

City of Whitehorse

PLANNING PERMIT

Permit Number: WH/2015/715
(Amended)
Planning Scheme: Whitehorse
Responsible Authority: City of Whitehorse

ADDRESS OF THE LAND:

12-14 NELSON ROAD, BOX HILL (CP 103026 4)

THE PERMIT ALLOWS:

Construction of a Part 19, Part 20 storey building, comprising dwellings, food and drink premises (café), and office, with basement car park, use of the building for accommodation (dwellings and residential hotel – serviced apartments), and reduction of the parking requirements of Clause 52.06 of the Whitehorse Planning Scheme, generally in accordance with the endorsed plans and subject to the following conditions.

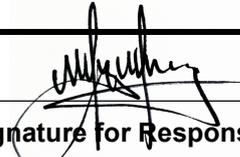
THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and development starts, but excluding the works detailed in the Early Works Plan, amended plans and documents (two full size copies and one A3 size copy) must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale, with dimensions, and be generally in accordance with the Revision 04 dated 12 July 2016, but modified to show:
 - a) An amended Waste Management Plan is to be provided to the satisfaction of the Responsible Authority.
 - b) Recommendation of the LID Consultants in their revise Waste Management Plan dated 5/10/16 to be shown and notated on the plans.
 - c) A minimum of seven (7) dwellings within the podium to be clearly designated as being for social/affordable housing.
 - d) Notation that the pedestrian access between Nelson Road and Shipley Street to be available for public use between the hours of 7.30am to 7.30pm Monday to Sunday.
 - e) The location columns in with the car park to be in accordance with the requirements of Clause 52.06 of the Whitehorse Planning Scheme, or the satisfaction of the Responsible Authority.
 - f) Ramp grades in accordance with Clause 52.06-08 of the Whitehorse Planning Scheme and Section 2.5 and 3.3 of Australian Standard AS 2890.1. This is to be demonstrated by provision of a longitudinal section of the proposed inner radius of the ramps.
 - g) The vertical headroom at the entry point and throughout the car park is to be a minimum of 2.2m, and is to be demonstrated by the provision of longitudinal sections.
 - h) The available sight distance at access driveways to Shipley Street is to be in accordance with Clause 52.06 of the Whitehorse Planning Scheme.

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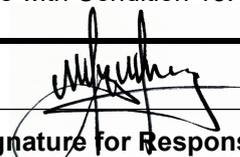
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- i) Alterations to plans to show the requirements of the Parking Management Plan and Green Travel Plan, where relevant.
- j) Any modifications to the plans as required by the recommendations of the amended wind report as required by Condition 13.
- k) Provision of plans detailing treatments and finishes for treatment of/reinstatement of Council Land from the property boundaries to back of kerb for Nelson Road and Shipley Street in accordance with Condition 11.
- l) Development plans updated to include all of the relevant requirements of the Lighting Strategy as required by Condition 21.
- m) A detailed schedule and samples of all external materials, colours and finishes, including fine grain details of façade treatments such as door and window openings at all levels but particularly at the ground and first floor levels which interface with Nelson Road and Shipley Street. Consideration should be given to energy efficiency properties, durability and maintenance requirements of selected colours and finishes.
- n) Development plans to reflect requirements of the submitted Acoustics and Vibration Assessment as required by Condition 42.
- o) Development plans to reflect all sustainability features indicated in the Sustainability Management Plan (SMP) required by Condition 18. Where features cannot be visually shown, include a notes table providing details of the requirements (i.e. energy and water efficiency ratings for heating/cooling systems and plumbing fittings and fixtures, etc.).
- p) A Landscape Plan in accordance with Condition 8, including the following:
 - i. Specify the maximum depth of the rooftop reflection pond and a notation that the water body is to be compliant with relevant building and/or safety standards.
 - ii. Provide a typical detail for tree planting including tree anchoring system and infrastructure to ensure tree health and stability.
 - iii. Specify location and type of trees for podium planting.
 - iv. Substitute species for *Hedera helix* (which is an environmental weed in the City of Whitehorse).
 - v. Notation to Nelson Road and Shipley Street frontages that reinstatement of Council land from title boundary to back of kerb is to be in accordance with the requirements of the Responsible Authority and in keeping with the Box Hill Urban and Landscape Design Guidelines.
- q) Provision of a report from a Licensed Building Surveyor and a suitably qualified Mechanical Plant Engineer demonstrating that the proposal is compliant with relevant regulations for ventilation of car parking spaces and vehicle access ways, and that the ventilation openings on the northern elevation of the building can be appropriately fire rated.
- r) The following reports to be amended or endorsed as required will form part of the endorsed documentation:
 - i. Waste Management Plan in accordance with Condition 26.
 - ii. Landscape plan in accordance with Condition 8
 - iii. Landscaping Maintenance Plan in accordance with Condition 10.
 - iv. Amended Wind Report in accordance with Condition 13.

