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|  | PLANNING PERMIT**GRANTED UNDER SECTION 96I OF THE PLANNING AND ENVIRONMENT ACT 1987**GLEN EIRA PLANNING SCHEMERESPONSIBLE AUTHORITY: GLEN EIRA CITY COUNCIL |

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| **PLANNING PERMIT NUMBER:** | GE/PP-31418/2017 |
| **ADDRESS OF THE LAND:** | 259 Glen Eira Road, Caulfield North  |
| **APPLICANT:** | Maureen Jackson Planning  |
| **THE PERMIT ALLOWS:** | Development and use of the land for the purpose of an Education Centre, reduction of the car and bicycle parking requirements, display of a business identification sign and alteration of access to a road in a Road Zone, Category 1 in accordance with the endorsed plans. |

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

1. Before the commencement of the development, amended plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. The plans must be drawn to scale with dimensions and must generally accord with the plans submitted with the application (identified as TP05A, TP06A, TP07A, TP08A, TP10A, TP11A, TP16A and TP17 prepared by Clarke Hopkins Clarke and dated November 2017 and March 2018) but modified to show:
2. Notes detailing the specifications for acoustic boundary fences to replace the existing boundary fences, generally in accordance with Section 6 of the Noise Impact Assessment report prepared by Octave Acoustics, dated 9 March 2018.
3. Appropriate signage installed on the proposed gate that the access is for emergency vehicles only.
4. The proposed gate to be an automatic or remote-controlled one.
5. Corner sight splays to be adequately clear of visual obstructions to provide a clear view of pedestrians on the footpath of the frontage road as well as a clear view for oncoming cyclists of vehicles exiting the site.
6. The provision of 14 bicycle spaces designed in accordance with Clause 52.34-4 of the Glen Eira Planning Scheme.

When approved, the plans will be endorsed and will then form part of this Permit.

1. Not more than seventy (70) students may be on the premises at any one time.
2. Not more than eight (8) staff members / employees may be on the premises at any one time.
3. Unless otherwise allowed with the written approval of the Responsible Authority, the use allowed under this permit (excluding cleaning, maintenance and administration) must be within the following times:
* Monday to Friday 8:00am to 5:00pm.
1. The gallery/café must only be for the use of the school community (ie. students, staff members/employees and parents).
2. Privacy screening must be in accordance with the endorsed plans, and must be installed prior to the occupation of the development. The privacy screens must be maintained to the satisfaction of the Responsible Authority.
3. The landscaping as shown on the endorsed Planting Plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building/s without the prior written consent of the Responsible Authority.
5. Prior to the commencement of any site works including demolition and excavation, the owner must submit a Construction Management Plan to the Responsible Authority for approval. No works including demolition and excavation are permitted to occur until the Plan has been approved in writing by the Responsible Authority. Once approved, the Construction Management Plan will be endorsed to form part of this permit and must be implemented to the satisfaction of the Responsible Authority. The Plan must be to the satisfaction of the Responsible Authority and must provide details of the following:
6. Delivery and unloading points and expected frequency;
7. Truck haulage routes, circulation spaces and queuing lanes;
8. Details how traffic and safe pedestrian access will be managed.  These must be in the form of a Traffic Management Plan designed by a suitably qualified traffic practitioner;
9. A liaison officer for contact by owners / residents and the Responsible Authority in the event of relevant queries or problems experienced;
10. An outline of requests to occupy public footpaths or roads, or  anticipated disruptions to local services;
11. Any requirements outlined within this permit as required by the relevant referral authorities;
12. Hours for construction activity in accordance with any other condition of this permit;
13. Measures to control noise, dust, water and sediment laden runoff;
14. Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
15. Any construction lighting to be baffled to minimise intrusion on adjoining lots.
16. Before the use starts, a Waste Management Plan (WMP) with respect to the collection and disposal of waste and recyclables associated with the proposed use must be submitted to and approved to the satisfaction of the Responsible Authority.  The WMP must provide for the following:
17. The collection of waste associated with the uses on the land, including the provision of bulk waste collection bins or approved alternative, recycling bins, the storage of other refuse and solid wastes in bins or receptacles within suitable screened and accessible areas to the satisfaction of the Responsible Authority.  Commercial waste bins being placed or allowed to remain not in view of the public, and receptacles not emitting any adverse odours.
18. Designation of methods of collection including the need to provide for private services or utilisation of council services. If private collection is used, this method must incorporate recycling services and must comply with the relevant EPA noise guideline relating to the time of collection.
19. Appropriate areas of bin storage on site and areas of waste bin storage on collection days.
20. Details for best practice waste management once operating.

