

Future Nillumbik Committee

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 December 2017.

Minutes

Mark Stoermer
Chief Executive Officer

Wednesday 13 December 2017

Distribution: Public

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Wominje ka

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Future Nillumbik Committee Meeting held Tuesday 12 December 2017. The meeting commenced at 7pm.

Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Bruce Ranken	Swipers Gully Ward

Officers in attendance:

Mark Stoermer	Chief Executive Officer
Matt Kelleher	Director Services and Planning
Hjalmar Philipp	Director Sustainability and Place
Allison Watt	Manager Governance
Naomi Paton	Manager Integrated Strategy
Justin Murray	Executive Officer Emergency Management
Jonathan McNally	Acting Manager Planning and Health
Michelle Zemancheff	Coordinator Arts and Cultural Services
Mitch Grayson	Chief of Staff to Mayor and Councillors
James Martin	Corporate Affairs Lead
Naomi Ellis	Corporate Planner
Lisa Hunt	Statutory Planner

1. Welcome and apologies

Apology

Cr Jane Ashton was an apology to the meeting.

Motion

Cr Peter Perkins
Cr Bruce Ranken

That Cr Jane Ashton's apology be accepted.

CARRIED

2. Disclosure of conflicts of interest

Nil

3. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 14 November 2017.

Motion

Cr John Dumaresq
Cr Grant Brooker

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 14 November 2017 be confirmed.

CARRIED

4. Officers' reports

FN.046/17 Draft Arts and Cultural Plan 2018-2022

Portfolio: Community Services

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

**Author: Michelle Zemancheff, Coordinator Arts and Cultural Services
Adrian Cully, Manager Connected Communities**

Cr Karen Egan chaired the meeting for this report.

Summary

The purpose of this report is to advise the Committee of the outcome of recent public exhibition of the Arts and Cultural Plan 2018-2022, and of the further development of that plan to date. After extensive community consultation and engagement with over 300 community members through the Travelling Teapot and traditional surveys, a Draft Arts and Cultural Plan 2018-2022 and Discussion Paper was developed. The Draft Plan and Discussion Paper were publicly exhibited, with 27 submissions received in response. Submissions are provided for Future Nillumbik Committee's consideration.

Speakers

The following people addressed the Committee with respect to this item:

1. Michael Wilson
2. Jim Connor on behalf of the Eltham District Historical Society
3. Matt Blackwood

Motion

Cr Peter Clarke

Cr Bruce Ranken

That the Committee (acting under delegation from Council):

1. **Notes the Submissions received in response to the public exhibition of the Draft Arts and Cultural Plan 2018-2022 and Discussion Paper.**
2. **Requests Officers to refer the Arts and Cultural Plan 2018-2022 to the 19 December 2017 Ordinary Meeting of Council.**

CARRIED

4. Officers' reports

FN.047/17 Nillumbik Shire Art Collection Acquisition, Baldessin and Friends Folio, Baldessin Press and Studio

Portfolio: Community Services

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

Author: Grace Longato, Cultural Collections Officer

Michelle Zemancheff, Coordinator Arts and Cultural Services

Cr Karen Egan chaired the meeting for this report.

Summary

Council has the opportunity to acquire an important limited edition artwork for the Nillumbik Shire Art Collection. The commemorative, *Baldessin and Friends Folio 2016* (e.14/25), by Baldessin Press and Studio (St Andrews) celebrates Baldessin Press' 15th anniversary as a not-for-profit organisation, continuing the legacy of the renowned printmaker and sculptor George Baldessin (1939-1978) who worked and lived in Nillumbik. The folio has been recommended for acquisition by the Arts Advisory Committee (Acquisition and Strategy) in accordance with the *Nillumbik Shire Council Art Collection Policy 2014-2017*.

Motion

Cr Peter Clarke

Cr Bruce Ranken

That the Committee (acting under delegation from Council) :

- 1. Recognises the significance of the *Baldessin and Friends Folio 2016* by Baldessin Press and Studio in relation to the Nillumbik Shire Art Collection**
- 2. Endorses the recommendation to acquire *Baldessin and Friends Folio 2016*, having met the acquisition criteria in accordance with the *Nillumbik Shire Council Art Collection Policy 2014-2017*.**

CARRIED

4. Officers' reports

FN.048/17 Sub-Regional Indoor Sports Needs Analysis

Portfolio: Social Infrastructure

Distribution: Public

Manager: Mark Stoermer, Chief Executive Officer

Author: Naomi Paton, Manager Integrated Strategy

David Shepard, Recreation and Open Space Coordinator

Cr Bruce Ranken, as the Councillor responsible for the Social Infrastructure Portfolio, chaired the meeting for this report.

Summary

The preparation of the Sub-Regional Indoor Sports Needs Analysis (Needs Analysis) was a joint initiative led by the City of Banyule in partnership with Nillumbik Shire Council, Darebin City Council, Netball Victoria and Basketball Victoria.

The Needs Analysis was developed to address the undersupply and non-compliance of courts across the sub-region and recommend future facility provision to address the growing participation levels.

In Nillumbik, the draft Needs Analysis underwent community engagement from 14 June to 17 August 2017. Thirteen submissions (Attachment 1) were received, and netball-specific feedback provided through a netball forum.

Feedback was supportive of the study's directions and recommendations. Comments reinforced the need for additional courts and delivery of upgrades to better respond to participation demands and gaps in facility compliance.

Priorities in Nillumbik remain unchanged, and Council will commence implementation of the stage 1 of the upgrade to Diamond Valley Sports and Fitness Centre in 2018, and continue to explore locations for additional courts for Eltham Wildcats Basketball Club across the sub-region as the highest priorities.

Feedback has been considered in the preparation of the final report (Attachment 2), which will proceed to the December Ordinary Meeting of Council.

Speakers

The following people addressed the Committee with respect to this item:

1. Greg Jeffers, Eltham Wildcats Basketball Club
2. David Wightman, Eltham Wildcats Basketball Club
3. David Hickman, Eltham Wildcats Basketball Club
4. Leighton Lewis, Eltham Wildcats Basketball Club

Recommendation

That the Committee (acting under delegation from Council):

1. Acknowledges and considers feedback from stakeholders and community members on the draft Sub Regional Indoor Sports Needs Analysis
2. Acknowledges presentations to the Committee.

4. Officers' reports

FN.048/17 Sub-Regional Indoor Sports Needs Analysis

3. Requests a further report be presented to the Ordinary Meeting of Council on 19 December to adopt the final Sub Regional Indoor Sports Needs Analysis.

Motion

Cr Peter Clarke

Cr Peter Perkins

That the Committee (acting under delegation from Council):

- 1. Acknowledges and considers feedback from stakeholders and community members on the draft Sub Regional Indoor Sports Needs Analysis**
- 2. Acknowledges presentations to the Committee.**
- 3. Requests a further report be presented to the Ordinary Meeting of Council on 19 December to consider the final Sub Regional Indoor Sports Needs Analysis.**

CARRIED

4. Officers' reports

FN.049/17 Rodger Road Special Charge Scheme, Panton Hill

Portfolio: Infrastructure

Distribution: Public

Manager: Hjalmar Philipp, Director Sustainability and Place

Author: Matthew Theuma, Engineer

Cr John Dumaresq, as the Councillor responsible for the Infrastructure Portfolio, chaired the meeting for this report.

Summary

Following a consultation process, Council resolved on 31 October 2017 (Item OCM.124/17), to commence the statutory process for a Special Charge Scheme for Rodger Road, Panton Hill.

Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 8 November 2017.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has received six pieces of correspondence from affected property owners which constitute a submission and no correspondence constituting an objection under the *Local Government Act 1989*.

This report recommends that the Committee refers a decision regarding the formal declaration of the Rodger Road Special Charge Scheme, to the next Ordinary Meeting of Council on 19 December 2017.

Speakers

The following people addressed the Committee with respect to this item:

1. Janice Crosswhite
2. Cath Giles on behalf of Nillumbik Horse Action Group Inc
3. Rex Niven

Recommendation

That the Committee (acting under delegation from Council):

1. Notes that six submissions and no objections were received for this scheme.
2. Refers a decision regarding the formal declaration of the Rodger Road Special Charge Scheme, to the next Ordinary Meeting of Council on 19 December 2017.

Motion

Cr Karen Egan
Cr Peter Clarke

That the Committee (acting under delegation from Council):

1. Notes that six submissions and no objections were received for this scheme.

4. Officers' Report

FN.049/17 Rodger Road Special Charge Scheme, Panton Hill

2. Defers a decision regarding the formal declaration of the Rodger Road Special Charge Scheme, to the next Ordinary Meeting of Council on 19 December 2017 pending further investigation of the issues raised regarding the horse trail.

CARRIED

4. Officers' reports**FN.050/17 Worns Lane Special Charge Scheme, Yarrambat**

Portfolio: Infrastructure**Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Matthew Theuma, Engineer**

Cr John Dumaresq, as the Councillor responsible for the Infrastructure Portfolio, chaired the meeting for this report.

Summary

Following a consultation process, Council resolved on 31 October 2017 (Item OCM.124/17), to commence the statutory process for a Special Charge Scheme for Worns Lane between Latrobe Road and Licola Street, Yarrambat.

Council's notice of its intention to declare a scheme was publicly advertised in the *Diamond Valley Leader* newspaper on 8 November 2017.

A letter and notice of the proposal was sent to all property owners with a liability under the scheme. Council has not received any correspondence from affected property owners which constitutes a submission and objection under the *Local Government Act 1989*.

This report recommends that the Committee refers a decision regarding the formal declaration of the Worns Lane Special Charge Scheme, to the next Ordinary Meeting of Council on 19 December 2017.

Motion

Cr Grant Brooker**Cr Peter Clarke****That the Committee (acting under delegation from Council):**

- 1. Notes that no submissions and/or objections were received for this scheme.**
- 2. Refers a decision regarding the formal declaration of the Worns Lane Special Charge Scheme, to the next Ordinary Meeting of Council on 19 December 2017.**

CARRIED

4. Officers' reports

FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek

Portfolio: Planning

Distribution: Public

Manager: Jonathan McNally, Acting Manager Planning and Health Services

Author: Lisa Hunt, Statutory Planner

Cr Peter Perkins, as the Councillor responsible for the Planning Portfolio, chaired the meeting for this report.

Application summary

Address of the land	8 Coniston Street, Diamond Creek
Site area	854 square metres
Proposal	Buildings and works to construct three dwellings
Application number	124/2017/03P
Date lodged	30 March 2017
Applicant	John Henry Architects
Zoning	General Residential Zone (GRZ)
Overlay(s)	Nil
Reason for being reported	Called in by Ward Councillor.
Number of objections	Three
Key issues	<ul style="list-style-type: none"> • Strategic Location • Siting, Layout and Design • Neighbourhood Character • Tree Impacts • Compliance with Clause 55 (ResCode) • Clause 52.06 – Car Parking

Speakers

Phillip Caracella addressed the Committee with respect to this report.

4. Officers' reports**FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek**

Recommendation

That the Committee (under delegation from Council) issues a Notice of Decision to Grant a Permit to the land located at 8 Coniston Street, Diamond Creek, for Buildings and works to construct three dwellings, in accordance with the submitted plans and subject to the following conditions:

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by John Henry Architects but modified to show:
 - a) Tree Protection Zones to be shown and clearly dimensioned in accordance with the Arborist Report prepared by Stem Arboriculture.
 - b) Tree Protection Fencing for trees to be retained as per Condition 6 of this permit.
 - c) Amended materials and colours schedule to include a greater variety of external materials. The materials must consist of muted and earthy tones.
 - d) Modifications to the roof form of Unit 3 as per the plan submitted to Council dated 12 October 2017 (Revision D).
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Unless with the prior written consent of the Responsible Authority, within 3 months of the completion of the development the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
4. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:
 - a) Extent
The tree protection fencing (TPF) is to be provided to the extent of the identified TPZ.

4. Officers' reports**FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek**

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

c) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating 'Tree Protection Zone – No Entry', to the satisfaction of the Responsible Authority.

d) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, to the satisfaction of the Responsible Authority.

f) Access to TPZ

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

7. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

e) Materials or equipment stored within the zone

f) Servicing and refuelling of equipment and vehicles

g) Storage of fuel, oil dumps or chemicals

h) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device)

i) Open cut trenching or excavation works (whether or not for laying of services)

j) Changes to the soil grade level

k) Temporary buildings and works

4. Officers' reports**FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek**

l) Unauthorised entry by any person, vehicle or machinery.

9. An onsite detention device is to be installed onsite and designed by a qualified engineer. Plans are to be submitted to the Responsible Authority for approval prior to the commencement of the development.

The engineer that is designing the onsite detention unit must contact Council's development engineer for tc and tso figures. For calculation adopt for pre development one in five years average occurrence interval, post development use one in 10 years average occurrence interval.

The onsite stormwater detention device must be installed, at no cost to Council, as per approved plans and Council's specification.

The construction of the on-site detention device must be carried out under Council supervision and under a Minor Works within the Municipal Road Reserves Permit.

10. Stormwater from the roof of the dwellings hereby approved must be directed to an individual holding tank with a minimum storage capacity of 2,000 litres.

Water in the holding tank may be used for toilet flushing, property irrigation, vehicle washing or any other purposed approved by the Responsible Authority. The overflow from the tank must be directed to the on-site detention unit. The overflow from the on-site detention unit must be directed to the Council nominated point of stormwater discharge.

11. Vehicular access and egress to each dwelling from the roadway must be by way of a vehicle crossing constructed / upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works Permit. Width of the driveway at property boundary must match the width of the vehicle crossing.

12. The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.

13. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveways at the property boundary in Coniston Street where it meets road reserve and connected to the internal drainage system or on-site detention device.

14. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority. Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and an Infrastructure Works Permit.

4. Officers' reports**FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek**

15. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.

In this regard, sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

16. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

NOTES

During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$792 for the land owner and occupant, and \$1,586 for any company which may be undertaking works on-site.

Motion

Cr Peter Clarke

Cr Karen Egan

That the Committee (under delegation from Council) issues a Notice of Decision to Grant a Permit to the land located at 8 Coniston Street, Diamond Creek, for Buildings and works to construct three dwellings, in accordance with the submitted plans and subject to the following conditions:

1. **Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by John Henry Architects but modified to show:**
 - a) **Tree Protection Zones to be shown and clearly dimensioned in accordance with the Arborist Report prepared by Stem Arboriculture.**

4. Officers' reports

FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek

- b) Tree Protection Fencing for trees to be retained as per Condition 6 of this permit.**
 - c) Amended materials and colours schedule to include a greater variety of external materials. The materials must consist of muted and earthy tones.**
 - d) Modifications to the roof form of Unit 3 as per the plan submitted to Council dated 12 October 2017 (Revision D).**
 - e) Alterations to the design of Unit 3 as follows:**
 - i. Unit 3 garage to be relocated to the space between proposed Units 2 and 3 and setback a minimum of three metres from the western (side) boundary.**
 - ii. The area previously occupied by Unit 3's garage to be converted into secluded private open space.**
 - iii. Alterations to the internal layout of Unit 3 to ensure that living areas are located on the lower level, providing direct access to private open space.**
 - iv. Overall height of Unit 3 to be reduced by one metre by way of alterations to the design and/or excavation of the site.**
- 2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 3. Unless with the prior written consent of the Responsible Authority, within three months of the completion of the development the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.**
- 4. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.**
- 5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.**
- 6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:**
- a) Extent**

The tree protection fencing (TPF) is to be provided to the extent of the identified TPZ.

