

Planning and Environment
Regulations 2015

Form 4

Sections 63, 64, 64A and 86

PLANNING PERMIT

Permit No.:	PA2402971
Planning scheme:	Boroondara Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	2 Manningtree Road, Hawthorn (Lot 5 LP4111)

THE PERMIT ALLOWS:

Planning scheme clause No.	Description of what is allowed
	Demolition and buildings and works in association with an existing education centre
32.08-2	Construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.
43.01-1	Demolish or remove a building
43.01-1	Construct a building or construct or carry out works

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.

Layout not Altered

3. The 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.

Date issued: 24 September 2024 Signature for the responsible authority:



Before Demolition

4. Before the development starts, including demolition, bulk excavation and site preparation works, the permit holder must satisfy the responsible authority that substantial progress has been made towards obtaining the necessary building permits for the development of the land generally in accordance with the development of the land proposed under this permit and that the permit holder has entered into a bona fide formal contract for the construction of the development.

Approved and endorsed plans – no changes required

5. Before the development starts, including 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, be generally in accordance with the plans Architectural Plans prepared by Smith + Tracey Architects and dated 16 July 2024.

Landscape plan

6. Concurrent with the endorsement of plans, landscape plans must be approved by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale and be generally in accordance with the plans prepared Jeavons Landscape Architects and dated 12 March 2024.

Heritage

7. Before the development starts, including demolition, bulk excavation and site preparation works, the Heritage Impact Statement must be approved and endorsed by the Responsible Authority. The report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Heritage Impact Statement prepared by Urbis and dated 3 June 2024.

Conservation Management Plan

8. Before any other plans are endorsed under this permit, a conservation management plan, 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 show the following details:
 - a) identify the buildings and works to be conserved and include:
 - i. window and door repairs/restoration
 - ii. external joinery restoration
 - iii. stripping of painted brickwork
 - iv. fence design



- b) Details of how the retained portion of the heritage building is going to be supported during demolition, excavation and construction works. This detail must be supported through a Structural Engineering Report;
- c) Detailed construction drawings; and
- d) Comprehensive colour photographic record of the heritage building recording the interior and exterior of the building and accompanied by plans indicating the located of the photographs.

Tree protection during construction

9. Before the development including demolition starts, a tree protection fence must be erected around Trees #1, #2, #6 and #7 in accordance with Section 12.2 of the Tree Management Plan prepared by Greenwood Consulting and dated 6 May 2024 to establish a 'Tree Protection Zone'.

The City of Boroondara may consent in writing to vary the Tree Protection Zone(s).

Tree Management Plan

10. Before the development starts, including demolition, bulk excavation and site preparation works, a Tree Management Plan 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, be generally in accordance with the arborist report prepared by Greenwood Consulting and dated 6 May 2024.

Waste Management Plan

11. Before the development starts, including demolition, bulk excavation and site preparation works, a waste management plan (WMP) 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, be generally in accordance with the WMP prepared by Rossbourne School and dated 16 June 2024.

Sustainable Management Plan

12. Before the development starts, including demolition, bulk excavation and site preparation works, a Sustainability Management Plan (SMP) or Sustainable Design Assessment (SDA) 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, be generally in accordance with the SDA prepared by Sustainable Design Consultants and dated May 2024.

Pruning of trees to be retained

13. Any pruning that is required to be done to the canopy of any 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 responsible authority.

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Any pruning of the root system of any tree to be retained must be done by hand by a qualified arborist, to the satisfaction of the responsible authority.

Lighting

14. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the responsible authority.

Civil Development

15. Provision must be made for the drainage for proposed development including landscaped and paved areas, all to the satisfaction of the Boroondara City Council.

The connection of the internal drainage infrastructure to the Legal Point of Discharge must be to the satisfaction of the Boroondara City Council.

Collected stormwater must be retained onsite and discharged into the drainage system at pre-development peak discharge rates as stated in the Legal Point of Discharge approval letter.

Approval of drainage plan including any retention system within the property boundary is required.

Expiry

16. This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:
- a) The development is not started within 3 years of the issued date of this permit.
 - b) The development is not completed within 6 years of the issued date of this permit.

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.

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USEFUL INFORMATION:

(the following information does not form part of this permit)

- *These notes are provided for information only and do not constitute part of this permit or conditions of this permit.*
- *This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the permit holder must apply for and obtain appropriate building approval from a Registered Building Surveyor.*
- *The permit holder will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the permit holder and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.*
- *Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.*
- *This planning permit does not represent the approval of other departments of the Boroondara City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit*

Date issued: 24 September 2024 **Signature for the responsible authority:**



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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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**.)

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.

Date issued: 24 September 2024 Signature for the responsible authority:

