

Future Nillumbik Committee

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 10 December 2019 commencing at 7:00pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 13 December 2019

Distribution: Public

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Nillumbik Shire Council

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Nillumbik Shire Council

**Minutes of the Future Nillumbik Committee meeting held
Tuesday 10 December 2019. The meeting commenced at 7:01pm.**

Councillors present:

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

Officers in attendance:

Carl Cowie	Chief Executive Officer
Vince Lombardi	Chief Financial Officer
Hjalmar Philipp	Director Operations and Infrastructure
Blaga Naumoski	Executive Manager Governance, Communications and Engagement
Corrienne Nichols	Executive Manager Community Services
Kelly Reaburn	Head of Communications and Marketing
Renae Ahern	Manager Planning Services
Tyson McAdie	Principal Planner
Katia Croce	Governance Lead

1. Welcome by the Chair

2. Reconciliation statement

The reconciliation statement was read by the Chairperson, Cr Karen Egan.

3. Apologies

Nil

4. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee meeting held on Tuesday 12 November 2019.

Committee Resolution

MOVED: Cr Jane Ashton

SECONDED: Cr Bruce Ranken

That the minutes of the Future Nillumbik Committee meeting held on Tuesday 12 November 2019 be confirmed.

CARRIED

5. Disclosure of conflicts of interest

Cr Jane Ashton disclosed a conflict of interest in relation to item FN.027/19 – Use and development of a dog boarding facility and signage at 790 Ridge Road, Christmas Hills, classifying the type of interest as an indirect interest because she has a very close relationship with one of the objectors, as they travel and socialise together frequently and probably best to remove herself from process as it may be perceived a conflict even if there isn't.

Cr Jane Ashton left the meeting prior to consideration of this item at 7:04pm.

Cr Peter Clarke assumed the chair at 7:04pm as the Councillor responsible for the Planning Portfolio.

6. Officers' reports

FN.027/19 Use and development of a dog boarding facility and signage at 790 Ridge Road, Christmas Hills

