, and associated tree protection measures.
- h) Extension of Building C awning above the footpath to the residential entrance and bike store entrance.
- i) For any new vehicle accessway, provide a corner splay or area at least 50% clear of visual obstructions (or with a height of less than 1.2 metres), which may include adjacent landscaping areas with a height of less than 0.9 metres, extending at least 2.0 metres long x 2.5 metres deep (within the property) from the edge of the exit lane of each vehicle crossing to provide a clear view of pedestrians on the footpath of the road frontage.
- j) The location of signage directing vehicles to give way to pedestrians along Bendix Drive frontage.
- k) Line marking and the location of signage identifying cycle routes through the site.
- l) The location of the SPEL Ecoceptor(s) and filter vault(s).
- m) The location of on-site bioretention systems.
- n) Any modification required as a result of:
  - i. The approved Staging Plan.
  - ii. The approved Landscape Plan.
  - iii. The approved Tree Protection Management Plan.
  - iv. The approved Sustainability Management Plan.
  - v. The approved Wind Impact Assessment.
  - vi. The approved Waste Management Plan.
  - vii. The approved Acoustic Report.
  - viii. The approved Façade Strategy.

**Layout not altered**

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4. The use and development as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

**Staging Plan**

5. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation and retention works, a staging plan must be submitted to and approved by the responsible authority. The staging plan must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the development plans prepared by Jackson Clement Burrows Architects, dated 7 May 2024, and must show the indicative building construction stages, landscaping, Town Square and public realm works, and if applicable, any proposed temporary treatment to ensure the remaining vacant land is attractive and well maintained.

The development must proceed in the order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the responsible authority.

**Section 173 Agreement – Affordable Housing**

6. Before an Occupancy Permit is issued and before any residential use commences, the owner of the land must enter into an agreement with the Responsible Authority and Monash City Council pursuant to Section 173 of the *Planning and Environment Act 1987* to provide for affordable housing.

The agreement must be registered on the title to the land and must provide for affordable housing to be delivered via one of the following mechanisms a), b) or c) below:

- a) Before an Occupancy Permit is issued, the owner will enter into a binding agreement with a Registered Housing Agency, requiring:
- i. Unencumbered ownership of a minimum 10% of the dwellings on the land (rounded to the nearest whole number) to be sold to the Registered Housing Agency at a 30% discount to market rate for use as affordable housing; or
  - ii. Unencumbered ownership of 2% of the total number of dwellings on the land (rounded to the nearest whole number) to be transferred to the Registered Housing Agency for nil consideration for use as affordable housing.

An alternative percentage of dwellings or alternative discounted rate to the satisfaction of the Responsible Authority is allowed where the total value of the contribution is equivalent to the 3% cash contribution described in condition c) below.

- b) Before an Occupancy Permit is issued, the owner will enter into a binding agreement with a Registered Housing Agency, requiring management of a minimum of 10% of the dwellings on the land (rounded to the nearest whole number) to be assumed by the Registered Housing Agency for affordable housing, for no less than 15 years from the date of occupancy.

An alternative percentage of dwellings or alternative timeframe to the satisfaction of the Responsible Authority is allowed where the total value of the contribution is equivalent to the 3% cash contribution described in condition c) below.

- c) Before an Occupancy Permit is issued, the owner will make a cash contribution equal to 3% of the development cost toward the Social Housing Growth Fund.

The development cost refers to the estimated cost of development for the residential component of the development only and is to be verified by a quantity surveyor report. The estimated development cost is to be based on industry recognised prices for

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materials and labour costs and using an industry recognised calculation method and include GST. The report must be prepared to the satisfaction of the Responsible Authority with payment to be made to the Department of Treasury and Finance accounts receivable.

The agreement must further provide for the following:

- d) If the affordable housing contribution is to be made via either of the mechanisms in conditions a) or b) above, the dwellings must include a diversity of housing stock including a mix of studio, one bedroom and two bedroom dwellings representative of the overall dwelling mix upon advice from the Registered Housing Agency and to the satisfaction of the Responsible Authority.
- e) If the affordable housing contribution is to be made via the mechanism in condition b) above, the dwellings must:
  - i. Be made available for rent by an eligible household at a discount to market rent, such that the rent payable does not exceed 30% of the household income; and
  - ii. Continue to meet the definition of 'affordable housing' as defined in the *Planning and Environment Act 1987* for the duration of the 15-year period.
- f) If the affordable housing contribution is to be made via the mechanism in condition b) above, the agreement must contain:
  - i. A requirement for the owner to report to the Responsible Authority once every 12 months on the rental discount provided and the accrued value of the contribution.
  - ii. A mechanism for reviewing the rent at least once every 12 months to ensure that the housing continues to meet the definition of 'affordable housing' under the *Planning and Environment Act 1987*.

