

Planning and Environment  
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

## PLANNING PERMIT

|                               |                                                                                              |
|-------------------------------|----------------------------------------------------------------------------------------------|
| <b>Permit No.:</b>            | PA2604314                                                                                    |
| <b>Planning scheme:</b>       | Boroondara Planning Scheme                                                                   |
| <b>Responsible authority:</b> | Minister for Planning                                                                        |
| <b>ADDRESS OF THE LAND:</b>   | 18-30 Whitehorse Road, Deepdene (Lot 1 on TP 599382A, Lot 2, Lot 3 and Road R1 on PS 043711) |

### THE PERMIT ALLOWS:

| <b>Planning scheme clause</b> | <b>Matter for which the permit has been granted</b>                                                 |
|-------------------------------|-----------------------------------------------------------------------------------------------------|
| 34.01-1                       | To use land for accommodation where ground floor frontage exceeds two (2) metres                    |
| 34.01-4                       | To construct a building or construct or carry out works                                             |
| 43.02-2                       | To construct a building or construct or carry out works                                             |
| 52.06-3                       | To reduce the statutory car parking requirement for residential visitor and shop car parking spaces |
| 52.29-2                       | To create or alter access to a road in a Transport Zone 2.                                          |

### 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.

#### Commencement

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

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**Approved and endorsed plans**

3. Before the development starts, excluding demolition, bulk excavation and site preparation 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 with dimensions and be generally in accordance with the Architectural Plans, prepared by Kerstin Thompson Architects Pty Ltd (KTA), various revisions, all dated 20 March 2026.

**Layout not altered**

4. The use and development as shown on the endorsed plans must not be altered (unless the Boroondara Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.
5. Once the development has started it must be continued and completed to the satisfaction of the responsible authority.

**Architects to be retained**

6. Except with the written consent of the responsible authority, Kerstin Thompson Architects Pty Ltd must be retained to provide architectural oversight during construction and completion of the detailed design as shown in the endorsed plans.

**Landscape plan**

7. Before the development starts, excluding demolition, bulk excavation and site preparation works, a landscape plan or package, prepared by a suitably qualified landscape architect, must be approved and endorsed by the responsible authority. The landscape plans must be prepared to the satisfaction of the responsible authority and must be generally in accordance with the Landscape Report for Town Planning, prepared by Openwork, dated 13 March 2026, and must include the following:
- a) Layout of landscaping and planting within all open areas of the subject land.
  - b) A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - c) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - d) Details of surface finishes of pathways and driveways.
  - e) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - f) All canopy trees are to be a minimum two metres tall when planted.
  - g) Details of how the project responds to water sensitive urban design principles, including how storm water will be mitigated, captured, cleaned and stored for onsite use and the location and type of irrigation systems to be used including the location of any rainwater tanks to be used for irrigation
  - h) Clear demarcation of public realm and private spaces, including arrangements for pedestrian, bicycle and vehicular circulation.
  - i) The extent of any cut, fill, embankments or retaining walls associated with the landscape treatment of the site.
  - j) A maintenance plan which includes ongoing maintenance schedule during the establishment period and after the initial 52-week period, including weed, pest management, succession planting, re-mulching, plant nutrition, hygiene, and replacement timeframes for poorly performing vegetation.

**Date of issue:** 26 June 2026 **Signature for the responsible authority:** 

**Completion of landscaping**

8. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed to the satisfaction of Boroondara City Council.  
The responsible authority may consent in writing to vary this requirement.

**Landscaping maintenance**

9. At all times the landscaping shown on the approved landscape plans must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Boroondara City Council.

**Vegetation removal and protection of vegetation**

10. All vegetation removal, pruning/lopping and tree protection of the site (and where applicable for the vegetation located within the adjoining land) must be undertaken in accordance with the recommendations and requirements of the endorsed Arboricultural Impact Assessment Report, prepared by Tree Logic and dated 27 March 2026, to the satisfaction of Boroondara City Council and/or Department of Energy, Environment and Climate Action.