Portfolio: Planning

Distribution: Public

Manager: Amanda Cuxson, Acting Manager Planning Services

Author: Tyson McAdie, Principal Planner

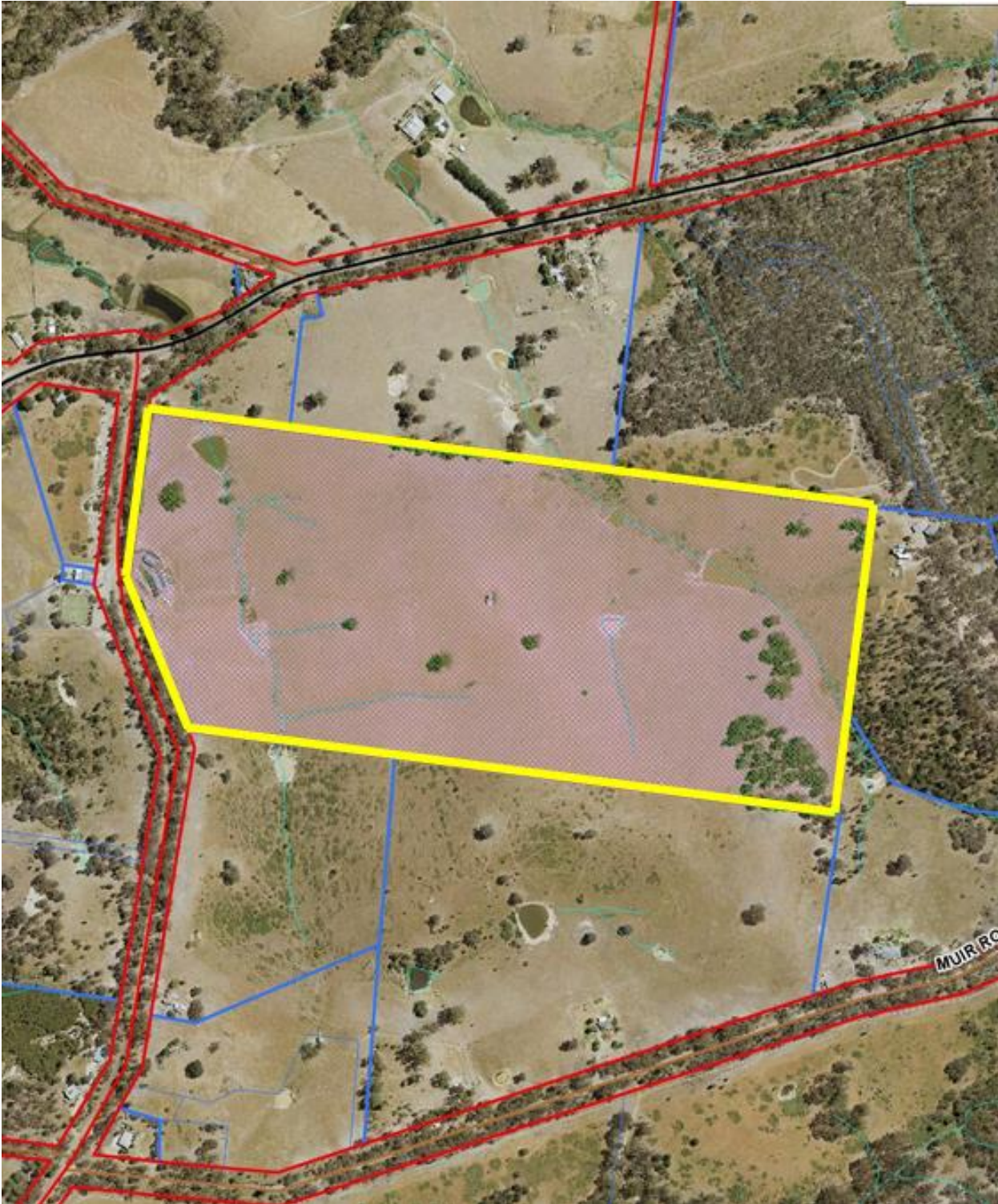
Application summary

Address of the land	790 Ridge Road, Christmas Hills
Site area	32 hectares
Proposal	Use and development of the land for a dog boarding facility and signage
Application number	517/2018/02P
Date lodged	23-Oct-2018
Applicant	Millar & Merrigan Pty Ltd
Zoning	RCZ4
Overlay(s)	BMO, ESO1, PAO2
Reason for being reported	Called in by Councillor
Number of objections	Fifteen (15)
Key issues	<ul style="list-style-type: none"> • Appropriateness of use • Amenity impacts / noise abatement • Siting and design • Car parking • Signage • Public Acquisition Overlay (PAO)

6. Officers' reports

FN.027/19 Use and development of a dog boarding facility and signage at 790 Ridge Road, Christmas Hills

Location map



6. Officers' reports**FN.027/19 Use and development of a dog boarding facility and signage at 790 Ridge Road, Christmas Hills**

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

1. Rod Armstrong
2. Geraldine Sanderson on behalf of Poetry at Chrissy Hills
3. Geraldine Sanderson
4. Veronica Holland
5. Veronica Holland on behalf of Christmas Hills Mechanics Institute Hall
6. Nick Capobianco
7. Mandy Edwards and others on behalf of Millar & Merrigan Pty Ltd
8. Skye McDonald

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 790 Ridge Road, Christmas Hills, for the Use and development of the land for a dog boarding facility and 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 26 July 2019 and prepared by Millar Merrigan but modified to show:
 - a) Gradient of batter slope on the eastern elevation shown to be no steeper than 1:2;
 - b) Landscaping in accordance with condition 3;
 - c) An amended car parking layout to demonstrate compliance with Australian Standard 2890.1:2004;
 - d) The proposed wall colour of the shed amended to be 'Windspray' or darker; and
 - e) All noise mitigation measures (as detailed in Accoustic Engineering Report dated 25 July 2019 prepared by Cognet Accoustics) added as notations on the plans;
 - f) A Construction Management Plan in accordance with Condition 12.
2. The development and use, including the layout of the use, as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development 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 plan must show:

6. Officers' reports**FN.027/19 Use and development of a dog boarding facility and signage at 790 Ridge Road, Christmas Hills**

- a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - 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) The location of screen and canopy planting shown to the area between the proposed car park and Ridge Road to reduce the visual impact of the building when viewed from Ridge Road;
 - f) Screening planting provided to the batter slope along the eastern side of the building, and (if required to provide an effective visual screen) the area beyond the batter slope. The planting should comprise a mixture of indigenous canopy trees and shrubs, planted at an appropriate density so the vegetation at semi-maturity will reduce the visual impact of the building when viewed from the east.
 - g) Ground covers provided at a ratio of 3 to 4 plants per square metre on the battered embankment, so as to provide a complete coverage within two years from the date of construction, to the satisfaction of the Responsible Authority. The plants must be indigenous and of local provenance.
 - h) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - i) Appropriate irrigation systems;
 - j) All planting on the site must be provided in accordance with the defensible space requirements outlined in Table 6 of Clause 53.02-5 of the Nillumbik Planning Scheme.
4. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
 5. Disturbed surfaces on the land resulting from the buildings and works hereby permitted must be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of the Responsible Authority.
 6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan as soon as possible or as directed by the Responsible Authority. All replanting is to be undertaken to the satisfaction of the Responsible Authority.
 7. 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.

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8. 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.
9. The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
10. Before the use approved by this permit starts, an Acoustic Assessment and report of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that that the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:
 - a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.
 - b) The noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
 - c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
11. Any recommendations or requirements of the Acoustic Assessment required by Condition 10 must be implemented prior to the commencement of the use and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
12. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
 - a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - c) Hours of construction;
 - d) Where access to the site for construction vehicle traffic will occur;
 - e) Tree protection zones;
 - f) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - g) The location of trenching works, boring, and pits associated with the provision of services; and

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h) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

13. The development and/or 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;

All to the satisfaction of the Responsible Authority.

14. All noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

15. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.

16. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining or nearby land, to the satisfaction of the Responsible Authority.

17. 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.

18. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining or nearby properties, to the satisfaction of the Responsible Authority.

19. Unless with the prior written consent from the Responsible Authority, the pick and drop off of dogs may only occur between the following hours:

- Monday to Friday: 7am to 7pm;
- Saturday & Sunday: 8.30am to 5pm;
- Public Holidays: 8.30 am to 5pm

20. Unless with the prior written consent from the Responsible Authority, the number of dogs present on the property at any one time must not exceed 50 to the satisfaction of the Responsible Authority.

21. Unless with the prior written consent of the Responsible Authority, at all times when there are animals being boarded, housed or kept in the permitted use, an

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- appropriately trained person responsible for the operation of the use must be on site 24 hours a day.
22. Unless with the prior written consent of the Responsible Authority, the exercise yard may only be used between 9am to 5pm to the satisfaction of the Responsible Authority.
23. Unless with the prior written consent of the Responsible Authority, deliveries to the site must not occur outside the following hours:
- Between 7am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
24. The loading and unloading of goods or deliveries from vehicles must only be carried out on the subject land.
25. Prior to the commencement of the use, 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. 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 a Minor Works within the Municipal Road Reserves permit.
26. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
27. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
28. A minimum of thirteen car spaces must be provided on the land for the use and/or development hereby permitted, and must remain available and not be used for any other purpose to the satisfaction of the Responsible Authority.

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29. The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater to the satisfaction of the Responsible Authority.
30. Prior to commencement of the use, stormwater from the roof of the development hereby approved is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The holding tank must have a minimum storage capacity of 2000 litres. The overflow from the tank shall be directed to absorption trenches terminating in a one cubic metre (1m³) absorption pit. The length of the absorption trenches must be calculated in relation to the roof area of the development. 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.
31. Stormwater is to be absorbed on-site in accordance with the Shire of Nillumbik's "Drainage to Unserviced Allotments" document, and all works are to be carried out to the satisfaction of the Responsible Authority.
32. 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.
33. 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.
34. Approval of wastewater disposal must be obtained from Council (Environmental Health) prior to a Building Permit being issued.
35. The septic system must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
36. The method of effluent disposal must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and 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:
 - a) For one collection per week:
 - Between 6.30am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
 - b) For two or more collections per week,
 - Between 7am – 6pm Monday to Saturday and

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- Between 9am – 6pm Sundays and public holidays

38. 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.
39. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.
40. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view from beyond the property boundaries to the satisfaction of the Responsible Authority.
41. The location, size, supporting structure and details of the signs as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
42. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
43. The sign(s) must not be illuminated by external or internal light unless with the prior written consent of the Responsible Authority.
44. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
45. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years of the date of this permit;
 - b) The development is not completed within 4 years of the date of this permit;
 - c) The approved use is not commenced within 2 years of the completion of the development;
 - d) The use ceases for more than two years;
 - e) The permission for the signage expires 15 years after the permit issue date.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

Motion

MOVED: Cr Karen Egan

SECONDED: Cr Peter Clarke

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 790 Ridge Road, Christmas Hills, for the Use and development of the land for a dog boarding facility and 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

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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 26 July 2019 and prepared by Millar Merrigan but modified to show:

- a) Gradient of batter slope on the eastern elevation shown to be no steeper than 1:2;
 - b) Landscaping in accordance with condition 3;
 - c) An amended car parking layout to demonstrate compliance with Australian Standard 2890.1:2004;
 - d) The proposed wall colour of the shed amended to be 'Windspray' or darker; and
 - e) All noise mitigation measures (as detailed in Acoustic Engineering Report dated 25 July 2019 prepared by Cagnet Acoustics) added as notations on the plans;
 - f) A Construction Management Plan in accordance with Condition 12.
 - g) Prior to the commencement of the use and development, two (2) copies of a revised acoustic report must be submitted to the satisfaction of the Responsible Authority. The amended report must include:**
 - i. Correct labelling of all tables;**
 - ii. Appropriate acoustic treatment to the exercise yard, In accordance with calculation outlined in Table 7 of the acoustic report;**
 - iii. Acoustic treatment extended along the southern end of the VIP pens;**
2. The development and use, including the layout of the use, as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development 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 plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - 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;

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- e) The location of screen and canopy planting shown to the area between the proposed car park and Ridge Road to reduce the visual impact of the building when viewed from Ridge Road;
 - f) Screening planting provided to the batter slope along the eastern side of the building, and (if required to provide an effective visual screen) the area beyond the batter slope. The planting should comprise a mixture of indigenous canopy trees and shrubs, planted at an appropriate density so the vegetation at semi-maturity will reduce the visual impact of the building when viewed from the east.
 - g) Ground covers provided at a ratio of 3 to 4 plants per square metre on the battered embankment, so as to provide a complete coverage within two years from the date of construction, to the satisfaction of the Responsible Authority. The plants must be indigenous and of local provenance.
 - h) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - i) Appropriate irrigation systems;
 - j) All planting on the site must be provided in accordance with the defensible space requirements outlined in Table 6 of Clause 53.02-5 of the Nillumbik Planning Scheme.
4. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
 5. Disturbed surfaces on the land resulting from the buildings and works hereby permitted must be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of the Responsible Authority.
 6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan as soon as possible or as directed by the Responsible Authority. All replanting is to be undertaken to the satisfaction of the Responsible Authority.
 7. 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.
 8. 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.
 9. The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
 10. Before the use approved by this permit starts, an Acoustic Assessment and report of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional

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acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that the development and associated processes and procedures provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:

- a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.
 - b) The noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
 - c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
11. Any recommendations or requirements of the Acoustic Assessment required by Condition 10 must be implemented prior to the commencement of the use and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
12. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - c) Hours of construction;
 - d) Where access to the site for construction vehicle traffic will occur;
 - e) Tree protection zones;
 - f) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - g) The location of trenching works, boring, and pits associated with the provision of services; and
 - h) The location of any temporary buildings or yards.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

13. The development and/or 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;

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- 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;

All to the satisfaction of the Responsible Authority.

14. All noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
15. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
16. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining or nearby land, to the satisfaction of the Responsible Authority.
17. 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.
18. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining or nearby properties, to the satisfaction of the Responsible Authority.
19. Unless with the prior written consent from the Responsible Authority, the pick and drop off of dogs may only occur between the following hours:
 - Monday to Friday: 7am to 7pm;
 - Saturday & Sunday: 8.30am to 5pm;
 - Public Holidays: 8.30 am to 5pm
20. **Unless with the prior written consent of the Responsible Authority, the operating hours of the must be limited to:**
 - **7am to 7pm Monday to Friday;**
 - **8.30am to 5pm Saturday, Sunday and Public Holidays**
21. **The training yard may only be used during the approved operating hours to the satisfaction of the Responsible Authority.**
22. Unless with the prior written consent from the Responsible Authority, the number of dogs present on the property at any one time must not exceed 50 to the satisfaction of the Responsible Authority.
23. Unless with the prior written consent of the Responsible Authority, at all times when there are animals being boarded, housed or kept in the permitted use, an appropriately trained person responsible for the operation of the use must be on site 24 hours a day.

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24. Unless with the prior written consent of the Responsible Authority, the exercise yard may only be used between 9am to 5pm to the satisfaction of the Responsible Authority.
25. Unless with the prior written consent of the Responsible Authority, deliveries to the site must not occur outside the following hours:
 - Between 7am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
26. The loading and unloading of goods or deliveries from vehicles must only be carried out on the subject land.
27. Prior to the commencement of the use, 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. 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 a Minor Works within the Municipal Road Reserves permit.
28. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
29. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
30. A minimum of thirteen car spaces must be provided on the land for the use and/or development hereby permitted, and must remain available and not be used for any other purpose to the satisfaction of the Responsible Authority.
31. The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater to the satisfaction of the Responsible Authority.

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32. Prior to commencement of the use, stormwater from the roof of the development hereby approved is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The holding tank must have a minimum storage capacity of 2000 litres. The overflow from the tank shall be directed to absorption trenches terminating in a one cubic metre (1m³) absorption pit. The length of the absorption trenches must be calculated in relation to the roof area of the development. 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.
33. Stormwater is to be absorbed on-site in accordance with the Shire of Nillumbik's "Drainage to Unserviced Allotments" document, and all works are to be carried out to the satisfaction of the Responsible Authority.
34. 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.
35. 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.
36. Approval of wastewater disposal must be obtained from Council (Environmental Health) prior to a Building Permit being issued.
37. The septic system must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
38. The method of effluent disposal must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
39. 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:
 - a) For one collection per week:
 - Between 6.30am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
 - b) For two or more collections per week,
 - Between 7am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
40. 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

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must be appropriately located and of sufficient size to contain all refuse bins used on the premises, to the satisfaction of the Responsible Authority.

41. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.
42. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view from beyond the property boundaries to the satisfaction of the Responsible Authority.
43. The location, size, supporting structure and details of the signs as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
44. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
45. The sign(s) must not be illuminated by external or internal light unless with the prior written consent of the Responsible Authority.
46. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
47. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years of the date of this permit;
 - b) The development is not completed within 4 years of the date of this permit;
 - c) The approved use is not commenced within 2 years of the completion of the development;
 - d) The use ceases for more than two years;
 - e) The permission for the signage expires 15 years after the permit issue date.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

THE MOTION WAS PUT TO THE VOTE AND CARRIED AND BECAME THE COMMITTEE RESOLUTION AS FOLLOWS:

Committee Resolution

MOVED: Cr Karen Egan
SECONDED: Cr Peter Clarke

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 790 Ridge Road, Christmas Hills, for the Use and development of the land for a dog boarding facility and 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

