

Extraordinary Planning and Consultation Committee Meeting

held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 17 December 2024 commencing at 7:00 pm.

Minutes

Carl Cowie
Chief Executive Officer

Friday 20 December 2024

Distribution: Public

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Extraordinary Planning and Consultation Committee Meeting Minutes

17 December 2024

Nillumbik Shire Council

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Extraordinary Planning and Consultation Committee Meeting Minutes

17 December 2024

Nillumbik Shire Council

Minutes of the Extraordinary Planning and Consultation Committee Meeting held Tuesday 17 December 2024. The meeting commenced at 7:02 pm.

Councillors present:

Cr John Dumaresq	Wingrove Ward (Mayor)
Cr Naomi Joiner	Bunjil Ward (Deputy Mayor)
Cr Grant Brooker	Blue Lake Ward (Chairperson Consultation Matters)
Cr Kelly Joy	Edendale Ward
Cr Peter Perkins	Ellis Ward (Chairperson Planning Matters)
Cr Kate McKay	Swipers Gully Ward (Virtual)
Cr Kim Cope	Sugarloaf Ward

Officers in attendance:

Carl Cowie	Chief Executive Officer
Blaga Naumoski	Director Governance, Communications and Community Safety
Frank Vassilacos	Director Planning, Environment and Strategy
Emma Christensen	Acting Manager Governance and Property
Tracey Varley	Manager Communications and Engagement
Daniel Tarquinio	Manager Information Technology
Kamal Hasanoff	Statutory Planning Coordinator

1. Welcome by the Chair

2. Acknowledgement of Country

Acknowledgement of Country was read by the Chairperson Planning Matters, Cr Peter Perkins.

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Procedural Motion

Councillor Peter Perkins called for a procedural motion to allow a presentation to be included in the proceedings.

Motion

MOVED: Cr Kim Cope

SECONDED: Cr John Dumaresq

That the Committee (under delegation from Council) allow for a presentation to be included in proceedings.

CARRIED UNANIMOUSLY

Presentation

Condolence – Kevin Andrews

We are deeply saddened to hear of the passing of former Liberal Parliamentarian and Minister, The Hon. Kevin Andrews after a year-long battle with cancer.

Entering the Australian parliament in 1991, Mr Andrews served under the Howard and Abbott Liberal governments. He was a long time representative for the Federal seat of Menzies and was a wonderful advocate and supporter for Nillumbik Shire Council.

He held a number of ministerial positions including Minister for Defence, Minister Assisting the Prime Minister for the Public Service, Minister for Employment and Workplace Relations, Minister for Immigration and Citizenship, Minister for Social Services and Minister for Ageing.

Mr Andrews was known as a man of unwavering principle and conviction, whose dedication to his country, his faith, his family, and his community defined his life.

He made significant contributions across areas of defence, housing, immigration, ageing and social services and was a strong and passionate advocate for his local community.

Mr Andrews left parliament in 2022, marking the end of his 31-year political career.

On behalf of Nillumbik Shire Council, we pass on our condolences to Mr Andrews' wife, his family and parliamentary colleagues.

3 Apologies/Leave of Absence

Nil

4 Declarations of conflict of interest

Nil

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5. Officers' reports

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

Item: Planning Matter

Distribution: Public

Manager: Frank Vassilacos, Director Planning, Environment and Strategy

Author: Renae Ahern, Manager Planning and Environmental Health

Application summary

Address of the land	2 Malley Court, Plenty
Site area	913.5 m ²
Proposal	Building and works to construct four (4) shops
Application number	86/2024/06P
Date lodged	9 February 2024
Applicant	Permits Hub
Zoning	Commercial 1 Zone
Overlay(s)	Design Development Overlay (Schedule 4)
Reason for being reported	Called in by Ward Councillor.
Number of objections	11
Key issues	<ul style="list-style-type: none">• Strategic location• Business and economic development• Built form and landscaping• Car parking and traffic• Waste management• Vegetation impacts

5. Planning Matters

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

Location map



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

- 1 *Phillip Devlin*
- 2 *Phillip Devlin on behalf of residents of 4, 5, 8, 10, 13, 14, 16, 17, 18, 20, 21 & 22 Malley Court, Plenty*
- 3 *Director Benny Singh on behalf of Permits Hub Pty Ltd*

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 2 Malley Court, Plenty, for Building and works to construct four (4) shops, in accordance with the submitted plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:

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- a) All four buildings setback 3 metres from the north-east title boundary. The setback must comprise a 0.8 metre wide bin storage area, a 1 metre wide pedestrian path and a 1.2 metre wide landscaped area.
 - b) Wayfinding signage to direct pedestrians from the car park to the front entry of the shops.
 - c) Wheel stops to all car spaces to guide vehicle positioning.
 - d) The section of footpath on the south side of car space 11 and 12 deleted and replaced with nature strip.
 - e) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.
 - f) The indicative shop signage (shown in red on sheet TPA03) deleted from the plans.
 - g) An amended Landscape Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 3 of this permit.
 - h) A Tree Protection Management Plan in accordance with condition 6 of this permit.
 - i) An amended Waste Management Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping;
 - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of selected vegetation from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems; and
 - g) Appropriate maintenance details.
 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

5. Planning Matters

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

5. No vegetation on-site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
6. Before the development commences, a Tree Protection Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will form part of this permit. The plan must show:
 - a) The paving tiles within the TPZ of Tree 9 must be laid at grade with no excavation and have gaps between to allow water to penetrate down to the root system.
 - b) There must be no excavation within the SRZ of Tree 9.
 - c) There must be no fill within the SRZ area of Tree 9.
 - d) The works for the building footprint within the TPZ of Tree 9 must be supervised by a qualified arborist to determine quantity and size of roots cut and to ensure roots are pruned cleanly. This will determine whether any mulching or extra irrigation is required.
 - e) Ground protection must be laid within the SRZ of Tree 9. This must consist of a layer of geofabric with 100 mm of mulch on top and then rigid boards.
 - f) No underground services are to be installed within the TPZ of Tree 9.
 - g) Following TPZ set up with fences and ground protection, the Relevant Authority must inspect the site to ensure the trees are protected prior to works commencing.
 - h) Any pruning required must be minimum in nature and carried out by qualified arborists conforming to AS 4373-2007.
7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Fence (TPF) to the satisfaction of the Responsible Authority. The fencing associated with this TPZs must meet the following requirements:
 - a) Extent

The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)

Fencing may be reduced directly adjacent to the works area only to allow access during construction (i.e. no more than 1 metre away from the works/ construction area)
 - b) Fencing

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

5. Planning Matters

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The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence

c) Signage

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

d) Provision of Services

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

e) Access to TPZ

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

8. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

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

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

- a) Materials or equipment stored within the zone;
- b) Servicing and refuelling of equipment and vehicles;
- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
- e) Open cut trenching or excavation works (whether or not for laying of services);
- f) Changes to the soil grade level;
- g) Temporary buildings and works; and
- h) Unauthorised entry by any person, vehicle or machinery.

10. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type and finished in muted tones, to the satisfaction of the Responsible Authority.

11. Air-conditioning and other plant and equipment installed on the subject buildings shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.

5. Planning Matters**PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P**

12. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
- b) Access route and method of access for the vehicles collecting waste.
- c) Details and location of bin storage areas for each approved dwelling.
- d) Odour control from bin storage areas.

13. A minimum of 13 car spaces must be provided and maintained on the land for the development hereby permitted, to the satisfaction of the Responsible Authority.

14. Before the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d) Drained and maintained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;
- g) All car spaces installed with wheel stops to guide vehicle positioning;
- h) Wayfinding signage to direct pedestrians from the car park to the shops;
- i) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

15. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the nominated point of stormwater discharge. The nominated point of stormwater discharge is Council underground drainage system in the front of the property.

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PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

17. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed to the requirements of the Responsible Authority, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works Permit.

The width of the driveway at property boundary must match the width of the vehicle crossing.

The vehicle crossing must comply to "Vehicle Crossing Policy" Version 1.1 August 2014 and to Standard Drawing (NS3000, NS3010, NS3020, NS3021 or NS3030 and NS3031) unless written approval has been granted from Council's Infrastructure Unit.

Vehicle crossing near other services assets may require permission from the relevant authority.

18. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

19. Driveways, access lanes, and areas set aside for the parking and access of vehicles must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.

20. A footpath in concrete to Council Standards must be constructed from Diamond Creek Road to the access to the development at the owner's cost.

21. The nature strip tree to be removed to accommodate the vehicle crossing must be replaced at the owner's cost.

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

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

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

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PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

Motion**MOVED: Cr Grant Brooker****SECONDED: Cr John Dumaresq**

That the Committee (acting under delegation from Council) issue a Notice of Decision to Refuse to Grant a permit to the land located at 2 Malley Court, Plenty (Application Number: 86/2024/06P) for buildings and works to construct four (4) shops on the following grounds:

1. The proposal is inconsistent with the design objectives and building setbacks Schedule 4 to Clause 43.02 (Design and Development Overlay), resulting in insufficient landscaping and amenity impacts to the nearby residential development.
2. The proposal does not meet the purpose of Clause 52.06 (Car parking) in relation to car parking and traffic impacts to Malley Court and amenity impacts to local residents.
3. The proposal does not meet the objectives of Clause 13.07-1S (Land use compatibility) due to insufficient provision for the storage and collection of waste.

LOST

Chairperson Cr Peter Perkins declared the motion Lost

For: Cr Grant Brooker

Against: Crs Peter Perkins, John Dumaresq, Naomi Joiner, Kelly Joy, Kim Cope, and Kate McKay

Motion**MOVED: Cr Kim Cope****SECONDED: Cr Kelly Joy**

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 2 Malley Court, Plenty, for Building and works to construct four (4) shops, in accordance with the submitted plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All four buildings setback 3 metres from the north-east title boundary. The setback must comprise a 0.8 metre wide bin storage area, a 1 metre wide pedestrian path and a 1.2 metre wide landscaped area.
 - b) Wayfinding signage to direct pedestrians from the car park to the front entry of the shops.
 - c) Wheel stops to all car spaces to guide vehicle positioning.

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- d) The section of footpath on the south side of car space 11 and 12 deleted and replaced with nature strip.
 - e) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.
 - f) The indicative shop signage (shown in red on sheet TPA03) deleted from the plans.
 - g) An amended Landscape Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 3 of this permit.
 - h) A Tree Protection Management Plan in accordance with condition 6 of this permit.
 - i) An amended Waste Management Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;
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 - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of selected vegetation from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems; and
 - g) Appropriate maintenance details.
 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 5. No vegetation on-site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.

5. Planning Matters

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

6. Before the development commences, a Tree Protection Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will form part of this permit. The plan must show:
- a) The paving tiles within the TPZ of Tree 9 must be laid at grade with no excavation and have gaps between to allow water to penetrate down to the root system.
 - b) There must be no excavation within the SRZ of Tree 9.
 - c) There must be no fill within the SRZ area of Tree 9.
 - d) The works for the building footprint within the TPZ of Tree 9 must be supervised by a qualified arborist to determine quantity and size of roots cut and to ensure roots are pruned cleanly. This will determine whether any mulching or extra irrigation is required.
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 - f) No underground services are to be installed within the TPZ of Tree 9.
 - g) Following TPZ set up with fences and ground protection, the Relevant Authority must inspect the site to ensure the trees are protected prior to works commencing.
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The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)

Fencing may be reduced directly adjacent to the works area only to allow access during construction (i.e. no more than 1 metre away from the works/ construction area)
 - b) Fencing

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

The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence

5. Planning Matters**PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P**

c) Signage

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

d) Provision of Services

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

e) Access to TPZ

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

8. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

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

9. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
- a) Materials or equipment stored within the zone;
 - b) Servicing and refuelling of equipment and vehicles;
 - c) Storage of fuel, oil dumps or chemicals;
 - d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - e) Open cut trenching or excavation works (whether or not for laying of services);
 - f) Changes to the soil grade level;
 - g) Temporary buildings and works; and
 - h) Unauthorised entry by any person, vehicle or machinery.
10. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type and finished in muted tones, to the satisfaction of the Responsible Authority.
11. Air-conditioning and other plant and equipment installed on the subject buildings shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.