The Responsible Authority may consent in writing to vary any of these requirements.

For the purposes of the agreement 'affordable housing' has the same meaning as the definition under the *Planning and Environment Act 1987*.

The owner of the land must pay all of the Responsible Authority's and Monash City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

If after the date of this permit, but before any part of the affordable housing contribution is made, the State of Victoria introduces an operative planning scheme amendment, rule, regulation or Act, which requires the development of any land for residential purposes to make or pay a State Affordable Housing Contribution, and that planning scheme amendment, rule, regulation or Act has the effect of requiring the State Affordable Housing Contribution to be made in circumstances where the affordable housing contribution would also be required to be made under this permit or under any other planning approval applying to the land covered by Schedule 2 to Clause 37.02 Comprehensive Development Zone under the Monash Planning Scheme, the owner is relieved of all of its obligations under this permit to make an affordable housing contribution.

**Section 173 Agreement for Town Square**

- 7. Before an Occupancy Permit or issue of a Statement of Compliance (whichever is later) for the final stage of development as informed in the Staging Plan at Condition 5 of this Permit, the owner of the land

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must enter into an agreement with the Responsible Authority and Monash City Council pursuant to Section 173 of the *Planning and Environment Act 1987*.

The agreement must be registered on the title to the land and provide for the following:

- a) At the owner's cost, ensure that the Town Square (totalling 0.14 hectares) on the corner of Carinish Road and Browns Road is vested to Council as a reserve as defined in the *Subdivision Act 1988*, prior to the issue of an Occupancy Permit for the final stage of the development.
- b) Before the Town Square is vested in Council, the owner must at the Owner's cost, develop the Town Square as described in Condition 9 of this Permit and in accordance with the plans approved by the Responsible Authority.
- c) Before the Town Square is vested in Council, the owner must at the Owner's cost:
  - i. Provide a preliminary risk screen assessment statement in accordance with the *Environment Protection Act 2017* stating that an environmental audit is not required for use of the Town Square as public open space; or
  - ii. Provide an environmental audit statement under Part 8.3 of the *Environment Protection Act 2017* stating that the Town Square is suitable to be used as public open space.
- d) Before the Town Square is vested in Council, the owner must at the Owner's cost:
  - i. Confirm the suitability of the Town Square as public open space without the need for onerous ongoing management of contamination issues;
  - ii. Remove all existing, disused structures, foundations, pipelines and stockpiles from the Town Square;
  - iii. Clear any rubbish, environmental weeds and rocks from the Town Square;
  - iv. Level, topsoil and grass the Town Square, where appropriate, with warm climate grass;
  - v. Provide water tapping, potable, and where available recycled, water connection points to the Town Square; and
  - vi. Provide sewer, gas and electricity connection points to the Town Square, as appropriate.
- e) Confirmation that the completed Town Square as described in Conditions 7a) – d) of the Permit, satisfies the requirements of Schedule 1 of Clause 53.01 of the Monash Planning Scheme as it applies to the whole of the land at 209-211 Carinish Road, Clayton,

The owner of the land must pay all of the Responsible Authority and Monash City Council's reasonable legal costs and expenses of this agreement, including preparation, execution and registration on title.

