

Report to the Future Melbourne (Planning) Committee

Agenda item 6.1

**Planning Permit Application: TP-2015-81/A
1-11 Epsom Road, Kensington**

19 November 2019

Presenter: Jane Birmingham, Practice Leader Land Use and Development

Purpose and background

1. The purpose of this report is to advise the Future Melbourne Committee of an application to amend Planning Permit TP-2015-81. The application seeks approval to change the description of what the permit allows to include, 'Use of land for a Child Care Centre', and make changes to the endorsed plans associated with the introduction of this land use.
2. The applicant is St Marys Coptic Orthodox c/- SJB Planning Pty Ltd. The owner is Coptic Orthodox Church (Victoria) Property Trust and the architect is Studio Bright.
3. The site is located within the General Residential Zone Schedule 1 and is affected by the Heritage Overlay (HO223: 1-7 Epsom Road, Kensington).
4. The existing church at 1-3 Epsom Road is a 'C' graded building in a 'Level 3' streetscape under the Heritage Places Inventory March 2018 (Heritage Inventory) and is to be retained. Planning Permit TP-2015-81 authorises demolition of the remaining buildings on the subject site, comprising two 'D' graded buildings and one ungraded building under the Heritage Inventory.
5. Public notice of the application was undertaken and 142 submissions were received, including 76 objections and 66 letters of support.

Key issues

6. The key issues relate to the appropriateness of the child care centre land use including car parking requirements and traffic generation. In addition two key changes are proposed to the design of the original approved development; the introduction of a roof-top terrace to the western wing of the new building (generally contained within the roof-line of the approved building envelope) and a new fence fronting Epsom Road.
7. The level of engagement by the community is noteworthy, however it should be noted that many of the concerns raised in objections relate primarily to the originally approved development and are not specific to the changes sought by Application TP-2015-81/A. Proposed permit conditions can limit the hours of operation and the maximum number of children and adequately address waste collection, car parking and pick up and drop off arrangements.
8. The introduction of the proposed child care centre represents an appropriate use for the site's residential context, and has been suitably accommodated within the development. The provision of a child care centre at the subject site is also strategically justified having regard to Municipal Strategic Statement and the purpose of the General Residential Zone, which seek to provide community facilities / commercial uses with a neighbourhood focus.
9. Furthermore, the changes to the development proposed under Application TP-2015-81/A are considered to be of no consequence to the approved development's compliance with Council's local Heritage and Urban Design policies.

Recommendation from management

10. That the Future Melbourne Committee resolves to issue a Notice of Decision to Grant an Amended Permit subject to conditions outlined in the delegate report (Attachment 4).

Attachments:

1. Supporting Attachment (Page 2 of 69)
2. Locality Plan (Page 3 of 69)
3. Plans (Page 4 of 69)
4. Delegate Report (Page 28 of 69)

Supporting Attachment

Legal

1. Division 1 of Part 4 of the *Planning and Environment Act 1987* (Act) sets out the requirements in relation to applications for permits pursuant to the relevant planning scheme. Section 61 of the Act sets out that the Council may decide to grant a permit, grant a permit subject to conditions or refuse to grant a permit on any ground it thinks fit.
2. As objections have been received, sections 64 and 65 of the Act provide that the responsible authority must give the applicant and each objector notice in the prescribed form of its decision to either grant a permit or refuse to grant a permit. The responsible authority must not issue a permit to the applicant until the end of the period in which an objector may apply to the VCAT for a review of the decision or, if an application for review is made, until the application is determined by the VCAT.

Finance

3. There are no direct financial issues arising from the recommendations contained within this report.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Health and Safety

5. Relevant planning considerations such as traffic and waste management and potential amenity impacts that could impact on health and safety have been considered within the planning permit application and assessment process.

Stakeholder consultation

6. Public notice of the application was undertaken in accordance with the Act and resulted in 76 objections at the time of writing this report.

Relation to Council policy

7. Relevant Council policies are discussed in the attached delegate report (refer to Attachment 4).

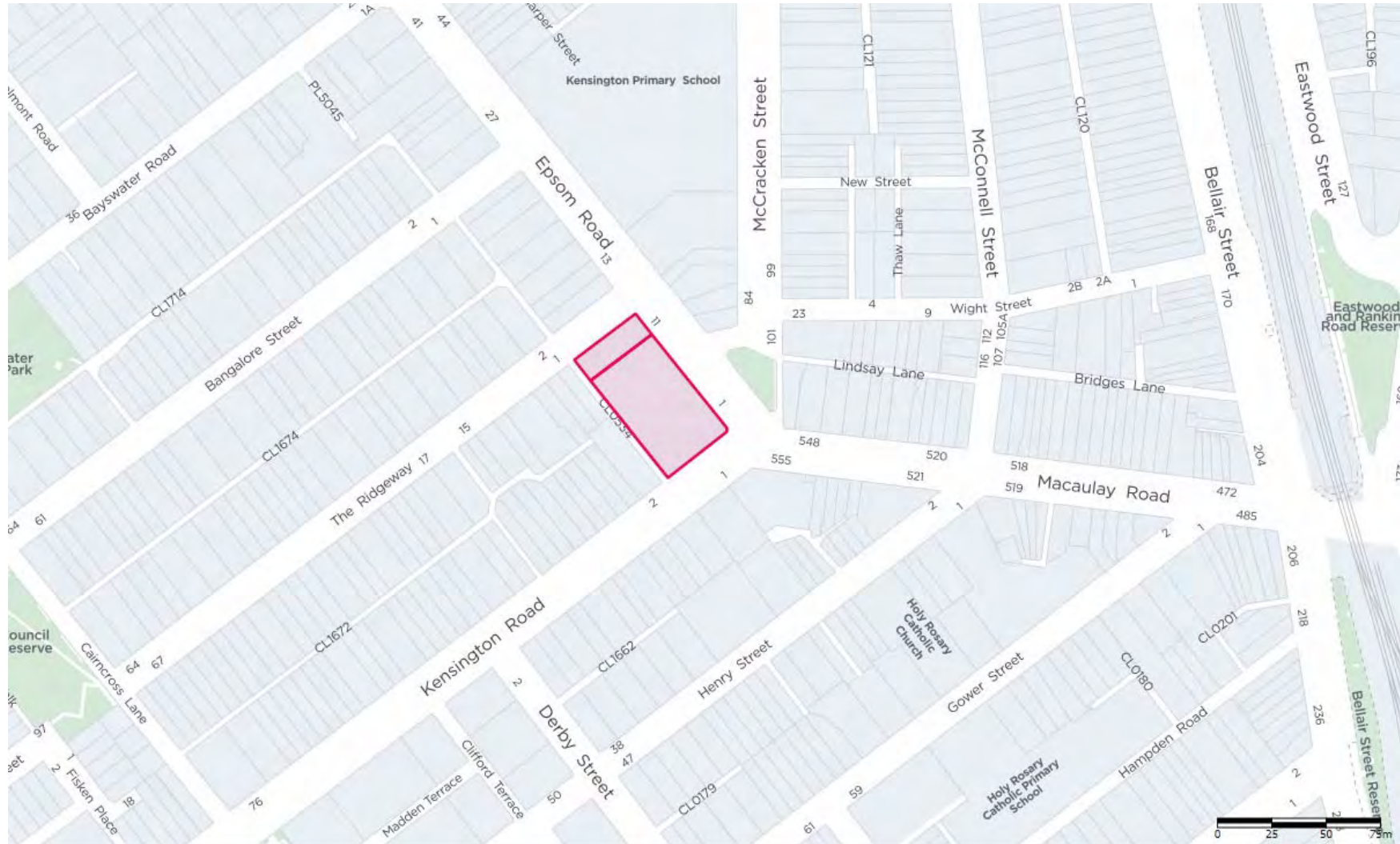
Environmental sustainability

8. The Environmentally Sustainable Design (ESD) Statement submitted with the application demonstrates that the development will achieve the ESD performance requirements of Clause 22.19 (Energy, Water and Waste Efficiency) and Clause 22.23 (Stormwater Management).
9. Permit conditions requiring implementation of the ESD initiatives are recommended.

Locality Plan

Attachment 2
Agenda item 6.1
Future Melbourne Committee
19 November 2019

1-11 Epsom Road, Kensington



Attachment 3
Agenda item 6.1
Future Melbourne Committee
19 November 2019

17-002 St Marys Church
5-11 Epsom Rd
Kensington

4/6/19 TOWN PLANNING

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No.	DRAWING NAME
TP00	TITLE PAGE
TP01.1	SITE CONTEXT PLAN
TP01.2	DEMOLITION PLAN
TP01.3	EXISTING/DEMOLITION ELEVATIONS
TP02.1	PROPOSED GROUND FLOOR PLAN
TP02.2	PROPOSED FIRST FLOOR PLAN
TP02.3	PROPOSED ROOF TERRACE PLAN
TP02.4	PROPOSED ROOF PLAN
TP02.5	PROPOSED BASEMENT 1 PLAN
TP02.6	PROPOSED BASEMENT 2 PLAN
TP03.1	STREETSCAPE ELEVATIONS
TP03.2	PROPOSED BUILDING ELEVATIONS
TP03.3	PROPOSED BUILDING ELEVATIONS
TP03.4	BUILDING SECTIONS
TP03.5	PROPOSED MATERIALS
TP03.6	PROPOSED EXTERNAL CONCEPT DETAIL
TP03.7	OVERLOOKING DIAGRAMS
TP04.1	SHADOW DIAGRAM
TP04.2	SHADOW DIAGRAM
TP04.3	SHADOW DIAGRAM

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ABBREVIATIONS

SSWB	SINGLE STORY WEATHERBOARD
SSB	SINGLE STORY BRICK
DSWB	DOUBLE STORY WEATHERBOARD
DSB	DOUBLE STORY BRICK
SPOS	SECLUDED PRIVATE OPEN SPACE
HW	HABITABLE SPACE WINDOW
NHW	NON-HABITABLE SPACE WINDOW

DEVELOPMENT SUMMARY
 TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²

- REVISIONS**
- 1/10/2018 PLANS FOR ENDORSEMENT
 - 27/11/2018 ADDITIONAL INFORMATION
 - 22/05/2019 CHILDCARE AMENDMENT



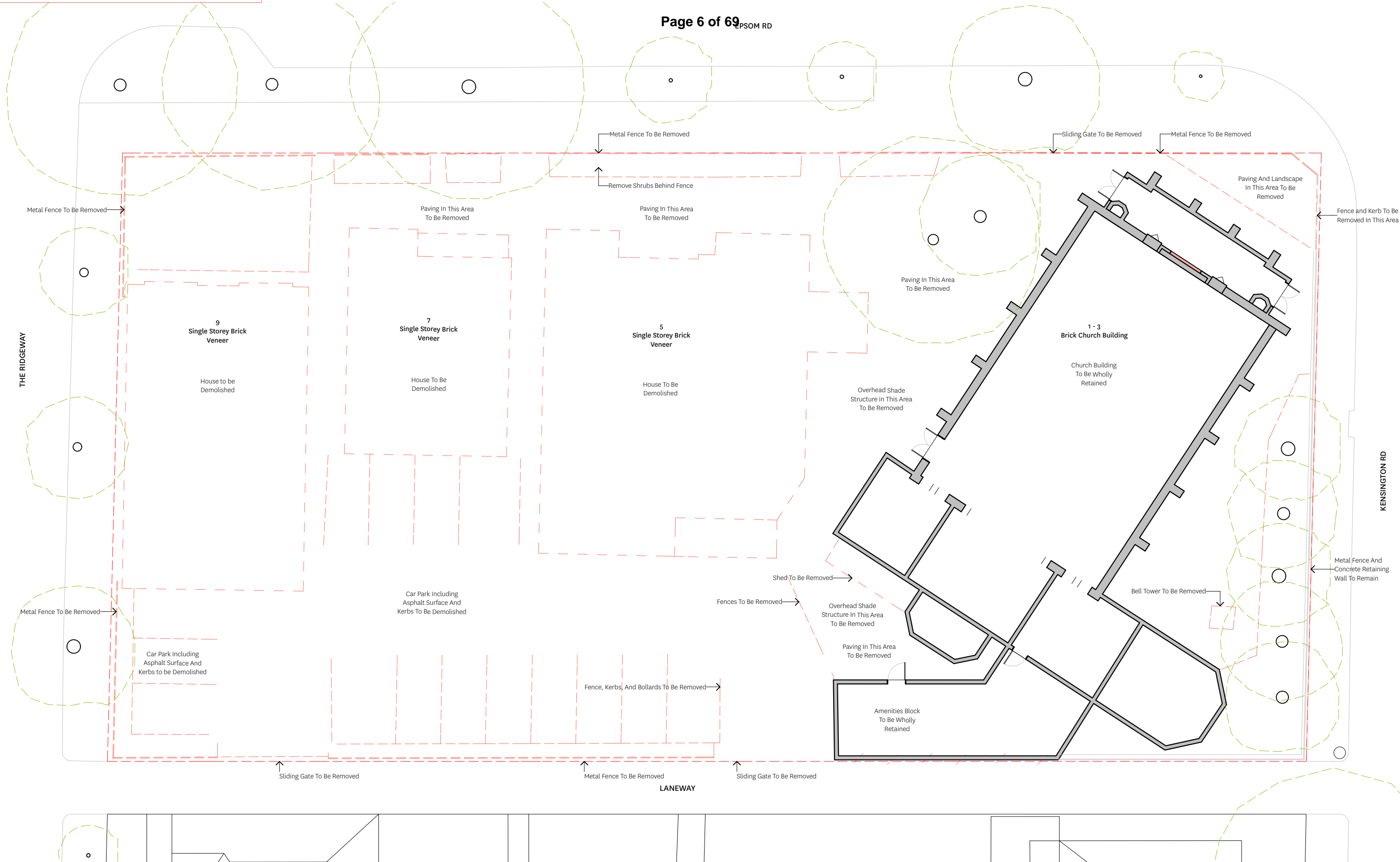
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TP01.1 4/6/19
 SITE CONTEXT PLAN
 1:500, 1:100



DEVELOPMENT SUMMARY
 TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²

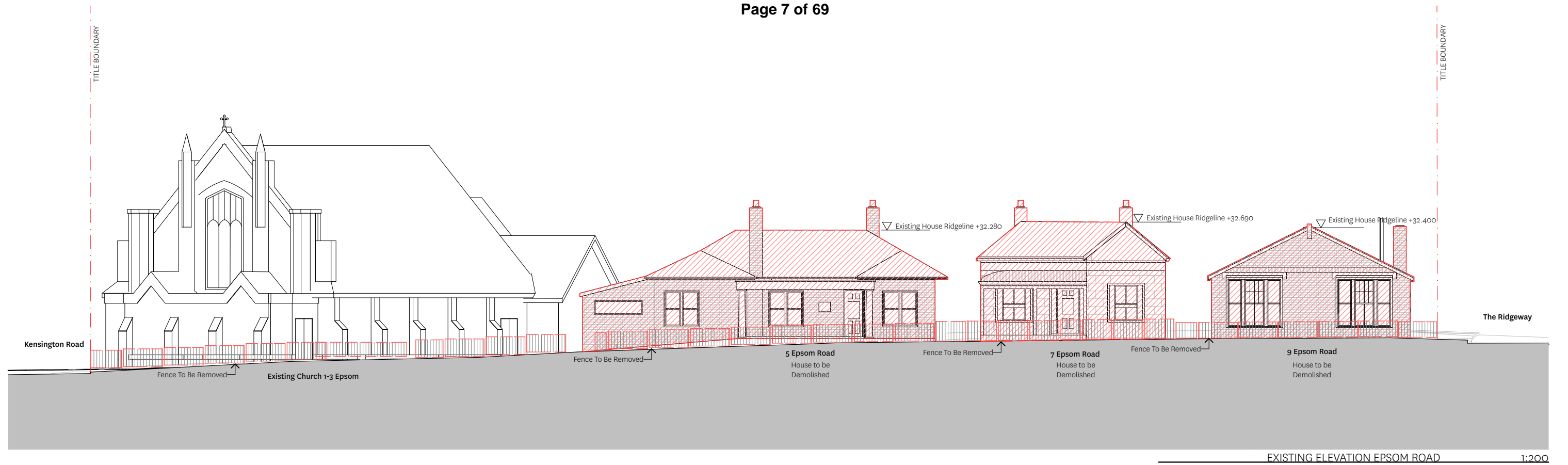
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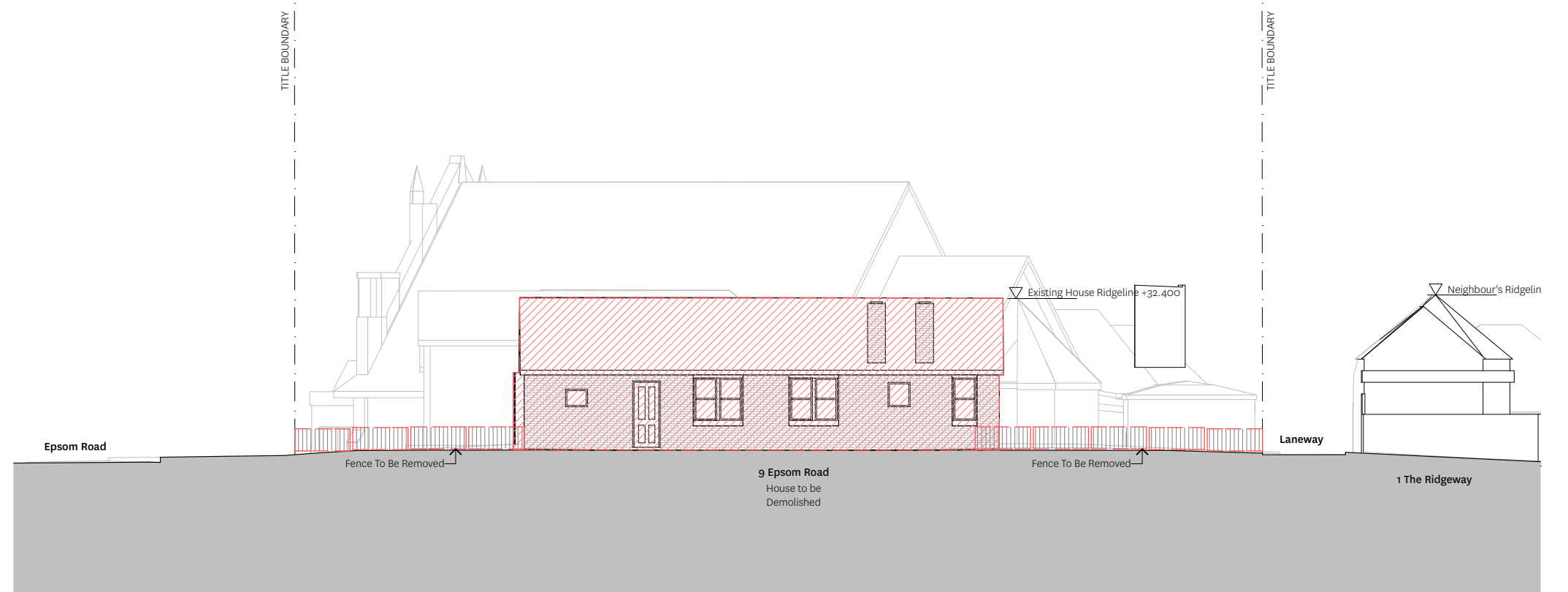
17-002 St Marys Church
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TP01.2 4/6/19
 DEMOLITION PLAN
 1:200, 1:100





EXISTING ELEVATION EPSOM ROAD 1:200



EXISTING ELEVATION THE RIDGEWAY 1:200

REVISIONS

- 1 1/10/2018 PLANS FOR ENDORSEMENT
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- 3 22/05/2019 CHILDCARE AMENDMENT

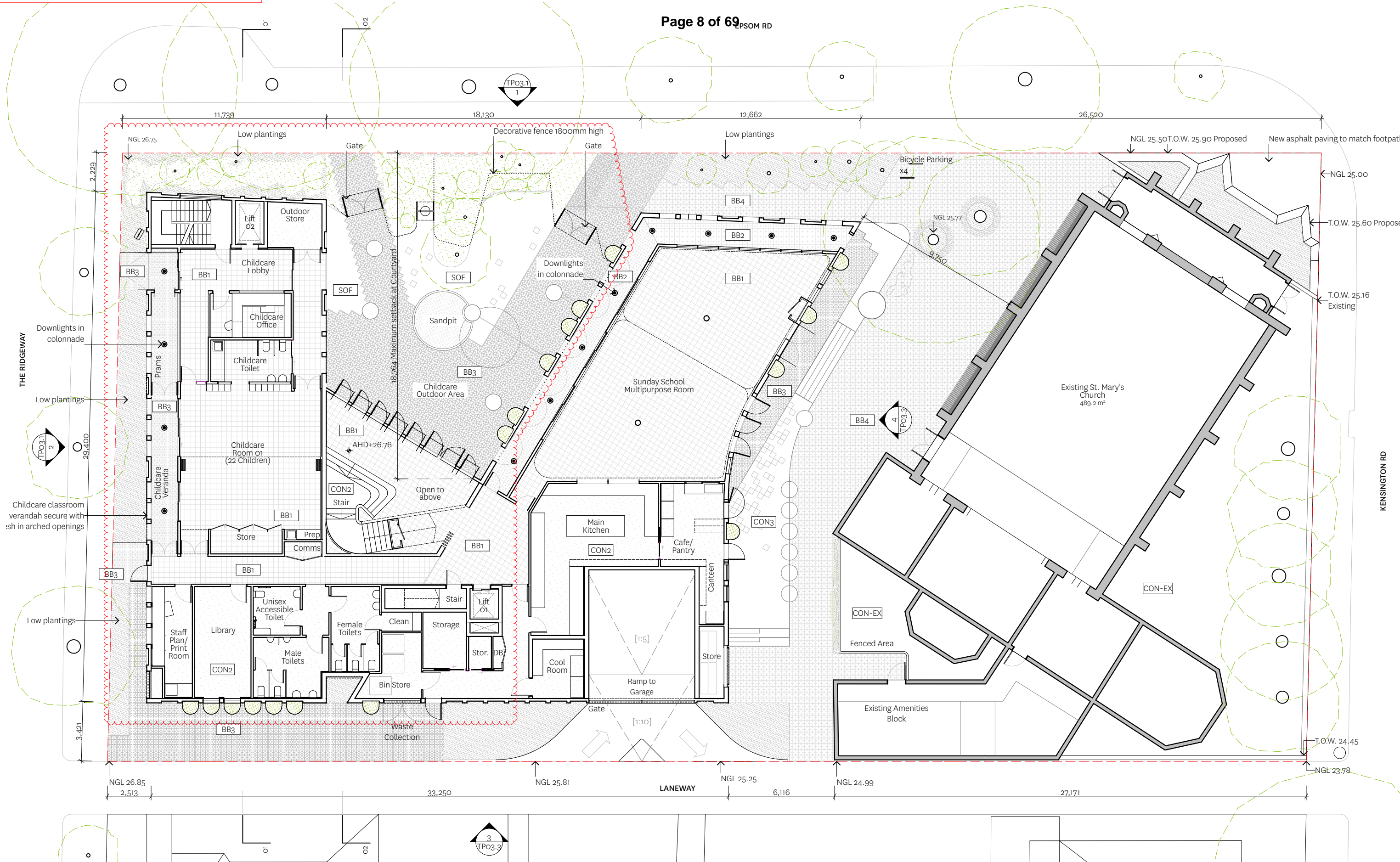
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TP01.3 4/6/19
EXISTING/DEMOLITION ELEVATIONS
1:200



EXTERNAL FINISHES

AL1 ALUM. FRM GLAZING	GL2 STAINED GLASS
BAT1 PAINTED BATTENS	PF PAINT FINISH
CB COLOURBOND ROOF	ST2 STEEL GATE
CFC CEMENT CLADDING	PV PHOTOVOLTAICS
CON1 PRECAST CONCRETE	PERF PERFORATED METAL
CON2 CONCRETE FLOOR	MESH WIRE MESH BALUSTRADE
GL1 CLEAR GLAZING	

INTERNAL FINISHES

BAT2 TIMBER BATTENS	TM-F TIMBER FLOOR
BB3 BREEZE BLOCK FLOOR	ST1 STEEL STAIR
PB1 PLASTERBOARD	
PB2 ACOUSTIC PLASTERBOARD	
T# TILES	
TM3 TIMBER LINING	

LANDSCAPE FINISHES

BB1 BREEZE BLOCK / GRASS
BB2 BREEZE BLOCK / PAVING
SOF RUBBER SOFTFALL

DEVELOPMENT SUMMARY

TOTAL SITE AREA 2,419.5 m²
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PROPOSED BUILDING AREAS:

BASEMENT 1	1069 m ²	26 Cars Total (10 dedicated Childcare spaces)
BASEMENT 2	1157.5 m ²	34 Cars
GROUND FLOOR	672.1 m ²	(186 m ² Childcare)
FIRST FLOOR	678.3 m ²	(213 m ² Childcare)
ROOF TERRACE	6 m ²	(Childcare)

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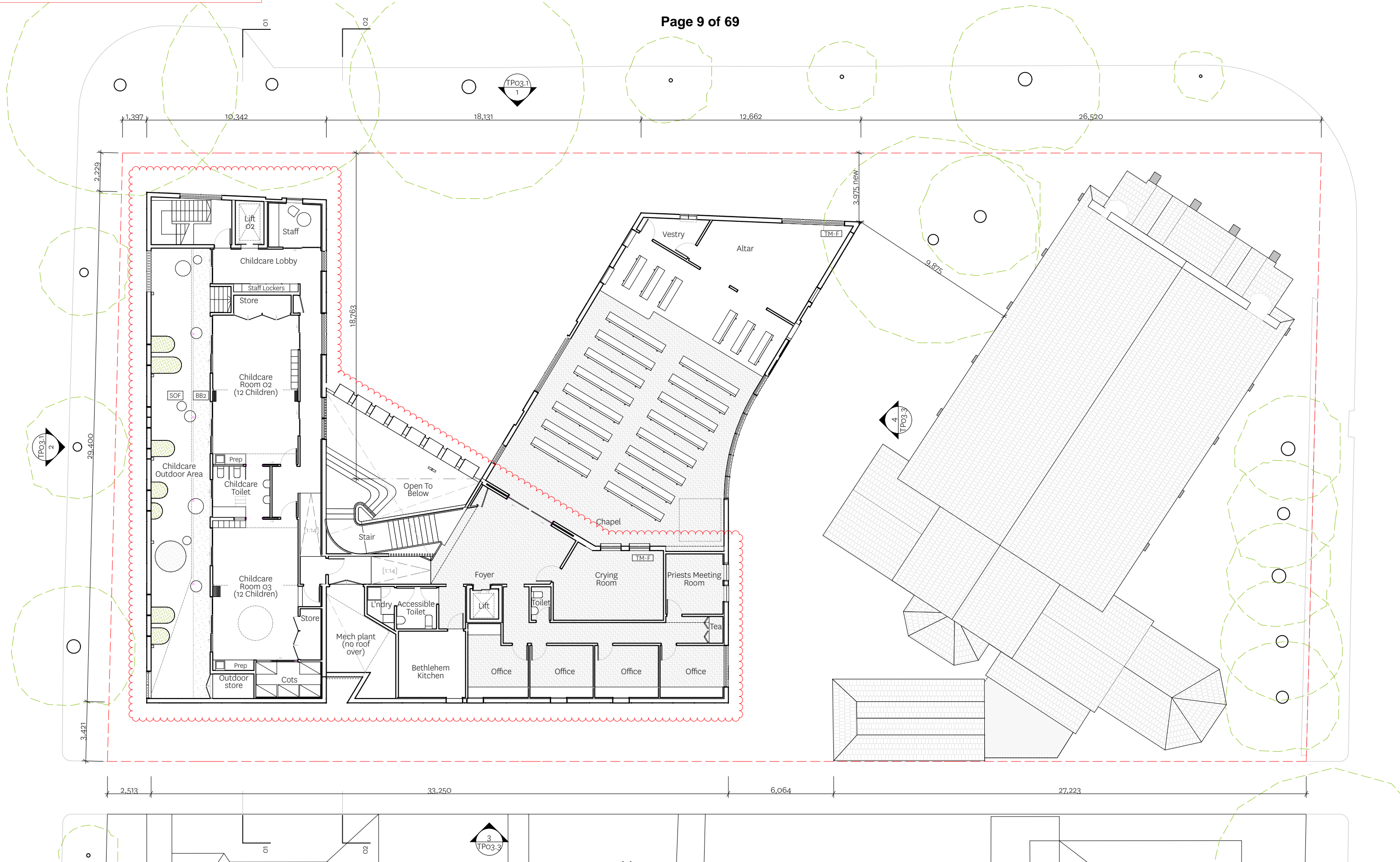
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4/6/19
PROPOSED GROUND FLOOR PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL
CON2	CONCRETE FLOOR	MESH	WIRE MESH
GL1	CLEAR GLAZING	BALUSTRADE	

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
SOF	RUBBER SOFTFALL

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SITE COVERAGE 55%
 PERMEABILITY 20%

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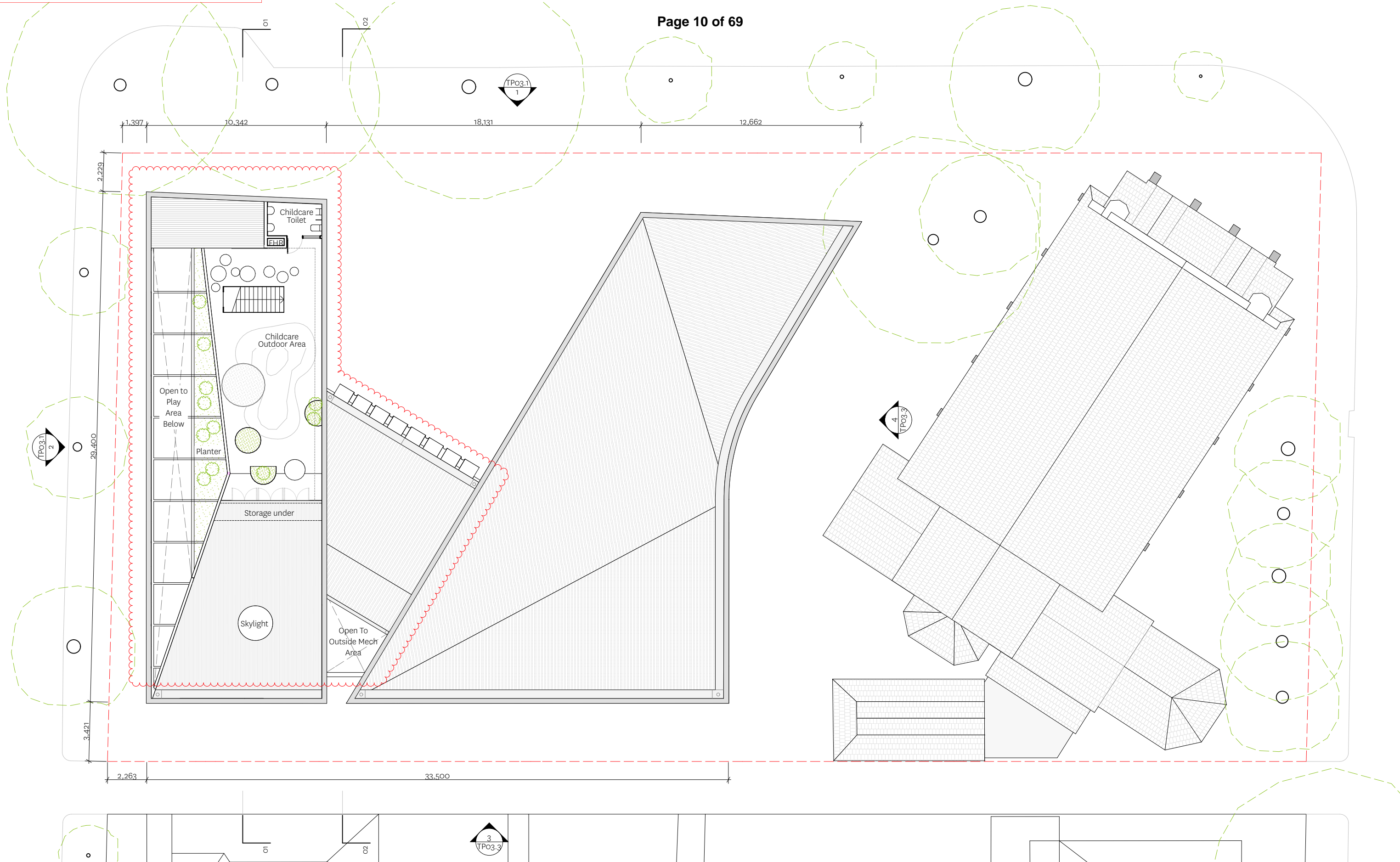
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4/6/19
TP02.2 PROPOSED FIRST FLOOR PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL
CON2	CONCRETE FLOOR	MESH	WIRE MESH BALUSTRADE
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
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SOF	RUBBER SOFTFALL

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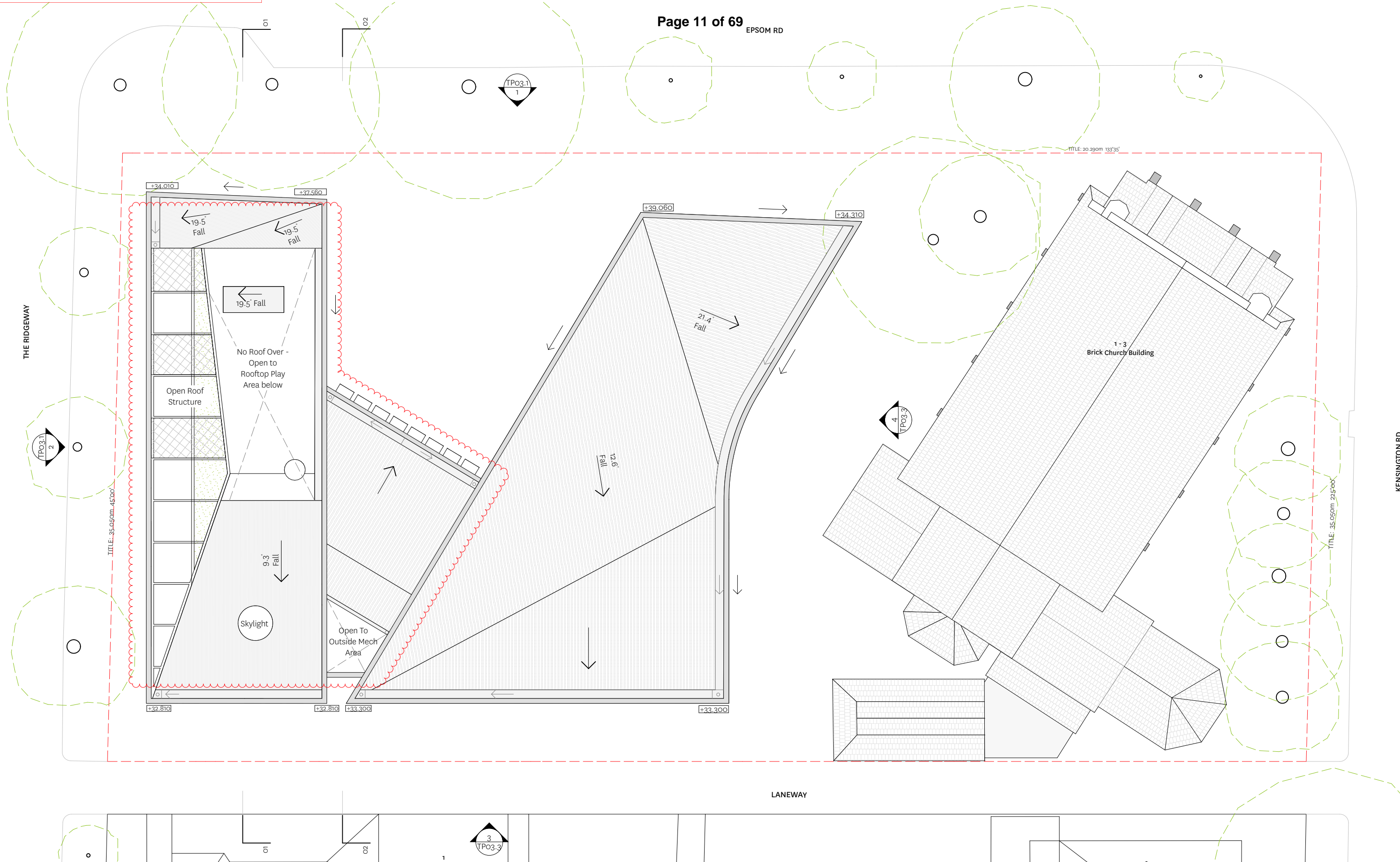
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TP02.3 PROPOSED ROOF TERRACE PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL
CON2	CONCRETE FLOOR	MESH	WIRE MESH
GL1	CLEAR GLAZING		BALUSTRADE

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
SOF	RUBBER SOFTFALL

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DEVELOPMENT SUMMARY

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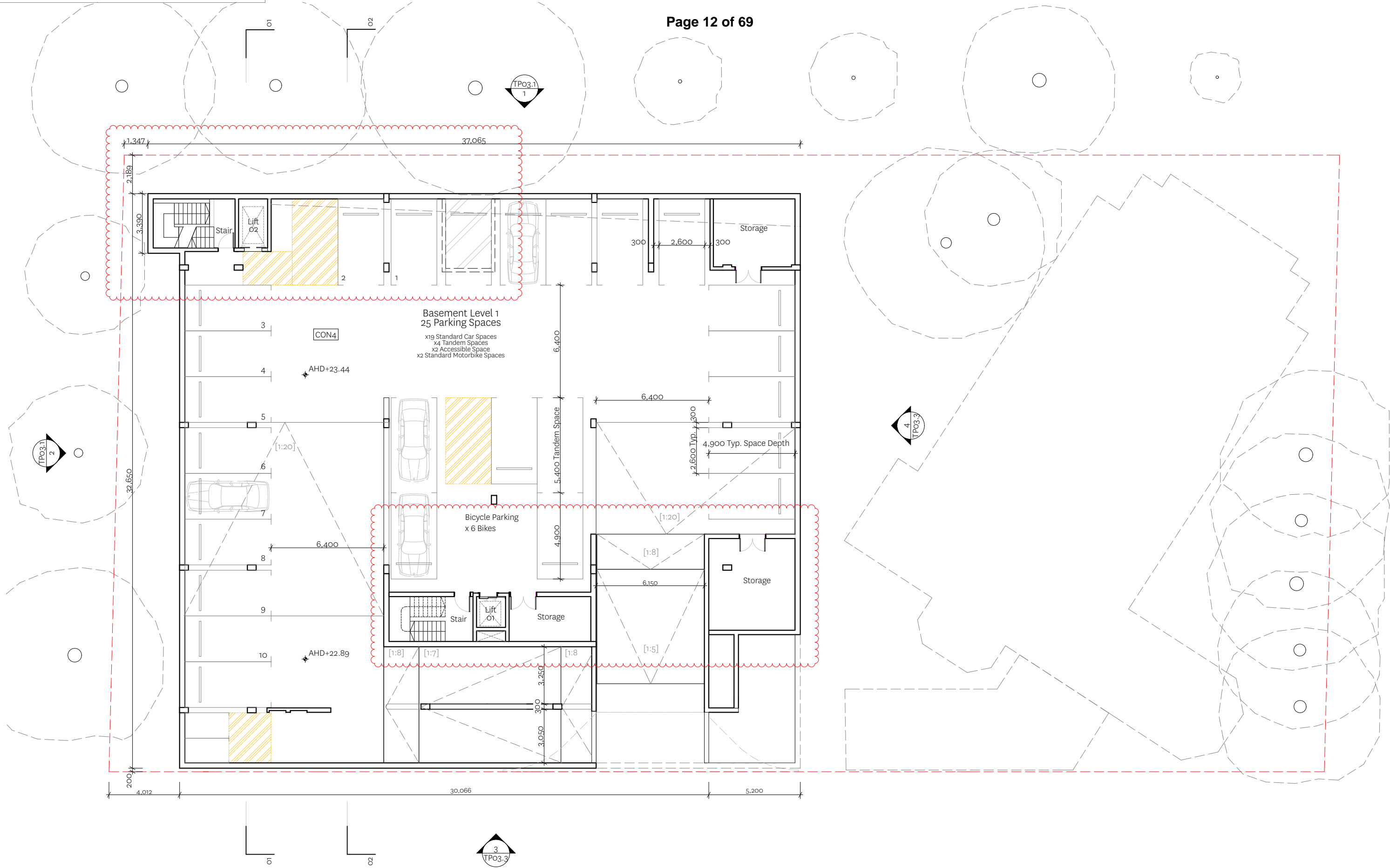
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4/6/19
TPO2.4 PROPOSED ROOF PLAN
1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL
CON2	CONCRETE FLOOR	MESH	WIRE MESH
GL1	CLEAR GLAZING	BALUSTRADE	

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
SOFF	RUBBER SOFTFALL

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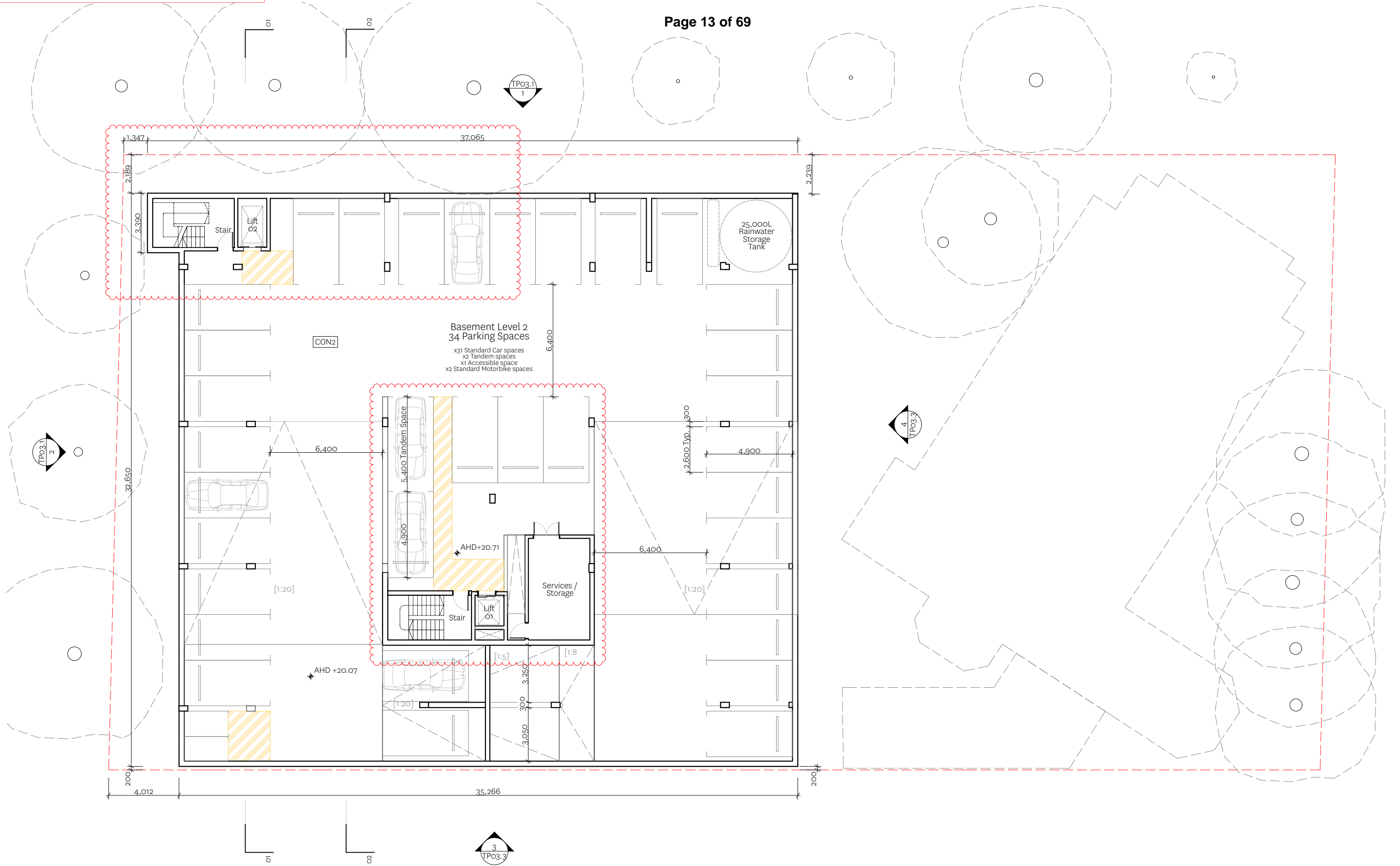
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4/6/19
TP02.5 PROPOSED BASEMENT 1 PLAN
 1:200, 1:100

For specification of all finishes refer to finishes schedule



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL
CON2	CONCRETE FLOOR	MESH	WIRE MESH BALUSTRADE
GL1	CLEAR GLAZING		

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
SOF	RUBBER SOFTFALL

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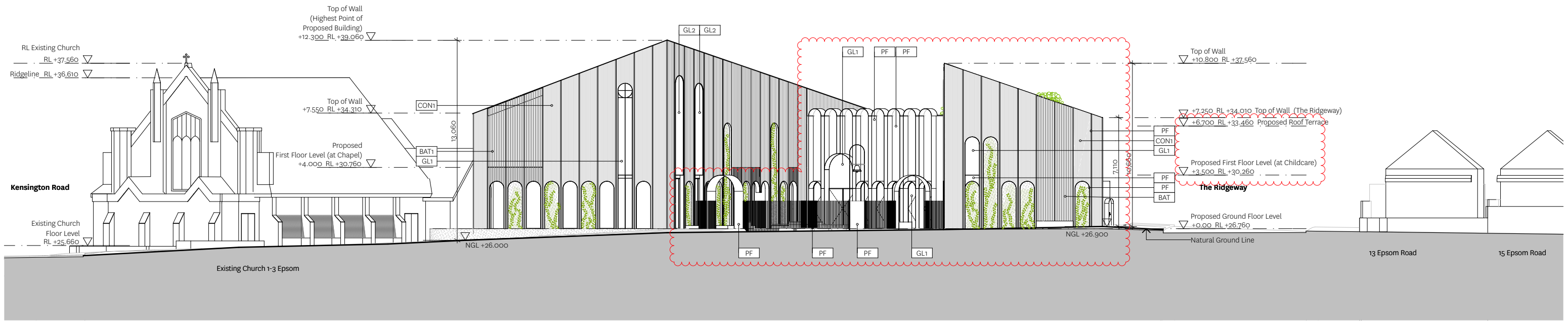
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 4/6/19
TP02.6 PROPOSED BASEMENT 2 PLAN
 1:200, 1:100

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1 STREETScape NORTHEAST ELEVATION (EPSOM ROAD) 1:250



2 STREETScape ELEVATION (THE RIDGEWAY) 1:250

EXTERNAL FINISHES		INTERNAL FINISHES		LANDSCAPE FINISHES	
AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS	BAT2	TIMBER BATTENS
BAT1	PAINTED BATTENS	PF	PAINT FINISH	BB3	BREEZE BLOCK FLOOR
CB	COLOURBOND ROOF	ST2	STEEL GATE	PB1	PLASTERBOARD
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS	PB2	ACOUSTIC PLASTERBOARD
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL	T#	TILES
CON2	CONCRETE FLOOR	MESH	WIRE MESH	TM3	TIMBER LINING
GL1	CLEAR GLAZING		BALUSTRADE	TM-F	TIMBER FLOOR
				ST1	STEEL STAIR
				BB1	BREEZE BLOCK / GRASS
				BB2	BREEZE BLOCK / PAVING
				SOF	RUBBER SOFTFALL

For specification of all finishes refer to finishes schedule

REVISIONS		
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2	27/11/2018	ADDITIONAL INFORMATION
3	22/05/2019	CHILDCARE AMENDMENT

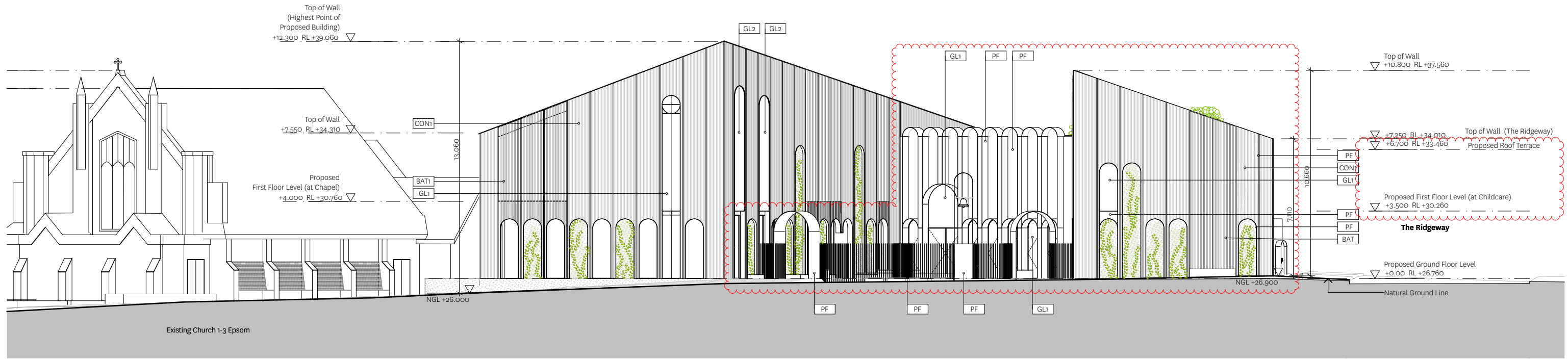
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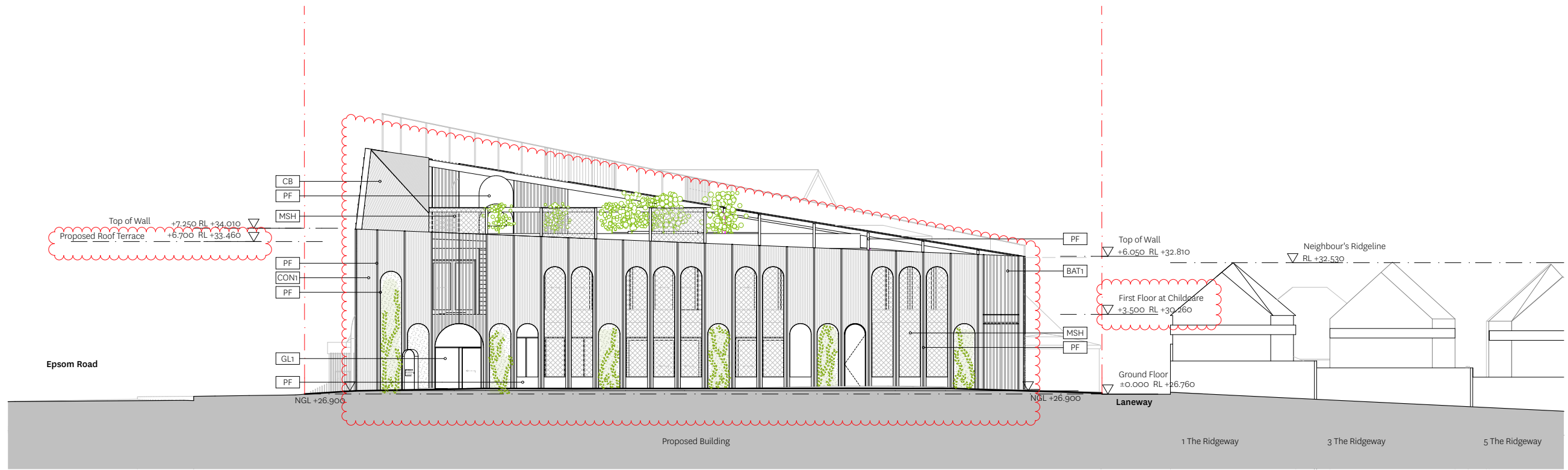
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17-002 St Marys Church
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4/6/19
TPO3.1 STREETScape ELEVATIONS



1 NORTHWEST ELEVATION (EPSOM ROAD) 1:200



2 NORTHWEST ELEVATION (THE RIDGEWAY) 1:200

EXTERNAL FINISHES		INTERNAL FINISHES		LANDSCAPE FINISHES	
AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS	BAT2	TIMBER BATTENS
BAT1	PAINTED BATTENS	PF	PAINT FINISH	BB3	BREEZE BLOCK FLOOR
CB	COLOURBOND ROOF	ST2	STEEL GATE	PB1	PLASTERBOARD
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS	PB2	ACOUSTIC PLASTERBOARD
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL	T#	TILES
CON2	CONCRETE FLOOR	MESH	WIRE MESH	TM3	TIMBER LINING
GL1	CLEAR GLAZING		BALUSTRADE		
				TM-F	TIMBER FLOOR
				ST1	STEEL STAIR
				BB1	BREEZE BLOCK / GRASS
				BB2	BREEZE BLOCK / PAVING
				SOF	RUBBER SOFTFALL

For specification of all finishes refer to finishes schedule

REVISIONS		
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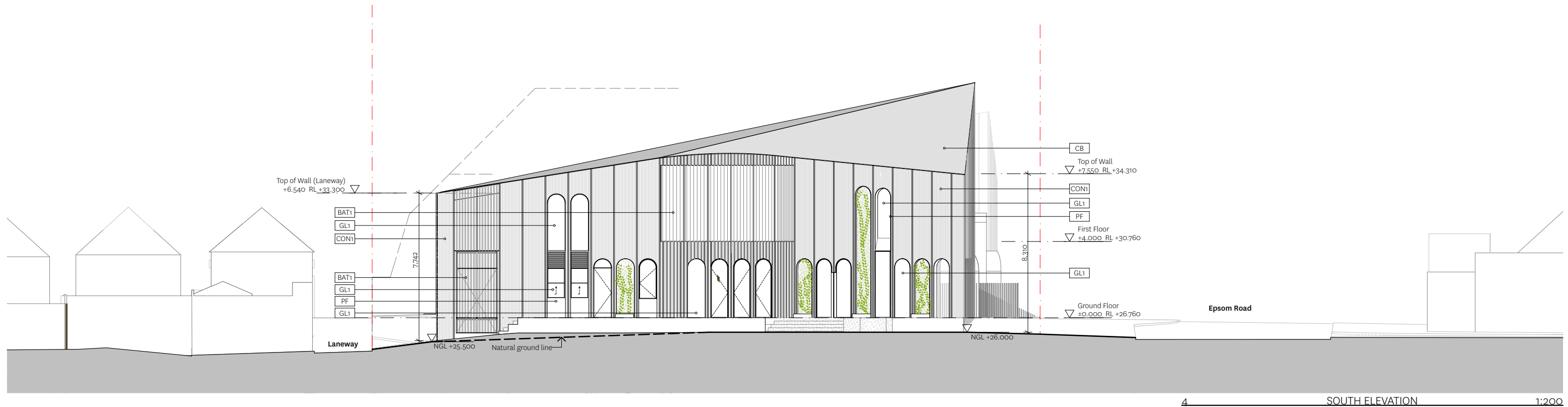
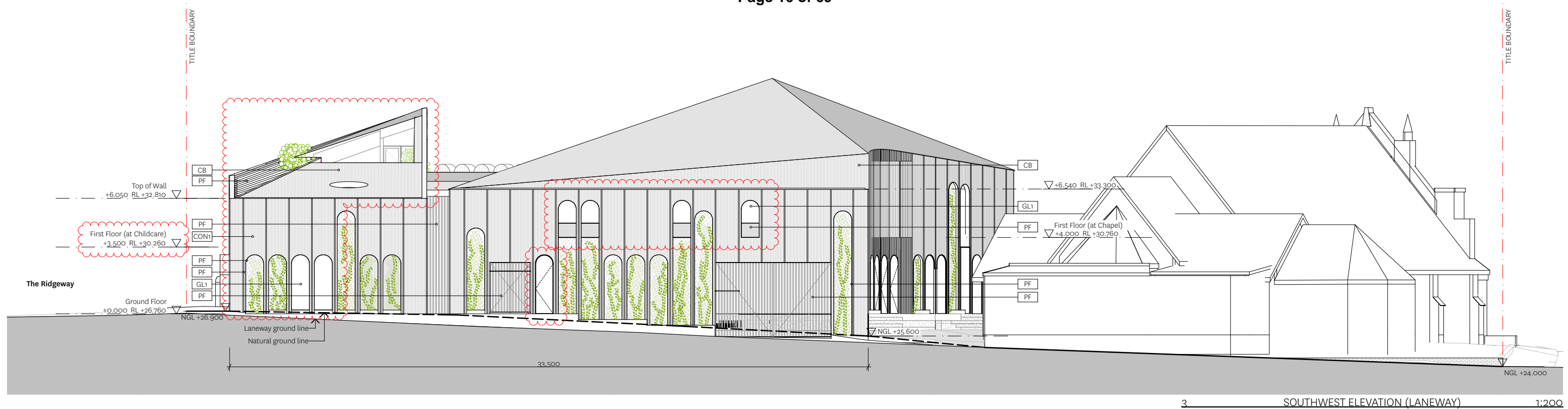
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17-002 St Marys Church
5-11 Epsom Rd Kensington

4/6/19
TP03.2 PROPOSED BUILDING ELEVATIONS



EXTERNAL FINISHES

AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS
BAT1	PAINTED BATTENS	PF	PAINT FINISH
CB	COLOURBOND ROOF	ST2	STEEL GATE
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS
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CON2	CONCRETE FLOOR	MESH	WIRE MESH
GL1	CLEAR GLAZING		BALUSTRADE

INTERNAL FINISHES

BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR
BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR
PB1	PLASTERBOARD		
PB2	ACOUSTIC PLASTERBOARD		
T#	TILES		
TM3	TIMBER LINING		

