

PLANNING PERMIT

Permit No.:	PA2403077
Planning scheme:	Whitehorse Planning Scheme
Responsible authority:	Minister for Planning
ADDRESS OF THE LAND:	161 Central Road, Nunawading

THE PERMIT ALLOWS:

Planning scheme clause	Matter for which the permit has been granted
32.09-10	Construct a building and construct and carry out works for an ancillary education centre (childcare centre) associated with an existing school (Section 2 use).
42.01-2	Construct a building and construct and carry out works, construct a fence and remove, destroy or lop vegetation.
42.03-2	Construct a building and construct and carry out works, construct a fence and remove, destroy or lop vegetation.
52.17-1	Remove, destroy or lop native vegetation.

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, including demolition, bulk excavation, site preparation works and vegetation removal, 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, be generally in accordance with the plans prepared by Kneeler Design Architects, Revision A2, dated 16 September 2024, (Drawing Nos. WD2110/001/A0,

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Signature for the responsible authority:

Julia Smith

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WD2110/101/A2, WD2110/102/A2, WD2110/201/A1, WD2110/204/A0, WD2110/301/A2, WD2110/302/A0, TP2110/901/A1 and TP2110/902/A1) but amended to show the following details:

- a) The ELC label removed from the existing childcare centre building adjoining the primary school on the proposed site plan.
- b) A detailed materials and finishes schedule to include samples of all proposed external materials, colours and finishes, including fencing. Material codes must clearly correspond with notations on the elevation plans.
- c) A notation confirming the development will be constructed with noise attenuation treatments consistent with submitted Acoustic Assessment, prepared by Octave Acoustics, dated 27 June 2024.
- d) The shared space beside the accessible car parking space to include a bollard for DDA compliance.
- e) Tree protection zones of all trees to be retained on the site, with dimensions.
- f) Deletion of masterplan sheets from the architectural drawing package.
- g) Removal of indicative signage from the elevation plans.
- h) Any changes required by the Landscape Plan.
- i) Any changes required by the Vegetation Management Plan.
- j) Any changes required by the Traffic and Parking Management Plan.
- k) Any changes required by the Waste Management Plan.
- l) Any changes required by the Stormwater Management Plan.
- m) Any changes required by the Sustainability Management Plan.

Layout not altered

4. The use and development as shown on the endorsed plans must not be altered (unless the Whitehorse Planning Scheme specifies that a permit is not required) without the prior written consent of the responsible authority.

Landscape plan

5. Concurrent with the endorsement of plans, an amended landscape plan must be approved and endorsed by the responsible authority. The landscape plan must be prepared to the satisfaction of the responsible authority, be drawn to scale with dimensions, be generally in accordance with the plan prepared by Species Landscape Architecture and dated 18 September 2024, but modified to show:
 - a) The layout of landscaping and planting within all open areas of the subject land.
 - b) Details of all surface finishes of pathways and driveways.
 - c) Acacia Melanoxylon and Eucalyptus Cephalocarpa tree planting adjoining the car parking area to be appropriately separated from assets within the drainage and sewerage easement or relocated if required.

Landscaping completion

6. Before the development is occupied, the landscaping shown on the approved landscape plan must be carried out and completed to the satisfaction of the Whitehorse City Council. The responsible authority may consent in writing to vary this requirement.

Landscaping maintenance

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7. 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 the Whitehorse City Council.

Vegetation management plan

8. Concurrent with the endorsement of plans, a vegetation management plan must be approved and endorsed by the responsible authority. The vegetation management plan must be prepared to the satisfaction of the responsible authority and must:
- a. be prepared by a suitably qualified person
 - b. include the following:
 - i. measures that must be incorporated into the design and construction of the development to ensure the protection of any trees identified for retention, determined in accordance with *Australian Standard AS4970-2009 - Protection of Trees on Development Sites*, generally in accordance with the Arborist Development Impact Assessment prepared by Arbor Survey and dated 6 November 2024.
 - ii. Specific design and construction mitigation recommendations in accordance with the Native Vegetation Assessment prepared by Nature Advisory and dated October 2024.
 - iii. the location of tree protection zones (TPZ) and tree protection fencing for trees identified for retention on a plan that is drawn to scale with dimensions.
 - iv. Details of activities prohibited within tree protection zones (TPZ) including:
 - vehicular or pedestrian access
 - trenching or soil excavation
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - entry and exit pits for underground services
 - any other actions or activities that may result in adverse impacts to retained vegetation.