**Landscape Plan**

8. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a landscape plan must be approved and endorsed by the responsible authority in consultation with Monash City Council. The landscape plan must be prepared to the satisfaction of the

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responsible authority, be drawn to scale with dimensions, be generally in accordance with the landscape plans prepared by Rush Wright Associates, dated 20 December 2023, and must include the following:

- a) Any changes required to align with endorsed plans under Condition 3 of this Permit.
- b) Notation showing the indicative location of the north-south 'off-road shared path' in accordance with PMP Printing Comprehensive Development Plan.
- c) A survey and location of all existing trees, using botanical names to be retained and of those to be removed. The intended status of the trees shown on the landscape plan must be consistent with that depicted on the development layout plan;
- d) A planting schedule of all proposed trees, shrubs and ground cover, which will include the size of all plants (at planting and at maturity), planting size, location, botanical names and quantities;
- e) Specification of the species and number of canopy trees (semi-advanced when planted).
- f) The location of any fencing internal to the site;
- g) Provision of canopy trees with spreading crowns located throughout the site including the major open space areas of the development;
- h) Planting to soften the appearance of hard surface areas such as driveways and other paved areas;
- i) Canopy Trees / Significant Planting on adjoining properties within 3 metres of the site;
- j) The location of any retaining walls associated with the landscape treatment of the site;
- k) Details of all proposed surface finishes including pathways, accessways, patio or decked areas;
- l) The location of Tree Protection Zones, Structural Root Zones and Tree Protection measures;
- m) An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority;
- n) The location of external lighting (if any);
- o) Planting required by any other condition of this permit; and
- p) Landscaping and planting within all open areas of the development area.

The landscape plan and Town Square Construction Drawings referred in Condition 9 are to be to the satisfaction of the Responsible Authority and when endorsed and will then form part of the permit.

- 9. Before the construction of the Town Square as informed in the Staging Plan at Condition 5 of this permit commences, detailed construction drawings are to be prepared and provided to the Responsible Authority, in consultation with Monash City Council, for the Town Square including details of all plantings, pavings, edging, street furniture and other elements in accordance with Council design standards.
- 10. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever is later) for the final building stage of the development as determined by the Staging Plan at Condition 5 of this Permit, all 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.

**Environmental Audit**

- 11. Before the development starts (excluding any demolition or works necessary to satisfy the requirements of this condition), an Environmental Audit of the site must be carried out by a suitably qualified environmental auditor. On completion of the Environmental Audit, an Environmental Audit Statement

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(EAS) and report must be submitted to the Responsible Authority in accordance with section 210 of the Environment Protection Act 2017 to the satisfaction of the Responsible Authority. The EAS must respond to the matters contained in Part 8.3, Division 3 of the Environment Protection Act 2017 and must either:

- a) state the site is suitable for the use and development allowed by this permit; or
- b) state the site is suitable for the use and development allowed by this permit if the recommendations contained within the EAS are complied with.

12. All the recommendations of the EAS must be complied with to the satisfaction of the Responsible Authority for the full duration of any buildings and works on the land in accordance with the development and must be fully satisfied prior to the occupation of the development. Written confirmation of compliance must be provided by a suitably qualified environmental auditor in accordance with any requirements in the EAS.
13. If any of the conditions of the EAS require ongoing maintenance or monitoring, prior to the commencement of the use and prior to the issue of a statement of compliance under the Subdivision Act 1988 the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 to the satisfaction of the Responsible Authority to the effect that all conditions of the EAS issued in respect of the land will be complied with.

**Development Contributions**

14. Before the development starts for each stage of the development as informed in the Staging Plan at Condition 5 of this permit, including buildings, car parking areas, access ways, landscaping and ancillary components, the payment of development contributions must be made in accordance with the requirements of the PMP Printing DCP, July 2021, Amended December 2023 and any later updates to the satisfaction of the responsible authority.

**Façade Strategy**

15. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a façade strategy must be approved and endorsed by the responsible authority. The façade strategy must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the development plans prepared by Jackson Clement Burrows Architects, dated 7 May 2025, and must include:
- a) A concise description by the architect of the building design concept and how the façade works to achieve this.
  - b) A schedule of colours, materials and finishes, including the colour, type and quality of materials showing their application and appearance. This can be demonstrated in coloured elevations or renders from key viewpoints, to show the materials and finishes, and linking them to a physical sample board with clear coding.
  - c) Elevation details generally at a scale of 1:50, or other suitable scale agreed to by the responsible authority, illustrating typical building details, entries and doors, utilities, and any special features which are important to the building's presentation.
  - d) Cross sections or other method of demonstrating the façade systems, including fixing details indicating junctions between materials and significant changes in form and/or material.
  - e) Information about how the façade will be accessed, maintained and cleaned.

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- f) Example prototypes and/or precedents that demonstrate the intended design outcome as indicated on plans and perspective images, to produce a high-quality built form outcome in accordance with the design concept.
- g) Details of materials and finishes to demonstrate these will be of high quality, robust, and require low maintenance.