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- v. Sustainability Management Plan (SMP) in accordance with Condition 18.
- vi. Lighting Strategy in accordance with Condition 21.
- vii. Parking Management Plan in accordance with Condition 23.
- viii. Green Travel Plan in accordance with Condition 24.
- ix. Acoustics and Vibration Assessment in accordance with Condition 42.

All of the above must be to the satisfaction of the Responsible Authority. Once approved these plans and documents become the endorsed plans of the permit.

- 2. The layout and operation of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plans and documents, and must not be altered or modified without the further written consent of the Responsible Authority.
- 3. The rooftop garden areas, lounge, dining area and gym at Level 19 (Roof Deck Plan) must be available for use by all residents.

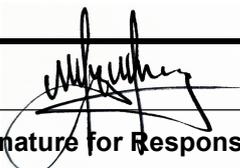
Affordable Housing

- 4. A minimum of seven (7) dwellings are to be donated to a registered housing association to the satisfaction of the Responsible Authority, in accordance with the Affordable Housing Report, prepared by Urbanxchange dated April 2016.
- 5. **Prior to registration of the plan of subdivision for the development, the owner must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 in respect of the seven (7) dwellings set aside for affordable/social housing on the endorsed plans ("Affordable Housing Lots") requiring that:**
 - a) **unless the Responsible Authority agrees otherwise in writing, the Affordable Housing Lots must be made available to rent to a tenant who is a woman-headed household;**
 - b) **the Affordable Housing Lots must at all times be owned and managed by a Registered Housing Agency (within the meaning of the Housing Act 1983) and tenanted in accordance with the relevant performance standards set pursuant to section 94 of the Housing Act 1983 or other applicable legislation, as amended from time to time;**
 - c) **the agreement will apply for a period of 15 years commencing from registration of the plan of subdivision, after which time it will cease to apply;**
 - d) **upon registration of the agreement, any prior agreement which relates to the provision of affordable housing and which is registered on title to the Affordable Housing Lots under section 173 of the Planning and Environment Act 1987 is to be removed; and**
 - e) **the cost of preparing and registering the agreement is to be paid by the permit holder.**

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Property

5. Prior to commencing any buildings and works, but excluding the works detailed in the Early Works Plan, within the Nelson Road and Shipley Street reserves or any buildings and works that will result in intrusions into the road reserve, the owner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The agreement must bind the respective Owners and Owner's successors in title for each of the dwellings. The agreement must provide that:
- a) The Owners and its successors are responsible to ensure any intrusions into Nelson Road and Shipley Street reserves are maintained to the satisfaction of the Responsible Authority.
 - b) The Owners and its successors must ensure that the public liability insurance of the building covers any structures intruding into Nelson Road and Shipley Street reserves to the satisfaction of the Responsible Authority.

The cost of the preparation or review of the agreement pursuant to Section 173 of the Planning & Environment Act 1987 and the cost of registering the agreement under Section 181 of the Planning and Environment Act 1987 must be borne by the owner of the land.

6. Prior to the commencement of any buildings and works, but excluding the works detailed in the Early Works Plan, a carriageway easement the width of the publicly accessible pedestrian path and associated landscaping along the southern boundary of the subject site benefiting the City of Whitehorse must be obtained

Landscaping

7. No building or works are to be commenced, except works detailed in the Early Works Plan, until a landscape plan prepared by a suitably qualified and experienced person or firm has been submitted to and endorsed by the Responsible Authority. This plan when endorsed will form part of this permit. This plan shall show -
- The proposed design features such as paths, planting containers, paving, and street furniture.
 - A planting schedule of all proposed vegetation (trees, shrubs and ground covers) which includes, botanical names, common names, pot size, mature size and total quantities of each plant.
 - Details of containerised planting and anchoring of trees.

Landscaping in accordance with this approved plan and schedule must be completed before the building is occupied. Once approved these plans become the endorsed plans of this permit.

