

# ADVERTISED COPY

Section 63, 64, 64A and 86 Reg 22  
Form 4

## PLANNING PERMIT

Permit No.: **TPA/55019**  
Planning Scheme: **Monash Planning Scheme**  
Responsible Authority: **Monash City Council**

### ADDRESS OF THE LAND

300 Highbury Road MOUNT WAVERLEY VIC 3149

### THE PERMIT ALLOWS

construction of two (2) dwellings on a lot and removal of 1 tree in a VPO

Planning Scheme Clause No.	Description of what is allowed
32.08-7	Construction of two or more dwellings on a lot
42.02-2	Remove one tree

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

#### Amended Plans

1. Before the development starts, amended plans drawn to scale and correctly dimensioned must be submitted to the satisfaction of and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the Permit. The plans must be generally in accordance with the plans submitted to Council prepared by Jova Drafting Revision B dated April 2023 and including sheets 1 to 6, but modified to show:
  - a) Notations to confirm that the existing crossover includes a minimum width of 3 metres and would not be modified as part of the development.
  - b) The internal garage door for Dwelling 1 must not open into the internal garage space.
  - c) A notation to confirm that the existing brick retaining wall at the front of the site will be retained.
  - d) The setback of the first floor of Dwelling 1 to the western property boundary to be increased to a minimum of 5.1 metres.
  - e) The wall for the Dwelling 2 garage to be constructed on the western property boundary is to include a maximum height of height of 3.6 metres, including the parapet sections.

Page 1 of 8

Date issued:  
2 April 2024

Signature for the  
Responsible Authority:

*Di Stanley*

# PLANNING PERMIT

No. TPA/55019

- f) The ground floor and elevation plans are to show the location and height of all retaining walls and these plans are to be consistent.
- g) The finished floor level of Dwelling 2 including the garage and the overall height of the dwelling are to be reduced by 0.3 metres.
- h) The northern elevation of Dwelling 2 is to show the floor level of the garage and the slope of the accessway.
- i) A southern elevation of Dwelling 1 is to be provided and to include the floor level of the garage and the slope of the accessway.
- j) The west facing first floor bedroom window in Dwelling 2 is to include privacy screening or fixed obscure glazing to 1.7 metres above finished floor level, unless an overlooking diagram can demonstrate minimal overlooking impacts to the adjoining property.
- k) The side boundary fence heights are to be shown on the relevant elevation drawings.
- l) The proposed construction materials are to be consistently shown in the materials schedule and the elevation drawings.
- m) The location and design of any proposed electricity supply meter boxes. The electricity supply meter boxes must be located at or behind the setback alignment of buildings on the site, or in compliance with Council's "Guide to Electricity Supply Meter Boxes in Monash".
- n) Provision of a screen with a maximum of 25% transparency affixed to a sturdy free-standing frame above and immediately adjacent to the eastern boundary fence to an overall height of 2.1 metres above natural ground level, adjacent to the habitable room windows and SPOS areas of the new dwellings.
- o) A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road (where practicable). The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
- p) Trees numbered in accordance with the Arborist Report prepared by Paul Jameson of Bluegum dated 20 September 2023 and clearly identified to be 'retained' or 'removed'.
- q) The location of Tree Protection Zones and Tree Protection Fencing as outlined within the Arborist Report prepared by Paul Jameson of Bluegum, including a notation that all recommendations as per the Arborist report are to be carried out to the satisfaction of the Responsible Authority.

# PLANNING PERMIT

**No. TPA/55019**

r) A Landscape Plan in accordance with condition 4 of this Permit.  
all to the satisfaction of the Responsible Authority.

## **Layout not to be Altered**

2. The development and use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

## **Compliance with Documents Approved under this Permit**

3. 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.

## **Landscape Plan**

4. Concurrent with the endorsement of any plans requested pursuant to Condition 1, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by Bradbury Culina dated 19 December 2023 except that the plan must be modified to show:

a) The location of all retaining walls to be constructed at the site.

When approved the plan will be endorsed and will then form part of the permit.

5. Before the occupation of any of the buildings allowed by this permit, 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

## **Tree Protection**

6. Before any development (including demolition) starts on the land, a tree protection fence must be erected around all trees that are to be retained, or are located within or adjacent to any works area (including trees on adjacent land). 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.

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.

# PLANNING PERMIT

**No. TPA/55019**

7. 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 Responsible Authority.

## **Landscaping Prior to Occupation**

8. Before the occupation of any of the buildings allowed by this permit, 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.

## **Drainage**

9. 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.
10. 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 the Responsible Authority.
11. 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.
12. A plan detailing the stormwater drainage and civil works must be submitted to and approved by the 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).

## **Vehicle Crossovers**

13. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.
14. Any new vehicle crossover or modification to an existing vehicle crossover must be constructed to the satisfaction of the Responsible Authority.

# PLANNING PERMIT

No. TPA/55019

15. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority. All disused or redundant vehicle crossovers must be removed and the area reinstated with footpath, naturestrip, kerb and channel to the satisfaction of the Responsible Authority.

## Privacy Screens

16. Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.

## Boundary Walls

17. The walls on the boundary of adjoining properties shall be cleaned and finished in a manner to the satisfaction of the Responsible Authority.

## Reticulated Gas Service Connection

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

## Satisfactory Continuation and Completion

19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

## Time for Starting and Completion

20. 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 started before 2 years from the date of issue.
- b) The development is not completed before 4 years from the date of issue.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or

# PLANNING PERMIT

**No. TPA/55019**

- (i) within six (6) months afterwards if the development has not commenced; or
- (ii) within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

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## Permit Notes

- A. Building permit approval must be obtained prior to the commencement of the approved works.
- B. Building Permit approval for this development must take into consideration the location of future subdivision boundaries and their compliance with the Fire Separation Provisions of the Building Code of Australia, including Separating Walls and Openings near Boundaries, as well as the requirements of the Building Regulations.
- C. The design parameters for the internal detention system are to be obtained from Council's Engineering Department ([mail@monash.vic.gov.au](mailto:mail@monash.vic.gov.au)). In some circumstances a drainage contribution may be accepted in lieu of a detention system. This drainage contribution is based on the proposed hard surfaced areas and is calculated at the time of the drainage plan approval.
- D. Engineering permits must be obtained for new or altered or removal of vehicle crossings, works within the Road Reserve and for connections to Councils drains / Council pits / Kerb & Channel and these works are to be inspected by Council.
- E. Prior to the issue of a building permit, the owner must obtain the consents of 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.
- F. No work must be commenced in, on, under or over the road reserve without having first obtaining all necessary approval under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts.
- G. The full cost of reinstatement of any Council assets affected by the demolition, building or construction works, must be met by the permit applicant or any other person responsible for such works, to the satisfaction of the Responsible Authority.

# PLANNING PERMIT

**No. TPA/55019**

- H. A drainage contribution may be accepted in lieu of a detention system. The contribution is based on the hard surfaced areas and is calculated at the time of the drainage plan approval.
- I. Prior to the issue of a building permit, the owner must obtain the consents of 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.
- J. Tree planting should be kept clear of any drainage easement.
- K. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.
- L. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.
- M. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001 - Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.

## 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 5 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 an application for review 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.