The development must be in accordance with the façade strategy, to the satisfaction of the responsible authority.

**Construction Management Plan**

16. Prior to the commencement of any site works for each stage of development as informed in the Staging Plan at Condition 5 of this permit (excluding any demolition and excavation), a construction management plan (CMP) must be approved and endorsed by the responsible authority in consultation with the Monash City Council. The CMP must be prepared to the satisfaction of the responsible authority, and must include:
- a) Hours for construction activity in accordance with any other condition of this permit;
  - b) Appropriate measures to control noise, dust and water and sediment laden runoff;
  - c) Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
  - d) Appropriate 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 so as to prevent material leaving the site and being deposited on council's road network;
  - f) A program for the 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) Measures to provide for 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-constructors/tradespersons upon completion of such areas, without delay;
  - j) A Traffic Management Plan showing truck routes to and from the site;
  - k) 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;
  - l) Appropriate measures to ensure that sub contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP and;
  - m) The provision of contact details of key construction site staff.
17. The provisions, recommendations and requirements of the endorsed CMP must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.

**Public Works Plan**

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18. Before the construction of the Town Centre as informed in the Staging Plan at Condition 5 of this Permit commences, a Public Works Plan must be approved and endorsed by the Responsible Authority in consultation with Monash City Council.

The Public Works Plan Must:

- a) Detail all works proposed to the public land adjacent to the development, including but not limited to:
  - i. All new public footpaths
  - ii. The layout and dimensions for new or existing vehicle crossings.
  - iii. Any necessary drainage works
  - iv. The relocation or replacement of existing and installation of new street furniture and infrastructure, such as parking and traffic signs, public seating, bicycle parking and similar.
  - v. The provision of new street tree planting or landscaping in appropriate locations in consultation with Monash City Council
  - vi. The provision for on-street car parking adjacent the site.
- b) Include a detailed level and feature survey of the existing footpaths and roads.

The Responsible Authority may consent in writing to vary these requirements.

19. Before an Occupancy Permit or issue of a Statement of Compliance (whichever is later) for the final building stage of the development as informed in the Staging Plan at Condition 5 of this Permit, all public works shown on the endorsed Public Works Plan must be implemented to the satisfaction of the Responsible Authority, in consultation with Monash City Council at the expense of the owner of the land or permit holder.

**Environmentally Sustainable Design**

20. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation and retention works, an amended sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Sustainability Management Plan prepared by Frater Consulting Services Pty Ltd, dated 20 December 2023, and must be amended to include:
- a) Any changes required to align with the plans approved under Condition 3 of this Permit.
  - b) Rainwater tanks connected for toilet flushing and irrigation.
  - c) Details of the rain garden design, or equivalent WSUD treatment measures.

The recommendations of the approved ESD report must be implemented to the satisfaction of the responsible authority, unless otherwise agreed in writing by the responsible authority, subject to the development achieving equivalent (or greater) ESD outcomes.

21. Prior to the issue of an Occupancy Permit or issue of a Statement of Compliance (whichever is later) for each stage of the development as determined by the Staging Plan at Condition 5 of this Permit, a report must be submitted to the Responsible Authority from the author of the approved SMP, or a similarly qualified person or company, confirming that all relevant measures specified in the SMP to that stage have been implemented in accordance with the approved plan.

**Green Travel Plan**

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22. Before the development is occupied, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority and include consultation with the Department of Transport. The Plan must be prepared by a suitably qualified person and must encourage the use of nonprivate vehicle transport modes by the occupiers of the land. 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) Provision of electric vehicle charging facilities;
  - f) Lobby areas of buildings to include real time information of train, tram and bus services;
  - g) Details of bicycle spaces for staff;
  - h) Employee and resident packs (such as 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 staff and residents; and
  - k) Any other relevant matters.
23. Once approved, the Green Travel Plan must form part of the permit and any ongoing Management Plan for the land to ensure the Green Travel Plan continues to be implemented by residents or owners to the satisfaction of the Responsible Authority.
24. The Green Travel Plan must not be amended without the written consent of the Responsible Authority.

