

## PLANNING PERMIT

<b>Permit No.:</b>	PA2403236
<b>Planning scheme:</b>	Mitchell Planning Scheme
<b>Responsible authority:</b>	Minister for Planning
<b>ADDRESS OF THE LAND:</b>	30 Alcantara Boulevard, Wallan

### THE PERMIT ALLOWS:

<b>Planning scheme clause</b>	<b>Matter for which the permit has been granted</b>
37.07-4	Construct a building and construct and carry out works for an ancillary education centre (childcare centre) associated with an existing primary school.
52.05-13	Display of business identification signage.
52.06-3	A reduction in car parking requirements

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

#### Commencement

2. This permit will operate from the issued date of this permit.

#### Approved and endorsed plans

3. Before the development starts, excluding demolition, bulk excavation and site preparation works, detailed development plans must be approved and endorsed by the responsible authority. The plans must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions and be generally in accordance with the architectural plans, prepared by Architecture Matters Pty Ltd, dated 31 October 2024, but amended to show the following details:
  - a) Any changes required to be consistent with the endorsed Stormwater Management Plan.

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- b) Plans updated to show the location of street trees located within the nature strip adjacent to the subject site.

**Layout not altered**

4. The development as shown on the endorsed plans must not be altered (unless the Mitchell Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

**Student numbers**

5. No more than 99 students are permitted to attend the Early Learning Centre (ELC) without the prior written consent of the Responsible Authority.

**Waste Management**

6. All waste material must be regularly removed from the land. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled, or dust or odour is created to the satisfaction of the Responsible Authority.
7. Waste and recyclables must only be collected between the hours of 7.00am and 6.00pm, Monday to Saturday unless otherwise agreed in writing by the Responsible Authority.

**Waste storage**

8. All waste and recyclables must be stored in and collected from an area set aside for this purpose. This area must be graded, drained, and screened from public view to the satisfaction of the Responsible Authority.

**Landscape Plan**

9. Concurrent with the endorsement of plans, the landscape plan prepared by Leftfield Landscape and Garden Architecture, dated 16 October 2024, must be approved and endorsed by the responsible authority.

**Landscaping completion**

10. Before the development is occupied, the landscaping shown on the approved landscape plans must be carried out and completed to the satisfaction of Mitchell Shire Council.

**Landscaping maintenance**

11. At all times, the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of Mitchell Shire Council.

**Traffic and parking management**

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12. Concurrent with the endorsement of plans, Traffic Engineering Assessment prepared by Traffix Group, dated 23 July 2024, must be approved and endorsed by the responsible authority.

**Stormwater Management Plan**

13. Concurrent with the endorsement of plans, a stormwater management plan must be submitted approved and endorsed by the responsible authority in consultation with Mitchell Shire Council. The system must be constructed prior to the occupation of the development and provision made to connect this system to Mitchell Shire Council's stormwater drainage system.

**Stormwater management system – implementation and management**

14. The stormwater management system approved by the responsible authority and included in the endorsed stormwater management plan must be constructed, managed and maintained to the satisfaction of Mitchell Shire Council.

**Construction Management Plan**

15. Before the development starts, a Construction Management Plan must be submitted to, and be to the satisfaction of the Responsible Authority. The Construction Management Plan in consultation with Mitchell Shire Council will then be endorsed and form part of the planning permit. The Construction Management Plan must include details of:

- a) A Site Management and Safety Plan including, but not limited to, the following:
- i. Locations of temporary on-site facilities such as equipment storage areas, litter control compounds, contractor rest and car parking areas and the likes;
  - ii. On-site safety procedures;
  - iii. Relevant service authority and emergency services contact details;
  - iv. Site access address for emergency vehicles;
  - v. Working hours and days;
  - vi. Site specific safety and risk analysis;
  - vii. Methods to ensure the recommendations of any approved Cultural Heritage Management Plan applying to the land are carried out.
- b) An Environmental Management Plan including but not limited to, the following:
- i. Methods to contain dust, dirt and mud within the subject site, and the method and frequency of clean up procedures;
  - ii. Sediment control techniques to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
  - iii. Stormwater management and water quality control procedures;
  - iv. Methods to prevent and manage illegal dumping on the land;
  - v. Tree Protection Zones around the trees to be retained on the endorsed plans;
  - vi. Machinery wash down areas, clearly fenced and located in disturbed areas, which ensure that all machinery entering and exiting the land is seed and pathogen free;
  - vii. Methods to ensure that all contractors working on the land are aware of the requirements of the Construction Management Plan and any other obligations of the planning permit.
- c) A Traffic Management Plan including, but not limited to, the following:

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- i. Proposed haulage routes to and from the subject land;
- ii. Expected frequency of vehicle movements to and from the land;
- iii. Site access arrangements for construction vehicles;
- iv. Measure proposed to mitigate traffic impacts resulting from construction vehicles accessing the land.

All works must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.

**Tree Protection**

16. Before the development starts, including demolition, excavation, piling, site preparation works, and works to remediate contaminated land:
  - a) A Tree Protection Management Plan (TPMP), setting out how Mitchell Shire Council owned nature strip trees on Newbridge Boulevard will be protected during construction, must be submitted to and approved by the Responsible Authority. When approved, the TPMP will be endorsed and form part of the approval. The TPMP should generally follow the layout of Section 5 (i.e. General, Tree Protection Plan, Pre- construction, Construction stage and Post Construction) of AS 4970-2009 *Protection of trees on development sites*.
  - b) A Tree Protection fence must be erected around Mitchell Shire Council owned nature strip trees on Newbridge Boulevard to comply with AS 4970-2009 *Protection of trees on development sites* to the satisfaction of Mitchell Shire Council.
17. The proposed must not cause any damage to any retained existing street tree. Any existing street tree must not be removed, lopped or pruned (including root pruning) without the prior consent of Mitchell Shire Council.
18. Any Mitchell Shire Council owned trees shown on the endorsed plans to be removed must not be removed, lopped or pruned without prior consent from Mitchell Shire Council. If removal is approved, the amenity value along with removal and replacement costs must be reimbursed to Council by the developer.

**Sign maintenance**

19. The signs, including the structure and content, must be constructed and maintained to the satisfaction of the responsible authority.

**Lighting**

20. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of Mitchell Shire Council.

**Noise control**

21. At all times noise emanating from the land must comply with the requirements of the *Environment Protection Regulations 2021* (as amended from time to time) as measured in accordance with the Noise Protocol to the satisfaction of Mitchell Shire Council.

**General amenity provision**

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22. The development must be managed 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
- to the satisfaction of Mitchell Shire Council.

**Expiry – Development**

23. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two years of the issued date of this permit.
  - b) The development is not completed within eight years of the issued date of this permit.

In accordance with Section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The responsible authority may extend the time for completion of the development if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

**Expiry – Signs**

24. This permit as it relates to a signs will expire 15 years from the issued date of this permit.

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment	Name of responsible authority that approved the amendment	Section of the Act under which the permit has been amended

**THIS PERMIT HAS BEEN EXTENDED AS FOLLOWS:**

Date of extension	Brief description of the extension	Duration of extension

**USEFUL INFORMATION:**

- (the following information does not form part of this permit)
- The permitted use or development may need to comply with, or obtain the following further approvals:
  - A building permit under the *Building Act 1993*.

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## IMPORTANT INFORMATION ABOUT THIS PERMIT

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### WHAT HAS BEEN DECIDED?

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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**.)

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### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

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The responsible authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

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### WHEN DOES A PERMIT BEGIN?

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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.

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### WHEN DOES A PERMIT EXPIRE?

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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.

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### WHAT ABOUT REVIEWS?

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- 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.

Date of issue: 12 December 2024 Signature for the responsible authority:

