***PLEASE NOTE THE CONDITIONS BELOW HAVE BEEN PREPARED BY THE PERMIT***

***APPLICANT AND DO NOT REPRESENT SUPPORT FOR THE DEVELOPMENT***

***BY THE CITY OF MONASH***

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***P970/2022 – 1758 Dandenong Road & 4 Kumara Place Clayton***

***Draft Conditions proposed to be accepted by Applicant at the VCAT hearing 19-20 January 2023***

***Preamble***

*Buildings and works associated with a childcare centre use (including demolition of the exiting dwelling, outbuildings and vegetation), a car parking reduction and business identification signage and alteration of access to a road zone.*

***Amended Plans Required***

1. Before the development starts, three copies of plans drawn to scale and dimensioned 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 generally in accordance with plans TP01b, TP02b, TP03b, TP04c, TP05b, TP06b, TP07b and TP08b, Project 21.020, all dated November 2022 and prepared by LRW Design Pty Ltd, but modified to show:
2. Any acoustic attenuation measures required in accordance with Condition 7 of the Permit.
3. a Landscape Plan in accordance with Condition 5 of this Permit;
4. a Waste Management Plan in accordance with Condition 10 of the Permit.
5. The bins area removed from the front of the existing child care centre to the Princes Highway and the front setback and landscaping area reflecting that endorsed under TPA 23620.

all to the satisfaction of the Responsible Authority.

***No Alteration or Changes***

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

***Access***

1. Children’s drop off and pick up must only be from the Child Care Centre entry at 8 Princes Highway

***Hours of operation***

1. Unless otherwise approved by the Responsible Authority the permitted hours of operation are limited to Monday to Friday (except Public Holidays) - 6:30am to 6:30pm.

***Number of children***

1. A maximum of 121 children are permitted on the site at any one time.
2. The raised play area may only be occupied by no more than 20 children at any one time between the hours of 9am and 5pm daily.

***Landscape Plan***

1. Before the development commences, 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 prior to the commencement of any works. When approved, the plan will be endorsed and will then form part of the Permit. The plan must be generally in accordance with landscape plans LA/02/KM151021 (two pages), prepared by Morris Outside Pty Ltd and dated 21 November 2022.

***Landscaping prior to occupation*** ***and maintenance***

1. Before the occupation 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 then be maintained, to the satisfaction of the Responsible Authority.

***Acoustic Report***

1. An acoustic report, generally in accordance with Acoustic Report prepared by Efficient Energy Choices dated 22 September 2021 must be submitted to and approved by the Responsible Authority. When approved the acoustic report will be endorsed and will then form part of the permit.

***Waste Management Plan***

1. Concurrent with the endorsement of plans, a Waste Management Plan generally in accordance with the Waste Management Plan prepared by Leigh Design Pty Ltd dated 6 October 2021 must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the Permit.
2. Once approved the Waste Management Plan must be implemented and complied with, to the satisfaction of the Responsible Authority.

***Drainage***

1. All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.
2. The private on-site drainage system must prevent stormwater discharge from the driveway over the footpath and into the road reserve.
3. All stormwater collected on the site 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 drainage works commencing.
4. The nominated point of stormwater connection for the site is to the south-east corner of the property where the entire additional development’s stormwater must be collected and free drained via a pipe to the existing internal drainage system. Note: If the point of connection cannot be located then notify Council’s Engineering Department immediately.

***Road Infrastructure and Car Parking***

1. The existing redundant crossing in Kumara Place is to be removed and replaced with kerb and channel to Council standards.
2. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.

***Tree Protection***

1. Prior to the commencement of works on the land including any building or fence demolition/removal and crossover removal, four sided tree protection panels are to be installed within 3 metres of the base of the northern Agonis Street tree in Kumara Place at the front of the site.
2. 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 construction period of the development hereby permitted without the prior written consent of the Responsible Authority.
3. In removing the crossover, concrete must be removed while avoiding excavating deeper than 100mm below the concrete. Only the immediate debris is to be removed and the area is to be levelled appropriately to apply suitable topsoil for reinstatement.

***Loudspeakers***

1. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes, to the satisfaction of the Responsible Authority.

***Vehicle Crossovers***

1. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.

***Car Parking and Driveways to be constructed***

1. Before the use starts and / or prior to occupancy of the development, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

(a) constructed;

(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced with an all-weather sealcoat;

(d) drained, maintained and not used for any other purpose; and

(e) line-marked to indicate each car space and all access lanes,

to the satisfaction of the Responsible Authority.

***Use of car parking spaces and driveways***

1. 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.
2. Parking areas and access lanes must be kept available at all times to the satisfaction of the Responsible Authority.
3. Staff parking on site must only within the car park area accessed from Kumara Place.

***External lighting***

1. All external lighting must be designed, baffled and located so as to prevent light from the site causing any unreasonable impacts on the locality, to the satisfaction of the Responsible Authority.

***Urban Design***

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

***Completion of Buildings and Works***

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

***Permit Expiry***

1. This Permit will expire in accordance with [section 68](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/paea1987254/s68.html) of the [*Planning and Environment Act 1987*](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/paea1987254/), if one of the following circumstances applies:

(a) The development has not started before two (2) years from the date of issue.

(b) The development is not completed before four (4) years from the date of issue.

1. In accordance with [Section 69](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/paea1987254/s69.html) of the [*Planning and Environment Act 1987*](http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/vic/consol_act/paea1987254/), the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

(a) within six (6) months afterwards if the development has not commenced; or

(b) 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.