**Construction Management Plan (CMP)**

11. Before the development starts, including demolition, bulk excavation and site preparation works, Construction Management Plan (CMP) must be approved and endorsed by the responsible authority. The CMP must be prepared to the satisfaction of the responsible authority, in consultation with Boroondara City Council. The CMP must be in accordance with the Boroondara City Council's Construction Management Plan Template, may be undertaken in stages, and must include the following:
- a) Hours for construction activity in accordance with Boroondara's Protection of Council Assets and Control of Building Sites Local Law.
  - b) Measures to control noise, dust, water and sediment laden runoff.
  - c) Measures relating to removal of hazardous or dangerous material from the site, where applicable.
  - d) Measures to ensure the avoidance of any damage to street trees as a consequence of the movement of large vehicles and machinery (including cranes and excavators) to from the land or as a consequence of the operation of these vehicles and machines in association with the construction of the proposed building, including excavation of the land.
  - e) 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.
  - f) A Traffic Management Plan showing truck routes to and from the site.
  - g) 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.
  - h) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site.



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- i) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan.
- j) Site Managers name and contact email and mobile number.
- k) 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.
- l) Any other relevant matters, including the requirements of the Head, Transport for Victoria.

**Approved and endorsed Environmentally Sustainable Design (ESD)**

12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (SMP), prepared by GIW and dated 17 March 2026, must be implemented and complied with to the satisfaction of the Boroondara City Council.

**Implementation of ESD initiatives**

13. Within six months of the occupation of the development, a report from the author of the endorsed Sustainable Management Plan (SMP), prepared by GIW and dated 17 March 2026 (as amended from time to time) must be submitted to and be approved by the responsible authority. The report must outline how the design initiatives implemented within the completed development achieve the performance outcomes specified in the endorsed report, to the satisfaction of the responsible authority.

**Traffic and parking**

14. Before the development is occupied, or by such later date as approved in writing by the responsible authority, the areas set aside on the endorsed plans for the parking of vehicles, access lanes, driveways and associated works, as shown on the endorsed plans, must be:
- a) Constructed and available for use in accordance with the endorsed plans.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Sealed with a concrete or asphalt surface.
  - d) Drained.
  - e) Line marked to indicate each car parking space, all access lanes, bicycle lanes and pedestrian paths.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways,

to the satisfaction of the Boroondara City Council.

Car spaces, access lanes and driveways must be kept available for these purposes. Once constructed, these areas must be maintained to the satisfaction of Boroondara City Council.

**Vehicle crossovers**

15. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of Boroondara City Council.

**Removal of redundant crossovers**

16. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, nature strip, kerb and channel to the satisfaction of Boroondara City Council.

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**Number of car spaces required**

17. No fewer than 139 car parking spaces must be provided on the land, without the prior written consent of the responsible authority.

**Number of bicycle spaces required**

18. No fewer than 102 bicycle spaces must be provided on the land, without the prior written consent of the responsible authority.

**Stormwater Management Plan (STMP)**

19. Before the development starts, excluding demolition, bulk excavation and site preparation works, a Stormwater Management Plan (STMP) must be approved and endorsed by the Boroondara City Council, in consultation with Council's Asset and Capital Planning team (Drainage). The STMP must be prepared by a suitably qualified and registered Civil Engineer and be to the satisfaction of Boroondara City Council and must be generally in accordance with the Sustainable Management Plan, prepared by GIW Environmental Solutions, dated 17 March 2026, but amended to show the following:
- a) The use of an On-site Stormwater Detention (OSD) system.
  - b) The connection to the Council nominated Legal Point of Discharge;
  - c) The outfall drainage works necessary to connect the subject site to the Council nominated Legal Point of Discharge;
  - d) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the Environmentally Sustainable Design (ESD) and STORM report and include drainage details as a result of landscaping;
  - e) A suitably prepared design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas;
  - f) All drainage plans must show the Trees to be retained and include the Tree Number; The Structural Root Zone (SRZ) radius; and the Tree Protection Zone (TPZ) radius, as detailed in accordance with the arborist report submitted with the application.
  - g) All drainage plans must show proposed trees to be planted in accordance with the landscape plan submitted with the application.

**Stormwater Management Plan (STMP)**

20. The provisions, recommendations and requirements of the endorsed Stormwater Management Plan, must be implemented and complied with to the satisfaction of the Boroondara City Council.