**Stormwater Management Plan**

25. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation and retention works, a stormwater management plan must be approved and endorsed by the responsible authority. The stormwater management plan must be prepared to the satisfaction of the responsible authority and must:
- a) include details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system
  - b) set out how the stormwater management system will be managed on an ongoing basis
  - c) demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.

**Amended wind assessment**

26. Before the development starts, excluding demolition, bulk excavation, site preparation, soil removal, site remediation and retention works an amended wind assessment must be approved and endorsed by the responsible authority. The report must be generally in accordance with the wind assessment prepared by Vipac, dated 20 December 2023 forming part of the application, but amended to include the following details:
- a) Any changes required under Condition 3 of this permit.

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- b) Wind tunnel test for the Town Square in accordance with Section 3.1.3 of the assessment.
- c) Wind tunnel testing of undercroft area to the west of Building A in accordance with Section 3.2 of the assessment.
- d) Any further modifications and mitigation measures required to the development in order to ensure acceptable wind conditions to the surrounding streets and public areas.

The recommendations of the wind assessment must be implemented to the satisfaction of the responsible authority.

**Car Parking Management Plan**

27. Before an Occupancy Permit is issued for the last stage of development as informed in the Staging Plan at Condition 5 of this Permit, a detailed Car Parking Management Plan must be approved and endorsed by the Responsible Authority in consultation with Monash City Council and be endorsed under the permit.

The Car Parking Management Plan must address, but not be limited to, the following:

- a) Allocation of the car parking spaces to the various uses.
- b) The use of supermarket parking by residential visitors after trading hours.
- c) The use of office parking by residential visitor and customer parking on weekends
- d) Any signage associated with allocated parking and directional wayfinding signage.
- e) Details of any intercom, traffic management and boom gate system at each car park entry
- f) Security arrangements for access within all car park areas
- g) The provision of on-street car parking.

Any updates to the Car Parking Management Plan must be provided to the Responsible Authority.

**Traffic Conditions**

28. The area set aside for the parking of vehicles and access lanes shown on the plans approved under Condition 2 of this Permit must, to the satisfaction of the Responsible Authority:

- a) Be completed before an Occupancy Permit or issue of a Statement of Compliance (whichever is later) for the relevant stage of the development as determined by the Staging Plan at Condition 5 of this permit.
- b) Be properly formed to such levels that it can be used according to the plans approved under Condition 3 of this Permit
- c) Have the boundaries of all vehicle parking spaces, including visitor parking spaces, clearly marked on the ground.
- d) Be numbered to facilitate management of the car park.
- e) Be maintained at all times.

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29. All existing redundant crossings are to be removed and replaced with kerb and channel. The footpath and nature strip are to be reinstated to the satisfaction of Monash City Council.
30. All proposed crossings are to be designed and constructed to the satisfaction of Monash City Council.
31. On-site visitor parking spaces are required to be clearly marked.
32. Carparking areas must not be used for any other purpose other than the parking of vehicles, unless with the prior written consent of the Responsible Authority.
33. The layout of the development shall follow the Design Standards for car parking set out in Clause 52.06-9 of the Monash Planning Scheme as detailed below:
  - a) Driveway gradient to be no steeper than 1 in 10 (10%) within 5 metres of the frontage to ensure safety for pedestrians and vehicles.
  - b) Minimum requirements for car park dimensions to be in accordance with Table 2.
  - c) Clearance to car parking spaces to be in accordance with Diagram 1 in relation to the placement of a wall, fence, column, tree, tree guard or any other structure that abuts a car space.
34. The accessible parking spaces should be designed in accordance with the Australian Standard for *Off-Street Parking for people with disabilities*, AS/NZS 2890.6. The vehicle path to and from each accessible space shall have a minimum headroom of 2200 mm. The headroom above each dedicated space and adjacent shared area shall be a minimum of 2500 mm.
35. Bicycle parking facilities shall generally follow the design and signage requirements set out in Clause 52.34 of the Monash Planning Scheme. A minimum 20% ground level (horizontal) parking spaces as per AS2890.3:2015 is required.