LANDSCAPE FINISHES

BB1	BREEZE BLOCK / GRASS
BB2	BREEZE BLOCK / PAVING
SOF	RUBBER SOFTFALL

REVISIONS

- 1/10/2018 PLANS FOR ENDORSEMENT
- 27/11/2018 ADDITIONAL INFORMATION
- 22/05/2019 CHILDCARE AMENDMENT

MAKE

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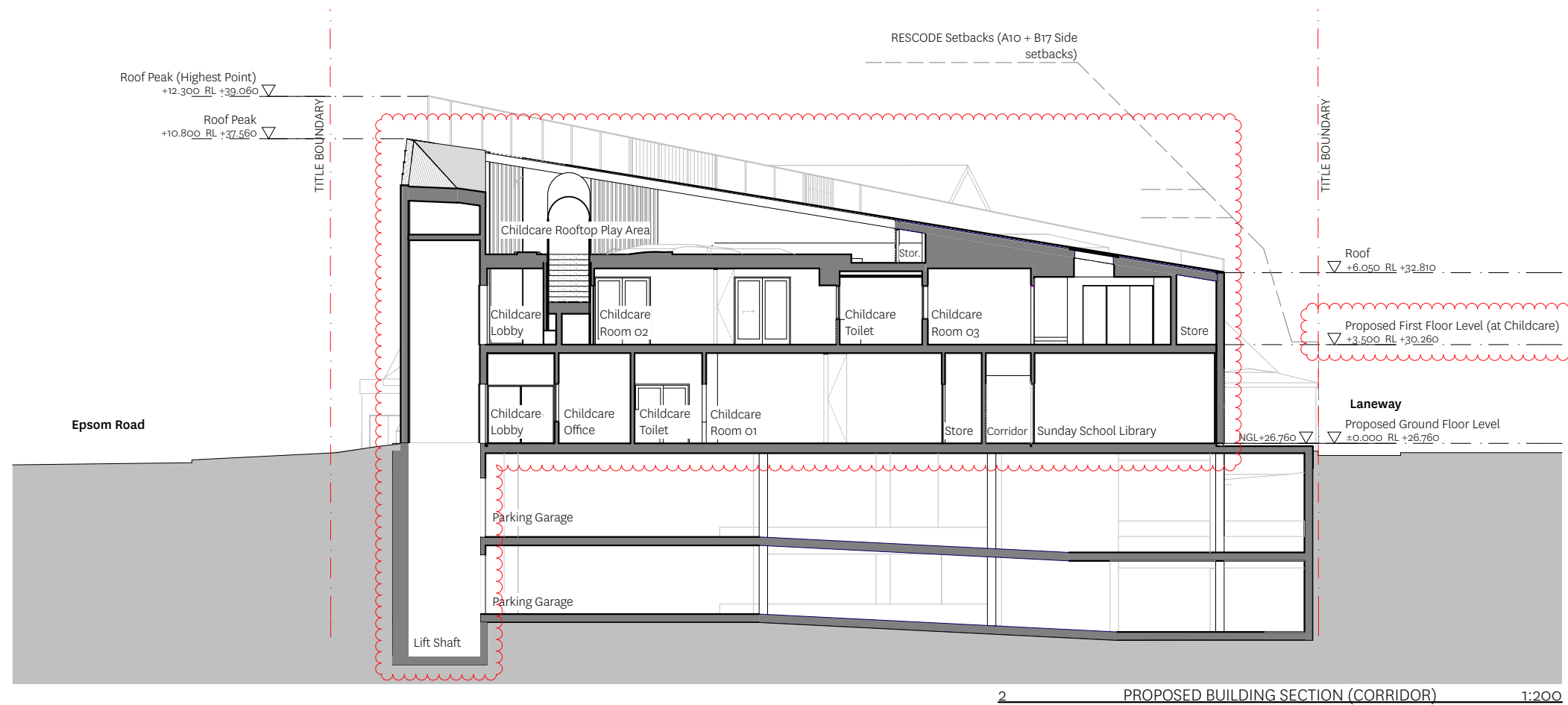
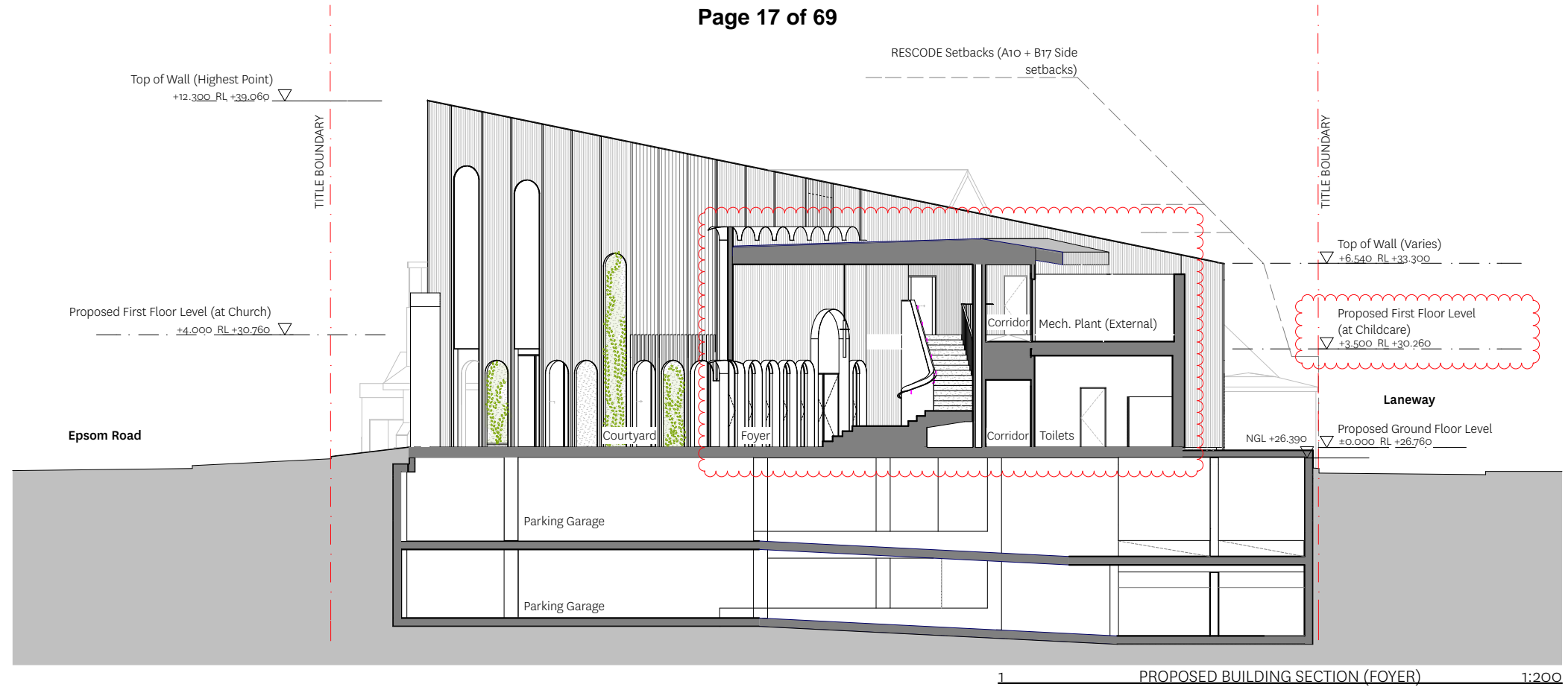
17-002

St Marys Church
5-11 Epsom Rd Kensington

4/6/19

TP03.3

PROPOSED BUILDING ELEVATIONS



EXTERNAL FINISHES			INTERNAL FINISHES			LANDSCAPE FINISHES			
AL1	ALUM. FRM GLAZING	GL2	STAINED GLASS	BAT2	TIMBER BATTENS	TM-F	TIMBER FLOOR	BB1	BREEZE BLOCK / GRASS
BAT1	PAINTED BATTENS	PF	PAINTE FINISH	BB3	BREEZE BLOCK FLOOR	ST1	STEEL STAIR	BB2	BREEZE BLOCK / PAVING
CB	COLOURBOND ROOF	ST2	STEEL GATE	PB1	PLASTERBOARD	SOF	RUBBER SOFTFALL		
CFC	CEMENT CLADDING	PV	PHOTOVOLTAICS	PB2	ACOUSTIC PLASTERBOARD				
CON1	PRECAST CONCRETE	PERF	PERFORATED METAL	T#	TILES				
CON2	CONCRETE FLOOR	MESH	WIRE MESH	TM3	TIMBER LINING				
GL1	CLEAR GLAZING		BALUSTRADE						

REVISIONS

1	1/10/2018	PLANS FOR ENDORSEMENT
2	27/11/2018	ADDITIONAL INFORMATION
3	22/05/2019	CHILDCARE AMENDMENT

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17-002 St Marys Church
5-11 Epsom Rd Kensington

4/6/19
TP03.4 BUILDING SECTIONS

For specification of all finishes refer to finishes schedule

FACADE MATERIALS:



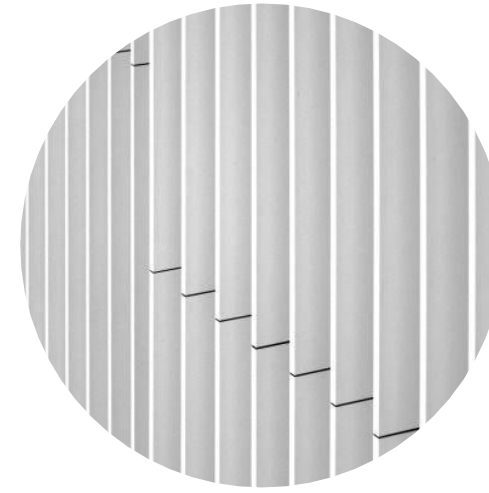
EXISTING CHURCH BRICKWORK



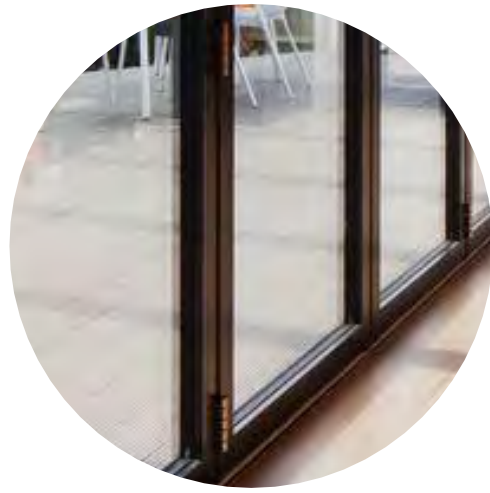
CON1 - PRECAST CONCRETE WALL PANEL



PF - BRONZE/GOLD COLOUR BRIDGE PAINT FINISH (AT ARCHES, BASE PANELS, VERTICAL DETAILS AS SHOWN ON ELEVATIONS)



BAT1 - ALUMINIUM BATTEN SCREEN

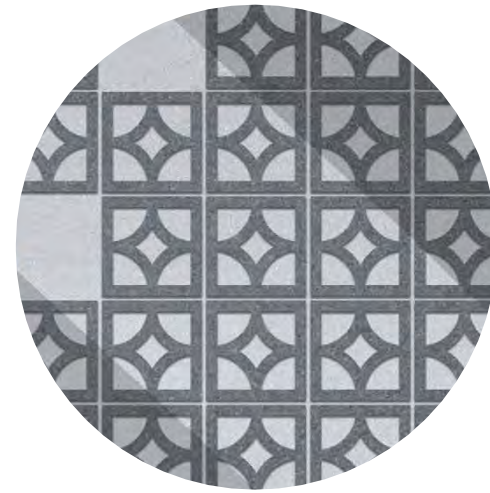


AL1 - ANODISED ALUMINUM WINDOWS

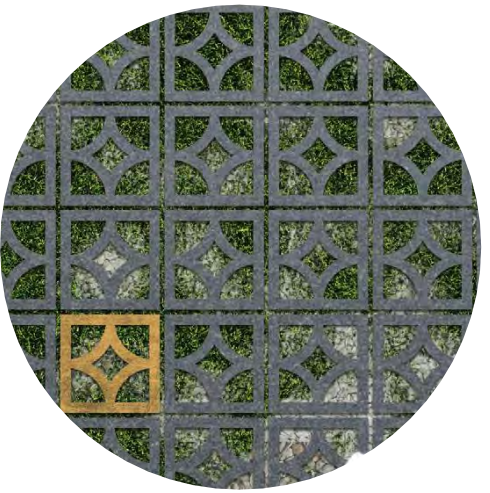


MESH - WIRE MESH SCREEN/BALUSTRADE

PAVING MATERIALS:



BB1 - BREEZE BLOCK PAVERS WITH CONCRETE INFILL



BB2 - BREEZE BLOCK PAVERS WITH PERMEABLE INFILL



SOF - FLAT OR CONTOURED RUBBER SOFTFALL

REVISIONS

- 1 1/10/2018 PLANS FOR ENDORSEMENT
- 2 27/11/2018 ADDITIONAL INFORMATION
- 3 22/05/2019 CHILDCARE AMENDMENT

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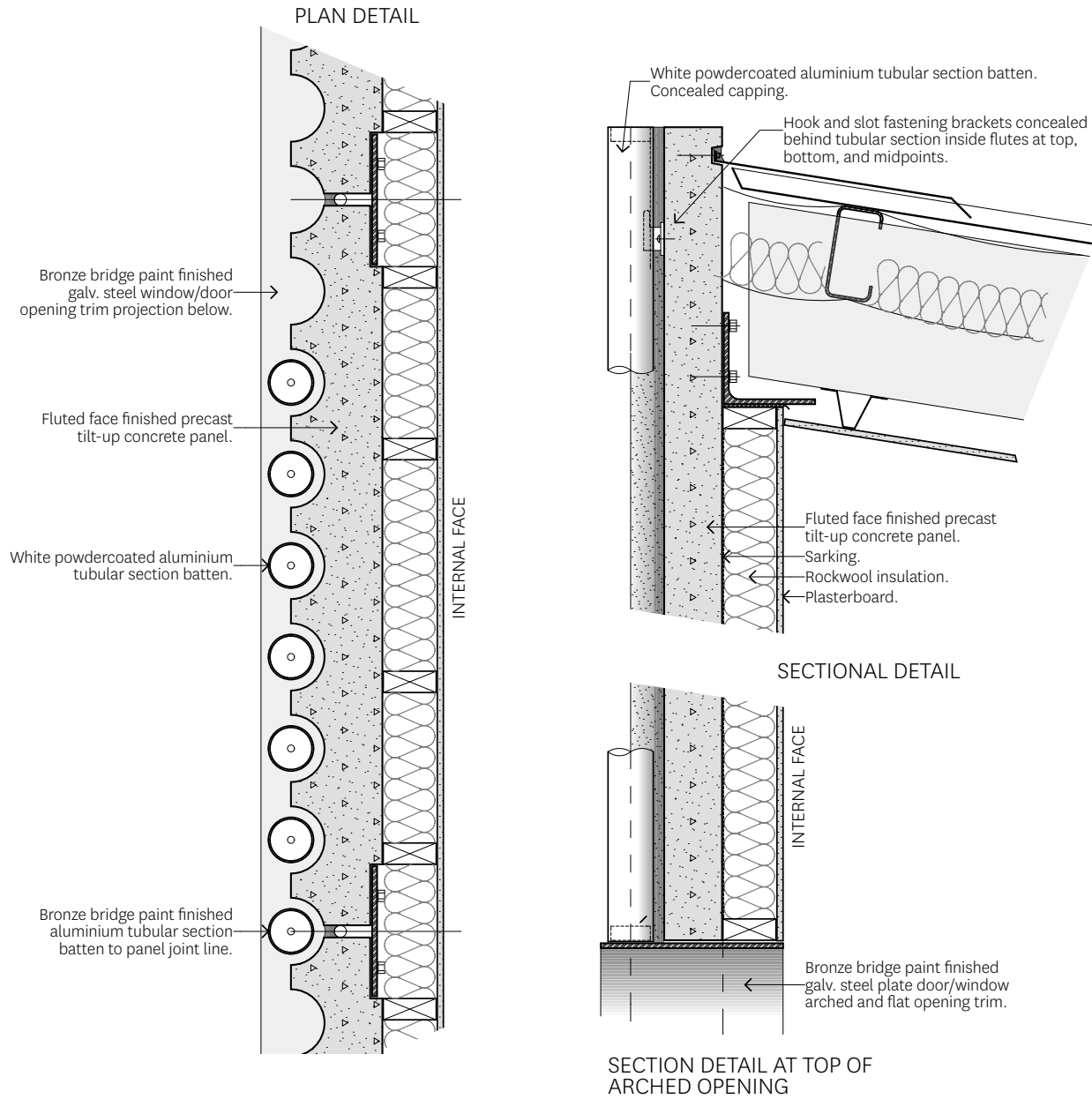
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St Marys Church
5-11 Epsom Rd Kensington

4/6/19
PROPOSED MATERIALS

TP03.5



1 INDICATIVE FACADE CONCEPT DETAIL - ALUMINIUM BATTENS

REVISIONS

1	1/10/2018	PLANS FOR ENDORSEMENT
2	27/11/2018	ADDITIONAL INFORMATION
3	22/05/2019	CHILDCARE AMENDMENT

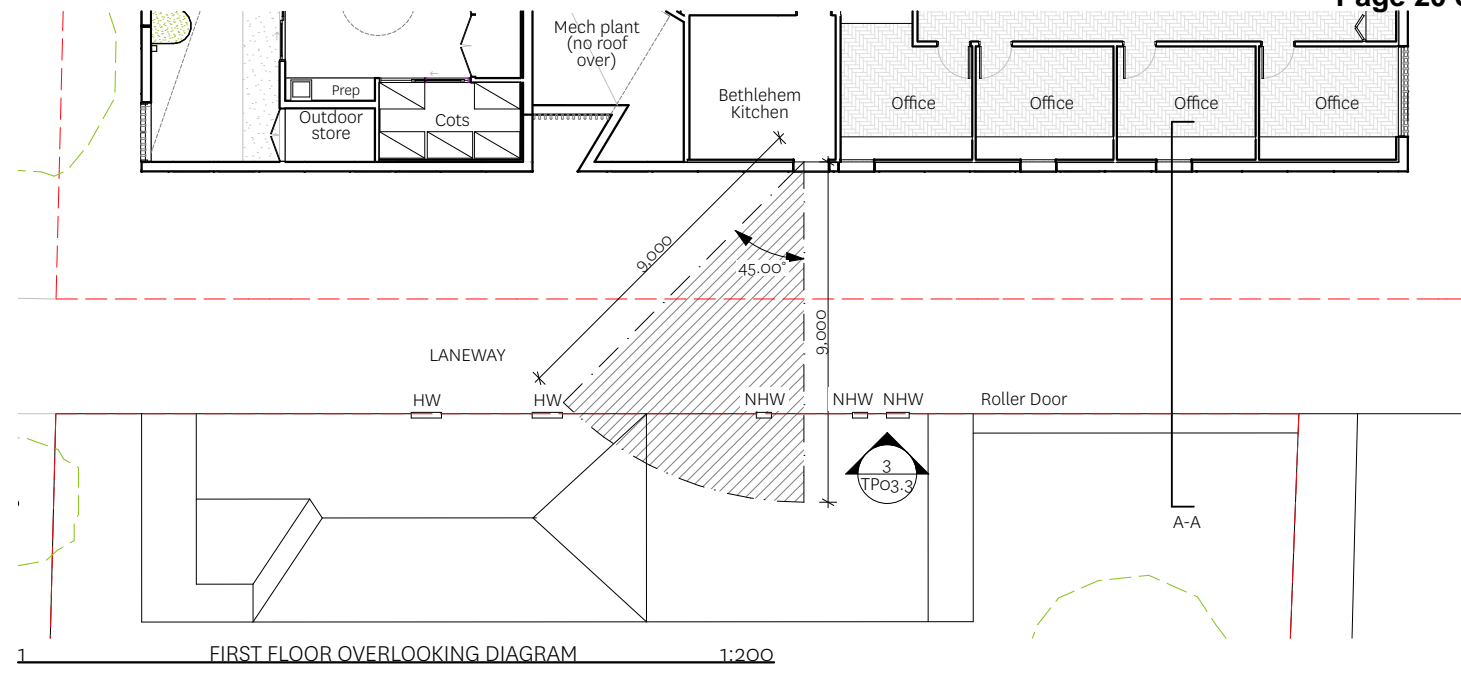
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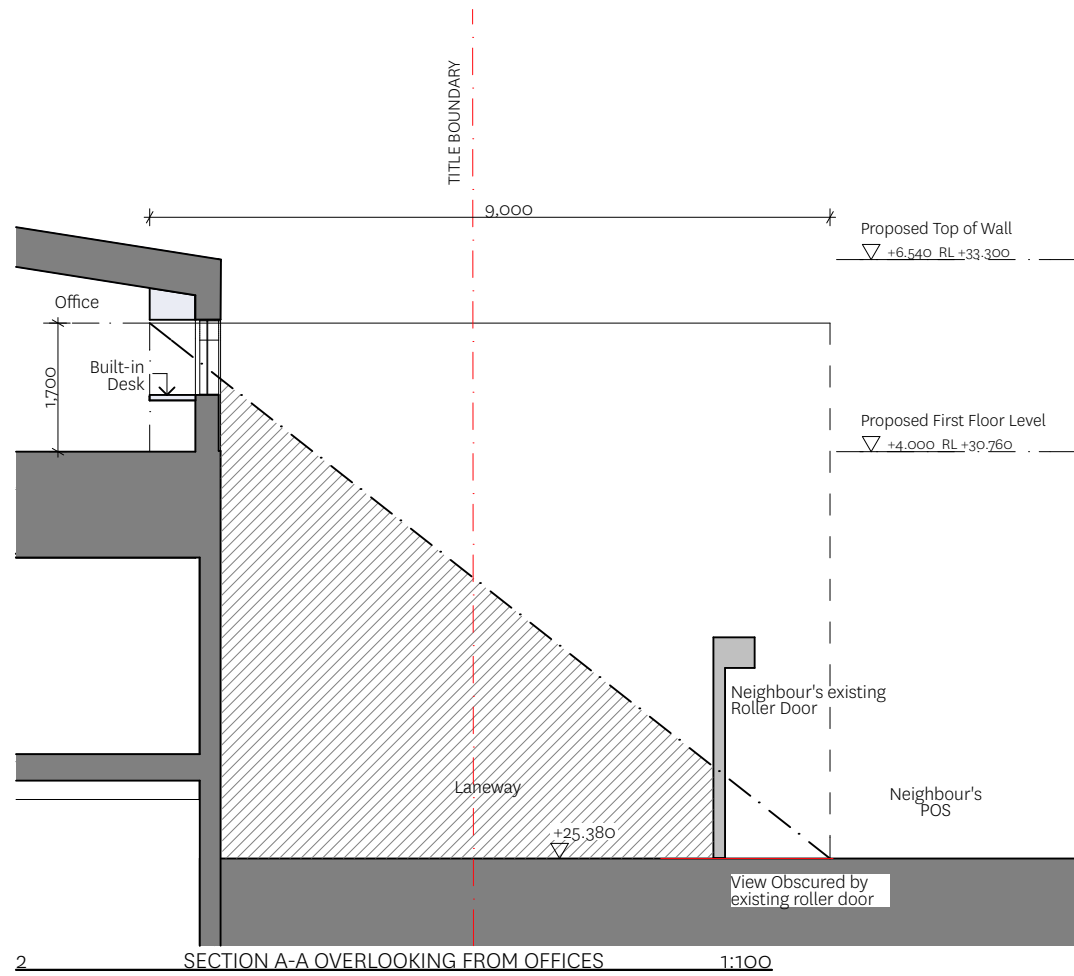
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17-002 St Marys Church
5-11 Epsom Rd Kensington

