

PLANNING PERMIT

Permit No.:	PA2403326
Planning scheme:	Banyule Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	41 The Ridgeway Ivanhoe, VIC

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
32.09-8	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.09-2.
42.01	Construct a building or carry out works.
43.01	Demolish or remove a building and to construct a building or construct or carry out works.
42.03	Construct a building or construct or carry out works.
42.03	Remove, destroy or lop any vegetation.
42.02	Remove, destroy or lop any vegetation.

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.
3. Unless otherwise agreed in writing by the Responsible Authority the development permitted by this permit must not be commenced until:

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- (a) A Construction Management Plan is submitted to and approved to the satisfaction of the Responsible Authority. The Construction Management Plan may be submitted in three stages (demolition, bulk excavation, general construction) and must include:
 - (i) A communication section outlining that it is the responsibility of the Ivanhoe Grammar School to ensure residents are notified prior to each stage of construction activities.
- (b) Demolition works may commence prior to the endorsement of architectural and civil works plans subject to a satisfactory Tree Protection and Management Plan (TPMP) being submitted and approved.
- (c) A satisfactorily detailed TPMP is submitted to and approved to the satisfaction of the Responsible Authority in accordance with Condition 6.

Amended Plans

- 4. Before the development permitted by this permit commences (excluding demolition), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in an electronic format acceptable to the Responsible Authority. The plans must be substantially in accordance with the plans prepared by Wood Marsh dated 20/09/24 submitted with the application but modified to show:
 - (a) Revised material schedule confirming brick to the western elevation is to be hand-laid brick.
 - (b) Any changes required by Condition 7 (SMP).

Development Drainage Plans

- 5. Before the development permitted by this permit commences (excluding demolition), Development Drainage Plans must be submitted to and approved by Banyule City Council. The plans must include:
 - (a) The use of an On-site Stormwater Detention (OSD) system;
 - (b) The connection to a council-nominated Legal Point of Discharge;
 - (c) The integration, details and connections of all Water Sensitive Urban Design (WSUD) features in accordance with the endorsed Sustainability Management Plan (SMP) and STORM report and include drainage details as a result of landscaping;
 - (d) design with computations for the internal drainage and method of disposal of stormwater from all roofed areas and sealed areas.
- 6. Before the development permitted by this permit commences (excluding demolition), a Landscape Plan must be submitted to and approved by the Responsible Authority. The plan

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must be prepared by a suitably qualified landscape architect. The plan must be generally in accordance with the Landscape Concept Plan prepared by Urban Initiatives dated 16/10/24.

- (a) Any amendments required by Condition 4 of this permit;
- (b) The identification of existing vegetation (which is not intended to be removed), and nomination of vegetation for removal throughout the site;
- (c) A climate tolerant planting theme;
- (d) A schedule of all proposed trees, shrubs and ground cover, which includes the location and size at maturity of all plants, botanical names of plants used, and the location of all areas to be covered by grass, lawn or other surface material as specified;
- (e) Tree species and planting locations should avoid canopy or root conflicts with overhead wires, property boundaries and easements;
- (f) Location and details of paving, steps, retaining walls and other landscape works including cut and fill;
- (g) Location, details and cross section drawings of all Water Sensitive Urban Design features in accordance with the endorsed Sustainability Management Plan and STORM report, with reference to connection details on the engineering plans.

Tree Protection & Management Plan

7. Before the demolition permitted by this permit commences, a Tree Protection & Management Plan (TPMP) must be submitted to and approved by the Banyule City Council. The TPMP must be prepared by a suitably qualified arborist, including:
- (a) The management and maintenance of Trees 56-59 and 63;
 - (b) A management regime for all trees during the demolition, construction and post construction phases of the development **must cite, include and consider** all Tree Protection measures;
 - (c) A tree protection plan drawn to scale;
 - (d) All tree protection zones and structural root zones to be indicated on the plan;
 - (e) The design modifications and specific construction techniques set out in the Arborist Report by Evergreen Tree Consulting dated 26/09/24;
 - (f) The types of footings used within tree protection zones which must also be indicated on the plans;
 - (g) Details of how root systems of the trees to be impacted will be managed. This must detail any initial non-destructive trenching (if required) requirements regarding all

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excavations within TPZ's and pruning of any roots required which must be undertaken by the project arborist;

- (h) The location/design of tree protection fencing for retained trees, mulching/ watering requirements and TPZ areas where ground protection systems will be used;
- (i) Tree removal methods for approved vegetation;
- (j) All remedial pruning works that are required to be performed. Details of the pruning must reference Australian Standard AS4373:2007 *Pruning of amenity trees*, and include a detailed photographic diagram specifying what pruning will occur. Any proposed pruning must also consider any scaffolding requirements for construction of dwellings/units, all tree pruning must then be carried out by a suitably qualified Arborist (AQF Level 3, minimum) in accordance with Australian Standard AS4373-2007 *Pruning of Amenity Trees*, and must be restricted to the removal of no greater than 15% of the total live canopy of individual trees unless otherwise agreed in writing by the Responsible Authority;
- (k) Details regarding site access by vehicles, machinery and storage of any related building materials in relation to the TPZ of retained trees;
- (l) Details and location of all underground services in relation to the TPZ of retained trees. Plans must include notations that state all services will either be located outside TPZ's or bored under the tree protection zone unless written approval is received from the responsible authority;
- (m) Supervision timetable and certification (sign off sheet) of all tree management activities undertaken by the project Arborist to the satisfaction of the responsible authority;
- (n) Written confirmation from the project Arborist that the tree management works undertaken are satisfactory and are in accordance with the approved Tree Management Plan must be submitted to the responsible authority, to its satisfaction.

