

PLANNING PERMIT

Permit No.:	PA2402914
Planning scheme:	Monash Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	2B Swanson Crescent Chadstone VIC 3148

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
32.08-10	Construct a building and carry out works for a use in Section 2 of Clause 32.08-2

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.

Bus movements

2. Buses no longer than 10 metres in length may access the subject site, to the satisfaction of the responsible authority.

Landscape Completion and Maintenance

3. An amended Landscape Plan must be submitted to and approved by the responsible authority. The Landscape Plan must show replacement planting to the eastern side of the site adjacent to the new car parking area and the bike/storage shed. This landscaped area to include a minimum of 4 replacement trees, with minimum mature heights of 8 metres, as follows:
 - a minimum of 4 replacement trees, with minimum mature heights of 8 metres, as follows:
 - 2 trees to the north of the car park;
 - 2 to the south of the car park; and
 - larger shrubs like Correas that reach heights of 3 metres, to the east of the new car park.

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4. The landscaping works and irrigation systems must be carried out and completed in accordance with the endorsed plans to the satisfaction of the responsible authority prior to the occupation of the buildings.

Tree Management Plan

5. A Tree Management Plan (TMP) must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of significant trees (as identified in the Arborist Report, prepared by Arcadia and dated April 2024).

The TMP must be approved by the responsible authority prior to the commencement of any works, including demolition and/or levelling of the site. 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 (TPP) drawn to scale that shows:
- Tree protection zones and structural root zones of all trees to be retained;
 - All tree protection fenced off areas and areas where ground protection systems will be used;
 - The type of footings within any tree protection zones;
 - 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; and
 - A notation to refer to the TMP for specific detail on what actions are required within the tree protection zones.
- b) Details of how the root system of any tree to be retained will be managed. This must detail any 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; and
- 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.
- e) The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the responsible authority.



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Trees to be Protected

6. All trees specified in the endorsed arborist report / Tree Management Plan are to be protected and maintained in accordance with the recommendations set out in the report, to the satisfaction of the responsible authority.
7. All existing vegetation shown on the endorsed plans must be suitably marked before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the written consent of the responsible authority.
8. Before any development (including demolition) starts on the land, a tree protection fence must be erected around Trees to define a "Tree Protection Zone" as detailed in the endorsed arborist report. The fence must be constructed as specified in the endorsed arborist report. The tree protection fence must remain in place until all construction is completed on the land, except with the prior written consent of the responsible authority.

Landfill Gas Assessment

9. Prior to the commencement of the development authorised under this permit (excluding works reasonably required to conduct the landfill gas assessment), the permit holder must be to the satisfaction of Monash City Council :
 - a) Engage a professional environmental consultant with demonstrated experience in the assessment of landfill gas in the subsurface environment, to conduct an assessment of any methane within the land, subsurface services and buildings and structures on the land and prepare and submit to the Monash City Council the scope of the proposed risk assessment adopting the methane gas action levels prescribed at items 6 and 7 of schedule 3 of the Environment Protection Regulations 2021 (Vic) as set out below.

<i>Item</i>	<i>Location for assessing methane gas concentration action levels</i>	<i>Methane gas concentration action level</i>
6	Subsurface services on, and adjacent to, the waste	10,000 parts per million
7	Buildings and structures on, and adjacent to, the waste	5000 parts per million

- b) Upon approval of the scope of the risk assessment by the Monash City Council, have the consultant conduct the risk assessment and prepare a report to be submitted to the Monash City Council which contains the consultant's opinion as to any potential risk associated with landfill gas beneath the land and any recommendations for the

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- management or monitoring of the gas. The consultant must provide an opinion on whether further investigation is required, in particular, whether such further investigation should consist of an environmental audit under Part 8.3 of the *Environment Protection Act 2017*.
- c) Implement any recommendations of the risk assessment report.
 - d) If the risk assessment report, or the Monash City Council recommends an audit under Part 8.3 of the Environment Protection Act 2017, the owner or permit holder must:
 - i. engage an environmental auditor appointed under section 53S of the *Environment Protection Act 1970* to prepare and submit to the satisfaction of the Monash City Council a scope of the proposed audit which includes consideration of both landfill gas and odour risk;
 - ii. have the environmental auditor conduct an audit under section 53V of the *Environment Protection Act 1970* in accordance with the agreed scope; and
 - iii. implement any recommendations of the audit report.
 - e) if the risk assessment report or audit report requires ongoing management or monitoring, the owner must enter into an agreement under section 173 of the *Planning and Environment Act 1987* with the Monash City Council requiring the implementation of any ongoing requirements. The owner or permit holder must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Landfill Gas Risk Assessment Peer Review

10. Prior to the commencement of the development authorised under this permit, the owner or permit holder must:
- a) provide to Council a copy of the Landfill Gas Risk Assessment Peer Review (LGRA) undertaken in accordance with condition 9 within 14 days of receiving the LGRA;
 - b) pay Council's costs and expenses associated with a Council-arranged peer review of the LGRA. The peer review will be undertaken by an independent and suitably qualified environmental consultant nominated by Council; and
 - c) obtain a copy of the peer review obtained by Council.

The recommendations of the LGRA, including any requirements arising from the peer review, are to be implemented by the owner or permit holder.

Construction Management Plan

11. Prior to the commencement of any site works (including demolition and excavation), a Construction Management Plan must be submitted and approved by the Monash City Council. No works are permitted to occur until the Plan has been endorsed by the Council. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Council. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
 - b) Measures to control noise, dust and water and sediment laden runoff;
 - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;



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- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Public safety and site security;
- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises.;
- j) A Traffic Management Plan showing truck routes to and from the site;
- k) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- l) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- m) Contact details of key construction site staff;
- n) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- o) Except with the prior written consent of the Council, 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); and
 - No works are permitted on Sundays or Public Holidays.

Drainage

12. Before the development starts, a site layout plan drawn to scale and dimensioned must be approved by the Monash City Council.

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.

The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire site's stormwater must be collected and free drained via a pipe to the 225 mm Council drain in the naturestrip via a 900 mm x 600 mm junction pit to be constructed to Council standards. Note: If the point of connection cannot be located then notify Council's Engineering Department immediately.

13. All on-site stormwater is to be collected from hard surface areas and must not be allowed to flow uncontrolled into adjoining properties or road reserve. The on-site drainage system must prevent discharge from driveways onto the footpath and into the road reserve. Such a system may include either:
- a) trench grates (150mm minimum internal width) located within the property; and/or

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- b) shaping the driveway so that water is collected in a grated pit on the property: and/or
 - c) another Council approved equivalent.
14. Stormwater discharge 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 drainage works commencing.

Commencement

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

Expiry of Permit

16. The development component of this permit will expire if:
- The development is not started within two (2) years of the date of this permit; or
 - The development is not completed within four (4) years of the date of this permit.

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

USEFUL INFORMATION:

(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:
 - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
 - A building permit under the *Building Act 1993*.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit

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 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.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on 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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