

PLANNING APPLICATION P23246 FOR A CHILD CARE CENTRE AT 25 BURNS STREET, BANNOCKBURN

RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A 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 a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by ED Ewers Architecture (Town Planning Issue dated 12-02-2024) but amended to show:
 - a) removal of signage details from the elevation plans or the provision of signs in compliance with the 'as-of-right' permit not required signage requirements for the Commercial 1 Zone.

Endorsed plans

2. The use and development as shown on the endorsed plans must not be altered or modified (unless the Golden Plains Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Use

3. The Child Care Centre must only operate within the following hours:
 - a) Monday to Friday – 7:30am until 6:00pm.
4. A maximum of 128 children may be cared for on the site at any one time.

Development

5. The constructed development must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
6. No equipment, services, architectural features or structures of any kind, including telecommunications, other than those shown on the endorsed plans, are permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
7. Before the development is occupied, external lighting must be designed, baffled and located so as to prevent any adverse effect on the surrounding land to the satisfaction of the Responsible Authority.
8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be kept in a storage area screened from view to the satisfaction of the Responsible Authority.

Waste Management

9. Before the use starts, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted for approval by the Responsible Authority. The Waste Management Plan must be generally in accordance with the plan prepared by Ratio Consultants and dated 1 March 2024 but modified to provide specified hours of collection at Section 5.3 for vehicles 6.345 metres or greater which are to be outside the operating hours of the Child Care Centre use and to remove the reference within this

section to routes servicing residential areas. Once approved, the Waste Management Plan will be endorsed and will then form part of the permit.

10. Waste management must be undertaken in accordance with the approved Waste Management Plan. The Waste Management Plan may only be amended with the prior written consent of the Responsible Authority.

Landscape plans

11. Before the development starts, landscape plan/s to the satisfaction of the Responsible Authority and prepared by a suitably qualified and/or experienced person must be submitted to and approved by the Responsible Authority. The landscape plan must be drawn to scale with dimensions. The landscape plan must be generally in accordance with the landscape concept information shown on the Proposed Site Plan prepared by ED Ewers Architecture (Town Planning Issue dated 12-02-2024) but modified to show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes and pathways within any landscaped areas;
 - c) 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;
 - d) landscaping and planting along the site frontages to Burns Street and Pope Street; and
 - e) only the use of plant species indigenous to the locality.When approved, the plan will be endorsed and will then form part of the permit.
12. Before the use starts the landscaping shown on the endorsed landscape plan/s must be carried out and completed and thereafter must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

Carparking

13. Before the use starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:
 - a) Properly formed to such levels that they can be used in accordance with the plans.
 - b) Surfaced with an all-weather-seal coat.
 - c) Drained.
 - d) Line marked to indicate each car space and all access lanes.
 - e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.
 - f) Provided with disabled persons parking bays where required by the Building Code of Australia.
14. Car parking spaces and access lanes must be maintained and kept available for these purposes at all times to the satisfaction of the responsible authority.

Loading/unloading

15. The loading and unloading of vehicles (other than waste collection) and the delivery of goods to and from the land must:
 - a) Only be carried out within the site boundaries of the land;
 - b) Not be conducted before 6.00am or after 7.00pm on any day; and
 - c) Utilise vehicles of a suitable size so as not disrupt the circulation or parking of vehicles on the landto the satisfaction of the Responsible Authority.

Amenity

16. Noise emissions from the land must comply with *EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* or its equivalent or successor at all times.
17. The use must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected including through the:
 - a) transportation of materials, goods or commodities to or from the land.
 - b) appearance of any building, works or materials.
 - c) emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil.
 - d) presence of vermin.

Signs

18. No signs other than those allowed by Clause 52.05 (Signs) of the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Development Engineering

19. Before the development starts, the following plans to the satisfaction of the Responsible Authority must be submitted for approval by the Responsible Authority:
 - a) Detailed construction plans in accordance with Council standards and specifications in the Infrastructure Design Manual (IDM). Plans are to provide for:
 - i. Kerb and channel construction on the site frontages in Burns Street and Pope Street. The existing kerb alignment in Pope Street is to be maintained so as to provide consistent road width.
 - ii. Connection of existing underground drainage to kerb inlet pits.
 - iii. Concrete footpath 1.5m wide along site frontages connecting to the existing footpath in Pope Street.
 - iv. Road pavement widening to suit new kerb and channel.
 - v. Removal or relocation of the utility pole currently obstructing the vehicle crossing.
 - b) An Environmental Management Plan (EMP). The plan must include, but is not limited to:
 - i. An outline how issues such as runoff, mud on roads, dust generation, erosion and sediment control will be managed, on site, during the construction and post construction phase.
 - ii. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - iii. Management measures are to be in accordance with EPA guidelines for Environmental Management, 'Civil construction, building and demolition guide' Publication 184.1, September 2023.
20. Before the use starts, the developer must undertake Works in accordance with the approved Construction Plan and EMP, to the satisfaction of the Responsible Authority.
21. Before Construction Plans are approved, provide an engineering drainage design including drainage computations and specifications, generally in accordance with "Stormwater Management Strategy – Version Rev 02 Dated March 2024", demonstrating acceptable management of stormwater runoff from the site with on-site detention system (OSD) in accordance with best practice guidelines and providing for:
 - a) Permissible Stormwater Discharge (PSD) rate of 20% AEP event at pre-development levels.
 - b) Detention of stormwater for 1% AEP event at post-development levels.

- c) Stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
 - d) Connection to the existing underground drainage network in Burns Street.
22. Before the use starts, a paved vehicle crossing to the site must be provided generally in accordance with the Infrastructure Design Manual (IDM) standard drawing SD250 and to the satisfaction of the Responsible Authority.
23. Before the use starts, the utility pole currently obstructing the crossing must be removed or relocated at least 1m clear of the new crossing. Written approval from the relevant authority must be provided confirming that the utility pole can be removed or relocated as required.
24. Before the use starts, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority.
25. Before the use starts, the owner of the land must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, which provides for the following:
- i. The owner of the land must retain and maintain the rainwater storages, pits and pipes for the purpose of detention, and the water quality system in a condition and to a standard that ensures its correct operation to the satisfaction of the Responsible Authority, in perpetuity for the purpose of treatment, detention and disposal of stormwater.
- Application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator must pay the Responsible Authority's reasonable costs for the preparation, review, execution, and registration of the Section 173 agreement.
26. Before the use starts, trees are to be assessed and protected as per IDM and AS4970-2009 – Protection of Trees on development sites. If any works are proposed within the tree protection zone of trees on adjoining land, a qualified and experienced arborist is to provide a report on the impact of the works on the trees.
27. Before the use starts, any damage to the road reserve/nature strip or other Council assets must be repaired to match the existing, to the satisfaction of the Responsible Authority.
28. A twelve (12) month Defects Liability Period will apply to all assets to be vested in Council.

Expiry

29. This permit expires if:
- a) The development does not start within two (2) years of the date of this permit; or
 - b) The use is not started and the development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).