Tree protection during construction

9. Before the development starts, including demolition, a tree protection fence must be erected around the Trees proposed for retention 9, 11, 12 to define a 'Tree Protection Zone', consistent with Arboricultural Development Impact Assessment prepared by Arbor Survey dated 1 November 2024 and the approved vegetation management plan.

The tree protection fencing and Tree Protection Zone must be established and maintained in accordance with the following requirements to the satisfaction of the responsible authority:

- a) the tree protection fence must be constructed of chain mesh or similar.
- b) the tree protection fence must remain in place until the development is completed.
- c) the Tree Protection Zone must be covered by a 100 mm deep layer of mulch and watered regularly.

The responsible authority may consent in writing to vary any of these requirements.

Regulation of activities in Tree Protection Zone

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10. During the course of construction, the Tree Protection Zone must not be used for:
- vehicular or pedestrian access
 - trenching or soil excavation
 - storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
 - entry and exit pits for underground services
 - any other actions or activities that may result in adverse impacts to retained vegetation.

The responsible authority may consent in writing to vary any of these requirements.

Notification of permit conditions

11. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.

Native vegetation offsets

12. To offset the removal of 0.111 hectares of native vegetation, as identified in Native Vegetation Removal Report (NVRID: 372_20241011_VQC) 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 0.018 general habitat units:

- located within the Melbourne Water Catchment Management Authority boundary or Whitehorse City Council municipal district
- with a minimum strategic biodiversity score of at least 0.08

Offset evidence and timing

13. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
- credit extract(s) allocated to the permit from the Native Vegetation Credit Register and/or
 - 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.

A copy of the offset evidence must be endorsed by the responsible authority and will form part of this permit.

Noise attenuation

14. Concurrent with the endorsement of plans, the acoustic report prepared by Octave Acoustics, dated 27 June 2024 must be approved and endorsed by the responsible authority. The recommendations of the approved acoustic report must be implemented to the satisfaction of the responsible authority. The responsible authority may consent in writing to alter the requirements.

Traffic and parking management plan

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15. Before the development starts, a traffic and parking management plan must be approved and endorsed by the responsible authority in consultation with Whitehorse City Council. The traffic and parking management plan must be prepared to the satisfaction of the responsible authority, be generally in accordance with the Traffic Impact Assessment Report prepared by Quantum Traffic Pty Ltd, dated 16 September 2024 but modified to include the following details:
- Any changes required by the detailed development plans.
 - Details of traffic impact mitigation measures associated with the expanded ELC use, ensuring the orderly drop off and collection of students attending the ELC during peak periods.
 - The means by which the direction of traffic, bicycle and pedestrian flows to and from the car parking areas and ELC building will be controlled both on-site and off-site.
 - Signage and line marking at entry and exit points.

Car park construction

16. Before the development is occupied, the area(s) set aside for the parking of vehicles and bicycles, and access lanes as shown on the endorsed plans must be:
- constructed
 - properly formed to such levels that they can be used in accordance with the plans
 - surfaced with an all-weather-seal coat
 - drained
 - line marked to indicate each car space and all access lanes
 - clearly marked to show the direction of traffic along access lanes and driveways,
 - to the satisfaction of the responsible authority.

At all times car spaces, access lanes and driveways must be kept available for these purposes. Once constructed, these areas must be maintained to the satisfaction of the responsible authority.