8. The garden areas and street plantings shown on the endorsed plan and schedule must only be used as gardens and must be maintained in a proper, healthy and orderly condition at all times to the satisfaction of the Responsible Authority. Should any tree or plant be removed or destroyed it must be replaced by a similar tree or plant of similar size and variety.
9. Prior to the commencement of the development, except works detailed in the Early Works Plan, a Landscaping Maintenance Plan, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The landscaping maintenance plan must include, but is not limited to:
- a) Irrigation system/program for street trees and street level garden beds, including details of frequency and water delivery method.

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10. Prior to the occupation of the approved building, the road reserve between the subject site and the kerb along the Nelson Road and Shipley Street frontages must be constructed and laid out in accordance with the endorsed plans to the satisfaction of the Responsible Authority. The design and materials must be consistent with the Box Hill Urban Landscape Design Guidelines Urban Core Treatment, to the satisfaction of the Responsible Authority.
11. No street tree may be removed without the prior written consent of the Responsible Authority.

Wind Report

12. Prior to the commencement of the development, except works detailed in the Early Works Plan, an amended wind report, prepared by a suitably qualified consultant, must be submitted to the Responsible Authority. The amended report must include additional wind amelioration measures to the satisfaction of the Responsible Authority

The recommendations of the wind report must be implemented such that:

- a) There is no cost to the Responsible Authority,
- b) They do not rely on the provision of street trees for wind mitigation, and
- c) There is no reliance on the provision of vertical baffles on public land, except where all appropriate approvals have been obtained from all relevant authorities and land managers and approval also granted by the Responsible Authority.
- d) Consent and the appropriate approvals must be obtained from Whitehorse City Council for all wind amelioration features that protrude into or over the west, and east property boundaries.

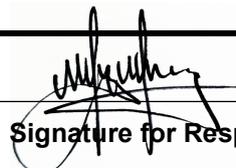
Building Services

13. The development must provide the capacity for television signal distribution to each dwelling unit and any satellite dish, antenna or similar structure must be designed and located at a single point to the satisfaction of the Responsible Authority.
14. All building plant and equipment on the roofs, balcony areas, common areas, public thoroughfares is to be concealed to the satisfaction of the Responsible Authority. Noise emitting plant equipment such as air conditioners, must be shielded with acoustic screening to prevent the transmission of noise having unreasonable amenity impacts. The construction of any additional plant, machinery or other equipment, including but not limited to all service structures, down pipes, aerials, satellite dishes, air-conditioners, equipment, ducts, flues, all exhausts including car parking and communication equipment must include appropriate screening measures to the satisfaction of the Responsible Authority.
15. All mechanical exhaust systems for the car park hereby approved must be located and sound attenuated to prevent noise and general nuisance to the occupants of the surrounding properties, to the satisfaction of the Responsible Authority.
16. Mail boxes are to be accessible for deliveries between the hours of 6am – 6pm Monday to Friday.

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Environmentally Sustainable Development

17. Prior to the commencement of any buildings or works, except works detailed in the Early Works Plan, a Sustainability Management Plan must be submitted to and approved by the Responsible Authority.

Once submitted and approved to the satisfaction of the Responsible Authority, the Sustainability Management Plan will form part of the endorsed plans under this permit.

The requirements of the Sustainability Management Plan must be demonstrated on the plans and elevations submitted for endorsement, and the requirements of this plan must be implemented by the building manager, owners and occupiers of the site when constructing and fitting out the residential building, and for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

18. All works must be undertaken in accordance with the endorsed Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority, and the approved building must operate in accordance with this Plan, to the satisfaction of the Responsible Authority. No alterations to the SMP may occur without the written consent of the Responsible Authority.
19. Prior to the occupation of any dwelling approved under this permit, a report from the author of the Sustainability Management Plan (SMP) report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the SMP have been implemented in accordance with the approved plan.

Lighting Strategy

20. Prior to the commencement of the development, except works detailed in the Early Works Plan, a Lighting Strategy must be prepared to the satisfaction of the Responsible Authority. The Lighting Strategy must provide details of lighting within the publicly accessible walkway on the southern side of the building between Nelson Road and Shipley Street, and must be prepared in accordance with the Safety By Design Guidelines to the satisfaction of the Responsible Authority.

All external lights must be of a limited intensity and must ensure no unreasonable nuisance is caused to adjoining or nearby residents.

This lighting must be maintained and operated for the life of the building to the satisfaction of the Responsible Authority.

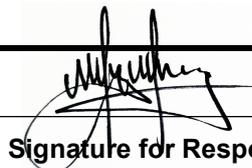
Car Parking

21. The car parking areas and accessways as shown on the endorsed plans must be formed to such levels so that they may be used in accordance with the plan, and must be properly constructed, surfaced, drained and line-marked (where applicable). The car park and driveways must be maintained to the satisfaction of the Responsible Authority.
22. Prior to the commencement of buildings or works on the land, except works detailed in the Early Works Plan, a Parking Management Plan, detailing how car and bicycle parking areas, accessways and loading bays will be allocated and managed, must be submitted to and approved by Council.

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Condition 23 (Continued)

This plan is to be to the satisfaction of the Responsible Authority and must include, but is not limited to, the following:

- a) Provision of 14 car spaces dedicated to visitors.
- b) Allocation of all parking spaces (except, visitor, and disabled spaces) to individual dwellings and tenancies. Each space within the tandem parking bays must be allocated to the same dwelling/tenancy.
- c) Allocation of bicycle spaces.
- d) Signing of car and bicycle parking spaces.
- e) Location and face of bicycle parking signs in accordance with Clause 52.34-5
- f) Line marking of parking spaces.
- g) Details of how access to car spaces, disabled car spaces and bicycle spaces will be achieved by visitors (i.e. an intercom) and how parking will be secured.
- h) Detail of any access controls to the parking area, such as boom gates, which must take into account the required queue length as per section 3.4 of Australian Standard AS 2890.1.
- i) Details of how access to the loading bay and waste collection area will be achieved by delivery vehicles and waste collection vehicles (i.e. an intercom) and how these areas will be secured.
- j) Details of signage or alternate measures to require that delivery and waste vehicles reverse into the loading area and exit the site in a forwards direction.

Once submitted to and approved by the Responsible Authority the Parking Management Plan will form part of the documents endorsed as part of this planning permit.

When approved the Parking Management Plan will form part of this permit and must be implemented to the satisfaction of the Responsible Authority.

Green Travel Plan

23. Prior to the commencement of the development, except works detailed in the Early Works Plan, a Green Travel Plan must be prepared to the satisfaction of the Responsible Authority. The Green Travel Plan must include details of the proposed design initiatives and sustainable management practices to reduce car usage and improve sustainable transport options (including walking, cycling, public transport, car sharing and car-pooling) available to residents and visitors

When approved to the satisfaction of the Responsible Authority, the plan will be part of the documents endorsed as part of this planning permit. The Green Travel Plan must be implemented to the satisfaction of the Responsible Authority.

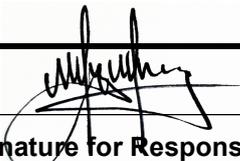
Loading/unloading

24. The loading and unloading of goods from vehicles must only be carried out within the boundaries of the site or a dedicated loading bay and must not unreasonably impede access along Shipley Street or Nelson Road.

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Waste Management Plan

25. Waste collection is to be managed in accordance with the approved Waste Management Plan, unless with the written consent of the Responsible Authority.

The Waste Management Plan must form part of the documents endorsed as part of this planning permit.

The requirements of the Waste Management Plan must be implemented by the building manager, owners and occupiers of the site for the duration of the building's operation in accordance with this permit, to the satisfaction of the Responsible Authority.

Construction Management Plan

26. Prior to the commencement of buildings or works on the land, a Construction Management Plan, detailing how the owner will manage the environmental and construction issues associated with the development, must be submitted to and approved by Council.

This plan is to be to the satisfaction of the Responsible Authority and must be prepared in accordance with the City of Whitehorse Construction Management Plan Guidelines.

Once submitted to and approved by the Responsible Authority the Construction Management Plan will form part of the documents endorsed as part of this planning permit.

When approved the Construction Management Plan will form part of this permit and must be complied with, to the satisfaction of the Responsible Authority, to the extent that this is in the control of the owner of the land. The owner of the land is to be responsible for all costs associated with the works to be undertaken in accordance with the requirements of the Construction Management Plan.

Drainage

27. All stormwater drains must be connected to a point of discharge to the satisfaction of the Responsible Authority.
28. Detailed plans and computations for stormwater on-site detention (if required) and connection to the legal point of discharge must be prepared by a registered consulting engineer (who is listed on the Engineers Australia National Professional Engineer Register) and submitted for approval by Responsible Authority prior to the commencement of any works, except works detailed in the Early Works Plan.
29. Stormwater connection to the nominated point of discharge and stormwater on-site detention (if required) must be completed and approved to the satisfaction of the Responsible Authority prior to any occupation of the building.
30. Stormwater that could adversely affect any adjacent land must not be discharged from the subject site onto the surface of the adjacent land.

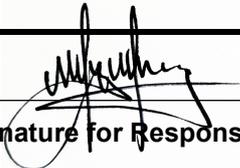
Alterations/Reinstatement of Assets

31. Council requirements for reinstatement of civil assets are to be determined prior to approval of Construction Management Plan, to be confirmed with the developer/contractor. The developer/contractor is to contact the Engineering Asset Team to confirm the reinstatement conditions.

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32. The developer/contractor will be required to submit a Report regarding any pre-existing damage to Council assets (Dilapidation Report), prior to the Asset Protection Permit being issued and the Protection Work Notice is signed off (if required). Please note that this Report will have to show all of the Council assets adjoining to the property boundary.
33. Additional information may be required once an assessment of the proposed protection work has been completed.
34. If any works are to be undertaken in the road reserve related to the project, the applicant is required to obtain the Consent to Undertake Works in the Road Reserve (Road Opening Permit) for any new, altered or deleted vehicle crossing, water or drain tapping or other opening within a road reserve or laneway. Please note that this is a separate process to the Asset Protection Permit.
35. If any damage to Council trees occurs during the building works, full amenity value of the trees will be charged to the applicant. If any trees have to be removed as a part of this project, amenity value of the trees has to be paid in full to the Council Parkside Department prior to the commencement of works. Please contact Parkside Department on 9262 6289 if the removal of the trees is required or if any works related to this development is going to impact on trees. A security deposit for tree protection may be requested.
36. Access to the development must be resolved within the development site. No provision for access and/or Disability Discrimination Act (DDA) compliance will be permitted external to the site being within any adjacent road reserve, right-of-way, reservation or other land owned or managed by Whitehorse City Council as may be applicable.
37. Except with the approval of the relevant authorities, no alteration to existing interface levels will be permitted other than to maintain or introduce adequate and consistent road reserve cross fall and longitudinal fall, all to the satisfaction of the Responsible Authority.
38. The Applicant/Owner must be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Applicant/Owner shall be responsible to obtain an "Asset Protection Permit" from Council at least 7 days prior to the commencement of any works on the land and obtain prior specific written approval for any works involving the alteration of Council or other Public Authority assets.

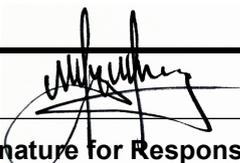
Amenity

39. The amenity of the area shall not be detrimentally affected by the development, through:
 - a) Transportation 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
 - e) In any other way.

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40. The development of the site must not cause nuisance or be detrimental to the amenity of the neighbourhood by the emission of noise. In this regard the emission of noise shall comply with the provisions of the Environment Protection Act 1970 (as amended) and the policies of the Environment Protection Authority.
41. All serviced apartments must be leased to and managed by a single management entity.

Acoustic Treatment

42. Prior to the commencement of the development, except works detailed in the Early Works Plan, an Acoustics and Vibration Assessment prepared by a suitably qualified acoustics engineer must be submitted to, and be to, the satisfaction of the Responsible Authority documenting acoustic mitigation measures to be implemented in the building to achieve compliance with the Australian Standards.
43. Prior to the occupation of the development, a letter of confirmation from a suitably qualified Acoustic Consultant must be submitted for approval by the Responsible Authority to certify that the development has been constructed in accordance with the updated Acoustics and Vibration Assessment.

Expiry

44. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within three (3) years from the date of issue of this permit;
 - b) The development is not completed within three (3) years from the commencement of the development.
 - c) The use has not commenced within three (3) years from the commencement of the development.

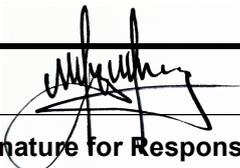
The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

45. Except with the consent of the Responsible Authority, prior to the commencement of any buildings or works, an Early Works Plan must be prepared to the satisfaction of the Responsible Authority. The Early Works Plan must provide details of all works which comprise the 'early works', including, but not limited to:
- a) Piling works (Bored Piers) including Capping Beams;
 - b) Retention system including shotcrete walls and rock anchors;
 - c) Bulk excavation;
 - d) Detailed excavation;
 - e) Excavation and pouring of Pad footings, and pile caps;
 - f) Civil drainage to retention system and under Level Three Basement;
 - g) Crane Pad Footing System.

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This Permit has been amended as follows:

Date	Description of Amendment
<p>9 January 2017</p>	<p>Amendment/s to plans and permit under Section 72 of the Act:</p> <ul style="list-style-type: none"> • Amendment to Condition 1 to reference new waste requirements. • Amendments to the plans including: <ul style="list-style-type: none"> - Increase in the overall number of apartments from 148 to 168 - Decrease the number of car spaces from 180 to 177 - Alterations to apartments configurations including increasing the number of 1 and decreasing the number of 2 bedrooms, and changes to the orientation and/or size of balconies. - Alterations to layout of roof top communal space. - Alterations to layout of offices and common property including additional corridors to allow for access to both sets of stair cases for commercial and residential to meet building regulations. - Alterations in parking layout, in part to accommodate BCA fire rating issues preventing openings on north boundary. - Relocation of gas metres. - Increase in overall height of the building by 0.55 metres
<p>10 August 2017</p>	<p>Amendment/s to Permit under Section 71 & 72 of the Act:</p> <ul style="list-style-type: none"> • Amendment to Conditions 1,5, 6, 7, 8, 10, 13, 18, 21, 23, 2, 29, and 42 in relation to early works only 9 in relation to Dwelling 1 only. • Addition of Condition 45 – Early works. • Endorsement of an Early Works Plan
<p>9 January 2018</p>	<p>Amendments to Permit under Section 72 of the Act:</p> <ul style="list-style-type: none"> • Amendment to Permit preamble. • Addition of Condition 42 and subsequent renumbering of conditions.
<p>15 July 2019</p>	<p>Amendments to plans under Section 72 of the Act:</p> <ul style="list-style-type: none"> • Introduction of a south-facing window to Dwelling 6.01 and consolidation of units; • Reallocation of 'social housing' dwelling; • Consolidation of internal office areas/layout at levels 1, 2 & 3; and • Changes to external materials.
<p>15 August 2019</p>	<p>Amendments to Condition 5 under Section 72 of the Act.</p>
<p>20 May 2020</p>	<p>Amendment endorsed plans under Section 72 of the Act:</p> <ul style="list-style-type: none"> • Amended plans, associated with dwelling/apartment 4.01 to incorporate glass screens (wind protection measure), above existing balustrade

Permit Notes

Street Trees

1. Please contact Council's Parkside Department regarding works involving any street trees. Tree protection works or approval for removal of street trees may be required.

Engineering/Assets

2. Soil erosion control measures must be adopted at all times to the satisfaction of the Relevant Authority during the construction stages of the development. Site controls and erosion minimisation techniques are to be in accordance with the EPA (Environment Protection Authority) Victoria "Environmental Guidelines for Major Construction Sites". The works during and after construction must comply with the above guidelines and in potentially high erosion areas a detailed plan may be required to indicate proposed measures and methodology.
3. The property owner/builder is to obtain the relevant permits and consents from Council in relation to asset protection, drainage works in easements and works in the road reserve prior to the commencement of any works.
4. All stormwater drainage within the development site and associated with the building(s) (except for an on-site detention system and connection to the nominated legal point of discharge within the site) must be approved and completed to the satisfaction of the Building Surveyor prior to the occupation of the building(s), in accordance with the provisions of the Building Regulations (2006) section 610.
5. The surface treatment and design of all crossovers and driveways must be of materials submitted to and approved by the Responsible Authority and must be constructed in accordance with the submitted details.
6. Any proposed vehicle crossing must adhere to Whitehorse Council's – Vehicle Crossing General Specifications.
7. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be financed by the developer.
8. Any services that need to be removed and relocated due to the location of the proposed vehicular crossing must be approved by the Responsible Authority prior to endorsement of the plans

Property

9. This is a town planning permit only. It does not and should not be taken as authorising the occupation of or carrying out of works upon or over land or airspace not under the ownership or control of the permit holder. The permit holder must satisfy that it holds the permissions or interests necessary to carry out the use and/or development.

In respect to any intrusions into the Nelson Road and Shipley Street Reserves, the owner of the property will be required to enter into a Section 173 Agreement with Council, acting as the Road Authority for Nelson Road.

Car Parking

10. Residents of this development and their visitors will not be eligible for Residential Parking Permits.

IMPORTANT INFORMATION ABOUT THIS NOTICE

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:
 - the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

A permit for 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**.

A permit for the use of the 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.

A permit for 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 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.

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 a permit contains a different provision –

- the use or development of any stage is to be taken to have started when the plan is certified; or
- the permit expires if the plan is not certified within two years of the issue of the permit.

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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in which case no right of appeal 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 appeal 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. The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne. The telephone number is (03) 9628 9777.