

ADDRESS OF THE LAND

62-94 Jacksons Road MULGRAVE VIC 3170

THE PERMIT ALLOWS

Staged development of the land for purpose of a retirement village and residential aged care facility (up to 3-5 storeys in height), ~~develop and use part of the land for a medical centre~~, alteration of access to a Road Zone Category 1, and removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Amended Plans Required and No Alterations Permitted

1. Prior to the commencement of the development, an Early Works Plan must be drawn to scale and submitted to the Responsible Authority. The Early Works Plan must provide details of all works which comprise the early works, and must include:

- a) A Tree Management Plan prepared in accordance with Condition 9;
- b) A Construction Management Plan prepared in accordance with Condition 11; and
- c) Any changes required by Conditions 23, 24, 25, 33, 34, 35 and 38.

The plans must be to the satisfaction of the Responsible Authority and when approved shall form part of this Permit.

~~1.2.~~ Before the development starts, excluding works detailed in any endorsed Early Works Plan, 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 and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by ViaCHT Architects, Plan No. TP00-00 to TP55-06 Rev C dated 29 March 2022 Plan no. TP0-00-TP10-08 Rev B dated 15 November 2019 but modified to show:

- ~~a) The envelope of Unit 2 and associated terrace on the second floor of Building E to be deleted. This area may be replaced with a terrace space, h~~
- ~~a) owever must be set back a minimum of 5 metres from the building envelope of the first floor.~~
- ~~b) Any revisions to the proposed footpath and fencing to allow for the retention of Street Tree No. 6.~~
- ~~e)b) Reference to boundary fencing materials deleted.~~
- ~~d) Provision of a minimum 1.0m blind aisle extension on the northern parking aisles of Building F basement car park.~~
- ~~e)c) Designated staff and visitor parking spaces in accordance with the endorsed Car Parking Management Plan.~~
- ~~f)d) A notation indicating that the supply and installation of the bus shelter to be in accordance with Council's current bus shelter contract.~~

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~~g)e)~~ Any changes to the development as a result of the Functional Layout Plan prepared in accordance with Condition 32.

~~h)f)~~ A Waste Management Plan prepared in accordance with Condition 54.

~~g)~~ A Sustainable Management Plan prepared in accordance with Condition 65.

~~h)~~ A Stormwater Management Strategy in accordance with Condition 7.

~~h)i)~~ A Car Parking Management Plan in accordance with Condition 126.

~~h)j)~~ A Tree Management Plan prepared in accordance with Condition 107.

~~h)k)~~ A Landscape Plan prepared in accordance with Condition 139.

~~3-3.~~ The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

~~3-4.~~ As part of the ongoing consultant team, Via GHT Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:

- a) Oversee design and construction of the development; and
- b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Management and Landscaping Plans

Waste Management Plan

~~4-5.~~ Concurrent with the endorsement of plans pursuant to Condition 12, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by LID Consulting dated 20 March 2022. ~~Leigh Design dated 14 November 2019, but revised to the satisfaction of the Responsible Authority;~~

- ~~a)~~ ~~To reflect the variation of the number of Units as required by Condition 1 of this Permit.~~

Sustainable Management Plan

~~5-6.~~ Concurrent with the endorsement of plans pursuant to Condition 24, a Sustainable Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Bestec dated 17 December 2021. ~~Ark Resources dated 7 November 2019, but revised to the satisfaction of the Responsible Authority;~~

- ~~a)~~ ~~To reflect the variation of the number of Units and any other changes as required by Condition 1 of this Permit.~~

Stormwater Management Strategy

~~7.~~ Concurrent with the endorsement of plans pursuant to Condition 2, a Stormwater Management Strategy must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the strategy prepared Wallbridge Gilbert Aztec dated 16 December 2021.

Car Park Management Plan

~~6-8.~~ Concurrent with the endorsement of any plans pursuant to Condition 12, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted

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to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) The number and location of car parking spaces allocated to each building for residents;
- b) The location and number of any staff car parking spaces;
- c) The location and number of any visitor car parking spaces;
- ~~d) The number and location of car spaces for shared use, including time of shared use;~~
- e)d) Details of way-finding, cleaning and security of end of trip bicycle facilities; and
- f)e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.

Tree Management Plan to facilitate works detailed in the Early Works Plan

9. Prior to any demolition or site works associated with the early works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of trees within and adjacent to the early works area. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:
- a) A Tree Protection Plan drawn to scale that shows:
 - b) Tree protection zones and structural root zones of all trees to be retained,
 - c) All tree protection fenced off areas and areas where ground protection systems will be used;
 - d) The type of footings within any tree protection zones;
 - e) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
 - f) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
 - g) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
 - h) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
 - i) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
 - j) No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
 - k) No vehicle access or parking within the Tree Protection Zone of any tree to be retained.