4/6/19
TP03.6 PROPOSED EXTERNAL CONCEPT DETAIL



1 FIRST FLOOR OVERLOOKING DIAGRAM 1:200



2 SECTION A-A OVERLOOKING FROM OFFICES 1:100

- REVISIONS**
- 1 1/10/2018 PLANS FOR ENDORSEMENT
 - 2 27/11/2018 ADDITIONAL INFORMATION
 - 3 22/05/2019 CHILDCARE AMENDMENT

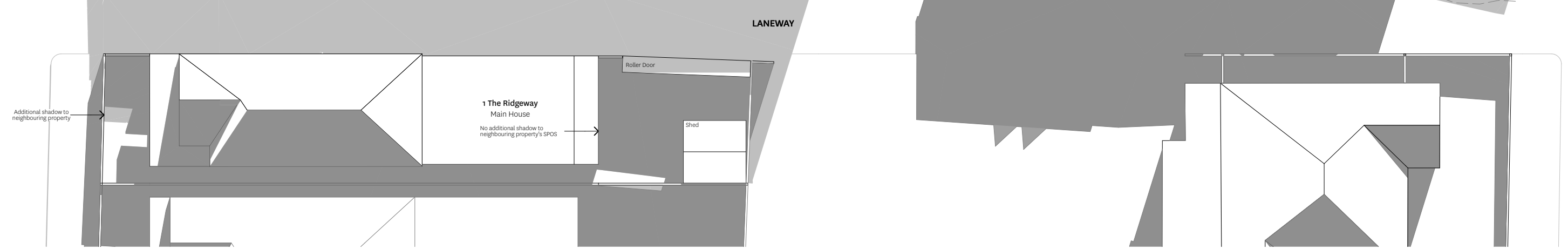
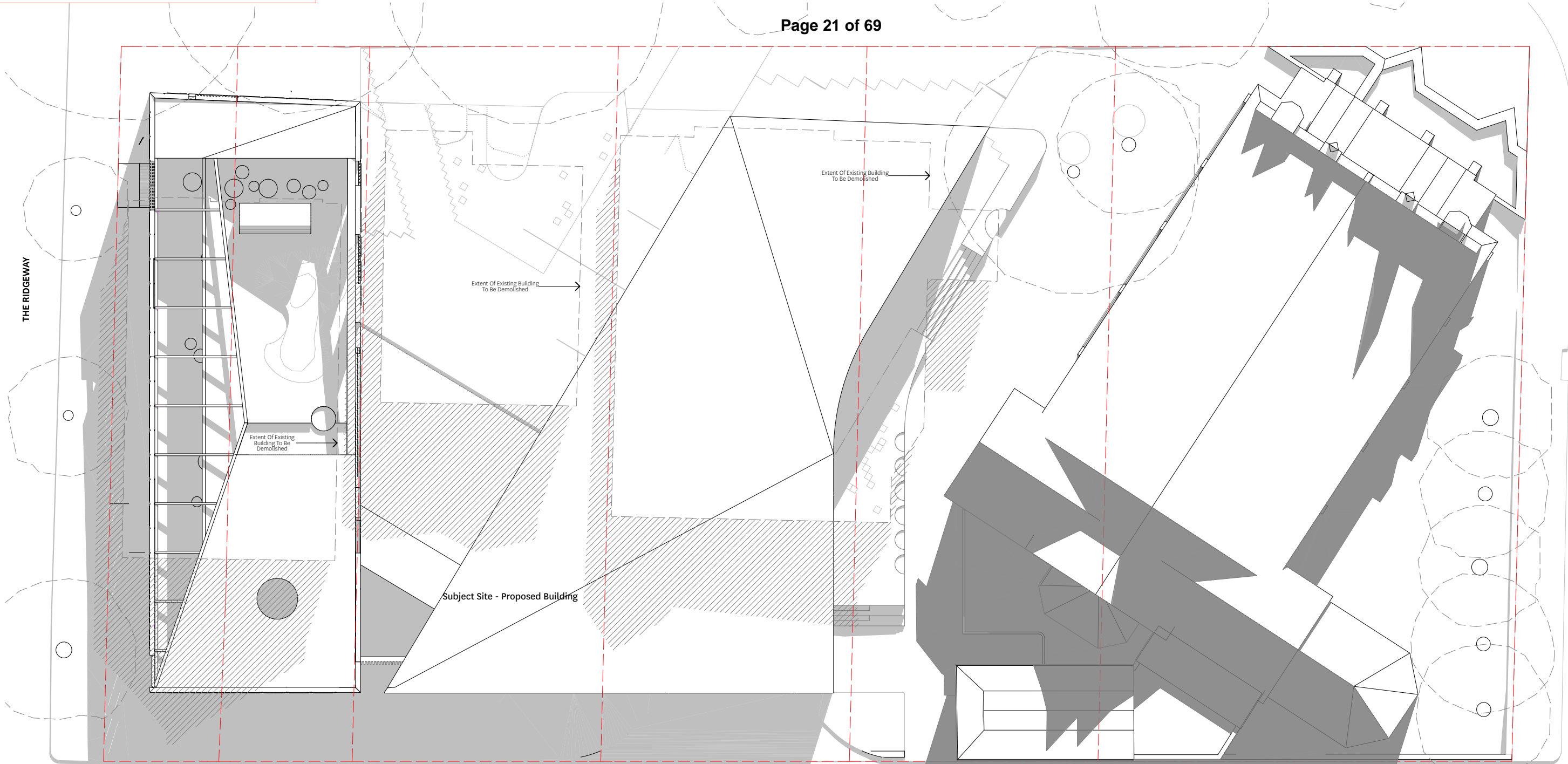
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17-002 St Marys Church
5-11 Epsom Rd Kensington

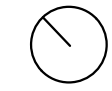
4/6/19
TP03.7 OVERLOOKING DIAGRAMS



PROPOSED SHADOW DIAGRAM 9:00AM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed

- REVISIONS**
- 1 1/10/2018 PLANS FOR ENDORSEMENT
 - 2 27/11/2018 ADDITIONAL INFORMATION
 - 3 22/05/2019 CHILDCARE AMENDMENT

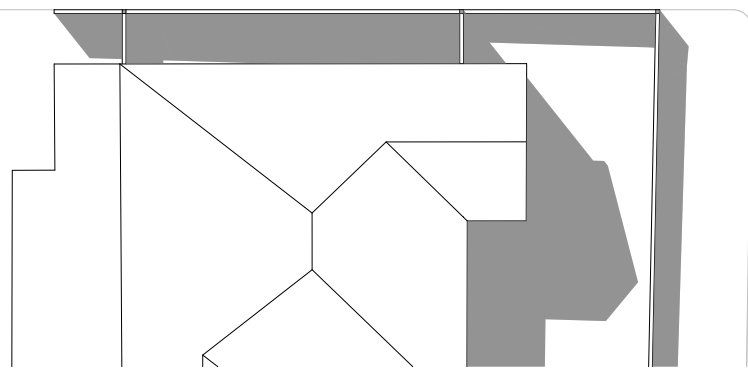
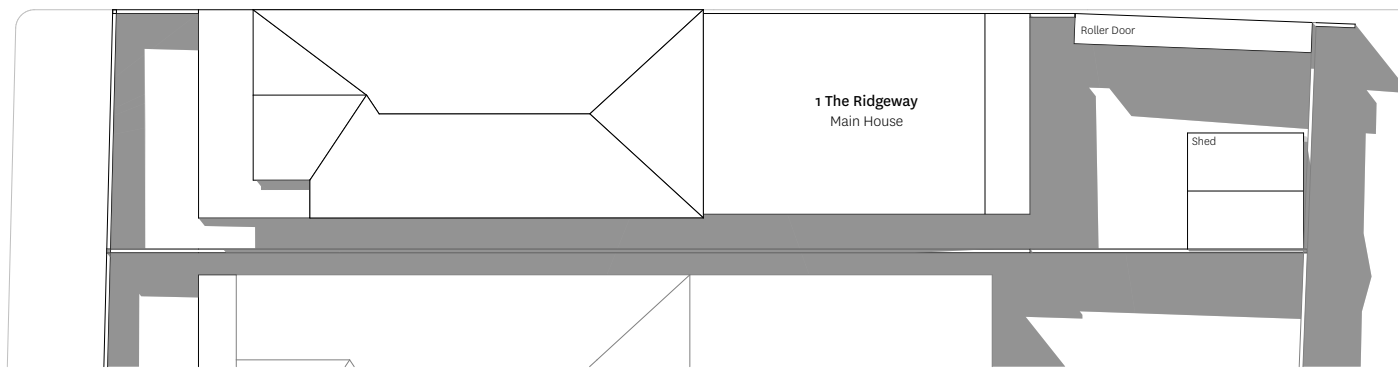
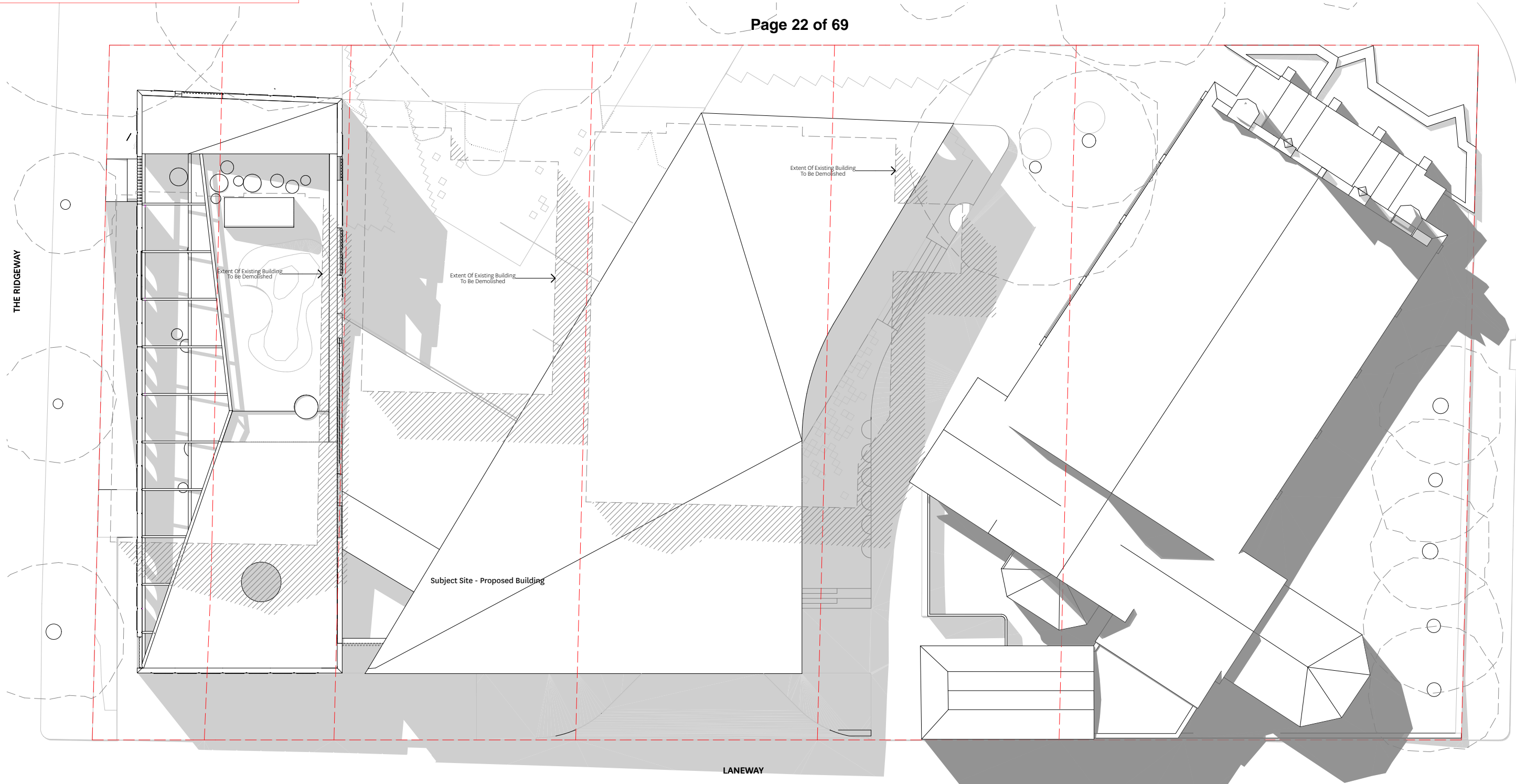


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17-002 St Marys Church
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TP04.1 4/6/19
SHADOW DIAGRAM
1:200



PROPOSED SHADOW DIAGRAM 12:00PM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed

- REVISIONS**
- 1 1/10/2018 PLANS FOR ENDORSEMENT
 - 2 27/11/2018 ADDITIONAL INFORMATION
 - 3 22/05/2019 CHILDCARE AMENDMENT

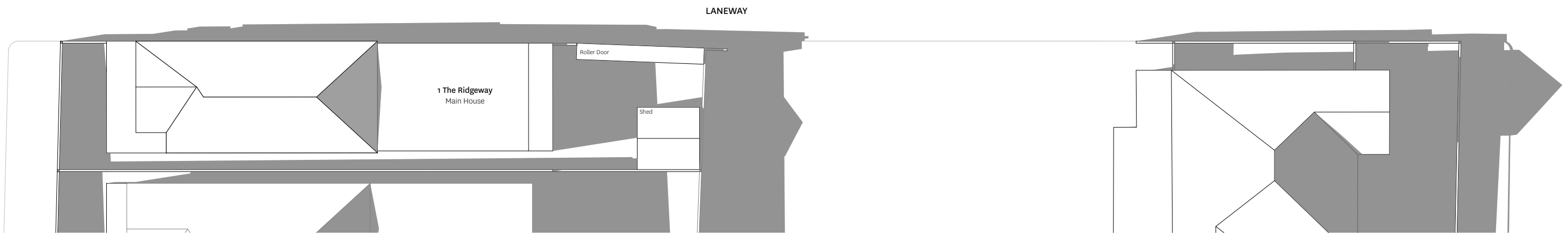
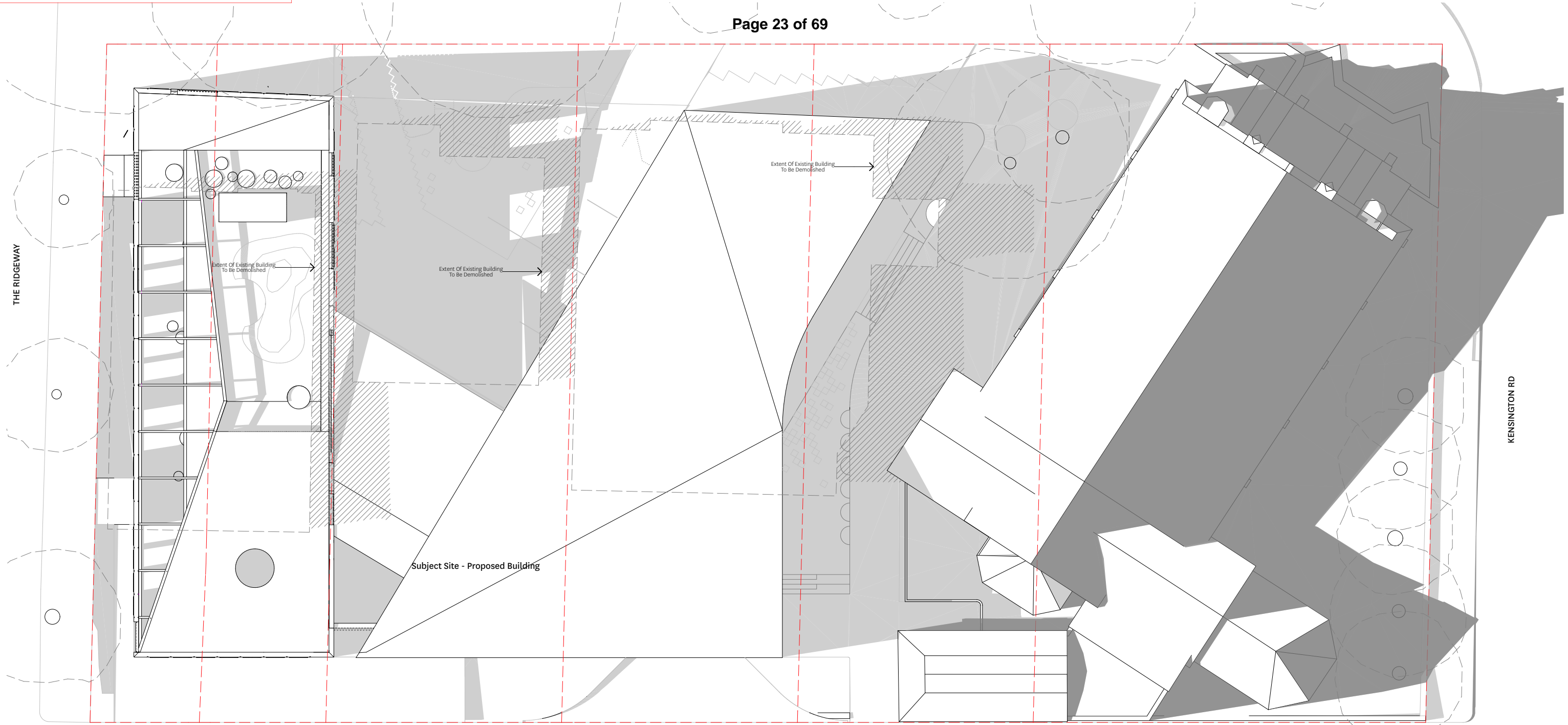


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TPO4.2 4/6/19
SHADOW DIAGRAM
1:200



PROPOSED SHADOW DIAGRAM 3:00PM SEPTEMBER 22ND 1:200

-  Shadows cast by existing - to be demolished
-  Shadows cast by existing
-  Additional shadows cast by proposed

- REVISIONS**
- 1 1/10/2018 PLANS FOR ENDORSEMENT
 - 2 27/11/2018 ADDITIONAL INFORMATION
 - 3 22/05/2019 CHILDCARE AMENDMENT

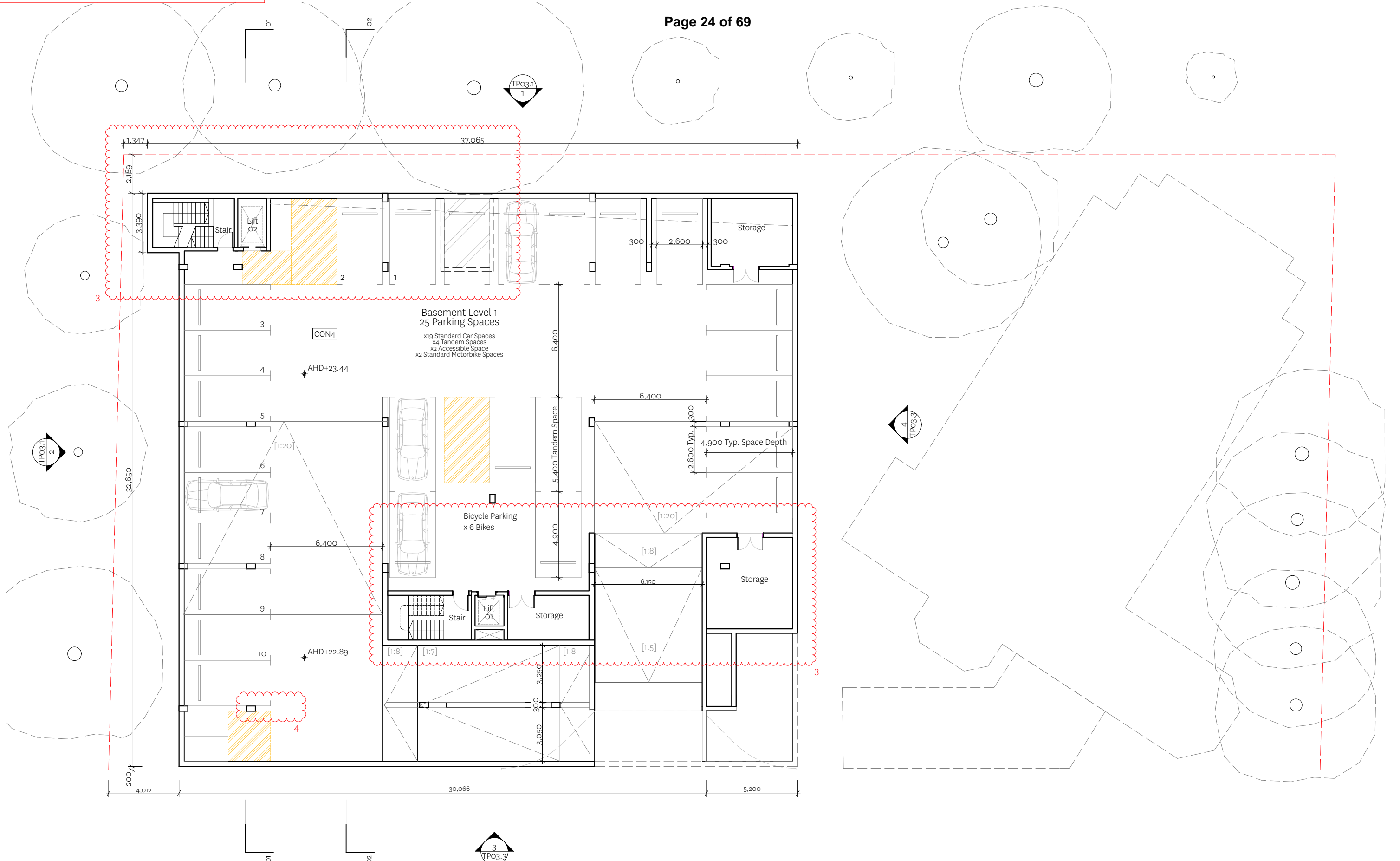
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17-002 St Marys Church
5-11 Epsom Rd Kensington

TP04.3 4/6/19
SHADOW DIAGRAM
1:200



DEVELOPMENT SUMMARY

TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²

PROPOSED BUILDING AREAS:

BASEMENT 1	1069 m ²	26 Cars Total (10 dedicated Childcare spaces)
BASEMENT 2	1157.5 m ²	34 Cars
GROUND FLOOR	672.1 m ²	(186 m ² Childcare)
FIRST FLOOR	678.3 m ²	(213 m ² Childcare)
ROOF TERRACE	6 m ²	(Childcare)

SITE COVERAGE 55%
 PERMEABILITY 20%

REVISIONS

- 1 1/10/2018 PLANS FOR ENDORSEMENT
- 2 27/11/2018 ADDITIONAL INFORMATION
- 3 22/05/2019 CHILDCARE AMENDMENT
- 4 30/08/2019 DRAWING CORRECTION

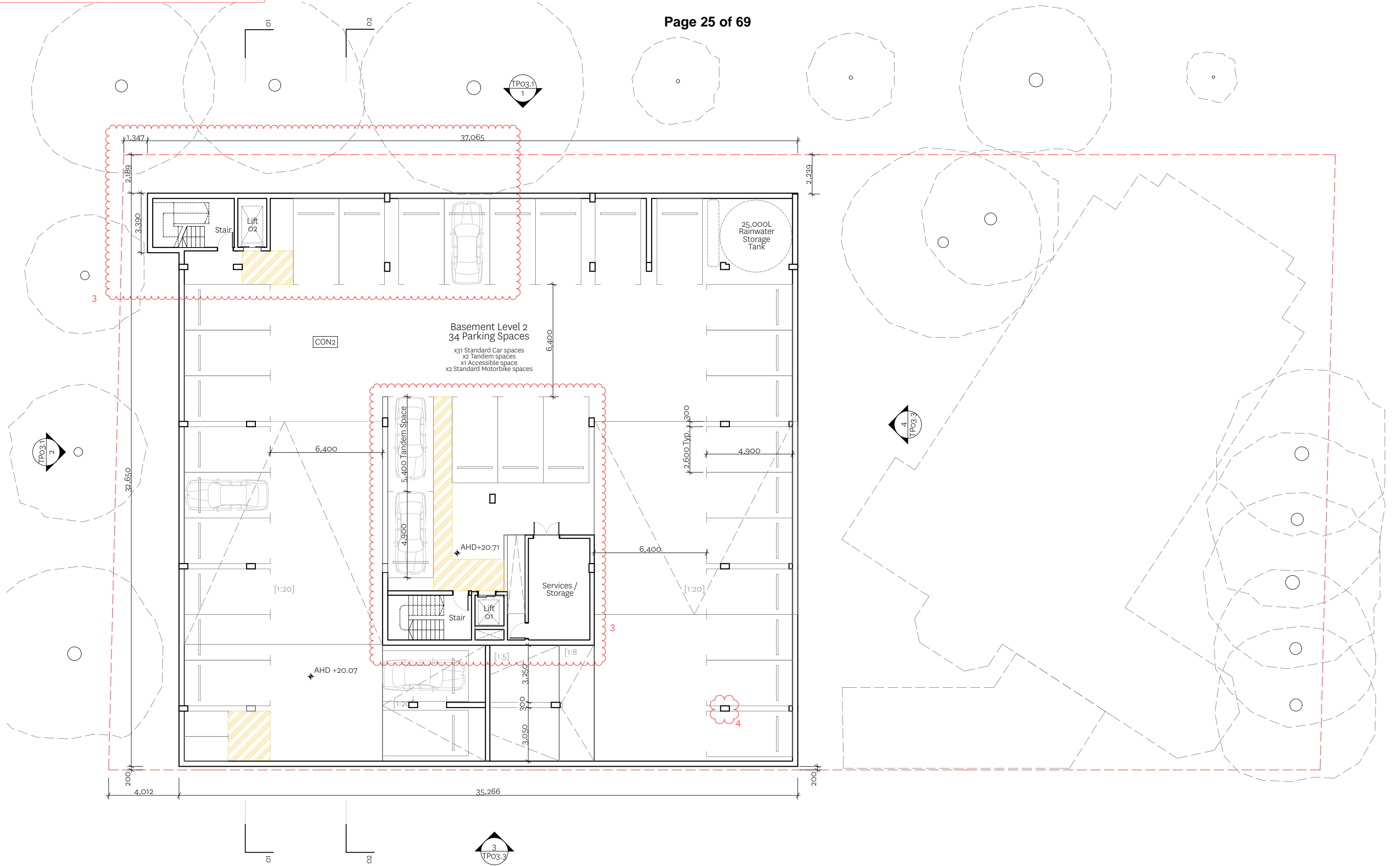
STUDIO

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 studiobright.com.au

17-002 St. Mary's Coptic Church
 5-11 Epsom Rd Kensington
 Wurundjeri country

TP02.5
 30/8/19
 PROPOSED BASEMENT 1 PLAN
 PROPOSED PLANS_1:200, 1:100

BRIGHT



DEVELOPMENT SUMMARY

TOTAL SITE AREA 2,419.5 m²
 EXISTING CHURCH 489.2 m²

PROPOSED BUILDING AREAS:

BASEMENT 1	1069 m ²	26 Cars Total (10 dedicated Childcare spaces)
BASEMENT 2	1157.5 m ²	34 Cars
GROUND FLOOR	672.1 m ²	(186 m ² Childcare)
FIRST FLOOR	678.3 m ²	(213 m ² Childcare)
ROOF TERRACE	6 m ²	(Childcare)

SITE COVERAGE 55%
 PERMEABILITY 20%

- REVISIONS**
- 1/10/2018 PLANS FOR ENDORSEMENT
 - 27/11/2018 ADDITIONAL INFORMATION
 - 22/05/2019 CHILDCARE AMENDMENT
 - 30/08/2019 DRAWING CORRECTION

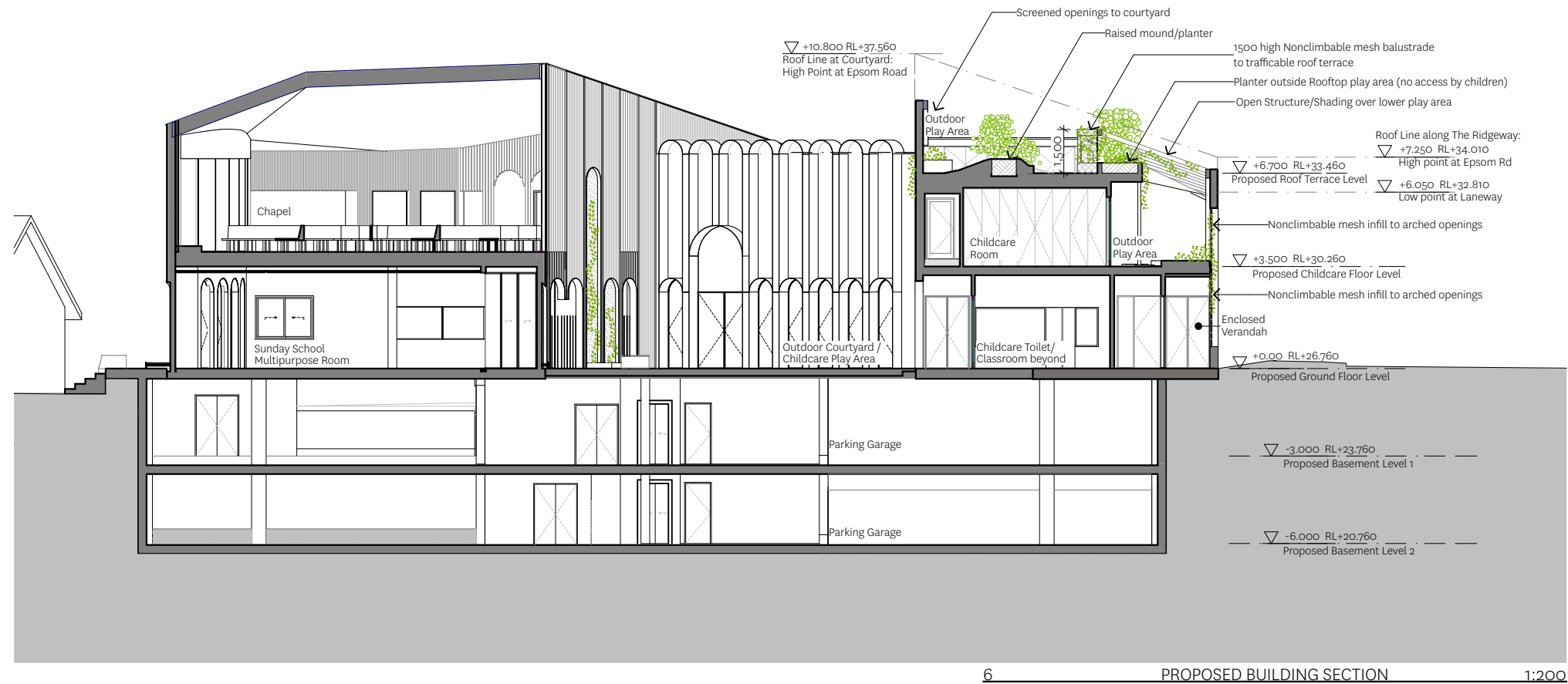
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17-002 St. Mary's Coptic Church
 5-11 Epsom Rd Kensington
 Wurundjeri country

TP02.6
 30/8/19
 PROPOSED BASEMENT 2 PLAN
 PROPOSED PLANS_1:200, 1:100

BRIGHT



REVISIONS
 1 04/10/2019 CHILDCARE AMENDMENT

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17-002 St. Mary's Coptic Church
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TP03.5
 4/10/19
 BUILDING SECTIONS
 PROPOSED ELEVATIONS AND
 SECTIONS_1:200

BRIGHT



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17-002 St. Mary's Coptic Church
5-11 Epsom Rd Kensington
Wurundjeri country

TP06
5/9/19
EPSOM ROAD VIEW
TOWN PLANNING

BRIGHT

Planning Permit Application Delegate Report

APPLICATION NO:	TP-2015-81/A
APPLICANT:	St Marys Coptic Orthodox c/- SJB Planning Pty Ltd
OWNER:	Coptic Orthodox Church (Victoria) Property Trust
ARCHITECT	Studio Bright
ADDRESS:	1-11 Epsom Road, Kensington
PROPOSAL:	Amending the description of what the permit allows to include "Use of land for Child Care Centre", and amending the plans endorsed under the permit to make consequential changes to the development associated with the introduction of this land use.
COST OF WORKS:	N/A
DATE OF APPLICATION:	5 June 2019
DATE OF REPORT:	19 November 2019
CITY OF MELBOURNE STATUS:	Melbourne City Council is the Responsible Authority for Application TP-2015-81/A
RESPONSIBLE OFFICER:	Colin Charman, Acting Principal Urban Planner

1 SUBJECT SITE AND SURROUNDS

1.1 Subject site

Application TP-2015-81/A concerns the site known as 1-11 Epsom Road, Kensington, comprising the following parcels of land:

- **1-3 Epsom Road**, occupied by St Mary's Coptic Orthodox Church (Place of Worship), constructed 1918-1920 (the **Church**). The Church is constructed from brick with a pitched gable tile roof. Single storey brick outbuildings are located to the rear of the Church, fronting the rear laneway. The Church is sited so that it faces the south-east corner of the site toward the intersection of Epsom, Macaulay and Kensington Roads.

The Church is a 'C' graded building in a 'Level 3' streetscape under the Heritage Places Inventory March 2018 (**Heritage Inventory**).

The south-east corner of the site is currently splayed to provide for a wider footpath and has been maintained by Council.

- **5 Epsom Road**, occupied by a single storey, double-fronted brick and weatherboard building with pitched tile roof and rear lean-to addition, currently used as a Place of Assembly as part of the church.

This building is 'D' graded in a 'Level 3' streetscape under the Heritage Inventory.

- **7 Epsom Road**, occupied by a single storey Edwardian block panel façade building with front verandah and corrugated roof, also used as a Place of Assembly as part of the church.

This building is 'D' graded in a 'Level 3' streetscape under the Heritage Inventory.

- **9-11 Epsom Road**, occupied by an ungraded single storey brick building with pitched gable terracotta tile roof, currently used as a Place of Assembly as part of the church.



• Figure 1: Aerial Photograph of Subject Site (captured August 2019)



Figure 2: Street View Photograph of Subject Site (cnr Epsom/Kensington Rds) (captured Nov-2017)

1.2 Strategic location in Kensington

The subject site is located within the Flemington and Kensington local area, west of Flemington Racecourse, the Royal Agricultural Showgrounds and the Maribyrnong River. The Municipal Strategic Statement (MSS) identifies the broader strategic priorities for this area as enhancing residential amenity and the heritage characteristics.

The subject site falls within the periphery of the Macaulay Road shopping area, which the MSS targets as a location where planning is to encourage convenience shopping and facilities with a neighbourhood focus.

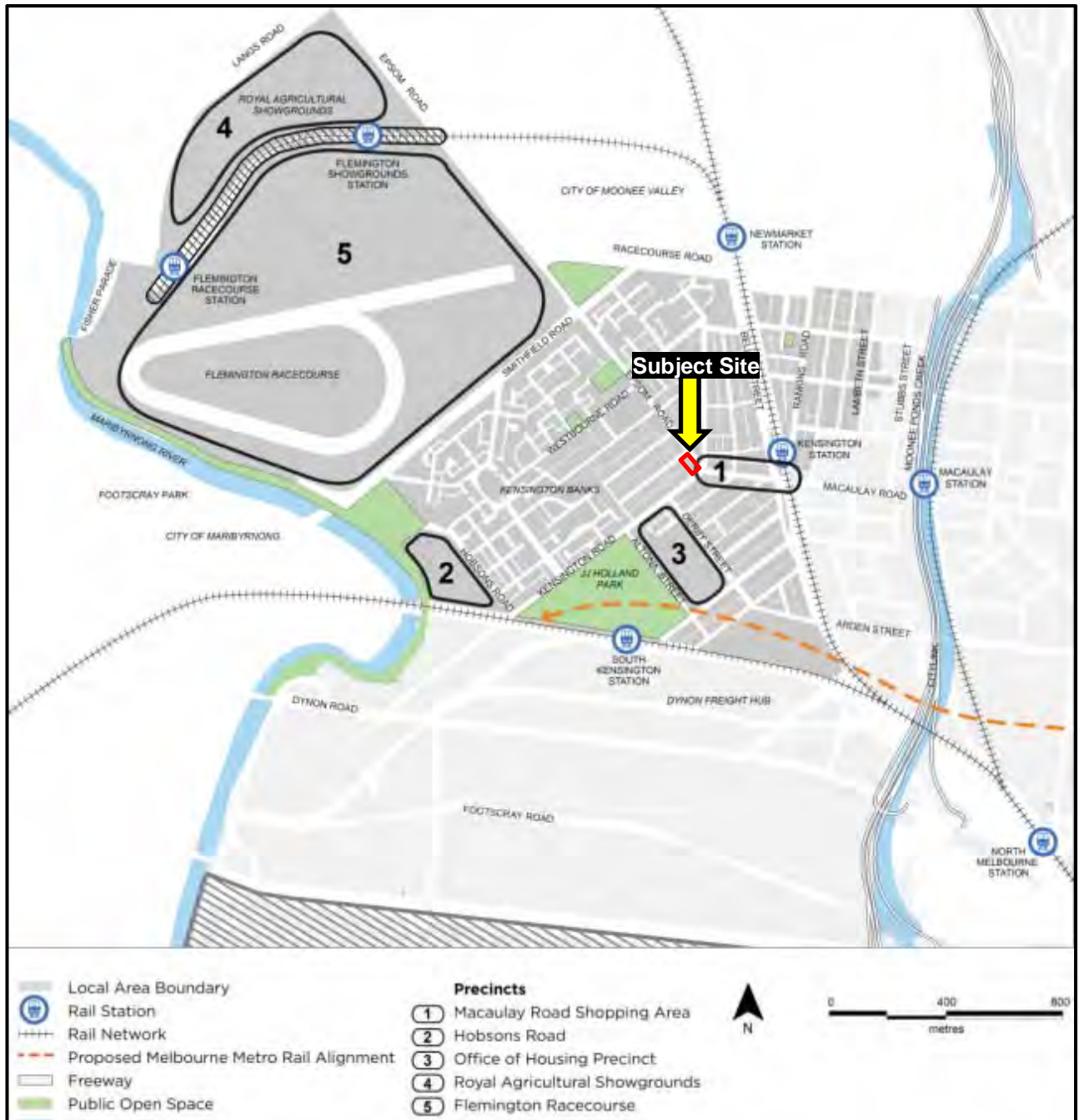


Figure 3: Excerpt from Municipal Strategic Statement (Clause 21.15-2 Flemington and Kensington)

1.3 Restrictions / Easements

The land parcels comprising the subject site are formally described as follows:

- Lots 1 and 2 on Plan of Subdivision 005501 (Vol. 03552, Fol. 258);
- Lot 3 on Plan of Subdivision 005501 (Vol. 0536, Fol. 161);
- Lot 4 on Plan of Subdivision 005501 (Vol. 03555, Fol. 883).

It is noted that:

- No restrictive covenants or S.173 Agreements burden these titles;
- No easements encumber these titles; and
- The above titles benefit from a carriageway easement over the right-of-way abutting the subject site's south-west boundary.

1.4 Archaeology and Heritage Inventory

The subject site is not included in the Victorian Heritage Inventory, and is therefore not identified as a known historical (non-indigenous) archaeological site in Victoria.

1.5 Aboriginal Cultural Heritage

The subject site is not located in an area of legislated aboriginal cultural heritage sensitivity under Division 4 of the *Aboriginal Heritage Regulations 2018*.

A Cultural Heritage Management Plan is therefore not required before a permit can be granted for the proposed development under the *Aboriginal Heritage Act 2006*.

2 BACKGROUND AND HISTORY

2.1 Planning Permit TP-2015-81

2.1.1 *What the permit allows*

Planning Permit TP-2015-81 was issued on 21 June 2018, and allows:

Demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway in accordance with the endorsed plans.

2.1.2 *Changes to plans prior to endorsement*

Condition 1 of Planning Permit TP-2015-81, which required submission of amended plans prior to their endorsement under the permit, provides:

1. *Prior to the commencement of the development on the land, two copies of plans, drawn to scale must be submitted to the Responsible Authority generally in accordance with the Section 57A Amendment plans dated 14/09/2017, amended to show:*
 - a) *Incorporation of lighting within the colonnades.*
 - b) *An increase in the two central corners of the Epsom Road elevation in the order of 1.5 metres to provide a better vertical proportion and relationship to the existing Church.*

- c) *The provision of an infill break between the south-west axis wing, behind the central courtyard, in order to increase the sense of openness and reduces the sense of bulk when viewed from both Epsom Road and the residential interface to the rear.*
- d) *The provision of a minimum 10 secure, accessible and convenient bicycle parking spaces on-site.*
- e) *The footpath of the widened splay to the corner of Epsom Road and Macaulay Road finished in asphalt, in consultation with Council's Traffic Engineering Services.*

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Plans in accordance with Condition 1 of the permit were endorsed on 3 December 2018.

2.1.3 Permit expiry

Condition 35 of Planning Permit TP-2015-81 provides that the permit will expire if:

- a) The development is not started within two years of the date of this permit (being 21 June 2020).
- b) The development is not completed within four years of the date of this permit (being 21 June 2022).

The permit is therefore currently valid and has not expired.

2.2 Planning Scheme Amendments

In the intervening period between when Planning Permit TP-2015-81 was first granted and the date of this report, the following amendments have been made to the Melbourne Planning Scheme of relevance to the subject site and proposed land use and development.

2.3 Planning Scheme Amendment VC148

Planning permit TP-2015-81 was issued prior to the gazettal of Amendment VC148, which has since come into effect.

Amendment VC148 was prepared by the Minister for Planning (**Minister**) and gazetted on 31 July 2018. Amendment VC148 introduced changes to the Victorian Planning Provisions in all planning schemes across Victoria.

The explanatory report¹ for Amendment VC148 outlines the following description of why the amendment was required:

The Victoria Planning Provisions have served Victoria well for a long time. However, increasing demands on the planning system and successive reforms have resulted in planning schemes that have grown considerably in size and complexity. The growth in complexity of planning schemes not only affects their efficiency and effectiveness, it also acts as a barrier to long-term change and the benefits that technology can deliver through more responsive and accessible planning services.

The amendment implements part of the Victorian Government's Smart Planning program reforms to simplify and modernise Victoria's planning policy and rules. The 2017 Smart Planning discussion paper, Reforming the Victoria Planning Provisions included proposals to simplify and realign the VPP using the six principles of a

¹ Explanatory Report, Amendment VC148, Approved Gazetted

modern planning scheme – digital first, user focused, consistent, proportional, land use focused and policy and outcome focused.

Amendment VC148 made the following changes to the Scheme of relevance to Planning Permit TP-2015-81 and Application TP-2015-81/A:

a) Deleting the State Planning Policy Framework (SPPF) and replacing it with a new integrated Planning Policy Framework (PPF) in Clauses 10 to 19.

It is noted that the objectives and strategies contained in the revised Planning Policy Framework are broadly consistent with the objectives and policies contained in the State Planning Policy Framework that predated Amendment VC148, and which the original permit application was assessed against.

b) Reorganising the particular provisions into three new categories;

- i. Provisions that apply to a specified area (Clause 51);**
- ii. Provisions that require, enable or exempt a permit (Clause 52);**
- iii. General requirements and performance standards (Clause 53).**

It is noted that the operation of the particular provisions has remained virtually unchanged, with the only difference being changes to the location of these provisions in the Planning Scheme (i.e. by changing the Clause no.).

2.4 Planning Scheme Amendment VC159

Application TP-2015-81/A was received prior to the gazettal of Amendment VC159, which has since come into effect.

Amendment VC159 was prepared by the Minister for Planning and gazetted on 8 August 2019. Amendment VC159 introduce changes to land use terms in the Victorian Planning Provisions, which included re-categorising some land uses under *Clause 73.04 Nesting Diagrams*, in all planning schemes across Victoria.

One of the land uses that was re-categorised as part of this amendment was Child Care Centre, which is now nested under the Education Centre land use group.

As a result of Child Care Centre being nested under the Education Centre land use group, Transport for Victoria now represent Determining Referral Authority for all Child Care Centre and Kindergarten land uses in the state of Victoria.

Application TP-2015-81/A has been referred to Transport for Victoria accordingly.

2.5 Planning Scheme Amendment VC154

Planning Permit TP-2015-81 was issued prior to the gazettal of Amendment VC154, which has since come into effect.

Amendment VC154 was prepared by the Minister and gazetted on 25 October 2018. Amendment VC154 introduced *Clause 53.18 Stormwater Management in Urban Development* to the Victorian Planning Provisions in all planning schemes across Victoria.

Clause 53.18 Stormwater Management in Urban Development broadly reflects the requirements of Local Planning Policy *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)* (which was in operation in the Melbourne Planning Scheme at the time Planning permit TP-2015-81 was granted).

Stormwater management has therefore already been considered under the original permit, and the gazettal of Amendment VC154 does not introduce any new changes of consequence to the original permit or Application TP-2015-81/A.

It is further noted that *Clause 53.18-1 Application* sets out transitional arrangements, which identify that the requirements of this clause do not apply to:

- *An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC154.*

2.6 Amendment C258: West Melbourne Heritage Review and Heritage Policies Review

Melbourne Planning Scheme Amendment C258 was prepared by Council and applies to all land within the municipality affected by a Heritage Overlay, including land within the West Melbourne Structure Plan area (representing land within the scope of the West Melbourne Heritage Review 2016).

Broadly, Amendment C258 seeks to implement:

- The Heritage Policies Review, which includes a review of the existing heritage policies in the Melbourne Planning Scheme (Clause 22.04/Clause 22.05), preparation of statements of significance for large precincts (e.g. Carlton and South Yarra) and conversion of the current A-D letter grading system to the contemporary Significant, Contributory and Non-Contributory classification system for heritage assets; and
- The West Melbourne Heritage Review 2016, which made recommendations regarding the heritage significance, and appropriate degree of protection, of heritage places within the West Melbourne Structure Plan area.

The independent Panel appointed to consider Amendment C258 issued its report on 21 May 2019. As Melbourne City Council has not yet adopted Amendment C258, it is not considered that the Amendment has attained the status of being 'seriously entertained'.

The proposed heritage gradings for the buildings occupying the site, and revised heritage policy, under Amendment C258 have therefore been given limited weight in the assessment of Application TP-2015-81/A.

3 PROPOSAL

3.1 Plans / Reports Considered in Assessment

Table: Plans / Reports considered in assessment		
Plan / Report Title	Plan/Report Author	Plan/Report Date
Covering letter (Planning Assessment)	SJB Planning Pty Ltd	5 June 2019
Response to referral comments and objector concerns	SJB Planning Pty Ltd	25/26 September 2019
Response to heritage comments	SJB Planning Pty Ltd	4 October 2019

Architectural Drawings	Studio Bright ²	6 May 2019
Drawing No. TP02.5 'Proposed Basement 1 Plan' (corrected column location)	Studio Bright	26 September 2019
Drawing No. TP02.6 'Proposed Basement 2 Plan' (corrected column location)	Studio Bright	26 September 2019
Drawing No. TP06, 'Epsom Road View' (no changes shown, to assist assessment only)	Studio Bright	4 October 2019
Drawing No. TP03.5, 'Building Sections Proposed Elevations and Sections' (no changes shown, to assist assessment only)	Studio Bright	4 October 2019
Environmentally Sustainable Design (ESD) Statement	Frater	23 May 2019
Updated ESD Statement (for discussion)	Frater	20 September 2019
Traffic Impact Assessment Report	Cardno	5 June 2019
Updated swept-path diagrams (for discussion)	Cardno	6 September 2019
Waste Management Plan	Frater	22 May 2019
DDA Compliance Report	Cox Architecture Pty Ltd	17 May 2019

3.2 Summary of Proposed Land Use / Development

Application TP-2015-81/A seeks to amend Planning Permit TP-2015-81 pursuant to section 72 of the *Planning and Environment Act 1987* in the following manner:

1. Amending the description of what the permit allows to include, 'Use of land for a Child Care Centre", as below:

Demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the use of land for a Child Care Centre, and the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway in accordance with the endorsed plans.

2. Amending the plans endorsed under the permit by making:
 - a. Changes to the internal layout of the approved new building to introduce a Child Care Centre across the ground floor and first floor levels of the western wing of the new development, to replace the Sunday School meeting rooms and offices detailed in the original endorsed plans.
 - b. Consequential changes to the exterior design of the western wing of the new development, resulting from the introduction of the Child Care Centre land use, including:

² Formerly 'Make Architecture'

- i. Altering outdoor areas within the development (including at ground level and the terrace to the first floor level of the north wing of the approved new building), to outdoor play areas associated with the Child Care Centre land use.
 - ii. Introducing a roof-top outdoor play area associated with the Child Care Centre land use.
 - iii. Incorporation of a second lift and egress stair within the north wing to allow the Child Care Centre to operate independently of the Church.
- c. External alterations to the approved new building, including:
- i. Redesign of the central element of the north-east elevation to reflect the courtyard arched gate design;
 - ii. Refinements to the distribution of solid / open arches within the façade;
- d. Addition of a 1.8 metre tall front fence (fabricated with vertical metal fins, facing Epsom Road) to contain the outdoor play area associated with the Child Care Centre land use at ground level.

It is noted that Application TP-2015-81/A does not seek to increase the extent of any demolition originally authorised under Planning Permit TP-2015-81.

3.3 Development - Details (Endorsed vs Proposed)

Table: Detailed information (Endorsed vs Proposed)			
	Endorsed Plans	Amended Plans	Difference
Built Form			
Site Coverage	55%	55%	0
Site Permeability	20%	20%	0
Maximum Building Height	13.06m (RL39.060)	13.06m (RL39.060)	0
Floor Area			
Existing Church Floor Area	489.2m ²	489.2m ²	0
Approved New Building:	1,407m ²	1,357m ²	-50m ²
• Church (Place of Worship / Place of Assembly)	1,407m ²	953m ²	-454m ²
• Child Care Centre	0	404m ²	+404m ²
Car Parking			

Car Parking Spaces	60	60 (10 dedicated child care centre spaces)	0
Bicycle Parking			
Bicycle Spaces	12	10	-2

3.4 Land Use – Details of Child Care Centre Operation

The proposed Child Care Centre land use will operate in the following manner:

- The centre will accommodate a maximum of 46 child care places.
- The centre will be open to the public (not limited to church patrons) and function independently of the church.
- A total of 350 square metres of outdoor play area (as required for 46 child care places) will be provided at ground level, first floor level and roof terrace level³.
- The proposed hours of operation will be Monday to Friday 7am to 6.30pm.
- The drop-off and pick-up point associated with the proposed Child Care Centre will occur within the basement, with a separate lift access provided to the centre.
- A total of ten (10) car parking spaces will be dedicated to the Child Care Centre.

³ This is a requirement under r.108 of the [Education and Care Services National Regulations](#), and is not a requirement of the Melbourne Planning Scheme.

3.5 Excerpts from Plans



Figure 4: Excerpt from Drawing No. TP02.1 Proposed Ground Floor Plan, with Child Care Centre use highlighted (yellow: indoor, green: outdoor)

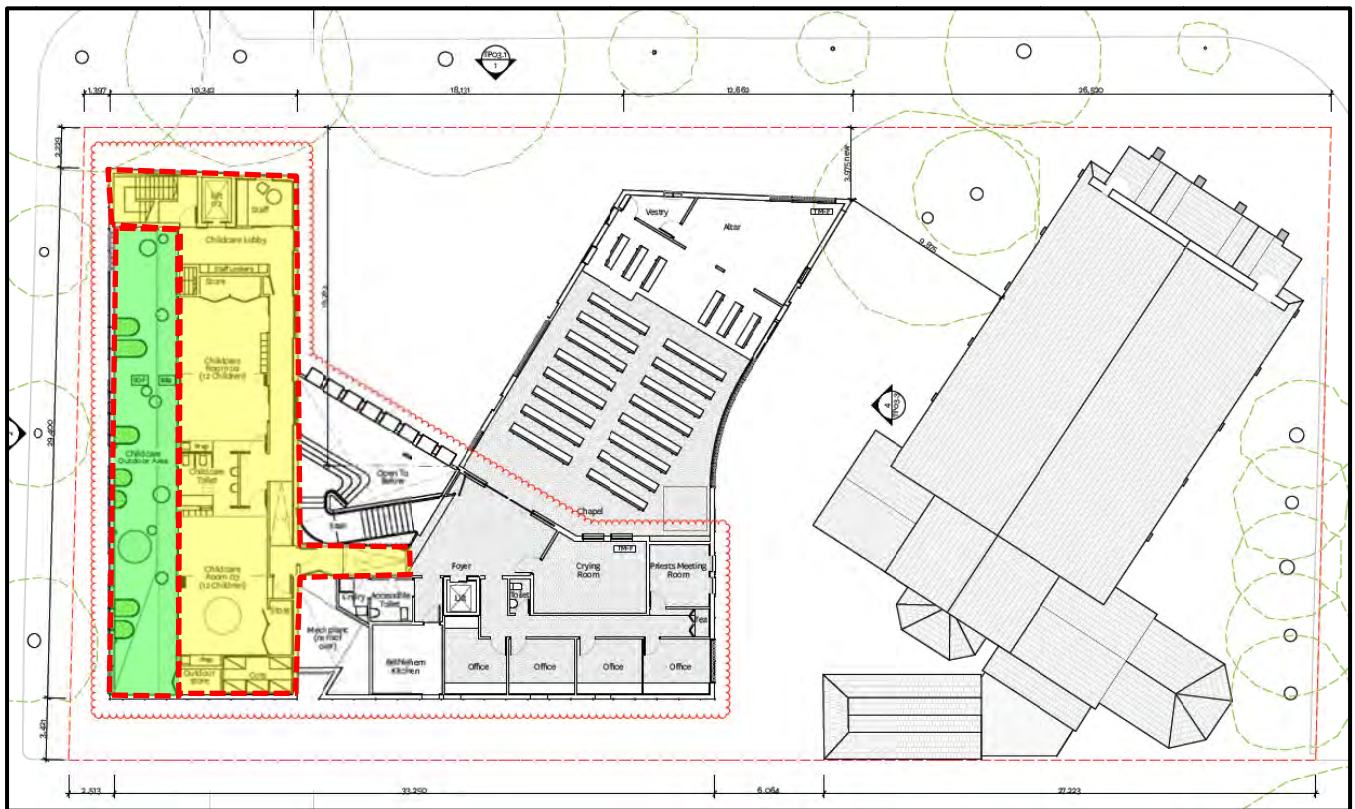


Figure 5: Excerpt from Drawing No. TP02.2 Proposed First Floor Level, with Child Care Centre use highlighted (yellow: indoor, green: outdoor)

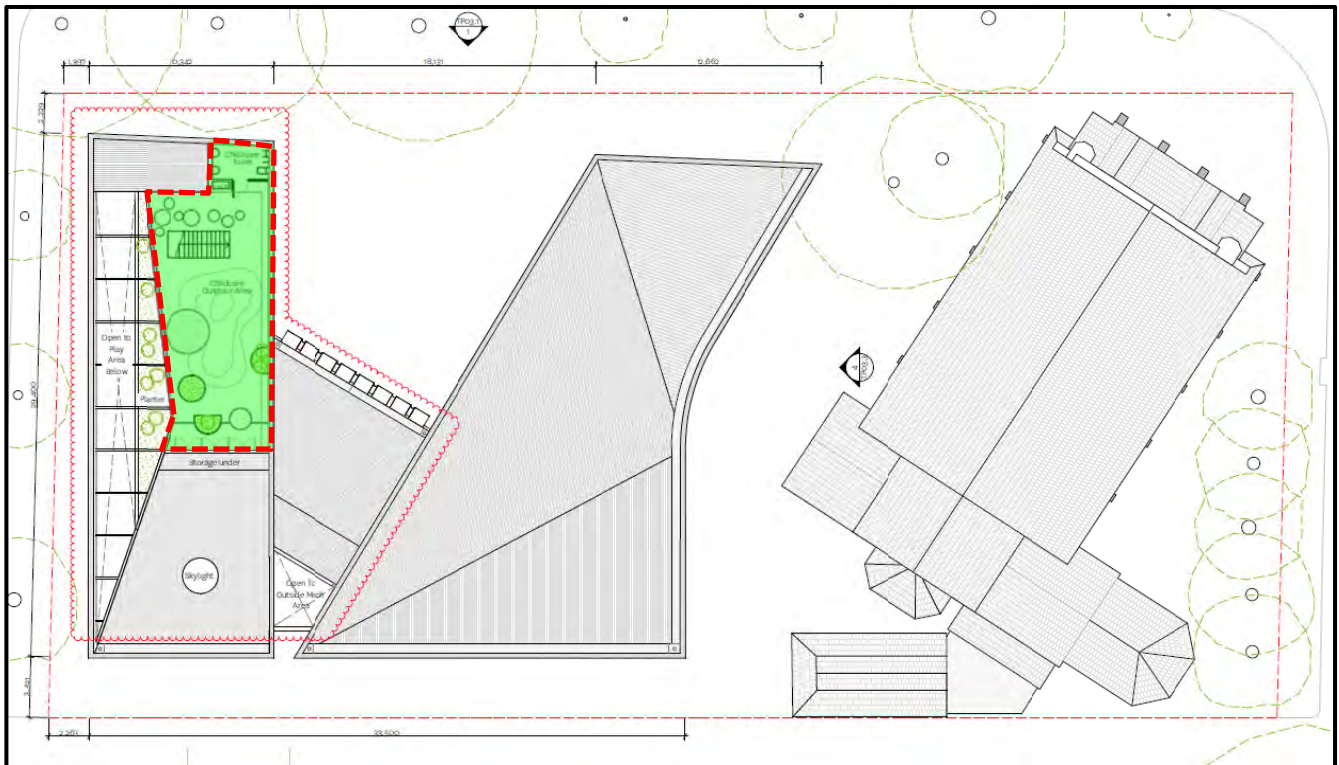


Figure 5: Excerpt from Drawing No. TP02.3 Proposed Roof Terrace, with Child Care Centre use highlighted (yellow: indoor, green: outdoor)



Figure 6: Excerpt from Drawing No. TP06 Epsom Road View, provided to assist with visualising proposed fencing and landscaped area on 4 October 2019

4 STATUTORY CONTROLS

In the intervening period between when Planning Permit TP-2015-81 was first granted and the date of this report, the planning controls affecting the subject site have not changed, or been altered in any way that would be of consequence to the original decision to grant a permit.

The requirements under the planning controls affecting the subject site, as bearing on the proposed changes under Application TP-2015-81/A, have been outlined below.

4.1 General Residential Zone 1

The subject site is located within the General Residential Zone (Schedule 1).

The following requirements therefore apply to the proposed changes under Application TP-2015-81/A:

- Pursuant to *Clause 32.08-2 Table of Uses*, **a permit is required to use the land for a Child Care Centre** (being a 'Section 2 – permit required' land use).
- Pursuant to *Clause 32.08-9 Buildings and works associated with a Section 2 use*, **a permit is required to construct a building or construct or carry out works** for a use in Section 2 of Clause 32.08-2.