**Drainage**

21. The site must be drained to the satisfaction of Boroondara City Council.
22. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Council's drains or watercourses during and after development, to the satisfaction of Boroondara City Council.

**Waste Management Plan (WMP)**

23. The provisions, recommendations and requirements of the endorsed Waste Management Plan, prepared by Leigh Design, dated 27 March 2026 (and as amended from time to time), must be implemented and complied with to the satisfaction of the Boroondara City Council.

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**Environmental audit**

24. 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, hereby approved 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.
25. If any of the conditions of the EAS require significant 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 and Boroondara City Council 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.

**External lighting**

26. External lighting of publicly accessible areas must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the responsible authority.

**Reticulated gas connection**

27. Any new dwellings allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 or the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

**Noise control**

28. At all times, noise emanating from the land must comply with EPA Publication 1826.5, to the satisfaction of Boroondara City Council.

**General amenity**

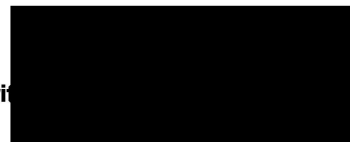
29. The amenity of the area must not be detrimentally affected by the use and development, including through:
- a) The transport of materials, goods or commodities to or from the land.
  - b) Appearance of any building, works or materials.
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin.

to the satisfaction of the Boroondara City Council.

**Anniversary Trail (Crown land)**

30. No encroachment of or formal access to/from the Crown land is to occur because of the use or development.
31. No polluted and/or sediment laden run-off is to be discharged directly or indirectly onto Crown land.

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32. There are to be no services (including but not limited to drainage and storm water) directed to, or located on, Crown land.
33. No pathways are to be created on the Crown land from the adjoining property.
34. There is to be no removal of vegetation from Crown land (with the exception of Tree 45 and the pruning of branches overhanging the title boundary) without prior written consent.

**Head, Transport for Victoria (HTfV) conditions**

35. Prior to the occupation of the development the crossover driveway and all associated works show on plan (basement plan by KTA TP101 dated 20 March 2026) must be constructed to the satisfaction of the Head, Transport for Victoria and the responsible authority, at no cost to the Head, Transport for Victoria.
36. All vehicles associated with the use and development must be able to conveniently enter and exit the subject land in a forward direction to the satisfaction of the responsible authority and the Head, Transport for Victoria.
37. All disused or redundant crossings along Whitehorse Road must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to the Head, Transport for Victoria prior to the occupation of the buildings hereby approved.
38. The permit holder must avoid disruption to tram operation along Whitehorse Road during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of 8 weeks prior.
39. The permit holder must ensure that all track, tram and overhead infrastructure is not altered or damaged. Any alteration or damage to public transport infrastructure must be approved and / or rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

**Expiry – use and development**

40. This permit will expire if one of the following circumstances applies:
- a) The development is not started within three years of the issued date of this permit.
  - b) The development is not completed within five years of the issued date of this permit.
  - c) The use does not start within two years of 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.

**USEFUL INFORMATION:**

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- (the following information does not form part of this permit)
- The permitted use or development may need to comply with, or obtain the following further approvals:
  - A building permit under the *Building Act 1993*.
  - Prior to the issue of a building permit, the owner must obtain the consents from all relevant authorities for any buildings or works, including any paving, fences and landscaping, over any easement or underground services under the control of a public authority including sewers, drains, pipes, wires or cables.
  - Tree Protection Local Law approval from the City of Boroondara, should it be applicable for the removal or lopping of vegetation associated with the development, whether the vegetation is located within or adjoining the subject land.

Head, Transport for Victoria:

- The proposed development requires the construction of a crossover. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact the Department of Transport & Planning prior to commencing any works.

Department of Energy, Environment and Climate Action

- Authorisation is required from the Department of Energy, Environment and Climate Action to use or occupy Crown land. Any access to the Crown land or application to undertake works on Crown land will require landowner consent from DEECA prior to the commencement of works. The permit holder should contact [publicland.portphillip@deeca.vic.gov.au](mailto:publicland.portphillip@deeca.vic.gov.au) to obtain an application form and for information relating to the process.

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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.

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