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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 26 July 2019 and prepared by Millar Merrigan but modified to show:

- a) Gradient of batter slope on the eastern elevation shown to be no steeper than 1:2;
 - b) Landscaping in accordance with condition 3;
 - c) An amended car parking layout to demonstrate compliance with Australian Standard 2890.1:2004;
 - d) The proposed wall colour of the shed amended to be 'Windspray' or darker; and
 - e) All noise mitigation measures (as detailed in Accoustic Engineering Report dated 25 July 2019 prepared by Cagnet Accoustics) added as notations on the plans;
 - f) A Construction Management Plan in accordance with Condition 12.
 - g) Prior to the commencement of the use and development, two (2) copies of a revised acoustic report must be submitted to the satisfaction of the Responsible Authority. The amended report must include:
 - i. Correct labelling of all tables;
 - ii. Appropriate acoustic treatment to the exercise yard, In accordance with calculation outlined in Table 7 of the acoustic report;
 - iii. Acoustic treatment extended along the southern end of the VIP pens;
2. The development and use, including the layout of the use, as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development 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 plan must show:
- a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - 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) The location of screen and canopy planting shown to the area between the proposed car park and Ridge Road to reduce the visual impact of the building when viewed from Ridge Road;

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- f) Screening planting provided to the batter slope along the eastern side of the building, and (if required to provide an effective visual screen) the area beyond the batter slope. The planting should comprise a mixture of indigenous canopy trees and shrubs, planted at an appropriate density so the vegetation at semi-maturity will reduce the visual impact of the building when viewed from the east.
 - g) Ground covers provided at a ratio of 3 to 4 plants per square metre on the battered embankment, so as to provide a complete coverage within two years from the date of construction, to the satisfaction of the Responsible Authority. The plants must be indigenous and of local provenance.
 - h) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - i) Appropriate irrigation systems;
 - j) All planting on the site must be provided in accordance with the defensible space requirements outlined in Table 6 of Clause 53.02-5 of the Nillumbik Planning Scheme.
4. The landscaping as shown on the endorsed Landscape Plan must be completed to the satisfaction of the Responsible Authority before the development is occupied and/or the use starts or at such later date as is approved by the Responsible Authority in writing.
 5. Disturbed surfaces on the land resulting from the buildings and works hereby permitted must be revegetated with indigenous species and stabilised within three months of the completion of the development, to the satisfaction of the Responsible Authority.
 6. The landscaping as shown on the endorsed Landscape Plan must be maintained, and any dead, diseased or damaged plant replaced in accordance with the endorsed Landscape Plan as soon as possible or as directed by the Responsible Authority. All replanting is to be undertaken to the satisfaction of the Responsible Authority.
 7. 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.
 8. 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.
 9. The development must be constructed in accordance with the requirements/recommendations of the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
 10. Before the use approved by this permit starts, an Acoustic Assessment and report of the as-constructed development must be submitted to the Responsible Authority for approval. The assessment, prepared by a suitably qualified and professional acoustic engineer, must review the function and operation of the as-constructed development and any operational process or procedure manuals. The assessment must confirm that that the development and associated processes and procedures

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provides the necessary acoustic treatments, and has operational processes and procedures in place to ensure that:

- a) The noise emissions from the operation of the development do not impact adversely on the reasonable amenity of any nearby property.
 - b) The noise emissions from the operation of the development comply with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
 - c) All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) complies with the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
11. Any recommendations or requirements of the Acoustic Assessment required by Condition 10 must be implemented prior to the commencement of the use and thereafter maintained in accordance with the approved Acoustic Assessment to the satisfaction of the Responsible Authority.
12. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures;
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction;
 - c) Hours of construction;
 - d) Where access to the site for construction vehicle traffic will occur;
 - e) Tree protection zones;
 - f) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences;
 - g) The location of trenching works, boring, and pits associated with the provision of services; and
 - h) The location of any temporary buildings or yards.
- Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.
13. The development and/or 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;

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- 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;

All to the satisfaction of the Responsible Authority.

14. All noise emanating from the development must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.
15. All security alarms or similar devices installed on the land must be of a silent type approved by the Standards Association of Australia and be connected to a registered security service.
16. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining or nearby land, to the satisfaction of the Responsible Authority.
17. 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.
18. Mechanical ventilation systems must be positioned so as not to cause a noise or environmental nuisance to adjoining or nearby properties, to the satisfaction of the Responsible Authority.
19. Unless with the prior written consent from the Responsible Authority, the pick and drop off of dogs may only occur between the following hours:
 - Monday to Friday: 7am to 7pm;
 - Saturday & Sunday: 8.30am to 5pm;
 - Public Holidays: 8.30 am to 5pm
20. Unless with the prior written consent of the Responsible Authority, the operating hours of the must be limited to:
 - 7am to 7pm Monday to Friday;
 - 8.30am to 5pm Saturday, Sunday and Public Holidays
21. The training yard may only be used during the approved operating hours to the satisfaction of the Responsible Authority.
22. Unless with the prior written consent from the Responsible Authority, the number of dogs present on the property at any one time must not exceed 50 to the satisfaction of the Responsible Authority.
23. Unless with the prior written consent of the Responsible Authority, at all times when there are animals being boarded, housed or kept in the permitted use, an appropriately trained person responsible for the operation of the use must be on site 24 hours a day.

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24. Unless with the prior written consent of the Responsible Authority, the exercise yard may only be used between 9am to 5pm to the satisfaction of the Responsible Authority.
25. Unless with the prior written consent of the Responsible Authority, deliveries to the site must not occur outside the following hours:
 - Between 7am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
26. The loading and unloading of goods or deliveries from vehicles must only be carried out on the subject land.
27. Prior to the commencement of the use, 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. 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 a Minor Works within the Municipal Road Reserves permit.
28. Before the use commences, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.
29. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
30. A minimum of thirteen car spaces must be provided on the land for the use and/or development hereby permitted, and must remain available and not be used for any other purpose to the satisfaction of the Responsible Authority.
31. The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater to the satisfaction of the Responsible Authority.

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32. Prior to commencement of the use, stormwater from the roof of the development hereby approved is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The holding tank must have a minimum storage capacity of 2000 litres. The overflow from the tank shall be directed to absorption trenches terminating in a one cubic metre (1m³) absorption pit. The length of the absorption trenches must be calculated in relation to the roof area of the development. 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.
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34. 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.
35. 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.
36. Approval of wastewater disposal must be obtained from Council (Environmental Health) prior to a Building Permit being issued.
37. The septic system must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
38. The method of effluent disposal must be upgraded in accordance with the requirements of the *Environment Protection Act 1970* and Council (Environmental Health).
39. 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:
 - a) For one collection per week:
 - Between 6.30am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
 - b) For two or more collections per week,
 - Between 7am – 6pm Monday to Saturday and
 - Between 9am – 6pm Sundays and public holidays
40. 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

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must be appropriately located and of sufficient size to contain all refuse bins used on the premises, to the satisfaction of the Responsible Authority.

41. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.
42. All bins and receptacles used for the storage and collection of garbage, bottles and other solid wastes must be kept in a storage area screened from view from beyond the property boundaries to the satisfaction of the Responsible Authority.
43. The location, size, supporting structure and details of the signs as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
44. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
45. The sign(s) must not be illuminated by external or internal light unless with the prior written consent of the Responsible Authority.
46. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
47. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years of the date of this permit;
 - b) The development is not completed within 4 years of the date of this permit;
 - c) The approved use is not commenced within 2 years of the completion of the development;
 - d) The use ceases for more than two years;
 - e) The permission for the signage expires 15 years after the permit issue date.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

CARRIED

The Mayor, Cr Karen Egan assumed the chair at 8:06pm.

7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

The meeting closed at 8:06pm.

Confirmed: _____
Cr Karen Egan, Mayor