



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

ADDRESS OF THE LAND:

~~1157-1165-1161~~ Burwood Highway, UPPER FERNTREE GULLY VIC 3156

THE PERMIT ALLOWS:

Use and development of the site for a childcare centre ~~and a medical centre, the consolidation of 5 lots,~~ to undertake excavation works, display advertising signs, create or alter access to a road in a Transport Zone 2 and removal of vegetation

in accordance with the endorsed Plan(s)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended Plans

- ~~1. Before the development starts, 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 three copies must be provided. The plans must be generally in accordance with the amended plans prepared by Fd Architects and identified as TP02, TP03.1 & 3.1, TP04.1 & 04.2, TP05.1, 05.2, & 05.3, all revision 6, dated 29/11/22 and TP06 marked as Revision 4 dated 20/09/2022, but modified to show:
 - ~~1.1. Any modifications to the plans as a result of Department of Transport conditions;~~
 - ~~1.2. An amended landscaping plan in accordance with condition 8 of this permit;~~
 - ~~1.3. Any changes arising from the drainage plan in accordance with condition 7 of this planning permit;~~
 - ~~1.4. Any changes arising from the amended Sustainable Design Assessment in accordance with condition 11 of this planning permit;~~
 - ~~1.5. Any changes arising from the car parking management plan in accordance with condition 21 of this planning permit;~~
 - ~~1.6. Any changes arising from the waste management plan in accordance with condition 35 of this planning permit;~~
 - ~~1.7. A detailed excavation plan, showing the full extent of the excavation to the basement (which must be undertaken in a manner that minimises the extent of cut with no backfilling);~~
 - ~~1.8. The proposed left-turn deceleration lane on Burwood Highway widened to 3.5m unless a lesser width is approved by the Head, Transport for Victoria;~~
 - ~~1.9. Vehicular accessways no steeper than 2.5% where they cross the proposed 1.5m wide footpath and the land required for the future widening of the path to 2.5m;~~
 - ~~1.10. Vehicular accessways gradients to comply with the requirements of Clause 52.06-9 at all other locations;~~
 - ~~1.11. The locations of all columns between the car spaces to comply with Clause 5.2 of AS2890.1;~~
 - ~~1.12. Detailed design of the site access based on architectural perspectives that ensure batters delivered at the existing location that show driver view cone requirements are achieved supported by traffic engineering opinion;~~~~

Date Issued:

Signature for the
Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

- ~~1.13. The existing street lighting pole on the median relocated, if required by the relevant electricity provider;~~
- ~~1.14. Detail of roof finishes, in non-reflective materials;~~
- ~~1.15. Details of the dimensions, materials and colours of each sign.~~
- ~~1.16. Details of any fencing along the eastern and western boundaries.~~
- ~~1.17. Any reduction in the length of the left turn deceleration lane approved by the Head, Transport of Victoria.~~
- ~~1.18. The path between the accessible car parking space and lift to the childcare centre having a minimum clear dimension of 1.2 metres.~~
- ~~1.19. Any changes arising from the tree management and protection plan in accordance with conditions 13-15 of this permit.~~
- ~~1.20. Any changes arising from the pedestrian and vehicle safety audit in accordance with condition 31 of this permit.~~
- ~~1.21. Pram ramps from the accessway over the kerb at the entrance to each lift.~~
- ~~1.22. The Dulux "Buzz" paint to window shrouds and entry portal area replaced with a muted colour/material that blends in with the landscape.~~
- ~~1.23. All external or externally visible fencing to be black powder coated.~~
- ~~1.24. Detail of retaining wall heights and materials along the frontage within the road reserve.~~
- ~~1.25. Tree 15 to be habitat pruned and relocated within the western landscape area of the subject site as a habitat tree. Location of relocated tree to be consistent with approved Landscape Plan.~~
- ~~1.26. Details of the relocated bus stop to the satisfaction of Public Transport Victoria.~~

~~All to the satisfaction of the Responsible Authority.~~

General

- ~~21~~ The layout of the site and the size, levels, design and location of buildings and works shown on the endorsed plans must not be modified for any reason (unless the Knox Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- ~~32~~ Before the occupation of the site commences or by such later date as is approved in writing by the Responsible Authority, all buildings and works must be carried out and completed to the satisfaction of the Responsible Authority.
- ~~43~~ No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the written consent of the Responsible Authority (unless the Knox Planning Scheme specifies that a permit is not required).
- ~~54~~ All pipes (excluding downpipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- ~~65~~ All basic services, including water, electricity, gas, sewerage, telephone, NBN and cable TV but excluding any substation, meters or hydrants, to the site must be installed underground and located to the satisfaction of the relevant servicing authority and the Responsible Authority.

Date Issued:

Signature for the
Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

Drainage

76 Prior to the endorsement of plans pursuant to condition 1, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:

- 7.1 All stormwater drainage discharge from the site connected to a legal point of discharge;
- 7.2 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development;
- 7.3 The on-site detention system to be installed in a suitable location for easy access and maintenance;
- 7.4 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans;
- 7.5 The use of water quality improvement systems is required to be provided for this development. The use of rainwater tanks, bioretention systems and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans;
- 7.6 Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit;
- 7.7 All levels to be to AHD (Australian Height Datum),

All to the satisfaction of the Responsible Authority.

Landscaping

87 Prior to the endorsement of plans pursuant to condition 1, a detailed landscape plan to the satisfaction of the Responsible Authority must be submitted to and be endorsed by the Responsible Authority. The plan must be generally in accordance with the landscape plan prepared by John Patrick Landscape Architects Revision D dated 30 November 2022, be drawn to scale with dimensions and three copies must be provided. The plan must show:

- 8.1 The landscaping on the northern edge of the site identified for ecological restoration, and any changes to accord with the ecological management plan required by Condition 19;
- 8.2 A survey including botanical names of all existing trees to be retained on the site including Tree Protection Zones calculated in accordance with AS4970-2009;
- 8.3 A survey including botanical names of all existing trees on neighbouring properties where the Tree Protection Zones of such trees calculated in accordance with AS4970-2009 fall partially within the subject site;
- 8.4 A planting schedule of all proposed trees and shrubs, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant. Plantings must be a minimum 80 per cent indigenous by species type and count;
- 8.5 Landscaping and/or planting within all areas of the site not covered by buildings or hard surfaces;
- 8.6 Details of surface finishes of pathways and driveways;
- 8.7 Compliance with the approved Bushfire Management Plan;
- 8.8 Permanent drip irrigation on automatic timers within the tree protection zones of Trees 8 and 9 and all new canopy changes;

Date Issued:

Signature for the Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

8.9 Tree 15 to be habitat pruned by a suitably qualified Arborist and relocated, under the supervision of a suitably qualified Arborist, as a habitat tree within the western landscape area of the subject site.

All to the satisfaction of the Responsible Authority.

98 Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

109 The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Environmentally Sustainable Design

110 Prior to the commencement of the development approved under this Permit, a Sustainable Design Assessment detailing the Environmentally Sustainable Development (ESD) initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must include:

- 11.1 An InSite Water Report or equivalent addressing stormwater quality performance, in addition to ensuring that the Responsible Authority's collective integrated water management expectations and requirements pursuant to Clauses 34 and 44 of the State Environment Protection Policy (Waters), are satisfied. This may include raingardens and/or bioswales to treat stormwater runoff from hard surfaces and rainwater tanks connected to all toilet flushing, laundry and irrigation areas, where relevant, to the satisfaction of the Responsible Authority.
- 11.2 A complete, published BESS Report, with an acceptable overall score of at least 50% and which also meets the 'pass' marks in the categories of Water, Energy, Stormwater and Indoor Environment Quality (IEQ) or is otherwise to the satisfaction of the Responsible Authority.
- 11.3 A daylight modelling assessment demonstrating the development's performance on floor plans, to the satisfaction of the Responsible Authority.
- 11.4 A preliminary BCA Section J or JV3 Energy Efficiency Assessment(s) indicating a minimum 10% improvement in energy efficiency performance with respect to the development's reference/base case. The assessment(s) is required to include indicative commitments towards thermal performance (i.e. R values), artificial lighting and glazing (utilisation of BCA Facade Calculator indicating U- and SHGC- values).
- 11.5 Double glazing for all external windows.
- 11.6 Energy efficient heating, cooling and hot water systems indicating the associated COP and EER values or energy efficiency star ratings.
- 11.7 Energy efficient solar hot water heating systems for the childcare development.
- 11.8 All common, external and service area lighting fitted with sensors or timers.
- 11.9 Water efficient fixtures and fittings that include minimum 5 star WELS taps, 4 star WELS toilets and 3 star WELS showerheads (≤ 7.5 L/min).
- 11.10 A minimum of 8 secure bicycle parking spaces for the development.
- 11.11 The use of low Volatile Organic Compounds (VOCs) and formaldehyde minimisation products and materials.
- 11.12 The commitment to divert at least 80% of construction and demolition waste from landfill.

Date Issued:

Signature for the
Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

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1211 Prior to the occupation of the development, the development must be constructed in accordance with the endorsed Sustainability Management Plan, except for stormwater and Water Sensitive Urban Design (WSUD) requirements which are adopted, pursuant to the collective Responsible Authority's expectations and requirements, reflected on Drainage Plans.

Tree Management and Protection Plan

1312 Prior to the endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, a tree management plan (in the form of a report) and tree protection plan (in the form of a drawing), to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority.

1413 The tree management plan must identify all trees proposed to be retained and removed in accordance with the landscape plan prepared by John Patrick Landscape Architects Revision D dated 30 November 2022 and be specific to the trees shown on the tree protection plan, in accordance with AS4970-2009, prepared by a suitably qualified arborist and provide details of tree protection measures that will be utilised to ensure all trees to be retained remain viable post-construction. The tree management plan must:

- (a) further consider potential hydrological impacts informed by hydrological advice as to any hydrology changes arising from the development to trees retained on site and on adjacent land and make recommendations for avoidance and where unavoidable, mitigation measures to prevent such impacts;
- (b) consider the extent of excavation for the basement adjacent to trees being retained.
- (c) Identify the stages of development at which inspections are required to ensure tree protection measures are adhered to must be specified.

1514 The tree protection plan must be in accordance with AS4970-2009, be drawn to scale and provide details of:

- 15.1 The tree protection zone and structural root zone for all trees to be retained on the site and for all trees on neighbouring properties where any part of the tree protection zone falls within the subject site; and
- 15.2 The location of tree protection measures to be utilised.

1615 All protection measures identified in the tree management and protection plans must be implemented, and development works undertaken on the land must be undertaken in accordance with the tree management and protection plans, to the satisfaction of the Responsible Authority.

1716 Before the development starts, including demolition or removal of vegetation, the name and contact details of the project arborist responsible for implementing the tree management plan must be submitted to the Responsible Authority.

Date Issued:

Signature for the Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

1817 Any pruning that is required to be done to the canopy of any tree to be retained is to be done by a qualified arborist to Australian Standard –Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified arborist.

Ecological Management Plan

1918 Prior to the endorsement of plans pursuant to condition 1, including any related demolition or removal of vegetation, an ecological management plan to the satisfaction of the Responsible Authority, must be submitted to and be endorsed by the Responsible Authority. The plan must detail the overall maintenance of vegetation across the land, with landscaping to the north of the proposed building to be retained as an ecological restoration project that includes:

- 19.1 Minimal disturbance;
- 19.2 Selective weed control;
- 19.3 Replacement planting where weeds are removed in accordance with the Bushfire Management Plan endorsed under the Permit;
- 19.4 Minimal mulching; and
- 19.5 Emphasis on local provenance plans and native grass lawn,

All to the satisfaction of the Responsible Authority.

Net Gain Offset

2019 To offset the removal of 0.368 hectares of native vegetation and three large trees the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:

- A general offset of 0.072 general habitat units: located within the Port Phillip and Westernport Catchment Management Authority boundary or Knox City Council municipal district with a minimum strategic biodiversity value of at least 0.168.
- The offset(s) secured must provide protection of at least 4 large trees.

The offset provided must be to the satisfaction of the Responsible Authority.

2120 Before the native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of Council. This evidence is one or both of the following:

- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
- Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the Responsible Authority, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

Date Issued:

**Signature for the
Responsible Authority**



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

In the event that a security agreement is entered into, the applicant must provide the annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of the Responsible Authority.

Car Parking Management Plan

2221 Prior to the endorsement of plans pursuant to condition 1, a car parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the car parking management plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:

- 22.1 The number and location of car parking spaces allocated to each use;
- 22.2 The allocation of car parking for staff use;
- 22.3 The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site (i.e. signage);
- 22.4 Measures to discourage staff and patron car parking on the south side of Burwood Highway; and
- 22.5 Timing of waste collection and other deliveries to avoid peak operating hours,

All to the satisfaction of the Responsible Authority.

When approved, the car parking management plan will be endorsed and will then form part of the permit. Traffic and car parking from the development must be in accordance with the car parking management plan, to the satisfaction of the Responsible Authority.

Car Parking & Accessways

2322 Before the development is occupied, driveways and car parking areas must be:

- 23.1 Fully constructed in accordance with plans submitted to and approved by the Responsible Authority. The plans must show existing and proposed levels of driveways and car parking areas, together with drainage layout, invert levels, surfacing and vehicular crossing proposal.
- 23.2 Properly formed to such levels that they can be used in accordance with the plans.
- 23.3 Constructed to the absolute minimum standard of 125 mm depth of reinforced concrete or other approved hardstanding sealed surface.
- 23.4 Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority,

All to the satisfaction of the Responsible Authority.

2423 Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

Date Issued:

Signature for the Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

- ~~2524~~ Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.
- ~~2625~~ The design and physical relocation of power pole and street lighting must be approved by the relevant power authority.
- ~~2726~~ All roadside infrastructures including traffic controlling devices must be designed and constructed with the approval from Department of Transport.
- ~~2827~~ The relocation of the bus stop must be approved by Public Transport Victoria.
- ~~2928~~ The relocation of telecommunication infrastructures (e.g. pits and conduits) must be approved by Telstra.
- ~~3029~~ All vehicles must enter and exit the site in a forward direction.

Pedestrian and Vehicle Safety Audit

- ~~3130~~ Prior to the endorsement of plans pursuant to condition 1, a pedestrian and vehicle safety audit prepared by a suitable traffic and road safety consultant to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The audit must focus on movements and conflicts between pedestrians and vehicles accessing the car park, with recommendations on pedestrian control/protection and treatment to improve the safety of the car parking area and avoid potential conflicts.

Child Care Centre Use

- ~~3231~~ The maximum number of children cared for in the centre must not exceed ~~100~~ 120 children at any one time.
- ~~3332~~ The childcare centre use allowed by this permit must operate only between the following hours:
- Monday to Friday 7:00 am to 7:00 pm.

Medical Centre Use

- ~~34~~ No more than four practitioners must be operating from the medical centre at any one time unless with the written consent of the Responsible Authority.
- ~~35~~ Except with the written consent of the Responsible Authority, the medical centre use allowed by this permit must operate only between the following hours:
- ~~Monday to Friday 7:00 am to 8:00 pm.~~
~~Saturday and Sunday 8:00 am to 5:00 pm.~~

Date Issued:

Signature for the
Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

Country Fire Authority Conditions

3633 Prior to the use commencing, a suitably qualified person in emergency planning must prepare a Bushfire Emergency Plan (BEP) to the satisfaction of CFA and the Responsible Authority, which includes, amongst other things:

36.1 Premises details

- Describe property and business details.
- Identify the purpose of the BEP stating that the plan outlines procedures for:
 - i. Closure of premises on any day with a Fire Danger Rating of Code Red.
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).
 - iii. Shelter-in-place (remaining on-site in a designated building).

36.2 Review of the BEP

- Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
- Include a Version Control Table.

36.3 Roles & Responsibilities

- Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire. This must include assigning responsibility for the:
 - Management and oversight of emergency procedures.
 - Training of employees in emergency procedures.
 - Accounting for all persons during the emergency procedures.

36.4 Emergency contact details

- Outline organisation/position/contact details for emergency services personnel

36.5 Bushfire monitoring procedures

- Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
- Describe and show (include a map) the area to be monitored for potential bushfire activity (i.e. within 30 km of the site).

36.6 Action Statements – trigger points for action

- i. Prior to the Fire Danger Period (FDR)
 - Describe on-site training sessions and fire equipment checks.
 - Identify maintenance of bushfire mitigation measures such as vegetation management (including implementation of mitigation measures required by any endorsed Bushfire Management Plan).
- ii. Closure of premise during forecast FDR days (i.e. Code Red)
 - Outline guest notification procedures and details of premises closure (including timing of closure).
- iii. Evacuation
 - Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
 - Details of the location/s of the offsite emergency assembly location.
 - Transport arrangements for staff and guests including details such as:
 - Number of vehicles required
 - Name of company providing transportation
 - Contact phone number for transport company

Date Issued:

**Signature for the
Responsible Authority**



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

- Time required before transportation is likely to be available
 - Estimated travelling time to destination
 - Actions after the bushfire emergency event.
- iv. Shelter -in-place
- Show the location and describe the type of shelter-in-place.
 - Triggers for commencing the shelter-in-place option.
 - Procedures for emergency assembly in the shelter-in-place building.

- 37 The Bushfire Management Plan prepared by Terramatrix, version 2.4, in pages 29-30 of the Bushfire Management Statement, September 2022, must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.
- 38 The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the Responsible Authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Head, Transport for Victoria Conditions

- 39 Prior to the commencement of the buildings and/or works amended plans must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the substituted plans but modified to show:
- (a) The proposed left-turn deceleration lane on Burwood Highway widened to 3.5m or a lesser width if written consent for that lesser width is provided by the Head, Transport for Victoria.
 - (b) Where located within the Burwood Highway road reserve, all retaining walls of a construction standard and materiality approved by the Head, Transport for Victoria or the Responsible Authority (as appropriate).
- 40 Prior to commencement of the use the following roadworks on Burwood Highway must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria:
- (a) Left-turn deceleration lane;
 - (b) Retaining walls
- 41 Prior to the commencement of works within the Burwood Highway road reserve, a road safety audit must be submitted to and approved by the Head, Transport for Victoria and the Responsible Authority. The road safety audit must be undertaken by a suitably qualified road safety auditor, and must include the following
- (a) The left-turn deceleration lane
 - (b) An assessment of the need for guardrail

Date Issued:

**Signature for the
Responsible Authority**



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

- 42 In the event that Department of Transport/Head, Transport for Victoria elects to construct a 2.5m wide shared pathway along the frontage of the site in the Burwood Highway road reserve, the owner at its expense must remove the retaining walls in the road reserve associated with the pedestrian path approved under this permit and construct any retaining walls necessary and remove any vegetation required (with any necessary approvals) to accommodate a 2.5m wide shared path, with those retaining walls to be designed, located and constructed to the satisfaction of the Department of Transport.

Construction Management Plan

- 43 Prior to the commencement of the development approved under this Permit or issue of a Building Permit, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
- 43.1 A detailed schedule of works including a full project timing;
 - 43.2 A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.
 - 43.2 The location for the parking of all construction vehicles and construction worker vehicles during construction;
 - 43.4 A fully detailed plan indicating where construction hoardings would be located;
 - 43.5 A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - 43.6 Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
 - 43.7 Site security;
 - 43.8 Public safety measures;
 - 43.9 Construction times, noise and vibration controls;
 - 43.10 Restoration of any Council assets removed and/or damaged during construction;
 - 43.11 Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - 43.12 Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
 - 43.13 An emergency contact that is available for 24 hours a day;
 - 43.14 All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan;
 - 43.15 Location of all stockpiles and storage of building materials and any temporary buildings or facilities;
 - 43.16 Location of parking for workers within the site rather than on-street;
 - 43.17 Traffic management measures to minimise disruption on Burwood Highway during construction (especially for deliveries),

Date Issued:

**Signature for the
Responsible Authority**



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

All to the satisfaction of the Responsible Authority.

- 44 During the construction, the following must occur to the satisfaction of the Responsible Authority:
- 44.1 Any stormwater discharges into the stormwater drainage system are to comply with EPA guidelines;
 - 44.2 Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay, or stones from the premises enter the stormwater drainage system;
 - 44.3 Vehicle borne material must not accumulate on the roads abutting the site;
 - 44.4 The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads, or parks;
 - 44.5 All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - 44.6 All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines).

Waste Management Plan

- 45 Prior to the endorsement of plans pursuant to condition 1, a Waste Management Plan (WMP) must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the location and operation of the garbage and recyclables storage area and detail of how waste vehicles can enter exit the site in a forward direction. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, to the satisfaction of the Responsible Authority.

Maintenance

- 46 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Stormwater

- 47 Stormwater runoff from all buildings and hard standing surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

External Materials

- 48 The external materials of the development hereby permitted (including the roof) must be non-reflective and finished in subdued tones and/or colours to the satisfaction of the Responsible Authority.

Date Issued:

Signature for the Responsible Authority



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

Signage

- 49 The permitted sign(s) must not be illuminated by flashing lights.
- 50 All signs must be wholly located within the boundaries of the subject land.
- 51 Signs must not be illuminated by external lights except with the further written consent of the Responsible Authority.
- 52 No further advertising signs, flags, buntings, or similar devices must be displayed on the site without the prior written consent of the Responsible Authority, unless otherwise permitted by the Knox Planning Scheme.
- 53 External sign lighting must be designed, baffled, and located so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties, to the satisfaction of the Responsible Authority.
- 54 The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists or other persons or loss of amenity in the surrounding area all to the satisfaction of the Responsible Authority.
- 55 The location and details of sign(s) (including the detailed signwriting, message and/or images displayed) as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

Acoustic Report

- 56 Prior to the commencement of the development and any buildings and works, an Acoustic Report prepared by a suitably qualified and experienced acoustic engineer must be submitted with a recommendation for a maximum internal noise level within the child care building of 40LAeq within indoor activity areas and 35dB(A (within sleeping areas) and with recommendations for any attenuation works required to achieve the maximum internal noise level/s from rail noise impacts to the satisfaction of the Responsible Authority. The measures to achieve the maximum internal noise level within the childcare centre building must not include any external fencing or structures outside the approved building envelope.
- 57 Once the Acoustic Report is to the satisfaction of and approved by the Responsible Authority, the recommended sound attenuation works must be completed and, on completion of these works, a report prepared by a suitably qualified acoustic consultant must be submitted to the Responsible Authority demonstrating to its satisfaction that the required level of noise attenuation has been achieved by the measures undertaken.

Permit Expiry

- 58 This permit will expire if one of the following circumstances applies:

Date Issued:

**Signature for the
Responsible Authority**



PLANNING PERMIT

Application No: P/2020/6347
Planning Scheme: Knox
Responsible Authority: Knox City Council

- 58.1 The development is not started within two years of the date of this permit.
- 58.2 The development is not completed within four years of the date of this permit.
- 58.3 The use is not started within five years of the date of this permit.

In accordance with Section 69 of the Planning and Environment Act 1987, a request may be submitted to the Responsible Authority within the prescribed timeframes for an extension of the periods referred to in this condition.

Date Issued:

Signature for the
Responsible Authority

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PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The responsible authority has issued a permit at the direction of the Victorian Civil and Administrative Tribunal.

(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.