

MINUTES

Meeting of Council



Held at the
Civic Centre
511 Burwood Highway
Wantirna South
On
Monday 16 December 2024

The Agenda for the Meeting of Council, Monday 16 December 2024, forms part of these Minutes and is attached in full at the end of the Minutes.

These Minutes are considered draft until adopted and confirmed at the next Meeting of Council.

The meeting commenced at 7:02pm.

PRESENT:

| | |
|----------------------------|--|
| <i>Cr L Cooper (Mayor)</i> | <i>Scott Ward</i> |
| <i>Cr P Kennett</i> | <i>Chandler Ward</i> |
| <i>Cr C Duncan</i> | <i>Collier Ward</i> |
| <i>Cr R Williams</i> | <i>Dinsdale Ward</i> |
| <i>Cr M Baker</i> | <i>Dobson Ward</i> |
| <i>Cr P Lockwood</i> | <i>Baird Ward</i> |
| <i>Cr S Pearce</i> | <i>Taylor Ward</i> |
| <i>Cr G Atwell</i> | <i>Tirhatuan Ward</i> |
| | |
| <i>Mr B Dobson</i> | <i>Chief Executive Officer</i> |
| <i>Mr G Curcio</i> | <i>Director - Customer and Performance</i> |
| <i>Mr G Thorne</i> | <i>Director – Infrastructure</i> |
| <i>Mr M Kelleher</i> | <i>Director - City Livability</i> |
| <i>Ms J Chalkley</i> | <i>Director – Connected Communities</i> |
| <i>Mr A Dowling</i> | <i>Manager, Governance and Risk</i> |

THE MEETING OPENED WITH A STATEMENT OF ACKNOWLEDGEMENT AND A STATEMENT OF COMMITMENT

Council acknowledges the Wurundjeri Woi-wurrung people and Bunurong people of the Kulin Nation as Traditional Custodians of the land, and meets on the traditional lands of the Wurundjeri Woi-wurrung people. We pay our respects to elders both past and present.

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1 Apologies And Requests For Leaves Of Absence

Apologies were received from Councillor Considine.

The Mayor noted Councillor Parisa Considine had requested a leave of absence from Council on the basis that she has an unforeseen family health matter that she needs to attend to, and had sought leave until the end of February 2025.

RESOLUTION

MOVED: Councillor Atwell

SECONDED: Councillor Pearce

That Councillor Considine be granted a Leave of Absence for the period 16 December 2024 to 28 February 2025.

CARRIED

2 Declarations Of Conflict Of Interest

Councillor Baker foreshadowed declaring a general conflict of interest in Item 8.1, Minor Grants Program Monthly Report.

Councillor Duncan foreshadowed declaring a material conflict of interest in Item 8.1, Minor Grants Program Monthly Report.

The Chief Executive Officer, Bruce Dobson foreshadowed a general conflict of interest in Item 8.3, Independent Advisor to CEO Remuneration Review.

Councillor Cooper foreshadowed declaring a general conflict of interest in Item 8.1, Minor Grants Program Monthly Report.

3 Confirmation Of Minutes

The Chairperson, Councillor Lisa Cooper invited Councillors to raise any opposition to the Minutes of the Meeting of Council held on Monday 25 November 2024. There being none, the Chairperson declared the Minutes be confirmed.

4 Presentations, Petitions And Memorials

Nil.

5 Reports By Councillors

5.1.1 Councillor Pearce

Councillor Pearce reported attending the following meetings:

- Knox United Vicki Angel Memorial Day with Councillor Atwell, Councillor Considine and the Liberal Candidate for Aston Emanuele Cicchiello
- Knox Disability Advisory Committee noting it was conducted expertly by Councillor Baker with a great flow of ideas
- Polish Christmas Fair which had beautiful food and gifts to purchase, thanking Andrew Paul and the Committee and suggested the food is worth the wait
- Had a photo with the Sunday School Choir and praised the multicultural aspect of these events
- Audit and Risk Committee Meeting, highlighting the importance of the Committee

Councillor Pearce also:

- Wished Taylor Ward and all Knox residents a Merry Christmas and a happy festive season to those who do not celebrate Christmas

5.1.2 Councillor Lockwood

Councillor Lockwood reported attending the following meetings:

- Breakfast with Local MP's which involves lobbying with local members of Parliament
- Opening of the new Blind Creek Wetlands heralding in the beginning of the Knox Central vision with many ducks spotted on the day
- Knox Carols by Candlelight including Knox Factor which was a successful event
- Your Library Board Meeting and Annual General Meeting with the libraries proving popular due to increased cost-of-living pressures
- Arts and Culture Committee Meeting, meeting with community and industry appointees

Councillor Lockwood also:

- Wished:
 - All Knox residents (including our Indigenous brothers and sisters), Council officers and staff a joyous Christmas and safe new year;

- All those who do not celebrate Christmas a joyous holiday season and that they experience the goodwill, caring and sharing spirit at this time of year;
 - Those that celebrate the religious aspects of Christmas success in their devotions and be blessed by God; and
 - Goodwill to Councillor Parisa Considine and her family while they experience a difficult time.
- Noted we do not need to diminish Christmas and this country also marks and adopts celebrations from different cultures such as Diwali, Lunar New Year, IFTAR Lantern Festival, Ramadan, Shevat and Passover.

5.1.3 Councillor Williams

Councillor Williams reported attending the following meetings:

- Bayswater Senior Citizens Club Annual Christmas Lunch and Raffle with 80 people in attendance
- Orana Neighbourhood House Christmas Celebrations
- Knox City Tennis Club Annual General Meeting and congratulated Craig Mason for being re-elected to the Presidency of the Club
- Knox Carols by Candlelight
- Knox Radio Controlled Off Road Car Club at Carrington Park
- Youth Advisory Committee Meeting
- Knox SES Christmas Dinner and congratulated the volunteers for their assistance with road crash rescue, house and flood recoveries
- Bayswater CFA Christmas Party
- Blind Creek Wetlands Opening, noting it is great to see the vision being realised

Councillor Williams also:

- Acknowledged contact with a range of residents to hear their concerns
- Echoed the sentiments of Councillor Lockwood by wishing residents a Happy Holiday season

5.1.4 Councillor Duncan

Councillor Duncan reported attending the following meetings:

- Mandatory Councillor Training Sessions
- Youth Advisory Committee Meeting noting he was looking forward to robust conversations on the Committee

- Wantirna Neighbourhood Residents Christmas Party commenting it was great to see a small community getting together to celebrate Christmas
- Scoresby Secondary College Orion Night with The Hon. Kim Wells MP presenting awards
- MBL Basketball Grand Final
- Knox Carols By Candlelight

Councillor Duncan also:

- Echoed the sentiments of Councillor Lockwood by wishing residents a Happy Holiday season

5.1.5 Councillor Atwell

Councillor Atwell reported attending the following meetings:

- Knox United Soccer Club Vicki Angel Memorial Day noting he was successful in the blind auction and secured a signed picture of Mary Fowler
- Thanked the MAV for holding a Mayoral Training Program which included conversations with Mayors and Deputy Mayors from neighbouring Councils, including:
 - Jim Memeti (City of Greater Dandenong)
 - Stefan Koomen (City of Casey)
 - Kylie Spears (Maroondah City Council)
 - Prue Cutts (Whitehorse City Council)
 - Paul Klisaris (City of Monash)
- Reimagining of Blind Creek Wetlands event noting it highlights what can be achieved when all levels of Government collaborate to leverage investment and encouraged residents to visit the site
- Knox Carols By Candlelight commenting the event was well run by Council staff

Councillor Atwell also:

- Echoed the sentiments of Councillor Lockwood by wishing residents a Happy Holiday season

5.1.6 Councillor Kennett

Councillor Kennett reported attending the following meetings:

- Visited Ben's Place in The Basin which was visited by over 50 people for food relief during her visit and included a raffle

- Visited the 'Talking Café' event in Boronia hosted by The Basin Community House which offers opportunities for community connections and conversations with others in a welcoming space while discussing what services Council offers
- Knox Infolink Event – holds a variety of gift cards, children's gifts and food hampers with over 300 locals benefiting from these donations

Councillor Kennett also:

- Noted she had received many enquiries regarding planning matters
- Reflected on reports of the success of The Basin Christmas Carols
- Wished residents a safe and happy holiday

5.1.7 Councillor Baker

Councillor Baker reported attending the following meetings:

- Mandatory Councillor Induction Training Sessions
- Knox Carols By Candlelight Event thanking staff for organising a wonderful event
- Knox Historical Society Christmas Market at Ambleside in Ferntree Gully to visit community groups
- Knox Disability Advisory Committee Meeting which raises great ideas and discussion points
- Your Library Board Meeting and Annual General Meeting

Councillor Baker also:

- Wished residents a safe festive season

5.1.8 Councillor Cooper

Councillor Cooper reported attending the following meetings:

- Mandatory Councillor Induction Training Sessions, which focused on financial literacy, effective decision making, MAV modules, Council directorates and the Council Plan
- Radio Eastern 98.1 FM Mayoral Interview with Robert Arthur which included discussion of the condition of local roads and median strips; the Boronia Basketball Stadium closure; the Boronia Train Station upgrade plans with works to be completed in 2026 and the Knox Carols by Candlelight event

- Planning Consultative Committee Meeting for 276 Wantirna Road, Wantirna regarding the construction of 24 dwellings with the community coming together compiling concerns that were represented by 2 or 3 people in the Meeting
- Breakfast with Liberal, Labor and Independent Local MP's
- Eastern Regional Group of Councils Meeting
- Audit and Risk Committee Meeting
- Knox Carols By Candlelight – a fantastic event attended by around 15,000 people which included the Knox Factor Grand Final event won by Samara Trimble, Leyla Sabo, Amelia Reynolds-Billing and Jack Casslyn in their respective age categories; acknowledging the great young talent in Knox

Councillor Cooper also:

- Wished residents a Merry Christmas, noting this period can be difficult for many families and encouraged people to donate where they can
- Expressed her best wishes to Councillor Considine and her family

6 Planning Matters

6.1 Report of Planning Applications Decided Under Delegation 1 November 2024 to 30 November 2024

SUMMARY

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That Council note the planning applications decided under delegation 1 November 2024 to 30 November 2024 as set out in the officers' report.

RESOLUTION

MOVED: Councillor Baker

SECONDED: Councillor Atwell

That Council note the planning applications decided under delegation 1 November 2024 to 30 November 2024 as set out in the officers' report.

CARRIED

6.2 31 Cinerea Avenue, Ferntree Gully

SUMMARY

This report considers Planning Application P/2024/6297 for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully.

RECOMMENDATION

That Council issue a Planning Permit for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully, subject to the following conditions:

Amended Development Plans

1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 The corner splay in accordance with Clause 53.20-6.9 to the driveway of Dwelling 1, including any modifications to structures within the corner splay area.
 - 1.2 Car parking spaces for Dwellings 2 and 3 clearly line marked and provided with signage/identification.
 - 1.3 Removal and replacement of Tree 1 (Lemon Scented Gum).
 - 1.4 Location of Tree Protection Fencing and/or Tree Protection Measures, to be drawn on the ground floor plans, as required by Conditions 12-21

To the satisfaction of the Responsible Authority.

Other Plans

2. Prior to the commencement of the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
 - 2.1 Drainage plans in accordance with Condition 3.
 - 2.2 Landscape plans in accordance with Condition 4.

To the satisfaction of the Responsible Authority.

Drainage Plans

3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority.

Construction of the drainage must be in accordance with these plans. The plans must show the following:

- 3.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
- 3.2 The internal drains of the dwellings to be independent of each other.
- 3.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
- 3.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.
- 3.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
- 3.6 Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
- 3.7 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - 4.4 Details of the surface finishes of pathways and driveways.
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 4.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).

- 4.8 The Landscape plans must show the provision of at least 2 additional indigenous or native canopy trees and 5 additional large feature shrubs with a mature height of 4-5 metres chosen from Plant List 1, 2 or 3 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5 metres tall when planted and are to be in the following areas:
- 4.8.1 Front setback – 2 large indigenous canopy trees and 2 large feature shrubs with a mature height of 4-5 metres.
 - 4.8.2 SPOS 1 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.3 SPOS 2 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.4 SPOS 3 – 1 large feature shrub with a mature height of 4-5 metres.
- 4.9 Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.

To the satisfaction of the Responsible Authority.

- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

- 7. All development must be in accordance with the endorsed plans.
- 8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:
 - 8.1 An open-sided pergola to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of three metres above ground level; or
 - 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

Where the total floor area of decks, pergolas and verandahs for each dwelling does not exceed 16m².
- 9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 10. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
- 11. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Tree Protection

12. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
13. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's Tree Protection Zone (TPZ) or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 13.1 Tree 2 – Coprosma repens. TPZ 2m. SRZ 1.8m. – Install protection measures prior to works commencing.
 - 13.2 Tree 3 – Callistemon citrinus. TPZ 2.4m. SRZ 2m. – Install protection measures prior to works commencing.
14. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
15. Ground Protection, where shown on the endorsed plans, is to consist of a permeable membrane such as geotextile fabric beneath a 100mm layer of mulch or crushed rock below strapped rumble boards
16. Prior to erecting the tree protection fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
17. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
18. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
 - 18.1 Construction activities.
 - 18.2 Dumping and/or storage of materials, goods and/or soil.
 - 18.3 Trenching or excavation.
 - 18.4 Lopping branches, nailing or affixing signs, service lines, lights etc. to the trees.
19. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.

20. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.

Car Parking & Accessways

21. Before the dwellings are occupied, driveways and car parking areas must be:
- 21.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - 21.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - 21.3 Treated with an all-weather seal or some other durable surface; and
 - 21.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

22. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.
23. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Fencing

24. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
25. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

26. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
- 26.1 the appearance of building, works or materials on the land
 - 26.2 parking of motor vehicles
 - 26.3 transporting of materials or goods to or from the site
 - 26.4 hours of operation
 - 26.5 stockpiling of top soil or fill materials
 - 26.6 air borne dust emanating from the site
 - 26.7 noise
 - 26.8 rubbish and litter

26.9 sediment runoff

26.10 vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

27. Stormwater runoff from all buildings and hardstanding surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

Permit Expiry

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

28.1 The development is not started within two years of the date of this permit.

28.2 The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 3.8L/s to the existing Council drainage system for a 5 year ARI (18.13% AEP) event.
- Applicant is to direct all stormwater to the kerb and channel near the southeastern corner of the property as this represents the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.

- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- A Road Opening Permit is required for any works within or affecting the road reserve.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Letterboxes and all other structures (including meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting should be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

RESOLUTION

MOVED: Councillor Lockwood

SECONDED: Councillor Atwell

That Council issue a Planning Permit for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully, subject to the following conditions:

Amended Development Plans

- 1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:**

- 1.1 The corner splay in accordance with Clause 53.20-6.9 to the driveway of Dwelling 1, including any modifications to structures within the corner splay area.**
- 1.2 Car parking spaces for Dwellings 2 and 3 clearly line marked and provided with signage/identification.**
- 1.3 Removal and replacement of Tree 1 (Lemon Scented Gum).**
- 1.4 Location of Tree Protection Fencing and/or Tree Protection Measures, to be drawn on the ground floor plans, as required by Conditions 12-21**

To the satisfaction of the Responsible Authority.

Other Plans

- 2. Prior to the commencement of the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:**
 - 2.1 Drainage plans in accordance with Condition 3.**
 - 2.2 Landscape plans in accordance with Condition 4.**

To the satisfaction of the Responsible Authority.

Drainage Plans

- 3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:**
 - 3.1 All stormwater drainage discharge from the site connected to a legal point of discharge.**
 - 3.2 The internal drains of the dwellings to be independent of each other.**
 - 3.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.**
 - 3.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.**
 - 3.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.**
 - 3.6 Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.**
 - 3.7 All levels to be to AHD (Australian Height Datum).**

To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - 4.4 Details of the surface finishes of pathways and driveways.
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 4.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
 - 4.8 The Landscape plans must show the provision of at least 2 additional indigenous or native canopy trees and 5 additional large feature shrubs with a mature height of 4-5 metres chosen from Plant List 1, 2 or 3 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5 metres tall when planted and are to be in the following areas:
 - 4.8.1 Front setback – 2 large indigenous canopy trees and 2 large feature shrubs with a mature height of 4-5 metres.
 - 4.8.2 SPOS 1 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.3 SPOS 2 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.4 SPOS 3 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.9 Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.

To the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

7. All development must be in accordance with the endorsed plans.
8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:
 - 8.1 An open-sided pergola to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of three metres above ground level; or
 - 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

Where the total floor area of decks, pergolas and verandahs for each dwelling does not exceed 16m².
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
11. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Tree Protection

12. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
13. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's Tree Protection Zone (TPZ) or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 13.1 Tree 2 – *Coprosma repens*. TPZ 2m. SRZ 1.8m. – Install protection measures prior to works commencing.
 - 13.2 Tree 3 – *Callistemon citrinus*. TPZ 2.4m. SRZ 2m. – Install protection measures prior to works commencing.

- 14. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.**
- 15. Ground Protection, where shown on the endorsed plans, is to consist of a permeable membrane such as geotextile fabric beneath a 100mm layer of mulch or crushed rock below strapped rumble boards**
- 16. Prior to erecting the tree protection fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.**
- 17. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.**
- 18. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:**
 - 18.1 Construction activities.**
 - 18.2 Dumping and/or storage of materials, goods and/or soil.**
 - 18.3 Trenching or excavation.**
 - 18.4 Lopping branches, nailing or affixing signs, service lines, lights etc. to the trees.**
- 19. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.**
- 20. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.**

Car Parking & Accessways

- 21. Before the dwellings are occupied, driveways and car parking areas must be:**
 - 21.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and**
 - 21.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and**
 - 21.3 Treated with an all-weather seal or some other durable surface; and**
 - 21.4 Line-marked or provided with some other adequate means of showing the car parking spaces.**

To the satisfaction of the Responsible Authority.
 - 22. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.**
-

- 23. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.**

Fencing

- 24. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.**
- 25. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.**

Amenity During Construction

- 26. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:**

- 26.1 the appearance of building, works or materials on the land**
- 26.2 parking of motor vehicles**
- 26.3 transporting of materials or goods to or from the site**
- 26.4 hours of operation**
- 26.5 stockpiling of top soil or fill materials**
- 26.6 air borne dust emanating from the site**
- 26.7 noise**
- 26.8 rubbish and litter**
- 26.9 sediment runoff**
- 26.10 vibration**

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

- 27. Stormwater runoff from all buildings and hardstanding surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.**

Permit Expiry

- 28. This permit will expire if one of the following circumstances applies:**
- 28.1 The development is not started within two years of the date of this permit.**
 - 28.2 The development is not completed within four years of the date of this permit.**

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 3.8L/s to the existing Council drainage system for a 5 year ARI (18.13% AEP) event.
- Applicant is to direct all stormwater to the kerb and channel near the southeastern corner of the property as this represents the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- A Road Opening Permit is required for any works within or affecting the road reserve.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.

- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Letterboxes and all other structures (including meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting should be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

CARRIED

6.3 58 Landscape Drive, Boronia

SUMMARY

This report considers Planning Application P/2023/6571 for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive, Boronia.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive Boronia, subject to the following conditions:

Amended Development Plans

1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1. External materials to be non-reflective and in muted colours that blend with the landscape, to comply with the Decision Guidelines of the Significant Landscape Overlay – Schedule 2 (SLO2).
 - 1.2. All footpaths and pram crossings should be constructed to satisfy the Disability Discrimination Act (DDA). This includes minimum footpath widths of 1.2m, a continuous path of travel, kerb ramps and Tactile Ground Surface Indicators, where appropriate.
 - 1.3. All structures (including walls, fences, letterboxes and meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area near the access way in accordance with AS 2890.1, Clause 3.2.4 to ensure safe sight distances. The walls must be removed from the sight triangle area to ensure suitable visibility to any passing pedestrians. Landscaping must also be reduced in height or located clear of this splayed area.
 - 1.4. Any modifications to the development plan as required by Condition 8 (Car Parking Management Plan).
 - 1.5. Any modifications to the development plan as required by Condition 10 (Waste Management Plan).
 - 1.6. Tree Protection Fencing and Tree Protection Measures to be drawn on the ground floor plans, in accordance with Conditions 19-31.

To the satisfaction of the Responsible Authority.

Other Plans

2. Prior to the commencement of the development and issue of a Building Permit for the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be

endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:

- 2.1. Drainage Plans in accordance with Condition 3.
- 2.2. Landscape Plans in accordance with Condition 4.
- 2.3. Tree Management Plan in accordance with Condition 7.
- 2.4. Car Parking Management Plan in accordance with Condition 8.
- 2.5. Waste Management Plan in accordance with Condition 10.
- 2.6. Construction Management Plan in accordance with Condition 39.

To the satisfaction of the Responsible Authority.

Drainage Plans

3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
 - 3.1. All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 3.2. An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - 3.3. A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - 3.4. The use of water quality improvement systems is required to be provided for this development. The use of rainwater tanks, bioretention systems and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans.
 - 3.5. Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
 - 3.6. Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
 - 3.7. All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1. A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.

- 4.2. The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines).
- 4.3. Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
- 4.4. Details of the surface finishes of pathways and driveways.
- 4.5. Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
- 4.6. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- 4.7. Landscaping and planting within all open areas of the site.
- 4.8. The layout of the proposed development.
- 4.9. The land plan to be generally in accordance with 'Landscape Plans – Boronia Childcare Development – Drwg No SD03 – 23.11.2024 – SLS Designs Pty Ltd' but modified to show:

Front setback

- 4.9.1. 1No. Brachychiton 'Bella Donna' adjacent entry path replaced with Angophora costata.
- 4.9.2. 2No. additional large feature shrubs with a mature height of 4-5m shown in front garden beds. (1 in each).

Rear setback

- 4.9.3. 2No. small canopy trees relocated outside easement. (Maintain minimum 3m setback to building).
- 4.9.4. Replace Banksia integrifolia with small canopy tree.

Planting Schedule

- 4.9.5. Revise proposed palette to comply with the following;
- 4.9.6. 'Planting of this site to comprise 80% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 10% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (10%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds'.
- 4.9.7. Show locations of proposed groundcovers and shrubs. (i.e. which plants and where).
- 4.9.8. Provide quantities/numbers of proposed groundcovers and shrubs.

Plant Images

- 4.9.9. Delete photos of plants not shown on plans or in schedule and ensure labelled correctly.

Tree Protection

- 4.9.10. Show tree protection fencing and/or ground protection for existing neighbouring trees to be protected.
- 4.9.11. Show identification/location numbers for existing neighbouring trees to be protected.
- 4.9.12. Structures/features proposed within SRZs of trees to be protected must be relocated.
- 4.10. Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds
- 4.11. The plan must incorporate Raingardens and/or Bioswales to treat the water runoff from the hard surfaces (car parks and driveways). The surface area of the proposed raingarden should be 3-5% of the surface area of the catchment feeding it. The levels should be shown on the plan and the concrete pavement should be shaped to drain into the raingarden (at the lowest point) through gaps in the kerbing. Details of the raingarden should be shown on drainage and landscape plan in accordance with Knox City Council's standard. The roof water is to be captured by rainwater tanks and reused for toilet flushing and garden.

At least 50% of the vegetation species located in the raingarden should comprise of some or all of the following; Carex sp, Juncus sp, Melaleuca and Goodenia. This ensures adequate removal of Nitrogen and Phosphorus. Low and tufting plants proposed for the raingarden should be planted at a minimum density of 6 plants/m².

To the satisfaction of the Responsible Authority.

- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

Tree Management Plan

- 7. Prior to the commencement of the development approved under this Permit, a Tree Management Plan created for the management of all trees to be retained must be submitted to the satisfaction of the responsible authority. The tree management plan must include the entire TPZ of the tree. Any tree roots identified during works must be pruned under the guidance of a suitably qualified arborist in accordance with AS 4373-2007 – Pruning of amenity trees. The management plan must include TPZ fencing as well as:

Car Parking Management Plan

- 8. Prior to the commencement of the development approved under this Permit, a Car Park Management Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of the permit. The Car Park Management Plan must include:
 - 8.1. The allocation of car parking between staff, pick-up/drop-off and visitor parking.

- 8.2. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
- 8.3. Measures to ensure all staff and parents will use the car park and will not use on-street parking in the surrounding area.
- 8.4. The provision of directional and instructional signage.
- 8.5. Measures to minimise any queueing of cars accessing the car parking area.
- 8.6. Staff to encourage parents to not stay unnecessary long durations (longer than 10min) to ensure a high turnover of the spaces are achieved.
- 8.7. The provision of lighting.

To the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

10. Prior to the commencement of the development approved under this Permit, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken by a private contractor, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must address:

- 10.1. The responsibility for implementing the waste management plan;
- 10.2. Bin store must have visual screening. The height and type of visual screening to be mentioned in the WMP;
- 10.3. The plans to clearly demonstrate presentation of 10 x 240L bins (with bin configurations) on the nature strip.

To the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

12. All use and development must be in accordance with the endorsed plans.
13. Except with the prior written consent of the Responsible Authority, no more than 40 children may be present at the premise at any one time.
14. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
15. Except with the prior written consent of the Responsible Authority, the use must only operate between the following times:
 - 15.1. Monday to Friday 7:00am to 6:00pm

16. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. Prior to the occupation of the development, the development must be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.

Tree Protection

19. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
20. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's TPZ or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 20.1. Street Tree 1 TPZ 3.8 metres – TPZ fencing to be bordered by footpath and road.
 - 20.2. Neighbouring Tree 8 – Install protection measures prior to works commencing.
 - 20.3. Neighbouring Tree 12 – Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Install protection measures prior to works commencing.
 - 20.4. Neighbouring Tree 13, G14 and T15 - Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Deck/stairs seating must be constructed using pier and beam method with minimum number of post holes. Post holes should be limited to approximately 300mm in diameter. Post holes located within TPZ should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered under the supervision of a suitably qualified arborist (minimum AQF level 5). No excavation or fill may take place other than post holes and for building footings within TPZ. Install tree protection fencing and ground protection measures to full extent of TPZ (including beneath deck, less building footprint) prior to works commencing.
21. Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Previous post holes are recommended to avoid further encroachment in to the TPZ. Post holes located within TPZs should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by

- hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).
22. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.
 23. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
 24. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
 25. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
 26. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
 27. All pruning works require written consent from Council and must be undertaken by a suitably qualified Arborist in accordance with Australian Standard – AS4373-2007 Pruning of Amenity Trees.
 28. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
 - 28.1. Construction activities.
 - 28.2. Dumping and/or storage of materials, goods and/or soil.
 - 28.3. Trenching or excavation.
 - 28.4. Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.
 29. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
 30. The tree protection fence is to be managed and maintained in accordance with AS-4970 Protection of Trees on Development Sites.
 31. All underground services must be routed outside tree protection zones. If underground services must be routed within a tree protection zone, they should be installed by directional drilling or hydro-vac excavation if cover less than 600mm., under supervision of suitably qualified Project Arborist.

Car Parking & Accessways

32. Before the development is occupied, driveways and car parking areas must be:
 - 32.1. Fully constructed in accordance with plans submitted to and approved by the Responsible Authority. The plans must show existing and proposed levels of driveways and car parking areas, together with drainage layout, invert levels, surfacing and vehicular crossing proposal.

- 32.2. Properly formed to such levels that they can be used in accordance with the plans.
- 32.3. Constructed to the absolute minimum standard of 125 mm depth of reinforced concrete or other approved hardstanding sealed surface.
- 32.4. Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

To the satisfaction of the Responsible Authority.

- 33. Redundant crossovers must be removed and the kerb and channel and naturestrip reinstated to Council standards.
- 34. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.
- 35. The car parking area must not be used as a storage area.
- 36. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.

Lighting

- 37. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.
- 38. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent adverse effects on adjoining land.

Construction Management Plan

- 39. Prior to the commencement of the development approved under this Permit, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - 39.1. A detailed schedule of works including a full project timing;
 - 39.2. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.
 - 39.3. The location for the parking of all construction vehicles and construction worker vehicles during construction;
 - 39.4. A fully detailed plan indicating where construction hoardings would be located;
 - 39.5. A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - 39.6. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
 - 39.7. Site security;
 - 39.8. Public safety measures;

- 39.9. Construction times, noise and vibration controls;
 - 39.10. Restoration of any Council assets removed and/or damaged during construction;
 - 39.11. Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - 39.12. Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
 - 39.13. An emergency contact that is available for 24 hours a day.
 - 39.14. Location of all stockpiles and storage of building materials and any temporary buildings or facilities.
 - 39.15. Location of parking for workers within the site rather than on-street.
 - 39.16. Traffic management measures to minimise disruption to the operation of Landscape Drive during construction (especially for deliveries).
 - 39.17. No deliveries permitted between 8.15-9.15am and 3-4pm School Days
 - 39.18. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
40. During the construction, the following must occur to the satisfaction of the Responsible Authority:
- 40.1. Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;
 - 40.2. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;
 - 40.3. Vehicle borne material must not accumulate on the roads abutting the site;
 - 40.4. The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - 40.5. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - 40.6. All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines).
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Amenity During Construction

42. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
- 42.1. the appearance of building, works or materials on the land
 - 42.2. parking of motor vehicles
 - 42.3. transporting of materials or goods to or from the site

- 42.4. hours of operation
- 42.5. stockpiling of top soil or fill materials
- 42.6. air borne dust emanating from the site
- 42.7. noise
- 42.8. rubbish and litter
- 42.9. sediment runoff
- 42.10. vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Amenity

- 43. In the event that any undue detriment is caused to the amenity of the area as a result of noise emanating from the activities within the building hereby permitted then noise amelioration measures shall be undertaken to address this amenity issue to the satisfaction of the Responsible Authority.
- 44. The owner and/or occupier shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates.
- 45. Noise from the property must not exceed limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Fencing

- 46. All fencing associated with the Childcare Centre is to meet the requirements for Children's Services Centre Outdoor Play Spaces and comply with AS1926.1.
- 47. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
- 48. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Stormwater

- 49. Stormwater runoff from all buildings and hardstand surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

Maintenance

- 50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Permit Expiry

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

51.1. The use and development is/are not started within two years of the date of this permit.

51.2. The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- The Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on request), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the development, and be easily accessible for maintenance.
- Stormwater discharge from the property is to be directed to the 225mm diameter Council Stormwater pipe near the SE corner of the property to Council standards and satisfaction.
- The total Permissible Site Discharge (PSD) for the property, including all dwellings, is 3.7 L/s to the existing Council drainage system for a 10 year ARI (10% AEP) event.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, eg water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Accessibility & Australian Standard 1428 Design for Access & Mobility, (inclusive of Class 1b)
- All works must comply with the Disability (Access to Premises —Buildings) Standards and Australian Standard 1428 Design for Access & Mobility.
- Buildings are not allowed to be built over Council easements.
- To arrange an inspection of the Tree Protection fencing please contact Council's Landscape Team on 9298 8125.

- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Post holes located within TPZs should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).
- Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

RESOLUTION

MOVED: Councillor Kennett

SECONDED: Councillor Williams

That Council issue a Notice of Decision to Grant a Planning for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive Boronia, subject to the following conditions:

Amended Development Plans

- 1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:**
 - 1.1. External materials to be non-reflective and in muted colours that blend with the landscape, to comply with the Decision Guidelines of the Significant Landscape Overlay – Schedule 2 (SLO2).**

- 1.2. All footpaths and pram crossings should be constructed to satisfy the Disability Discrimination Act (DDA). This includes minimum footpath widths of 1.2m, a continuous path of travel, kerb ramps and Tactile Ground Surface Indicators, where appropriate.
- 1.3. All structures (including walls, fences, letterboxes and meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area near the access way in accordance with AS 2890.1, Clause 3.2.4 to ensure safe sight distances. The walls must be removed from the sight triangle area to ensure suitable visibility to any passing pedestrians. Landscaping must also be reduced in height or located clear of this splayed area.
- 1.4. Any modifications to the development plan as required by Condition 8 (Car Parking Management Plan).
- 1.5. Any modifications to the development plan as required by Condition 10 (Waste Management Plan).
- 1.6. Tree Protection Fencing and Tree Protection Measures to be drawn on the ground floor plans, in accordance with Conditions 19-31.
- 1.7. Bin enclosure relocated to the area between the outdoor play area 1 and the pedestrian footpath to the front entry. Enclosure to be appropriately designed and not to increase the impervious surface cover.
- 1.8. The boundary fence to the area of outdoor play 2 to be raised to 2.4 metres.

To the satisfaction of the Responsible Authority.

Other Plans

2. Prior to the commencement of the development and issue of a Building Permit for the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
 - 2.1. Drainage Plans in accordance with Condition 3.
 - 2.2. Landscape Plans in accordance with Condition 4.
 - 2.3. Tree Management Plan in accordance with Condition 7.
 - 2.4. Car Parking Management Plan in accordance with Condition 8.
 - 2.5. Waste Management Plan in accordance with Condition 10.
 - 2.6. Construction Management Plan in accordance with Condition 39.

To the satisfaction of the Responsible Authority.

Drainage Plans

3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:

- 3.1. All stormwater drainage discharge from the site connected to a legal point of discharge.**
- 3.2. An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.**
- 3.3. A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.**
- 3.4. The use of water quality improvement systems is required to be provided for this development. The use of rainwater tanks, bioretention systems and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans.**
- 3.5. Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.**
- 3.6. Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.**
- 3.7. All levels to be to AHD (Australian Height Datum).
To the satisfaction of the Responsible Authority.**

Landscaping

- 4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:**
 - 4.1. A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.**
 - 4.2. The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').**
 - 4.3. Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.**
 - 4.4. Details of the surface finishes of pathways and driveways.**
 - 4.5. Details and location of all existing and proposed services including above and below ground lines, cables and pipes.**
 - 4.6. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.**
 - 4.7. Landscaping and planting within all open areas of the site.**
 - 4.8. The layout of the proposed development.**

- 4.9. The land plan to be generally in accordance with ‘Landscape Plans – Boronia Childcare Development – Drwg No SD03 – 23.11.2024 – SLS Designs Pty Ltd’ but modified to show:**

Front setback

- 4.9.1. 1No. Brachychiton ‘Bella Donna’ adjacent entry path replaced with Angophora costata.**
- 4.9.2. 2No. additional large feature shrubs with a mature height of 4-5m shown in front garden beds. (1 in each).**

Rear setback

- 4.9.3. 2No. small canopy trees relocated outside easement. (Maintain minimum 3m setback to building).**
- 4.9.4. Replace Banksia integrifolia with small canopy tree.**

Planting Schedule

- 4.9.5. Revise proposed palette to comply with the following;**
- 4.9.6. ‘Planting of this site to comprise 80% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the ‘Landscape Plan Guidelines’ and 10% additional native species (across all plant forms) from plant list 2 of the ‘Landscape Plan Guidelines’. Remaining plant species (10%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds’.**
- 4.9.7. Show locations of proposed groundcovers and shrubs. (i.e. which plants and where).**
- 4.9.8. Provide quantities/numbers of proposed groundcovers and shrubs.**

Plant Images

- 4.9.9. Delete photos of plants not shown on plans or in schedule and ensure labelled correctly.**

Tree Protection

- 4.9.10. Show tree protection fencing and/or ground protection for existing neighbouring trees to be protected.**
- 4.9.11. Show identification/location numbers for existing neighbouring trees to be protected.**
- 4.9.12. Structures/features proposed within SRZs of trees to be protected must be relocated.**
- 4.10. Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the ‘Landscape Plan Guidelines’ and 40% additional native species (across all plant forms) from plant list 2 of the ‘Landscape Plan Guidelines’. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds**
- 4.11. The plan must incorporate Raingardens and/or Bioswales to treat the water runoff from the hard surfaces (car parks and driveways). The surface area of the proposed raingarden should be 3-5% of the surface area of the catchment feeding it. The**

levels should be shown on the plan and the concrete pavement should be shaped to drain into the raingarden (at the lowest point) through gaps in the kerbing. Details of the raingarden should be shown on drainage and landscape plan in accordance with Knox City Council's standard. The roof water is to be captured by rainwater tanks and reused for toilet flushing and garden.

At least 50% of the vegetation species located in the raingarden should comprise of some or all of the following; Carex sp, Juncus sp, Melaleuca and Goodenia. This ensures adequate removal of Nitrogen and Phosphorus. Low and tufting plants proposed for the raingarden should be planted at a minimum density of 6 plants/m².

To the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

Tree Management Plan

7. Prior to the commencement of the development approved under this Permit, a Tree Management Plan created for the management of all trees to be retained must be submitted to the satisfaction of the responsible authority. The tree management plan must include the entire TPZ of the tree. Any tree roots identified during works must be pruned under the guidance of a suitably qualified arborist in accordance with AS 4373-2007 – Pruning of amenity trees. The management plan must include TPZ fencing as well as:

Car Parking Management Plan

8. Prior to the commencement of the development approved under this Permit, a Car Park Management Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of the permit. The Car Park Management Plan must include:
 - 8.1. The allocation of car parking between staff, pick-up/drop-off and visitor parking.
 - 8.2. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
 - 8.3. Measures to ensure all staff and parents will use the car park and will not use on-street parking in the surrounding area.
 - 8.4. The provision of directional and instructional signage.
 - 8.5. Measures to minimise any queueing of cars accessing the car parking area.
 - 8.6. Staff to encourage parents to not stay unnecessary long durations (longer than 10min) to ensure a high turnover of the spaces are achieved.
 - 8.7. The provision of lighting.

To the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

10. Prior to the commencement of the development approved under this Permit, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken by a private contractor, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must address:

- 10.1. The responsibility for implementing the waste management plan;
- 10.2. Bin store must have visual screening. The height and type of visual screening to be mentioned in the WMP;
- 10.3. The plans to clearly demonstrate presentation of 10 x 240L bins (with bin configurations) on the nature strip.

To the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

12. All use and development must be in accordance with the endorsed plans.
13. Except with the prior written consent of the Responsible Authority, no more than 40 children may be present at the premise at any one time.
14. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
15. Except with the prior written consent of the Responsible Authority, the use must only operate between the following times:
 - 15.1. Monday to Friday 7:00am to 6:00pm
16. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. Prior to the occupation of the development, the development must be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.

Tree Protection

19. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the

root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.

20. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's TPZ or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 20.1. Street Tree 1 TPZ 3.8 metres – TPZ fencing to be bordered by footpath and road.
 - 20.2. Neighbouring Tree 8 – Install protection measures prior to works commencing.
 - 20.3. Neighbouring Tree 12 – Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Install protection measures prior to works commencing.
 - 20.4. Neighbouring Tree 13, G14 and T15 - Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Deck/stairs seating must be constructed using pier and beam method with minimum number of post holes. Post holes should be limited to approximately 300mm in diameter. Post holes located within TPZ should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered under the supervision of a suitably qualified arborist (minimum AQF level 5). No excavation or fill may take place other than post holes and for building footings within TPZ. Install tree protection fencing and ground protection measures to full extent of TPZ (including beneath deck, less building footprint) prior to works commencing.
21. Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Previous post holes are recommended to avoid further encroachment in to the TPZ. Post holes located within TPZs should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).
22. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.
23. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.

24. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
25. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
26. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
27. All pruning works require written consent from Council and must be undertaken by a suitably qualified Arborist in accordance with Australian Standard – AS4373-2007 Pruning of Amenity Trees.
28. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
 - 28.1. Construction activities.
 - 28.2. Dumping and/or storage of materials, goods and/or soil.
 - 28.3. Trenching or excavation.
 - 28.4. Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.
29. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
30. The tree protection fence is to be managed and maintained in accordance with AS-4970 Protection of Trees on Development Sites.
31. All underground services must be routed outside tree protection zones. If underground services must be routed within a tree protection zone, they should be installed by directional drilling or hydro-vac excavation if cover less than 600mm., under supervision of suitably qualified Project Arborist.

Car Parking & Accessways

32. Before the development is occupied, driveways and car parking areas must be:
 - 32.1. Fully constructed in accordance with plans submitted to and approved by the Responsible Authority. The plans must show existing and proposed levels of driveways and car parking areas, together with drainage layout, invert levels, surfacing and vehicular crossing proposal.
 - 32.2. Properly formed to such levels that they can be used in accordance with the plans.
 - 32.3. Constructed to the absolute minimum standard of 125 mm depth of reinforced concrete or other approved hardstanding sealed surface.
 - 32.4. Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.
To the satisfaction of the Responsible Authority.
33. Redundant crossovers must be removed and the kerb and channel and naturestrip reinstated to Council standards.

- 34. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.**
- 35. The car parking area must not be used as a storage area.**
- 36. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.**

Lighting

- 37. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.**
- 38. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent adverse effects on adjoining land.**

Construction Management Plan

- 39. Prior to the commencement of the development approved under this Permit, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:**
 - 39.1. A detailed schedule of works including a full project timing;**
 - 39.2. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.**
 - 39.3. The location for the parking of all construction vehicles and construction worker vehicles during construction;**
 - 39.4. A fully detailed plan indicating where construction hoardings would be located;**
 - 39.5. A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;**
 - 39.6. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;**
 - 39.7. Site security;**
 - 39.8. Public safety measures;**
 - 39.9. Construction times, noise and vibration controls;**
 - 39.10. Restoration of any Council assets removed and/or damaged during construction;**
 - 39.11. Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);**
 - 39.12. Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);**
 - 39.13. An emergency contact that is available for 24 hours a day.**

- 39.14. Location of all stockpiles and storage of building materials and any temporary buildings or facilities.**
- 39.15. Location of parking for workers within the site rather than on-street.**
- 39.16. Traffic management measures to minimise disruption to the operation of Landscape Drive during construction (especially for deliveries).**
- 39.17. No deliveries permitted between 8.15-9.15am and 3-4pm School Days**
- 39.18. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.**
- 40. During the construction, the following must occur to the satisfaction of the Responsible Authority:**
 - 40.1. Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;**
 - 40.2. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;**
 - 40.3. Vehicle borne material must not accumulate on the roads abutting the site;**
 - 40.4. The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;**
 - 40.5. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and**
 - 40.6. All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines).**
- 41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Amenity During Construction

- 42. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:**
 - 42.1. the appearance of building, works or materials on the land**
 - 42.2. parking of motor vehicles**
 - 42.3. transporting of materials or goods to or from the site**
 - 42.4. hours of operation**
 - 42.5. stockpiling of top soil or fill materials**
 - 42.6. air borne dust emanating from the site**
 - 42.7. noise**
 - 42.8. rubbish and litter**
 - 42.9. sediment runoff**

42.10. vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Amenity

- 43. In the event that any undue detriment is caused to the amenity of the area as a result of noise emanating from the activities within the building hereby permitted then noise amelioration measures shall be undertaken to address this amenity issue to the satisfaction of the Responsible Authority.**
- 44. The owner and/or occupier shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates.**
- 45. Noise from the property must not exceed limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**

Fencing

- 46. All fencing associated with the Childcare Centre is to meet the requirements for Children's Services Centre Outdoor Play Spaces and comply with AS1926.1.**
- 47. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.**
- 48. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.**

Stormwater

- 49. Stormwater runoff from all buildings and hardstand surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.**

Maintenance

- 50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**

Permit Expiry

- 51. This permit will expire if one of the following circumstances applies:**
 - 51.1. The use and development is/are not started within two years of the date of this permit.**
 - 51.2. The development is not completed within four years of the date of this permit.**

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

 - The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.**

- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- The Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on request), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the development, and be easily accessible for maintenance.
- Stormwater discharge from the property is to be directed to the 225mm diameter Council Stormwater pipe near the SE corner of the property to Council standards and satisfaction.
- The total Permissible Site Discharge (PSD) for the property, including all dwellings, is 3.7 L/s to the existing Council drainage system for a 10 year ARI (10% AEP) event.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, eg water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- The report and consent from Knox City Council Building Department must be obtained to an application for a building permit in relation to the boundary fence design that does not comply with the Building Regulations.
- Accessibility & Australian Standard 1428 Design for Access & Mobility, (inclusive of Class 1b)
- All works must comply with the Disability (Access to Premises —Buildings) Standards and Australian Standard 1428 Design for Access & Mobility.
- Buildings are not allowed to be built over Council easements.
- To arrange an inspection of the Tree Protection fencing please contact Council's Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.

- **Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Post holes located within TPZs should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).**
- **Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.**
- **Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.**
- **Raised concrete slabs on the existing footpath fronting the site should be grounded.**
- **All litter and rubbish associated with the construction must be contained on site at all times.**

CARRIED

6.4 200 Dorset Road, Boronia

SUMMARY

This report considered Planning Application P/2024/6329 for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia, subject to the following conditions:

General

1. Alcohol may only be sold within the area bound by the red line on the endorsed plan.
2. Alcohol must only be sold for consumption off the premises.
3. The use shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
4. Once the use has started it must be continued to the satisfaction of the Responsible Authority.

Management of premises

5. The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victorian Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998 and/or to take action on his/her behalf in accordance with a direction by such officer.

Hours of Operation

6. Liquor must only be sold between the following hours, without the written consent of the Responsible Authority:
 - Sunday 10:00am to 11:00pm
 - Any other day 9:00am to 11:00pm
 - ANZAC Day 12:00pm to 11:00pm
 - Good Friday and Christmas Day Closed

Department of Transport and Planning

7. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

Permit Expiry

8. This permit will expire if:

8.1 The use is not started within two years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

RESOLUTION

MOVED: Councillor Lockwood

SECONDED: Councillor Pearce

That Council issue a Notice of Decision to Grant a Planning Permit for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia, subject to the following conditions:

General

- 1. Alcohol may only be sold within the area bound by the red line on the endorsed plan.**
- 2. Alcohol must only be sold for consumption off the premises.**
- 3. The use shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.**
- 4. Once the use has started it must be continued to the satisfaction of the Responsible Authority.**

Management of premises

- 5. The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victorian Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998 and/or to take action on his/her behalf in accordance with a direction by such officer.**

Hours of Operation

- 6. Liquor must only be sold between the following hours, without the written consent of the Responsible Authority:**
 - Sunday 10:00am to 11:00pm**
 - Any other day 9:00am to 11:00pm**
 - ANZAC Day 12:00pm to 11:00pm**
 - Good Friday and Christmas Day Closed**

Department of Transport and Planning

- 7. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.**

Permit Expiry

- 8. This permit will expire if:**

8.1 The use is not started within two years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.**

CARRIED

6.5 Amendment C202knox – The Basin Solar Farm, 49 Basin-Olinda Road, The Basin - Council Endorsement of Officer Submission

SUMMARY

This report seeks Council endorsement of the submission prepared and provided by officers (As provided at Attachment 1) in response to draft Planning Scheme Amendment C202knox - 49 Basin-Olinda Road, The Basin.

On 28 October 2024, Council received correspondence from the Department of Transport and Planning (DTP) advising that the Minister for Planning is considering preparing an amendment to the Knox Planning Scheme that would facilitate the use and development of a solar energy facility, utility installation and vegetation removal at 49 Basin-Olinda Road, The Basin. The Minister for Planning is the Planning Authority for this proposal and not Council.

Consultation was carried out by DTP under delegation from the Minister, to inform the Minister's decision about whether to prepare, adopt, and approve draft Amendment C202knox. Information and supporting documents were made available at www.engage.vic.gov.au with submissions due prior to 29 November 2024. Given the timing of consultation during the local government election period and the declaration of the election, officers have prepared and lodged a submission on the matter on behalf of Council. This report seeks a resolution to endorse the submission in retrospect and enable its release on the basis of public interest in the matter within the community.

The submission covers a range of issues including planning, traffic and car parking, flooding, arboricultural and tree removal, and construction management. A site visit was undertaken on 8 October 2024. Proposed tree removal was considered by Council's arborist, and the extent of tree loss was mostly limited to sections of mature Radiata Pine trees and other trees in poor condition. Offsets are proposed in the form of new plantings. Other vegetation is proposed for retention, including understorey areas.

There have been concerns expressed within the local community in relation to glint and glare arising from the proposed solar energy facility. A Glint and Glare Assessment has since been included with the draft amendment documents and has been reviewed. Officers are seeking this assessment be submitted to, and endorsed by, the Minister for Planning in consultation with Council. Other concerns raised in the submission and associated incorporated document relate to construction and environmental management, traffic management, tree and vegetation protection. Officers have reviewed the conditions set out in the proposed incorporated document as Council has been nominated as Responsible Authority for specific items, and will have enforcement responsibility if the proposal is ultimately approved.

Given community interest in the proposal, officers are seeking a resolution to make the submission publicly available, including for general circulation when requested.

RECOMMENDATION

That Council resolve to:

1. Endorse the submission lodged by officers on 29 November 2024 in response to consultation being undertaken by the Department of Transport and Planning on the draft Planning Scheme Amendment C202knox.

RESOLUTION

MOVED: Councillor Kennett

SECONDED: Councillor Atwell

That Council resolve to:

1. Endorse the submission lodged by officers on 29 November 2024 in response to consultation being undertaken by the Department of Transport and Planning on the draft Planning Scheme Amendment C202knox.

CARRIED

7 Public Question Time

Question Time commenced at 7:46pm.

The following questions were raised with Council:

7.1 Question One - Darren Wallace

Is a permit required from council to clear a residential property, for the purpose of a rebuild or development and if so, what conditions are included to control sediment from leaving the cleared site during heavy rainfall events?

If no permits are required, what is Council doing to monitor and mitigate sediment pollution entering Knox's waterways?

Councillor Cooper acknowledged that images provided by Mr Wallace in association with his submission have been distributed among the Councillors.

The Director City Liveability, Matt Kelleher responded:

- The clearing of sites (including of houses, outbuildings, landscaping and vegetation) occurs quite often when a site is redeveloped. Sometimes the redevelopment is in the form of multi dwellings (requiring a planning permit), or perhaps even a new single dwelling (may only require a building permit which can be obtained from a private building surveyor or Council). Once a site is cleared, there is often exposed soil, which can pose a sediment risk if there is rainfall before any vegetation can re-establish, as captured in the submitter's photos.
- Building permits for demolition works will only assess or control building related matters, and not require any sediment control.
- Planning Permits are only required for demolition in rare circumstances, such as heritage, or for vegetation protection overlays that only apply in some parts of Knox.
- Even if the site was going to be redeveloped for a matter that needed a planning permit (for example a multi-unit development) placing conditions on the development permit that required something to be done before the development works commenced would not be enforceable; as the issue takes place before development has commenced. However once building works have commenced on a development that requires a planning permit, there are usually conditions that require sediment control during construction – meaning planning enforcement could take action on any complaint where sediment control was a problem.
- Council has provisions under its Amenity Local Law 2020 regarding building sites, however like a planning permit, the provisions are only triggered once building works have commenced in accordance with a building permit.
- There are also general drainage of land provisions at Section 200 of the 1989 Local Government Act that give Council broad powers regarding drainage of a building or of surface or stormwater on any land.
- If you or any member of the community becomes aware of a site that has been cleared and has caused, or could cause a drainage or sedimentation risk, it is best to report it to Council. Officers can then determine the applicable regulatory framework, investigate and respond.
- It is also a matter that can be further considered in a future review of the Amenity Local Law.

7.2 Question Two - Jack Rubin

Knox Leisureworks has an outside 50 metre pool which has been unused for at least 3 years. The pool is surrounded by high netting and the water is green. Many children have been turned away at times from swimming lessons at the indoor 50 metre heated pool as there are no vacancies and also at times especially in summer, patrons have had to be turned away by staff because the limit of customers in the centre has been exceeded. Could Knox Council renovate the outside 50 metre pool, cover it and install solar panels on the roof to heat the water? It would be an extra source of revenue. Even though the initial upfront cost would be high if you did an initial Cost Benefit Study it would probably pay for itself within 5 years.

The Director Connected Communities, Judy Chalkley responded:

- With regards to the outdoor pool at Knox Leisureworks (KLW), as mentioned it is currently closed and expected to remain closed. An independent audit was completed on the ageing outdoor aquatic infrastructure which deemed it not-operational due to significant structural issues.
- Council staff have engaged a specialist leisure contractor to provide recommendations regarding the planning process and potential future works on the outdoor area at KLW.
- These recommendations will be presented to Councillors in the coming year.
- With regards to swim lessons, the contractor has indicated that children aren't turned away from a GoSwim lessons due to hitting capacity. The program has the capability of considerable growth and if the market demand was there, existing timetables could be expanded. The classes run at an average occupancy of 87%, meaning there is always room for more.
- The Pool Hall capacity in exceptional circumstances can hit maximum occupancy. This is driven by GSPO supervision guidelines of centres ability to actively and effectively supervise the pools.
- But once again, the contractor has indicated that people aren't turned away. During rare moments when capacity is higher, Belgravia implement a 1 in, 1 out system that means that sometimes there is a delay in entry.
- For context, this happens for no more than an accumulated 15 hours a year, out of 5,460 hours a year the pool is operating. The 1 in, 1 out protocol is often implemented for less than 1 hour and only occurs in unique circumstances.
- Social media and other forms of communication is used by Belgravia to advise patrons and to inform of less popular times to attend the centre to avoid delays to entry.

Councillor Atwell responded that in working with Mr Rubin, some out-of-date information on the website regarding Knox Leisureworks had been identified and corrected..

7.3 Question Three - Robert Mason

In undertaking a comparison of the intervention and maintenance service levels, documented in accordance with the Road Management Act, for each council’s Road Management Plan of the adjoining cohort of Councils, Knox City Council has one of the lowest service levels for footpath and pothole remediation works, in the regions as indicated below:

| | Footpath | | Footpath | Potholes | | |
|---------------------|-------------------------------|-------------------------|---|-------------------------------|--|--|
| | Response Inspection timeframe | Rectification timeframe | | Response Inspection timeframe | Rectification timeframe | |
| | Displacement | | Undulation over a metre (mm) | | | |
| Municipality | | | | | | |
| Knox | 3 | 50 | No intervention levels | 2 | 32 | |
| Maroondah | - | 14 Business days | | - | 3 Business days | |
| Dandenong | - | 10 Business days | 30 mm | - | 10 Business days | |
| Cardinia | 14 Business days | 14 Business days | 42 mm Asphalt 83 mm concrete | | 10-60 Business days subject to category | |
| Monash | 5 | 10 Business days | 30 mm | 5 | 10 | |

Are the Councillors prepared to accept service standards below industry standards, in comparison with its cohort of Councils?

The Director Infrastructure, Grant Thorne responded:

- Knox has developed a Road Management Plan in accordance with the Road Management Act 2004, with the current version taking effect from 22 May 2023.
- A Road Management Plan is developed taking into account competing priorities which may impact on deliverable outcomes. These priorities may include, but are not limited to, prevailing budgetary context, the current economic environment, social context and service delivery.
- Most maintenance activities in Road Management Plans include a 2 step process, the first is to inspect and make safe any defect and the second is to undertake the rectification works to restore the assets intended full functionality.
- Regarding the specific question, from the data you have provided Knox has the shortest timeframe for making safe the defect, which is the key activity in road management plan. The flowchart included in the Knox Road Management Plan includes as part of the

Initial Response undertaking Temporary Protection Works. The Temporary Protection Works minimise localised risks and make the area safe until the defect is permanently rectified.

- In accordance with the Road Management Regulations 2016 and the Local Government Act 2020, Council will be undertaking a review of the Road Management Plan by 31 October 2025 which will involve engagement, and we welcome input as part of that process.

Councillor Pearce responded having walked the streets of Taylor Ward during the election she too had observed footpath maintenance issues, but reflecting on having only been in office for six weeks, asked for time to see what Councillors could achieve in response.

Question Time Concluded at 8:03pm.

8 Officer Reports

8.1 Minor Grants Program Monthly Report

SUMMARY

This report summarises the grant applications recommended for approval in December 2024 for the 2024-2025 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Procedure.

Applications under the Minor Grants Procedure are limited to a maximum of \$3,000.00 within the current financial year.

RECOMMENDATION

That Council resolve to:

1. Approve six applications for a total of \$12,704.58 (excluding GST) as detailed below:

| Applicant Name | Project Title | Amount Requested (inc. GST) | Amount Recommended (excl. GST) |
|--|---|-----------------------------|--------------------------------|
| Society of St Vincent De Paul, Scoresby | Food vouchers to be purchased for Christmas hampers | \$1,910.00 | \$1,736.36 |
| Friends of Blind Creek Llewellyn | Tools for Friends of Blind Creek Llewellyn | \$993.68 | \$993.68 |
| The Basin Community House | Creating New Opportunities | \$2,922.00 | \$2,656.36 |
| He'art - Its an Art Thing (underneath my Umbrella) | 2025 Black & White Gala Dinner | \$2,500.00 | \$2,500.00 |
| Ferntree Gully Falcons Basketball Club | Ferntree Gully Falcons Basketball Club 60 th Anniversary | \$3,000.00 | \$3,000.00 |
| Orana Neighbourhood House | Orana Open Day 2025 | \$3,000.00 | \$1,818.18 |
| Total | | \$14,325.68 | \$12,704.58 |

2. Refuse one application requesting a total of \$2,880.00 as detailed below:

| Applicant Name | Project Title | Amount Requested | Reason for ineligibility |
|---|---|-------------------|---|
| Australia Multicultural Arts Association Inc. | 2025 Dragon Boat Festival Celebration in Knox | \$2,880.00 | The Group is unable to provide evidence of Public Liability Insurance. Under the Minor Grant Program Procedure item 6.6 the applicant must hold adequate public liability insurance appropriate to the activity outlined in the application to be eligible for a Minor Grant. |
| Total | | \$2,880.00 | |

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2024-2025 will be \$36,738.62 after GST adjustments.

Pursuant to Section 130 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, Councillor Cooper declared a general conflict of interest in this item on the grounds that she works as a Network Manager for 31 community houses in the outer eastern suburbs, some of which are applicants in this Report.

Councillor Cooper left the meeting at 8:04pm before the discussion and vote on item 8.1

The Deputy Mayor, Councillor Atwell assumed the role of Acting Chairperson of the Meeting.

Councillor Pearce left the meeting at 8:04pm before the discussion and vote on item 8.1

Pursuant to Section 130 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, Councillor Baker declared a general conflict of interest in this item on the grounds that a family member is on the Committee of one of the applicants under this item.

Councillor Baker left the meeting at 8:04pm before the discussion and vote on item 8.1

Pursuant to Section 130 of the Local Government Act 2020 (the Act) and Chapter 5 of the Governance Rules of Knox City Council, Councillor Duncan declared a material conflict of interest in this item on the grounds that he is a Member of the Committee of Management for one of the beneficiaries of the Minor Grants Program listed in this Report.

Councillor Duncan left the meeting at 8:05pm before the discussion and vote on item 8.1

The Meeting failed for a lack of quorum at 8.05pm and resumed at 8.07pm in accordance with Governance Rule 14 with Councillors Pearce, Lockwood, Williams, Atwell and Kennett present.

RESOLUTION

MOVED: Councillor Kennett

SECONDED: Councillor Lockwood

That Council resolve to:

1. Approve six applications for a total of \$12,704.58 (excluding GST) as detailed below:

| Applicant Name | Project Title | Amount Requested (inc. GST) | Amount Recommended (excl. GST) |
|--|---|-----------------------------|--------------------------------|
| Society of St Vincent De Paul, Scoresby | Food vouchers to be purchased for Christmas hampers | \$1,910.00 | \$1,736.36 |
| Friends of Blind Creek Llewellyn | Tools for Friends of Blind Creek Llewellyn | \$993.68 | \$993.68 |
| The Basin Community House | Creating New Opportunities | \$2,922.00 | \$2,656.36 |
| He'art - Its an Art Thing (underneath my Umbrella) | 2025 Black & White Gala Dinner | \$2,500.00 | \$2,500.00 |
| Ferntree Gully Falcons Basketball Club | Ferntree Gully Falcons Basketball Club 60 th Anniversary | \$3,000.00 | \$3,000.00 |
| Orana Neighbourhood House | Orana Open Day 2025 | \$3,000.00 | \$1,818.18 |
| Total | | \$14,325.68 | \$12,704.58 |

2. Refuse one application requesting a total of \$2,880.00 as detailed below:

| Applicant Name | Project Title | Amount Requested | Reason for ineligibility |
|---|---|-------------------|---|
| Australia Multicultural Arts Association Inc. | 2025 Dragon Boat Festival Celebration in Knox | \$2,880.00 | The Group is unable to provide evidence of Public Liability Insurance. Under the Minor Grant Program Procedure item 6.6 the applicant must hold adequate public liability insurance appropriate to the activity outlined in the application to be eligible for a Minor Grant. |
| Total | | \$2,880.00 | |

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2024-2025 will be \$36,738.62 after GST adjustments.

CARRIED

Councillor Cooper returned to the meeting at 8:14pm following the vote on item 8.1 and resumed the role of Chairperson

Councillor Baker returned to the meeting at 8:14pm following the vote on item 8.1

Councillor Duncan returned to the meeting at 8:14pm following the vote on item 8.1

8.2 2025 Council Meeting Schedule

SUMMARY

The current arrangements for meetings are set out in the Meeting Structures and Cycles Policy. This report outlines the proposed meeting schedule for the 2025 calendar year, which is generally in alignment with Council's Meeting Structures and Cycles Policy.

RECOMMENDATION

That Council adopt the 2025 Council Meeting Schedule as set out in Attachment 1 of the officer's report.

RESOLUTION

MOVED: Councillor Atwell

SECONDED: Councillor Baker

That Council adopt the 2025 Council Meeting Schedule as set out in Attachment 1 of the officer's report.

CARRIED

8.3 Independent Advisor to CEO Remuneration Review

SUMMARY

The Local Government Act 2020 provides that Council is required to engage an independent advisor to assist the Chief Executive Officer Employment & Remuneration Advisory Committee. This report provides a recommendation and two options to appoint an independent advisor.

RECOMMENDATION

That Council resolve to:

1. Appoint Phil Shanahan as the independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee until the end of June 2026.
2. To undertake a Request for Quotation (RFQ) process for the purpose of appointing an independent advisor from July 2026 onwards.

The Chief Executive Officer, Bruce Dobson disclosed that he has an interest in the outcome of the findings of the Chief Executive Officer Employment and Remuneration Committee as this Report relates to a Committee which analyses his performance. Therefore, the Chief Executive Officer declared a conflict of interest for this reason and left the meeting at 8:16pm before the discussion and vote on Item 8.3.

MOTION

MOVED: Councillor Pearce

SECONDED: Councillor Williams

That Council resolve to:

1. Appoint Phil Shanahan as the independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee for 12 months to 16 December 2025.
2. To undertake a Request for Quotation (RFQ) process for the purpose of appointing an independent advisor from January 2026 onwards.

LOST

The Chairperson noted a minor typographical error with the title, which should refer to the correct name of the 'CEO Employment and Remuneration Committee'.

RESOLUTION

MOVED: Councillor Duncan

SECONDED: Councillor Atwell

That Council resolve to:

- 1. Appoint Phil Shanahan as the independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee until the end of June 2026.**
- 2. To undertake a Request for Quotation (RFQ) process for the purpose of appointing an independent advisor from July 2026 onwards.**

CARRIED

A Division was called by Councillor Pearce

For the motion: Councillor Baker, Councillor Cooper, Councillor Kennett, Councillor Atwell and Councillor Duncan

Against the motion: Councillor Lockwood, Councillor Williams and Councillor Pearce

Abstention: Nil

CARRIED 5:3

The Chief Executive Officer of Knox City Council, Bruce Dobson returned to the Meeting at 8:27pm following the vote and Division on Item 8.3.

9 Supplementary Items

Nil.

10 Notices Of Motion

Nil.

11 Urgent Business

Nil.

12 Questions Through the Chair

Councillor Williams asked the following question through the chair:

Following a tragic fatality on Wellington Road in Rowville in January 2024, Council resolved to fund a Road Safety Audit for Wellington Road in April 2024. Can the Director Infrastructure provide an update on the status and findings of the Road Safety Audit?

The Director Infrastructure, Grant Thorne responded:

- Following the resolution in April 2024, Council engaged qualified Road Safety Auditors to undertake a road safety audit of Wellington Road which is a road under the management and responsibility of VicRoads/Department of Transport (DTP).
- The road safety audit on Wellington Road between Napoleon Road and Taylors Lane has been completed, with the audit making 23 assessment findings.
- The assessment findings do not include reducing the speed limit, installing a red-light camera or restricting trucks to the left lane.
- The findings do include recommendations that consideration be given to installing advance warning signs with flashing lights on the east approach to Braeburn Parade and consideration of installing a mast arm with additional lanterns facing west to alert eastbound drivers of the signal status at Napoleon Road. In addition to these recommendations, there are further assessment findings which cover general issues, roadside hazards, pedestrians & cyclists, signage issues and night-time issues.
- The road safety audit report has been sent to VicRoads/DTP as the coordinating Road Authority to seek their position on the assessment finding and assessment recommendations.
- The report has also recently been discussed with local Members of Parliament seeking their support on the assessment findings.
- An update can be provided in after receiving a response from VicRoads/DTP on the assessment findings.

Councillor Atwell asked the following question through the chair:

Residents in Timbertop Estate have advised Melbourne Water has closed the pedestrian bike path/pathway into the Police Road Retarding Basin in Rowville which had been used by residents and provides important connections with Hospital and school facilities. Have Council consulted with Melbourne Water on this issue and is there an update on this matter?

The Director Infrastructure, Grant Thorne responded:

- The land where the retarding basin is, is owned and managed by Melbourne Water, it is not Council land.
- Following the closure of the path and concerns raised by residents in October, Council officers meet with Melbourne Water in mid-October to discuss the issue.
- Melbourne Water's main concerns were:
 - When the spillway is engaged during a flood there is a significant amount of water which creating a potential hazard
 - People walking/riding on the spillway when the area is dry is a hazard as there is a significant drop-off into the energy dissipation device .
 - The slope from the maintenance track down to the retarding basin floor was also a potential hazard.
- Council Officers met with Melbourne Water again last week and Melbourne Water advised that before Christmas, they plan to implement:
 - Line marked warnings on the spillway surface to warn of the dangers of walking across the spillway.
 - Improved signage advising of the risks of walking through the retarding basin on the informal tracks
 - Minor improvements to the informal path
 - Other options include water depth markers
- Council has received advice from Melbourne Water this afternoon advising these works have been completed and the retarding basin has been re-opened for public access.

Councillor Pearce asked the following question through the chair:

In relation to Wicks Court, how is the survey going and what are the results?

The Director Infrastructure, Grant Thorne responded that he would take the question on notice and provide further information to Councillor Pearce.

13 Confidential Items

Nil.

Councillor Cooper thanked members of the public gallery and those joining the meeting online, noting the next Meeting will be held on Tuesday 28 January 2025.

On behalf of the Council, Councillor Cooper wished residents a Merry Christmas and peaceful New Year as we look forward to 2025.

MEETING CLOSED AT 8:34pm

Minutes of Meeting confirmed at the
Meeting of Council
held on Tuesday, 28 January 2025

.....
Chairperson

The Agenda for this meeting is attached in full at the end of the Minutes.

AGENDA



Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 16 December 2024 at 7:00 PM

This meeting will be conducted as a hybrid meeting

Order of Business

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Bruce Dobson
Chief Executive Officer

1 Apologies And Requests For Leaves Of Absence

2 Declarations Of Conflict Of Interest

3 Confirmation Of Minutes

Confirmation of Minutes of Meeting of Council held on Monday 25 November 2024

4 Presentations, Petitions And Memorials

5 Reports By Councillors

6 Planning Matters

6.1 Report of Planning Applications Decided Under Delegation 1 November 2024 to 30 November 2024

| | |
|----------------------------------|---|
| Final Report Destination: | Council |
| Paper Type: | For Noting |
| Author: | Manager City Planning & Building, Paul Dickie |
| Manager: | Manager City Planning & Building, Paul Dickie |
| Executive: | Director, City Liveability, Matt Kelleher |

SUMMARY

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That Council note the planning applications decided under delegation 1 November 2024 to 30 November 2024 as set out in the officers' report.

1. REPORT

Details of planning applications decided under delegation from 01 November 2024 to 30 November 2024 are attached. The applications are summarised as follows:

| Application Type | No. |
|-------------------------------|------------|
| Building & Works: Residential | 2 |
| Other | 7 |
| Subdivision | 10 |
| Units | 11 |
| Tree Removal / Pruning | 10 |
| Single Dwelling | 2 |
| Signage | 2 |
| Child Care Centre | 1 |
| Liquor Licence | 1 |
| TOTAL | 46 |

2. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

Attachments

Nil

Knox City Council

Planning Applications Decided Under Delegation

1 November 2024 to 30 November 2024

| Ward | No/ Type | Address | Description | Decision |
|-------------|-----------------|--|---|------------------------|
| Baird | 2024/6059 | 247 Boronia Road BORONIA VIC 3155 | Construction of three (3) double storey dwellings on a lot | 20/11/2024 Approved |
| Baird | 2024/6018 | 18 Flower Street FERNTREE GULLY VIC 3156 | The construction of five (5) double storey dwellings and one (1) single storey dwelling | 6/11/2024 Approved |
| Baird | 2024/6427 | 13 Duncan Avenue BORONIA VIC 3155 | Three Lot Subdivision (approved unit development) | 8/11/2024 Approved |
| Baird | 2024/9088 | 20 Stradbroke Road BORONIA VIC 3155 | Two lot subdivision (approved unit development) | 13/11/2024 Approved |
| Baird | 2024/6466 | 125 Boronia Road BORONIA VIC 3155 | The display of electronic signage associated with an EV charging station | 25/11/2024 Approved |
| Baird | 2024/6482 | 24 Valerie Street BORONIA VIC 3155 | Removal of one (1) dead Eucalyptus sp | 27/11/2024 Approved |
| Baird | 2024/6442 | 1-3 /2 Cypress Avenue BORONIA VIC 3155 | 5 Unit Subdivision (approved unit development) | 15/11/2024 Approved |
| Baird | 2024/6053 | 1 Rose Avenue BORONIA VIC 3155 | Development of the land for two (2) double storey dwellings to the rear of the existing dwelling and 3 lot subdivision | 15/11/2024 Approved |
| Baird | 2023/6270 | 212 Boronia Road BORONIA VIC 3155 | Use and development of the land for a childcare centre, including tree removal | 15/11/2024 Approved |
| Baird | 2024/6443 | 10 Janville Street BORONIA VIC 3155 | 5 lot subdivision (approved unit development) | 28/11/2024 Approved |
| Chandler | 2024/6406 | 38 Elsie Street BORONIA VIC 3155 | Removal of one (1) Ulmus glabra 'Lutescens' (Golden Elm) | 7/11/2024 Refused |
| Chandler | 2024/6191 | 106 Inverness Avenue THE BASIN VIC 3154 | Alterations and additions to an existing dwelling, including the construction of a garage, associated earthworks and tree removal | 20/11/2024 Approved |

| Ward | No/ Type | Address | Description | Decision |
|----------|-----------|--|--|----------------------------------|
| Chandler | 2024/6392 | 15 Pascoe Road BORONIA VIC 3155 | Removal of one (1) Dead Eucalyptus obliqua (Messmate) | 8/11/2024 Approved |
| Chandler | 2024/9079 | 1F/981 Mountain Highway BORONIA VIC 3155 | Mezzanine extension and parking reduction | 8/11/2024 Approved |
| Chandler | 2023/6360 | 995 Mountain Highway BORONIA VIC 3155 | Construction of a five-storey self-storage facility, alteration of access to a road in a Transport Zone 2 and removal of native vegetation | 7/11/2024 Approved |
| Chandler | 2024/6300 | 33 Harnett Street BORONIA VIC 3155 | The construction of a new dwelling on vacant land | 22/11/2024 Approved |
| Chandler | 2024/6444 | 36 Gravenstein Crescent THE BASIN VIC 3154 | Removal of five (5) Hesperocyparis lusitanica (Mexican Cypress) and one (1) Pittosporum tenuifolium (Kohukohu) | 25/11/2024 Approved |
| Chandler | 2023/6570 | 2 Lyndon Road BORONIA VIC 3155 | Construction of two (2) single storey dwellings on the land and tree removal | 15/11/2024 Approved |
| Collier | 2024/6277 | 4 Cathies Lane WANTIRNA SOUTH VIC 3152 | Display of business identification signage | 14/11/2024 Notice of Decision |
| Collier | 2024/6308 | 17 Mint Street WANTIRNA VIC 3152 | Three lot subdivision (approved unit development) | 28/11/2024 Approved |
| Dinsdale | 2024/6241 | 9 King Street BAYSWATER VIC 3153 | Construction of a four (4) storey apartment building containing 14 dwellings on the land | 8/11/2024 Notice of Decision |
| Dinsdale | 2024/6092 | 27 - 29 Tate Avenue WANTIRNA SOUTH VIC 3152 | Construction of four (4) double storey dwellings | 7/11/2024 Notice of Decision |
| Dinsdale | 2024/6227 | 3 Yarran Grove BAYSWATER VIC 3153 | Construction of a double storey dwelling at the rear of the existing and two (2) lot subdivision | 15/11/2024 Notice of Decision |
| Dinsdale | 2024/6236 | 37 Allanfield Crescent BORONIA VIC 3155 | Construction of two (2) double storey dwellings | 14/11/2024 Notice of Decision |
| Dobson | 2024/6474 | 26 Austin Street FERNTREE GULLY VIC 3156 | Pruning of one (1) Pittosporum tenuifolium (Kohukohu) | 19/11/2024 Approved |

| Ward | No/ Type | Address | Description | Decision |
|---------|-----------|--|--|----------------------------------|
| Dobson | 2024/6486 | 24 Ormonde Road FERNTREE GULLY VIC 3156 | Removal of three (3) Acacia melanoxylon (Blackwood) | 19/11/2024 Approved |
| Dobson | 2024/6447 | 5/4 Austin Street FERNTREE GULLY VIC 3156 | Removal of one (1) Betula pendula 'Dalecarlica' (Cut Leaf Birch) | 14/11/2024 Approved |
| Dobson | 2024/6438 | 26 Joan Avenue FERNTREE GULLY VIC 3156 | Habitat Pruning of three (3) Dead Eucalyptus obliqua (Messmate) | 8/11/2024 Approved |
| Dobson | 2024/9084 | 160 Forest Road FERNTREE GULLY VIC 3156 | Buildings and Works (construction of an outbuilding ancillary to a dwelling) | 11/11/2024 Approved |
| Dobson | 2024/6449 | 5 Glenfern Road FERNTREE GULLY VIC 3156 | Removal of seven (7) Cupressus sempervirens (Italian Pencil Pine) and one (1) Liquidambar styraciflua (Sweetgum) | 27/11/2024 Approved |
| Dobson | 2024/6446 | 30 Rathgar Road LYSTERFIELD VIC 3156 | Six Lot Subdivision (approved unit development) | 22/11/2024 Approved |
| Dobson | 2024/6170 | 23A Veronica Street FERNTREE GULLY VIC 3156 | Construction of one (1) double storey dwelling | 22/11/2024 Notice of Decision |
| Dobson | 2024/6431 | 1/7 Veronica Street FERNTREE GULLY VIC 3156 | Four Lot Subdivision (approved unit development) | 14/11/2024 Approved |
| Dobson | 2024/6252 | 1136 Burwood Highway FERNTREE GULLY VIC 3156 | The use and development of the land for retail (car sales), associated buildings and works and display of internally illuminated signage | 15/11/2024 Approved |
| Friberg | 2024/6500 | 2/802 Burwood Highway FERNTREE GULLY VIC 3156 | Buildings and works (extension to floor area) | 19/11/2024 Approved |
| Friberg | 2024/6405 | 33 Harley Street KNOXFIELD VIC 3180 | Development of a double storey dwelling to the rear of the existing dwelling | 8/11/2024 Approved |
| Friberg | 2024/6348 | Sh 37/1880 Ferntree Gully Road FERNTREE GULLY VIC 3156 | Liquor licence (bottle shop) and associated signage | 13/11/2024 Notice of Decision |
| Friberg | 2024/9089 | 4 Kyoto Court ROWVILLE VIC 3178 | Two Lot Subdivision (approved unit development) | 14/11/2024 Approved |

| Ward | No/ Type | Address | Description | Decision |
|-------------|-----------------|--|--|-------------------------------------|
| Scott | 2024/6019 | 19 -21 White Road WANTIRNA SOUTH VIC 3152 | The construction of six double storey dwellings on the land | 25/11/2024 Approved |
| Taylor | 2022/6644 | 318 Dandelion Drive ROWVILLE VIC 3178 | Development of the land for three (3) double storey dwellings | 14/11/2024 Notice of Decision |
| Taylor | 2024/6311 | 39 Salerno Way ROWVILLE VIC 3178 | Three (3) Lot Subdivision | 15/11/2024 Approved |
| Taylor | 2024/6527 | 1550 Wellington Road LYSTERFIELD VIC 3156 | Buildings and works for the construction of a carport associated with the existing dwelling | 29/11/2024 Approved |
| Tirhatuan | 2024/6451 | PEPPERTREE HILL 196/15 Fulham Road ROWVILLE VIC 3178 | The construction of a verandah to existing retirement village dwelling | 8/11/2024 Approved |
| Tirhatuan | 2024/9080 | 8 Lakeview Drive SCORESBY VIC 3179 | Construct a mezzanine and reduction in car parking | 1/11/2024 Approved |
| Tirhatuan | 2024/6445 | 3 Candlebark Quadrant ROWVILLE VIC 3178 | Pruning of one (1) Eucalyptus cephalocarpa (Silver Stringybark) | 14/11/2024 Approved |
| Tirhatuan | 2024/6322 | 1100 Stud Road ROWVILLE VIC 3178 | 6 Lot Subdivision (approved unit development) | 29/11/2024 Approved |

6.2 31 Cinerea Avenue, Ferntree Gully

| | |
|----------------------------------|---|
| Final Report Destination: | Council Meeting |
| Paper Type: | For Decision |
| Author: | Senior Planner, Emily Zeng |
| Manager: | Manager City Planning & Building, Paul Dickie |
| Executive: | Director City Liveability, Matt Kelleher |

SUMMARY

This report considers Planning Application P/2024/6297 for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully.

RECOMMENDATION (SUMMARY)

That Council issue a Planning Permit for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully, subject to the conditions detailed in the full recommendation in section 10 below.

1. DISCUSSION

A new application P/2024/6297 has been lodged with Council for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully.

The application is being reported to Council as it was called up by former Cr Allred.

It is considered that the development is consistent with Clause 53.20 (Housing by or on behalf of Homes Victoria) of the Knox Planning Scheme and will facilitate the development of well-designed social housing and affordable housing to meet existing and future needs. The development will not unreasonably impact on the amenity of adjoining dwellings.

Under Clause 53.20-3 (Exemption from Planning Scheme Provisions – Housing by or on behalf of Homes Victoria) of the Knox Planning Scheme (the Scheme), the following provisions of the planning scheme do not apply to this application:

- The Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.
- An application requirement or decision guideline of a zone.
- A requirement to meet Clauses 54, 55 and 58 of a zone.
- A schedule to a zone except for a specified building height requirement.
- Clauses 52.06 and 65 of the Scheme.

The proposed development is compliant with the development standards at Clause 53.20-6 of the Scheme. It is recommended that a Planning Permit be issued. The detailed Officer's Report is provided at Attachment 1.

2. ENGAGEMENT

The application was not advertised as an application pursuant to Clause 53.20 of the Scheme is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987*.

The application was referred internally to Council's Asset Protection Officers, Arborist, Building Department, ESD Officer, Landscape Officer, Stormwater Engineer and Traffic Department. No major concerns were raised with the application.

3. SOCIAL IMPLICATIONS

It is considered that there will be positive social implications with the proposed development of additional public/social housing by Homes Victoria. An assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Section 5 of the Officer's Report at Attachment 1

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impact upon Council's Net Zero 2030 target as any planning permit issued will not increase Council's corporate carbon emissions.

In response to the Community Net Zero 2040 target and exposure to climate risks or climate change adaptation, the Knox Planning Scheme does not currently require developments to achieve net zero emissions, nor has the development been designed to achieve this.

Should a permit be issued, drainage plans to the satisfaction of the Responsible Authority will be required which will ensure that flood risk is not detrimentally impacted by the proposal.

5. ENVIRONMENTAL IMPLICATIONS

There are no significant environmental impacts or amenity issues associated with the proposed use/development.

An assessment of the application against environmental and amenity considerations can be found at Section 5 of the Officer's Report at Attachment 1.

6. FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or economic implications associated with the proposed development for Council.

7. RISKS

There are no major risks for Council associated with the proposal. The proposed development is a State Government led development by Homes Victoria and will be procured with State Government funding.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Neighbourhoods, Housing & Infrastructure

Strategy 2.1 - Plan for and support diverse housing to meet changing community needs.

Strategy 2.2 - Create, enhance and maintain places and spaces for people to live, work, play and connect.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. RECOMMENDATION

That Council issue a Planning Permit for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully, subject to the following conditions:

Amended Development Plans

1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 The corner splay in accordance with Clause 53.20-6.9 to the driveway of Dwelling 1, including any modifications to structures within the corner splay area.
 - 1.2 Car parking spaces for Dwellings 2 and 3 clearly line marked and provided with signage/identification.
 - 1.3 Removal and replacement of Tree 1 (Lemon Scented Gum).
 - 1.4 Location of Tree Protection Fencing and/or Tree Protection Measures, to be drawn on the ground floor plans, as required by Conditions 12-21

To the satisfaction of the Responsible Authority.

Other Plans

2. Prior to the commencement of the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
 - 2.1 Drainage plans in accordance with Condition 3.
 - 2.2 Landscape plans in accordance with Condition 4.

To the satisfaction of the Responsible Authority.

Drainage Plans

3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
 - 3.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 3.2 The internal drains of the dwellings to be independent of each other.
 - 3.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - 3.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.
 - 3.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - 3.6 Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
 - 3.7 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - 4.4 Details of the surface finishes of pathways and driveways.
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.

- 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- 4.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
- 4.8 The Landscape plans must show the provision of at least 2 additional indigenous or native canopy trees and 5 additional large feature shrubs with a mature height of 4-5 metres chosen from Plant List 1, 2 or 3 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5 metres tall when planted and are to be in the following areas:
 - 4.8.1 Front setback – 2 large indigenous canopy trees and 2 large feature shrubs with a mature height of 4-5 metres.
 - 4.8.2 SPOS 1 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.3 SPOS 2 – 1 large feature shrub with a mature height of 4-5 metres.
 - 4.8.4 SPOS 3 – 1 large feature shrub with a mature height of 4-5 metres.
- 4.9 Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.

To the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

7. All development must be in accordance with the endorsed plans.
8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:
 - 8.1 An open-sided pergola to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of three metres above ground level; or
 - 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

Where the total floor area of decks, pergolas and verandahs for each dwelling does not exceed 16m².
9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

10. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
11. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Tree Protection

12. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
13. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's Tree Protection Zone (TPZ) or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 13.1 Tree 2 – *Coprosma repens*. TPZ 2m. SRZ 1.8m. – Install protection measures prior to works commencing.
 - 13.2 Tree 3 – *Callistemon citrinus*. TPZ 2.4m. SRZ 2m. – Install protection measures prior to works commencing.
14. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
15. Ground Protection, where shown on the endorsed plans, is to consist of a permeable membrane such as geotextile fabric beneath a 100mm layer of mulch or crushed rock below strapped rumble boards
16. Prior to erecting the tree protection fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
17. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
18. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
 - 18.1 Construction activities.
 - 18.2 Dumping and/or storage of materials, goods and/or soil.

- 18.3 Trenching or excavation.
- 18.4 Lopping branches, nailing or affixing signs, service lines, lights etc. to the trees.
- 19. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
- 20. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.

Car Parking & Accessways

- 21. Before the dwellings are occupied, driveways and car parking areas must be:
 - 21.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - 21.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - 21.3 Treated with an all-weather seal or some other durable surface; and
 - 21.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

- 22. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.
- 23. Before the development is occupied vehicular crossing(s) must be constructed to align with approved driveways to the satisfaction of the Responsible Authority. All redundant crossing(s), crossing opening(s) or parts thereof must be removed and replaced with footpath, naturestrip and kerb and channel to the satisfaction of the Responsible Authority.

Fencing

- 24. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
- 25. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

- 26. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 26.1 the appearance of building, works or materials on the land
 - 26.2 parking of motor vehicles
 - 26.3 transporting of materials or goods to or from the site
 - 26.4 hours of operation

- 26.5 stockpiling of top soil or fill materials
- 26.6 air borne dust emanating from the site
- 26.7 noise
- 26.8 rubbish and litter
- 26.9 sediment runoff
- 26.10 vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

- 27. Stormwater runoff from all buildings and hardstanding surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

Permit Expiry

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

- 28.1 The development is not started within two years of the date of this permit.
- 28.2 The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 3.8L/s to the existing Council drainage system for a 5 year ARI (18.13% AEP) event.
- Applicant is to direct all stormwater to the kerb and channel near the southeastern corner of the property as this represents the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD

via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.

- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- A Road Opening Permit is required for any works within or affecting the road reserve.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Letterboxes and all other structures (including meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting should be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Officer Report - 31 Cinerea Avenue, Ferntree Gully [6.2.1 - 5 pages]
2. Attachment 2 - Council Attachments - 31 Cinerea Avenue, Ferntree Gully [6.2.2 - 17 pages]

Planning Application P/2024/6297 for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 at 31 Cinerea Avenue, Ferntree Gully

1. Summary:

| | |
|---------------------------|---|
| Subject Site: | 31 Cinerea Avenue, FERNTREE GULLY VIC 3156 |
| Proposed Development: | Construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20 |
| Existing Land Use: | Vacant land |
| Site Area: | 728sqm |
| Planning Scheme Controls: | Neighbourhood Residential Zone (Schedule 4) |
| Application Received: | 25 June 2024 |
| Number of Objections: | Not applicable |
| PCC Meeting: | Not applicable |
| Ward: | Baird |

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2024/6297 to assist in making a decision on the application. It should be read in conjunction with the other attachments.

3. Background

3.1 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is located on the north side of Cinerea Avenue between McMahons Road to the east and Manna Gum Road to the west, in Ferntree Gully.
- The site is rectangular in shape with a frontage of 20.42m to Cinerea Avenue and a depth of 35.66 metres with an overall area of 728 square metres.
- There is an approximate 1.4 metre fall across the site; sloping northwest (highest point) to southeast (lowest point).
- The area immediately surrounding the site is an established residential precinct characterised by single and double storey dwellings as well as a number of multi-dwelling developments.
- The site is located within 1km of Mountain Gate Shopping Centre and within 2.5km of Westfield Knox Shopping Centre, which provides the local community with various commercial and recreational facilities.
- The site is currently vacant aside from a large Lemon Scented Gum (*Corymbia citriodora*) within the frontage.
- The site is not affected by any easement or restrictions.



Attachment 1

3.2 The Proposal

This application has been lodged on behalf of Homes Victoria and seeks permission for the construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20. Refer to attached plans at Attachment 2.

Details of the proposal are as follows:

- The construction of two (2) double storey and one (1) single storey dwellings (total three (3) dwellings).
- The double storey dwellings will contain three (3) bedrooms, the single storey dwelling will contain two (2) bedrooms.
- Retention of the large Lemon Scented Gum within the front setback.
- The two dwellings fronting Cinerea Avenue will be setback 7 metres from the frontage, providing an unfenced front garden.
- Vehicle access to the site is maintained via the Cinerea Avenue frontage from two (2) crossovers.
- Site coverage is 32.44% (236.3sqm) and site permeability is 46.43% (338.11sqm).

4. Consultation

4.1 Advertising

The application was not advertised.

Pursuant to Clause 53.20-4 (Housing by or on behalf of Homes Victoria) of the Knox Planning Scheme (the Scheme), an application under any provision of this scheme is exempt from the notice requirements of Section 52(1) (a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987* (the Act).

4.3 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Assets: No objection subject to conditions on any permit to issue.

Arborist: Retention of Lemon Scented Gum is not supported with current design, and no permit is required to remove this tree. Conditions are required on any permit to issue relating to tree protection fencing measures to protect vegetation on adjoining properties.

Building: No objection.

ESD: No objection.

Landscape: No objection and subject to conditions on any permit to issue, including provision for canopy tree planting.

Stormwater: No objection subject to conditions on any permit to issue.

Traffic Engineer: No objection subject to conditions on any permit to issue.



Attachment 1

5. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

5.1 Zoning and Overlays

5.1.1 Zone

The site is located within the Neighbourhood Residential Zone (Schedule 4). Pursuant to Clause 32.09-7, a permit is required for the construction of two or more dwellings on a lot.

- The application requirements and decision guidelines within the Neighbourhood Residential Zone (Schedule 4) do not apply to an application under Clause 53.20
- The requirement to meet Clause 55 does not apply to an application under Clause 53.20.
- The development provides 37.63% (274.068sqm) of Garden Area as required by the Zone.

5.1.2 Overlays

The site is not affected by any overlays.

5.2 Policy Consideration: State and Local Planning Policy Framework

Pursuant to Clause 53.20-4 (Housing by or on behalf of Homes Victoria) of the Knox Planning Scheme (the Scheme), the Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework do not apply to this application.

5.3 Particular Provisions

5.3.1 Clause 53.20 – Housing by or on behalf of Homes Victoria

Clause 53.20 Purpose: To facilitate the development of well-designed social housing and affordable housing to meet existing and future needs. To increase the social housing and affordable housing stock in Victoria. To ensure the development of housing by or on behalf of the Chief Executive Officer, Homes Victoria does not unreasonably impact on the amenity of adjoining dwellings or small second dwellings.

Clause 53.20-2 Operation: The provisions of this clause prevail over any inconsistent provision in this planning scheme.

Clause 53.20-3 Exemption from Planning Scheme Provisions: The following provisions of this planning scheme do not apply:

- The Municipal Planning Strategy or Municipal Strategic Statement and the Planning Policy Framework.
- An application requirement or decision guideline of a zone.
- A requirement to meet Clauses 54, 55 and 58 of a zone.
- A schedule to a zone except for a specified building height requirement.
- Clauses 52.06 (Car parking) and 65 (Decision guidelines) of the Scheme.



Attachment 1

Clause 53.20-6 Development Standards:

Infrastructure – Complies.

Street Setback – Complies.

Site Coverage – Complies.

Permeability – Complies.

Energy Efficiency – Complies.

Safety – Complies.

Access – Complies.

Parking Location – Complies.

Car Parking – Complies.

Side and Rear Setbacks – Complies.

Walls on Boundaries – Complies.

Daylight to Existing Windows – Complies.

North-facing Windows – Not applicable.

Overshadowing Open Space – Complies.

Overlooking – Complies.

Noise Impacts – Complies.

Daylight to New Windows – Complies.

Private Open Space – Complies.

Solar Access to Open Space – Complies.

Storage – Complies.

Front fence – Not applicable.

Common property – Complies.

Site Services – Complies.

5.5 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- Clause 65 of the Scheme does not apply to an application proposed under Clause 53.20 of the Scheme.

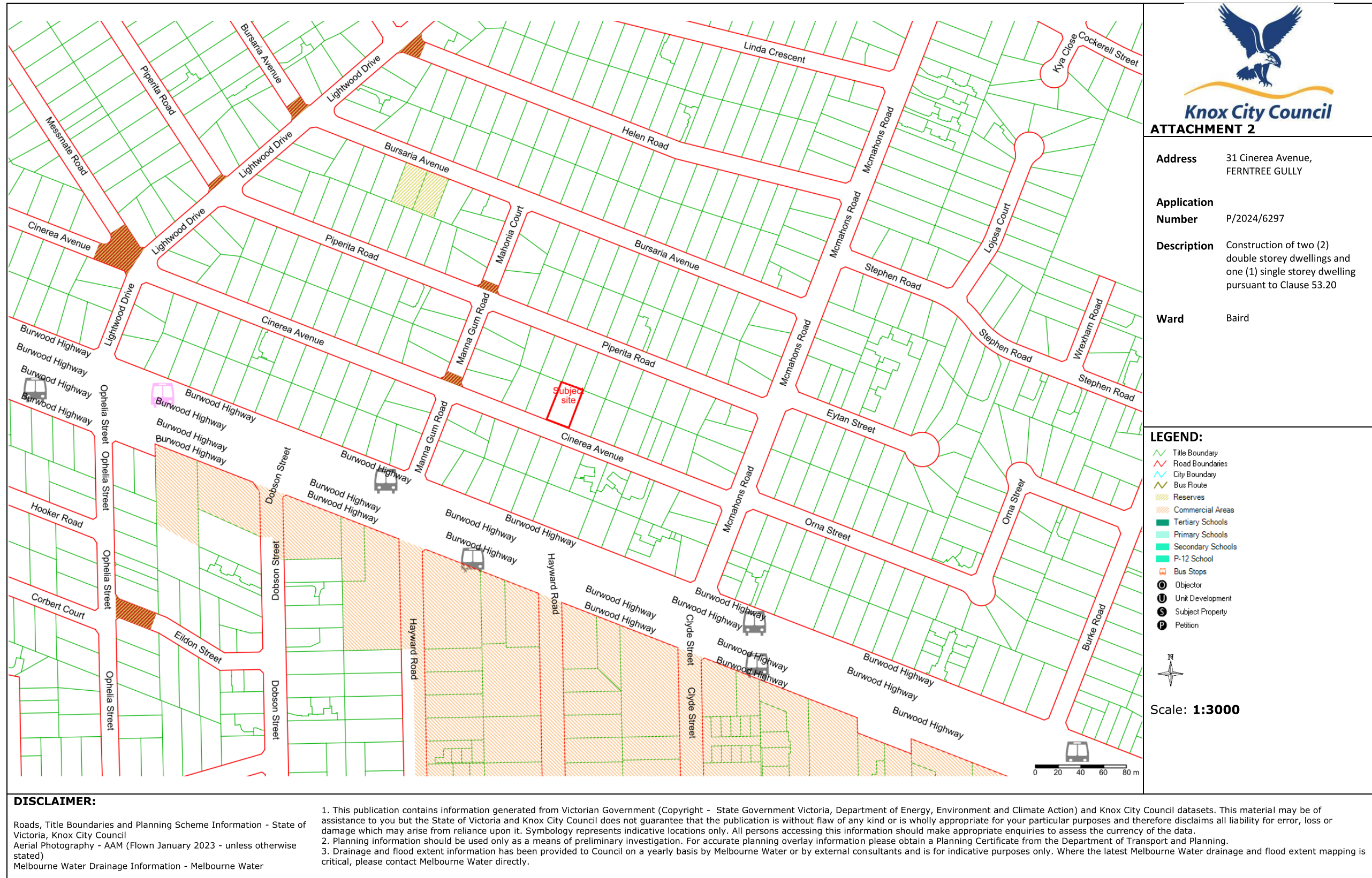


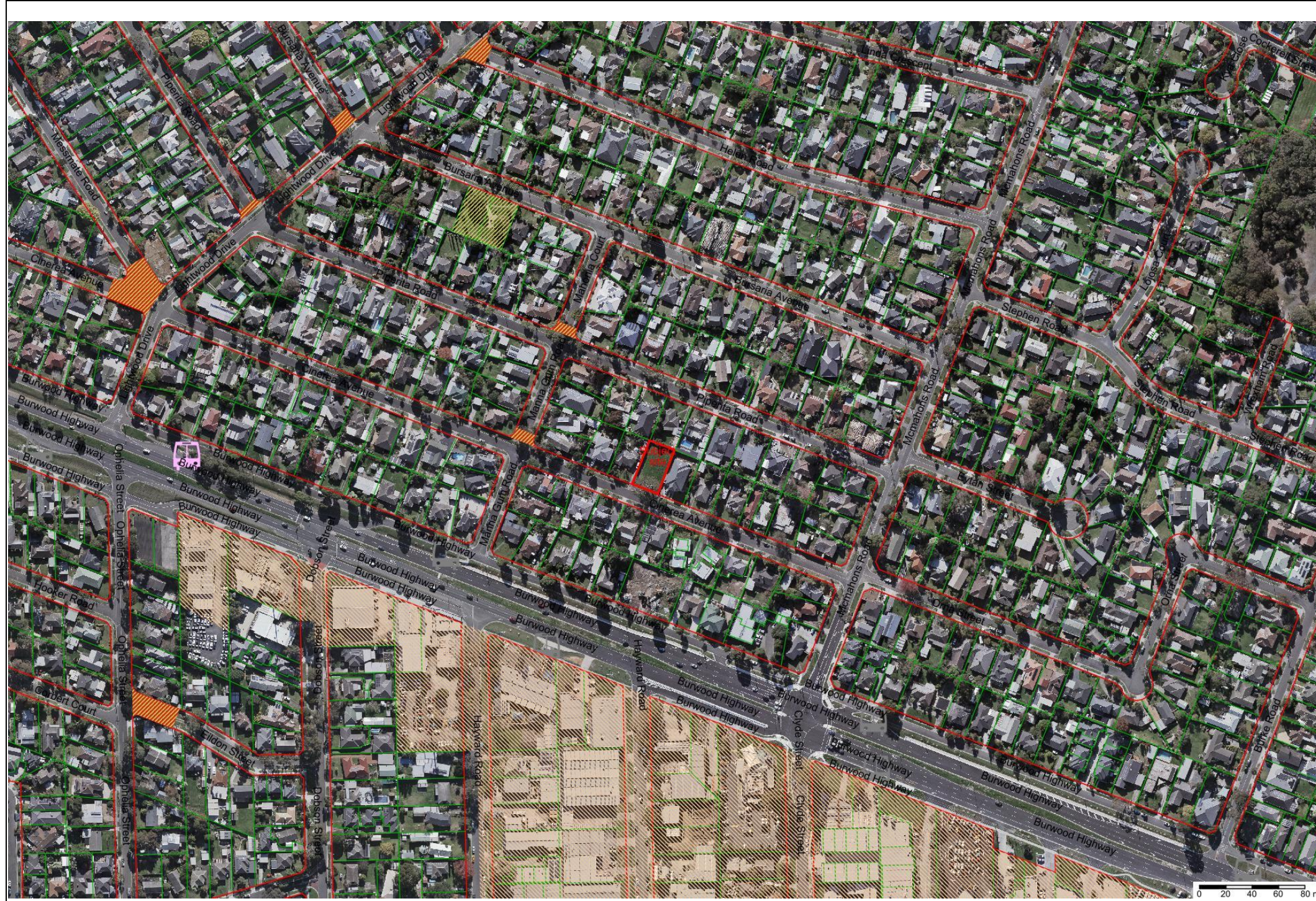
Attachment 1

6. Conclusion

Clause 71.02-3 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered appropriate given the following:

- The development is consistent with Clause 53.20 (Housing by or on behalf of Homes Victoria) of the Knox Planning Scheme, by facilitating the development of well-designed social housing and affordable housing to meet existing and future needs.
- The development is overall compliant with the development standards at Clause 53.20-6 of the Scheme.
- The proposal has ensured the development does not unreasonably impact on the amenity of adjoining dwellings.





Address 31 Cinerea Avenue,
FERNTREE GULLY

Application Number P/2024/6297

Description Construction of two (2) double storey dwellings and one (1) single storey dwelling pursuant to Clause 53.20

Ward Baird

- LEGEND:**
- Title Boundary
 - Road Boundaries
 - City Boundary
 - Bus Route
 - Reserves
 - Commercial Areas
 - Tertiary Schools
 - Primary Schools
 - Secondary Schools
 - P-12 School
 - Bus Stops
 - ⓪ Objector
 - Ⓛ Unit Development
 - Ⓢ Subject Property
 - Ⓟ Petition

N
↑

Scale: 1:3000

DISCLAIMER:

Roads, Title Boundaries and Planning Scheme Information - State of Victoria, Knox City Council
Aerial Photography - AAM (Flown January 2023 - unless otherwise stated)
Melbourne Water Drainage Information - Melbourne Water

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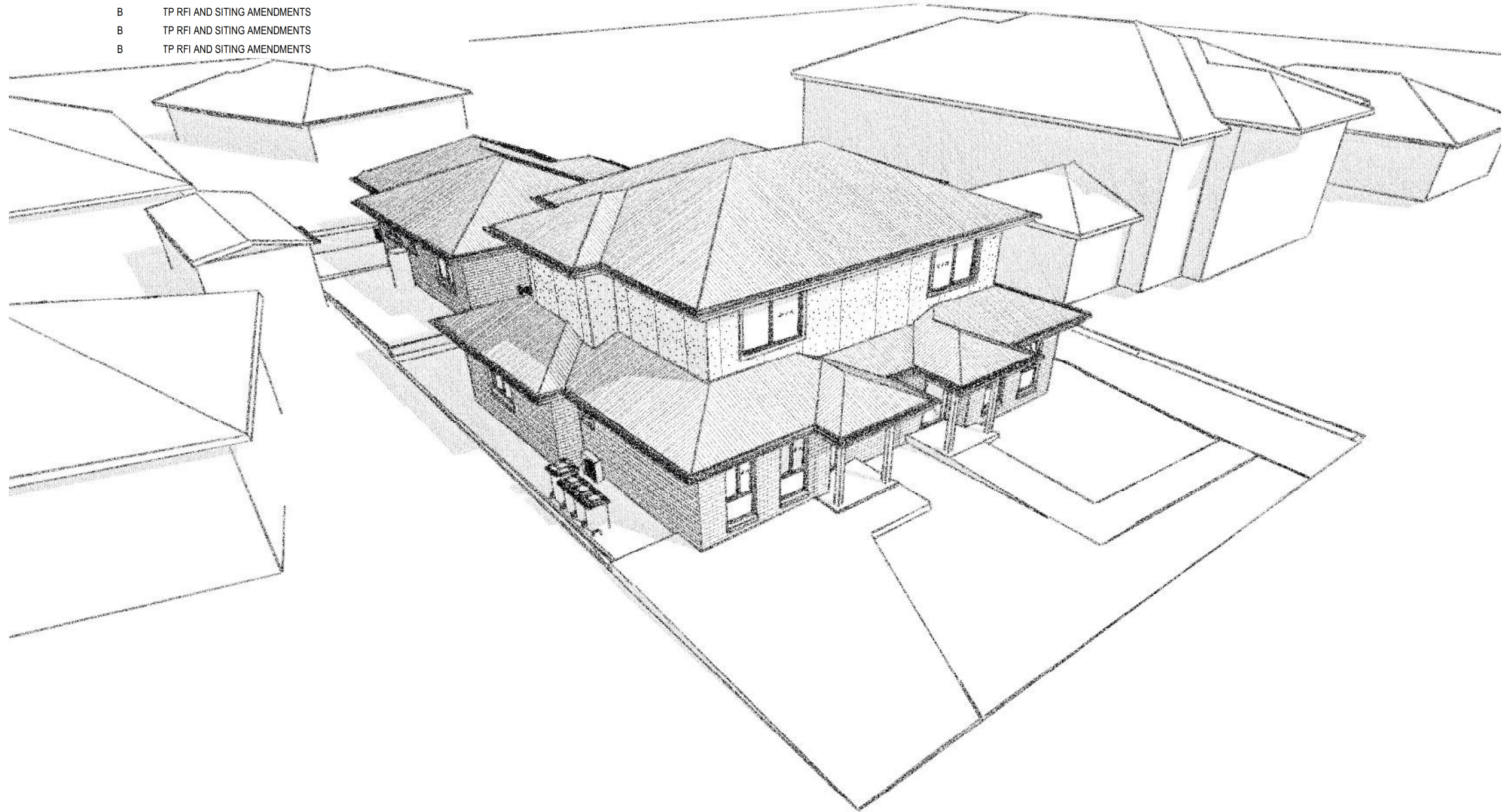
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3. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water or by external consultants and is for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water directly.

DFFH - 31 CINEREA AVE, FERNTREE GULLY BY SIMONDS PROJECTS



| SHEET | SHEET NAME | REV | DESCRIPTION |
|-------|-----------------------------|-----|------------------------------|
| | Cover Page | B | TP RFI AND SITING AMENDMENTS |
| TP01 | Site Analysis Plan | B | TP RFI AND SITING AMENDMENTS |
| TP02 | Feature Survey Plan | B | TP RFI AND SITING AMENDMENTS |
| TP03 | Design Response Plan | B | TP RFI AND SITING AMENDMENTS |
| TP04 | Proposed Ground Floor Plan | B | TP RFI AND SITING AMENDMENTS |
| TP05 | Proposed First Floor Plan | B | TP RFI AND SITING AMENDMENTS |
| TP06 | Proposed Roof Plan | B | TP RFI AND SITING AMENDMENTS |
| TP07 | Proposed Garden Area Plan | B | TP RFI AND SITING AMENDMENTS |
| TP08 | Proposed Elevations Sheet 1 | B | TP RFI AND SITING AMENDMENTS |
| TP09 | Proposed Elevations Sheet 2 | B | TP RFI AND SITING AMENDMENTS |
| TP10 | Streetscape | B | TP RFI AND SITING AMENDMENTS |
| TP11 | Shadow Diagram | B | TP RFI AND SITING AMENDMENTS |
| TP12 | Site Cut and Fill and TPZ | B | TP RFI AND SITING AMENDMENTS |
| TP13 | Overlooking Section | B | TP RFI AND SITING AMENDMENTS |



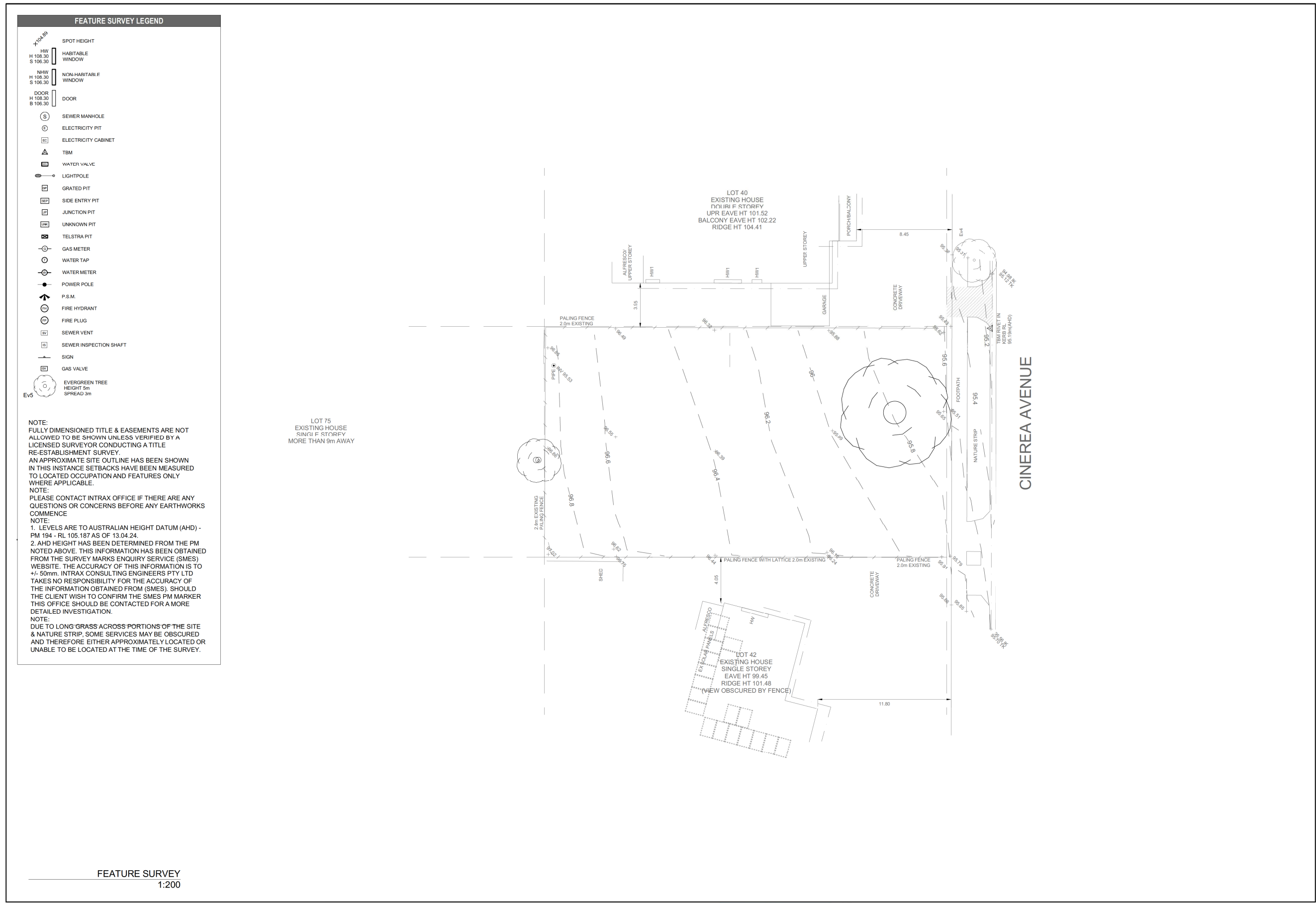


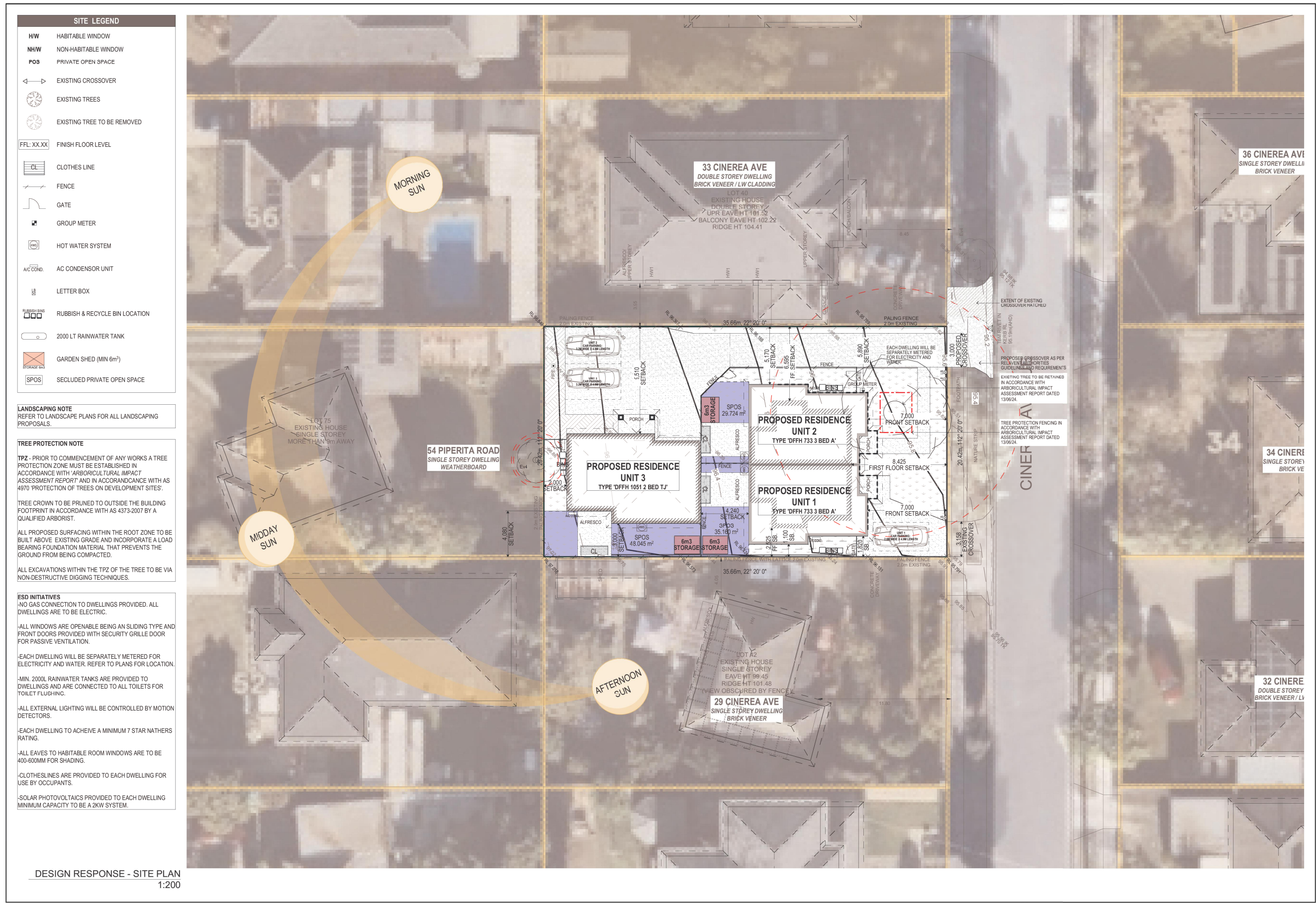
| LOCAL AMENITIES MELBOURNE CBD - 35.8KM SHOPS MOUNTAIN GATE SHOPPING CENTRE - 1.5KM THE VILLAGE SHOPPING CENTRE - 3.2KM FERNTREE GULFY GIFTS SHOPPING CENTRE - 3.2KM PUBLIC TRANSPORT MANNA GUM RD / BURWOOD HWY BUS STOP - 220M MCMAHONS RD / BURWOOD HWY BUS STOP - 300M FERNTREE GULLY TRAIN STATION - 3.5KM SCHOOLS & UNIVERSITIES WATTLE VIEW PRIMARY SCHOOL - 1.5KM KENT PRIMARY SCHOOL - 2.1KM FAIRHILLS HIGH SCHOOL - 1.1KM SWINBURNE UNIVERSITY OF TECHNOLOGY UNIVERSITY - WANTIRNA - 3.6KM PUBLIC PARKS & RESERVES BURKE ROAD RESERVE - 800M NORVEL RESERVE PLAYGROUND - 1.0KM FAIRPARK RESERVE - 1.4KM | | SITE CONTEXT LEGEND SUBJECT SITE HW HABITABLE WINDOW NHW NON-HABITABLE WINDOW SPOS SECLUDED PRIVATE OPEN SPACE EXISTING CROSSOVER EXISTING TREES P1 PHOTO TAG AND DIRECTION OF VIEW TAKEN | | | | | | | | | | | | | | | | |
|---|--------|--|----------|------------|-------------|----|------|---|------|-------------------------|----------|------------|---|------|------------------------------|-----|------------|--|
| SITE ANALYSIS PLAN 1:500 | | <table border="1"> <thead> <tr> <th>REV</th> <th>CHANGE</th> <th>DESCRIPTION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>CH01</td> <td>TOWNPLANNING SUBMISSION</td> <td>EMJ & VP</td> <td>14/08/2024</td> </tr> <tr> <td>B</td> <td>CH02</td> <td>TP RFI AND SITING AMENDMENTS</td> <td>EMJ</td> <td>14/08/2024</td> </tr> </tbody> </table> | REV | CHANGE | DESCRIPTION | BY | DATE | A | CH01 | TOWNPLANNING SUBMISSION | EMJ & VP | 14/08/2024 | B | CH02 | TP RFI AND SITING AMENDMENTS | EMJ | 14/08/2024 | drawing name Site Analysis Plan client DFFH project no. 77077 scale 1:500@A3 drawn EMJ & VP date 23/08/2024 rev B sheet TP01 |
| REV | CHANGE | DESCRIPTION | BY | DATE | | | | | | | | | | | | | | |
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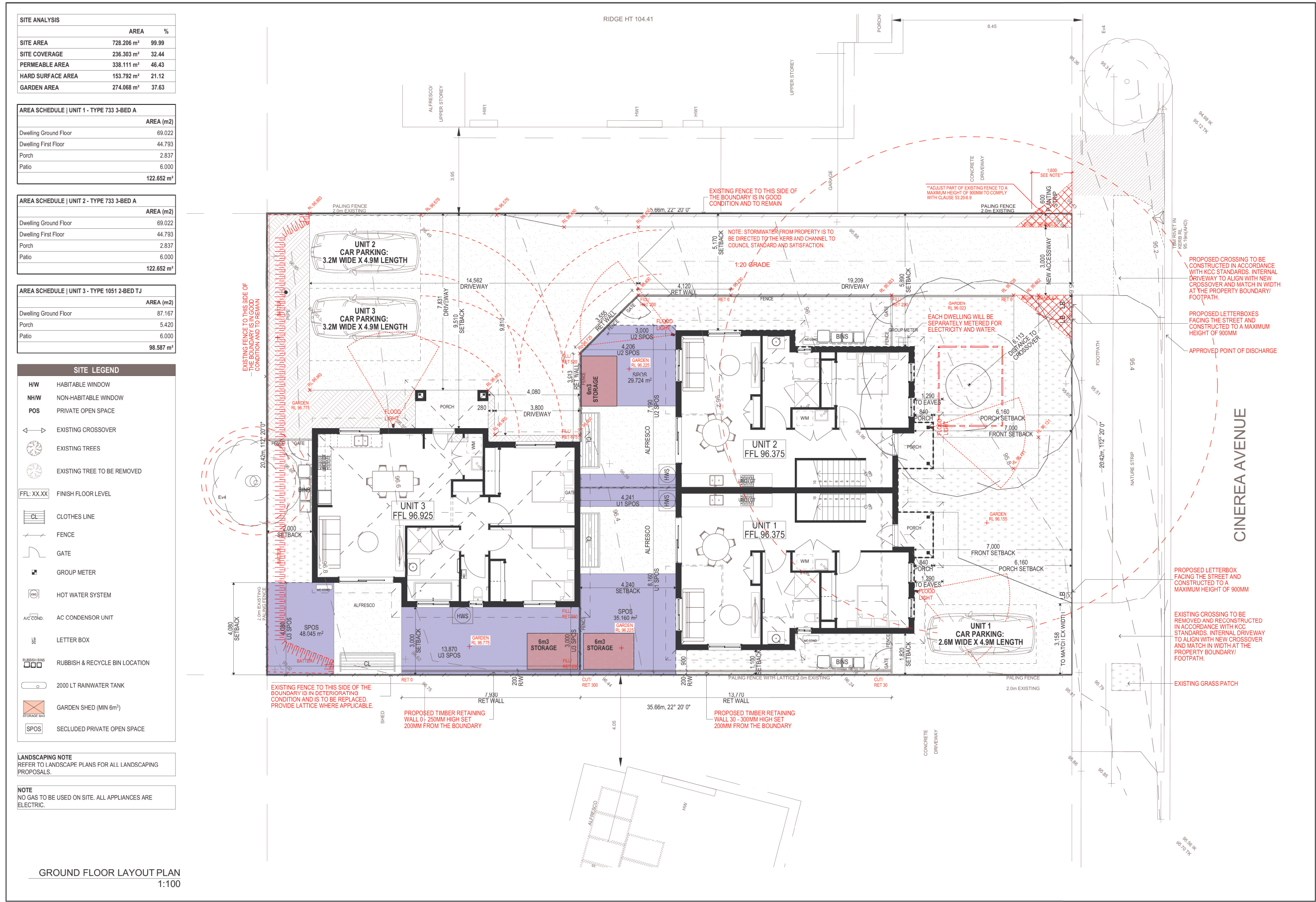


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 client: DFFH
 project no.: 77077
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 drawn: EMJ & VP
 date: 23/08/2024
 rev: B
 sheet: TP03

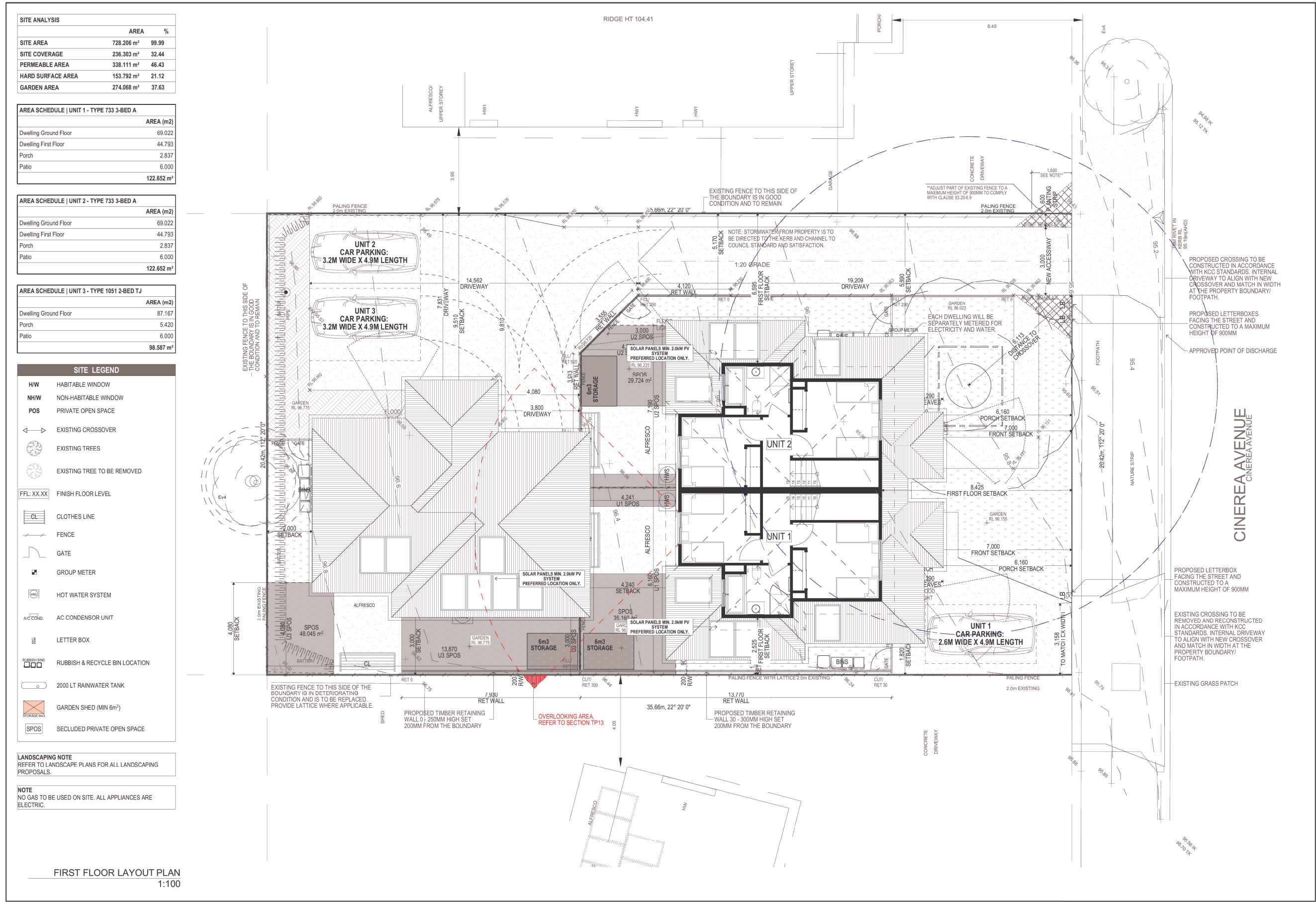


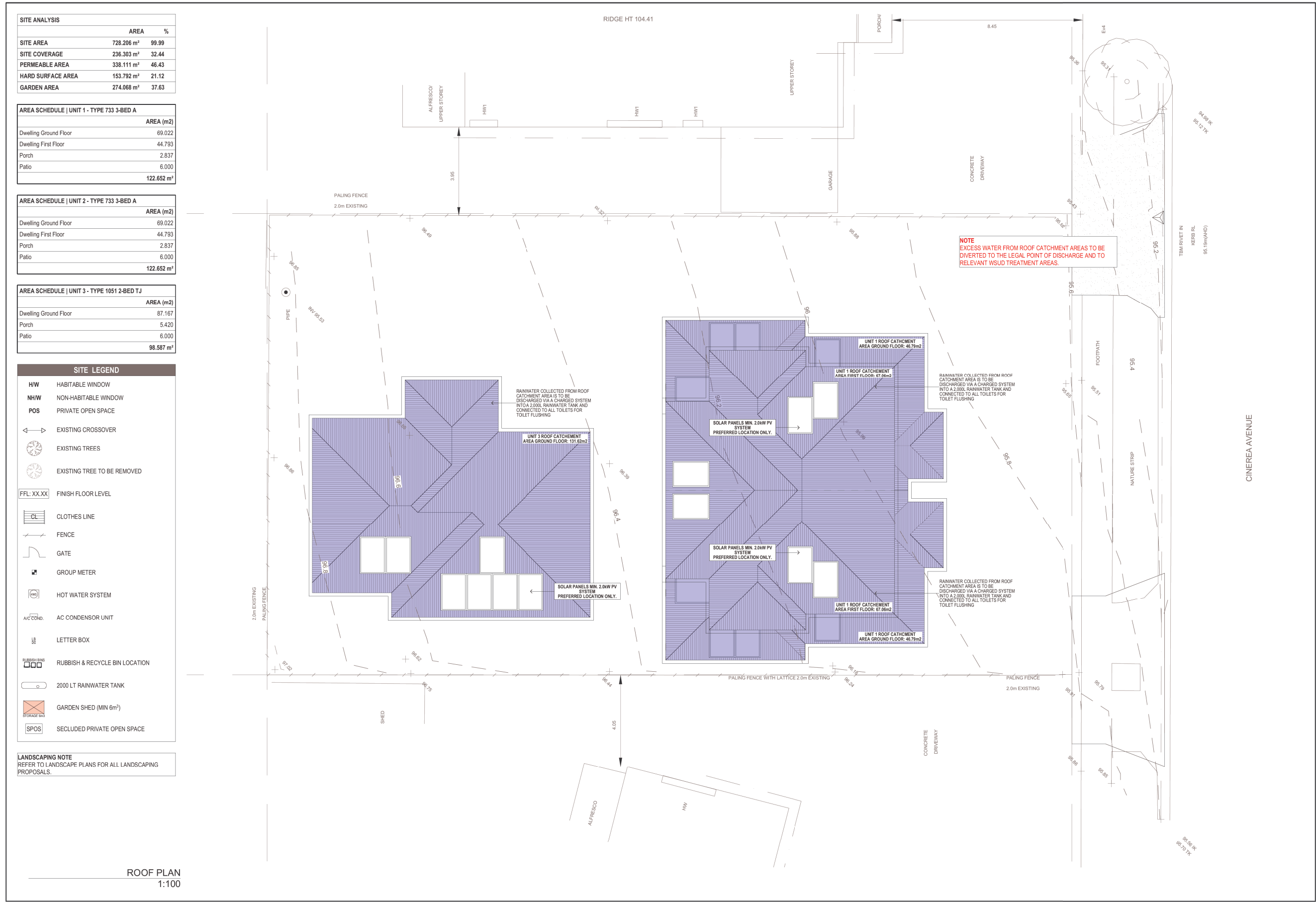
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| B | CH02 | TP RFI AND SITING AMENDMENTS | EMJ | 14/08/2024 |



drawing name: Proposed Ground Floor Plan
 client: DFFH
 project no: 77077
 scale: 1:100@A3
 drawn: EMJ & VP
 date: 23/08/2024
 rev: B
 sheet: TP04





| SITE ANALYSIS | | |
|-------------------|------------------------|-------|
| | AREA | % |
| SITE AREA | 728.206 m ² | 99.99 |
| SITE COVERAGE | 236.303 m ² | 32.44 |
| PERMEABLE AREA | 338.111 m ² | 46.43 |
| HARD SURFACE AREA | 153.792 m ² | 21.12 |
| GARDEN AREA | 274.068 m ² | 37.63 |

| AREA SCHEDULE UNIT 1 - TYPE 733 3-BED A | | |
|---|------------------------------|--|
| | AREA (m ²) | |
| Dwelling Ground Floor | 69.022 | |
| Dwelling First Floor | 44.793 | |
| Porch | 2.837 | |
| Patio | 6.000 | |
| Total | 122.652 m² | |

| AREA SCHEDULE UNIT 2 - TYPE 733 3-BED A | | |
|---|------------------------------|--|
| | AREA (m ²) | |
| Dwelling Ground Floor | 69.022 | |
| Dwelling First Floor | 44.793 | |
| Porch | 2.837 | |
| Patio | 6.000 | |
| Total | 122.652 m² | |

| AREA SCHEDULE UNIT 3 - TYPE 1051 2-BED TJ | | |
|---|-----------------------------|--|
| | AREA (m ²) | |
| Dwelling Ground Floor | 87.167 | |
| Porch | 5.420 | |
| Patio | 6.000 | |
| Total | 98.587 m² | |

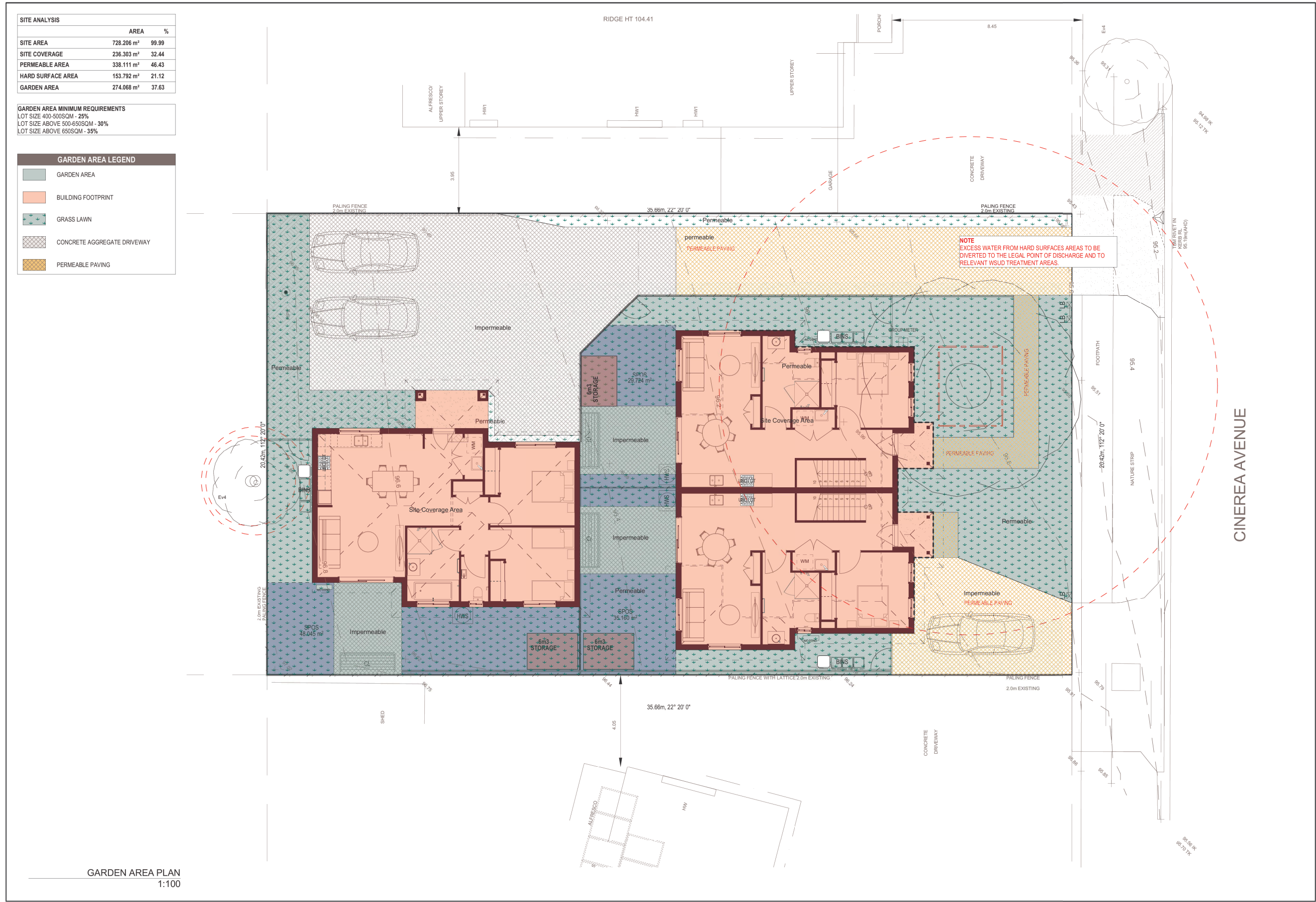
- SITE LEGEND**
- HW** HABITABLE WINDOW
 - NHW** NON-HABITABLE WINDOW
 - POS** PRIVATE OPEN SPACE
 - EXISTING CROSSOVER**
 - EXISTING TREES**
 - EXISTING TREE TO BE REMOVED**
 - FFL: XX.XX** FINISH FLOOR LEVEL
 - CL** CLOTHES LINE
 - FENCE**
 - GATE**
 - GROUP METER**
 - HOT WATER SYSTEM**
 - AC CONDENS. UNIT**
 - LETTER BOX**
 - RUBBISH BINS**
 - RUBBISH & RECYCLE BIN LOCATION**
 - 2000 LT RAINWATER TANK**
 - GARDEN SHED (MIN 6m²)**
 - SPOS** SECLUDED PRIVATE OPEN SPACE

LANDSCAPING NOTE
REFER TO LANDSCAPE PLANS FOR ALL LANDSCAPING PROPOSALS.

ROOF PLAN
1:100

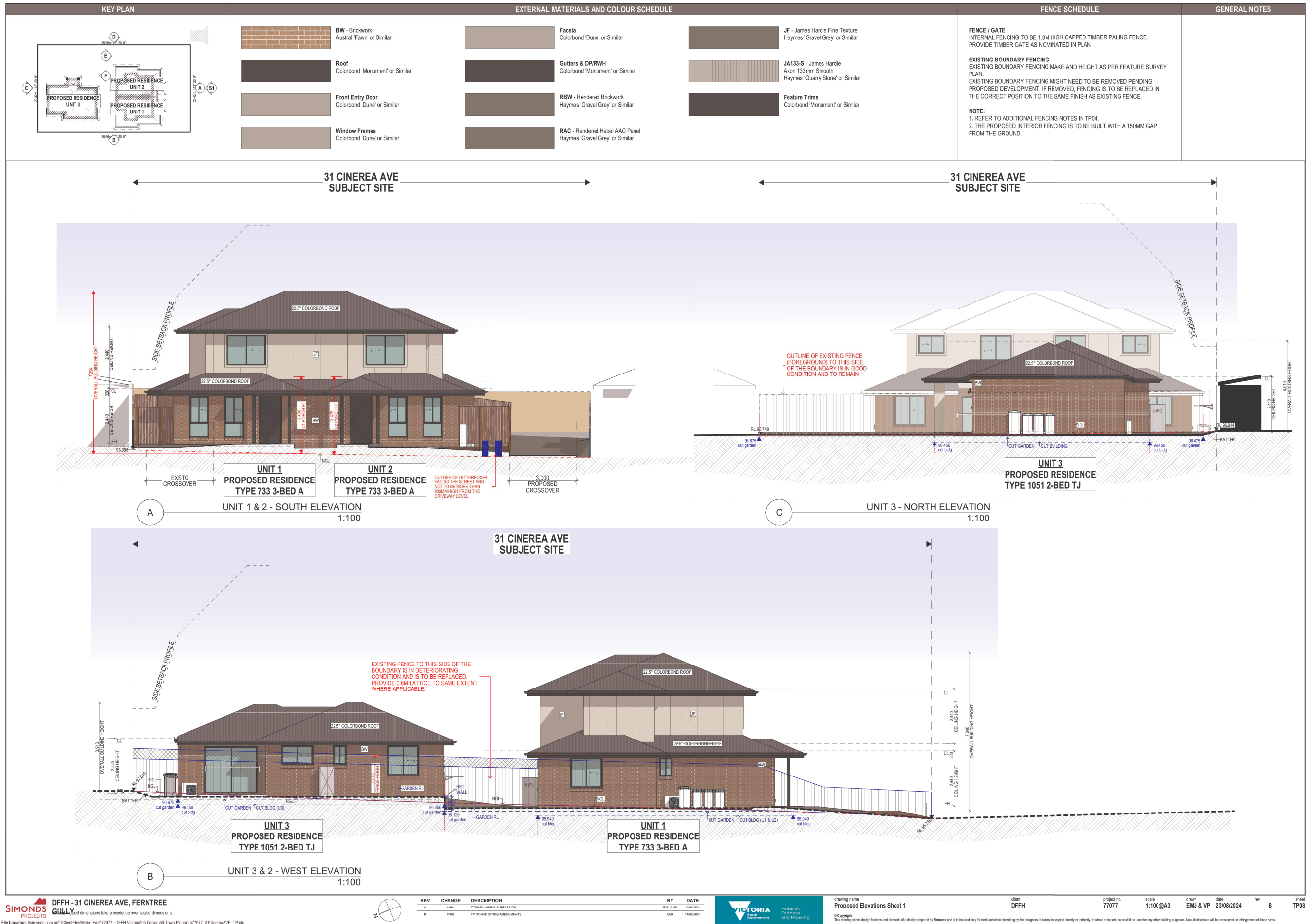
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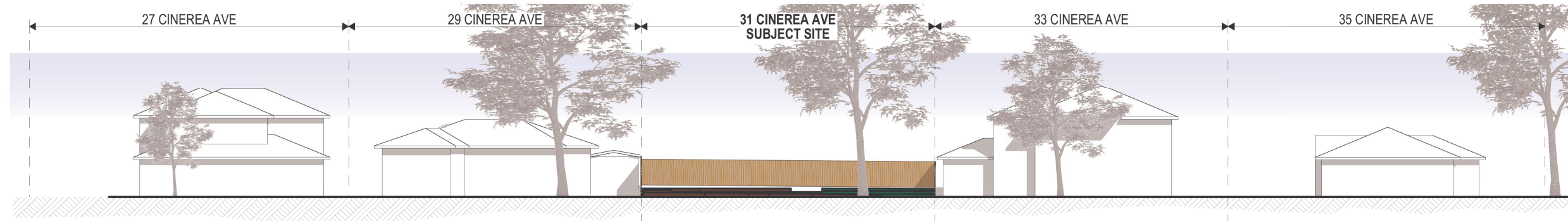


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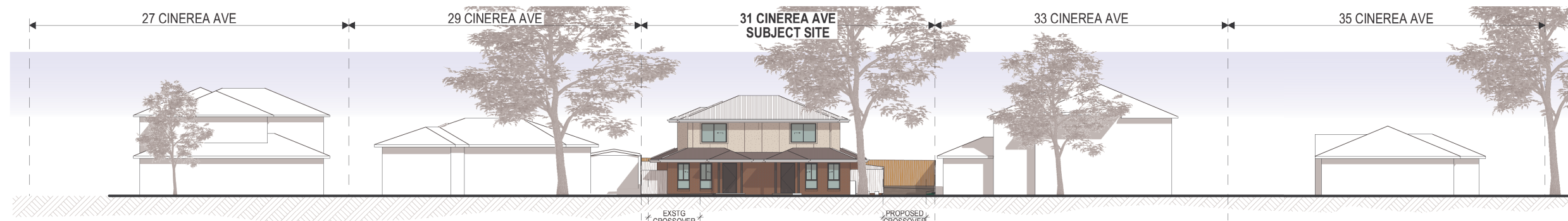








S1 EXISTING STREETScape - CINEREA AVE
1:200



S1 PROPOSED STREETScape - CINEREA AVE
1:200



P1 - 27 CINEREA AVE
DOUBLE STOREY BRICK / LIGHTWEIGHT CLADDING DWELLING

P2 - 29 CINEREA AVE
SINGLE STOREY BRICK VENEER DWELLING

P3 - 31 CINEREA AVE (VACANT SITE AS PER NEAR MAP)
GOOGLE MAP NOT UPDATED
(SUBJECT SITE)

P4 - 33 CINEREA AVE (GOOGLE MAP NOT UPDATED)
DOUBLE STOREY BRICK / LW CLADDING DWELLING

P5 - 35 CINEREA AVE
SINGLE STOREY BRICK VENEER DWELLING



| REV | CHANGE | DESCRIPTION | BY | DATE |
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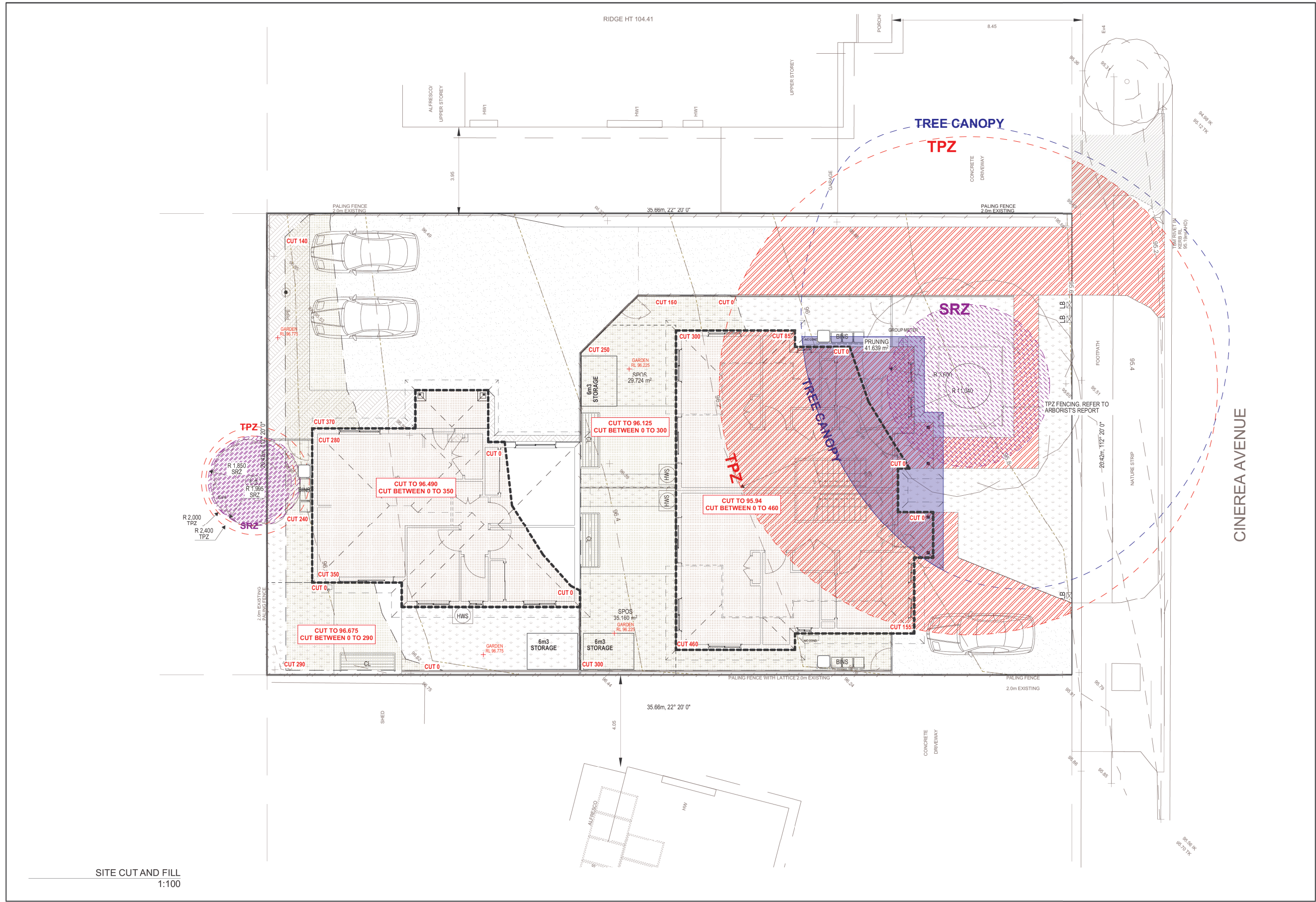
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| B | CH02 | TP RPT AND SITING AMENDMENTS | EMJ | 14/08/2024 |



drawing name: Shadow Diagram
client: DFFH
project no: 77077
scale: 1:200@A3
drawn: EMJ & VP
date: 23/08/2024
rev: B
sheet: TP11

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SITE CUT AND FILL
1:100

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DFFH - 31 CINEREA AVE, FERTREE

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drawing name
Site Cut and Fill and TPZ

client
DFFH

project no.
77077

scale
1:100@A3

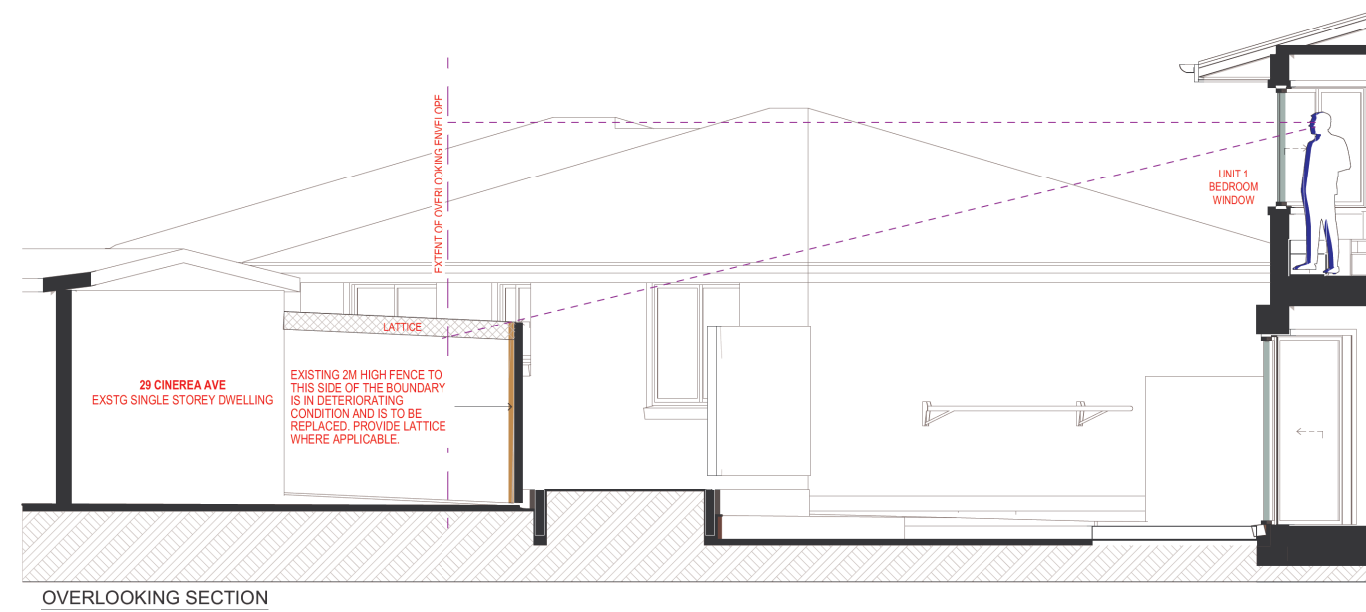
drawn
EMJ & VP

date
23/08/2024

rev
B

sheet
TP12

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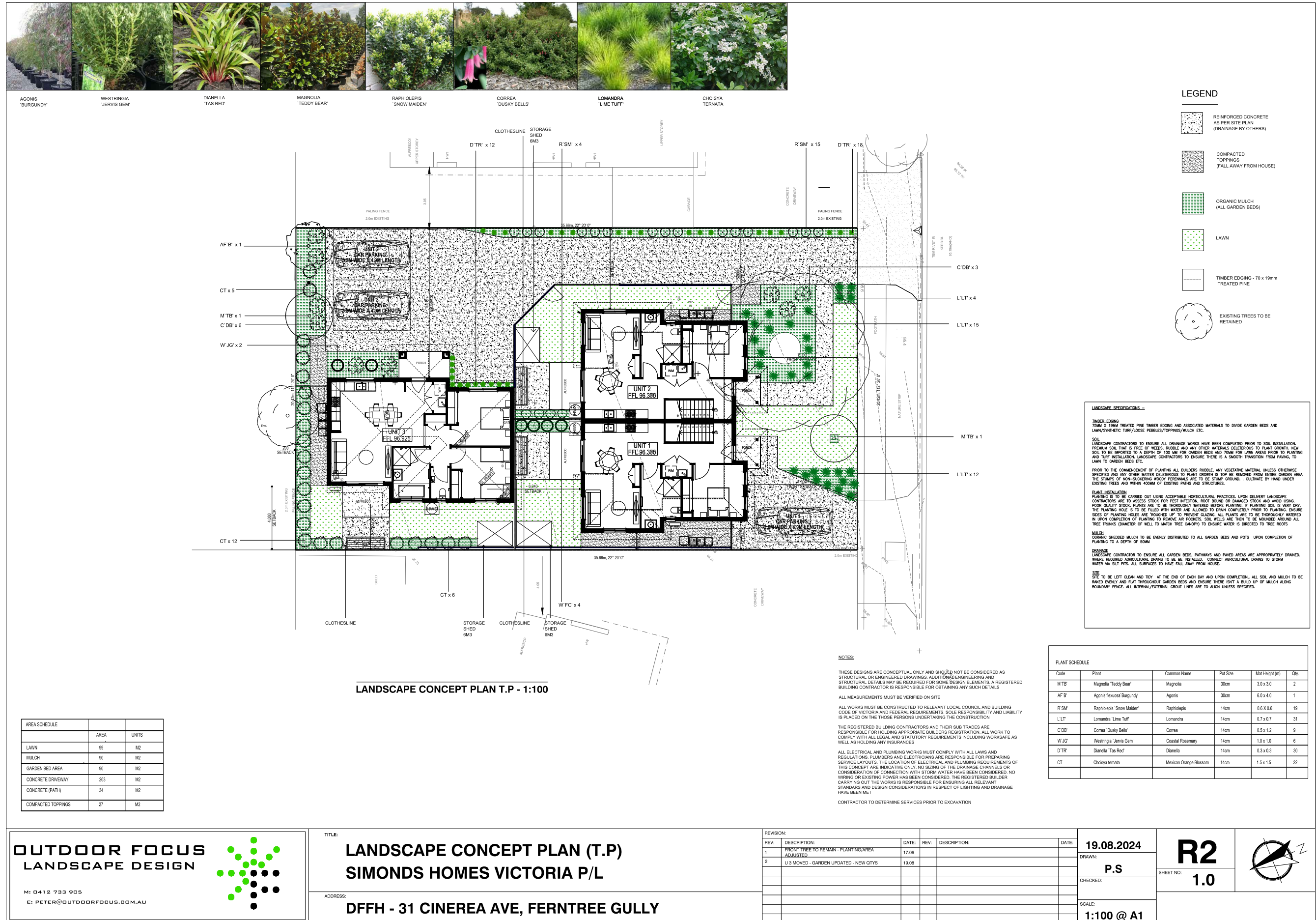


OVERLOOKING SECTION



| REV | CHANGE | DESCRIPTION | BY | DATE |
|-----|--------|-----------------------------|-----|------------|
| 0 | CHG | TR DEL AND OTHER AMENDMENTS | EMJ | 14/08/2024 |





OUTDOOR FOCUS
LANDSCAPE DESIGN

M: 0412 733 905
E: PETER@OUTDOORFOCUS.COM.AU

TITLE:
LANDSCAPE CONCEPT PLAN (T.P)
SIMONDS HOMES VICTORIA P/L

ADDRESS:
DFFH - 31 CINEREA AVE, FERNTREE GULLY

REVISION:

| REV. | DESCRIPTION: | DATE: | REV. | DESCRIPTION: | DATE: |
|------|--|-------|------|--------------|-------|
| 1 | FRONT TREE TO REMAIN - PLANTING CORREA ADJUSTED. | 17.06 | | | |
| 2 | U 3 MOVED - GARDEN UPDATED - NEW QTYS | 19.08 | | | |

DATE: **19.08.2024**

DRAWN: **P.S**

CHECKED:

SCALE: **1:100 @ A1**

R2
SHEET NO: **1.0**

6.3 58 Landscape Drive, Boronia

| | |
|----------------------------------|--|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author: | Major Projects Subdivision Planner, Christopher Seow |
| Manager: | Manager City Planning & Building, Paul Dickie |
| Executive: | Director City Liveability, Matt Kelleher |

SUMMARY

This report considers Planning Application P/2023/6571 for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive, Boronia.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Grant a Planning Permit for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive, Boronia, subject to the conditions detailed in the full recommendation in section 10 below.

1. DISCUSSION

Application P/2023/6571 has been lodged with Council for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive, Boronia.

The application is being reported to Council for a decision as the site is located within the Dandenong Foothills Policy Area and more than 10 separate property objections have been received.

The use and development generally complies with the Neighbourhood Residential 1 Zone, Design and Development Overlay - Schedule 1 (DDO1), Environmental Significance Overlay – Schedule 3 (ESO3), and Significant Landscape Overlay – Schedule 2 (SLO2).

On balance, it is considered that the proposal responds to the Planning Policy framework. It is recommended that a Notice of Decision to Grant a Planning Permit be issued.

The detailed Officer's Report is provided with Attachment 1, along with relevant plans and documents at Attachment 2.

2. ENGAGEMENT

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total seventeen (17) objections were received.

The application was referred internally to Council's Traffic Engineer, Stormwater Engineer, Assets Officer, Landscape Officer, Parks Development, Arborist, Waste Department and Building Officer. No major concerns were raised with the application. Any conditions from referral authorities/teams have been included in the Conditions within the Recommendations.

3. SOCIAL IMPLICATIONS

There are no significant social implications associated with the proposed use/development. A thorough assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Section 5 of the Officer's Report at Attachment 1.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

In response to the Community Net Zero 2040 target and exposure to climate risks or climate change adaptation, the KNOX Planning Scheme does not currently require developments to achieve net zero emissions, nor has the development has been designed to achieve this.

5. ENVIRONMENTAL IMPLICATIONS

There are no significant environmental impacts or amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 5 of the Officer's Report at Attachment 1.

6. FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or economic implications associated with the proposed use/development for Council.

7. RISKS

There are no major risks for Council associated with the proposal.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Neighbourhoods, Housing & Infrastructure

Strategy 2.1 - Plan for and support diverse housing to meet changing community needs.

Strategy 2.2 - Create, enhance and maintain places and spaces for people to live, work, play and connect.

Strategy 2.3 - Provide, maintain and advocate for accessible and sustainable ways to move around Knox.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning for the development and use of the land for a child care centre and removal of native vegetation at 58 Landscape Drive Boronia, subject to the following conditions:

Amended Development Plans

1. Prior to the commencement of the development approved under this Permit, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1. External materials to be non-reflective and in muted colours that blend with the landscape, to comply with the Decision Guidelines of the Significant Landscape Overlay – Schedule 2 (SLO2).
 - 1.2. All footpaths and pram crossings should be constructed to satisfy the Disability Discrimination Act (DDA). This includes minimum footpath widths of 1.2m, a continuous path of travel, kerb ramps and Tactile Ground Surface Indicators, where appropriate.
 - 1.3. All structures (including walls, fences, letterboxes and meter boxes) must be constructed to a maximum height of 900mm or relocated clear of a splayed area near the access way in accordance with AS 2890.1, Clause 3.2.4 to ensure safe sight distances. The walls must be removed from the sight triangle area to ensure suitable visibility to any passing pedestrians. Landscaping must also be reduced in height or located clear of this splayed area.
 - 1.4. Any modifications to the development plan as required by Condition 8 (Car Parking Management Plan).
 - 1.5. Any modifications to the development plan as required by Condition 10 (Waste Management Plan).
 - 1.6. Tree Protection Fencing and Tree Protection Measures to be drawn on the ground floor plans, in accordance with Conditions 19-31.

To the satisfaction of the Responsible Authority.

Other Plans

2. Prior to the commencement of the development and issue of a Building Permit for the development approved under this Permit, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
 - 2.1. Drainage Plans in accordance with Condition 3.
 - 2.2. Landscape Plans in accordance with Condition 4.
 - 2.3. Tree Management Plan in accordance with Condition 7.
 - 2.4. Car Parking Management Plan in accordance with Condition 8.
 - 2.5. Waste Management Plan in accordance with Condition 10.
 - 2.6. Construction Management Plan in accordance with Condition 39.

To the satisfaction of the Responsible Authority.

Drainage Plans

3. Prior to the commencement of the development approved under this Permit, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
 - 3.1. All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 3.2. An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - 3.3. A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - 3.4. The use of water quality improvement systems is required to be provided for this development. The use of rainwater tanks, bioretention systems and vegetated swales can be used and these are to be incorporated in the stormwater drainage design plans.
 - 3.5. Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
 - 3.6. Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
 - 3.7. All levels to be to AHD (Australian Height Datum).
To the satisfaction of the Responsible Authority.

Landscaping

4. Prior to the commencement of the development approved under this Permit, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1. A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2. The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines').
 - 4.3. Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - 4.4. Details of the surface finishes of pathways and driveways.
 - 4.5. Details and location of all existing and proposed services including above and below ground lines, cables and pipes.

- 4.6. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- 4.7. Landscaping and planting within all open areas of the site.
- 4.8. The layout of the proposed development.
- 4.9. The land plan to be generally in accordance with 'Landscape Plans – Boronia Childcare Development – Drwg No SD03 – 23.11.2024 – SLS Designs Pty Ltd' but modified to show:

Front setback

- 4.9.1. 1No. Brachychiton 'Bella Donna' adjacent entry path replaced with Angophora costata.
- 4.9.2. 2No. additional large feature shrubs with a mature height of 4-5m shown in front garden beds. (1 in each).

Rear setback

- 4.9.3. 2No. small canopy trees relocated outside easement. (Maintain minimum 3m setback to building).
- 4.9.4. Replace Banksia integrifolia with small canopy tree.

Planting Schedule

- 4.9.5. Revise proposed palette to comply with the following;
- 4.9.6. 'Planting of this site to comprise 80% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 10% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (10%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds'.
- 4.9.7. Show locations of proposed groundcovers and shrubs. (i.e. which plants and where).
- 4.9.8. Provide quantities/numbers of proposed groundcovers and shrubs.

Plant Images

- 4.9.9. Delete photos of plants not shown on plans or in schedule and ensure labelled correctly.

Tree Protection

- 4.9.10. Show tree protection fencing and/or ground protection for existing neighbouring trees to be protected.
 - 4.9.11. Show identification/location numbers for existing neighbouring trees to be protected.
 - 4.9.12. Structures/features proposed within SRZs of trees to be protected must be relocated.
- 4.10. Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40%

additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds

- 4.11. The plan must incorporate Raingardens and/or Bioswales to treat the water runoff from the hard surfaces (car parks and driveways). The surface area of the proposed raingarden should be 3-5% of the surface area of the catchment feeding it. The levels should be shown on the plan and the concrete pavement should be shaped to drain into the raingarden (at the lowest point) through gaps in the kerbing. Details of the raingarden should be shown on drainage and landscape plan in accordance with Knox City Council's standard. The roof water is to be captured by rainwater tanks and reused for toilet flushing and garden.

At least 50% of the vegetation species located in the raingarden should comprise of some or all of the following; Carex sp, Juncus sp, Melaleuca and Goodenia. This ensures adequate removal of Nitrogen and Phosphorus. Low and tufting plants proposed for the raingarden should be planted at a minimum density of 6 plants/m².

To the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

Tree Management Plan

7. Prior to the commencement of the development approved under this Permit, a Tree Management Plan created for the management of all trees to be retained must be submitted to the satisfaction of the responsible authority. The tree management plan must include the entire TPZ of the tree. Any tree roots identified during works must be pruned under the guidance of a suitably qualified arborist in accordance with AS 4373-2007 – Pruning of amenity trees. The management plan must include TPZ fencing as well as:

Car Parking Management Plan

8. Prior to the commencement of the development approved under this Permit, a Car Park Management Plan prepared by a suitably qualified professional must be submitted to the satisfaction of the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of the permit. The Car Park Management Plan must include:
 - 8.1. The allocation of car parking between staff, pick-up/drop-off and visitor parking.
 - 8.2. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
 - 8.3. Measures to ensure all staff and parents will use the car park and will not use on-street parking in the surrounding area.
 - 8.4. The provision of directional and instructional signage.
 - 8.5. Measures to minimise any queueing of cars accessing the car parking area.

- 8.6. Staff to encourage parents to not stay unnecessary long durations (longer than 10min) to ensure a high turnover of the spaces are achieved.
- 8.7. The provision of lighting.

To the satisfaction of the Responsible Authority.

9. The provisions, recommendations and requirements of the endorsed Car Parking Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

10. Prior to the commencement of the development approved under this Permit, an amended Waste Management Plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken by a private contractor, to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Waste Management Plan must address:
 - 10.1. The responsibility for implementing the waste management plan;
 - 10.2. Bin store must have visual screening. The height and type of visual screening to be mentioned in the WMP;
 - 10.3. The plans to clearly demonstrate presentation of 10 x 240L bins (with bin configurations) on the nature strip.

To the satisfaction of the Responsible Authority.

11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

12. All use and development must be in accordance with the endorsed plans.
13. Except with the prior written consent of the Responsible Authority, no more than 40 children may be present at the premise at any one time.
14. Four (4) parking spaces must be marked for staff outside of peak drop off and pick up times and staff must not be discouraged from using the car park.
15. Except with the prior written consent of the Responsible Authority, the use must only operate between the following times:
 - 15.1. Monday to Friday 7:00am to 6:00pm
16. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. Prior to the occupation of the development, the development must be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.

Tree Protection

19. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
20. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained must be fenced off and/or provided with ground protection to create a protection zone in accordance with AS-4970 Protection of Trees on Development Sites. The protection zone must extend to the full extent of the tree's TPZ or as approved by the responsible authority and shown on endorsed plans, as follows:
 - 20.1. Street Tree 1 TPZ 3.8 metres – TPZ fencing to be bordered by footpath and road.
 - 20.2. Neighbouring Tree 8 – Install protection measures prior to works commencing.
 - 20.3. Neighbouring Tree 12 – Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Install protection measures prior to works commencing.
 - 20.4. Neighbouring Tree 13, G14 and T15 - Playground surface must be constructed above grade using permeable material with excavation limited to removal of surface debris only, within TPZ. Deck/stairs seating must be constructed using pier and beam method with minimum number of post holes. Post holes should be limited to approximately 300mm in diameter. Post holes located within TPZ should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered under the supervision of a suitably qualified arborist (minimum AQF level 5). No excavation or fill may take place other than post holes and for building footings within TPZ. Install tree protection fencing and ground protection measures to full extent of TPZ (including beneath deck, less building footprint) prior to works commencing.
21. Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Previous post holes are recommended to avoid further encroachment in to the TPZ. Post holes located within TPZs should be excavated by hand (no machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).
22. Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.
23. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection

- zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
24. The tree protection fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.8 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
 25. The tree protection fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
 26. No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
 27. All pruning works require written consent from Council and must be undertaken by a suitably qualified Arborist in accordance with Australian Standard – AS4373-2007 Pruning of Amenity Trees.
 28. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
 - 28.1. Construction activities.
 - 28.2. Dumping and/or storage of materials, goods and/or soil.
 - 28.3. Trenching or excavation.
 - 28.4. Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.
 29. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.
 30. The tree protection fence is to be managed and maintained in accordance with AS-4970 Protection of Trees on Development Sites.
 31. All underground services must be routed outside tree protection zones. If underground services must be routed within a tree protection zone, they should be installed by directional drilling or hydro-vac excavation if cover less than 600mm., under supervision of suitably qualified Project Arborist.

Car Parking & Accessways

32. Before the development is occupied, driveways and car parking areas must be:
 - 32.1. Fully constructed in accordance with plans submitted to and approved by the Responsible Authority. The plans must show existing and proposed levels of driveways and car parking areas, together with drainage layout, invert levels, surfacing and vehicular crossing proposal.
 - 32.2. Properly formed to such levels that they can be used in accordance with the plans.
 - 32.3. Constructed to the absolute minimum standard of 125 mm depth of reinforced concrete or other approved hardstanding sealed surface.
 - 32.4. Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

To the satisfaction of the Responsible Authority.

33. Redundant crossovers must be removed and the kerb and channel and naturestrip reinstated to Council standards.
34. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.
35. The car parking area must not be used as a storage area.
36. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.

Lighting

37. Accessway and car parking lighting shall be provided to the satisfaction of the Responsible Authority in accordance with AS1158.
38. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent adverse effects on adjoining land.

Construction Management Plan

39. Prior to the commencement of the development approved under this Permit, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
 - 39.1. A detailed schedule of works including a full project timing;
 - 39.2. A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.
 - 39.3. The location for the parking of all construction vehicles and construction worker vehicles during construction;
 - 39.4. A fully detailed plan indicating where construction hoardings would be located;
 - 39.5. A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
 - 39.6. Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
 - 39.7. Site security;
 - 39.8. Public safety measures;
 - 39.9. Construction times, noise and vibration controls;
 - 39.10. Restoration of any Council assets removed and/or damaged during construction;
 - 39.11. Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
 - 39.12. Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
-

- 39.13. An emergency contact that is available for 24 hours a day.
 - 39.14. Location of all stockpiles and storage of building materials and any temporary buildings or facilities.
 - 39.15. Location of parking for workers within the site rather than on-street.
 - 39.16. Traffic management measures to minimise disruption to the operation of Landscape Drive during construction (especially for deliveries).
 - 39.17. No deliveries permitted between 8.15-9.15am and 3-4pm School Days
 - 39.18. All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
40. During the construction, the following must occur to the satisfaction of the Responsible Authority:
- 40.1. Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;
 - 40.2. Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;
 - 40.3. Vehicle borne material must not accumulate on the roads abutting the site;
 - 40.4. The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
 - 40.5. All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
 - 40.6. All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines).
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Amenity During Construction

42. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
- 42.1. the appearance of building, works or materials on the land
 - 42.2. parking of motor vehicles
 - 42.3. transporting of materials or goods to or from the site
 - 42.4. hours of operation
 - 42.5. stockpiling of top soil or fill materials
 - 42.6. air borne dust emanating from the site
 - 42.7. noise
 - 42.8. rubbish and litter

42.9. sediment runoff

42.10. vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Amenity

43. In the event that any undue detriment is caused to the amenity of the area as a result of noise emanating from the activities within the building hereby permitted then noise amelioration measures shall be undertaken to address this amenity issue to the satisfaction of the Responsible Authority.
44. The owner and/or occupier shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the permit relates.
45. Noise from the property must not exceed limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Fencing

46. All fencing associated with the Childcare Centre is to meet the requirements for Children's Services Centre Outdoor Play Spaces and comply with AS1926.1.
47. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
48. Prior to the occupancy of the development all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Stormwater

49. Stormwater runoff from all buildings and hardstand surfaces must be properly collected and discharged in a complete and effective system of drains within the property and must not cause or create a nuisance to abutting properties.

Maintenance

50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Permit Expiry

51. This permit will expire if one of the following circumstances applies:
 - 51.1. The use and development is/are not started within two years of the date of this permit.
 - 51.2. The development is not completed within four years of the date of this permit.
- Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:
- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- The Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on request), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the development, and be easily accessible for maintenance.
- Stormwater discharge from the property is to be directed to the 225mm diameter Council Stormwater pipe near the SE corner of the property to Council standards and satisfaction.
- The total Permissible Site Discharge (PSD) for the property, including all dwellings, is 3.7 L/s to the existing Council drainage system for a 10 year ARI (10% AEP) event.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, eg water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Accessibility & Australian Standard 1428 Design for Access & Mobility, (inclusive of Class 1b)
- All works must comply with the Disability (Access to Premises —Buildings) Standards and Australian Standard 1428 Design for Access & Mobility.
- Buildings are not allowed to be built over Council easements.
- To arrange an inspection of the Tree Protection fencing please contact Council's Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Excavation for fencing within the TPZ should be limited to that required for postholes (No strip/trench excavation should occur). Post holes should be limited to approximately 300mm in diameter and should be spaced to avoid encroachment into the Tree's SRZ wherever possible. Post holes located within TPZs should be excavated by hand (no

machine excavation) and relocated if roots 40mm diameter or greater are encountered. Post holes and removal of the previous fence that is to be located within SRZs should be excavated by hand (no machine excavation) under the supervision of a suitably qualified arborist (minimum AQF level 5).

- Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Officer Report - 58 Landscape Drive, Boronia [6.3.1 - 12 pages]
2. Attachment 2 - Council Attachments - 58 Landscape Drive, Boronia [6.3.2 - 11 pages]



Planning Application P/2023/6571 for the Development and Use of the land for a Child Care Centre and Removal of Native Vegetation at 58 Landscape Drive, Boronia.

1. Summary:

| | |
|---------------------------|---|
| Subject Site: | 58 Landscape Drive, BORONIA VIC 3155 |
| Proposed Development: | Development and Use of the land for a Child Care Centre and Removal of Native Vegetation |
| Existing Land Use: | Residential Dwelling |
| Site Area: | 977m ² |
| Planning Scheme Controls: | Neighbourhood Residential Zone – Schedule 1 (NRZ1) Design and Development Overlay – Schedule 1 (DDO1) Environmental Significance Overlay – Schedule 3 (ESO3) Significant Landscape Overlay – Schedule 2 (SLO2) |
| Application Received: | 21 December 2023 |
| Number of Objections: | Seventeen (17) objections – from fifteen (15) individual properties |
| PCC Meeting: | Not Applicable |
| Ward: | Chandler |

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2023/6571 to assist in making a decision on the application. It should be read in conjunction with the other attachments.

3. Background

3.1 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is a large single allotment located on the southern side of Landscape Drive. The subject site is rectangular in shape and has an approximate slope of 1m from the north down to the south.
- The subject site contains an existing single storey dwelling.



Attachment 1

- The subject site is located within an established residential area, predominately single storey, with some double storey dwellings and landscaped setbacks.
- The subject site is 25 metres west of Boronia Heights Primary School and 317 metres to the west of Alchester Village Shopping Centre.
- The subject site has a 1.83 metre wide drainage and sewerage easement along the rear (southern) boundary.
- No significant vegetation exists on the subject site.
- No Covenants are registered on the copy of title.

3.2 The Proposal

The proposal seeks permission for the development and use of the subject site for a child care centre and removal of native vegetation. The details of the proposal are as follows:

- Maximum of 40 children.
- The hours of operation will be 7am – 6pm Monday to Friday.
- Maximum 9 staff will be present on site at any one time.
- Construction of a single storey building (with a maximum height of 5.68 metres) containing three (3) playrooms and two (2) outdoor play areas (located to the north-west corner and along the southern and southwest corner of the subject site), with associated services such as office, toilets, meeting room, kitchen and laundry.
- External materials will comprise of brickwork (red), cement sheet (white), metal roof (dover white or shale grey).
- External areas comprise of permeable surfaces (softfall mulch, natural lawn, sand pit).
- An external bin storage area is located along the eastern boundary.
- The site is accessed via a 5.5 metre wide crossover located to the north-east corner of the site, with eight (8) car parking spaces (including 1 disable car space and associated shared zone).
- Proposal seeks to provide a new 2 metre high acoustic paling fence around the subject site, with a 1.5 metre high metal batten fence with acoustic perspex backing along the front and adjoining the pedestrian path.
- The following trees are proposed to be removed (all triggered under the SLO2):
 - T2 – Magnolia soulangeana
 - T3 – Acer palmatum
 - T4 – Protea cynaroides
 - T5 – Prunus ‘cv’
 - T7 – Acacia sp.
 - T9 – Acer negundo
 - T10 – Pyrus betulaefolia.
 - T11 – Prunus ‘cv’
- No request for business identification signage is proposed under the current application and may be applied for under a separate application (if required).



Attachment 1

4. Consultation

4.1 Advertising

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total seventeen (17) objections were received and are summarised below.

Inadequacy of Car Parking, On-Street Car Parking and Traffic Congestion

- Car parking has been provided at ratios consistent with Clause 52.06 (Car Parking) of the Knox Planning Scheme. Car parking provision is adequately catered for in the proposed design as noted in Section 5.3 of this report. Further, Council's Traffic and Transport Team have not raised concerns with reference to the ability of the street network to cater for the proposed development.
- The low scale nature of the proposed child care centre and the varying times in which children can be dropped off and picked up (in comparison to the set school start and finish times), it is not anticipated that the proposed child care centre would have a dramatic impact on the availability of on-street car parking.
- Any illegal car parking can be managed by Council's Community Laws Team.

Vehicle movements

- The application has been referred to Council's Traffic & Transport Department who have indicated no concerns with vehicles being able to enter and exit in a forward direction.
- Due to the limited spaces available at the child care centre, vehicle entry and exit movements will be limited, with drop-off and pick-up times likely to be spread out over a longer period compared to school hours.

Safety

- The design of the proposal accommodates vehicles to be able to enter and exit the site in a forward direction.
- The small scale of the proposed child care centre means that vehicle entry and exit will be limited, as will the potential for child drop-offs and pick-ups, which are expected to occur outside of peak school hours.

Bin collection, odours and bin enclosure location

- The applicant has stated that the proposed child care centre may utilise either a private collection and/or a Council collection. Discussions with Council's Waste Department have not indicated any concerns raised with either option.
- It is not anticipated that bin collection would not have a significant impact, with the collection of bins to take place along with the rest of the street parking would already be limited and would only be once a week. It is also more likely that bins would be returned to the bin storage quicker than that for typical residential properties due to the presence of staff on the site.
- With regards to the location of the bin storage area, whilst not ideal, the location is acceptable and does not appear to impact any sensitive areas on surrounding properties.
- Appropriate waste management plan should incorporate a scheduled bin cleaning schedule to limit odours.
- Any permit to issue will require the submission of a Waste Management Plan to the satisfaction of the Responsible Authority.

Number of child care centres already in the area

- The Knox Planning Scheme does not stipulate the number of child care centres that are permitted within an area.



Attachment 1

Construction process

- Whilst there will be some impact during the construction process, it is unlikely that this would be any different than a typical construction process. Appropriate measures through conditions on permit as well as building regulations will limit the impact on the surrounding area.
- Any permit to issue will require the submission of a Construction Management Plan to the satisfaction of the Responsible Authority.

Noise

- The hours of operation will be 7am – 6pm Monday to Friday. The child care centre use will operate during the day alongside other daytime noise sources.
- The noise impacts from the Child Care Centre are not expected to be unreasonable, considering the existing noise sources within close proximity of the child care centre associated with the school.

Future Development/extension to built form.

- There is no proposal under the current application to have a second storey to the site, and any proposal would need to be considered under an amended permit (if approved).
- The built form proposed is considered to be respectful of the surrounding area and will be comfortable within the streetscape. The building incorporates slanted roof forms that reach up to 6.1m, with the lower end of the roof located towards the boundary of the site.

Advertising Period

- The application was advertised in accordance with the requirements of the Planning and Environment Act 1987.

Property Value affected

- There is no evidence to suggest that use and development of child care centres has any impact on land values of surrounding properties. Land value is also not a planning consideration.

Commercial within a residential setting, reduction in housing opportunities

- The location of the proposed child care centre is considered appropriate, as discussed under Clause 22.03 (Non-Residential Uses in Residential Areas).

Removal of native vegetation and Landscape character

- The proposal seeks to remove eight (8) trees that trigger a permit under the SLO2. Out of these trees, only one is a native tree (T7). The remaining trees are exotic species. All trees are considered to have a low arboricultural value. A landscape plan will form part of any permit to issue to ensure appropriate canopy trees are planted on the site.
- Standard conditions on any permit to issue will ensure protection for retained trees on and surrounding the subject site.

External Colours

- It is considered that the proposed external colours do not meet the decision guidelines of the Significant Landscape Overlay – Schedule 2 (SLO2). A condition of any permit to issue will require colours to be of non-reflective materials maintained in muted colours that blend with the landscape to reduce any visual impact.



Attachment 1

Overlooking

- The proposed building is single storey in height, therefore there are limited opportunities for overlooking. The application does not trigger an assessment against Standard B22 (Overlooking) of ResCode.

Outdoor lighting impact

- The proposed operation of the child care centre will be from 7am to 6pm Monday to Friday, lighting outside of these hours would be unlikely other than for security purposes and are set on timers. It is not anticipated that this would have a major impact on adjoining properties or their amenity.

4.2 Referrals

The application was not required to be referred to external authorities. The application was referred to Internal departments for advice. The following is a summary of relevant advice:

Arborist: No objections, subject to conditions relating to protection of retained trees. Consultation with Council's Park Department indicated no objections to the proposed crossover and street tree. Council's Arborist does not object to the proposed vegetation removal. Most of the trees proposed to be removed are exotic species ranging from fair to good condition, with one tree (T7) being native in fair-good condition. All the trees are considered to have a low arboricultural value.

Assets: No objections.

Building: No objections.

Landscape: No objections, subject to conditions. Whilst some comments relate to the provision of areas for landscaping particularly along the frontage and side (east) boundary, it is considered that the proposed layout is generally acceptable, allowing for adequate landscaping to soften the built form, subject to conditions.

Stormwater: Standard conditions to be included on any permit issued.

Traffic Engineer: No objections. Comments provided relating to a car park management plan to detail utilisation of car parking spaces by staff during non-peak times. Construction Management Plan should also be incorporated to reduce impact during construction of the proposal.

Waste: No objections, subject to conditions.

5. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

5.1 Zoning and Overlays

5.1.1 Zone

The site is located within the Neighbourhood Residential Zone – Schedule 1. A permit is required to use the land for a child care centre. A permit is required for buildings and works associated with a Section 2 Use.

Decision Guidelines - Non-residential use and development

In the local neighbourhood context:

- Whether the use or development is compatible with residential use.



Attachment 1

- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

Response: It is considered that the proposed use for a small scale child care centre would be appropriately located within an established residential area and co-located with an existing primary school that would serve the local community needs of local residents. The proposed built form is generally low scale, with minimal impacts on the adjoining properties and adequate landscaping throughout the site. The proposal provides for the required car parking required under the Knox Planning Scheme and it is considered that the low scale use would not have a major impact on the surrounding area.

5.1.2 Overlays

Design and Development Overlay – Schedule 2 (DDO2)

The subject site is also included within the Design and Development Overlay – Schedule 1 – Dandenong Foothills: Foothills Backdrop and Ridgeline.

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

A planning permit is not required under the Design and Development Overlay if the following requirements are met:

- The site area covered by buildings must not exceed 40 per cent.
- The site area covered by buildings and impervious surfaces must not exceed 60 per cent.

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with these requirements.

Response: The proposal meets the 40 per cent of building area; and complies with the 60 per cent buildings and impervious surfaces requirement.

Significant Landscape Overlay – Schedule 2 (SLO2)

The site is located within the Significant Landscape Overlay – Schedule 2 (SLO2) relating to the Dandenong Foothills: Foothills Backdrop and Ridgeline.

The purpose of the Significant Landscape Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Permit requirement



Attachment 1

A planning permit is required for:

- to construct a building, or to construct or carry out works;
- to remove, destroy or lop a tree if the circumference of the trunk is more than 0.5 metre or the height of the tree is 5m or more; and
- a front fence, unless the fence is 1.2m in height or less and is more than 50 per cent transparent; or a side fence between a building and the street, unless the fence is 1.2 metres in height or less.

Therefore, a planning permit is triggered under the SLO2 for the proposed buildings and works, removal of vegetation, and fencing.

Decision Guidelines

Landscape Character

Response: It is not anticipated that the proposed development would impact on views within the foothills area and maintains a high standard of architectural and landscape design that fits within the existing landscape character of the area.

Finishes

Response: The proposed external colours are not consistent, needing to consider whether the proposed development will utilise non-reflective materials maintained in muted colours that blend with the landscape on external surfaces, including roofs of all buildings (but excluding solar panels) to reduce its visual impact. A condition of any permit to issue will require external colours to be in muted colours to blend with the landscape.

Height

Response: The development will not exceed 7.5m in height.

Landscaping

Response: The application has been reviewed by Council's Landscape Officer and it is considered that the proposal can achieve a landscape outcome that would be appropriate for the subject site (subject to conditions).

Vegetation

Response: Most of the trees are exotic species ranging from fair to good condition, with one tree (T7) being native in fair-good condition. All of the trees are considered to have a low arboricultural value. A landscape plan will form part of any permit to issue to ensure appropriate canopy trees are planted on the site.

Building on slopes

Response: The subject site has a fall of approximately 3 per cent and does not propose any major cut and fill.

Fences

Response: The proposed fence to the front comprises of a 1.5 metre high metal batten fence with clear Perspex backing set back from the front boundary of 1.8 metres, with canopy trees and planting. It is considered that this is an appropriate outcome, balancing the need for barrier to the outdoor play area of the proposed child care and the public footpath.

Environmental Significance Overlay – Schedule 3 (ESO3)

The site is affected by the Environmental Significance Overlay - Schedule 3 relating to the Dandenong Ranges Buffer.



Attachment 1

Environmental Objectives to be achieved include (as relevant):

- To protect or improve the condition and viability of remnant indigenous vegetation and aquatic systems.
- To protect indigenous vegetation and its functions by minimising further fragmentation, avoiding the accumulation of incremental losses through small scale approvals to clear, and preventing interruptions to connectivity between areas of indigenous vegetation.
- To achieve a net increase in the extent of habitat and improve its ecological condition.
- To avoid any buildings, works or subdivisions that are likely to compromise:
 - o The long-term conservation of biologically significant areas.
 - o The movement of native fauna, indigenous plant species pollen or plant propagules out of, or between, biologically significant areas.
 - o Remnant patches of regionally threatened ecological vegetation classes or communities.
 - o The security of species of flora or fauna that are threatened in Knox or more widely.
 - o Opportunities for future environmental restoration, such as identified offset sites that may strengthen wildlife corridors or the ecological buffering capacity of the area.
 - o The amenity of the natural landscape.
 - o The benefits that the natural environment provides for community health and wellbeing.
- To provide for adequate bushfire protection measures that minimise adverse environmental impacts.
- To protect indigenous vegetation that stabilises land vulnerable to erosion or landslip.
- To maximise the continuity of indigenous vegetation used by native fauna as habitat or for passage, particularly between identified sites of biological significance, through protection from:
 - o Removal of indigenous understorey and overstorey vegetation.
 - o Fragmentation of habitat and the accumulation of incremental losses.
 - o Displacement of indigenous flora or fauna by environmental weeds.
 - o Alteration to the natural flow and temperature regimes of streams and wetlands.
 - o Degradation and interruption to continuity of indigenous riparian vegetation.
 - o Input of sediment, nutrients and other pollutants into streams and water bodies.
 - o Changes in topography that impact negatively on indigenous vegetation or cause erosion or landslip.
- To ensure offsets are located as close as practicable to the local catchment and plant/animal population areas impacted by vegetation loss. Preference is to be given to any reasonable option to locate offsets within Knox.
- To reduce the threat of local extinction to flora or fauna species in Knox.
- To maintain the role that nature plays in Knox's liveability and the health and wellbeing of the community.
- To provide appropriate fencing (temporary or permanent) to protect retained vegetation or aquatic environments from movements of machinery, vehicles or heavy foot traffic.

A planning permit is required to construct a building or construct or carry out works that will result in excavation or filling within the Tree Protection Zone (TPZ) of any indigenous vegetation that would otherwise require a permit for its removal, destruction or lopping under this overlay.

A planning permit is triggered under the ESO3 as excavation and filling is proposed within the TPZ of T15 which is located on the neighbouring property to the south.

Response: Council's Arborist is generally satisfied that T15 will not be detrimentally impacted by the proposal, subject to conditions which will form part of any permit to issue.

5.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development. The key themes for the assessment of the application include Housing, Sustainability and Environment, Transport and Urban Design.



Attachment 1

5.2.1 Economic Development

Municipal Strategic Statement: Council's MSS aims to foster a vibrant economy that meets the needs of its growing and diverse population through strategic investment, infrastructure improvements, and support for local business.

Clause 17.02-1 Business – To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 21.07 Economic Development: This policy establishes a network of viable activity centres that provide access to a wide range of goods and services commensurate.

It is policy to support appropriate, well-designed development which respects landscape setting, environmental sensitivities and local character; support a broad range of convenience retail and community facilities commensurate with the scale of the centre.

- *The proposal is a well-designed development that respects the landscape and residential setting and will support the local economy.*
- *The site is located within close proximity to Boronia Heights Primary School.*

5.2.2 Environmental and Landscape Values

Clause 21.03 Environmental and Landscape Values: To protect and strengthen treed character and landscape value; to retain and enhance native vegetation; to protect and enhance the natural values of Sites of Biological Significance.

- *The proposal seeks to provide a landscape outcome that generally consistent with the above policy, allowing for adequate space along the frontage as well as to the rear for vegetation to be incorporated into the design that fits within the character of the area.*

Clause 21.10 Local Areas – Dandenong Foothills: To maintain and improve the continuous closed tree canopy of the Foothills; To protect and enhance the aesthetic, environmental and metropolitan landscape significance of the Dandenong Foothills; To protect the rural environments of The Basin and the Lysterfield Valley and Lysterfield Hills.

- *The proposed development will not project above the existing established tree canopy.*
- *The proposal will not result in the loss of significant vegetation on the site and will ensure neighbouring vegetation is protected.*
- *The development will not exceed 7.5m in height.*

5.2.4 Transport

Clause 18 Transport – Ensure that access is provided to all available modes of transport: Bus route 755 operates along Mountain Highway, and bus routes 690 and 967 operate along Albert Avenue.

5.2.5 Urban Design

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflects the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

Clause 21.05 Built Environment and Heritage – To create high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox; to create places that are accessible and adaptable to changing community needs.



Attachment 1

- *The location of the site within a residential area, and its low scale use and built form is generally respectful of the preferred character of the area. Adequate landscaping to be provided to the front of the property as well as to the rear with minimal impact on significant vegetation worthy of retention, subject to conditions.*
- *The proposal's consistency with Clause 22.03-3, supports the establishment of complimentary uses that can fulfil local community needs and located adjacent to other non-residential uses provided the cumulative impact will not create a defacto commercial precinct. It is considered that the low-scale child care centre as proposed would help achieve this whilst limiting impact on the surrounding residential uses.*

5.3 Particular Provisions

Clause 22.03 Non-Residential Uses in Residential Areas - It is policy to support local employment opportunities and reduce dependence upon car based travel by encouraging non-residential uses to generally locate in and around activity centres and other commercial precincts. This supports multipurpose trips and the use of public transport to access multiple businesses.

Despite these broader objectives, it is recognised that residential areas require some complementary non-residential uses for the convenience of residents, supporting opportunities for living close to local services and facilities. These uses include medical centres, veterinary centres, display homes, convenience shops, child minding centres, places of assembly and places of worship. Care must be taken in siting and designing these facilities to avoid any negative impact on the residential amenity of an area and to avoid inappropriate development of defacto commercial precincts.

It is policy that (as relevant):

- The design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area.
- Non-Residential uses locate:
 - o On sites with frontages to a road zone or a connector street (i.e. roads carrying a minimum of 3000 vehicles per day);
 - o On the periphery of activity centres or major facilities such as hospitals;
 - o Adjacent to other non-residential uses, provided the cumulative impact of the non-residential uses will not create a defacto commercial precinct.
 - o On or close to public transport routes.

Non compliance with the above policy criteria will only be supported where the use is small scale and where its catchment will benefit local residents.

- The non-residential use:
 - o Will not unreasonably impact on traffic flow of adjacent streets.
 - o Will not be hazardous to local pedestrian traffic.
 - o Will not unreasonably reduce car parking available for local residents in the area through generating additional on-street parking demand."
- Development is similar in character, scale, setback and height to development in the surrounding Neighbourhood.
- Development responds appropriately to the character of the local neighbourhood through its use of materials, colours and landscaping.
- Development is designed to minimise intrusion on residential amenity specifically overlooking, overshadowing and excessive noise.
- Lighting adjacent to residential sites is baffled to avoid direct lighting overspill into residential sites.



Attachment 1

Response: The proposed development is considered to be consistent with the above requirements, being of a small scale that would benefit the local residents and is co-located with a school, whilst also achieving design, scale and appearance that fits in with the residential character and streetscape of the area and is unlikely to cause major impact on the surrounding neighbourhood, subject to conditions.

The policy seeks to support local employment opportunities and reduce car dependence and support multi-purpose trips. It is recognised that residential areas require some complementary non-residential uses for the convenience of residents (including child minding centres) whilst also considering siting and design of these facilities avoid negative impact on the residential amenity. It is considered that the proposed child care centre would support local employment opportunities and the potential to reduce car dependence as its location close to an existing school and shops would encourage multi-purpose trips to the area without causing a major impact on the surrounding residential properties due to its low scale.

Clause 52.06 Car Parking: Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 specifies a ratio of 0.22 spaces to each child for the use of a child care centre.

A permit may be granted to reduce or to waive the number of car spaces required by the table.

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause.

An assessment of the design standards, including any areas of non-compliance are considered below:

- *Car parking provision: The proposal satisfies the car parking provision as the proposed child care centre has a child capacity of 40 children, eight (8) car parking spaces are required to be provided. This has been achieved.*

Design Standards for Car Parking

- Design Standard 1: Accessways – *Complies*
- Design Standard 2: Car Parking Spaces – *Complies*.
- Design Standard 3: Gradients – *Complies*.
- Design Standard 4: Mechanical Parking – *N/A*
- Design Standard 5: Urban Design – *Complies*.
- Design Standard 6: Safety – *Complies*.
- Design Standard 7: Landscaping – *Complies*.

5.4 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*

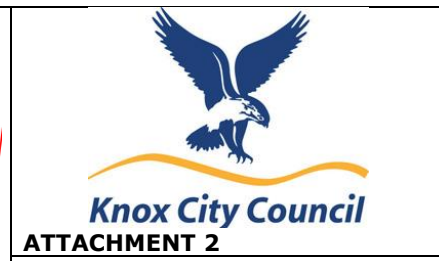
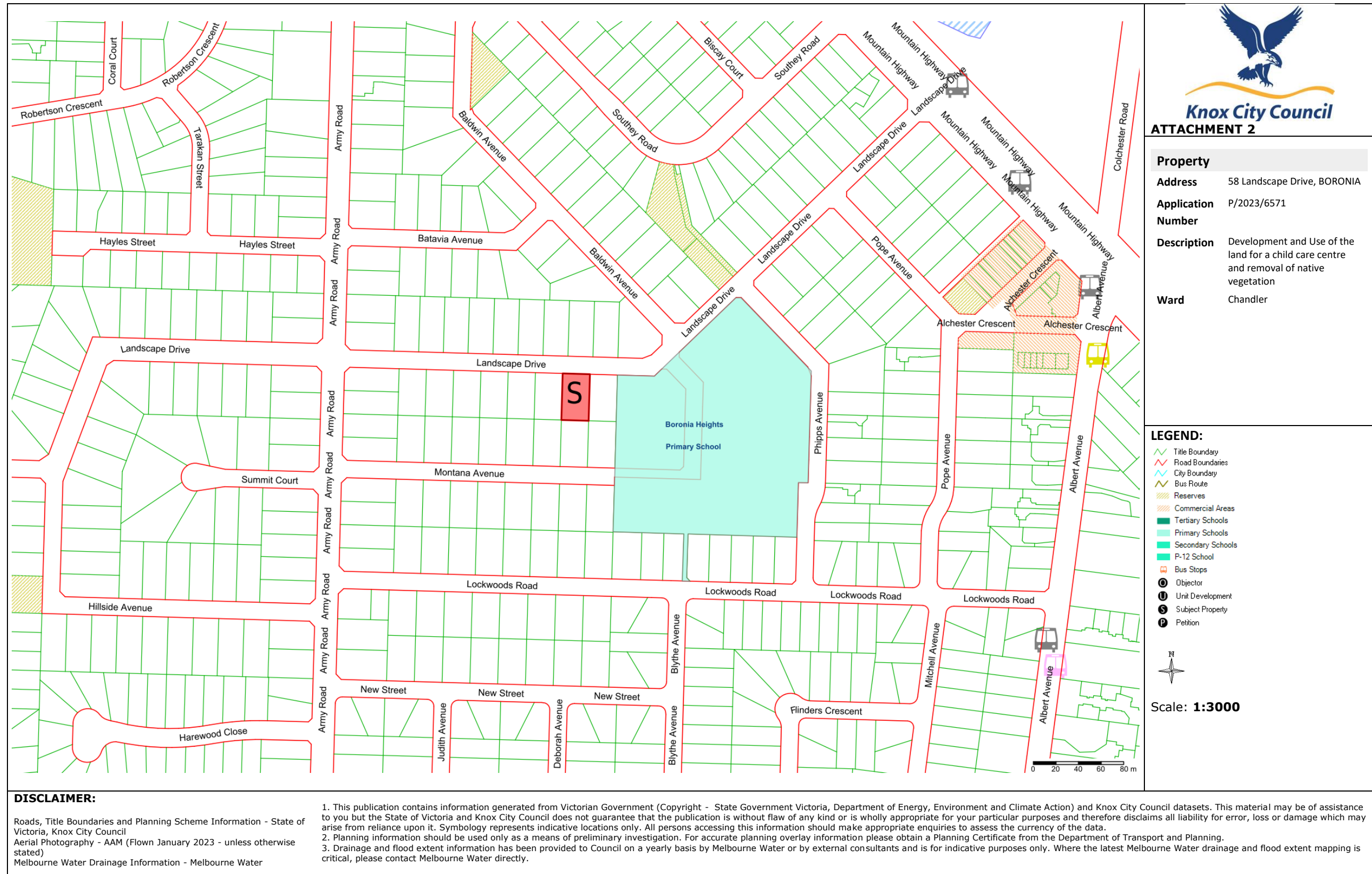


Attachment 1

6. Conclusion

Clause 71.02-3 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered appropriate given the following:

- The development is consistent with State Policy, Clause 21.03 (Environmental and Landscape Values), Clause 21.05 (Built Environment and Heritage), Clause 21.07 (Economic Development), Clause 21.10 (Local Areas – Dandenong Foothills), and Clause 22.03 (Non-Residential Uses in Residential Areas) of the Knox Planning Scheme.
- The proposal complies with the purpose of the Neighbourhood Residential Zone – Schedule 1.
- The proposal complies with the DDO2, SLO2 and ESO3.
- The development is compliant with Clause 52.06 (Car Parking).
- The development provides an appropriate provision of a non-residential use within an established residential area while ensuring the amenity of occupants and adjoining residents is not significantly compromised.
- It is considered that the proposal will contribute to the green and leafy character of Knox, with the provision of an acceptable landscape outcome.



| Property | |
|---------------------------|--|
| Address | 58 Landscape Drive, BORONIA |
| Application Number | P/2023/6571 |
| Description | Development and Use of the land for a child care centre and removal of native vegetation |
| Ward | Chandler |

- LEGEND:**
- Title Boundary
 - Road Boundaries
 - City Boundary
 - Bus Route
 - Reserves
 - Commercial Areas
 - Tertiary Schools
 - Primary Schools
 - Secondary Schools
 - P-12 School
 - Bus Stops
 - Objector
 - Unit Development
 - Subject Property
 - Petition

Scale: **1:3000**

DISCLAIMER:
 Roads, Title Boundaries and Planning Scheme Information - State of Victoria, Knox City Council
 Aerial Photography - AAM (Flown January 2023 - unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

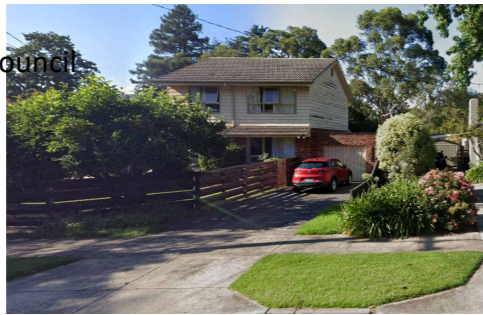
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 2. Planning information should be used only as a means of preliminary investigation. For accurate planning overlay information please obtain a Planning Certificate from the Department of Transport and Planning.
 3. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water or by external consultants and is for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water directly.



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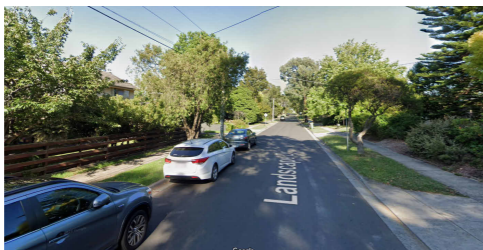
V1 SUBJECT VIEW - VIEW OF EXISTING CONDITION AT 56 LANDSCAPE DRIVE CROSSOVER.



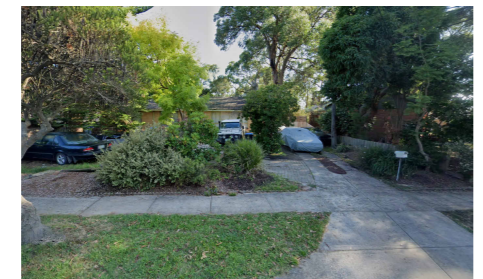
V2 VIEW OF EXISTING SITE CONDITIONS AT 56 LANDSCAPE DRIVE.



V3 VIEW LOOKING EAST ALONG LANDSCAPE DRIVE - SITE ON RIGHT



V4 VIEW LOOKING WEST ALONG LANDSCAPE DRIVE - SITE ON LEFT



V5 VIEW LOOKING NORTH FROM SITE AT 58 LANDSCAPE DRIVE FRONTAGE



SITE ANALYSIS PLAN

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|--|---|--|--|--|
| 01 55 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 6.50 METRES WALLS: BRICK FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY | 02 57 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 9.80 METRES WALLS: WEATHERBOARD FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: SIDE OF PROPERTY | 03 59 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 8.20 METRES WALLS: BRICK FINISH ROOF: COLORBOND METAL DECK FENCE: NO FENCE GARAGE: SIDE OF PROPERTY | 04 61 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 12.80 METRES WALLS: BRICK FINISH ROOF: CONCRETE TILED ROOF FENCE: NO FENCE GARAGE: - | 05 63 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 10.30 METRES WALLS: BRICK FINISH ROOF: CONCRETE TILED ROOF FENCE: LOW TIMBER FENCE GARAGE: SIDE OF PROPERTY |
| 06 52 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 7.70METRES WALLS: ROOF: TILED ROOF FENCE: HIGH TIMBER FENCE GARAGE: BACK OF PROPERTY | 07 54 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 10.90 METRES WALLS: ROOF: TILED ROOF FENCE: NO FENCE GARAGE: FRONT OF PROPERTY | 08 56 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 7.50 METRES WALLS: OTHER ROOF: TILED ROOF FENCE: NO FENCE GARAGE: SIDE OF PROPERTY | 09 60 LANDSCAPE DRIVE SINGLE STOREY DWELLING SETBACK: 7.60 METRES WALLS: BRICK FINISH ROOF: TILED ROOF FENCE: LOW BRICK FENCE GARAGE: SIDE OF PROPERTY | 10 BORONIA HEIGHTS PRIMARY SCHOOL DOUBLE STOREY DWELLING SETBACK: 5.10 METRES WALLS: ROOF: METAL WIRE FENCE GARAGE: - |
| 11 9 MONTANA AVENUE SINGLE STOREY DWELLING SETBACK: 6.40 METRES WALLS: BRICK FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY | 12 11 MONTANA AVENUE SINGLE STOREY DWELLING SETBACK: 11.10 METRES WALLS: BRICK FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY | 13 13 MONTANA AVENUE SINGLE STOREY DWELLING SETBACK: 8.20 METRES WALLS: BRICK FINISH ROOF: FLAT ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY | 14 15 MONTANA AVENUE SINGLE STOREY DWELLING SETBACK: 6.90 METRES WALLS: BRICK & TIMBER CLADDING FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY | 15 17 MONTANA AVENUE SINGLE STOREY DWELLING SETBACK: 6.90 METRES WALLS: WEATHERBOARD FINISH ROOF: TILED ROOF FENCE: NO FENCE GARAGE: BACK OF PROPERTY |

| No. | Description | Date |
|-----|--------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 01/12/23 |
| 2 | TRAFFIC & LANDSCAPE AMENDMENTS | 26/04/24 |
| 3 | REVISED DECKING | 28/10/24 |
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PRACTICE DETAILS
VIC registered Practitioner: Reg. 51 480
SA registered Architect: Geaura Rajathayya, Reg. 3713
NSW Registered Architect: Geaura Rajathayya, Reg. 11221
Design Practitioner: R2R Architecture by Class 2 Buildings: Geaura Rajathayya

PROJECT
PROPOSED EARLY LEARNING CENTRE
ADDRESS
58 LANDSCAPE DRIVE, BORONIA

Scale@A1 AS INDICATED
Scale@A3
Date 28.10.24

SHEET NAME
SITE ANALYSIS

SHEET NO. TP01
REVISION 3
TOWN PLANNING ISSUE





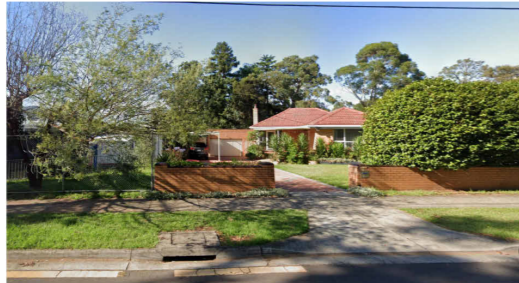
06 BORONIA HEIGHTS PRIMARY SCHOOL



02 15 MONTANA AVENUE



03 59 LANDSCAPE DRIVE



06 60 LANDSCAPE DRIVE



| No. | Description | Date |
|-----|--------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 01/12/23 |
| 2 | TRAFFIC & LANDSCAPE AMENDMENTS | 26/04/24 |
| 3 | REVISED DECKING | 28/10/24 |
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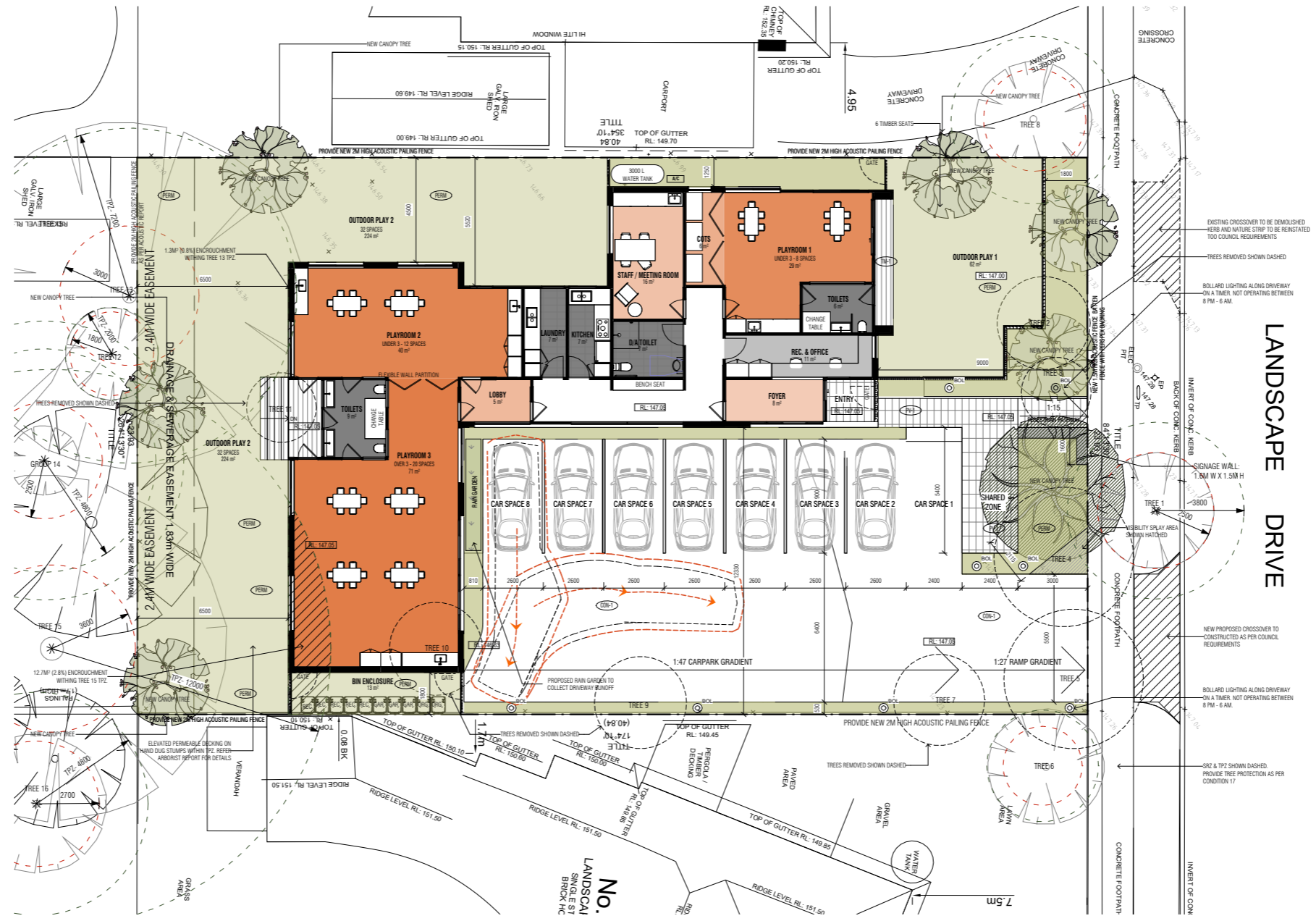
PRACTICE DETAILS
 VIC registered Practice: Reg. 51 402
 SA registered Architect: Gaurav Rajpathy, Reg. 3713
 NSW nominated Architect: Gaurav Rajpathy, Reg. 11271
 Design Practitioner NCCP Architecture by Class 2 buildings: Gaurav Rajpathy

PROJECT
PROPOSED EARLY LEARNING CENTRE
 ADDRESS
 58 LANDSCAPE DRIVE, BORONIA

Scale@A1 AS INDICATED
 Scale@A3 AS INDICATED
 Date 28/10/24

SHEET NAME
 DESIGN RESPONSE &
 NEIGHBOURHOOD CHARACTER
 TP02 3
 TOWN PLANNING ISSUE

architectural interior design urban design landscape
 ph 088 8228 e info@ravboronia.com.au



| DEVELOPMENT SUMMARY | |
|---------------------|-----------------------|
| CAR SPACES | 8 SPACES (1 DISABLED) |
| SITE COVERAGE | 290M² 29.88% |
| PERMEABLE SURFACES | 391M² 40.02% |
| DRIVEWAY & CARPARK | 271M² 27.75% |

| CHILDREN SUMMARY | | |
|--|---|--|
| PLAYROOM 01 8 CHILDREN (12) (6-10 MONTHS) 40M² (26 M² MIN) | PLAYROOM 02 12 CHILDREN (1-3 MONTHS) 40M² (39 M² MIN) | PLAYROOM 03 20 CHILDREN (22) (1-10 MONTHS) 75M² (65M² MIN) |
| OUTDOOR PLAYROOM 01 40M² (56 M² MIN) | OUTDOOR PLAYROOM 02 224M² (224M² MIN) | |
| TOTAL CHILDREN | | 40 SPACES |

| STAFF SUMMARY | | | |
|---------------|-------------|-------------|--------------------|
| PLAYROOM 01 | PLAYROOM 02 | PLAYROOM 03 | ADMIN |
| 2 STAFF | 3 STAFF | 2 STAFF | 2 STAFF |
| TOTAL STAFF | | | MINIMUM OF 9 STAFF |

| AREA SUMMARY | |
|--------------------------|--------|
| AREA TYPE | AREA |
| 1. INTERNAL GROUND FLOOR | 290 m² |
| 2. EXTERNAL PLAY AREA | 291 m² |
| PLAY AREA 1 | 85 m² |
| PLAY AREA 2 | 224 m² |
| PLAY AREA 3 | 309 m² |

| No. | Description | Date |
|-----|-------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 09/12/23 |
| 2 | TRAVEL & LANDSCAPE AMENDMENTS | 16/04/24 |
| 3 | REVISED DECKING | 17/06/24 |
| 4 | REVISED DECKING | 28/10/24 |

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PRACTICE DETAILS
 VIC registered Practitioner: Reg: 51 480
 SA registered Architect: Gaurav Rajputhaya, Reg: 3713
 NSW Registered Architect: Gaurav Rajputhaya, Reg: 11251
 Design Practitioner: NGP Architecture by Class 2 Buildings: Gaurav Rajputhaya

PROJECT
 PROPOSED EARLY LEARNING CENTRE
 ADDRESS
 58 LANDSCAPE DRIVE, BORONIA

Scale: A1 1:100
 Scale: A3 1:200
 Date: 28/10/24

SHEET NAME
 SITE LAYOUT & GROUND FLOOR PLAN

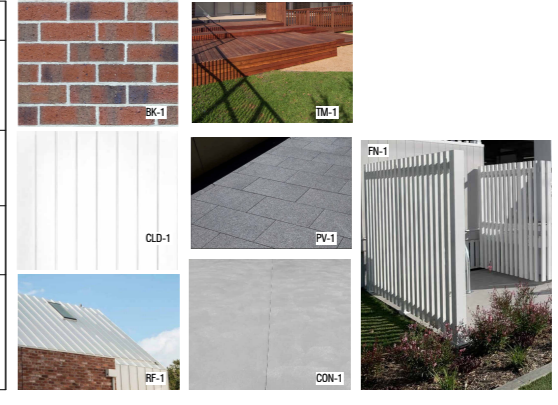
SHEET NO. TP03
 REVISION: 4

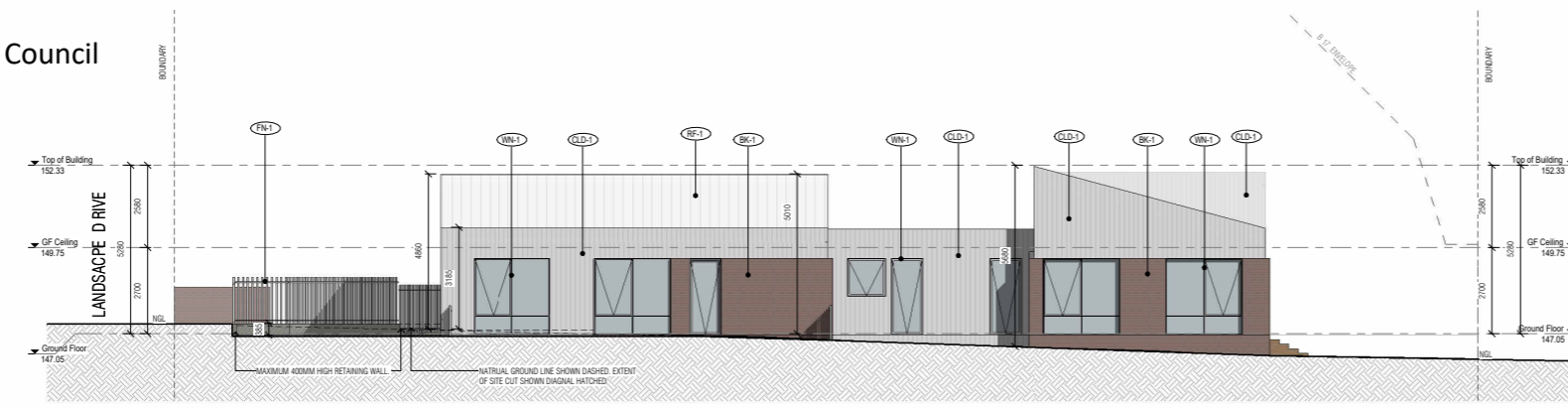
TOWN PLANNING ISSUE



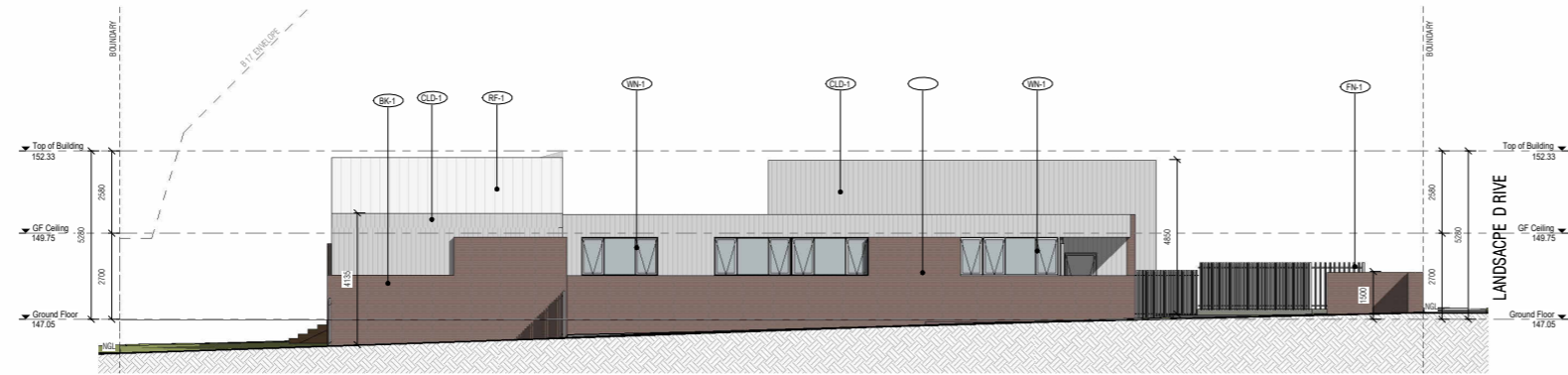
| FINISHES LEGEND | |
|-----------------|--|
| CON-1 | CONCRETE DRIVEWAY |
| PV-1 | STONE PAVING - PERMEABLE |
| TM-1 | TIMBER DECKING - PERMEABLE |
| PERM | PERMEABLE SURFACE |
| BK-1 | FACE BRICKWORK |
| CLD-1 | PANELISED CEMENT SHEET CLADDING |
| FN-1 | METAL BATTEN FENCE - WITH ACOUSTIC PERSPEX BACKING |
| WN-1 | POWDERCOATED ALUMINIUM WINDOWS |
| BAL-1 | METAL SLAT BALUSTRADE |

| MATERIALS & FINISHED SCHEDULE | |
|-------------------------------|--|
| WALLS | FACE BRICKWORK: AUSTRALDRY PRESSED BRICKS COLOUR: MELBOURNE CANTERBURY RED (OR SIMILAR) PANELISED CEMENT SHEET CLADDING: SCION ANION CEMENT SHEET CLADDING (OR EQUIVALENT) COLOUR: WHITE (OR SIMILAR) |
| ROOF | EXPOSED ROOF: METAL STANDING SEAM CLADDING / ROOF SHEETING COLOUR: COLORBOND - DOWER WHITE (OR SIMILAR) ENCLOSED ROOF: METAL SHEET ROOFING COLOUR: COLORBOND - SHALE GREY |
| WINDOWS | POWDERCOAT ALUMINIUM FRAME WINDOWS WITH GLAZING COLOUR: WHITE |
| DOORS | PAINT FINISH TO MAIN ENTRY DOOR COLOUR: WHITE |
| DRIVEWAYS | CONCRETE DRIVEWAY COLOUR: GREY BROOM FINISH |
| PAVERS | STONE PAVERS COLOUR: GRANITE - GREY (OR SIMILAR) |
| DECKING | NATURAL TIMBER DECKING |
| FENCING | METAL BATTEN FENCING WITH CLEAR PERSPEX BACKING COLOUR: WHITE |

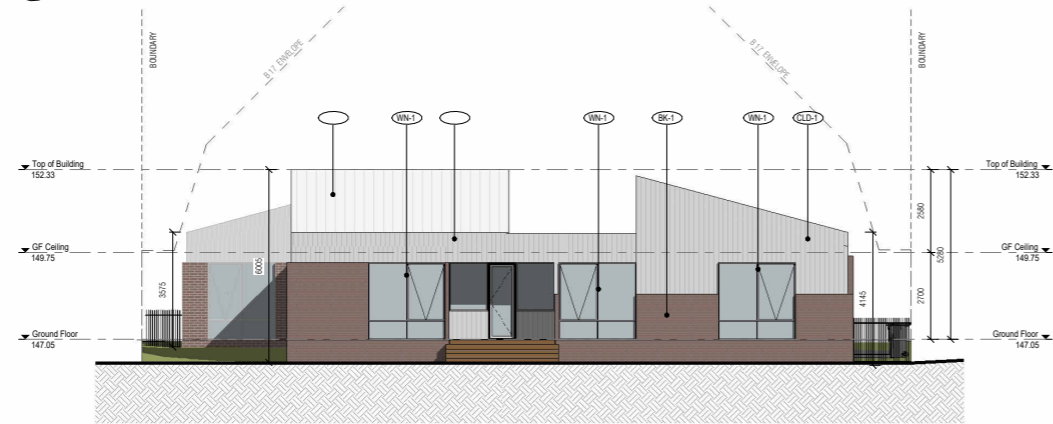




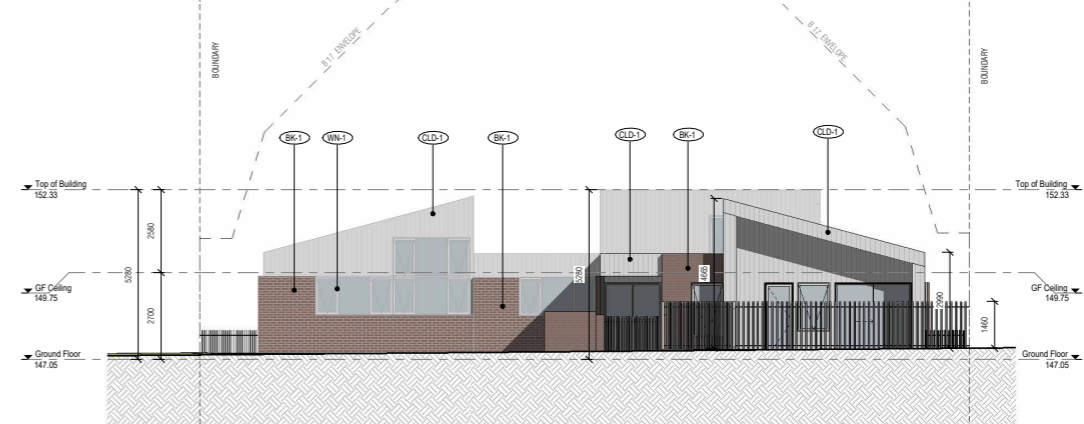
1 West Elevation
SCALE 1 : 100



2 East Elevation
SCALE 1 : 100



3 South Elevation
SCALE 1 : 100



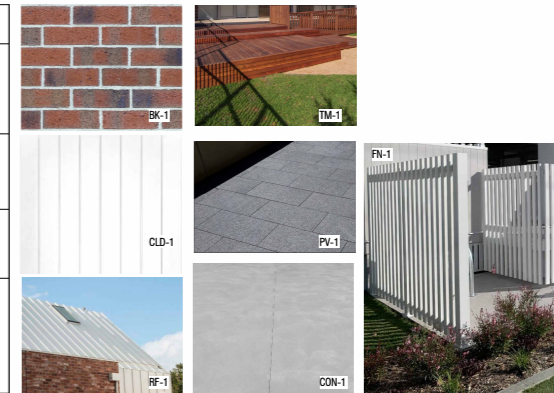
4 North Elevation
SCALE 1 : 100

FINISHES LEGEND

- CON-1 CONCRETE DRIVEWAY
- PV-1 STONE PAVING - PERMEABLE
- TM-1 TIMBER DECKING - PERMEABLE
- PERM PERMEABLE SURFACE
- BK-1 FACE BRICKWORK
- CLD-1 PANELISED CEMENT SHEET CLADDING
- FN-1 METAL BATTEN FENCE - WITH ACOUSTIC PERSEFX BACKING
- WN-1 POWDERCOATED ALUMINIUM WINDOWS
- BAL-1 METAL SLAT BALUSTRADE

MATERIALS & FINISHED SCHEDULE

| WALLS | FACE BRICKWORK - AUSTRALDIY PRESSED BRICKS COLOUR: MELBOURNE CANTERBURY RED (OR SIMILAR) PANELISED CEMENT SHEET CLADDING, SCHYON ANON CEMENT SHEET CLADDING (OR EQUIVALENT) COLOUR: WHITE (OR SIMILAR) |
|-----------|---|
| ROOF | EXPOSED ROOF: METAL STANDING SEAM CLADDING / ROOF SHEETING COLOUR: COLORBOND - DOVER WHITE (OR SIMILAR) ENCLOSED ROOF: METAL SHEET ROOFING COLOUR: COLORBOND - SHALE GREY |
| WINDOWS | POWDERCOAT ALUMINIUM FRAME WINDOWS WITH GLAZING COLOUR: WHITE |
| DOORS | PAINY FINISH TO MAIN ENTRY DOOR COLOUR: WHITE |
| DRIVEWAYS | CONCRETE DRIVEWAY COLOUR: GREY BROOM FINISH |
| PAVERS | STONE PAVERS COLOUR: GRANITE - GREY (OR SIMILAR) |
| DECKING | NATURAL TIMBER DECKING |
| FENCING | METAL BATTEN FENCING WITH CLEAR PERSEFX BACKING COLOUR: WHITE |



| No. | Description | Date |
|-----|--------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 01/12/23 |
| 2 | TRAFFIC & LANDSCAPE AMENDMENTS | 26/04/24 |
| 3 | REVISED DECKING | 17/09/24 |
| 4 | REVISED DECKING | 28/10/24 |

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PRACTICE DETAILS
VIC registered Practitioner, Reg. 51 480
SA registered Architect, Geaura Rajathayya, Reg. 3713
NSW Registered Architect, Geaura Rajathayya, Reg. 11271
Design Practitioner NCCP Accredited by Class 2 Buildings, Geaura Rajathayya

PROJECT
PROPOSED EARLY LEARNING CENTRE

ADDRESS
58 LANDSCAPE DRIVE, BORONIA

Scale:0A1 1:100
Scale:0A3 1:200
Date: 28/10/24

SHEET NAME
ELEVATIONS

SHEET NO. _____ REVISION: _____

TP04 4

TOWN PLANNING ISSUE





1 Shadows - 9am
TP04 SCALE 1:200



2 Shadows - 12pm
TP04 SCALE 1:200



3 Shadows - 3pm
TP04 SCALE 1:200

| DEVELOPMENT SUMMARY | | |
|-----------------------------------|-----------------------|--------|
| 58 LANDSCAPE DRIVE, BORONIA, VIC. | | |
| CAR SPACES | 8 SPACES (1 DISABLED) | |
| SITE COVERAGE | 292M ² | 29.88% |
| PERMEABLE SURFACES | 391M ² | 40.02% |
| DRIVEWAY & CARPARK | 271M ² | 27.75% |

| CHILDREN SUMMARY | | |
|---|---|---|
| PLAYROOM 01 | PLAYROOM 02 | PLAYROOM 03 |
| 8 CHILDREN (2-5 MONTHS) | 12 CHILDREN (6-10 MONTHS) | 20 CHILDREN (22 (+10 MONTHS) |
| 42M ² (32.5M ² MIN) | 42M ² (32.5M ² MIN) | 72M ² (52.5M ² MIN) |
| OUTDOOR PLAYROOM 01 | OUTDOOR PLAYROOM 02 | |
| 55M ² (25.5M ² MIN) | 22M ² (22.5M ² MIN) | |
| TOTAL CHILDREN | 40 SPACES | |

| STAFF SUMMARY | | | |
|---------------|--------------------|-------------|---------|
| PLAYROOM 01 | PLAYROOM 02 | PLAYROOM 03 | ADMIN. |
| 2 STAFF | 3 STAFF | 2 STAFF | 2 STAFF |
| TOTAL STAFF | MINIMUM OF 9 STAFF | | |

| No. | Description | Date |
|-----|--------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 01/12/23 |
| 2 | TRAFFIC & LANDSCAPE AMENDMENTS | 16/04/24 |
| 3 | REVISED DECKING | 17/09/24 |
| 4 | REVISED DECKING | 28/10/24 |

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PRACTICE DETAILS
VIC registered Practitioner: Reg. 51 400
SA registered Architect: Gaurav Rajputhaya, Reg. 3713
NSW nominated Architect: Gaurav Rajputhaya, Reg. 11251
Design Practitioner: NCEC Architecture by Class 2 Buildings: Gaurav Rajputhaya

PROJECT
PROPOSED EARLY LEARNING CENTRE

ADDRESS
58 LANDSCAPE DRIVE, BORONIA

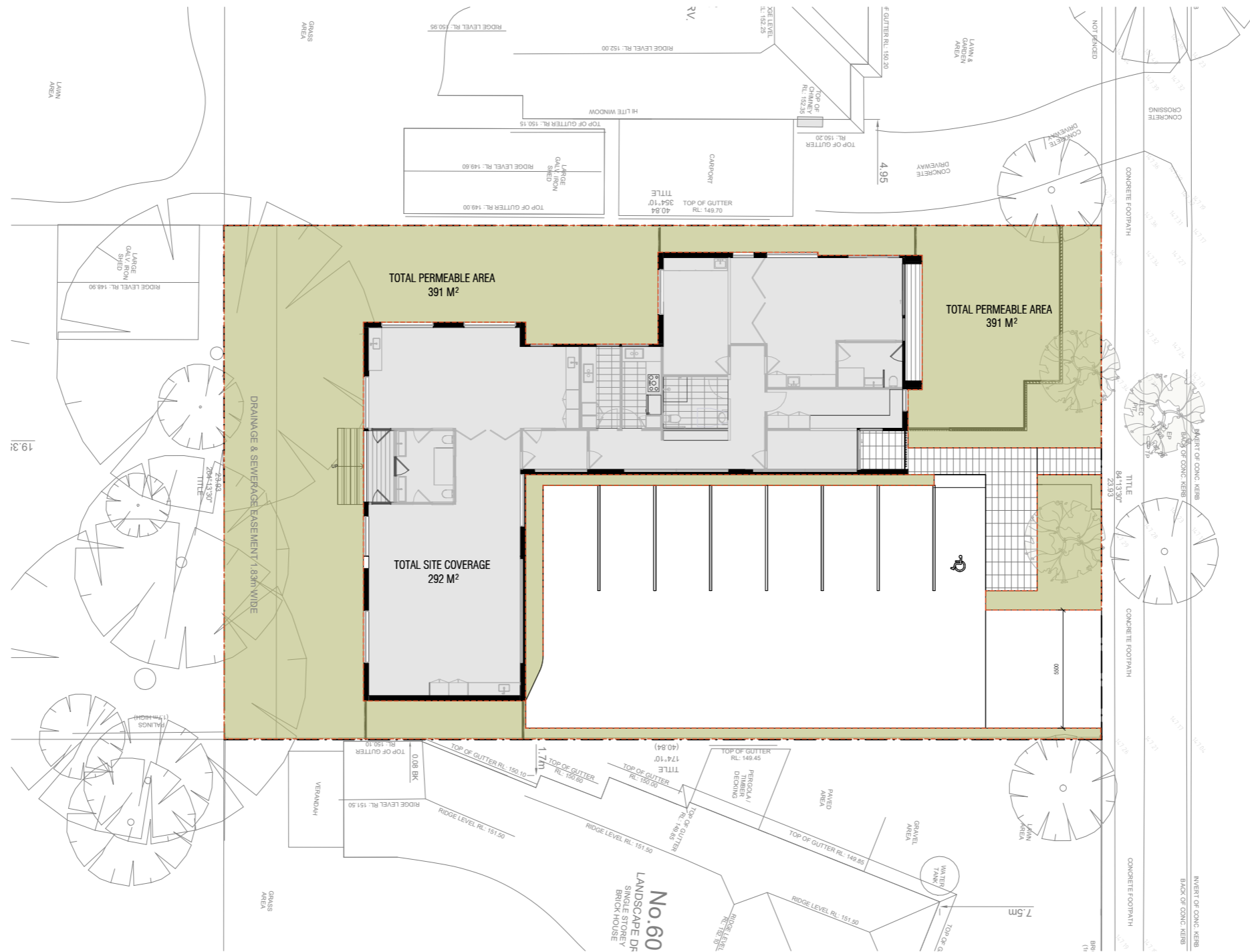
Scales: A1 1:200
Scale: A3 1:400
Date: 28/10/24

SHEET NAME
SHADOW DIAGRAMS

| SHEET NO. | REVISION |
|-----------|----------|
| TP05 | 4 |

TOWN PLANNING ISSUE

■ PROPOSED SHADOWS
▨ EXISTING SHADOWS



LANDSCAPE DRIVE

| DEVELOPMENT SUMMARY | |
|---------------------|---------------------------|
| CAR SPACES | 8 SPACES (1 DISABLED) |
| SITE COVERAGE | 292M ² 29.88 % |
| PERMEABLE SURFACES | 391M ² 40.02% |
| DRIVEWAY & CARPARK | 271M ² 27.75% |

| CHILDREN SUMMARY | | |
|---|---|---|
| PLAYROOM 01 | PLAYROOM 02 | PLAYROOM 03 |
| 8 CHILDREN (3-5 MONTHS) | 12 CHILDREN (6-35 MONTHS) | 20 CHILDREN (2-5+ MONTHS) |
| 40M ² (26M ² MIN) | 42M ² (29M ² MIN) | 72M ² (50M ² MIN) |
| OUTDOOR PLAYROOM 01 | OUTDOOR PLAYROOM 02 | |
| 55M ² (35M ² MIN) | 22M ² (22M ² MIN) | |
| TOTAL CHILDREN | | 40 SPACES |

| STAFF SUMMARY | | | |
|--------------------------------|-------------|-------------|---------|
| PLAYROOM 01 | PLAYROOM 02 | PLAYROOM 03 | ADMIN |
| 2 STAFF | 3 STAFF | 2 STAFF | 2 STAFF |
| TOTAL STAFF MINIMUM OF 9 STAFF | | | |

| No. | Description | Date |
|-----|--------------------------------|----------|
| 1 | TOWN PLANNING ISSUE | 01/12/23 |
| 2 | TRAFFIC & LANDSCAPE AMENDMENTS | 16/04/24 |
| 3 | REVISED DECKING | 17/09/24 |
| 4 | REVISED DECKING | 28/10/24 |

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PRACTICE DETAILS
 VIC registered Practitioner, Reg. 51 482
 SA registered Architect, Gaurav Rajputhaya, Reg. 3713
 NSW Registered Architect, Gaurav Rajputhaya, Reg. 11221
 Design Practitioner, NCP Architecture by Class 2 Buildings, Gaurav Rajputhaya

PROJECT
 PROPOSED EARLY LEARNING CENTRE

ADDRESS
 58 LANDSCAPE DRIVE, BORONIA

Scales@A1 1:100
 Scales@A3 1:200
 Date 28/10/24

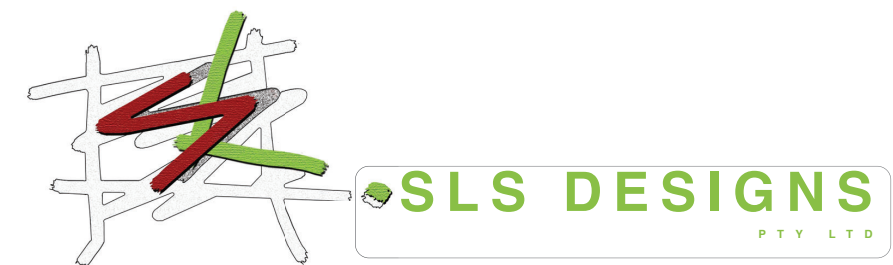
SHEET NAME
 PERMEABILITY PLAN

SHEET NO. TP06 REVISION 4

TOWN PLANNING ISSUE



BORONIA CHILDCARE DEVELOPMENT





LEGEND

| | | | | | | |
|---|--|--|----------------|----------------------|---|----------|
| Existing trees to be removed | Proposed Garden Bed with organic mulch includes grasses, shrubs & groundcovers | Proposed Concrete Driveway Colour concrete | Timber decking | Sofffall Mulch | Timber log | Sand Pit |
| Existing trees to be retained TPZ-blue SRZ-orange | Proposed Garden Bed with sofffall mulch includes trees and shrubs | Concrete Pavers As per Architect's spec | Natural Lawn | Mulch 50mm deep only | Concrete steps Anston or similar approved | Boulders |

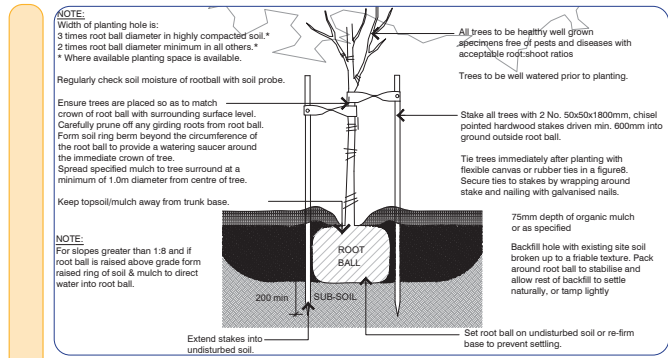
BORONIA CHILDCARE
58 LANDSCAPE DRIVE
BORONIA, VIC.

DRWG NO: SD03 JOB NO: 23-024
DRAWN: SS
SHEET: 02 of 04
DATE: 25.11.2024
SCALE
1:100 @ A1
1:200 @ A3

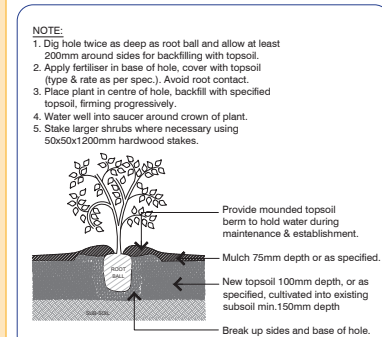
SLS DESIGNS PTY LTD

BORONIA CHILDCARE DEVELOPMENT

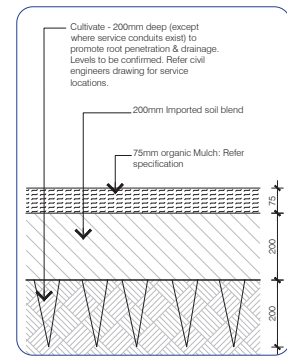
TOWN PLANNING PURPOSES ONLY



TREE PLANTING DETAIL



SHRUB PLANTING DETAIL



GARDEN BED - SOIL PROFILE

PLANT SCHEDULE

| SYM | BOTANICAL NAME | COMMON NAME | D/E I/N/Ex* | HEIGHT X WIDTH AT MATURITY | MIN SUPPLY SIZE | QTY | PLANTING DENSITY |
|--|---|---------------------------|-------------|----------------------------|-----------------|--------------|------------------|
| TREES | | | | | | | |
| Ac | <i>Angophora costata</i> | Smooth Bark Apple Myrtle | E/N | 12.0 x 8.0m | 450r/2.1mH | 1 | |
| Av | <i>Allocasuarina verticillata</i> | Drooping Sheoak | I/E/N | 5-10 m x 3-7 m | 450r/2.1mH | 1 | |
| Bm | <i>Banksia marginata</i> | Silver Banksia | I/E/N | 2-10 x 2-8m | 450r/2.1mH | 1 | |
| Bi | <i>Banksia integrifolia</i> | Coast Banksia | E/N | 10.0 x 5.0m | 450r/2.1mH | 1 | |
| BpBD | <i>Brachycthon acenifolius</i> x <i>populneus</i> 'Bella Donna' | Bella Donna Flame Tree | D/N | 5-6 x 3-4m | 450r/2.1mH | 2 | |
| Ep | <i>Eucalyptus pauciflora</i> 'Little Snowman' | Dwarf Snow Gum | E/N | 5-10 x 4-6m | 450r/2.1mH | 1 | |
| | | | | | | TOTAL | 7 |
| SHRUBS, GROUNDCOVERS & CLIMBERS | | | | | | | |
| ASS | <i>Adenanthos sericeus</i> 'Silver Streak' | Silver Streak Woolly Bush | E/N | 2-3 x 1.5m | 140mm pot | | 1/m2 |
| Bm | <i>Banksia marginata</i> | Silver Banksia | I/E/N | 2-10 x 2-8m | 140mm pot | | 1/m2 |
| BsBC | <i>Banksia spinulosa</i> 'Birthday Candles' | Birthday Candles Banksia | I/E/N | 0.5 x 0.75-0.9m | 140mm pot | | 4/m2 |
| Bp | <i>Brachycome parviflora</i> | Coast Daisy | I/E/N | 0.4 x 0.4m | 140mm pot | | 5/m2 |
| Ca | <i>Chrysocephalum apiculatum</i> | Common Everlasting | I/E/N | 0.5 x 0.8m | 140mm pot | | 4/m2 |
| Cal | <i>Correa alba</i> | White Correa | I/E/N | 1-1.5 x 1-1.5m | 140mm pot | | 1/m2 |
| Dc | <i>Darwinia citrifolia</i> | Lemon scented Darwinia | E/N | 1.2 x 1.2m | 140mm pot | | 1/m2 |
| DcB | <i>Dianella caerulea</i> 'Breeze' | Breeze Paroo Lily | I/E/N | 0.7 x 0.7m | 140mm pot | | 5/m2 |
| DT | <i>Dianella tasmanica</i> 'Tasred' | Tasred Flax Lily | I/E/N | 0.4 x 0.4m | 140mm pot | | 5/m2 |
| DLR | <i>Dianella revoluta</i> 'Little Rev' | Little Rev Flax Lily | I/E/N | 0.3-0.4 x 0.3m | 140mm pot | | 5/m2 |
| D | <i>Dichondra repens</i> | Kidney Plant | I/E/N | 0.1 x 1m | 140mm pot | | 5/m2 |
| Go | <i>Goodenia ovata</i> | Hop Goodenia | I/E/N | 1 x 1.5m | 140mm pot | | 3/m2 |
| Hv | <i>Hardenbergia violacea</i> 'Meema' | Meema Purple Coral Pea | E/N | 0.3-0.45 x 1-2m | 140mm pot | | 1-2/m2 |
| Ia | <i>Indigofera australis</i> | Austral Indigo | I/E/N | 1.5 x 1.5m | 140mm pot | | 1/m2 |
| LIT | <i>Lomandra longifolia</i> 'Tanika' | Tanika Mat-rush | I/E/N | 0.6 x 0.6m | 140mm pot | | 5/m2 |
| Lp | <i>Leucophyta brownii</i> | Cushion Bush | I/E/N | 0.8 x 0.8m | 140mm pot | | 2-3/m2 |
| Po | <i>Pterostemon occidentalis</i> | Long-leaf Purple Flag | I/E/N | 0.3 x 0.5m | 140mm pot | | 2-3/m2 |
| Ppk | <i>Poa polytrichoides</i> 'Kingsdale' | Kingsdale Tussock Grass | I/E/N | 0.45 x 0.45m | 140mm pot | | 5/m2 |
| Ta | <i>Teuophya speciosissima</i> | Waratah | E/N | 1.5-2.0 x 1.5m | 140mm pot | | 1/m2 |
| Vh | <i>Viola hederacea</i> | Native Violet | E/N | 0.15 x Spreading | 140mm pot | | 2-3/m2 |
| XaSD | <i>Xerochrysum asteraceae</i> 'Sophie's Delight' | Everlasting Daisy | E/N | 0.4 x 0.6m | 140mm pot | | 5/m2 |
| | | | | | | TOTAL | 5/m2 |

REFER TO TREE REPORT PREPARED BY TREE SPACE SOLUTIONS FOR DETAILS ON EXISTING TREES

GENERAL NOTES

- These drawings are for town planning approval only and shall not be used for construction. Refer to IFC drawings for construction.
- Any ambiguities in the drawings shall be raised to the principal and upon advice received shall the work be undertaken by the contractor.
- Refer to engineering drawing for civil works, grading, bulk earthworks, hydraulics & drainage, structural works and details, electrical works, road & carpark works.
- Refer to architectural drawings for information regarding proposed buildings, shade structures, retaining walls, fences, gates and architectural screens.

PLANTING

- All planting to be done in accordance with the Plant Schedule and Planting Plan.
- All plants to be healthy, disease free specimens.
- Cosmocote or similar slow release fertiliser to be applied to all plants.
- All mulch areas to be evenly spread with the approved mulch listed in material schedule.
- All plants are to be thoroughly watered during the establishment period.
- Stake and tie all trees as specified.
- Planting is not to be undertaken during December, January and February unless approved by the Superintendent.

TOPSOIL

All garden beds to be cultivated to a depth of 200mm with even spread of gypsum as per the specification. Imported topsoil to be placed to a depth of 200mm for all garden beds along with application of approved mulch to the required depth. Imported topsoil must be a good quality free draining sandy loam with minimum 20 per cent organic matter to ensure the healthy, vigorous growth of plants. It must be free from perennial weeds and their roots, stone or rubble, clods of subsoil and other extraneous material and must not be delivered while in a saturated condition. However, topsoil conforming to the following minimum specification is acceptable for use as imported topsoil.

- Texture loam to clay loam, for example, capable of handling when moist but lacking cohesion so that it will fall apart easily.
- pH within the range pH 5.5 to pH 8.5 (1.5 soil / water extract).
- Salinity (electrical conductivity) less than 0.50 dS / m (1.5 soil / water extract).
- Non hydrophobic.
- Stone content less than 5 per cent by dry weight with stone size not exceeding 25 mm.

WEEDING & MAINTENANCE

- All garden bed areas to be spread with non-residual glyphosate solutions prior to cultivation.
- Maintenance shall include the care of the contract areas by accepted horticultural practices, as well as rectifying any defects that become apparent in the works under normal use. This shall include, but shall not be limited to: replanting, weed control, pest and disease control, watering, checking, firming and securing stakes, temporary fencing and timber edging; topping up of mulch areas; pruning.
 - All planted and grassed areas shall be maintained in a weed free state.
 - Weeding shall take place monthly or when weed growth occurs in 5% of the total garden area.
 - All nursery stakes and ties shall be removed. All trees shall be checked for signs of damage being caused by rubbing, and the stakes and ties re-set to eliminate the problem. Stakes shall remain firm and intact in fact throughout the Maintenance Period. Defective items shall be replaced.
 - All plants are to be maintained free of insect infestation and plant disease.
 - The Contractor shall prune trees and shrubs to remove damaged branches and encourage appropriate growth habit.
 - All plants are required to show signs of healthy growth at the completion of the Maintenance Period.
 - All specified grass seeded nature strips shall be maintained to provide a

healthy, dense, vigorous uniformly green continuous sward. Mowing shall be carried out at intervals to maintain grass at a height in the range of 60-50mm at all times during the contract period. Where pests and diseases occur treatment shall be made in accordance with accepted horticultural standards. Broadleaf weeds, Bindii or Clover shall not exceed 5% of the grass area.

- General litter (for example, paper, bags, bottles and cans), to be removed from garden beds and areas of grass maintained under the Contract. This does not include builder's rubbish, the existence of which should be reported to the Superintendent.
- All mulched surfaces shall be kept in a clean and tidy condition and be reinstated or topped up where necessary.

GRADING

- All Turf areas to have even falls. NO PONDING IS ACCEPTABLE
- All planting areas to be mounded evenly or as specified on the drawing

MOWING EDGES

- Galv Mowing Edges: All steel edging must be supplied and installed as per manufacturer's installation detail and specification.

MISCELLANEOUS:

- Prior to commencing works the contractor shall liaise directly with relevant service authorities to ascertain the location of any services. All services shall be physically located by hand prior to the use of any excavation equipment. The contractor shall be responsible for bearing the cost of making good any damage to existing services and mains whether or not these are shown on the drawings. It is the sole responsibility of the contractor to fully inform themselves of the locations of services and to make necessary provisions.
- The Landscape Contractor shall be held responsible for the cost of making good any damage to existing trees, vegetation, garden beds, lawn areas.

TREE PROTECTION NOTES

- The Tree Protection Zone (TPZ) radius should be determined by measuring the trunk diameter (DBH) at 1.4m above the ground in meters and multiplying it by 12. If the tree is multi-trunked the DBH is the square root of the sum of the squares of the diameters of each trunk. The TPZ is an area isolated from the construction disturbance - which includes excavation, compacted fill and machine trenching - so that the tree remains viable. Any root excavation within the TPZ should be avoided and this is to be done during the design and planning stage. If it is unavoidable the Council's Arborist should be contacted on Ph. 9298 8125.
- The TPZ is to be fenced and clearly marked at all times. The fence should be a minimum of 1.2m of chain mesh with 1.5m star pickets every 3-4m.
- If temporary access is required through a TPZ the area should be covered by sheets of heavy plywood and reinstated immediately afterward.
- Any underground services installation should be bored within the TPZ.
- No fuel, oil pumps, chemicals, materials, equipment, vehicles or temporary buildings shall be allowed in the TPZ. Nothing whatsoever should be attached to any tree including wires, nails, screws or other devices.
- Supplementary watering should be provided to all tree throughout any dry or windy periods during and after construction process.
- Any pruning required must be carried out by a trained and competent arborist to comply with Australian Standard AS 4373-1996 Pruning of Amenity Trees.
- Activities to be restricted within the TPZ and other notes are outlined in the Australian Standard AS 4970-2009 "Protection of Trees on Development Sites" www.standard.org.au

PLANTING IMAGES



BORONIA CHILDCARE DEVELOPMENT

TOWN PLANNING PURPOSES ONLY

BORONIA CHILDCARE
58 LANDSCAPE DRIVE
BORONIA, VIC.

DRWG NO: SD03 JOB NO: 23-024
DRAWN: SS

SHEET: 03 of 04
DATE: 25.11.2024

NORTH

SCALE
1:100 @ A1
1:200 @ A3

6.4 200 Dorset Road, Boronia

| | |
|----------------------------------|---|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author: | Planner, Alice Timms |
| Manager: | Manager City Planning & Building, Paul Dickie |
| Executive: | Director City Liveability, Matt Kelleher |

SUMMARY

This report considered Planning Application P/2024/6329 for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Grant a Planning Permit for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License, subject to conditions detailed in the full recommendation in section 10 below.

1. DISCUSSION

A new application P/2024/6329 has been lodged with Council for the Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia.

This application is being reported to Council as the site is located outside the Dandenong Foothills Policy Area and more than 15 separate property objections have been received.

The proposed use and liquor license is considered to be consistent with the Planning Policy Framework. It is considered that the proposed use and liquor license is appropriate given the site is located within a commercial area, within Boronia Activity Centre, the proposed hours are consistent with typical retail premises, and the site does not have any adjacent sensitive interfaces.

The detailed Officer's Report is provided with Attachment 1 and relevant documents and plans at Attachment 2.

2. ENGAGEMENT

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total 29 objections were received. Council also received 29 submissions which did not provide sufficient details to be considered an objection (pursuant to the requirements of the Planning and Environment Act 1987). The objections raised concerns over the number of existing packaged liquor in the area being sufficient and the concern that the proposal would lead to drug and alcohol related issues.

The application was referred externally to the Department of Transport and Planning. The application was referred internally to Council's Community Strengthening Team. No major concerns were raised with the application by the Department of Transport and Planning. Council's Community Strengthening team raised concerns regarding the addition of a further packaged liquor premise in Boronia, given the number of existing premises and the potential for

additional alcohol related harm in the community and it's appropriate those concerns be directed to the Victorian Liquor Commission as part of the liquor license application. Any conditions from referral authorities have been included in the Conditions within the Recommendation.

3. SOCIAL IMPLICATIONS

There are no significant social implications that are required to be assessed by the Knox Planning Scheme. A thorough assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Sections 4 and 5 of the Officer's Report at Attachment 1.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks of climate change adaptation.

5. ENVIRONMENTAL IMPLICATIONS

There are no significant environmental impacts or amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found in Section 5 of the Officer's Report at Attachment 1.

6. FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or economic implications associated with the proposed use/development for Council.

7. RISKS

There are no major risks associated with the proposal. The proposal is considered consistent with the Knox Planning Scheme, the main guiding document used to assess proposals such as this.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Opportunity & Innovation

Strategy 1.1 - Maximise the local economy by supporting existing businesses and attracting new investment.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor License at 200 Dorset Road, Boronia, subject to the following conditions:

General

1. Alcohol may only be sold within the area bound by the red line on the endorsed plan.
2. Alcohol must only be sold for consumption off the premises.
3. The use shown on the endorsed plan must not be altered without the written consent of the Responsible Authority.
4. Once the use has started it must be continued to the satisfaction of the Responsible Authority.

Management of premises

5. The Manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victorian Police and/or of Liquor Licensing Victoria authorised under Section 129 of the Liquor Control Reform Act 1998 and/or to take action on his/her behalf in accordance with a direction by such officer.

Hours of Operation

6. Liquor must only be sold between the following hours, without the written consent of the Responsible Authority:
 - Sunday 10:00am to 11:00pm
 - Any other day 9:00am to 11:00pm
 - ANZAC Day 12:00pm to 11:00pm
 - Good Friday and Christmas Day Closed

Department of Transport and Planning

7. No compensation is payable under part 5 of the Planning and Environment Act 1987 in respect of anything done under this permit.

Permit Expiry

8. This permit will expire if:

8.1 The use is not started within two years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Officer Report - 200 Dorset Road, Boronia [6.4.1 - 6 pages]
2. Attachment 2 - Council Attachments - 200 Dorset Road, Boronia [6.4.2 - 3 pages]



knox
your city

Attachment 1



Planning Application P/2024/6329 for the Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor Licence at 200 Dorset Road, Boronia

1. Summary:

| | |
|---------------------------|---|
| Subject Site: | 200 Dorset Road, BORONIA VIC 3155 |
| Proposed Development: | Use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor Licence |
| Existing Land Use: | Retail (previously 7-Eleven) |
| Site Area: | 848sqm |
| Planning Scheme Controls: | Commercial 1 Zone, Design and Development Overlay Schedule 7, Vegetation Protection Overlay Schedule 3, Public Acquisition Overlay (part) |
| Application Received: | 17 July 2024 |
| Number of Objections: | 58 submissions, 29 valid objections. |
| PCC Meeting: | N/A |
| Ward: | Baird |

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2024/6329 to assist in making a decision on the application. It should be read in conjunction with the other attachments.

3. Background

3.1 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is located to the eastern side of Dorset Road in Boronia, south of Boronia Road.
- The site is triangular in shape with an area of approximately 848sqm.
- The site forms part of the Boronia Major Activity Centre.
- The surrounding area is zoned Mixed Use Zone to the south, Transport Zone Schedule 1 to the east & north with the Belgrave Train Line, and Transport Zone 2 to the west with Dorset Road.
- There is a restrictive covenant on the title. The restriction relates to the creation of an easement to lay steel pipelines to convey liquid or gaseous hydrocarbons, natural and artificial gas. The application does not breach the restrictions of the covenant.



Attachment 1

3.2 The Proposal

The proposal seeks permission to use of the land for a Bottle Shop in the Public Acquisition Overlay and a Packaged Liquor Licence. Refer to attached plans at Attachment 2. Details of the proposal are as follows:

- The bottle shop is proposed to operate:
 - Sunday 10am to 11pm
 - Any other day 9am to 11pm
 - ANZAC Day 12pm to 11pm
 - No Trading Good Friday or Christmas Day
- Proposed leasable floor area is 225sqm
- The site has 10 car parking spaces
- No external works proposed.
- An internal renovation is proposed to fit out as a bottle shop.

4. Consultation

4.1 Advertising

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total 29 objections were received. Council also received 29 submissions which did not provide sufficient details to be considered an objection (pursuant to the requirements of the Planning and Environment Act 1987). The objections are summarised below:

Drug and Alcohol-Related Issues / Public Health and Safety

- Whilst the Planning Scheme considers the cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area, this does not include social impacts. The decision guidelines pursuant to Clause 52.27 - Licenced Premises, focus on the amenity of the surrounding area in terms of noise, pedestrian and vehicular traffic, odour and light spillage. The proposal is not expected to impact the amenity of the area. The site is located within Boronia Activity Centre, where such uses are anticipated and is surrounded by other commercial uses.

Number of Bottle Shops in the area

- Given the site is located within a designated activity centre (Boronia) it is not unreasonable that there be multiple bottle shop businesses present, and competition within an Activity Centre is normal.
- In the VCAT case Hunt Club -v- Casey CC, Deputy President Dwyer said *"town planning is not a panacea for all perceived social ills, nor is planning decision-making a forum for addressing all issues of social or community concern. At its heart, planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed."*
- Given the above, only limited negative cumulative impacts on the amenity of the area are anticipated associated with the proposal.

4.2 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:



Attachment 1

Department of Transport and Planning

- *No objection subject to conditions.*

Community Strengthening

- *There is evidence to suggest that the introduction of a Packaged Liquor Licence to the area will result in an increased risk of alcohol related harm and the proposal is not supported.*

Officer Comment: Whilst the Planning Scheme considers the cumulative impact of the proposed licensed premises on the amenity of the surrounding area, this does not include social impacts. The decision guidelines focus on the amenity of the surrounding area in terms of noise, pedestrian and vehicular traffic, odour and light spillage. The proposal is not expected to impact the amenity of the area. The location has a train line abutting on the eastern/north-eastern side of the property, Dorset Road to the west and commercial uses to the south and is an acceptable use within the Activity Centre, in the context of the Planning Scheme. Therefore, the potential social / harm related impacts referred to are not able to be addressed as part of the planning permit application process.

When considering a liquor licence application, the Victorian Liquor Commission is able to consider objections to a proposed packaged liquor licence on the basis it would be conducive to, or encourage, the misuse or abuse of alcohol, or that granting the licence would be conducive to or encourage harm.

5. Discussion

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

5.1 Zoning and Overlays

5.1.1 Zone

The site is located within the Commercial 1 Zone. A permit is not required pursuant to the Commercial 1 Zone for the Use of the land for a Bottle Shop.

5.1.2 Overlays

The site is affected by the Design and Development Overlay Schedule 7.

- A planning permit is not required for the Use of the land for a Bottle Shop.

The site is affected by the Public Acquisition Overlay Schedule 1.

- A planning permit is required for the Use of the land for a Bottle Shop (Retail Premise) in the Public Acquisition Overlay. The application was referred to the Department of Transport and Planning to determine the impact that the proposal will have on the purpose for which the land is to be acquired. A condition of planning permit was required by the Department, which does not adversely impact the proposal.

The site is affected by the Vegetation Protection Overlay Schedule 3.

- A planning permit is not required for the Use of the land for a Bottle Shop.



Attachment 1

5.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development. The key theme for the assessment of the application include Economic Development.

5.2.1 Economic Development

Municipal Strategic Statement: Council's MSS encourages the creation of a strong and sustainable local economy and facilitate local employment opportunities including supporting the development of local businesses with a focus on Knox's propulsive industry sectors, including advanced and high value manufacturing, health care, construction, wholesale trade and professional services.

Clause 17 – Economic Development: Provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Clause 17.02-1S Business: To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.

Clause 21.07 Economic Development: Knox has a workforce in excess of 55,000 people employed by some 13,000 businesses that operate in the municipality. The majority (97%) of these businesses employ less than 20 people. Knox is a major contributor to the regional and broader Melbourne economies, with exports largely dependent on the manufacturing and wholesale trade sectors.

Key issues include maintaining a strong and sustainable local economy, strengthening local employment opportunities, and the erosion of Knox's employment and industrial capacity by intrusion of non-employment uses in 'core employment land areas' and more affordable employment land options on Melbourne's fringe.

- *The proposal will allow a use that is compatible with the zoning of land, located within a Major Activity Centre.*

5.3 Particular Provisions

Clause 52.06 Car Parking: Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 specifies a ratio of 4 car spaces per 100sqm of leasable floor area.

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

- *Car parking provision: The leasable floor area is 225sqm and 8 car parking spaces are required. The proposal satisfies the car parking provision as 10 car parking spaces are provided.*
- *Car parking design: Complies.*



Attachment 1

Clause 52.27 Licensed Premise: A planning permit is required for a liquor license for the sale of package liquor if any of the following apply:

- A licence is required under the *Liquor Control Reform Act 1998*.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
 - The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
 - The impact of the hours of operation on the amenity of the surrounding area.
 - The impact of the number of patrons on the amenity of the surrounding area.
 - The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.
- *The proposal is considered consistent with the Municipal Planning Strategy and the Planning Policy Framework.*
 - *Amenity considerations are limited given the proposal is for packaged liquor only where consumption typically occurs off the premises.*
 - *The hours of operation are typical for a licence of this type of use.*
 - *Patron numbers are not relevant to this application, as no liquor is to be consumed on the premises.*
 - *Cumulative impacts are a relevant planning consideration and must be considered as part of the decision guidelines as applicable to Clause 52.27 applications. Given the site is located within a designated activity centre (Boronia), it is not unreasonable that there be multiple bottle shop businesses present within the centre. Also, multiple stand-alone bottle shops are equally appropriate provided there is not an oversupply of such. There is no evidence that this proposal will somehow tip the scale of amenity impacts within the Boronia Activity Centre to an unacceptable level.*
 - *Given the above, no negative cumulative impacts as defined within Clause 52.57 are anticipated.*

5.4 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.




Attachment 1

6. Conclusion

Clause 71.02-3 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the proposal is considered appropriate given the following:

- The proposed use and liquor license is located within an existing commercial area, Boronia Activity Centre, where such uses are anticipated and expected.
- The proposal complies with Clause 52.27 Licensed Premises.
- The proposed development complies with Clause 52.06 Car Parking.
- No objection was raised by the Department of Transport and Planning.




ATTACHMENT 2

Address: 200 Dorset Road, BORONIA
 Application Number: P/2024/6929
 Description: Use of the land for a Bottle Shop in the public Acquisition Overlay and a Packaged Liquor Licence
 Ward Name: Baird

LEGEND:

- ▬ Title Boundary
- ▬ Road Boundary
- ▬ City Boundary
- ▬ Bus Route
- ▬ Reserves
- ▬ Commercial Areas
- ▬ Tertiary Schools
- ▬ Primary Schools
- ▬ Secondary Schools
- ▬ P-12 School
- ▬ Bus Stops
- Director
- Unit Development
- Subject Property
- Petition

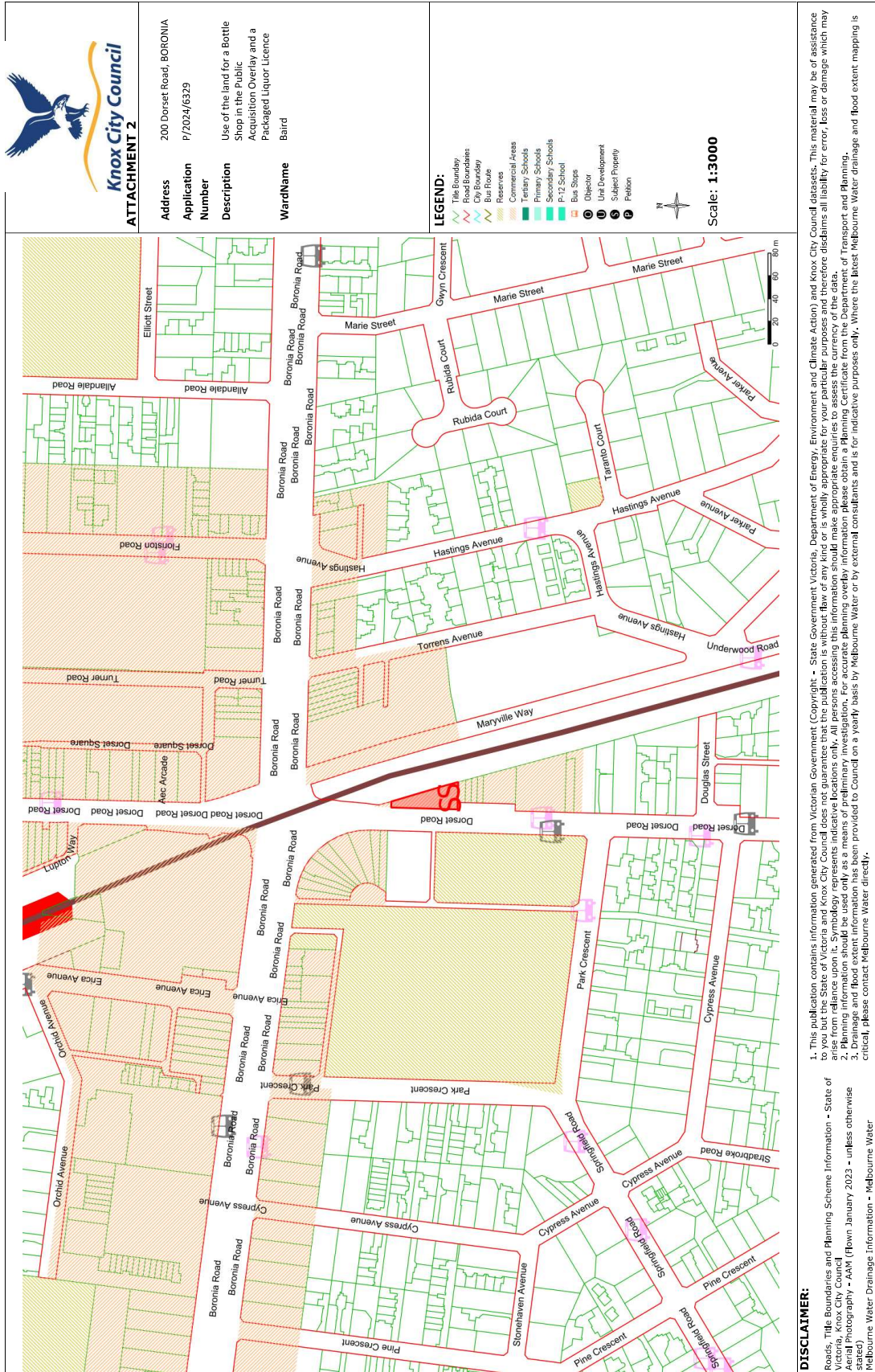
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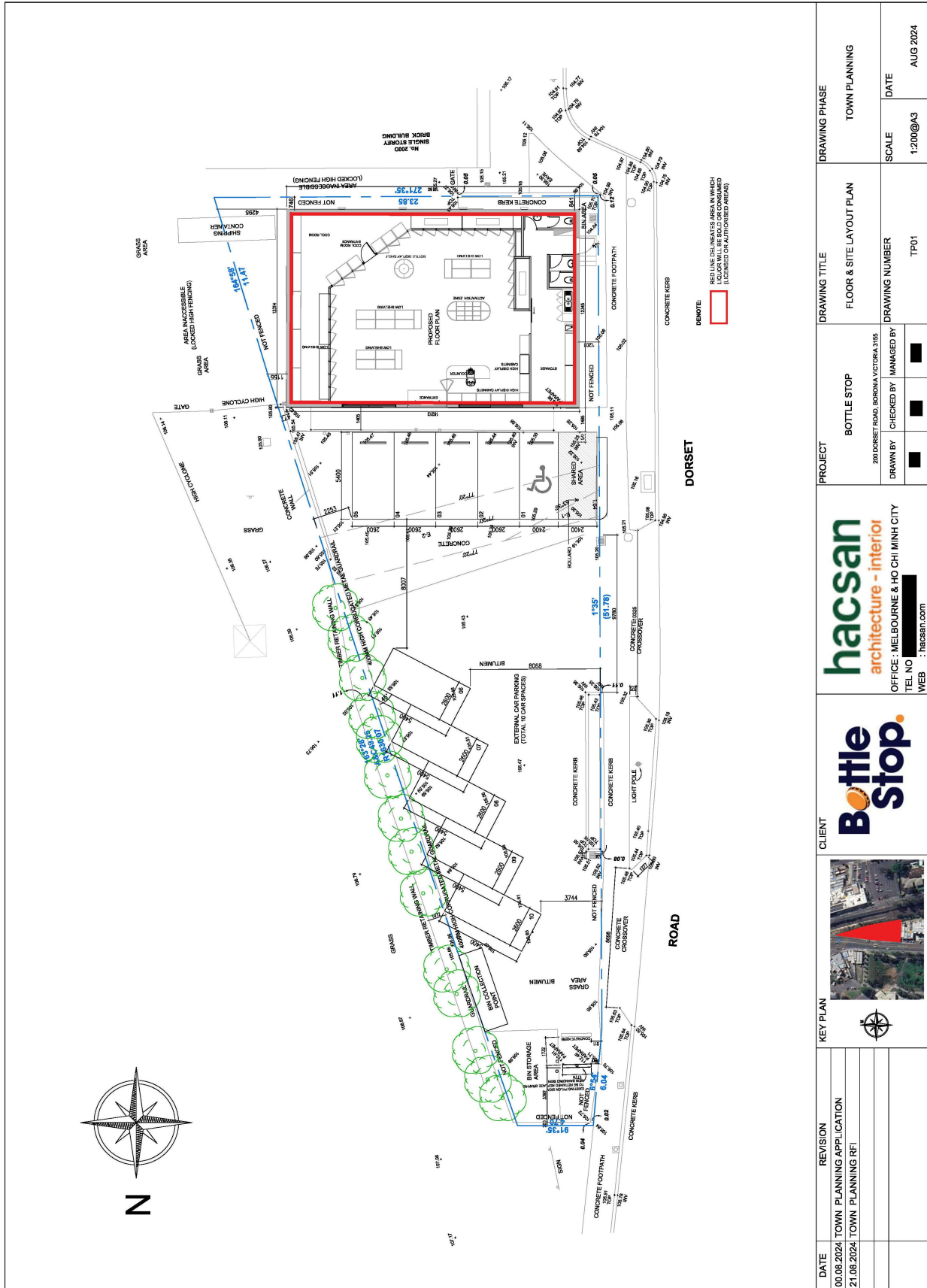




DISCLAIMER:
 Roads, Title Boundaries and Planning Scheme Information - State of Victoria, Knox City Council
 Aerial Photography - AAM (flown January 2023 - unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

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 2. Planning information should be used only as a means of preliminary investigation. For accurate planning overlay information please obtain a Planning Certificate from the Department of Transport and Planning.
 3. Information for this publication has been provided to Council on a yearly basis by Melbourne Water or by external consultants and is for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water directly.





| | | | | | | |
|------------|---------------------------|----------|---|---|--------------------------|-------------------|
| DATE | REVISION | KEY PLAN | CLIENT | PROJECT | DRAWING TITLE | DRAWING PHASE |
| 00.08.2024 | TOWN PLANNING APPLICATION | | | BOTTLE STOP 200 DORSET ROAD, BORDINA VICTORIA 3185 | FLOOR & SITE LAYOUT PLAN | TOWN PLANNING |
| 21.08.2024 | TOWN PLANNING RFI | | architecture - interior OFFICE : MELBOURNE & HO CHI MINH CITY TEL NO : [REDACTED] WEB : hacsan.com | DRAWN BY [REDACTED] CHECKED BY [REDACTED] MANAGED BY [REDACTED] | DRAWING NUMBER TP01 | SCALE 1:200@A3 |
| | | | | | | DATE AUG 2024 |

6.5 Amendment C202knox – The Basin Solar Farm, 49 Basin-Olinda Road, The Basin - Council Endorsement of Officer Submission

| | |
|----------------------------------|--|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author: | Head of City Strategy, Robert Costello |
| Manager: | Manager City Futures, Shiranthi Widan |
| Executive: | Director City Liveability, Matt Kelleher |

SUMMARY

This report seeks Council endorsement of the submission prepared and provided by officers (As provided at Attachment 1) in response to draft Planning Scheme Amendment C202knox - 49 Basin-Olinda Road, The Basin.

On 28 October 2024, Council received correspondence from the Department of Transport and Planning (DTP) advising that the Minister for Planning is considering preparing an amendment to the Knox Planning Scheme that would facilitate the use and development of a solar energy facility, utility installation and vegetation removal at 49 Basin-Olinda Road, The Basin. The Minister for Planning is the Planning Authority for this proposal and not Council.

Consultation was carried out by DTP under delegation from the Minister, to inform the Minister's decision about whether to prepare, adopt, and approve draft Amendment C202knox. Information and supporting documents were made available at www.engage.vic.gov.au with submissions due prior to 29 November 2024. Given the timing of consultation during the local government election period and the declaration of the election, officers have prepared and lodged a submission on the matter on behalf of Council. This report seeks a resolution to endorse the submission in retrospect and enable its release on the basis of public interest in the matter within the community.

The submission covers a range of issues including planning, traffic and car parking, flooding, arboricultural and tree removal, and construction management. A site visit was undertaken on 8 October 2024. Proposed tree removal was considered by Council's arborist, and the extent of tree loss was mostly limited to sections of mature Radiata Pine trees and other trees in poor condition. Offsets are proposed in the form of new plantings. Other vegetation is proposed for retention, including understorey areas.

There have been concerns expressed within the local community in relation to glint and glare arising from the proposed solar energy facility. A Glint and Glare Assessment has since been included with the draft amendment documents and has been reviewed. Officers are seeking this assessment be submitted to, and endorsed by, the Minister for Planning in consultation with Council. Other concerns raised in the submission and associated incorporated document relate to construction and environmental management, traffic management, tree and vegetation protection. Officers have reviewed the conditions set out in the proposed incorporated document as Council has been nominated as Responsible Authority for specific items, and will have enforcement responsibility if the proposal is ultimately approved.

Given community interest in the proposal, officers are seeking a resolution to make the submission publicly available, including for general circulation when requested.

RECOMMENDATION

That Council resolve to endorse the submission lodged by officers on 29 November 2024 in response to consultation being undertaken by the Department of Transport and Planning on the draft Planning Scheme Amendment C202knox.

1. DISCUSSION

Amendment C202knox

On 28 October 2024, Council received correspondence from the Department of Transport and Planning (DTP) advising that the Minister for Planning is considering preparing an amendment to the Knox Planning Scheme that would facilitate the use and development of a solar energy facility, utility installation and vegetation removal at 49 Basin-Olinda Road, The Basin. The amendment has been requested on behalf of the Salvation Army Property Trust.

The Draft amendment seeks to facilitate the development of the proposed solar energy facility by including the land in the Specific Controls Overlay (SCO) of the Knox Planning Scheme, supported by an incorporated document. The purpose of the SCO is to achieve a particular land use and development outcome in extraordinary circumstances. The SCO would apply to the land and give effect to specific planning controls for the solar energy facility set out in an incorporated document.

Consultation process

The draft amendment is being led by DTP, under delegation from the Minister for Planning. Under this process, the draft amendment was released for consultation to understand the views of affected parties under s20(5) of the *Planning and Environment Act 1987*. The Minister will then determine whether to prepare, adopt, and approve the amendment.

Information and supporting documents were made available at www.engage.vic.gov.au, with submissions initially due before 29 November 2024. The deadline for submissions was recently extended to 24 December 2024 due to an administrative error where DTP has not uploaded the Glint and Glare Assessment. The report has now been uploaded for review.

Given the timing of consultation during the local government election period and the deadline at the time, officers prepared and lodged a submission on the matter on behalf of Council to ensure it had provided feedback. The report also seeks a resolution to enable public release of the submission.

Subject site and proposal

The site is located at 49 Basin-Olinda Road, and is an irregular shaped block covering 66.24 Hectares. The site proposed for the solar farm is zoned Special Use Zone, and is also within the Urban Floodway Zone. The site is predominantly covered by grassland.

Based on the planning report submitted for the draft amendment, the intention is to install 7MW panels on 2m high frames to allow use of land underneath for sheep grazing and carbon farming.

Key issues

Officers have reviewed the draft amendment documents and the clauses set out in the draft incorporated document. Key issues identified include:

Tree removal

The draft amendment proposes the removal of trees throughout parts of the site to facilitate the solar energy facility and to reduce shade on solar panels. Council's arborist has undertaken a site visit and has deemed the removal of predominantly Radiata Pine trees to be acceptable. The Radiata Pine trees are of an advanced age and removal is considered acceptable. Other trees are in poor condition. Native understorey planting will be retained and offset plantings are proposed to replace tree removals.

Officers have requested that a Landscape Plan be required detailing types of plantings, number, and location to ensure offset plantings can be assessed as appropriate.

Tree retention/pruning

Officers have provided comments in the proposed incorporated document where trees are proposed to be retained or pruned. This includes requirements for responsible management such as retention of highly valued tree species, a requirement for an assessment to be undertaken under the *Wildlife Act 1975* to determine ecological value prior to any works, redesign of a proposed temporary car park and storage area to avoid the tree protection zone of some trees.

A Tree Protection Management Plan is also requested through the proposed incorporated document outlining tree protection zones and protection fencing and notice to be given to trades people and service authorities around methods of work including underground service installations.

Aboriginal Cultural Heritage

Officers consider the requirements set out in the proposed incorporated document to be inappropriate. Section 52 of the Aboriginal Heritage Act states 'the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity'.

Officers consider planning approvals would need to be obtained in accordance with the requirements of the Aboriginal Heritage Act and Aboriginal Heritage Regulations.

Glint and Glare

The Glint and Glare Assessment has since been provided as part of the draft amendment documents. Officers consider further strengthening of the requirements around glint and glare to adjoining dwellings and roads is required and should align with the *State Government's Solar Energy Facilities Design and Development Guidelines*. The draft wording in the Incorporated Document is open to interpretation.

2. ENGAGEMENT

The draft amendment is open to consultation being led by DTP (acting for the Minister for Planning) until 24 December 2024. All interested parties are able to lodge submissions to the government's consultation process. Community consultation has not been undertaken on Council's submission given the accessibility of the government's consultation, the technical nature of the draft amendment and the timing of the consultation process.

The amendment is not expected to create significant social, economic or environmental risk to the community. Council is nominated as Responsible authority to implement various clauses and conditions in the proposed incorporated document, and will be Responsible Authority for enforcement functions.

Officers have engaged with the new Chandler Ward Councillor, Cr Kennett. The City Planning & Building team were also consulted in considering the proposal and preparing the submission.

3. SOCIAL IMPLICATIONS

The draft amendment is not anticipated to result in significant social impacts.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have a positive impact on Council's Net Zero 2030 target and the Community Net Zero 2040. The proposal would assist in reducing climate risks and supporting climate change adaptation.

5. ENVIRONMENTAL IMPLICATIONS

The draft amendment is seeking to facilitate the development of a solar farm which would assist in renewable electricity generation. The amendment addresses tree removal and planting.

6. FINANCIAL AND RESOURCE IMPLICATIONS

The submission has been prepared by officers within the existing operational budget. The draft amendment seeks to make Knox City Council the Responsible Authority for various items in the incorporated document including enforcement functions. This would require officer time and potential resources, similar to Council's responsibilities for other sites.

7. RISKS

Officers do not consider any significant risks arising from the draft amendment.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Natural Environment & Sustainability

Strategy 3.2 - Prepare for, mitigate and adapt to the effects of climate change.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Amendment C 202 Knox - 49 Basin Olinda Road, The Basin - Knox City Council Officer Su [6.5.1 - 26 pages]

26 November 2024

[REDACTED]
 Department of Transport and Planning (DTP)
 [REDACTED]

Amendment C202knox – The Basin Solar Farm, 49 Basin-Olinda Road, The Basin - Knox City Council Officer Submission



Thank you for the opportunity to provide comment on Amendment C202knox relating to 49 Basin-Olinda Road, The Basin. Please note this is officer feedback only, as consultation has mainly occurred during the Council election and caretaker period with insufficient time available for officers to formally brief Council.

Officers offer the following feedback on the draft amendment and enclose further feedback to the exhibited draft Explanatory Report and Incorporated Document.

Planning Scheme Amendment Proposal

- The proposal includes the application of a Specific Controls Overlay (SCO) to Clause 45.12 of the Knox Planning Scheme and inclusion of an incorporated document at Clause 72.04 to permit the use and development of the land for a Solar Energy Facility.
- The subject site is identified within the 'Basin Rural Landscape Precinct' of the Green Areas and Rural Strategy (GARS) (adopted: December 2023) which is identified as *an ecologically significant area with a distinct natural and rural landscape character (where the precinct's biodiversity, waterways and landscape values will be prioritised...*
- Specifically, GARS identifies the subject land as suitable for agriculture, agri-tourism, eco-tourism and complementary food and community uses that are designed to protect the landscape, agriculture and environmental qualities. As such, GARS suggests rezoning land in Precinct 1 currently not zoned Green Wedge Zone (GWZ) to the GWZ to align those parcels of land to the broader purpose of the zone and uses within the precinct.
- Given the subject land is currently zoned Special Use Zone (SUZ), officers question the appropriateness of using the SCO, given it is intended to facilitate specific land use and development outcomes in extraordinary circumstances. A more suitable approach could be to facilitate a combined Planning Scheme Amendment/Planning Permit Application to rezone the subject site to the Green Wedge Zone (GWZ), consistent with GARS and exhibit a draft planning permit application. Public notice of the combined amendment/permit could then be provided under Section 19 of the *Planning and Environment Act 1987* to allow public submissions to be considered, noting Council as the Planning Authority.
- Dobsons Creek traverses the site and GARS recognises that the creek catchment has been identified as the highest value waterway in Knox. The strategy also includes an action ensure the Dobsons/Dandenong Creek floodplain is protected from development and level change. As such,

the proposal should be referred to Melbourne Water for comment.

- Additionally, in accordance with the State Government's *Solar Energy Facilities Design and Development Guideline*, a proponent should avoid siting a solar energy facility within an identified floodplain to a major river system and a mapped wetland area, to avoid unnecessary risk to the facility and its associated infrastructure and the consequential need for flood attenuation measures such as flood levies and barriers. Other considerations of the Guidelines such as mitigating potential loss of vegetation and habitats of environmental importance should be taken into consideration in assessing this proposal.

Please see the enclosed marked up version of the draft Explanatory Report for additional feedback.

Draft Incorporated Document

- The incorporated document refers to the Minister for Planning, Knox City Council and the Responsible Authority, which is/may be confusing for stakeholders. The term "Responsible Authority" should be reconsidered. Please see the suggested changes in the attached draft incorporated document.
- The application for the amendment is incomplete when considering the following matters:
 - Officers were advised that new fencing (security fencing) would be erected around the solar panels and inverters. The application should be amended to include details of any new fencing, and the planning report updated. Importantly, new fencing may require planning approval and should be assessed accordingly.
 - The planning report does not properly address the provisions of Clause 52.17 - Native Vegetation.
 - The draft incorporated document seeks to include clauses (conditions) relating to Aboriginal Cultural Heritage. However, Section 52 of the *Aboriginal Heritage Act 2006* states, the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity. Subsequently, the requirements of the *Aboriginal Heritage Regulations 2018* cannot be satisfied in the proposed manner.

Please see the enclosed marked up version of the draft incorporated document for additional feedback.

Car Parking

- The proposed carpark for construction workers is located at the eastern boundary of the site. From the information provided in the Traffic Impact Assessment (TIA) report, the temporary carpark will have adequate spaces for parking and for some heavy vehicle turning. As it is only temporary for construction use, it is expected that the surface material will be unsealed with minimal drainage provision. For vehicle and worker safety, the applicant should provide some basic information on the civil components of the carpark.
- The architectural plans do not provide office or storage rooms for the operation of the facility. In the planning report, section 7.1 states that the operation will not generate significant traffic movements, and ample parking will be available onsite. However, to ensure optimal operation and workers safety, information regarding staffing levels, office location, shed, informal parking area should be provided and documented.

Access

- The TIA report states heavy vehicles will exit onto Sheffield Road. The applicant will need to construct an industrial standard crossover in accordance with Council's standards, as the existing access condition is very poor (shown below).



- Heavy vehicle movement within the site will traverse several creek crossing culverts and bridges. The applicant is advised to check the structural integrity of the culverts and bridges with Melbourne Water prior to use by heavy vehicles.
- The TIA report identifies height clearance requirements for heavy vehicles within the site. The applicant should review the swept path diagrams and identify the vertical and horizontal clearance needed so that pruning works can first be conducted before construction.

Construction Management Plan

- As the TIA report suggests, traffic management will need to be put in place to manage heavy vehicle access. Please consider the below standard condition to be included in the incorporated document should the Minister approve the amendment:

An approved Construction and Traffic Management Plan (CMP) must be developed prior to the commencement of the construction to minimise adverse impacts of construction activities on Basin-Olinda Road and Sheffield Road to the satisfaction of the Responsible Authority.

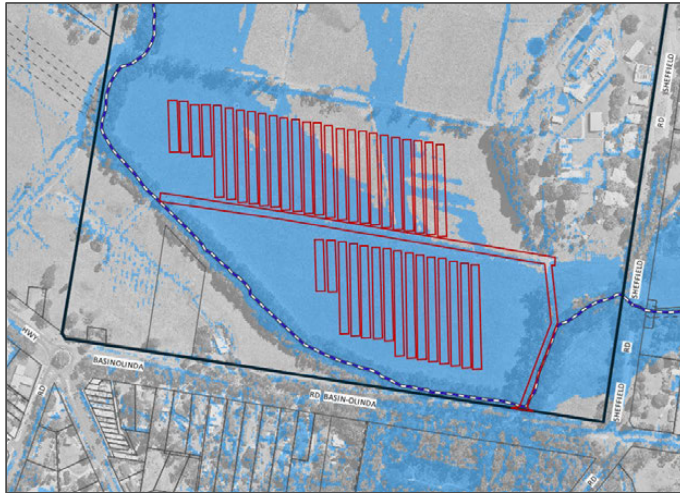
Prior to the commencement of construction or any works on the site (including demolition and material removal), the applicant must submit for approval to the responsible authority (including the Traffic and Transport team for traffic related issues) a Construction Management Plan. The plan must address, but not be limited to the following:

- *Location of all stockpiles and storage of building materials and any temporary buildings or facilities.*
- *Location of parking for workers within the site rather than on-street.*
- *Traffic management measures to minimise disruption to the operation of Basin-Olinda Road and the Sheffield Road during construction (especially for deliveries).*

Note: Elements of the above condition has been included in the draft incorporated document.

Strategic Infrastructure

- Although the property isn't covered by either the Special Building Overlay or Land Subject to Inundation Overlay, the property is impacted by flooding during the 1% AEP event (see below). As the flooding is attributed to Dobson Creek, comment should be sought from Melbourne Water.



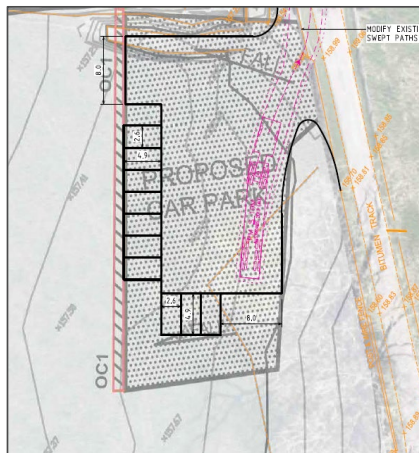
Legend

- 1% AEP (inc. Climate Change) Flood Extent in light blue
- Dobson Creek alignment in the dashed white/blue
- Proposed location of solar panel rows and maintenance track as per plans provided in red

Arboricultural

- Strategic Planning and Arboricultural officers conducted a site visit on 8 October 2024.
- The removal of tree group 1 on the northern portion of the eastern boundary is acceptable, provided the removals are limited to the *Pinus radiata* as proposed. This group of Pines although being in generally better condition than group 3 are in all probability reaching maturity and have questionable retention value in the long term and in context with the proposal. The proposal to retain the understory vegetation is supported by Council's Arboricultural officers on the proviso that all weed species are removed (there are a number of them in the mix).
- Tree group 2 appears to have little impact from the proposal; being a mix of highly valued tree vegetation all efforts should be made to ensure protection through the development process. These trees are to be retained as per the Arboricultural Report (updated 12 June 2023).
- Tree group 3 on the northern boundary is an acceptable loss in consideration to the overall poor condition of the trees and the proposed offsets in the form of replacement plantings. Although the replacement plantings are proposed in good faith, a common planning practice is a planning permit condition requiring a landscape plan detailing the type of plantings, the number and location. This would ensure compliance would be met through permit conditioning inclusive of ongoing care of the new plantings and addressing mortality rates.

- Tree group 4 (row of *Populus nigra*) on the access road verge appears to have little impact apart from some minor pruning work to maintain a 4.5m height clearance for ingress/egress over heavy vehicular traffic. The only exception to this is the proposed temporary car park, truck reversing and storage area. There will be quite a significant encroachment into the tree protection zone (TPZ) of the most northern Poplar. This will translate into a loss (even temporary) of rain shadow and also subjecting the predicted root mass to compaction in an area where it has been not subject to in the past. This has potential to impact the long-term viability of the tree (protected species) and a realignment would be desired to avoid the TPZ or at the very least minimise it to an acceptable amount (>10%).



- Tree group 5 is a singular *Acacia melanoxylon* (Blackwood) and is a Council asset and under the stewardship of Council's Green Spaces and Environment department. Any proposed works to this tree to create height clearance would need to be referred to Green Spaces and Environment for assessment and undertaking of works, although pruning of this tree is consented to.
- There would be an obligation under the *Wildlife Act 1975* to undertake an assessment of the site pre-commencement of works to identify any populated habitat and undertake rescue of any protected Fauna and relocate. An example of such conditioning is as follows:


Prior to the commencement of works, Trees identified for removal must be inspected for the presence of fauna, including those using external nests and tree hollows. The inspection must be undertaken by a qualified and experienced Zoologist or Wildlife Handler. A representative of the Responsible Authority must be present at the time of inspection, or a report on the findings and mitigation methods adopted must be submitted to the Responsible Authority. If fauna is located during the inspection, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Energy, Environment and Climate Action.

Other

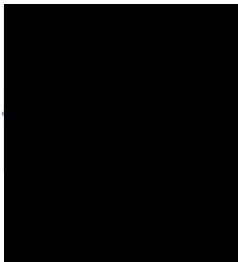
- The planning report states the intention is to install 7MW panels on 2-metre-high frames to allow use of the land underneath for sheep grazing and carbon farming. An agricultural land use (sheep grazing) is a Section 2 use – permit required pursuant to Schedule 1 to the SUZ, unless existing use rights can be confirmed through an application to Council for a Certificate

of Compliance under Section 97N of the *Planning and Environment Act 1987*. Additionally, DTP should seek further information regarding carbon farming e.g. what sort of activities are proposed to be undertaken and whether carbon farming is an ancillary land use.

- The planning report does not properly address the provisions of Clause 52.17 - Native Vegetation. DTP should request further information to confirm that the proposal does not seek to remove any native shrubs, herbs and grasses.
- Section 9 of the planning report covers cultural heritage considerations. It notes that a Cultural Heritage Management Plan is not required due to proposed construction methods. Confirmation from a suitably qualified person must be provided to ensure that the requirements of the *Aboriginal Heritage Regulations 2018* are met. Importantly, the requirements under the regulations cannot form a clause (condition) of the incorporated document when considering Section 52 of the *Aboriginal Heritage Act 2006* which states, the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity. "Activity" means the development or use of land.

Should you have any questions regarding this letter, please contact Rob Costello, Head of City Strategy 

Yours sincerely,



Enquiries: Rob Costello (Head of City Strategy)
Document ID: D24-257396

Encl.:
Draft Incorporated Document - Document ID: D24-283412
Draft Explanatory Report - Document ID: D24-283411

Planning and Environment Act 1987

Knox Planning Scheme

Amendment C202knox

Explanatory Report

Overview

The amendment applies the Specific Controls Overlay, Schedule 4 (SCO4) and introduces an Incorporated Document titled '*The Basin Solar Farm, 49 Basin-Olinda Road, The Basin Incorporated Document* (Department of Transport and Planning, October 2024)' into the Knox Planning Scheme to facilitate the use and development of the Basin Solar Farm, which comprises of a 7MW solar energy facility, associated building and works, and the removal of vegetation. The incorporated document will facilitate the use and development of the Basin Solar Farm, subject to conditions.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Department of Transport and Planning website at <http://www.planning.vic.gov.au/public-inspection> or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Details of the amendment

Who is the planning authority?

This amendment has been prepared by the Minister of Planning, who is the planning authority for this amendment.

The amendment has been made at the request of Perry Town Planning on behalf of the Salvation Army Property Trust.

Land affected by the amendment

The amendment applies to land at 49 Basin-Olinda Road, the Basin (Lot 1 PS [906482H906821H](#)). Figure 1 below shows the land affected by the amendment.

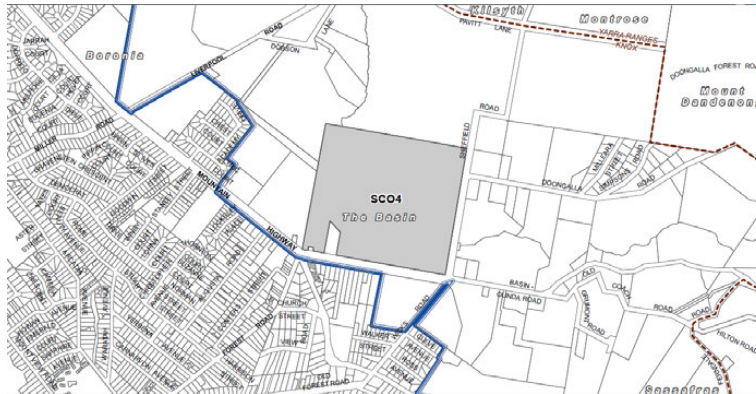


Figure 1: Map of land subject to this amendment (49 Basin-Olinda Road, The Basin).

What the amendment does

The amendment applies the Specific Control Overlay – Schedule 4 (SCO4) to the land and introduces an Incorporated Document into the Knox Planning Scheme titled 'The Basin Solar Farm, 49 Basin-Olinda Road, The Basin Incorporated Document (Department of Transport and Planning, October 2024)' to facilitate the use and development of the land for a solar energy facility, associated building and works, and the removal of vegetation.

Specifically, the amendment:

- Amends Planning Scheme Map 03SCO to apply the SCO4 to the land.
- Amends the Schedule to Clause 45.12 (Specific Controls Overlay) to include reference to the incorporated document 'The Basin Solar Farm, 49 Basin-Olinda Road, The Basin Incorporated Document (Department of Transport and Planning, October 2024)'.
- Amends the Schedule to Clause 72.04 (Incorporated Documents) to include reference to the incorporated document 'The Basin Solar Farm, 49 Basin-Olinda Road, The Basin Incorporated Document (Department of Transport and Planning, October 2024)'.

Strategic assessment of the amendment

Why is the amendment required?

The amendment is required to introduce a site-specific control to facilitate the use and development of The Basin Solar Farm, subject to conditions.

The subject site is located within the Special Use Zone, Schedule 1 (SUZ1). Schedule 1 to Clause 37.01 Special Use Zone contains an anomaly, that occurred as part of Amendment C180knox, whereby 'any other use', which includes 'Solar energy facility', is listed in the Table of uses for both Section 2 – Permit required and Section 3 – Prohibited. This means use of the land for a 'Solar energy facility' may be prohibited.

The Salvation Army has requested the Amendment to allow the use and development of a solar [energy facility farm](#) on the subject land. The Basin Solar Farm is intended to generate electricity that will directly offset the existing operations of the Salvation Army on-site as well as distributing it to the National Electricity Market (NEM).

The amendment provides a pathway for development approval in a timely manner. The introduction of the amendment will result in a good planning outcome and will contribute to the Victorian Government's renewable energy targets.

The Department of Transport [and Planning](#) acknowledges that a future amendment is required to address the identified anomaly in the SUZ1 which requires consultation with [the](#) Knox City Council.

How does the amendment implement the objectives of planning in Victoria?

The amendment implements the following objectives of planning in Victoria as set out in section 4 of the *Planning and Environment Act 1987*:

- (a) *To provide for the fair, orderly, economic and sustainable use and development of land,*
- (f) *To facilitate development in accordance with the objectives above, and*
- (g) *To balance the present and future interests of all Victorians.*

The amendment facilitates the use and development of the Basin Solar Farm which will provide for the integration of power into the grid to the benefit of the wider community. It will also contribute to the state in achieving its goal of net zero greenhouse emissions by 2045 through renewable energy infrastructure and balance the present and future needs of Victorians.

How does the amendment address any environmental, social and economic effects?

Environmental Effects

The amendment will have a positive impact overall on the environment. By aiding Victoria's transition to renewable energy, the project will ultimately reduce the environmental effects and air pollution of traditional fossil fuels. Furthermore, the facility has been sited to avoid the removal of [any native vegetation](#).

The amendment will facilitate the delivery of renewable energy infrastructure in Victoria, contributing to the state target towards net zero emissions for [2050](#).

Commented [GL1]: This needs to be confirmed. Will any native shrubs, herbs or grasses need to be removed?

Commented [GL2]: 2045 or 2050? See above paragraph...". Greenhouse emissions by 2045".

Social and Economic Effects

The project will provide local employment opportunities, during the construction, operation and maintenance of the facility.

A Noise Assessment has been carried out to ensure that any noise generated from the facility can be appropriately minimised through the implementation of the recommended measures. This will ensure residential amenity at properties nearest to the facility are not unreasonably impacted. The existing vegetation along the eastern, southern and western boundaries of the site, and new proposed landscaping, will alleviate potential visual impacts and help the facility integrate with its surrounds when viewed from nearby residential properties.

The long-term economic benefits created by the facility by-includes helping Victoria achieve its renewable energy targets and ultimately help drive down electricity prices for Victorian consumers. In addition, it will contribute to improved electricity network capacity in Victoria.

Commented [GL3]: Acoustic Assessment Report?

Commented [GL4]: There are no plans to suggest they are proposing new vegetation. Rather the Arboricultural Report merely notes replacement tree planting on page 9 as part of the discussion/impact assessment.

Does the amendment address relevant bushfire risk?

The amendment applies to a site within a Bushfire Prone Area. This site is also partially affected by the Bushfire Management Overlay.

The amendment has regard to the CFA Design Guidelines and Model Requirements for Renewable Energy Facilities. Conditions included in the incorporated document which forms part of this amendment require a Fire Risk Management Plan and Fire Management Plan and Emergency Plan to be prepared in consultation with CFA.

The amendment is therefore considered to appropriately address relevant bushfire risk, and unlikely to increase the risk to life, property, community infrastructure or the natural environment.

Does the amendment comply with the requirements of any other Minister's Direction applicable to the amendment?

The amendment has been prepared in accordance with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The amendment complies with *Ministerial Direction No. 9 - Metropolitan Strategy* as it facilitates the development of the site in accordance with the directions contained within *Plan Melbourne: 2017-2050*, in particular Outcome 6 by facilitating the development of a solar energy facility which will contribute to Victoria in achieving its target of net zero greenhouse gas emissions by 2050 (Direction 6.1).

Further, with the preparation of the explanatory report, the amendment addresses the required strategic assessment guidelines, as discussed in this report and in accordance with *Ministerial Direction No. 11 – Strategic Assessment of Amendments*.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

This amendment is consistent with and gives effect to the following provisions of the Planning Policy Framework:

Clause 11 - Settlement

- Clause 11.01-1R (Green Wedges – Metropolitan Melbourne)

The amendment will provide environmental, economic and social benefits by realising the opportunity for renewable energy generation in this location in a manner that respects the green wedge. Notably, this policy includes a strategy to 'provide opportunities for renewable energy generation'.

- Clause 11.03-5S (Distinctive areas and landscapes)

The amendment recognises and has considered the landscape values of the Basin Rural Landscape in the design and siting of the solar farm. The low-lying nature of land where the facility is to be located, existing vegetation buffer and new landscaping will not detract from the visual appeal of the rural landscape of ~~the~~ The Basin.

Clause 12 – Environmental and Landscape Values

- Clause 12.01-1S (Protection of Biodiversity)

The amendment has regard to the impacts of land use and development on Victoria's biodiversity. Notably, the facility is located in an area that has been previously cleared for pasture, avoiding important areas of biodiversity.

- Clause 12.05-1S (Environmentally sensitive areas)

~~Although the land is covered by the ESO2, which identifies sites of biological significance, it is recognised that the site is of no has State level environmental significance as noted in the Sites of Biological Significance in Knox background document. The document asserts that the area had been included due to the changed land use that could have significant consequences on the adjacent floodplain. The amendment has regard to this through the inclusion of appropriate clauses in the incorporated document, development avoids areas of environmental significance being setback from the Dobsons Creek.~~

- Clause 12.05-2S (Landscapes)

The development has been strategically sited to minimise visual impacts on the significant landscapes of the area. All existing native trees on the site are being ~~maintained~~ retained, and new ~~indigenous plants are proposed in lieu of the removal of exotic species~~ replacement planting will be required as part of the incorporated document, which will also aid with the integration of the facility into the landscape.

Clause 13 – Environmental Risk and Amenity

- Clause 13.02-1S (Bushfire planning)

The amendment has regard to the prioritisation and protection of human life. Conditions included in the incorporated document which forms part of this amendment require a Fire Risk Management Plan and Fire Management Plan and Emergency ~~P~~ Plan to be prepared consistent with this policy.

- Clause 13.05-1S (Noise management)

The amendment has regard for the management of noise effects on sensitive

land uses. The conditions of the incorporated document which forms part of this amendment will ensure the facility complies with the legislative requirements relating to noise.

- Clause 13.07-1S (Land use compatibility)

The amendment will ensure that an appropriate balance is achieved between safeguarding community amenity while facilitating appropriate development that will provide a net community benefit. The conditions of the incorporated document which forms part of this amendment will ensure any potential off-site amenity impacts can be appropriately managed.

Clause 14 – Natural Resource Management

- Clause 14.01-1S (Protection of Agricultural Land)

The amendment has regard for the agricultural value of the land. The Knox Green Areas & Rural Strategy, November 2023 (GARS) recognises that the agriculture use of the site is likely to be of a hobby farming nature used in conjunction with other uses. The solar panels have been designed (with raised levels) that will allow for the continued use of the land for light grazing associated with the operations of the Salvation Army and makes effective use of underutilised grassland.

- Clause 14.01-1R (Protection of Agricultural Land)

The policy includes a strategy to protect agricultural land in Metropolitan Melbourne’s green wedges. The site is currently used for light grazing, though of low farming productivity due to the site constraints. The raised level of the solar panels allows the continued use of the land for light grazing.

Commented [GL5]: An agricultural land use (sheep grazing) is a Section 2 use – permit required pursuant to Schedule 1 to the SCO, unless existing use rights can be established. An application would need to be considered by Council.

This section must be modified.

Commented [GL6]: See previous comment. No permits have been issued for such use.

Clause 15 – Built Environment and Heritage

- Clause 15.01-1S (Urban Design)

The proposal responds positively to the urban design strategies by maintaining the existing vegetation (landscape) buffer along Basin-Olinda Road and Sheffield Road to maintain the amenity and attractiveness of the rural public realm.

- Clause 15.01-6S (Design for rural areas)

The topography of the land has been considered in the design and siting of the facility, and its overall layout is considered to be an acceptable addition to the landscape consistent with this policy. The proposal has been sympathetically located to minimise visual impacts on the rural landscape features.

Clause 19 - Infrastructure

- Clause 19.01-1S (Energy Supply)

The amendment supports this policy by applying the SCO to the site to facilitate the use and development of a solar energy facility that can meet on-site energy needs, community demand for energy services and support Victoria’s transition to reliable, affordable clean energy.

Commented [GL7]: Does the SCO need to apply to the entire site?

- Clause 19.01-2S (Renewable Energy)

The amendment is consistent with the strategies contained in this policy. Notably,

the amendment facilitates the development of renewable energy infrastructure in an appropriate location through its siting and design, and has considered the economic, social and environmental benefits the facility can contribute to the broader community. The conditions of the incorporated document which forms part of this amendment will ensure the local community and environment are protected against any potential off-site amenity impacts.

How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

This amendment is consistent with and gives effect to the following local planning policies:

- Clause 21.02-1 (Strategic Framework Plan)

The Strategic Framework Plan at Clause 21.02 identifies the site as being within the Dandenong Foothills where one of the key strategic directions is for the protection of its major environmental and landscape features.

The amendment supports this clause by facilitating infrastructure in an appropriate location ~~that protects the natural environment and provides for new indigenous planting.~~

- Clause 21.03 (Environmental and Landscape Values)

This clause ~~has to contain~~ objectives around retaining and enhancing native vegetation, and protecting existing and potential aesthetic, biodiversity, landscape, amenity, cultural and agricultural values of rural and green wedge land.

The amendment responds to this clause by providing for the planting of ~~new indigenous species~~ and removal of exotic vegetation. It also avoids areas of environmental significance by being setback from the Dobsons Creek. By siting the development under the canopy line, the facility will not adversely impact the landscape character and scenic qualities of rural and green wedge land.

- Clause 21.04 (Environmental Risks)

This clause contains strategies to ensure that new development responds to bushfire risk to life and property, and to create an urban environment that is resilient to the impacts of climate change.

The amendment supports this clause by facilitating the development of a renewable energy facility that will contribute to reducing greenhouse gas emissions. The conditions included in the incorporated document which forms part of this amendment requires a Fire Risk Management Plan and Emergency ~~Plan Plan~~ and Fire Management Plan to be prepared in consultation with the CFA and CFA guidelines.

- Clause 21.05 (Built Environment and Heritage)

This clause contains strategies that seek to require all new development to make a positive contribution to fire safety in Knox, and create high quality, well-designed places that respect the local context and landscape qualities of Knox.

Commented [GL8]: There are no plans to suggest they are proposing new vegetation. Rather the Arboricultural Report merely notes replacement tree planting on page 9 as part of the discussion/impact assessment.

The amendment responds to this clause through the strategic siting of the facility to protect the vistas to the Dandenong Foothills, and has considered the views of CFA [with respect to bushfire risks](#).

- Clause 21.10-1 (Dandenong Foothills)

This clause has the objectives of protecting and enhancing the aesthetic, environmental and metropolitan landscape significance of the Dandenong Foothills.

The amendment responds to this clause by siting the facility below the dominant tree canopy height to maintain uninterrupted view lines of the Dandenong Foothills. The amendment has regard to the directions of Precinct 4 – The Basin Rural Landscape.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victoria Planning Provisions by applying the Specific Controls Overlay which is the appropriate tool for the identification of land that is appropriate for specific controls designed to facilitate a particular land use and development outcome.

How does the amendment address the views of any relevant agency?

The views of relevant agencies, such as the Department of Transport and Planning and Country Fire Authority, have been considered in the preparation of the incorporated document.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

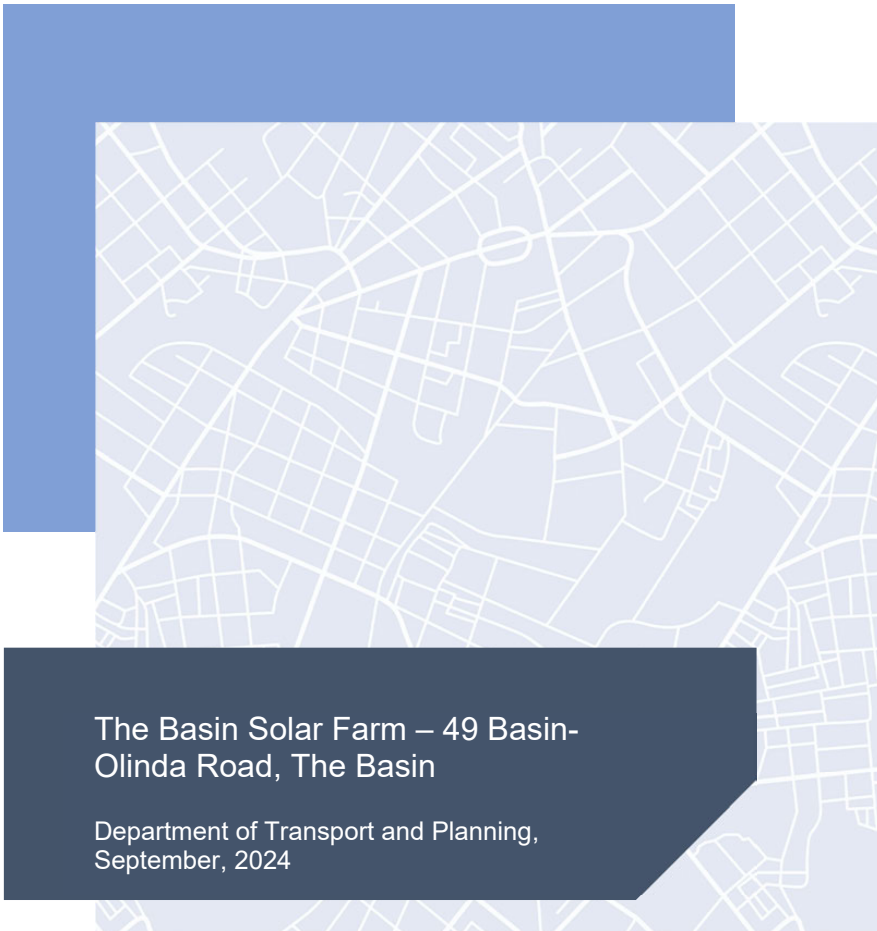
The Department of [Transport](#) is supportive of the proposed use and development of the site and is satisfied that the proposal will not impact on the current or future transport system. The amendment is not expected projected to have a significant impact on the transport system, as defined by section 3 of the Transport Integration Act 2010.

Commented [GL9]: And Planning?

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

It is not anticipated that the amendment will have a significant impact on the resource or administration costs of the responsible authority beyond those that would otherwise be expected through the usual planning permit process.



KNOX PLANNING SCHEME

Incorporated Document

This document is an incorporated document in the Knox Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act 1987

OFFICIAL

Incorporated Document The Basin Solar Farm – 49 Basin-Olinda Road, The Basin October, 2024

1.0 INTRODUCTION

This document is an Incorporated Document in the schedules to **Clause 45.12 - Specific Controls Overlay – Schedule 4 (SCO4)** and **Clause 72.04 - Incorporated Documents of the Knox Planning Scheme (scheme)**.

The land identified in Clause 3.0 of this document may be used and developed in accordance with the specific controls contained in Clauses 6.0 and 7.0 of this document.

The Minister for Planning is the Responsible Authority for administering Clause 45.12 of the Planning Scheme with respect to this Incorporated Document except that:

- a) Knox City Council (the Council) is the Responsible Authority for matters expressly required by the Incorporated Document to be **endorsed, approved or done to the satisfaction of the Knox City Council**; and
- b) Knox City Council is the Responsible Authority for the enforcement of the Incorporated Document.

Commented [GL1]: If the amendment is approved, Amanda/Michael must inform Donnie Lussier (donnie.lussier@transport.vic.gov.au) as it will impact Amendment C201knox which has been approved but not gazetted.

Commented [GL2]: Clause 5.0 states, "... plans and reports as endorsed by the Minister for Planning".

2.0 PURPOSE

The purpose of this document is to allow the use and development of the land identified in Clause 3.0 of this document for a solar energy facility, including the removal of vegetation, generally in accordance with the plans approved under Clause 5.0 of this document and subject to the **conditions/clauses** at Clause 6.0 of this document.

Commented [GL3]: Conditions or clauses?

3.0 LAND DESCRIPTION

This document applies to 49 Basin-Olinda Road, The Basin which is affected by Specific Controls Overlay Schedule 4 (SCO4) as shown on Planning Scheme Map No. 3SCO in the Scheme and identified in Figure 1 below.

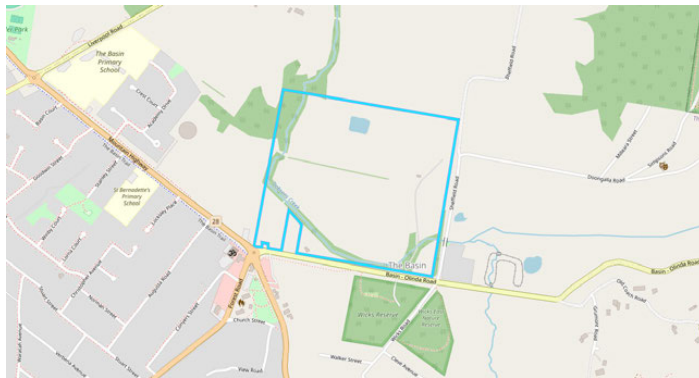


Figure 1 – Map of land subject to this Incorporated Document, outlined in Blue

4.0 EXEMPTION FROM PLANNING SCHEME REQUIREMENTS

Despite any provision to the contrary or any inconsistent provision in the scheme, pursuant to Clause 45.12 of the scheme the land identified in the incorporated document may be used and developed in accordance with the specific controls

Incorporated Document The Basin Solar Farm – 49 Basin-Olinda Road, The Basin October, 2024

contained in this document.

In the event of any inconsistency between the specific controls contained in this document and general provisions of the scheme, the specific controls contained in this document will prevail.

5.0 DETAILED DEVELOPMENT PLANS:

This document allows the use and development of the land for the purposes of the project set out in the detailed development plans endorsed under the conditions of this incorporated document.

The use and development must be generally in accordance with the following plans and reports as endorsed by the Minister for Planning, and modified to include any changes required by Clause 6.0 of this incorporated document:

- Plans by Chadwick Architects, titled **Carbon offset sustainability project 49 Basin-Olinda Road, The Basin**, dated May 2024.

including any amendment of the plans that may be approved from time to time under the clauses of this document.

Commented [GL4]: Page 8 is dated July 2024. Amended plans should be provided or this section modified.

6.0 CLAUSES

The following clauses apply to the use and development allowed by this incorporated document:

Amended plans required

6.1 Before the use and development commences, amended plans drawn to scale with dimensions must be submitted to and approved-endorsed by the Minister for Planning in consultation with the Knox City Council. The plans must be generally in accordance with the plans prepared by Chadwick Architects, dated May 2024, but modified to show:

Commented [GL5]: See previous comment.

- Specific details of the chosen infrastructure, including dimensions, heights and boundary setbacks, including but not limited to:
 - Solar panels and arrays.
 - Connection infrastructure.
 - Any newsecurity fencing.
 - Operations and maintenance facility, including car parking.
 - Car parking.
 - Internal access tracks, including indicative sections and information regarding material.
- The colour and finishes of all building and works, which must be non-reflective, and matched where possible to colours presents within the surrounding landscape to minimize-minimise visual impact.
- Detailed plans and elevations of any overhead power lines and other grid connection works.
- Tree removal and proposed site layout shown on separate plans.
- Any landscaping, in accordance with the Landscape Plan required by Clause 6.3.
- Any changes required by the Glint and Glare Assessment required by Clause 6.16.

Commented [GL6]: Double up?

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- g) Any noise attenuation measures required for the facility to comply with Clause 6.21, fully dimensioned.
- h) Any changes required by the risk and emergency management design features and facilities specified at Clause 6.26 and Clause 6.27.
- i) Any tree protection measures specified in the Tree Protection Management Plan required by Clause 6.5.
- j) Any development or design feature required to comply with any condition of this Incorporated Document.

Compliance with endorsed plans

- 6.2 The use and development must at all times be carried out in accordance with the requirements of any plan or document approved under this incorporated document.

This does not apply to any exemption specified in Clause 62 of the Knox Planning Scheme.

Landscape Plan

- 6.3 Concurrent with the submission of plans pursuant to Clause 6.1 and before ~~the commencement of works~~the development commences, a detailed landscape plan prepared by a suitably qualified landscape architect must be submitted to and approved/endorsed by the Responsible Authority/Minister for Planning in consultation with the Knox City Council. ~~The landscape plan must incorporate~~include:

- a) A planting schedule of all proposed trees including replacement planting, shrubs, and ground covers, including botanical names, common names, pot sizes, sizes at maturity and qualities of each plant.

- ~~b) The trees must not be removed until replacement planting is shown on the landscape plans.~~

- b) Location, species, and tree number (as identified in the Arborist Report prepared by Rigoni Tree Solutions, dated 12 June 2023) to be removed.

- c) Trees to be retained and their respective tree protection zones.

- d) Identify any temporary car park including surface finishes.

- ~~e) The temporary car park must not encroach more than 10% into Tree group 4.~~

Commented [GL7]: This has been amended to ensure consistency with clause 6.1.

- 6.4 At all times the landscaping shown on the approved landscape plan must be maintained (including the replacement of any dead, diseased or damaged plants) to the satisfaction of the Knox City Council/responsible authority.

Protection of Vegetation

- 6.5 Before the ~~use and~~ development commences, a Tree Protection Management Plan (TMP) prepared by a suitably qualified arborist, must be submitted to and endorsed by the Minister for Planning in consultation with the Knox City Council/the satisfaction of the responsible authority. The TMP must include:

- a) Tree protection zones and tree protection fencing and/or ground protection of trees shown to be retained to avoid impacts to those trees.

- b) Details of the proposed tree protection fencing.

- c) The method of installation of any services and temporary parking areas

Commented [GL8]: Identified in TIA.

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which cannot be located outside the TPZ of retained trees.

d) Requirements for notice to be given to trades people and service authorities prior to entry onto the site concerning method of works including installation of underground services as necessary to avoid impacts to existing trees.

e) Any other requirements to ensure the long-term health of all trees to be retained.

- 6.6 All tree protection specifications for the site must be in accordance with the ~~revised~~ Tree Protection Management Plan outlined in the above clause.
- 6.7 No other trees on site that are protected by the Scheme or Local Law may be destroyed, felled, lopped, or uprooted without the written consent of the Knox City Council (other than in accordance with a Notice given pursuant to the Local Government Act 2020).

Aboriginal Cultural Heritage

- 6.8 Prior to the commencement of the development, including early site preparation works, one of the following must be provided to the Responsible Authority:
 - a) A report prepared by a suitably qualified professional confirming to the satisfaction of the Responsible Authority that a Cultural Heritage Management Plan (CHMP) pursuant to the *Aboriginal Heritage Act 2006* is not required for the works; or
 - b) A certified Preliminary Aboriginal Heritage Test (PAHT) under sections 49B and 49C of the *Aboriginal Heritage Act 2006* in respect of the development of the land; or
 - c) A copy of the approved CHMP approved for the land.
- 6.9 All development on the land must be carried out or constructed in accordance with the requirements of any approved CHMP or otherwise in accordance with the requirements of the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*.

Environmental Management Plan

- 6.10 Before the development ~~starts commences~~, an Environmental Management Plan (EMP) prepared by an appropriately qualified environmental consultant, must be submitted to and approved and endorsed by the responsible authority - Minister for Planning in consultation with the Knox City Council. The EMP must include:
The EMP must be prepared by an appropriately qualified environmental consultant and:
 - a) ~~include measures~~ Measures to avoid and minimise amenity ~~and~~ environmental and habitat impacts during the operation of the solar energy facility.
 - b) ~~include design~~ Design measures and / or procedures to manage dust, glint and glare, light spill, mud, flood, surface water quality and stormwater run-off.
 - c) ~~include response~~ Response measures to environmental incidents, including a program for recording and reporting environmental incidents.
 - d) ~~include organisational~~ Organisational responsibilities, and procedures for

Commented [GL9]: These requirements cannot form a condition/clause. Section 52 of the AH Act states, 'the decision maker must not grant a statutory authorisation for the activity unless a cultural heritage management plan is approved under this Part in respect of the activity'. "Activity" means the development or use of land.

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staff training and communication.

6.11 The EMP must not be altered or modified without the written consent of the Minister for Planning.

6.12 The recommendations of the endorsed EMP must be implemented to the satisfaction of the ~~responsible authority~~ Knox City Council.

Construction Environment Management Plan

6.13 Before the development ~~commences~~ starts, including demolition, bulk excavation, site preparation works and native vegetation removal, a Construction Environmental Management Plan (CEMP) ~~prepared by an appropriately qualified environmental consultant~~, must be ~~submitted to and approved and endorsed by the responsible authority - Minister for Planning in consultation with the Knox City Council~~.

The CEMP must ~~be prepared by an appropriately qualified environmental consultant and~~ include:

- a) The environmental risk assessment prepared for the construction of the facility;
- b) ~~Measures to avoid and minimise amenity, and environmental and habitat impacts (including the inspection of trees to be removed for the presence of fauna, including those using external nests and tree hollows), during construction of the solar energy facility.~~
- c) Procedures to manage construction noise and vibration in accordance with the requirements of the Civil construction, building and demolition guide (EPA Publication 1834).
- d) Procedures to manage mud and debris on the surrounding road network which may occur during construction.
- e) Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, when construction is complete.
- f) A construction timetable, including typical daily start and end times.
- g) The person(s) responsible for implementation and compliance of each of the CEMP requirements, including details of a site contact / site manager.
- h) A detailed description of measures to be implemented to protect the ~~native vegetation trees proposed~~ to be retained during construction works. These measures must:
 - i. ~~include the erection of native vegetation tree protection fencing around all native vegetation trees to be retained (including tree protection zones), to the satisfaction of the responsible~~ Responsible Authority.
 - ii. Comply with Australian Standard 4970 - 2009 Protection of Trees on Development Sites.

6.14 All persons undertaking works on-site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the ~~responsible authority~~ Knox City Council.

Tree Protection

6.15 All works, including excavation, within the structural root zone areas of the

Commented [GL10]: Stat Planning to confirm. Would this address the following comment:
Prior to the commencement of works, Trees identified for removal must be inspected for the presence of fauna, including those using external nests and tree hollows. The inspection must be undertaken by a qualified and experienced Zoologist or Wildlife Handler. A representative of the Responsible Authority must be present at the time of inspection, or a report on the findings and mitigation methods adopted must be submitted to the Responsible Authority. If fauna is located during the inspection, they must be salvaged and relocated by a suitably qualified and experienced Zoologist or Wildlife Handler in accordance with all relevant legislation and approvals, and if appropriate, in consultation with the Department of Energy, Environment and Climate Action.

Otherwise, please modify/insert a condition.

Commented [GK11R10]: See below

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tree/s to be retained and other structural root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of Knox City Council. Before the development starts, the owner must submit to Knox City Council details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Knox City Council.

- 6.16 Prior to any works commencing on the site (including demolition and tree removal), all trees and vegetation to be retained including other structural root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by Knox City Council.
- 6.17 The tree protection fence and signage must be maintained throughout the construction period and only removed at the completion of all works.
- 6.18 No temporary removal of the tree protection fence, or encroachment into the protection zone is permitted without the written consent of Knox City Council.
- 6.19 Prior to any works commencing on site, the Tree Protection fencing must be inspected and approved by Knox City Council.

Glint and glare

~~6.456.20~~ Before the endorsement of development plans in accordance with pursuant to condition 4 Clause 6.1 of this permit, a Glint and Glare assessment (GGA), must be submitted to the satisfaction of the responsible authority and endorsed by the Minister for Planning in consultation with the Knox City Council.

The ~~Glint and Glare assessment~~ GGA must include:

- a) Must be modelled based on the final layout of the facility.
- b) Detail the potential glint and glare impacts on ~~nearby~~ nearby dwellings and road users, aviation infrastructure including flight paths, and any other receptor.
- c) Include an explanation of any 'assumptions' which have resulted in predicted glint and glare impacts.
- d) ~~Include recommendations~~ Recommendations of how glint and glare spill from the facility will be managed to minimise impacts on the surrounding area.
- e) Specify measures to be taken to appropriately minimise impacts on the surrounding area from glint and glare.

~~6.466.21~~ All the recommendations of the Glint and Glare Assessment (GGA) must be shown on the development plans under condition Clause 6.1, and implemented to the satisfaction, and at no cost to, the responsible Knox City Council authority.

Light spill management

~~6.476.22~~ All lighting installed and operated at the site must comply with Australian Standard 4282 – 1997 Control of the obtrusive effects of outdoor lighting.

Drainage and Stormwater Management Plan

~~6.486.23~~ Before the development commences starts, a Drainage and Stormwater

Commented [GL12]: The Solar Energy Facilities Design and Development Guideline states: Any assessment of glint and glare should use an accepted methodology based on best practice and consider impacts on: • dwellings and roads within 1 km of the proposed facility, taking into consideration their height within the landscape.

The use of "nearby" is interpretative, and DTP to determine whether a distance of 1km or greater needs to be specified in the condition.

Commented [GL13]: Should this be, before the endorsement of plans under Clause 6.1?

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Management Plan (DSWMP) must be ~~approved and endorsed by the responsible authority submitted to and endorsed by the Minister for Planning in consultation with the Knox City Council.~~

The DSWMP must include:

- a) ~~include details~~ Details (and computations) of how the works on the land are to be drained, including drains conveying stormwater to the legal point of discharge.
- b) ~~include details~~ Details of how the drainage design affects the continuation of existing overland flow paths and flood patterns across the land.
- c) ~~Assess~~ An assessment of impacts on on-site infiltration and surface water quality, including adjacent land and waterways, specifically the site's south-eastern designated waterway.
- d) ~~include details~~ Details about how polluted or contaminated runoff is to be managed.
- e) ~~Be approved by Knox City Council prior to submission to the responsible authority. Demonstrate no net increase in flood levels and extent within surrounding properties as a result of the proposed development.~~

Noise

~~6.196.24~~ The use of the land must at all times comply with EPA Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues (EPA Publication 1826.4).

~~6.206.25~~ Before the endorsement of development plans in accordance with condition pursuant to Clause 6.1.1 of this permit, a Predictive Noise Assessment (PNA) must be submitted to and endorsed by Minister for Planning in consultation with the Environment Protection Authority. ~~The PNA must: the responsible authority and must:~~

- a) Model the final design layout and all electrical components of the facility and assess this against EPA Publication 1826.4.
- b) Demonstrate how the development complies ~~compliance of the proposal~~ with EPA Publication 1826.4.
- c) Include details of any mitigation measures that will be implemented to achieve compliance with EPA Publication 1826.4, to the satisfaction of the ~~responsible~~ Responsible authority ~~Authority.~~

~~6.246.26~~ All measures relied on to achieve compliance with EPA Publication 1826.4 must be shown on the development plans under ~~condition 4~~ Clause 6.1, and implemented to the satisfaction of the ~~responsible Knox City Council and the Environment Protection Authority Victoria~~ authority.

Traffic Management

~~6.226.27~~ Before the development starts, a Traffic Management Plan (TMP) must be ~~prepared submitted to and endorsed by the Minister for Planning in consultation with the relevant road authority (or authorities), and submitted to, approved and endorsed by the responsible authority. The TMP must be generally in accordance with the Traffic Impact Assessment dated 29 February 2024 and modified to include the following:~~

The TMP must:

- a) Be prepared by a suitably qualified and experienced independent civil or

Commented [GL14]: Recommended by Council's Stormwater team.

Condition position can be changed. I merely put it at the end so that the document looks cleaner.

Commented [GL15]: The EPA Victoria? DTP to confirm.

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traffic engineer.;

- b) Specify measures to be taken to appropriately manage traffic impacts associated with the construction and operation of the facility, including staffing levels.;
- c) Identify the scheduling of all construction works.;
- d) Designate appropriate construction and transport vehicle routes to the site.;
- e) Designate vehicle access points to the site from surrounding roads.;
- f) Include a program to inspect, maintain and (where required) repair public roads used by construction traffic.;
- g) Address coordination between construction traffic and school bus travel, if relevant; and
- h) Be approved by the relevant road management authority (or authorities) prior to submission to the Minister for Planning.
- i) Identify the location of all stockpiles and storage of building materials and any temporary buildings and facilities.
- j) Identify the location of parking for workers with the site.
- h)k) Identify the vertical and horizontal clearance needed for heavy vehicles within the site so that pruning works can be carried out before construction commences.

Commented [GL16]: This addresses the following comment from Traffic: *Traffic management measures to minimise disruption to the operation of Basin-Olinda Road and the Sheffield Road during construction (especially for deliveries).*

Commented [GL17]: To address traffic comments.

Commented [GL18]: To address traffic comments.

Commented [GL19]: Clause/condition order can be rearranged by DTP.

~~6.236.28~~ The endorsed TMP must be implemented to the satisfaction of the Knox City Council and Minister for Planning and relevant road management authority (or authorities).

Commented [GL20]: "Minister for Planning" should be deleted as it is otherwise contrary to clause 1 which states: Knox City Council is the Responsible Authority for the enforcement of the Incorporated Document.

~~6.246.29~~ Any proposed alteration or modification to the endorsed TMP must be approved by the relevant road management authority (or authorities) prior to submission to the Minister for Planning for endorsement.

New vehicular crossing

6.2.5 Before the use commences, any new vehicular crossing(s) must be constructed to the satisfaction of the relevant road management authority (or authorities).

Commented [GL21]: To address traffic comments.

Risk and Emergency Management

~~6.256.30~~ In Clause 6.27 and 6.28:

'The CFA Guidelines' means the CFA 's Design Guidelines and Model Requirements for Renewable Energy Facilities (newest version at the time of submitting plan for endorsement).

~~6.266.31~~ Before ~~plans are endorsed~~ the endorsement of plans pursuant to under Clause 6.1, ~~in consultation with the CFA,~~ a Risk Management Plan must be submitted to ~~approved~~ and endorsed by the Minister for Planning in consultation with the Country Fire Authority responsible authority. The Risk Management Plan must be prepared in accordance with the CFA Guidelines, and:

- a) Describe the risks and hazards at the facility to and from the battery energy storage system and related infrastructure.

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- b) Include dedicated fire water supplies for the solar panel infrastructure:
- i. Additional fire water tanks of a quantity of no less than 45,000L effective capacity each, one located at the primary vehicle entrance to each part of the facility, and at least one for every 100ha within the solar facility, to the satisfaction of CFA.
 - ii. Provided otherwise in accordance with the CFA Guidelines and AS 2419.1-2021: Fire hydrant installations.

~~6.276.32~~ Before ~~plans are endorsed~~the endorsement of plans pursuant to under Clause 6.1, an Emergency Plan (EP) and Fire Management Plan (FMP) must be submitted to, ~~approved~~ and endorsed by ~~the responsible authority~~Minister for Planning in consultation with the Country Fire Authority. The EP and FMP must be prepared ~~in consultation with the CFA and be~~ in accordance with the CFA Guidelines.

~~6.286.33~~ Before the use commences, all fire protection measures shown on the endorsed plans (including separation distances, emergency vehicle access, firefighting water supply and equipment, and fire breaks) must be implemented. The fire protection measures must be maintained on a continuing basis for the life of the permit, to the satisfaction of the Knox City Council and the Country Fire Authority. ~~responsible authority~~

Commented [GL22]: DTP to confirm.

Complaint Investigation and Response Plan

~~6.296.34~~ Before the development starts, a Complaint Investigation and Response Plan (CIRP) must be submitted to, ~~approved~~ and endorsed by the Minister for Planning~~responsible authority~~.

The CIRP must:

- a) Respond to all aspects of the construction and operation of the facility.
- b) Be prepared in accordance with Australian Standard 10002 Guidelines for complaint management in organisations.
- c) Include a process to investigate and resolve complaints (different processes may be required for different types of complaints)

~~6.306.35~~ The endorsed CIRP must:

- a) Be implemented to the satisfaction of the ~~responsible authority~~Knox City Council.
- b) Not be altered or modified without the written consent of the ~~responsible authority~~Minister for Planning.

Complaints Register

~~6.346.36~~ Before the development starts, a Complaints Register must be established, which records:

- a) The complainant's name and address (if provided).
- b) A receipt number for each complaint, which must be communicated to the complainant.
- c) The time and date of the incident, and operational conditions at the time of the incident.
- d) A description of the complainant's concerns.
- e) The process for investigating the complaint, and the outcome of the investigation, including the actions taken to resolve the complaint.

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~~6-326.37~~ All complaints received must be recorded in the Complaints Register.

~~6-336.38~~ A complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the [Minister for Planning and the Knox City Council](#) ~~responsible authority~~ upon request.

Decommissioning

~~6-346.39~~ Once the facility permanently ceases operation, the ~~responsible authority~~ [Minister for Planning](#) and [the Knox City Council](#) must be notified within three months.

~~6-356.40~~ Once the facility permanently ceases operation, all buildings and works must be removed from the site, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development, unless otherwise agreed with the landowner, subject to the written consent of the ~~responsible authority~~.

~~6-366.41~~ Within three months of the facility permanently ceasing operation, a Decommissioning Management Plan (DMP) prepared by a suitably qualified and experienced person must be submitted to ~~approved~~ and endorsed by the ~~responsible authority~~ [Minister for Planning](#).

The DMP must include, as a minimum:

- a) Identification of infrastructure, equipment, buildings, and structures to be removed, and details of how these will be removed.
- b) Details of how the site will be rehabilitated to meet the requirements of ~~condition Clause 49~~.
- c) A requirement that a Decommissioning Traffic Management Plan (DTMP) be submitted to ~~approved~~ and endorsed by the ~~responsible authority~~ [Minister for Planning](#) prior to decommissioning works starting. The DTMP must be approved by the relevant road management authority (or authorities) prior to submission to the ~~responsible authority~~ [Minister for Planning](#) for endorsement. The DTMP must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site ~~to the satisfaction of the responsible authority~~.
- d) A requirement that all decommissioning works identified in the DMP be completed to the satisfaction of the ~~responsible authority~~ as soon as practicable, but no later than 12 months after the DMP is endorsed, or such other period approved by the responsible authority.

~~6-376.42~~ The endorsed DMP must be implemented to the satisfaction of the ~~responsible authority~~ [Knox City Council](#).

Notification of works commencing

~~6-386.43~~ The Department of Transport and Planning (DTP) must be notified when works commence on site, via email development.approvals@transport.vic.gov.au

7.0 EXPIRY OF THIS SPECIFIC CONTROL

The development of the land permitted under this Incorporated Document must:

- Commence within four (4) years of the gazettal date of Amendment C202knox to this scheme.
- Be completed within six (6) years of the gazettal date of Amendment C202knox to

Commented [GL23]: Knox City Council or the Minister for Planning? DTP to clarify.

Commented [GL24]: Which clause?

Commented [GL25]: Knox City Council?

Commented [GL26]: Approved or endorsed? And who is the RA?

Incorporated Document The Basin Solar Farm – 49 Basin-Olinda Road, The Basin October, 2024

this scheme.

The use permitted under this Incorporated Document must commence within six (6) years of the gazettal date of Amendment C202knox to this scheme.

The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.

The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.

Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

END OF DOCUMENT

OFFICIAL

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7 Public Question Time

8 Officer Reports

8.1 Minor Grants Program Monthly Report

| | |
|----------------------------------|---|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author | Community Partnerships Officer, Jade Mainwaring |
| Manager: | Manager Community Wellbeing. Kerry Jansons |
| Executive: | Director Connected Communities, Judy Chalkley |

SUMMARY

This report summarises the grant applications recommended for approval in December 2024 for the 2024-2025 Minor Grants Program. All applications have been assessed against the criteria set out in the Minor Grants Program Procedure.

Applications under the Minor Grants Procedure are limited to a maximum of \$3,000.00 within the current financial year.

RECOMMENDATION

That Council resolve to:

- Approve six applications for a total of \$12,704.58 (excluding GST) as detailed below:

| Applicant Name | Project Title | Amount Requested (inc. GST) | Amount Recommended (excl. GST) |
|--|---|-----------------------------|--------------------------------|
| Society of St Vincent De Paul, Scoresby | Food vouchers to be purchased for Christmas hampers | \$1,910.00 | \$1,736.36 |
| Friends of Blind Creek Llewellyn | Tools for Friends of Blind Creek Llewellyn | \$993.68 | \$993.68 |
| The Basin Community House | Creating New Opportunities | \$2,922.00 | \$2,656.36 |
| He'art - Its an Art Thing (underneath my Umbrella) | 2025 Black & White Gala Dinner | \$2,500.00 | \$2,500.00 |
| Ferntree Gully Falcons Basketball Club | Ferntree Gully Falcons Basketball Club 60 th Anniversary | \$3,000.00 | \$3,000.00 |
| Orana Neighbourhood House | Orana Open Day 2025 | \$3,000.00 | \$1,818.18 |
| Total | | \$14,325.68 | \$12,704.58 |

- Refuse one application requesting a total of \$2,880.00 as detailed below:

| Applicant Name | Project Title | Amount Requested | Reason for ineligibility |
|---|---|-------------------|---|
| Australia Multicultural Arts Association Inc. | 2025 Dragon Boat Festival Celebration in Knox | \$2,880.00 | The Group is unable to provide evidence of Public Liability Insurance. Under the Minor Grant Program Procedure item 6.6 the applicant must hold adequate public liability insurance appropriate to the activity outlined in the application to be eligible for a Minor Grant. |
| Total | | \$2,880.00 | |

3. Note that should the recommended grants be approved by Council, the remaining Minor Grants Program budget for 2024-2025 will be \$36,738.62 after GST adjustments.

1. DISCUSSION

1.1 Background

The Minor Grants Program provides a pool of grant funding that can respond monthly to requests for small amounts of funding to assist with short term, one-off projects or initiatives that are relatively minor in nature.

The objective of the Minor Grants Program is to be an accessible and responsive funding source to assist a wide range of community led activities across the municipality and support volunteer effort and civic participation.

It operates under the principles of other Knox Council grants programs to ensure:

- Funded projects will provide benefit to the Knox community and help meet Council objectives;
- Co-operation and collaboration between groups will be encouraged;
- The grant process will be consistent, equitable and transparent; and
- The grant process will support and strengthen community groups in developing local solutions to local needs.

Applications are assessed against criteria specified in the Minor Grants Program Procedure (approved in April 2024), to determine the eligibility of the applicant organisation and the eligibility of the grant application.

The Procedure and Council's Grant Framework Policy set out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the Local Government Act 2020.

In accordance with the Procedure, applications for funding have been assessed by the Chief Executive Officer, or delegate, for Council's approval.

This report presents to Council the recommendations for recent Minor Grant applications in accordance with the Procedure.

1.2 Applications Recommended for Approval

Seven applications have been assessed this month, requesting grants totaling \$17,205.68. Of the seven applications, six are recommended for approval. A summary of the projects recommended is as follows:

- **Society of St Vincent De Paul** will use grant funds to purchase items to fill Christmas Hampers to be provided to Knox residents in need. The amount recommended has removed the GST component.
- **Friends of Blind Creek Llewellyn** have been working to improve the environmental condition around Blind Creek and will use grant funds to purchase small tools to assist with weed removal and installation of new plantings.
- **The Basin Community House** is seeking grant funding to assist with the "Creating New Opportunities" project, which aims to encourage physical activity, enhance equipment availability, and create happiness and calm with Pet Therapy sessions. This grant will fund

the Pet Therapy program four times a year, purchase two table tennis tables, and upgrade the crockery and cutlery at the Basin Progress Hall. The amount recommended has removed the GST component.

- **He'art - It's an Art Thing** (underneath my Umbrella) will use grant funds to contribute to their Gala Opening night of the Black and White exhibition series which showcases ten stories of family violence recovery. Grant funds will be used to purchase items to display the art at the gala and contribute towards the venue hire.
- **Ferntree Gully Falcons Basketball Club** are celebrating their 65th birthday by holding a community event held at Carrington Park Reserve and have requested a Minor Grant to assist with hiring Marquees, children's entertainment such as face painting, balloon artist and airbrush tattooist.
- **Orana Neighbourhood House** have been involved in a pilot project with the Knox School Year 9 students throughout 2024, where the students were asked to develop an idea of how they could add or improve something at Orana. From this, an intergenerational project was identified and Orana will hold an "Open Day" to implement this project. Grant funds will be used to purchase a coffee cart and coffee machine, engage the students in barista training and some catering for the day. Partial funding of \$2,000 is recommended as Orana have reached their funding limit under the Minor Grants Program procedures. Item 6.17 states that organisations are not eligible for an amount that exceeds \$3,000 in the current financial year or a total of \$5,000 across the current and previous two financial years.

Application details are provided in Attachment 1.

1.4 Applications Recommended for Refusal

One application that was deferred at the November 2024 Council meeting relating to Australia Multicultural Association Inc. is recommended for refusal as they are unable to provide evidence of Public Liability Insurance. Under the Minor Grant Program Procedure Item 6.6, the applicant must hold adequate public liability insurance appropriate to the activity outlined in the application to be eligible for a Minor Grant.

1. ENGAGEMENT

Engagement is undertaken with organisations in relation to their grant applications whenever possible and if necessary, to clarify details regarding their applications prior to Council's consideration.

Advice or information may be sought from Officers across Council in relation to either the applying organisation or the proposed project, or both, if considered necessary.

The Minor Grants Program Procedure specifies assessment can occur by the Chief Executive Officer, or delegate, and make recommendation for Council's determination.

2. SOCIAL IMPLICATIONS

The Minor Grants Program allows Council to respond promptly to requests from Knox- based community groups for small amounts of funding to assist a variety of community-based programs, projects or activities. Council's Minor Grants are a simple and streamlined source of funding that can make a significant difference for local community organisations in need of short-term, specific purpose assistance.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with this report.

6. FINANCIAL & RESOURCE IMPLICATIONS

The approval of Minor Grants is managed within Council's adopted budget. The 2024-2025 budget provides \$155,145.00 for the Minor Grants Program.

Funding commitments to date are summarised below:

| Yearly Summary 2024-25 | Amount Recommended at Council Meeting (Excluding GST) | Total Amount Approved (Excluding GST) |
|------------------------------|---|--|
| July | \$14,554.41 | \$14,554.41 |
| August | \$27,099.61 | \$27,099.61 |
| September | \$22,656.60 | \$22,656.60 |
| October | \$- | - |
| November | \$41,391.16 | \$41,391.16 |
| December | \$12,704.58 | \$ |
| January | \$ | \$ |
| February | \$ | \$ |
| March | \$ | \$ |
| April | \$ | \$ |
| May | \$ | \$ |
| Totals (Year to Date) | \$118,406.36 | \$105,701.78 |

Recommended applications for the December period total \$12,704.58 (excluding GST).

If approved as recommended, the remaining Minor Grants budget for 2024-2025 will total \$36,738.62, after GST adjustments.

Note, including the December recommendations, 76% of the Minor Grants Budget allocation has been exhausted. With six months remaining in the financial year, as per the Minor Grant Program Procedure item 6.36, if the Minor Grant Program budget allocation is exhausted before May, the Program will be suspended immediately. New applications will not be accepted until the beginning of the new financial year. Applicants will be advised if their applications cannot be processed until the new financial year commences.

7. RISKS

Any risks associated with administering the Minor Grant Program is managed through the implementation of Council's Grant Framework Policy and the Minor Grants Program Procedure. All Minor Grants must be acquitted, and evidence of expenditure must be provided by the organisation.

The Procedure and Council's Grant Framework Policy set out an open and transparent grant program that meets the principles of good governance and is compliant with the requirements of the Local Government Act 2020.

In accordance with the Procedures, applications for funding have been assessed by the Chief Executive Officer, or their delegate, for Council or delegate approval as appropriate.

8. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Opportunity & Innovation

Strategy 1.2 - Encourage and support opportunities for skills development and lifelong learning for all people in Knox.

Strategy 1.3 – Support organisations in Knox to navigate recovery and new ways of thinking.

Natural Environment & Sustainability

Strategy 3.1 – Preserve our biodiversity and waterways, and enhance our urban landscape.

Resilience & Wellbeing

Strategy 4.1 – Support our community to improve their physical, mental and social health and wellbeing.

Strategy 4.2 – Foster inclusivity, equality, belonging and safety within the community.

Strategy 4.4 - Support the community to identify and lead community strengthening initiatives.

Civic Engagement & Integrity

Strategy 5.3 – Ensure our processes are transparent and decisions are accountable.

9. CONFLICT OF INTEREST

The Officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

Attachments

1. Minor Grants Program Application Extraction Report Attachment December 2024 [8.1.1 - 12 pages]

2425-MGP073

St Vincent De Paul. Scoresby

| | |
|--------------------------|------------------------------|
| Application ID | 2425-MGP073 |
| Organisation Name | St Vincent De Paul. Scoresby |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|--|
| Project Title | Food Vouchers to be purchased for Christmas Hamper |
| Project Start Date | 17/12/2024 |
| Project End Date | 30/06/2025 |

| | | | |
|----------------------------|--|-------------------------------|------------|
| Request Details | Through our Call Centre we are receiving many calls from many disadvantaged people and homeless people requesting many assistances regularly. To place a smile on their face and cheer those people with Festive Cheer our conference would like to use the funds to offer Christmas Hampers | | |
| Community Benefit | Disadvantaged/Homeless people will be delighted that they are not ignored and there is someone who do care for them. Especially during festive time, we don't want any of our fellow citizens to be left behind due to the situation they are in. | | |
| Total Beneficiaries | 20 | Total Project Cost | \$ 1910.00 |
| Knox Beneficiaries | 20 | Total Amount Requested | \$ 1910.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|---------------------------|----------------------|--------------------------------|---------------------------|
| council grant | \$ 1910.00 | Various hamper items | \$ 1910.00 |

2425-MGP078

AUSTRALIA MULTICULTURAL ARTS ASSOCIATION INC. INC.

| | |
|--------------------------|--|
| Application ID | 2425-MGP078 |
| Organisation Name | AUSTRALIA MULTICULTURAL ARTS ASSOCIATION INC. INC. |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|---|
| Project Title | 2025 Dragon Boat Festival Celebration in Knox |
| Project Start Date | 01/05/2025 |
| Project End Date | 28/06/2025 |

| | | | |
|----------------------------|---|-------------------------------|------------|
| Request Details | <p>We are applying for this Minor Grant to support the 2025 Dragon Boat Festival celebration in Knox. The event aims to promote and celebrate Chinese dragon boat culture through dragon boat performances, cultural presentations, and community engagement, fostering connections and cultural understanding among community members. The funding will primarily be used for venue hire, equipment rental, and performer fees. Our goal is to enhance multicultural exchange in the Knox community and provide residents with an opportunity to experience and learn about diverse cultures.</p> | | |
| Community Benefit | <p>The Dragon Boat Festival celebration will bring multiple benefits to the Knox community. Firstly, it will promote cultural diversity and inclusivity by offering residents the opportunity to learn about and experience Chinese and Southeast Asian cultures through dragon boat performances and traditional cultural displays. This interaction fosters greater understanding and respect among people from different cultural backgrounds, enhancing community cohesion.</p> <p>Secondly, the event will provide a platform for local artists and performers to showcase their talents, supporting the development of local arts and culture. In doing so, we aim to enrich the cultural life of the community and encourage greater participation in cultural activities among its members.</p> <p>Finally, the project will encourage volunteer engagement and civic participation, enhancing skills in organizing and supporting community events. Overall, this initiative will drive multicultural exchange and collaboration within the Knox community, offering residents a deeper cultural experience and stronger social connections.</p> | | |
| Total Beneficiaries | 100 | Total Project Cost | \$ 3460.00 |
| Knox Beneficiaries | 70 | Total Amount Requested | \$ 2880.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|--------------------|---------------|--|--------------------|
| council grant | \$ 2880.00 | Knox Art center Venue Hire | \$ 275.00 |
| cash contribution | \$ 400.00 | rehearsal venue hiring | \$ 300.00 |
| In-kind Contribute | \$ 180.00 | Artist performers fee | \$ 550.00 |
| | | Traditional food like "Zong Zi" consists of glutinous rice filled with various | \$ 500.00 |

Minor Grant Program Applications
December 2024

| | | | |
|--|--|---|-----------|
| | | ingredients and wrapped in bamboo leaves. | |
| | | Equipment Hire/Lease Hiring sound and microphone | \$ 280.00 |
| | | On-site photographer and Video editing | \$ 460.00 |
| | | Website updating, Online ads and promotional expenses | \$ 250.00 |
| | | Local Newspaper AD expenses | \$ 135.00 |
| | | Compensation for event organizer, volunteers, etc. | \$ 500.00 |
| | | Posters, flyers, and other printed materials including design | \$ 210.00 |

Minor Grant Program Applications
December 2024

2425-MGP088

HeArt It's An Art thing Incorporated

| | |
|--------------------------|--------------------------------------|
| Application ID | 2425-MGP088 |
| Organisation Name | HeArt It's An Art thing Incorporated |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|-------------------------------------|
| Project Title | Black & White Exhibition Gala Night |
| Project Start Date | 18/12/2024 |
| Project End Date | 04/02/2025 |

| | | | |
|----------------------------|---|-------------------------------|-------------|
| Request Details | <p>Seeking funding assistance for the gala opening night of the Black and White exhibition series which showcases ten stories of family violence recovery using three elements to portray each story, including a handwritten narration, creative black and white photography and an artwork on canvas. This is the second stage following on from successful Share Your Story Art project hosted Julie Kelly - Underneath my Umbrella at the Hyatt Place, Scoresby in July this year and is in collaboration with the projects committee of He'Art its An Art Thing Inc.</p> <p>The gala night is a thank you and celebration for all 32 volunteer contributors to the project from across Melbourne and interstate, an official unveiling of all finished pieces ahead of sending them out to the Black and White exhibition host venues and is also to raise further awareness of underneath my umbrella to interested persons from around Melbourne including City of Knox. underneath my umbrella - interview with Julie - was featured in the September Knox news edition and acknowledged the support that Julie receives from Knox council which is from the partnership to use the community space at Westfield Knox for the family violence support program. An unfunded program in Knox.</p> <p>The exhibition series is currently booked by Coonara Community House (Feb-Apr), Forest hill Chase Community Space (May DV awareness month), Millers homestead (July/Aug) and Forest hill and proposals are being prepared for the yarra valley, submissions made to Maroondah Federation estate Ringwood and Monash health Vic & QLD. Interest also expressed from Mill house Community, Maryborough, Make A Change org / Jumbleads and Your Library Rowville/Knox, the exhibition series will be available across 2025 and a second Share your story Art project will take place in July 2025 for a proposed 2025/26 exhibition series.</p> | | |
| Community Benefit | <p>this event will provide education, empowerment and encouragement to City of Knox residents and wider communities, seeking to gain further understanding in to the recovery from domestic and family violence, plus provide a valuable resource for those seeking to build prevention programs in to the future. The project will also assist to build awareness of underneath my Umbrellas contribution to the city of Knox, supporting women impacted by family violence on a voluntary basis, with no current funding support.</p> | | |
| Total Beneficiaries | 250 | Total Project Cost | \$ 14250.00 |
| Knox Beneficiaries | 30 | Total Amount Requested | \$ 2500.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|---------------------------|----------------------|--------------------------------|---------------------------|
| Knox Council | \$ 2500.00 | personnel | \$ 5300.00 |

Minor Grant Program Applications
December 2024

| | | | |
|-----------------------------|------------|--------------------|------------|
| bendigo bank | \$ 1000.00 | venue | \$ 8200.00 |
| Hills Op shop | \$ 200.00 | supplies/equipment | \$ 750.00 |
| local business partnerships | \$ 500.00 | | \$ \$ |
| underneath my umbrella | \$ 550.00 | | \$ \$ |
| private donors | \$ 1000.00 | | \$ \$ |
| other donations | \$ 600.00 | | \$ \$ |
| gala ticket sales | \$ 5400.00 | | \$ \$ |
| In Kind support volunteers | \$ 2500.00 | | \$ |

2425-MGP090

Friends of Blind Creek Llewellyn

| | |
|--------------------------|----------------------------------|
| Application ID | 2425-MGP090 |
| Organisation Name | Friends of Blind Creek Llewellyn |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|----------------------------------|
| Project Title | Friends of Blind Creek Llewellyn |
| Project Start Date | 17/12/2024 |
| Project End Date | 31/12/2025 |

| | | | |
|----------------------------|--|-------------------------------|-----------|
| Request Details | <p>The Friends of Blind Creek Llewellyn seeks to improve the environmental condition of Blind Creek in area between High Street Road and Eastlink. This area is identified as Site 60 in "Sites of Biological Significance in Knox" report 2010 and is jointly managed by Knox Council and Melbourne Water. Works planned by the Friends Group are supported by Knox Biodiversity Officers and are in alignment with the goals of Knox Biodiversity Resilience Strategy 2024-2034. Substantial progress has already been made with weed removal during recent working bees with good representation from local residents This request seeks funding for small tools, safety equipment and consumables that will facilitate the continuation of these site works for ongoing removal of weeds and installation of new plantings.</p> | | |
| Community Benefit | <p>The community will benefit from an improvement to biodiversity of the creek, an improvement to local amenity and recreation values of the creek corridor, and an enhancement of connection to the broader creek area.</p> <p>This project will improve the knowledge of local residents on the importance of this creek as a significant waterway, the current level of weed infestation, the effort required to remove and control these weeds, the types of vegetation that should occur naturally in the area, the importance of this area as a wildlife corridor and the types of animals that can be expected to appear over time. Some of the residents adjacent the site (including group members) have already taken interest in planting indigenous plants on their own properties as a result of this work.</p> <p>Group members will also gain skills in advocacy - making connections with various levels of government, gaining the support of the local community and sourcing funding. Friends of Blind Creek Llewellyn are a special interest subgroup of the Knox Environment Society (KES) and which has strong support from both Knox Council and Melbourne Water.</p> | | |
| Total Beneficiaries | 50 | Total Project Cost | \$ 994.00 |
| Knox Beneficiaries | 50 | Total Amount Requested | \$ 993.68 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|--------------------|---------------|-------------------------|--------------------|
| Council Grant | \$ 993.68 | Bug spray | \$ 13.50 |
| | | Secateurs | \$ 149.90 |
| | | Gloves | \$ 79.80 |
| | | Hedgeshears | \$ 41.90 |

Minor Grant Program Applications
December 2024

| | | | |
|--|--|--------------------|-----------|
| | | Hoes | \$ 161.70 |
| | | Tool bucket | \$ 29.00 |
| | | Safety signage | \$ 347.38 |
| | | Sunscreen | \$ 30.50 |
| | | Office consumables | \$ 80.00 |
| | | First Aid kit | \$ 60.00 |

Minor Grant Program Applications
December 2024

2425-MGP093

The Basin Community House

| | |
|--------------------------|---------------------------|
| Application ID | 2425-MGP093 |
| Organisation Name | The Basin Community House |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|----------------------------|
| Project Title | Creating new opportunities |
| Project Start Date | 20/01/2025 |
| Project End Date | 19/12/2025 |

| | | | |
|----------------------------|--|-------------------------------|------------|
| Request Details | <p>We are applying for financial assistance to</p> <p>a) support visits from a pet therapy program four times a year. This is offered by a charitable foundation called Unconditional Love, who have generously waived the fee for two visits this year.</p> <p>b) To purchase two table tennis tables and equipment for The Basin Seniors hall for use during school holidays, after school and by community members using the hall and to cover costs to offer table tennis come and try sessions</p> <p>c) to upgrade the crockery and cutlery at The Basin Progress Hall</p> | | |
| Community Benefit | <p>There is much evidence to show that interaction with companion animals brings about feelings of happiness and calm. We have been fortunate to have one session with another one coming up and our older participants enjoyed being able to pat and walk the dogs, as well as engage in activities that made goodies to go to animal shelters. We hope to involve some students from The Basin Primary School in two of the sessions in 2025.</p> <p>The purchase of table tennis tables will allow access to an all weather activity to encourage children and adults to participate in physical activity. We hope to stimulate enough community interest to develop an ongoing community led table tennis activity.</p> <p>Upgrading the crockery and cutlery at the hall will make the venue more appealing for community groups and community members. Currently the crockery is mismatched and old. This is fine for general use of the hall but not for celebrations and events.</p> | | |
| Total Beneficiaries | 100 | Total Project Cost | \$ 4322.00 |
| Knox Beneficiaries | 80 | Total Amount Requested | \$ 2922.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|---|----------------------|---|---------------------------|
| Council grant | \$ 2922.00 | 4 visits from the Unconditional Love Program @\$200 per visit | \$ 800.00 |
| In kind contribution, event organisation, event hosting venue and catering for Unconditional love Program | \$ 860.00 | Event organisation and hosting, venue and catering for Unconditional love Program | \$ 860.00 |

Minor Grant Program Applications
December 2024

| | | | |
|---|-----------|--|-----------|
| In kind contribution event coordination and venue table tennis come and try workshops | \$ 550.00 | Event organisation and venue table tennis come and try workshops | \$ 550.00 |
| | | 2 x Table tennis tables @\$399 each | \$ 798.00 |
| | | Table tennis equipment | \$ 135.00 |
| | | Four come and try table tennis sessions tutor costs | \$ 605.00 |
| | | Basic dinner setting | \$ 252.00 |
| | | Cutlery | \$ 332.00 |

Minor Grant Program Applications
December 2024

2425-MGP094

Orana Neighbourhood House

| | |
|--------------------------|---------------------------|
| Application ID | 2425-MGP094 |
| Organisation Name | Orana Neighbourhood House |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|--|
| Project Title | Open Day at Orana Neighbourhood House 2025 |
| Project Start Date | 28/01/2025 |
| Project End Date | 29/03/2025 |

| | |
|------------------------|---|
| Request Details | <p>We have been involved in a pilot project with the Knox School Year 9 students throughout 2024 where they developed an idea of how they could add or improve something at Orana NH. They had to develop their concept and then present them Shark Tank style to Orana staff, the Intergenerational officer at Knox council and numerous staff from Knox school. One of the groups was focused on developing an intergenerational project and came up with the idea of an Open Day at ORana. With the limited time of the subject, we were unable to work with them to deliver this in 2024, however we have committed to working with the group to deliver this Open day in March 2025. The students have been so excited that they will be volunteering their time to be on the planning committee with us to help us organise the day.</p> <p>Our plan for the day is simple. We want to open the doors at Orana to the local community to show what we have to offer and the ways that we provide opportunities for the community to gather and connect and improve their health and well being through our activities and programs. The intergenerational component will enable us to reach other members of the community that we haven't engaged with including young people and young families. This will also be able to show the students in future years the impact that they can have through the subject as we have committed to the 3 year intergenerational project with the Knox School to continue this.</p> <p>Our request is for funding to help us cover the expense of this day. We will need to have some funding to cover the costs of wages for our trainers on the day as they will be employed to run activities throughout the day to showcase what Orana has to offer. There will be Tai Chi and Yoga trainers offering people a chance to try these and see benefit that our wellness classes can have. We will also have the hospitality and horticulture trainers here to showcase what people could learn and encourage people to want to learn new skills. We will also have our Magical Anne here to showcase how we offer opportunities to give back to the community through the Patchwork project making patchwork quilts for Ronald McDonald House and to knit for the Father Bob McGuire Foundation to give beanies and blankets to people who are homeless.</p> <p>And additional component will be that we want to purchase a small coffee cart that will be used on the day. While this will add something lovely to our offerings on the day, our full vision for this will be to utilise it for barista training that we would be able to deliver to boost local employment opportunities. This has been highlighted as an important component to be added to our programs to boost the employability skills of our participants from Burke and Beyond with a lived experience of disability as well. We will also be able to use the coffee machine for future community events here at Orana NH. We will also potentially be able to offer coffees to local families who will flock to the area through the Playspace renewal of the Coleman Road Reserve.</p> |
|------------------------|---|

Minor Grant Program Applications
December 2024

| | | | |
|----------------------------|---|-------------------------------|------------|
| Community Benefit | <p>There are so many benefits that will be gained from this project. Firstly, it will give the year 9 students an incredible real life experience of being part of steering group to plan and deliver a community event. This will also strengthen the partnership between Orana NH and the Knox school providing a foundation for the Intergenerational project in the coming years.</p> <p>This Open Day will provide an opportunity to reach new community members which will enable us to do in the first instance, a community engagement piece so we are able develop activities and respond to meet the currently unmet needs within the community, for example intergenerational playgroups or financial literacy training etc.</p> <p>We will be able to provide training opportunities in barista skills which will improve the employability outcomes for Knox residents. Our target cohorts will include young people and people with a lived experience of disability.</p> <p>This Open day will also allow us to showcase to the local community all the programs that we offer here that will benefit them. This will include not only the health and wellbeing classes but highlighting the impact and importance of life long learning opportunities and giving back to the community through volunteering. We will also be able to provide a warm and welcoming space for people to connect and through showcasing the activities that we offer to combat social isolation and loneliness, will endeavour to connect people to the programs, opportunities and supports that they need to thrive.</p> | | |
| Total Beneficiaries | 200 | Total Project Cost | \$ 5313.90 |
| Knox Beneficiaries | 200 | Total Amount Requested | \$ 3000.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|--------------------|---------------|--|--------------------|
| Council grant | \$ 3000.00 | Coffee cart | \$ 321.95 |
| Orana NH | \$ 2313.90 | Coffee machine | \$ 1720.00 |
| | | Trainer costs - 5 trainers @ 3 hours @ \$50 | \$ 750.00 |
| | | Catering | \$ 671.95 |
| | | Marketing - Develop flyers and brochures - 5 hours @ \$50 per hour | \$ 250.00 |
| | | Printing and distributing flyers | \$ 300.00 |
| | | Orana staff costs - 4 staff at \$65 per hour for 5 hours | \$ 1300.00 |

Minor Grant Program Applications
December 2024

2425-MGP095

Ferntree Gully Falcons Basketball Club

| | |
|--------------------------|--|
| Application ID | 2425-MGP095 |
| Organisation Name | Ferntree Gully Falcons Basketball Club |
| Grant Program | Minor Grants Program |

| | |
|---------------------------|---|
| Project Title | Ferntree Gully Falcons Basketball Club 60th Anniversary |
| Project Start Date | 23/02/2025 |
| Project End Date | 23/02/2025 |

| | | | |
|----------------------------|--|-------------------------------|------------|
| Request Details | <p>The Ferntree Gully Falcons are Knox Basketball's oldest established basketball club, established in 1965 and currently the largest. We exist to provide the highest quality grassroots basketball experience to our local families and have a positive impact on the community. 2025 is our 60th anniversary and we would like to hold an event to celebrate our rich history and success by honouring past and present members and their families. It will be held at our home base, Carrington Park Reserve. We are requesting some assistance with Marquee Hire and some Entertainment for the Children in the form of a facepainter, Balloonist and an Airbrush Tattooist and catering.</p> | | |
| Community Benefit | <p>This will be a celebration of Ferntree Gully Falcons Basketball Club showcasing a local community club whose mission is to strengthen and serve our community through impactful programming and player engagements providing a focus on fun, friendship and fairness. It will bring together past and present members of the club. It will showcase the history up to the present and bring the club together to create a memorable occasion. This event can be used by the club in the local community to promote and encourage more young people to participate and enjoy playing basketball in the Knox region.</p> | | |
| Total Beneficiaries | More than 1500 | Total Project Cost | \$ 9000.00 |
| Knox Beneficiaries | More than 1500 | Total Amount Requested | \$ 3000.00 |

| Income Description | Income Amount | Expenditure Description | Expenditure Amount |
|-------------------------------|----------------------|---|---------------------------|
| FTG Falcons cash contribution | \$ 6000.00 | Venue hire, catering and event expenses | \$ 6000.00 |
| Council Grant | \$ 3000.00 | Marquee hire, entertainers and catering | \$ 3000.00 |

8.2 2025 Council Meeting Schedule

| | |
|----------------------------------|--|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author: | Head of Governance, Saskia Weerheim |
| Manager: | Manager Governance and Risk, Andrew Dowling |
| Executive: | Director Customer and Performance, Greg Curcio |

SUMMARY

The current arrangements for meetings are set out in the Meeting Structures and Cycles Policy. This report outlines the proposed meeting schedule for the 2025 calendar year, which is generally in alignment with Council's Meeting Structures and Cycles Policy.

RECOMMENDATION

That Council adopt the 2025 Council Meeting Schedule as set out in Attachment 1 of the officer's report.

1. DISCUSSION

The schedule for meetings in 2025 has been prepared based on the traditional cycle below as set out in Council's Meeting Structures and Cycles Policy (see table below), with some variations as outlined further in this report.

| | |
|-----------------------------------|--|
| First Monday of the Month | Issues Briefing |
| Second Monday of the Month | Mid-Month Council Meeting (7.00 pm start) Issues Briefing |
| Third Monday of the Month | Issues Briefing |
| Fourth Monday of the Month | Council Meeting (7.00 pm start) |

Additional meetings may also be scheduled throughout the year as and when required, and dates may be amended in accordance with Chapter 2, Part C of Council's Governance Rules.

1.1 Proposed Meeting Schedule 2025

The proposed Schedule for 2025 is included in Attachment 1 and includes Council Meetings and Audit and Risk Committee Meetings. The Schedule flags school holidays, public holidays and the Mayoral Election.

Only Council Meeting dates need to be set by Council resolution. The Schedule for Issues Briefing Meetings is agreed in consultation with Councillors.

Audit and Risk Committee (ARC) Meetings

The Audit and Risk Committee (ARC) considered the 2025 Schedule at its meeting on 24 August 2024 and determined its schedule of quarterly meetings for 2025 to be:

1. Thursday, 6 March 2025.
2. Thursday, 12 June 2025.
3. Thursday, 28 August 2026.
4. Thursday, 11 December 2025.

VAGO reporting requirements were taken into account when the dates for the Audit and Risk Committee were set.

Council Meetings/Briefings

Following is a discussion of departures from the usual cycle for Council Meeting/Briefing Meetings, and other matters impacting the 2025 Schedule:

- In January, it is customary to commence the year with a Council Meeting, and in 2025, the Meeting has been scheduled for Tuesday, 28 January 2025 – noting that Monday, 27 January 2025 is the Australia Day public holiday.
- In March, the Mid-Month Council Meeting is scheduled for Tuesday, 11 March 2025 to accommodate the Labour Day public holiday.
- In June:
 - The King’s Birthday holiday is on Monday, 9 June 2025. The Mid-Month Council Meeting has been scheduled for Tuesday, 10 June 2025 to accommodate this public holiday.
 - In November the annual meeting to elect the Mayor has been scheduled for Thursday, 20 November 2025 which aligns as closely as practicable to the one-year anniversary of the Mayoral Election on Thursday 21 November 2024.
- In September, the Council meeting has been moved to the fifth Monday, 29 September 2025 to be outside the school holiday period.
- In December, the last Council Meeting is scheduled on the third Monday of the month, being 15 December 2025.

2. ENGAGEMENT

Councillors and Council’s Executive Leadership Team were consulted in the preparation of the 2025 Meeting Schedule.

Once adopted by the Council, the Schedule of Council Meetings will be communicated to the community via the Council’s website.

3. SOCIAL IMPLICATIONS

Nil.

4. CLIMATE CHANGE CONSIDERATIONS

Nil.

5. ENVIRONMENTAL IMPLICATIONS

Nil.

6. FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

7. RISKS

Failing to finalise the 2025 Council Meeting Schedule risks eroding accountability, as Council and officers cannot effectively plan without clear timelines. This lack of clarity could undermine public

trust, as transparency in scheduling is essential for inclusivity and accessibility. Without a set schedule, critical decisions may face delays, impacting the timely delivery of public commitments.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Civic Engagement & Integrity

Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

1. Attachment 1 - Draft 2025 Council Meeting Schedule [**8.2.1** - 2 pages]

2025 Council Meeting Schedule

| Day | Date | Time | Meeting |
|---|------------------|---------|---------------------------|
| JANUARY | | | |
| Monday, 27 January 2025: Australia Day Public Holiday | | | |
| Tuesday | 28 January 2025 | 7.00pm | Council Meeting |
| FEBRUARY | | | |
| Monday | 10 February 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 24 February 2025 | 7.00pm | Council Meeting |
| MARCH | | | |
| Thursday | 6 March 2025 | 4.30 pm | Audit & Risk Committee |
| Monday, 10 March 2025: Labour Day Public Holiday | | | |
| Tuesday | 11 March 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 24 March 2025 | 7.00pm | Council Meeting |
| APRIL | | | |
| School Holidays: 7 April 2025 - 21 April 2025 | | | |
| Monday | 14 April 2025 | 7.00pm | Mid-Month Council Meeting |
| Friday, 18 April 2025: Good Friday Public Holiday | | | |
| Monday, 21 April 2025: Easter Monday Public Holiday | | | |
| Friday, 25 April 2025: Anzac Day Public Holiday | | | |
| Monday | 28 April 2025 | 7.00pm | Council Meeting |
| MAY | | | |
| Monday | 12 May 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 26 May 2025 | 7.00pm | Council Meeting |
| JUNE | | | |
| Monday, 9 June 2025: King's Birthday Public Holiday | | | |
| Tuesday | 10 June 2025 | 7.00pm | Mid-Month Council Meeting |
| Thursday | 12 June 2025 | 4.30 pm | Audit & Risk Committee |
| Monday | 23 June 2025 | 7.00pm | Council Meeting |
| JULY | | | |
| School Holidays: 7 July 2025 - 20 July 2025 | | | |
| Monday | 14 July 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 28 July 2025 | 7.00pm | Council Meeting |
| AUGUST | | | |
| Monday | 11 August 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 25 August 2025 | 7.00pm | Council Meeting |
| Thursday | 28 August 2025 | 4.30 pm | Audit & Risk Committee |

| Day | Date | Time | Meeting |
|---|-------------------|---------|--|
| SEPTEMBER | | | |
| Monday | 8 September 2025 | 7.00pm | Mid-Month Council Meeting |
| School Holidays: 22 September 2025 - 5 October 2025 | | | |
| Monday | 29 September 2025 | 7.00pm | Council Meeting |
| OCTOBER | | | |
| Monday | 13 October 2025 | 7.00pm | Mid-Month Council Meeting |
| Monday | 27 October 2025 | 7.00pm | Council Meeting |
| NOVEMBER | | | |
| Tuesday 4 November 2025: Melbourne Cup Day Public Holiday | | | |
| Monday | 10 November 2025 | 6.30pm | Mid-Month Council Meeting |
| Thursday | 20 November 2025 | 7.00pm | Council Meeting (for the Election of Mayor and Deputy Mayor) |
| Monday | 24 November 2025 | 7.00pm | Council Meeting |
| DECEMBER | | | |
| Monday | 8 December 2025 | 7.00pm | Mid-Month Council Meeting |
| Thursday | 11 December 2025 | 4.30 pm | Audit & Risk Committee |
| Monday | 15 December 2025 | 7pm | Council Meeting |
| School Holidays commence on Monday 22 December 2025 | | | |

8.3 Independent Advisor to CEO Remuneration Review

| | |
|----------------------------------|---|
| Final Report Destination: | Council |
| Paper Type: | For Decision |
| Author: | Chief People Officer, Debbie Shaw |
| Manager: | Chief People Officer, Debbie Shaw |
| Executive: | Director, Customer & Performance, Greg Curcio |

SUMMARY

The Local Government Act 2020 provides that Council is required to engage an independent advisor to assist the Chief Executive Officer Employment & Remuneration Advisory Committee. This report provides a recommendation and two options to appoint an independent advisor.

RECOMMENDATION

That Council resolve to:

1. Appoint Phil Shanahan as the independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee until the end of June 2026.
2. To undertake a Request for Quotation (RFQ) process for the purpose of appointing an independent advisor from July 2026 onwards.

1. DISCUSSION

The role of Independent Advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee provides independent professional advice in relation to all matters dealt with in the Chief Executive Officer Employment and Remuneration Policy, including monitoring and evaluating the performance of the Chief Executive Officer.

Knox City Council has engaged the services of Phil Shanahan since July 2020 as independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee. Mr Shanahan has been Chief Executive Officer of the Shire of Heywood, Cities of Portland, Broadmeadows, Maribyrnong and Darebin and the Latrobe Regional Commission. He served as a Chief Executive Officer in Local Government for more than thirty years. He also has been an Acting Chief Executive Officer at Glenelg, Corangamite, Hepburn, Darebin and Mildura.

Mr Shanahan now consults to Local Governments, specialising in performance management, governance, cultural change, organisational reviews, strategic plans and financial viability. He has consulted more than sixty of Victoria's Councils and local government peak bodies in the state.

Mr Shanahan's contract with Knox City Council as an independent advisor expired on 28 March 2024. This contract commenced 28 March 2022 and was for a period of 2 years with an option of a further 2 years at Council's discretion. This option was not implemented. Throughout the contract period Mr Shanahan has had satisfactory performance adhering to all timelines and deadlines required of the role.

There are three options presented for Council's consideration, with option one recommended to Council:

Option 1 (recommendation):

That Council resolve to appoint Phil Shanahan to maintain continuity of support and provide independent professional advice in relation to all matters dealt with in the Chief Executive Officer Employment and Remuneration Policy until **end June 2026**, then undertake a Request for Quotation (RFQ) process.

Option 2:

That Council resolve to appoint Phil Shanahan to maintain continuity of support and provide independent professional advice in relation to all matters dealt with in the Chief Executive Officer Employment and Remuneration Policy **for 12 months**, then undertake a Request for Quotation (RFQ) process.

Option 3:

Commence a Request for Quotation (RFQ) process now to appoint an independent advisor to the Chief Executive Officer Employment & Remuneration Advisory Committee.

Mr Shanahan would be eligible to participate in the RFQ processes in any of the three options proposed above.

2. ENGAGEMENT

Nil.

3. SOCIAL IMPLICATIONS

Nil.

4. CLIMATE CHANGE CONSIDERATIONS

Implementation of the recommendation is considered to have no direct implications or has no direct impacts upon Council's Net Zero 2030 target, the Community Net Zero 2040, exposure to climate risks or climate change adaptation.

5. ENVIRONMENTAL IMPLICATIONS

Nil.

6. FINANCIAL AND RESOURCE IMPLICATIONS

Consultant Phil Shanahan has provided a quotation of \$200 per hour (ex GST) for general administrative work and \$600 (ex GST) per meeting.

7. RISKS

Failure to engage an independent advisor to assist the Chief Executive Officer Employment & Remuneration Advisory Committee risks leaving Council in breach of the requirements of the Local Government Act 2020. Given the significant and important role of the independent advisor to Council, three options have been provided for Council's consideration.

8. KNOX COMMUNITY AND COUNCIL PLAN 2021-2025

Civic Engagement & Integrity

Strategy 5.3 - Ensure our processes are transparent and decisions are accountable.

9. CONFLICT OF INTEREST

The officers contributing to and responsible for this report have no conflicts of interest requiring disclosure under Chapter 5 of the Governance Rules of Knox City Council.

10. STATEMENT OF COMPATIBILITY

There are no legislative obligations under the Human Rights Charter, Child Safe Standards or the Gender Equity Act that are incompatible with the recommendation in this report.

11. CONFIDENTIALITY

There is no content in this report that meets the definition of confidential information from the Local Government Act 2020.

ATTACHMENTS

Nil

9 Supplementary Items

10 Notices Of Motion

11 Urgent Business

12 Questions Through the Chair

13 Confidential Items