**Tree Management Plan**

36. Before the development starts, including demolition, bulk excavation and site preparation works, a tree management plan (TMP) must be approved and endorsed by the responsible authority. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:
  - a) A Tree Protection Plan drawn to scale that shows:
    - i. Tree protection zones and structural root zones of all trees to be retained,
    - ii. All tree protection fenced off areas and areas where ground protection systems will be used;
    - iii. The type of footings within any tree protection zones;
    - iv. Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist;
    - v. A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones; and
    - vi. Specifications for construction and supervision of decked pedestrian pathways within the TPZs of Tree 122 and 128,

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- b) Details of how the root system of any tree to be retained will be managed. This must detail any excavation within the Tree Protection Zone areas initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
  - c) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority.
  - d) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
37. The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.

**Council Street Tree Removal**

38. Street Trees required for access only may be removed unless otherwise agreed by Monash City Council.
39. All costs associated with the removal and replacement of a council street tree/trees are to be borne by the permit/landowner. Please contact the council's Horticultural Department to establish the tree valuation and removal timing.
40. All new street tree planting is to be undertaken by Monash City Council, be to Monash City Council's satisfaction, at the cost of the permit holder /landowner.

**Protection of Street Trees**

41. Tree Protection fencing is to be erected around council street trees including adjacent works area that has potential to impact on the tree. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the Monash City Council.
42. No lopping, pruning or any other changes to council street trees is to undertaken by the permit applicant or agent/contractor of the applicant, unless otherwise agreed by the Monash City Council.
43. The owner and occupier of the site must ensure that, prior to the commencement of buildings and works, all contractors and tradespersons operating on the site are advised of the status of trees to be retained as detailed in the endorsed arborist report and are advised of any obligations in relation to the protection of those trees.
44. No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the demolition, excavation and construction period of the development hereby permitted without the prior written consent of the Monash City Council.
45. No vehicle access or parking within the Tree Protection Zone of any tree to be retained.

**Pruning of trees to be retained**

46. Any pruning that is required to be done to the canopy of any street tree to be retained must be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996, to the satisfaction of the Monash City Council.

Any pruning of the root system of any street tree to be retained must be done by hand by a qualified arborist, to the satisfaction of the Monash City Council.

**Public Lighting Plan**

**Date issued:** 17 April 2025 **Signature for the responsible authority:**



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47. Before the development starts, excluding demolition, excavation, piling, site preparation works and works to remediate contaminated land, a detailed lighting plan must be approved by the responsible authority in consultation with the Monash City Council. This plan must:

- a) Identify all proposed lighting sources, lux levels and spillage details and address how the lighting will integrate with the existing lighting in the interfacing public spaces.
- b) Show all public lighting in conformity with AS1158.3.1-2000 Lighting for roads and public spaces Pedestrian area (Category P) lighting – Performance and design requirements and AS/NZS 428:2019.2 Control of the obtrusive effects of outdoor lighting and the Public Lighting Code December 2015 (v2).

The approved lighting plan must be implemented as part of the development to the satisfaction of the Monash City Council.

**Noise Attenuation**

48. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, an Acoustic Report must be approved and endorsed by the Responsible Authority.

The Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic dated 14 December 2023, but amended to align with the plans approved under Condition 3 of this Permit.

**Amenity Report**

49. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, an Amenity Report must be approved and endorsed by the Responsible Authority.

The Amenity Report must be generally in accordance with by WRAP Engineering Pty Ltd, dated 18 December 2023, but amended to align with the plans approved under Condition 3 of this Permit.

**Waste Management Plan**

50. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, a Waste Management Plan (WMP) must be approved and endorsed by the Responsible Authority.

The WMP must be generally in accordance with the report prepared by WSP dated 21 December 2023, but amended to align with the plans approved under Condition 3 of this Permit.

**New vehicle crossings**

51. Before the development is occupied, any new vehicular crossing(s) must be constructed to the satisfaction of the Monash City Council.

**Loading and Unloading**

52. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the responsible authority.

**Drainage Conditions**

53. An on-site detention system for storm events up to the 1% AEP event to be retained on-site for the basement carpark, for any portion of the site that cannot be drained under gravity and enters the basement. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharge by gravity.

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54. 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.
55. 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.
56. 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.
57. No polluted and/or sediment laden stormwater runoff is to be discharged directly or indirectly into the council's drains or watercourses during and after development, to the satisfaction of the Responsible Authority.
58. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the council Engineering Department prior to the commencement of any works. 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](http://www.monash.vic.gov.au).

**Transport for Victoria Conditions**

59. The endorsed development plans and reports shall demonstrate to the satisfaction of the Head, Transport for Victoria and the relevant Rail Transport Operator that:
  - a) the development does not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
  - b) the development does not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
  - c) the development exterior avoids use of red, green or yellow colour schemes that may interfere with train driver operations.
  - d) the development's landscaping and planting will not interfere with train driver visibility or interpretation of rail signals upon completion or in the future.
60. Any windows doors and balconies that are set back from, and generally facing the railway land title boundary shall:
  - a) not cause reflected sunlight to interfere with train driver visibility or interpretation of rail signals.
  - b) not reflect or refract artificial light such that it interferes with train driver visibility or interpretation of rail signals.
61. Prior to the commencement of work on site detailed construction / engineering plans and structural computations for any construction adjacent railway infrastructure or railway land must be submitted and approved by Vic Track and the Head, Transport for Victoria. The plans must detail all basement excavation design, retention works and controls of the site adjacent to the railway corridor having any impact on railway land. The design plans must ensure compliance with:
  - a) earthquake design loadings for structure designated as a minimum Importance Level 2, by AS1170.4 – 'Structural Design Actions, Earthquake Actions in Australia'.
  - b) demonstration that ground stabilisation devices, such as temporary or permanent ground anchors, soil nails, reinforced earth straps, do not penetrate onto railway land.

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62. Prior to commencement of demolition or construction works, the Rail Operator must be contacted through the email address [metrositeaccess@metrotrains.com.au](mailto:metrositeaccess@metrotrains.com.au) to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
63. Before development starts (including demolition and bulk excavation), separate Demolition and/or Construction Management Plan must be submitted to and approved by the Head, Transport for Victoria. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of:
- a) the buildings, works and other measures necessary to:
    - i. protect railway land, track, overhead power and associated infrastructure.
    - ii. Prevent or minimise disruption to the operation of the railway.
  - b) the remediation of any damage to railway land, track, overhead and underground power and communication assets, and associated infrastructure.
  - c) details of required access to the railway land during demolition and construction of the development with appropriate durations and schedules.
  - d) arrangements for:
    - i. any hoarding associated with the construction of the development at the railway boundary or that encroaches onto or overhangs railway land.
    - ii. piling, excavation, shoring, stabilising, anchoring, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land.
    - iii. crane location(s), slew radius and slew locking proposals
    - iv. the deposit or store of waste, fill or other materials associated with the development on the railway land.
    - v. air and dust management.
    - vi. operating hours.
    - vii. noise and vibration controls.
    - viii. the management of site drainage, effluent and waste.
    - viii. the security of the railway land and associated infrastructure.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the Head, Transport for Victoria.

The Demolition and Construction Plan must be consistent with any Construction Management Plan required by the Responsible Authority.

64. No drainage, effluent, waste soil or other materials must enter or be directed to railway land from the development site or be stored or deposited on railway land by the proponent.
65. Access to railway assets by rail staff for the purposes of inspection, cleaning, maintenance and repair shall be maintained at all times. Existing access routes to railway land shall not be closed, diverted or modified without prior agreement with the by the Head, Transport for Victoria and the relevant Rail Transport Operator(s).
66. The developer or landowner shall be responsible to pay any Rail Operator costs associated with providing necessary interface services to support the development as deemed required by the Rail Operator. This includes but not limited to documentation review, negotiation effort to execute project agreements, providing access coordination and approvals, as well as project management support during project stages: development/construction delivery/close out.

Date issued: 17 April 2025 Signature for the responsible authority:



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**Expiry**

67. This permit will expire if one of the following circumstances applies:

- a) the first stage of the development is not commenced within three (3) years from the date of this permit.
- b) the final stage of the development is not commenced within six (6) years from commencement of the first stage.
- c) The final stage of the development is not completed within three (3) years from commencement of the final stage.
- d) the use is not commenced within two (2) years of the completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of responsible authority that approved the amendment</i>

**THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:**

<i>Date extension approved</i>	<i>Period of extension</i>	<i>Commencement date</i>	<i>Completion date</i>	<i>Date to certify plan of subdivision</i>

**Date issued:** 17 April 2025 **Signature for the responsible authority:**





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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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The responsible authority has issued a permit

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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 five 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.

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### WHAT ABOUT REVIEWS?

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- 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 the relevant 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.

Date issued: 17 April 2025 Signature for the responsible authority:

