

Appendix 7 – Conditions on Notice of Decision to Amend a Permit

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 plans submitted with the application but modified to show:
 - (a) The fencing along the northern property boundary, (from the western boundary of the site to the easternmost extent of the outdoor playground area) must be replaced with new Hebel modular fencing (which has noise attenuation qualities), which will be at least 2.0 metres in height. The fence is to be shown as being painted in a dark colour tone, and colour details are to be provided. The plans must also indicate that the permit holder is to cover all costs associated with the replacement fencing and painting.
 - (b) ***
 - (c) The changes to the access arrangements as required by VicRoads in Condition 23.
2. Before the development starts, an amended landscape plan prepared by a person suitably qualified or experienced in landscape design 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. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - (a) Location and identification of all proposed plants.
 - (b) Planting along the northern property boundary.
 - (c) Planting generally around the car parking area.
 - (d) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - (e) A survey (including botanical names) of all existing vegetation.
 - (f) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - (g) Details of surface finishes of pathways and driveways.
 - (h) All species selected must be to the satisfaction of the Responsible Authority.
3. Before the development starts, engineering plans and relevant design calculations for the proposed development must be submitted to the Responsible Authority. The engineering plans shall, as a minimum, comprise of the layout plan, the drainage plans, signage and line marking plans, pavement design plans and, where applicable, street lighting plans. All works within the site shall remain the property of the lot owner, except where it is located in an easement, and be maintained by the lot owner to the satisfaction of the Responsible Authority.

4. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
5. Prior to the commencement of the use, the existing onsite septic system must be decommissioned. Notification of the decommissioning must be provided to Council Environmental Health Unit within 21 days of decommissioning.
6. ***
7. ***
8. Prior to the commencement of the use, a waste management plan 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. The plan must:
 - (a) Address the location of waste bin collection areas both internal and external to the site.
 - (b) Specify that an on-site waste collection must be arranged and managed by the property's owner(s).
 - (c) Detail how the putrescibles waste areas will be secured at all times.
 - (d) Detail how the putrescibles waste areas will be maintained with control and suppression of all odours.
9. Prior to the commencement of the use, the applicant must register their food preparation kitchen with Council's Environmental Health Services Unit.
10. Prior to commencement of works, tree protection fences must be erected around any tree within 10 metres of the car parking area in accordance with Australian Standard – Protection of Trees of Development Sites (AS 4970-2009). The fences must be semi-permanent and constructed of high visibility barrier mesh and use securely installed posts that cannot be easily lifted or removed to the satisfaction of the Responsible Authority. The tree protection fences must remain in place until construction is completed.
11. No buildings or works including loading and unloading, storage or dumping materials, tools or waste, vehicular or pedestrian access, parking, trenching soil excavation or other construction activity is to occur within a tree protection zone without the written consent of the Responsible Authority.
12. All other recommendations outlined in submitted Arborist Report (prepared by PSY Inv Pty Ltd, dated 9 March 2016) must be complied with, to the satisfaction of the Responsible Authority
13. The use may operate only between the hours of:
 - 7:00AM – 6:00PM (Monday – Friday)The hours must not be varied, changed or extended without the written consent of the Responsible Authority.

14. All drainage works must be designed and constructed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environment Management Guidelines (1999):
- 80% retention of the typical annual load of total suspended solids
 - 45% retention of the typical annual load of total phosphorus; and
 - 45% retention of the typical annual load of total nitrogen
- The amount of hydrocarbon and other oil based contaminants discharged to Council drains must not exceed 5 parts per million.
- All on-site stormwater shall be collected from the hard surface areas and must not be allowed to flow uncontrolled into adjoining properties. The on-site drainage system must prevent discharge from each driveway onto the footpath.
15. Stormwater must not be discharged from the site other than by means of an underground pipe drain discharged to a legal point of discharge to the satisfaction of the Responsible Authority.
16. Not more than 138 children may be present on the premises at any one time without the written consent of the Responsible Authority.
17. No native vegetation shall be destroyed, felled, lopped, ring barked or uprooted, unless a separate planning permit is issued.
18. All pedestrian access to buildings shall be designed and constructed to comply with the Disability Discrimination Act.
19. Protective kerbs of a minimum height of 150mm must be provided to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
20. A minimum of one car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons. The dimensions of the disabled car spaces must be in accordance with the current Australian Standards, AS 2890.6.
21. The following must be undertaken to the requirements and satisfaction of the Responsible Authority prior to the commencement of the use hereby permitted:
- (a) The building must be connected to reticulated sewerage to the requirements of the relevant servicing authority.
 - (b) The landscaping works as described on the endorsed plan are completed and thereafter maintained.
 - (c) The Hebel modular fence along the northern property boundary must be constructed. The permit holder must cover all cost associated with the replacement fencing.
 - (d) The area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - i) Constructed.
 - ii) Properly formed to such levels that they can be used in accordance with the plans.

- iii) Sealed with a concrete or asphalt surface.
- iv) Drained.
- v) Linemarked to indicate each car space and all access lanes.
- vi) Clearly marked to show the direction of traffic along access lanes and driveways

to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

- (e) Drainage from the buildings must be directed to the approved legal point of discharge.
- (f) Any existing works affected by the development works shall be reinstated at no cost and to the satisfaction of the Responsible Authority.

22. The following must be undertaken to the satisfaction of Melbourne Water:

- (a) There must be no net increase in the level of fill placed on the property to ensure floodplain storage is maintained.
- (b) The car parking should be constructed no lower than 350mm below the applicable grading flood line.

23. The following must be undertaken to the satisfaction of VicRoads:

- (a) Prior to the commencement of use, amended plans must be submitted to and approved by VicRoads. When approved by VicRoads, the plans may 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 plan titled "Proposed Plan", date stamped February 2016 and annotated (as but modified) to show:
 - i) Additional pavement to provide a bypass lane to any waiting right turn vehicles (Basic Auxiliary Right (BAR) treatment).
 - ii) Exiting movements from the development to be limited to left out access only.
- (b) Prior to the commencement of use, the following road works on Gisborne-Melton Road must be completed at no cost to and to the satisfaction of VicRoads:
 - i) Additional pavement to provide a bypass lane to any waiting right turn vehicles (Basic Auxiliary Right (BAR) treatment).
- (c) Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works will include provision of:
 - i) Additional pavement to provide a bypass lane to any waiting right turn vehicles (Basic Auxiliary Right (BAR) treatment).

24. The use and development must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected, through the:
- (a) Transport 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.
25. This permit will expire if one of the following circumstances applies:
- The use does not commence within two years of the date of this permit.
 - The development is not completed within two years of the date of this permit.

NOTES:

- The building must comply with the Building Regulations and the Building Code of Australia.
- All drains contained within the allotment, except in drainage easements, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- All vehicle pathways contained within the allotment, other than stated in this permit, shall remain the property of the landowners and shall not be taken over by Council for future maintenance.
- Relevant permits, including but not limited to a vehicle-crossing permit, build over easement permit and/or road-opening permit will be required from Council prior to development.
- Council's Environmental Health Unit recommends that the applicant makes contact with the Area Environmental Health Officer to discuss requirements for Waste Management, and Food Act Registration.
- The permit-holder must also obtain all necessary approvals from the Department of Education and Early Childhood Development.
- The estimated flood line for a storm event with a 1% chance of occurrence in any given year is expected to grade from 141.1m on the northern boundary to 139.8m AHD at the southern end of the property, with an associated peak flow of 24m/s.
- If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on telephone 9679 7517, quoting Melbourne Water's reference **170517**.
- The *** denotes permit conditions that have been removed.