- l) That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

Tree Management Plan for the balance of works

7-10. Concurrent with the submission of amended plans required by Condition 24 and prior to any demolition or site works for the balance of works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Trees identified on the Plan prepared by Axiom Tree Management Pty Ltd dated 31 March 2022 John Patrick Pty Ltd dated 2 October 2019 (with the removal of Trees No. 170, 171 and 172 and retention of Tree No. 6). The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a)m) A Tree Protection Plan drawn to scale that shows:
- b)n) Tree protection zones and structural root zones of all trees to be retained,
- e)o) All tree protection fenced off areas and areas where ground protection systems will be used;
- d)p) The type of footings within any tree protection zones;
- e)q) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- f)r) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- g)s) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- h)t) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- i)u) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j)v) No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- k>w) No vechile-vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- l)x) That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

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Construction Management Plan to facilitate works detailed in the Early Works Plan for works

11. a) Prior to the commencement of any site works associated with the early works (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the

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Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

8. The plan must address the following issues:

- a) Hours for construction activity in accordance with any other condition of this permit;
- b) Measures to control noise, dust and water and sediment laden runoff;
- c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- f) Cleaning and maintaining surrounding road surfaces;
- g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- h) Public Safety and site security;
- i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- j) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
- k) A Traffic Management Plan showing truck routes to and from the site;
- l) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- m) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- n) Contact details of key construction site staff;
- o) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- p) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Construction Management Plan associated with for the balance of works

12. a) Prior to the commencement of any site works associated with the balance of the site, with the exception of Stage 1 works the subject of Condition 9 associated with any of the other stages (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to

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occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must address the following issues:

- g) Hours for construction activity in accordance with any other condition of this permit;
- r) Measures to control noise, dust and water and sediment laden runoff;
- s) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- t) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- u) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- v) Cleaning and maintaining surrounding road surfaces;
- w) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- x) Public Safety and site security;
- y) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- z) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
- aa) A Traffic Management Plan showing truck routes to and from the site;
- bb) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- cc) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- dd) Contact details of key construction site staff;
- ee) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- ff) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Landscape Plan

9.13. Concurrent with the endorsement of any plans pursuant to Condition 24, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and

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approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Masterplan and Level 1 Activity Areas Plan prepared by Papworth Design Pty Ltd dated 21 December 2021. ~~Concept Plan dated 13 November 2019, Prepared by John Patrick Pty Ltd, except that the plan must show:~~

- ~~a) Existing Trees 170, 171 and 172 removed and the proposed citrus grove to be extended into this space with the provision of a minimum of three additional citrus trees;~~
- ~~b) Retention of Existing Street Tree No. 6;~~
- ~~c) Further details of pavement materials / finishes; and~~
- ~~d) Deletion of reference to boundary fencing materials.~~

~~10.14.~~ The provisions, recommendations and requirements of the above endorsed Management Plans related to in Conditions ~~54-139~~ inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

General Conditions

Use Conditions

~~11.15.~~ Prior to the use ~~or development~~ commencing, the owner of the land at 62-94 Jacksons Road, Mulgrave, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the Independent Living Villas and Units identified as Buildings A, B, C, D, E and part of Building F as shown on the plans prepared by Via CHT Architects Rev A, dated 21 December 2021 ~~dated 15 November 2019~~ must only be used for the purpose of a retirement village in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.

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~~12.16.~~ The Retirement Village must be operated and managed in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act.

~~13.17.~~ The amenities and other communal facilities ~~(with the exception of the medical centre)~~ must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.

~~14.~~ ~~No more than 70 persons providing health services including 18 doctors and allied health practitioners and 52 case managers shall be permitted on the premises at any given time without the further written consent of the Responsible Authority.~~

~~15.~~ The Medical Centre may operate only during the following hours:

- ~~• Monday to Friday (except Public Holidays) – 8:30am – 6:00pm~~
- ~~• Saturday – 9:00am – 12:00pm (noon)~~
- ~~• Sunday and Public Holidays – Closed~~

~~Except in the case of emergency. Unless with the written consent of the Responsible Authority.~~

Car Parking Conditions

~~16.18.~~ Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed to the satisfaction of the Responsible Authority;

- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

17-19. No less than 520-367 car spaces must be provided on the land to the satisfaction of the Responsible Authority prior to the occupation of the last stage of the development.

18-20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

19-21. Concrete kerbs or other suitable barriers must be provided to prevent damage to fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the nominated access, to the satisfaction of the Responsible Authority.

20-22. All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Construction of Bus Shelter and Public Footpaths

21-23. Details of the proposed bus shelter and bus stop are required to be submitted to Council's Engineering Department for approval prior to the works commencing. The full cost of the provision of the bus shelter is to be funded by the developer and is to be arranged in consultation with Council.

22-24. Prior to the commencement of the use of the development, the existing footpath on the north side of the development access road is to be set aside for Road and vested in the name of the appropriate Road Manager.

23-25. Plans for the proposed shared path on Jacksons Road are to be submitted to Council's Engineering department for approval. The proposed shared path is required to be constructed to Council standards.

Landscaping and Tree Retention

24-26. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

25-27. Prior to the completion of any stage of the development allowed by this permit, landscaping and urban design works as shown on the endorsed plans forming part of the that stage of the development must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

~~26.28.~~ Lighting must be provided to the satisfaction of the Responsible Authority to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.