4. Officers' reports

FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek

b) Fencing

All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

c) Signage

Fixed signs are to be provided on all visible sides of the TPF clearly stating 'Tree Protection Zone – No Entry', to the satisfaction of the Responsible Authority.

d) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

Unless with the prior written consent of the Responsible Authority, all services (including water, electricity, gas and telephone) must be installed underground, and located outside of any TPZ, to the satisfaction of the Responsible Authority.

f) Access to TPZ

Should temporary access be necessary within the Tree Protection Zone during the period of construction, the Responsible Authority must be informed prior to relocating the fence (as it may be necessary to undertake additional root protection measures such as bridging over with timber).

7. Once erected to the required standard, the tree protection fencing shall be maintained in good condition and may only be removed upon completion of all development works, to the satisfaction of the Responsible Authority.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:

a) Materials or equipment stored within the zone

b) Servicing and refuelling of equipment and vehicles

c) Storage of fuel, oil dumps or chemicals

d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device)

e) Open cut trenching or excavation works (whether or not for laying of services)

f) Changes to the soil grade level

4. Officers' reports

FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek

g) Temporary buildings and works

h) Unauthorised entry by any person, vehicle or machinery.

- 9. An onsite detention device is to be installed onsite and designed by a qualified engineer. Plans are to be submitted to the Responsible Authority for approval prior to the commencement of the development.**

The engineer that is designing the onsite detention unit must contact Council's development engineer for tc and tso figures. For calculation adopt for pre development one in five years average occurrence interval, post development use one in 10 years average occurrence interval.

The onsite stormwater detention device must be installed, at no cost to Council, as per approved plans and Council's specification.

The construction of the on-site detention device must be carried out under Council supervision and under a Minor Works within the Municipal Road Reserves Permit.

- 10. Stormwater from the roof of the dwellings hereby approved must be directed to an individual holding tank with a minimum storage capacity of 2,000 litres.**

Water in the holding tank may be used for toilet flushing, property irrigation, vehicle washing or any other purposed approved by the Responsible Authority. The overflow from the tank must be directed to the on-site detention unit. The overflow from the on-site detention unit must be directed to the Council nominated point of stormwater discharge.

- 11. Vehicular access and egress to each dwelling from the roadway must be by way of a vehicle crossing constructed / upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works Permit. Width of the driveway at property boundary must match the width of the vehicle crossing.**

- 12. The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.**

- 13. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveways at the property boundary in Coniston Street where it meets road reserve and connected to the internal drainage system or on-site detention device.**

4. Officers' reports

FN.051/17 Buildings and works to construct three dwellings at 8 Coniston Street, Diamond Creek

14. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority. Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and an Infrastructure Works Permit.
15. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.

In this regard, sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

16. This permit will expire if one of the following circumstances applies:
- a) The development is not commenced within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

NOTES

During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$792 for the land owner and occupant, and \$1,586 for any company which may be undertaking works on-site.

CARRIED

Cr Peter Clarke and Cr Karen Egan left the meeting at 8.31pm following the vote on item FN.051/17.

4. Officers' report

FN.052/17 Use and development of the land for a childcare centre for 80 children and associated signage at 6 Youngs Road, Yarrambat

Portfolio: Planning

Distribution: Public

Manager: Jonathan McNally, Acting Manager Planning and Health Services

Author: Tim Oldfield, Statutory Planner

Cr Peter Perkins, as the Councillor responsible for the Planning Portfolio, chaired the meeting for this report.

Application summary

Address of the land	6 Youngs Road, Yarrambat
Site area	8,071 square metres
Proposal	Use and development of the land for a childcare centre for 80 children and associated signage
Application number	205/2017/01P
Date lodged	18 May 2017
Applicant	Michelle Smith – Yarrambat Children Pty Ltd
Zoning	Low Density Residential Zone
Overlay(s)	Design and Development Overlay (Schedule 2) Bushfire Management Overlay
Reason for being reported	Called in by Councillor
Number of objections	62 letters of objection and 56 letters of support
Key issues	<ul style="list-style-type: none"> • Previous VCAT decision Smith v Nillumbik SC (2017) VCAT 74 • Suitability of the use and strategic location • Capability of the land • Car parking and traffic • Amenity impacts • Bushfire provisions • Signage

Speakers

The following people addressed the Committee with respect to this report:

1. Gabby Morrison

4. Officers' reports**FN.052/17 Use and development of the land for a childcare centre for 80 children and associated signage at 6 Youngs Road, Yarrambat**

2. Jacqueline Ibrahim
3. Andrew Tartaglia
4. Tania Fredrickson
5. Evette Quinlan
6. Lashay Cartledge on behalf of Jeanette Harris
7. Jay Chatfield
8. Anthony Norris
9. Ferruccio Baiocchi
10. Stephanie Ellis
11. Farshid Momen
12. Lashay Cartledge
13. Julie Stott
14. Rosetta Romeo
15. Lisa Dunn
16. Michael Stott
17. Maria Atkinson
18. Andrew Masalski

Recommendation

That the Committee (under delegation from Council) issues a Notice of Decision to Grant a Permit to the land at 6 Youngs Road, Yarrambat, for the use and development of the land for a childcare centre for 80 children and associated signage, in accordance with the submitted plans and subject to the following conditions:

1. Before the development and use commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 11 August 2017 prepared by LSA Architects, but modified to show:
 - a) An amended vehicle crossover detailing a left hand turn only lane/splay for vehicles exiting the property (to prevent 'right hand turn' movements into and along Youngs Road to the east).
 - b) Location of associated direction signage stating 'no right turn' for vehicles exiting the property.
 - c) Provision of a pedestrian footpath within the Youngs Road road reserve between the vehicle crossing for the subject land and the existing Yan Yean Road footpath (approximately 34 metres in length). This will provide formal pedestrian access to the site from the existing footpath network.

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- d) Plan notations showing that the construction works required by conditions 1(a), (b) and (c) above will be entirely at the cost of the permit holder.
 - e) A notation on the plans stating outdoor play areas are only to be utilised between 8am and 6pm Monday to Friday.
 - f) The deletion of the acoustic fence along the western side property boundary.
 - g) An amended Landscape Plan as required by Condition 8 of this permit.
 - h) A Business Management Plan as required by Condition 10 of this permit.
 - i) An amended Bushfire Management plan as required by Condition 41 of this permit.
2. The use and development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority.
 3. The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority.
 4. No more than 80 children and 15 staff are to be accommodated on the land at any one time unless with the prior written consent of the Responsible Authority, to the satisfaction of the Responsible Authority.
 5. Unless with the prior written consent of the Responsible Authority, the operating hours of the child care centre use hereby permitted shall only be between:
 - Monday to Friday: 6.30am to 6.30pm.
 6. Unless with the prior written consent of the Responsible Authority, the operating hours of the outdoor play areas shall only be between:
 - Monday to Friday 8am to 6pm.
 7. Unless with the prior written consent of the Responsible Authority:
 - a) No more than 30 children are to be permitted in the northern outdoor play area at any one time.
 - b) No more than 45 children are to be in the southern play areas (including the swimming pool) at any one time.
 8. Before the development and/or use commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the landscape concept plan dated 11 August 2017 prepared by John Patrick Landscape Design. The plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;