Sustainability Management Plan (SMP)

- 8. Before the development permitted by this permit commences (excluding demolition), an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The SMP must be prepared by a suitably qualified environmental engineer or environmental consultant. The SMP must be generally in accordance with the SMP prepared by NJM Design dated 26/09/24 including (but not limited to):
 - (a) External overhang shading to north facing windows should be shown as a typical cross section to demonstrate appropriate overhang to block high angle summer sun.
 - (b) Consider external shading to east facing windows to prevent morning glare into classroom spaces.

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- (c) Hot water should be centralised heat pump hot water system for maximised energy efficiency, with insulated pipes throughout the building.
- (d) STORM calculation inputs require clarification of how the number of occupants is justified as 100 people, and how the site area around the building has been determined.
- (e) The provided NCC 2022 Section J Assessment does not clearly state the type of heating and cooling systems to be provided, and modelled energy efficiencies.
- (f) A draft Building Users Guide should be provided for review, as claimed in the BESS Report, Management credit 4.1.
- (g) A revised BESS Report should be provided with the Energy credit 1.1 to align with the NCC 2022 Section J Assessment provided using a modelling J1V3 methodology (not the DtS method as noted in the BESS Report).

Environmentally Sustainable Development (ESD) Drawing

9. Before the development permitted by this permit commences (excluding demolition), an Environmentally Sustainable Development (ESD) Drawing must be submitted to and approved by the Responsible Authority. The ESD Drawing must include:
- (a) All features nominated within the associated SMP identified under Condition 8. The drawing(s) must include (but not limited to) the following;
 - i. The Water Efficiency (WELS) Rating for water fixture/fitting and appliances as nominated in their respective locations;
 - ii. Rainwater Tanks volume claimed and end use connections to toilets or irrigation systems;
 - iii. Water Efficient Landscaping design features;
 - iv. The Heating System type and energy rating;
 - v. The Cooling System type and energy rating;
 - vi. The Hot Water unit type and energy rating;
 - vii. Internal lighting type and density of installation required to achieve 4 W/sqm efficiency;
 - viii. The location and system size of the Solar PV systems;
 - ix. The location and depth of external fixed shading;
 - x. Design measures annotated to minimise the urban heat island effect. Roof colour to meet a maximum Solar Absorptance (SA) of 0.70.

Water Sensitive Urban Design (WSUD) Drawing

10. Before the development permitted by this permit commences (excluding demolition), a Water Sensitive Urban Design (WSUD) Drawing must be submitted to and approved by the Responsible Authority. When approved, the WSUD Drawing will be endorsed and will form part of this permit. The WSUD Drawing must include:
- (a) All features nominated within the associated SMP and STORM Report identified under Condition 8, as follows:
 - i. The location and storage volume (Litres) of rainwater storage tank(s), pumps and connections to end-uses, such as toilets, as claimed;
 - ii. A roof plan demonstrating the portion of the roof diverted into the rainwater treatment/storage device;
 - iii. The location and type of any required other proprietary devices employed to improve the quality or reduce the loads of stormwater run-off from the site;
 - (b) A Maintenance Schedule for stormwater treatment devices such as rainwater tanks, toilet connections and raingardens, including responsibility, key serviceable components and frequency of maintenance;
 - (c) STORM Report Rating Identifying a 100% pass mark without the use of SQID's, Buffer Strips and Raingardens where possible.

ESD Certification

11. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), a report from the author of the Sustainability Management Plan (SMP) or a suitably qualified person must be provided to the satisfaction of the Responsible Authority. This report must include suitable evidence to certify that ESD features have been installed. This may include photographic evidence, product specifications and certificates, and invoices/receipts.

ESD Inspection

12. Prior to the issue of Statement of Compliance or Occupation (whichever comes first), the owner or developer must notify Council's Development Planning section that the development is complete to allow for an inspection of ESD features as shown on the endorsed documents. Council will visit the site to inspect or require suitable evidence to be provided, to confirm ESD features have been installed, to the satisfaction of the Responsible Authority.

Building finishes

13. All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to the satisfaction of the Responsible Authority.

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Expiry of Permit

14. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:

- (a) The development is not commenced within two years from the date of permit issue;
- (b) The development is not completed within four years from the date of permit issue.

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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