Once approved the WMP will be endorsed to form part of this permit and must be complied with to the satisfaction of the Responsible Authority and must not be varied except with the written approval of the Responsible Authority.

1. Disabled persons’ access to the building must be provided to the satisfaction of the Responsible Authority. All work carried out to provide disabled persons’ access must be constructed in accordance with AS 1428.1, or otherwise, to the satisfaction of the Responsible Authority.
2. All outdoor lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.
3. Prior to the occupation of the development, the acoustic fences and privacy screening must be constructed and installed in accordance with the endorsed plans.
4. Noise from the use must not exceed the permissible noise levels stipulated in State Environment Protection Policy N-1 (Control of Noise from Commerce, Industry and Trade).
5. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
6. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purpose, other than for any emergency related requirements.
7. The location of the sign (including the size, nature, panels, position and construction) shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
8. The sign must be constructed and maintained to the satisfaction of the Responsible Authority.
9. This Permit expires fifteen (15) years from the date of issue in relation to the advertising sign only.
10. No buildings or works are to be constructed over any easement or other restriction on the land or any sewers, drains, pipes, wires or cables under the control of a public authority without the prior written consent of the relevant authority and the Responsible Authority.
11. The layout of the site and size, design and location of buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority. Note: This does not obviate the need for a permit where one is required.
12. This permit does not come into effect until Covenant 0888051 has been varied to enable the development and use authorised by this permit to proceed.
13. This Permit will expire if:
* The development and use does not start within two (2) years from the date of this Permit; or
* The development is not completed within four (4) years of the date of this Permit.

The Responsible Authority may extend the time referred to if a request is made in writing before this Permit expires or within six (6) months after the expiry date if the use/development has not commenced.

If the development has commenced, the Responsible Authority may extend the time referred to if a request is made in writing within twelve (12) months of the expiry date.

###### Conditions End

NOTES: (*The following notes are for information only and do not constitute part of this permit or conditions of this permit*)

1. The amendments specified in Condition 1 of this Permit and any additional modifications which are “necessary or consequential” are those that will be assessed by Council when plans are lodged to satisfy that condition. Any “necessary or consequential” amendments, in addition to those required by this condition, should be specifically brought to the attention of Council for assessment.

If other modifications are proposed, they must be identified and be of a nature that an application for amendment of permit may be lodged under Section 72 of the Planning and Environment Act 1987. An amendment application is subject to the procedures set out in Section 73 of the Planning and Environment Act 1987.
2. This Planning Permit represents the Planning approval for the use and/or development of the land. This Planning Permit does not represent the approval of other departments of Glen Eira City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.
3. Any failure to comply with the conditions of this permit may result in action being taken to have an Enforcement Order made against some or all persons having an interest in the land and may result in legal action or the cancellation of this permit by the Victorian Civil and Administrative Tribunal.
4. Nothing in the grant of this permit should be construed as granting any permission other than planning permission for the purpose described. It is the duty of the permit holder to acquaint themselves, and comply, with all other relevant legal obligations (including any obligation in relation to restrictive covenants and easements affecting the site) and to obtain other required permits, consents or approvals.
5. Prior to the commencement of any demolition and/or building works, an Asset Protection Permit must be obtained from Council’s Engineering Services Department.

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

The responsible authority has issued a permit. The permit was granted by the Minister under section 96I of the [Planning and Environment Act 1987](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/) on approval of Amendment No. C156 to the Glen Eira Planning Scheme

**WHEN DOES A PERMIT BEGIN?**

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

**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](http://www.austlii.edu.au/au/legis/vic/consol_act/sa1988153/) 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](http://www.austlii.edu.au/au/legis/vic/consol_act/sa1988153/) .

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](http://www.austlii.edu.au/au/legis/vic/consol_act/paea1987254/) , or to any combination of use, development or any of those circumstances requires the certification of a plan under the [Subdivision Act 1988](http://www.austlii.edu.au/au/legis/vic/consol_act/sa1988153/) , 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?**

* In accordance with section 96M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

 **(LAST PAGE OF PERMIT)**