5. Planning Matters

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

12. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:

- a) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
- b) Access route and method of access for the vehicles collecting waste.
- c) Details and location of bin storage areas for each approved dwelling.
- d) Odour control from bin storage areas.

13. A minimum of 13 car spaces must be provided and maintained on the land for the development hereby permitted, to the satisfaction of the Responsible Authority.

14. Before the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) Constructed;
- b) Properly formed to such levels that they can be used in accordance with the plans;
- c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d) Drained and maintained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;
- g) All car spaces installed with wheel stops to guide vehicle positioning;
- h) Wayfinding signage to direct pedestrians from the car park to the shops;
- i) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

15. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the nominated point of stormwater discharge. The nominated point of stormwater discharge is Council underground drainage system in the front of the property.

5. Planning Matters

PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

17. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed to the requirements of the Responsible Authority, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works Permit.

The width of the driveway at property boundary must match the width of the vehicle crossing.

The vehicle crossing must comply to "Vehicle Crossing Policy" Version 1.1 August 2014 and to Standard Drawing (NS3000, NS3010, NS3020, NS3021 or NS3030 and NS3031) unless written approval has been granted from Council's Infrastructure Unit.

Vehicle crossing near other services assets may require permission from the relevant authority.

18. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.

19. Driveways, access lanes, and areas set aside for the parking and access of vehicles must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.

20. A footpath in concrete to Council Standards must be constructed from Diamond Creek Road to the access to the development at the owner's cost.

21. The nature strip tree to be removed to accommodate the vehicle crossing must be replaced at the owner's cost.

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

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

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

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PCC.018/24 Building and Works to Construct four (4) shops at 2 Malley Court, Plenty - 86/2024/06P

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

Committee Resolution

MOVED: Cr Kim Cope

SECONDED: Cr Kelly Joy

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 2 Malley Court, Plenty, for Building and works to construct four (4) shops, in accordance with the submitted plans and subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All four buildings setback 3 metres from the north-east title boundary. The setback must comprise a 0.8 metre wide bin storage area, a 1 metre wide pedestrian path and a 1.2 metre wide landscaped area.
 - b) Wayfinding signage to direct pedestrians from the car park to the front entry of the shops.
 - c) Wheel stops to all car spaces to guide vehicle positioning.
 - d) The section of footpath on the south side of car space 11 and 12 deleted and replaced with nature strip.
 - e) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.
 - f) The indicative shop signage (shown in red on sheet TPA03) deleted from the plans.
 - g) An amended Landscape Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 3 of this permit.
 - h) A Tree Protection Management Plan in accordance with condition 6 of this permit.
 - i) An amended Waste Management Plan to reflect the changes to the plans required under condition 1 a) and in accordance with condition 12 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development commences, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;

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- b) The area or areas set aside for landscaping;
 - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of selected vegetation from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
 - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
 - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
 - f) Appropriate irrigation systems; and
 - g) Appropriate maintenance details.
4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 5. No vegetation on-site (unless specified on the endorsed plans) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent of the Responsible Authority.
 6. Before the development commences, a Tree Protection Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will form part of this permit. The plan must show:
 - a) The paving tiles within the TPZ of Tree 9 must be laid at grade with no excavation and have gaps between to allow water to penetrate down to the root system.
 - b) There must be no excavation within the SRZ of Tree 9.
 - c) There must be no fill within the SRZ area of Tree 9.
 - d) The works for the building footprint within the TPZ of Tree 9 must be supervised by a qualified arborist to determine quantity and size of roots cut and to ensure roots are pruned cleanly. This will determine whether any mulching or extra irrigation is required.
 - e) Ground protection must be laid within the SRZ of Tree 9. This must consist of a layer of geofabric with 100 mm of mulch on top and then rigid boards.
 - f) No underground services are to be installed within the TPZ of Tree 9.
 - g) Following TPZ set up with fences and ground protection, the Relevant Authority must inspect the site to ensure the trees are protected prior to works commencing.
 - h) Any pruning required must be minimum in nature and carried out by qualified arborists conforming to AS 4373-2007.

