

Planning Committee

Held at the Civic Centre, Civic Drive, Greensborough on Tuesday, 9 August 2016

Minutes

Stuart Burdack
Chief Executive Officer

Thursday 11 August 2016

Distribution: Public

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Wominje ka

Nillumbik Shire Council

Minutes of the Planning Committee Meeting held on Tuesday 9 August 2016. The meeting commenced at 8pm (following the conclusion of the Policy and Services Committee meeting)

Councillors present:

Cr Michael Young	Edendale Ward (Chairperson)
Cr Anika Van Hulsen	Bunjil Ward Ward
Cr Peter Perkins	Ellis Ward
Cr Ken King	Sugarloaf Ward
Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Helen Coleman	Wingrove Ward

Officers in attendance:

Ransce Salan	General Manager Environment and Planning
Jonathan McNally	Statutory Planning Coordinator, Planning and Health Services

1. Welcome and apologies

An apology was received from Cr Meralyn Klein.

Motion

Cr Ken King

Cr Peter Perkins

That Cr Meralyn Klein's apology be accepted.

2. Disclosure of conflicts of interest

Nil

3. Confirmation of minutes

Confirmation of minutes of the Planning Committee Meeting held on Tuesday 12 July 2016.

Motion

Cr Peter Perkins

Cr Ken King

That the minutes of the Planning Committee Meeting held on Tuesday 12 July 2016 be confirmed.

4. Planning Reports

PC.011/16 **Development and use of the land for a 120 place child care centre and associated car parking at 69 and 75 Main Street, Diamond Creek**

File: **M009/00/075P**
Distribution: **Public**
Manager: **Jeremy Livingston, Manager Planning and Health Services**
Author: **Anita Fitzpatrick, Senior Statutory Planner**

Application summary

Address of the land	69-75 Main Street, Diamond Creek
Site area	2,409 square metres
Proposal	Development and use of the land for a 120 place child care centre and associated car parking
Application number	677/2015/02P
Date lodged	18 November 2015
Applicant	AD Ryans Project P/L (c/- Schultz Capital)
Zoning	Commercial 1
Overlay(s)	Design and Development Overlay (Schedule 7) Significant Landscape Overlay (Schedule 6) Parking Overlay (Schedule 2) Heritage Overlay (Schedule 133)
Reason for being reported	More than 5 objections received
Number of objections	9
Key issues	<ul style="list-style-type: none"> • Appropriateness of the use and strategic location • Built form, heritage and design • Direct amenity impacts to neighbours • Landscaping and tree removal • Car Parking and traffic
Officer recommendation	Issue a Notice of Refusal to Grant a Permit had an application for review not been lodged at the Victorian Civil and Administrative Tribunal (VCAT) for failure to determine the application within 60 statutory days

4. Planning Reports

PC.011/16 Development and use of the land for a 120 place child care centre and associated car parking at 69 and 75 Main Street, Diamond Creek

Presenter

The following person addressed the Committee with respect to the item:

1. Lindsay Love

Motion

**Cr Peter Perkins
Cr Bronnie Hattam**

That had an application for review not been lodged at the Victorian Civil and Administrative Tribunal (VCAT) for failure to determine the application within 60 statutory days, the Committee (under delegation from Council) issue a Notice of Refusal to Grant a Permit for the land at 69 and 75 Main Street, Diamond Creek, for the development and use of the land for a 120 place child care centre and associated car parking, on the following grounds:

- 1. The development constitutes a four storey building and is prohibited pursuant to the Design and Development Overlay (Schedule 7), and also does not appropriately achieve the design objectives listed within the Schedule due to its visual dominance, architectural form and style, and lack of opportunities for landscaping.**
- 2. The proposed development and use is contrary to the objectives of Clause 22.14 (Diamond Creek Activity Centre Policy) in that the use is not compatible with the retail, office and entertainment uses encouraged for this area. The proposed built form is not consistent with the lower scale building forms sympathetic to the character of the township sought by this policy.**
- 3. The proposed development is not appropriately sympathetic and has not responded appropriately to the heritage-listed building at No. 69 Main Road, contrary to the objectives of the Heritage Overlay (Schedule 133), resultant from its mass and design detailing in its presentation to Main Street.**
- 4. The proposed development would result in the removal of, or material impacts on, 'high' and 'medium' retention value significant trees as identified in the Significant Landscape Overlay (Schedule 6). The development does not provide appropriate opportunities for the planting of new trees or landscaping to achieve the objectives of the Schedule, to achieve development which sits within an established tree canopy.**
- 5. The proposed development would unreasonably impact upon the amenity of neighbouring dwellings to the east by way of unrelieved visual bulk, overshadowing, noise emission and potential odour from bin storage area. , contrary to Clause 65 (Decision Guidelines).**
- 6. The layout of the car park does not adequately address the decision guidelines contained within Clause 52.06-9 and does not provide for a safe and function car parking layout.**

4. Planning Reports

PC.011/16 Development and use of the land for a 120 place child care centre and associated car parking at 69 and 75 Main Street, Diamond Creek

7. The development has not been provided with appropriate capacity for the storage and collection of waste.

CARRIED

Cr Michael Young called for a division:

For: Crs King, Coleman, Van Hulsen, Perkins, Young and Hattam.

Against: Nil.

5. Supplementary and urgent business

Nil

6. Confidential reports

Nil

The meeting closed at 8:22pm

Confirmed: _____

Cr Michael Young, Chairperson