~~27.29.~~ An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Drainage Engineering Conditions

~~28.30.~~ All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

~~29.~~ A new 525 mm drain is to be constructed at stage 1 of the project between a new junction pit at the north-western corner of 62-94 Jacksons Road and the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.

Other

~~30.31.~~ No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

~~31.32.~~ Any required fire services, electricity supply, gas and water meter boxes as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.

Section 55 Referral Conditions

VicRoads Conditions (Ref: 21526/17)

~~32.33.~~ Unless otherwise agreed in writing by VicRoads, and before the development starts, a revised Functional Layout Plan (FLP) must be submitted to VicRoads for review and approval. The revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:

- a) Signage and Line Marking;
- b) Swept path analysis for all movements associated with the proposed access point, including how the largest design vehicle that could be reasonably anticipated to access the subject land can turn in and out of the subject land from Jacksons Road;
- c) Functional Stage Road Safety Audit;
- d) Revised functional layout plan as per the findings of the road safety audit.

~~33.34.~~ Subsequent to the approval of the Functional Layout Plan and functional stage Road Safety Audit, the permit holder must submit a copy of the Traffic Signal Layout Plan to VicRoads for review and approval.

~~34.35.~~ Subsequent to the approval of the traffic signal layout plan, and prior to the commencement of any roadworks required by VicRoads under this permit, the permit holder must submit the detailed engineering design plans, public lighting plan, along with a detail design stage Road Safety Audit, to VicRoads for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road safety Audit must

be addressed in the detailed design plans to the satisfaction of and at no costs to VicRoads;

35.36. Where the proposed roadworks lies within private property, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare a Plan of Subdivision and submit to the Responsible Authority for certification under the Subdivision Act 1988 to show:

- a) Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
- b) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads) upon certification of the Plan of Subdivision, without any encumbrances.

36.37. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:

- a) All roadworks as required by VicRoads must be completed generally in accordance with the approved Functional Layout Plan (FLP) and detailed design plans;
- b) The permit holder must reimburse VicRoads and the Responsible Authority with all the costs associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to Road Zone Category 1 (RDZ1) pursuant to the provisions of the Planning and Environment Act 1987.
- c) All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.

Department of Transport Conditions (Ref: HTFV2019/451)

37.38. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria 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 digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A Disability Discrimination Act 1992 compliant bus stop and all associated infrastructure located generally in the location of the existing stop on the Jacksons Road frontage;
- b) Bus turning circles which demonstrate all buses can stop at the bus stop;
- c) A bus shelter, associated seating and walkways in plan and cross section form;
- d) Allocated space for wheelchairs within bus shelters; and
- e) A bus stop identification line marking to identify the bus stop on Jacksons Road.

38.39. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.

39.40. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. All bus stop works must comply with the *Disability Discrimination Act*

1992 (Cth) and the *Disability Standards for Accessible Public Transport 2002* to the satisfaction of the Head, Transport for Victoria.

40.41. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

Department of Environment, Land, Water and Planning Conditions (Ref: PP/LA/03/0109 & SP461389)

41.42. Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.

42.43. Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

43.44. The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:

- a) No vehicular or pedestrian access, trenching or soil excavation is to occur,
- b) No storage or dumping of tools, equipment or waste is to occur,
- c) No entry and exit pits for underground services are to be constructed.

45. In order to offset the removal of 0.023 hectares of native vegetation within the early works stage, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*.

- Contribute gain of 0.263 General Habitat Units
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
- Have a strategic biodiversity score of at least 0.131

44.46. In order to offset the removal of ~~1.461~~⁴²⁹ hectares of native vegetation and one scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*: The general offset must:

- Contribute gain of ~~0.050 general biodiversity equivalence units~~, 263 General Habitat Units,
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
- Have a strategic biodiversity score of at least ~~0.111~~, 131

45.47. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the

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requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
- A credit register extract from the Native Vegetation Credit Register.

AusNet Conditions (Ref: 40110)

46.48. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.

47.49. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.

48.50. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.

49.51. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.

50.52. Scaffolding is not permitted on the easement.

51.53. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.

52.54. The storage of flammable materials, including that within waste bins, is not permitted on the easement.

53.55. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated materials or by landscaping within prior written approval from AusNet Transmission Group.

54.56. All services traversing the easement must be installed underground.

55.57. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.

56.58. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Time for Starting and Completion

57.59. Once the development has started the approved development must be continued and completed to the satisfaction of the Responsible Authority.

58-60. This Permit will expire if one of the following circumstances applies:

- The first stage of development has not commenced within 3 years of the date of this Permit; or
- The first stage of development is not completed within 2 years from commencement of the first stage; or
- Subsequent stages of development are not completed within 6 years from the completion of the first stage of development.

In accordance with Section 69 of the Planning and Environment Act 1987, 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 if the development has not commenced; or
- within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- B. The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- C. Road Safety Audits must be undertaken by an independent VicRoads prequalified road safety auditor and be conducted in accordance with Austroads – Road Safety Audit (Second Edition 2002) requirements. Any identified issues must be addressed to VicRoads' satisfaction.
- D. No work must be commenced in, on, under or over the road reserve until all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts have been obtained. Please contact VicRoads prior to commencing any works.
- E. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- F. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval.
- G. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.

- H. Please apply via Council's online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business
- I. The design and fit out of the food premises must comply with Food Standard Australia New Zealand's 'Food Safety Standard 3.2.3 -- Food Premises & Equipment'.
- J. The premises must not create a nuisance under the Public Health and Wellbeing Act and must comply in all respects with EPA noise legislation.
- K. The private on-site drainage system must prevent stormwater discharge from the internal roads and parking over the footpath and into the road reserve. The internal drainage system may include either:
- a trench grate (minimum internal width of 150 mm) located within the property boundary; and/or
 - shaping the internal roads and parking so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
- L. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.
- M. The nominated point of stormwater connection for:
- Stage 1 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected and free drained via a pipe to the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.
 - Stage 2, 3 and 4 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary).
- N. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$40,000 is to be paid prior to the drainage works commencing.

ADDRESS OF THE LAND

62-94 Jacksons Road MULGRAVE VIC 3170

THE PERMIT ALLOWS

Staged development of the land for purpose of a retirement village and residential aged care facility (up to 3-5 storeys in height), ~~develop and use part of the land for a medical centre~~, alteration of access to a Road Zone Category 1₂ and removal of native vegetation

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT**Amended Plans Required and No Alterations Permitted**

1. Prior to the commencement of the development, an Early Works Plan must be drawn to scale and submitted to the Responsible Authority. The Early Works Plan must provide details of all works which comprise the early works, and must include:

- a) A Tree Management Plan prepared in accordance with Condition 9;
- b) A Construction Management Plan prepared in accordance with Condition 11; and
- c) Any changes required by Conditions 23, 24, 25, 33, 34, 35 and 38.

The plans must be to the satisfaction of the Responsible Authority and when approved shall form part of this Permit.

1.2. Before the development starts, ~~excluding works detailed in any endorsed Early Works Plan,~~ 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 and dimensioned. When the plans are endorsed they will then form part of the Permit. The plans must be generally in accordance with the decision plans prepared by ~~ViaCHT Architects, Plan No. TP00-00 to TP55-06 Rev C dated 29 March 2022 Plan no. TP0.00 TP10.08 Rev B dated 15 November 2019~~ but modified to show:

- a) ~~The envelope of Unit 2 and associated terrace on the second floor of Building E to be deleted. This area may be replaced with a terrace space, h~~
- a) ~~however must be set back a minimum of 5 metres from the building envelope of the first floor.~~
- b) ~~Any revisions to the proposed footpath and fencing to allow for the retention of Street Tree No. 6.~~
- e)b) ~~Reference to boundary fencing materials deleted.~~
- d) ~~Provision of a minimum 1.0m blind aisle extension on the northern parking aisles of Building F basement car park.~~
- e)c) ~~Designated staff and visitor parking spaces in accordance with the endorsed Car Parking Management Plan.~~
- f)d) ~~A notation indicating that the supply and installation of the bus shelter to be in accordance with Council's current bus shelter contract.~~

~~g)e)~~ Any changes to the development as a result of the Functional Layout Plan prepared in accordance with Condition 32.

~~h)f)~~ A Waste Management Plan prepared in accordance with Condition 54.

~~g)~~ A Sustainable Management Plan prepared in accordance with Condition 65.

~~i)h)~~ A Stormwater Management Strategy in accordance with Condition 7.

~~j)i)~~ A Car Parking Management Plan in accordance with Condition 126.

~~k)j)~~ A Tree Management Plan prepared in accordance with Condition 107.

~~l)k)~~ A Landscape Plan prepared in accordance with Condition 139.

2.3. The development and use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

3.4. As part of the ongoing consultant team, ~~Via CHT~~ Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:

- a) Oversee design and construction of the development; and
- b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Management and Landscaping Plans

Waste Management Plan

4.5. Concurrent with the endorsement of plans pursuant to Condition 12, a Waste Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by LID Consulting dated 20 March 2022. ~~Leigh Design dated 14 November 2019, but revised to the satisfaction of the Responsible Authority:~~

- ~~a) To reflect the variation of the number of Units as required by Condition 1 of this Permit.~~

Sustainable Management Plan

5.6. Concurrent with the endorsement of plans pursuant to Condition 21, a Sustainable Management Plan must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the plan prepared by Bestec dated 17 December 2021. ~~Ark Resources dated 7 November 2019, but revised to the satisfaction of the Responsible Authority:~~

- ~~a) To reflect the variation of the number of Units and any other changes as required by Condition 1 of this Permit.~~

Stormwater Management Strategy

7. ~~Concurrent with the endorsement of plans pursuant to Condition 2, a Stormwater Management Strategy must be submitted and approved by the Responsible Authority. The plan must be generally in accordance with the strategy prepared Wallbridge Gilbert Aztec dated 16 December 2021.~~

Car Park Management Plan

6.8. Concurrent with the endorsement of any plans pursuant to Condition 12, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted

to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- a) The number and location of car parking spaces allocated to each building for residents;
- b) The location and number of any staff car parking spaces;
- c) The location and number of any visitor car parking spaces;
- ~~d) The number and location of car spaces for shared use, including time of shared use;~~
- e)d) Details of way-finding, cleaning and security of end of trip bicycle facilities; and
- f)e) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.

Tree Management Plan to facilitate works detailed in the Early Works Plan

9. Prior to any demolition or site works associated with the early works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of trees within and adjacent to the early works area. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- a) A Tree Protection Plan drawn to scale that shows:
- b) Tree protection zones and structural root zones of all trees to be retained,
- c) All tree protection fenced off areas and areas where ground protection systems will be used;
- d) The type of footings within any tree protection zones;
- e) Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- f) A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- g) Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- h) Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- i) Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- j) No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- k) No vehicle access or parking within the Tree Protection Zone of any tree to be retained.

- l) That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

Tree Management Plan for the balance of works

~~7.10.~~ Concurrent with the submission of amended plans required by Condition ~~21~~ and prior to any demolition or site works for the balance of works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Trees identified on the Plan prepared by Axiom Tree Management Pty Ltd dated 31 March 2022 John Patrick Pty Ltd dated 2 October 2019 (with the removal of Trees No. 170, 171 and 172 and retention of Tree No. 6). The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:

- ~~a)m)~~ A Tree Protection Plan drawn to scale that shows:
- ~~b)n)~~ Tree protection zones and structural root zones of all trees to be retained,
- ~~c)o)~~ All tree protection fenced off areas and areas where ground protection systems will be used;
- ~~d)p)~~ The type of footings within any tree protection zones;
- ~~e)q)~~ Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and
- ~~f)r)~~ A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.
- ~~g)s)~~ Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.
- ~~h)t)~~ Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and
- ~~i)u)~~ Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.
- ~~j)v)~~ No building materials demolition material, excavation or earthworks to be stored or stockpiled within the Tree Protection Zone (TPZ) of any tree to be retained during the construction period of the development.
- ~~k>w)~~ No ~~vehicle~~ vehicle access or parking within the Tree Protection Zone of any tree to be retained.
- ~~l)x)~~ That all tradespersons and contractors operating on the site are advised of the status of the trees to be retained.

Construction Management Plan to facilitate works detailed in the Early Works Plan for works

11. a) Prior to the commencement of any site works associated with the early works (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the

Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

8. The plan must address the following issues:
- a) Hours for construction activity in accordance with any other condition of this permit;
 - b) Measures to control noise, dust and water and sediment laden runoff;
 - c) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
 - d) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
 - e) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
 - f) Cleaning and maintaining surrounding road surfaces;
 - g) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
 - h) Public Safety and site security;
 - i) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
 - j) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
 - k) A Traffic Management Plan showing truck routes to and from the site;
 - l) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
 - m) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
 - n) Contact details of key construction site staff;
 - o) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
 - p) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Construction Management Plan associated with for the balance of works

12. a) Prior to the commencement of any site works associated with the balance of the site, with the exception of Stage 1 works the subject of Condition 9 associated with any of the other stages (including excavation), a Construction Management Plan must be submitted and approved by the Responsible Authority. No works are permitted to

occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

The plan must address the following issues:

- g) Hours for construction activity in accordance with any other condition of this permit;
- r) Measures to control noise, dust and water and sediment laden runoff;
- s) Prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;
- t) Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- u) A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- v) Cleaning and maintaining surrounding road surfaces;
- w) A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council road reserves;
- x) Public Safety and site security;
- y) A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;
- z) Detail regarding car parking availability for residents once buildings are occupied for earlier stages and for construction workers for remaining stages;
- aa) A Traffic Management Plan showing truck routes to and from the site;
- bb) Swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;
- cc) Measures to ensure that sub-contractors/tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- dd) Contact details of key construction site staff;
- ee) Any other relevant matters, including the requirements of VicRoads or Public Transport Victoria.
- ff) Except with the prior written consent of the Responsible Authority, a requirement that construction works must only be carried out during the following hours:
 - Monday to Friday (inclusive) – 7.00am to 6.00pm;
 - Saturday – 9.00am to 1.00pm;
 - Saturday – 1.00pm to 5.00pm (Only activities associated with the erection of buildings. This does not include excavation or the use of heavy machinery.)

No works are permitted on Sundays or Public Holidays.