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- c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of exotic plants and plants selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems;
 - g) The provision of canopy trees throughout the development as appropriate, including in the front setback area of the proposed buildings.
 - h) Additional screen planting between the effluent disposal areas and the child care centre and western car parking area.
9. Unless with the prior written consent of the Responsible Authority, before the occupation of the development and/or use commences, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
10. Before the development and/or use commences, three copies of a Business Management Plan for the child care centre must be prepared, submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must include but is not limited to the following information:
- a) Children shall be supervised at all times when located in outdoor play areas.
 - b) Not all children are allowed to be in the play areas at the same time. With outdoor play time for each age group occurring at different times during the day.
 - c) Children shall be permitted within outdoor play areas only during the hours of 8am to 5pm Monday to Friday.
 - d) Waste/recycling collection shall occur only between 7am and 6pm Monday to Friday unless with the prior written consent of the Responsible Authority.
 - e) Use of amplified music shall be limited to internal spaces within the existing building.
 - f) Crying children are to be taken inside the centre and comforted as soon as practical.
 - g) Behaviour of children to be monitored by suitably trained child care workers.
 - h) Parents and guardians are to be informed of the importance of minimising noise when entering the site, dropping off or collecting children. A sign notifying visitors and staff to minimise noise at all times should be visible on entry to the site.
 - i) Loudspeakers apart from those required for security/emergency purposes shall not be located in outdoor areas.

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- j) Plant and equipment servicing the development shall comply with SEPP N-1.
 - k) All acoustic fencing within the site shall be a minimum 1.8 metres high and be of imperforate construction. The fence can be constructed from materials such as double lapped timber, FC sheet, masonry, glazing or similar.
11. Before the use commences and/or the building(s) is/are occupied, an acoustic fence must be erected and must be put in place along the southern and part eastern boundaries of the site, in accordance with the recommendations of the Acoustic Report dated 30 June 2017 and prepared by Acoustic Logic, to a minimum height of 1.8 metres above natural ground level. The design of the fence must be prepared by a suitably qualified acoustic engineer. The details of the design and acoustic qualities of the fence must be to the satisfaction of the Responsible Authority.
 12. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
 13. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
 14. Unless with the prior written consent of the Responsible Authority, waste collection for the use hereby approved must be through a private contractor and be managed appropriately by the operators of the child care centre, to the satisfaction of the Responsible Authority.
 15. Unless with the prior written consent of the Responsible Authority, the premises must provide and maintain a suitable area for the storage and cleaning of rubbish receptacles, as shown on the endorsed plans. The waste storage area must be appropriately located and of sufficient size to contain all refuse bins used on the premises, to the satisfaction of the Responsible Authority.
 16. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) Transport of materials, goods or commodities to or from the land
 - b) Appearance of any building, works or materials
 - c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - d) Presence of vermin.
 17. All vehicles exiting the site must be by left hand turn only onto Youngs Road, to the satisfaction of the Responsible Authority.
 18. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. The cost of construction must be borne by the permit holder, and all vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit.

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19. A pedestrian footpath within the road reserve of Youngs Road must be constructed to the satisfaction of the Responsible Authority. The footpath must be constructed between the vehicle crossing to the subject land and connect to the existing pedestrian footpath along Yan Yean Road. The cost of construction must be borne by the permit holder, and all works are to be carried out with Council supervision under an Infrastructure Works permit.
20. Driveways, access lanes, and areas set aside for the parking and access of vehicles must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.
21. The development hereby permitted, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land. Stormwater must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater.
22. Stormwater from the roof of existing structures must be directed to a holding tank with a minimum storage capacity of 2000 litres. The overflow from the tank must be directed to the onsite detention device.

Water in the holding tank may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.
23. Prior to works commencing on-site, construction plans and computations must be submitted to and be approved by the Responsible Authority detailing water sensitive urban design, underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's Subdivisional Design and Construction Standards and Drainage Design Guidelines.
24. An on-site detention device must also be installed, at no cost to Council, to restrict the property storm water discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The on-site detention system outlet must be connected to the Council nominated point of stormwater discharge.

The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority for approval.

Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and specifications and under an Infrastructure Works permit.
25. All drainage must be designed to minimise damage to existing vegetation required to be retained on-site, and the construction work must be carried out in accordance with the approved plans.

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26. The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.
27. Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and an Infrastructure Works permit.
28. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.
29. All sewage and sullage waters shall be treated in accordance with the requirements of the *Environment Protection Act 1970*. All wastewater shall be disposed of within the curtilage of the land and sufficient area shall be kept available for the purpose of wastewater disposal to the satisfaction of the Responsible Authority. No wastewater shall drain directly or indirectly onto an adjoining property, street or any watercourse or drain to the satisfaction of the Responsible Authority.
30. Approval of wastewater disposal must be obtained from Council (Environmental Health) prior to a Building Permit being issued.
31. The existing septic system must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
32. Unless with the prior written consent of the Responsible Authority, all effluent must be disposed of within the designated effluent envelope to the satisfaction of the Responsible Authority.
33. The layout and construction of the premises, must comply with the Food Safety Standard 3.2.3 Food Premises and Equipment to the satisfaction of Council's Environmental Health Unit.
34. Air-conditioning and other plant and equipment installed on the subject building(s) shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
35. Secondary treatment of wastewater followed by sub-surface irrigation must be installed within the designated effluent envelope to the satisfaction of the Responsible Authority.
36. The permit holder must ensure that a current maintenance agreement is in place for the septic tanks system. Servicing must be completed by a competently trained person or servicing agent at least once every three (3) months, with a copy of the report sent to the Council (Environmental Health).
37. Unless with the prior written consent of the Responsible Authority, the commercial waste collection must not occur outside the following hours to the satisfaction of the Responsible Authority.
 - For one collection per week, between 7am-6pm Monday to Friday.
 - For two or more collections per week, between 7am-6pm Monday to Friday.

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38. Unless with the prior written consent of the Responsible Authority, deliveries must not occur outside the following hours:

- Between 7am-10pm Monday to Saturday and between 9am-10pm Sundays and Public holidays.

39. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.
- c) The use is not commenced within two years of the completion of the development
- d) The signage approved under this permit expires 15 years from the date of issue or when the use ceases on site, whichever occurs first.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

The following conditions are required by the CFA:

40. Bushfire Management Plan

Before the development starts, an amended bushfire management plan which is generally in accordance with bushfire management plan prepared by ABZECO Pty Ltd, Attachment 4, dated July 2017 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a) Defendable space
 - Show an area of defendable space for a distance of 50 metres around the proposed building/or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:
 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.

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- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction standard

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the building will be designed and constructed.

c) Water supply

Show 10, 000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64mm CFA three thread per inch male fitting).
- The outlet/s of the water tank must be within four metres of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

d) Access

Show the access for firefighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than one in seven (14.4 per cent) (8.1 degrees) with a maximum of no more than one in five (20 per cent) (11.3 degrees) for no more than 50 metres.
- Have a minimum trafficable width of 3.5 metres of all- weather construction.
- Be clear of encroachments for at least 0.5 metres on each side and four metres above the accessway.
- Dips must have no more than a one in eight (12.5 per cent) (7.1 degrees) entry and exit angle.

Council notes

- The premises is required to be registered with Council (Environmental Health Team) under the *Food Act 1984*.

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- Prior to undertaking any construction works on the food premises, approval should be obtained from a Council Environmental Health Officer.
- Applicants who wish to allow smoking in outdoor dining and drinking areas need to ensure that the area/s comply with the requirements outlined in the *Tobacco Act 1987*. This may involve seeking independent legal advice, where necessary.
- The owner/builder is responsible to protect Council assets during the works and to obtain an Asset Protection Permit unless an exemption applies.
- When Council receives notification of the proposed building/development works from the appointed Building Surveyor, we will forward an Asset Protection Permit application and payment form to the building permit applicant. Should you require additional information, please contact Council's Infrastructure team on 9433 3234.
- The wetland may be used as on-site detention to satisfy drainage conditions within this permit.
- For any clarification or enquiries concerning the drainage or stormwater conditions contained in this permit, please contact Council's Development Engineer on 9433 3255.

Motion

**Cr Grant Brooker
Cr John Dumaresq**

That the Committee (acting under delegation from Council) defers consideration of this item to the Ordinary Meeting of Council on Tuesday 19 December 2017.

CARRIED

5. Supplementary and urgent business

Nil

6. Confidential reports

Nil

The meeting closed at 10pm.

Confirmed: _____

Cr Peter Clarke, Mayor