Waste Management

17. Concurrent with the endorsement of plans, a Waste Management Plan (WMP) must be approved and endorsed by the responsible authority, in consultation with Whitehorse City Council. The WMP must be prepared to satisfaction of the responsible authority and must include the following:
- Anticipated volumes of waste and recycling that will be generated by the expanded ELC facility and how they are determined.
 - Details of waste storage and confirmation waste management arrangements will accord with existing broader school arrangements.
 - Details to confirm waste is to be collected internally by a private waste collector and council issued bins will not be required for the development.
 - Details to confirm waste collection vehicles are able to enter and exit the stie in a forward direction.
18. 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 Whitehorse City Council.

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19. Waste storage and collection must occur in accordance with existing waste management arrangements, to the satisfaction of Whitehorse City Council.

Stormwater management plan

20. Before the development starts, a Stormwater Management Plan must be approved and endorsed by the responsible authority, in consultation with Whitehorse City Council. The stormwater management plan must be prepared to the satisfaction of the responsible authority and must include:
- a) Details of the proposed stormwater management system, including drainage works and retention, detention and discharges of stormwater to the drainage system
 - b) Set out how the stormwater management system will be managed on an ongoing basis
 - c) Demonstrate how all relevant standards set out in the planning scheme relating to stormwater management will meet the objectives in the planning scheme, including modelling and calculations.
 - d) Response to the requirements of Clause 53.18-5 and 53.18-6 relating to buildings and works and site management during construction.

Stormwater management system – implementation and management

21. 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 the Whitehorse City Council.

Environmentally Sustainable Design

22. Concurrent with the endorsement of plans, a sustainability management plan (SMP) must be approved and endorsed by the responsible authority. The SMP must be prepared to the satisfaction of the responsible authority, be generally in accordance with the SMP prepared by Co-Perform Pty Ltd, dated 31 May 2024 and modified to show:
- a) A Green Travel Plan as required by Clause 15.01-2L of the Whitehorse Planning Scheme.
 - b) The WSUD plan amended to show the location of a 12sqm raingarden to the west of the car parking area, consistent with the architectural and landscape plans.
 - c) Preliminary BCA Section J Energy Efficiency Report as an appendix to the SMP.
 - d) Recommendations on future options and feasibility for the:
 - i. Installation of solar photovoltaic panels with capacity maximised for the available roof area, to reduce total operating greenhouse gas emissions.
 - ii. Electric Vehicle (EV) charging, to promote the use of low emissions vehicle technologies and supporting infrastructure.

Implementation of ESD Statement Initiatives

23. Before the occupation of the development, the provisions, recommendations, and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the responsible authority.

General amenity provision

24. 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.

VicTrack Conditions

- 25. No entry to railway land is permitted without the written consent of VicTrack.
- 26. At all times the common boundary with the railway land must be fenced with a 1.8m paling or black chain mesh fence and must be repaired and maintained, all at no cost to VicTrack to prohibit unauthorised access to the rail corridor.
- 27. Any replacement, repair or reconstruction of any fence on the boundary to railway land must be in accordance with VicTrack's requirements.
- 28. No drainage, effluent, waste, soil or other materials must enter, be stored or be directed to the railway land.
- 29. The development's landscaping and planting must be setback to ensure tree canopy does not extend over railway land.

Expiry – Development

- 30. This permit will expire if one of the following circumstances applies:
 - a) The development, including the removal, destruction or lopping of native vegetation, is not started within two years of the issued date of this permit.
 - b) The development, including the removal, destruction or lopping of native vegetation, 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.

PERMIT NOTES

- Every rateable tenement is liable to pay for municipal charges irrespective of the level of collection services provided by Council.
- All aspects of the waste management system including the transfer on bins for collection is to be the responsibility of the occupiers, caretaker, manager and/or the body corporate – not the collection contractor.
- Councils Traffic Engineering Dept. are required to assess the suitability of the proposed waste vehicle access to and from the development as well as the vehicle movements within the development.
- The permitted use or development may need to comply with, or obtain the following further approvals:
 - The recommendations of a cultural heritage management plan approved under the *Aboriginal Heritage Act 2006*.
 - A building permit under the *Building Act 1993*.

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- Report and Consent Application - Land Liable to Flooding and Building over the Easement.

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IMPORTANT INFORMATION ABOUT THIS PERMIT

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—
 - 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.

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Signature for the responsible authority:

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