Landscape Plan

9.13. Concurrent with the endorsement of any plans pursuant to Condition 21, a landscape plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and

approved by the Responsible Authority. When endorsed, the plan will form part of the Permit. The Landscape Plan must be generally in accordance with the Landscape Masterplan and Level 1 Activity Areas Plan prepared by Papworth Design Pty Ltd dated 21 December 2021. ~~Concept Plan dated 13 November 2019, Prepared by John Patrick Pty Ltd, except that the plan must show:~~

- ~~a) Existing Trees 170, 171 and 172 removed and the proposed citrus grove to be extended into this space with the provision of a minimum of three additional citrus trees;~~
- ~~b) Retention of Existing Street Tree No. 6;~~
- ~~c) Further details of pavement materials / finishes; and~~
- ~~d) Deletion of reference to boundary fencing materials.~~

~~10.14.~~ The provisions, recommendations and requirements of the above endorsed Management Plans related to in Conditions ~~54-139~~ inclusive must be implemented and complied with to the satisfaction of the Responsible Authority.

General Conditions

Use Conditions

~~11.15.~~ Prior to the use ~~or development~~ commencing, the owner of the land at 62-94 Jacksons Road, Mulgrave, must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide that the Independent Living Villas and Units identified as Buildings A, B, C, D, E and part of Building F as shown on the plans prepared by Via CHT Architects Rev A, dated 21 December 2021 ~~dated 15 November 2019~~ must only be used for the purpose of a retirement village in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act. The agreement must be registered on title and the cost of the preparation and execution of the Agreement is to be paid by the owner.

~~12.16.~~ The Retirement Village must be operated and managed in accordance with the *Retirement Villages Act 1986 (Vic)* or future legislation which may supersede this Act.

~~13.17.~~ The amenities and other communal facilities ~~(with the exception of the medical centre)~~ must only be used by residents and their guests or by members of staff, to the satisfaction of the responsible authority.

~~14.~~ ~~No more than 70 persons providing health services including 18 doctors and allied health practitioners and 52 case managers shall be permitted on the premises at any given time without the further written consent of the Responsible Authority.~~

~~15.~~ The Medical Centre may operate only during the following hours:

- ~~• Monday to Friday (except Public Holidays) — 8:30am — 6:00pm~~
- ~~• Saturday — 9:00am — 12:00pm (noon)~~
- ~~• Sunday and Public Holidays — Closed~~

~~Except in the case of emergency. Unless with the written consent of the Responsible Authority.~~

Car Parking Conditions

~~16.18.~~ Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed to the satisfaction of the Responsible Authority;

- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;
- (d) drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;
- (e) line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

17.19. No less than ~~520~~367 car spaces must be provided on the land to the satisfaction of the Responsible Authority prior to the occupation of the last stage of the development.

18.20. Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.

19.21. Concrete kerbs or other suitable barriers must be provided to prevent damage to fences and/or landscaped areas and to prevent direct vehicle access to and from the site other than by the nominated access, to the satisfaction of the Responsible Authority.

20.22. All loading and unloading of vehicles must be carried out within the boundaries of the land and must be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

Construction of Bus Shelter and Public Footpaths

21.23. Details of the proposed bus shelter and bus stop are required to be submitted to Council's Engineering Department for approval prior to the works commencing. The full cost of the provision of the bus shelter is to be funded by the developer and is to be arranged in consultation with Council.

22.24. Prior to the commencement of the use of the development, the existing footpath on the north side of the development access road is to be set aside for Road and vested in the name of the appropriate Road Manager.

23.25. Plans for the proposed shared path on Jacksons Road are to be submitted to Council's Engineering department for approval. The proposed shared path is required to be constructed to Council standards.

Landscaping and Tree Retention

24.26. All landscaping works shown on the endorsed landscape plan(s) must be maintained and any dead, diseased or damaged plants replaced, all to the satisfaction of the Responsible Authority.

25.27. Prior to the completion of any stage of the development allowed by this permit, landscaping and urban design works as shown on the endorsed plans forming part of the that stage of the development must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

~~26.28.~~ Lighting must be provided to the satisfaction of the Responsible Authority to ensure that car park areas and pedestrian accessways are adequately illuminated during evening periods without any loss of amenity to occupiers of nearby land to the satisfaction of the Responsible Authority.

~~27.29.~~ An in-ground, automatic watering system linked to rainwater tanks on the land must be installed and maintained to the common garden areas to the satisfaction of the Responsible Authority.

Drainage Engineering Conditions

~~28.30.~~ All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.

~~29.~~ A new 525 mm drain is to be constructed at stage 1 of the project between a new junction pit at the north-western corner of 62-94 Jacksons Road and the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.

Other

~~30.31.~~ No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.

~~31.32.~~ Any required fire services, electricity supply, gas and water meter boxes as shown on the endorsed plans must be installed in the location as specified on endorsed plans to the satisfaction of the Responsible Authority.

Section 55 Referral Conditions

VicRoads Conditions (Ref: 21526/17)

~~32.33.~~ Unless otherwise agreed in writing by VicRoads, and before the development starts, a revised Functional Layout Plan (FLP) must be submitted to VicRoads for review and approval. The revised FLP must be generally in accordance with Functional Layout Plan (Drawing number: V160019T-TR-DG-2501, Revision 5 dated 17 May 2018 prepared by Cardno) but modified to show:

- a) Signage and Line Marking;
- b) Swept path analysis for all movements associated with the proposed access point, including how the largest design vehicle that could be reasonably anticipated to access the subject land can turn in and out of the subject land from Jacksons Road;
- c) Functional Stage Road Safety Audit;
- d) Revised functional layout plan as per the findings of the road safety audit.

~~33.34.~~ Subsequent to the approval of the Functional Layout Plan and functional stage Road Safety Audit, the permit holder must submit a copy of the Traffic Signal Layout Plan to VicRoads for review and approval.

~~34.35.~~ Subsequent to the approval of the traffic signal layout plan, and prior to the commencement of any roadworks required by VicRoads under this permit, the permit holder must submit the detailed engineering design plans, public lighting plan, along with a detail design stage Road Safety Audit, to VicRoads for review and obtain written approval. The detailed design plans must be generally in accordance with the approved Functional Layout Plan. Any identified issues in the Road safety Audit must

be addressed in the detailed design plans to the satisfaction of and at no costs to VicRoads;

35.36. Where the proposed roadworks lies within private property, a widening of the road reserve will be required, at no cost to VicRoads. The permit holder must engage a licensed surveyor to prepare a Plan of Subdivision and submit to the Responsible Authority for certification under the Subdivision Act 1988 to show:

- a) Any land set aside as Road must be labelled "ROAD" on the plan of subdivision.
- b) All land to be vested as road or reserve, for which the Roads Corporation is to be responsible, must be vested in the name of the ROADS CORPORATION (not VicRoads) upon certification of the Plan of Subdivision, without any encumbrances.

36.37. Unless otherwise agreed in writing by VicRoads, prior to the commencement of the use of the development hereby approved, the following must be completed to the satisfaction of VicRoads and the Responsible Authority and at no costs to VicRoads:

- a) All roadworks as required by VicRoads must be completed generally in accordance with the approved Functional Layout Plan (FLP) and detailed design plans;
- b) The permit holder must reimburse VicRoads and the Responsible Authority with all the costs associated with the declaration of the land as arterial road pursuant to the provisions of the Road Management Act 2004 and the rezoning of the land to Road Zone Category 1 (RDZ1) pursuant to the provisions of the Planning and Environment Act 1987.
- c) All disused or redundant vehicle crossings must be removed and the area reinstated to match with the adjacent road environment to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation.

Department of Transport Conditions (Ref: HTFV2019/451)

37.38. Before the development starts, or such other time agreed to in writing by the Head, Transport for Victoria amended plans to the satisfaction of the Head, Transport for Victoria 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 digital copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) A Disability Discrimination Act 1992 compliant bus stop and all associated infrastructure located generally in the location of the existing stop on the Jacksons Road frontage;
- b) Bus turning circles which demonstrate all buses can stop at the bus stop;
- c) A bus shelter, associated seating and walkways in plan and cross section form;
- d) Allocated space for wheelchairs within bus shelters; and
- e) A bus stop identification line marking to identify the bus stop on Jacksons Road.

38.39. The demolition and construction of the development must not disrupt bus operations on Jacksons Road without the prior written consent of the Head, Transport for Victoria.

39.40. Prior to the occupation of the development, all works outlined on the endorsed plans must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria. All bus stop works must comply with the *Disability Discrimination Act*

1992 (Cth) and the *Disability Standards for Accessible Public Transport 2002* to the satisfaction of the Head, Transport for Victoria.

~~40.41.~~ Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.

Department of Environment, Land, Water and Planning Conditions (Ref: PP/LA/03/0109 & SP461389)

~~41.42.~~ Before works start, the permit holder must advise all persons undertaking the vegetation removal and works on site of all relevant conditions of this permit.

~~42.43.~~ Before works start, native vegetation protection fencing must be erected around all patches of native vegetation and scattered trees to be retained on site. This fencing must be erected around the patches at a minimum distance of 2 metres from retained native vegetation and at a radius of 12x the diameter at breast height (DBH) to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the scattered trees.

~~43.44.~~ The protection fencing must be constructed to the satisfaction of the responsible authority. The protection fencing must remain in place at least until all works are completed to the satisfaction of the responsible authority. Except with the written consent of the responsible authority, within this area:

- a) No vehicular or pedestrian access, trenching or soil excavation is to occur,
- b) No storage or dumping of tools, equipment or waste is to occur,
- c) No entry and exit pits for underground services are to be constructed.

45. In order to offset the removal of 0.023 hectares of native vegetation within the early works stage, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*.

- Contribute gain of 0.263 General Habitat Units
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
- Have a strategic biodiversity score of at least 0.131

~~44.46.~~ In order to offset the removal of ~~1.461–429~~ hectares of native vegetation and one scattered tree approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*: The general offset must:

- ~~Contribute gain of 0.050 general biodiversity equivalence units.~~ 2.63 General Habitat Units,
- Be located within the Port Phillip and Westernport Catchment Management Authority boundary or Monash municipal district.
- Have a strategic biodiversity score of at least ~~0.111.~~ 0.131

~~45.47.~~ Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the

requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can be either:

- A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan, which is to include the ongoing management regime in perpetuity. Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan. An offset site condition statement, including photographs must be included in this notification.
- A credit register extract from the Native Vegetation Credit Register.

AusNet Conditions (Ref: 40110)

46.48. No part of the proposed buildings, including eaves, awnings, canopies, shelters and the like, is permitted on AusNet Transmission Group's easement.

47.49. The proposed car park must be used only by domestic and small commercial vehicles not exceeding 3 metres in height. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.

48.50. The use of vehicles and equipment involved in construction work on the easement must not exceed 3 metres operating height without prior written permission from AusNet Transmission Group Pty Ltd.

49.51. Any lighting poles erected on the easement must not exceed 3 metres in height and must be designed so as to allow lanterns to be lowered to ground level for servicing. Higher poles may be permitted subject to available conductor to ground clearances at this site. Power to lighting poles must be installed underground.

50.52. Scaffolding is not permitted on the easement.

51.53. All trees and shrubs planted on the easement must not exceed 3 metres maximum mature growth height.

52.54. The storage of flammable materials, including that within waste bins, is not permitted on the easement.

53.55. Natural ground surface levels on the easement must not be altered by the stockpiling of excavated materials or by landscaping within prior written approval from AusNet Transmission Group.

54.56. All services traversing the easement must be installed underground.

55.57. The use of construction equipment including cranes that have the ability to extend into the easement are not permitted.

56.58. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of work on site.

Time for Starting and Completion

57.59. Once the development has started the approved development must be continued and completed to the satisfaction of the Responsible Authority.

~~58.60.~~ This Permit will expire if one of the following circumstances applies:

- The first stage of development has not commenced within 3 years of the date of this Permit; or
- The first stage of development is not completed within 2 years from commencement of the first stage; or
- Subsequent stages of development are not completed within 6 years from the completion of the first stage of development.

In accordance with Section 69 of the Planning and Environment Act 1987, 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 if the development has not commenced; or
- within twelve (12) months afterwards if the development has not been completed.

Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.

NOTES

- A. The preparation of the functional layout plan, detailed engineering design and the construction and completion of all work must be undertaken in a manner consistent with current VicRoads' policy, procedures and standards and at no cost to VicRoads. In order to meet VicRoads' requirements for these tasks the applicant will be required to comply with the requirements documented as "Standard Requirements - Externally Funded Projects" and any other requirements considered necessary depending on the nature of the work.
- B. The detailed engineering design plans may need to be amended to accommodate any changes that may arise during the detailed design stage review; in response to the road safety audit; in relation to services and their relocation; vegetation; drainage; treatment of hazards within clear zones and other matters.
- C. Road Safety Audits must be undertaken by an independent VicRoads prequalified road safety auditor and be conducted in accordance with Austroads – Road Safety Audit (Second Edition 2002) requirements. Any identified issues must be addressed to VicRoads 'satisfaction.
- D. No work must be commenced in, on, under or over the road reserve until all necessary approvals under the Road Management Act 2004, the Road Safety Act 1986, and any other relevant acts or regulations created under those Acts have been obtained. Please contact VicRoads prior to commencing any works.
- E. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.
- F. This is not approval under the Health Act. Premises used for the sale or storage of food in any manner whatsoever are to be registered under the Food Act before occupation and will require approval.
- G. The lot/unit numbers on the "Endorsed Plan" are not to be used as the official street address of the property. Street numbering is allocated in accordance with Australian/New Zealand Standards 4819:2001- Rural and Urban Addressing. Any street addressing enquiries should be directed to Council's Valuation Team on 9518 3615 or 9518 3210.

- H. Please apply via Council's online application for permits that are required for any premises within facility that require registration under the Public Health and Wellbeing Act or Food Act. The online application can be found at this link www.monash.vic.gov.au/Business/Starting-or-Buying-a-Business
- I. The design and fit out of the food premises must comply with Food Standard Australia New Zealand's 'Food Safety Standard 3.2.3 -- Food Premises & Equipment'.
- J. The premises must not create a nuisance under the Public Health and Wellbeing Act and must comply in all respects with EPA noise legislation.
- K. The private on-site drainage system must prevent stormwater discharge from the internal roads and parking over the footpath and into the road reserve. The internal drainage system may include either:
- a trench grate (minimum internal width of 150 mm) located within the property boundary; and/or
 - shaping the internal roads and parking so that stormwater is collected in grated pits within the property; and or
 - another Council approved equivalent.
- L. All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing.
- M. The nominated point of stormwater connection for:
- Stage 1 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected and free drained via a pipe to the existing side entry pit in the nature strip at the south-western corner of 1 Andleigh Drive.
 - Stage 2, 3 and 4 of the development is to the north-west corner of 62-94 Jacksons Road where the stormwater drainage must be collected at a newly constructed junction pit at the north-western corner of the property. (Within the property boundary).
- N. Engineering permits must be obtained for new or altered vehicle crossings and new connections to Council pits and these works are to be inspected by Council's Engineering Department. A refundable security deposit of \$40,000 is to be paid prior to the drainage works commencing.