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7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Fence (TPF) to the satisfaction of the Responsible Authority. The fencing associated with this TPZs must meet the following requirements:

a) Extent

The tree protection fencing (TPF) is to be provided to the extent of the TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009)

Fencing may be reduced directly adjacent to the works area only to allow access during construction (i.e. no more than 1 metre away from the works/ construction area)

b) Fencing

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

The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence

c) Signage

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

d) Provision of Services

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

e) Access to TPZ

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

8. Prior to the commencement of the approved works (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the erected tree protection fences must be inspected and approved by the Responsible Authority.

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

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

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- a) Materials or equipment stored within the zone;
 - b) Servicing and refuelling of equipment and vehicles;
 - c) Storage of fuel, oil dumps or chemicals;
 - d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - e) Open cut trenching or excavation works (whether or not for laying of services);
 - f) Changes to the soil grade level;
 - g) Temporary buildings and works; and
 - h) Unauthorised entry by any person, vehicle or machinery.
10. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type and finished in muted tones, to the satisfaction of the Responsible Authority.
11. Air-conditioning and other plant and equipment installed on the subject buildings shall be so positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
12. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:
- a) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
 - b) Access route and method of access for the vehicles collecting waste.
 - c) Details and location of bin storage areas for each approved dwelling.
 - d) Odour control from bin storage areas.
13. A minimum of 13 car spaces must be provided and maintained on the land for the development hereby permitted, to the satisfaction of the Responsible Authority.
14. Before the occupation of the development, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) Constructed;
 - b) Properly formed to such levels that they can be used in accordance with the plans;
 - c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
 - d) Drained and maintained;
 - e) Line marked to indicate each car space and all access lanes;
 - f) Clearly marked to show the direction of traffic along access lanes and driveways;
 - g) All car spaces installed with wheel stops to guide vehicle positioning;

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- h) Wayfinding signage to direct pedestrians from the car park to the shops;
- i) A gate or bollards at the entrance to the car park to prevent unauthorised vehicle access afterhours.

to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times, to the satisfaction of the Responsible Authority.

15. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
16. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the nominated point of stormwater discharge. The nominated point of stormwater discharge is Council underground drainage system in the front of the property.
17. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed to the requirements of the Responsible Authority, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works Permit.

The width of the driveway at property boundary must match the width of the vehicle crossing.

The vehicle crossing must comply to "Vehicle Crossing Policy" Version 1.1 August 2014 and to Standard Drawing (NS3000, NS3010, NS3020, NS3021 or NS3030 and NS3031) unless written approval has been granted from Council's Infrastructure Unit.

Vehicle crossing near other services assets may require permission from the relevant authority.
18. No polluted stormwater, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during any stage of the construction. Sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly to the satisfaction of the Responsible Authority.
19. Driveways, access lanes, and areas set aside for the parking and access of vehicles must be constructed and formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. Car parking must be line-marked or provided with some other adequate means of showing the car parking spaces. All must be drained and constructed in concrete, asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.
20. A footpath in concrete to Council Standards must be constructed from Diamond Creek Road to the access to the development at the owner's cost.

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21. The nature strip tree to be removed to accommodate the vehicle crossing must be replaced at the owner's cost.

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

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

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

CARRIED

For: Crs Peter Perkins, John Dumaresq, Naomi Joiner, Kelly Joy, Kim Cope, and Kate McKay

Against: Cr Grant Brooker

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7. Supplementary and urgent business

Nil

8. Confidential reports

Nil

9. Close of Meeting

The meeting closed at 7:48pm.

Confirmed: _____
Cr, Chairperson