As indicated previously in the officer's report dated 19 October 2017, the extant use of the land for a Place of Assembly and Place of Worship is considered to have accrued rights under Planning Permit TP-2003-1301/A and existing use rights, respectively.

4.2 Heritage Overlay (Schedule 223: 1-7 Epsom Road, Kensington)

The subject site is affected by the Heritage Overlay (Schedule 223).

The following requirements therefore apply to the proposed changes under Application TP-2015-81/A:

- Pursuant to *Clause 43.01-1 Permit requirement*, **a permit is required to construct a building or construct or carry out works**.

4.3 Particular Provisions

4.3.1 Clause 52.06 Car Parking

Pursuant to *Clause 52.06-2 – Provision of car parking spaces*, before a new use commences, the number of car parking spaces required under *Clause 52.06-5* or in a Schedule to the Parking Overlay must be provided to the satisfaction of the responsible authority.

The proposed Child Care Centre use attracts the following required car parking rate (noting that the car parking rate at Column B applies as the subject site is located within the Principal Public Transport Network Area):

Table: Excerpt from Table 1 to Clause 52.06			
Use	Rate	Rate	Car Parking Measure
	Column A	Column B	Column C
Child Care Centre	0.22	0.22	To each child

The proposed Child Care Centre land use would host a maximum of 46 children on the premises at any one time. The following car parking requirement therefore applies:

$$46 \text{ children} \times 0.22 \text{ car parking spaces} = 10 \text{ car parking spaces}$$

10 car parking spaces within the basement car park are intended to be allocated specifically for use in association with the Child Care Centre, therefore satisfying the statutory car parking requirement.

Accordingly, no permit is required under *Clause 52.06 Car Parking* to reduce or waive the car parking requirement.

4.3.2 Clause 52.34 Bicycle Facilities

Pursuant to *Clause 52.34-1 Provision of bicycle facilities*, a new use must not commence until the required bicycle facilities and associated signage has been provided on the land.

Clause 52.34-5 Required Bicycle Facilities does not specify any bicycle parking requirement for the use of land for a Child Care Centre.

Accordingly, no permit is required under *Clause 52.34 Bicycle Facilities* for the proposed land use.

5 STRATEGIC FRAMEWORK

A list of the relevant policies in the Planning Policy Framework (PPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework have been set out in Appendix 1 to this report.

Regard has been given to key policies relevant to the changes proposed under Application TP-2015-81/A in Section 8 of this report.

6 PUBLIC NOTICE

6.1 Advertisement

Notice of Application TP-2015-81/A was given in accordance with S.52(1)(a)&(d) of the *Planning and Environment Act 1987* in the following manner:

- Notice by mail to the owners and occupiers of adjoining and surrounding land on 19 July 2019.
- Notice by mail to all persons who originally objected to Application TP-2015-81 on 19 July 2019.
- By directing the applicant to erect the following public notice signs on the site:
 - 1 sign on the Kensington Road frontage;
 - 1 sign on The Ridgeway frontage;
 - 2 signs on the Corporation Lane 0534 frontage; and
 - 3 signs on the Epsom Road frontage.

The applicant returned a completed statutory declaration form on 6 August 2019 confirming that the required notice signs had been erected and maintained in good order and condition for a minimum 14 day period from 19 July 2019.

6.2 Objections / Letters of Support

A total of 142 submissions have been received to-date in respect of Application TP-2015-81/A. Of these submissions, 66 expressed support and 76 objected to the application.

The concerns raised in the objections received by Council broadly relate to the following themes:

- Traffic and Car Parking
- Loss of Public Open Space
- Commercial Premises and Intensification off Use
- Noise from a Child Care Centre
- Safety of Children
- Overlooking and Overshadowing
- Waste Management
- Environmentally Sustainable Design

Section 8 (Assessment) of this report includes consideration of how Application TP-2015-81/A has responded to the relevant planning requirements for each of the above themes.

7 REFERRALS

7.1 External (Statutory) Referrals

7.1.1 Transport for Victoria (Determining Referral Authority)

Pursuant to *Clause 66.02-11 (Integrated Public Transport Planning)*, an application to subdivide land, to construct a building or to construct or carry out works for an education centre must be referred to the Head, Transport for Victoria.

Application TP-2015-81/A seeks to introduce a Child Care Centre as part of the approved development (which is nested under the Education Centre land use group at Clause 73.04-4⁴), and was referred to Transport for Victoria on 4 November 2019.

On 6 November 2019 Transport for Victoria advised in writing that they do not object to an amended permit being granted in respect of Application TP-2015-81/A.

7.2 Internal (Council) Referrals

7.2.1 Urban Design

Council's Urban Designer provided the following comments on the application on 29 July 2019:

- *The majority of the amendments are contained to the northern wing, and are able to be accommodated in a way that maintains the original design intent.*
- *The child care use enables increased active programming of the courtyard and colonnade, whilst the introduction of secure thresholds improves the safety the surrounding public realm outside of business hours. The mesh nested within the arches to The Ridgeway are a particularly elegant inclusion.*

⁴ This change was introduced by Amendment VC159 on 8 August 2019. Prior to this date 'Child Care Centre' was listed under its own separate land use group and would arguably have not triggered a referral requirement to Transport for Victoria under Clause 66.02-11.

- *The new garden arbour entry gates extend the language of the architecture out into the landscape and add a further positive layer of richness to the experience of the building.*
- *It has always been our view with the proposal that the courtyard was primarily a private / ceremonial benefit to the church community rather than the broader public, and accordingly the zoning off of this area is not viewed as problematic.*
- *The primarily publicly usable outdoor area will continue to be the unsecured 'in-between' space between the heritage church and the new form.*
- *We are particularly pleased to see that the roof terrace access can be achieved without a lift over-run projecting from a 'contained' angular form of the building (which would have been regrettable).*
- *The peeling back of the roof and integration of the additional terraces at the first and upper level is strongly supported, providing increased surveillance and visual interest to The Ridgeway.*
- *It is regrettable to site the lift and store up against the Epsom Road frontage, however we feel the elevation is well resolved and doesn't suffer from the inactive use and maintains depth and shadow. Further, the battens to the stair will provide for legibility of the vertical circulation, which is a positive inclusion.*

We are comfortable providing support for the amendments, which we feel add a further richness in the programming of the site outside of core Church hours, and complement (if not enhance) the original supported design intent. Our only query relates to the feature fence to Epsom Road which we don't fully understand from the provided drawings. We would have preferred a simpler, more mute fence that allowed the landscape and arched gate portals to dominate, however are happy to be proven otherwise through some simple 3d model views of this space.

The applicant provided further detail regarding the front fence on 4 October 2019 to assist Council's assessment (an excerpt from this further detail is provided in Figure 6 of this report), that demonstrates that the landscaping and arched gate portals will form the emphasis of the development's Epsom Road treatment.

Subject to the inclusion of a condition on any amended permit being granted requiring this additional detail to be incorporated into plans prior to their endorsement, it is considered that the urban design merits of the application will achieve compliance with *Clause 22.17 Urban Design outside the Capital City Zone*.

7.2.2 Heritage

Council's Heritage Advisor provided comments on the application on 1 October 2019, and highlighted the following two key changes under the application relevant to any heritage assessment:

- Addition of a third level Roof Terrace to the western wing of the building along The Ridgeway, comprising a lift, toilet and outdoor childcare play space.
- Addition of a fence 1.8 metres in height set between the western and central wings and enclosing the entry to the main foyer as a primary child care outdoor play space.

Council's Heritage Advisor offered the following key comments in relation to these proposed changes:

Third level Roof Terrace

It appears that the roof profile would be altered in the region of the proposed lift and toilet at the Roof Terrace level. The South west elevation appears to indicate that the balustrade for the Roof Terrace play space is contained within the sloping roof volume. If this a correct appraisal, the only changes which would impact on the potential for increased bulk are the lift and toilet and any associated shading which might be required over the play space. The documents indicate that there would be no roof over the Roof Terrace play space. Assessment of the impact on The Ridgeway would be assisted by a section parallel with Epsom Road, taken through the west wing roughly half way along the length of the proposed Roof Terrace play space.

Enclosing the open space between the central and western wings

The fence form proposed is an organic arrangement which complements the proposed building. Although the drawing depicts a semi-transparent form, the annotation PF does not describe permeability in the materials schedule. A tall, solid fence would impact on the streetscape in Epsom Road and diminish the initial concept for open spaces shared with the community. Further clarification of the visual permeability of the fence would assist in assessment of the impact in Epsom Road.

The applicant provided further detail regarding these elements on 4 October 2019 to assist Council's assessment (an excerpt from the further detail regarding the appearance of the front fence is provided in Figure 6 of this report).

This further detail confirms that,

- With respect to the Roof Terrace:
 - No permanent shading structures will be erected above the play space on the Roof Terrace that would contribute to the overall height of the development.
 - The balustrading to the roof terrace will remain generally within the approved development's roof volume.
 - The toilet area and lift overrun will be contained within the reconfigured roof design and will not contribute to any increase in the height, visual bulk or overshadowing associated with the approved development.
- With respect to the front courtyard fence:
 - The fence will be fabricated of fine vertical elements to allow as great a degree of visual transparency as possible (at least 50% visually permeable).

Subject to the inclusion of a condition on any amended permit being granted requiring this additional detail to be incorporated into plans prior to their endorsement, it is considered that the changes proposed under the application will represent an appropriate response to the heritage qualities of the subject site and surrounding area, achieving compliance with *Clause 22.05 Heritage Places outside the Capital City Zone*.

7.2.3 Traffic Engineering

Council's Traffic Engineer provided comments on the application on 28 August 2019, and broadly advised that:

- The car parking provision within the site is acceptable (noting that even if it were to be assumed that each visitor to the Child Care Centre drove to the site individually, there would still likely be surplus parking available within the car park).

- The child care drop-off and pick-up arrangements within the basement are acceptable, however it was noted that any amended permit being granted should include a condition requiring the car parking spaces dedicated to the child care centre to be formally annotated on the plans (and that appropriate signage should be provided).
- No changes are proposed to access arrangements, as originally approved (access would still be provided via the rear laneway, in a left-in, left-out arrangement).
- The proposed basement ramp grades, access way widths, and parking space dimensions are in accordance with the Planning Scheme requirements.
- The traffic generation associated with the proposal could impact on the local amenity and pedestrian use of the laneway, and that any amended permit being granted should include a condition requiring traffic associated with the development to enter via The Ridgeway and exit to Kensington Road to reasonably limit this impact.

In addition to the above feedback, Council's Traffic Engineer identified the following matters that required further resolution:

- The location of one column shown on Drawing No. TP02.6 Proposed Basement 2 Plan appears to encroach into a parking space.
- The design of access / egress arrangements should enable a waste collection vehicle to enter via The Ridgeway and exit to Kensington Road.
- Updated swept path diagrams should be provided based on the current plans.

The applicant provided further detail in response to Council's Traffic Engineer's comments on 25 and 26 September 2019, which addressed the above matters (including providing updated swept path diagrams).

Council's Traffic Engineer subsequently advised on 4 October 2019 that all of the items raised in their original advice had been addressed.

Subject to a condition being included on any amended permit being granted requiring submission of amended plans showing corrected column placement on Drawing No. TP02.6 Proposed Basement 2 Plan, and updated swept-path diagrams, consistent with the clarifying detail provided by the applicant on 25 and 26 September 2019, it is considered that the changes proposed under the application will satisfactorily address Council's Traffic Engineer's comments.

7.2.4 Waste

Council's Waste Engineer provided comments on 10 September 2019 and advised that the submitted Waste Management Plan prepared by Frater dated 22 May 2019 was not acceptable, because it did not include an updated swept path analysis.

The updated swept path analysis provided by the applicant on 25 and 26 September 2019 was re-referred to Council's Waste Engineer for comment on 2 October 2019.

As at the date of this report no further response has been received, however it is considered that subject to a condition being included on any amended permit being granted requiring the Waste Management Plan prepared by Frater to be updated to include the additional detail provided by the applicant on 25 and 26 September 2019, Council's Waste Engineer's comments will have been satisfactorily addressed.

7.2.5 Environmentally Sustainable Design

Council's ESD Officer provided comments on 23 August 2019, which included a series of recommendations that (amongst other matters) sought further details relating to the energy

modelling for the development, renewable energy use and green infrastructure and landscaping.

The applicant provided an updated ESD Statement prepared by Frater dated 20 September 2019 in response to Council's ESD Officer's comments on 25 and 26 September 2019.

Council's ESD Officer, having reviewed this updated report, advised on 7 November 2019 that he was broadly satisfied with the updated report, and that the response generally exceeds the requirements under *Clause 22.19 Energy, Water and Waste Efficiency*.

A condition will be included on any amended permit being granted requiring the ESD initiatives set out in the report prepared by Frater dated 20 September 2019 to be implemented in the completed development.

8 ASSESSMENT

8.1 Key Issues

The key issues for consideration in the assessment of Application TP-2015-81/A include:

- Whether the proposed use of land for 'Child Care Centre' is appropriate, having regard to the purpose and relevant decision guidelines of the General Residential Zone (Schedule 1), and Council's Local Planning Policy for discretionary uses in the General Residential Zone (Clause 22.14).
- Whether the proposed development is acceptable, having regard to Council's Local Planning Policy for Heritage Places outside the Capital City Zone (Clause 22.05) and Urban Design outside the Capital City Zone (Clause 22.17).
- The impact of the proposed land use and development on traffic generation from the site and within the surrounding area, and whether sufficient car parking has been provided, having regard to the requirements of *Clause 52.06 Car Parking*.

Other relevant matters that have been considered include whether the proposed changes under the application present an acceptable environmentally sustainable design response, and specific concerns that have been raised by objectors in submissions to Council.

8.2 Land Use

The introduction of the proposed use of land for a Child Care Centre at the subject site sought by Application TP-2015-81/A is considered appropriate, subject to conditions, having regard to the Municipal Strategic Statement, the purpose of the General Residential Zone, and Council's policy framework for assessing discretionary uses in residential zones.

Consideration of the proposal against these requirements in the Planning Scheme has been set out below.

8.2.1 Alignment with Council's strategic land use framework for Flemington and Kensington

As documented in Section 1.2 of this report, the subject site falls within the periphery of the Macaulay Road shopping area, which the MSS targets as a location where planning is to encourage convenience shopping and facilities with a neighbourhood focus.

The proposed use of the land for a Child Care Centre falls within the parameters of a facility with a neighbourhood focus, and is considered to be strategically sought after in this location subject to other relevant planning considerations being addressed.

The proposed use of the land for Child Care Centre aligns with Council’s strategic land use framework for the Macaulay Road shopping area.

8.2.2 Alignment with the purpose of the General Residential Zone (Schedule 1)

The purpose of the General Residential Zone is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed use of the land for a Child Care Centre is considered to be a non-residential use that will serve local community needs, and the subject site is considered to represent an appropriate location for this use.

The proposed use of the land for a Child Care Centre is consistent with the purpose of the General Residential Zone (Schedule 1).

8.2.3 Compliance with Clause 22.14 Discretionary Uses in the General Residential Zone

The proposed land use under Application TP-2015-81/A has been assessed against Council’s policy for discretionary uses in the General Residential Zone below.

Table: Assessment of Child Care Centre against Clause 21.14	
<p>Non-residential uses should have a clear and workable management plan for their operation.</p>	<p>The primary components of the proposed Child Care Centre land use requiring management are:</p> <ul style="list-style-type: none"> • Waste generation and storage • Traffic generation and vehicle access / egress • Hours of operation • The maximum number of children accommodated on the premises • Children drop-off and pick-up arrangements. <p>Subject to conditions, Council’s Engineer’s comments regarding waste and traffic will be satisfactorily addressed, ensuring that these elements of the proposal will be reasonably managed in association with the proposed use.</p> <p>Further, conditions will be included on any amended permit being granted to give force and effect to the proposed hours of operation associated with the use, the maximum number of children accommodated on the premises in association with the use, and to clarify pick-up and drop-off arrangements.</p> <p>Subject to these conditions, the use will have a clear and workable management plan for the key aspects of</p>

	its operation that are relevant to the planning context.
Non-residential uses should not result in significant changes to traffic conditions in local streets or significantly increase demand for on-street car parking.	<p>Subject to a condition requiring traffic associated with the development to enter via The Ridgeway and exit to Kensington Road, it is not considered that traffic generation associated with the proposal will result in any significant changes to traffic conditions in local streets.</p> <p>It is further noted that Council's Traffic Engineer has advised that the provision of ten dedicated car parking spaces for the proposed Child Care Centre satisfactorily caters to visitors of the proposed use. This will ensure that the Child Care Centre does not significantly increase demand for on-street car parking.</p>
The times of loading or unloading of deliveries should not adversely affect the amenity or traffic function of the area.	Given the nature of the proposed use there is not anticipated to be any significant deliveries to the site that would adversely affect the amenity or traffic function of the area.
Noise associated with deliveries should not cause disturbance to nearby residents.	As above.
Non-residential uses should not subject neighbouring residential properties to unreasonable levels of noise or vibration (associated with the operation of the use, the hours of operation, music and entertainment, air conditioning and other plant equipment).	<p>Planning Permit TP-2015-81 includes several conditions that effectively limit noise levels associated with the use of the land (i.e. by restricting any live music or external audio equipment, and requiring compliance with <i>State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2</i> at all times). These conditions will be maintained.</p> <p>Noise resulting from children laughing and playing in outdoor areas associated with the Child Care Centre is not considered to represent an unreasonable impost on the amenity of neighbouring residential properties.</p>
Provision should be made on site for appropriate waste storage and collection facilities, including provision for specialised wastes. Waste facilities should be screened from neighbouring properties, streets and laneways.	Waste storage and collection will occur in accordance with the requirements of the waste management plan approved by Council's Waste Engineer (which, save for provision of updated swept-path diagrams, is understood to be acceptable).
Rubbish and waste collection, particularly the collection of bottles and other recyclable materials, should not disturb residential amenity.	Planning Permit TP-2015-81 includes conditions that place appropriate limitations on collection times and locations for waste, to limit the potential for these activities to disturb the residential amenity of the surrounding area. These conditions will be maintained.
Signage and its illumination must not detrimentally impact the	No signage is proposed.

residential amenity of the area.	
Non-residential uses should prevent light spillage onto residential properties.	Planning Permit TP-2015-81 includes conditions that require all external lighting to be baffled to prevent light spillage over neighbouring properties. These conditions will be maintained.
Residential properties should not be subjected to dust, or offensive air emissions.	The proposed use of the land for a Child Care Centre is not an industrial use, and as such dust, offensive air emissions (e.g. smells) are unlikely to result from the proposal.
Residents should not be disturbed by the operation of the activity during the night.	Conditions will be included on any amended permit being granted to give force and effect to the nominated hours of operation for the proposed use, which will cease at 6.30pm on weekdays.
Non-residential uses should not cause electrical interference to neighbouring properties.	The proposed use of the land for a Child Care Centre will not contribute to any electrical interference to neighbouring properties.

8.3 Built Form

8.3.1 Heritage

The changes to the location and layout of openings to the western wing of the new development are generally consistent with the original architectural rhythm of the approved development, and are not considered to be of consequence to the development's compliance with *Clause 22.05 Heritage Places outside the Capital City Zone*.

The two key changes to the exterior presentation of the development proposed by Application TP-2015-81/A, which warrant further consideration against the requirements of *Clause 22.05 Heritage Places outside the Capital City Zone*, have been discussed below.

Roof-top terrace

As discussed in Section 7.2.2 of this report, there will be minimal changes to the exterior form of visible parts of the development resulting from the introduction of the roof-top terrace, therefore presenting no risk of interfering with the approved development's respect for the prevailing height and external form of historic buildings within the streetscape, noting that:

- No permanent shading structures are proposed above the play space on the Roof Terrace that would contribute to the overall height of the development.
- The balustrading to the roof terrace will remain generally within the approved development's roof volume.
- The toilet area and lift overrun will be contained within the reconfigured roof design and will not contribute to any increase in the height, visual bulk or overshadowing associated with the approved development.

The design response of the roof-top terrace to the western wing of the approved development under Application TP-2015-81/A, therefore ensures that the replacement building continues to achieve a satisfactory heritage outcome for the site.

Excerpts from the endorsed plans, and the plans proposed under Application TP-2015-81/A are provided below to demonstrate the consistency in the profile of the development facing

The Ridgeway.

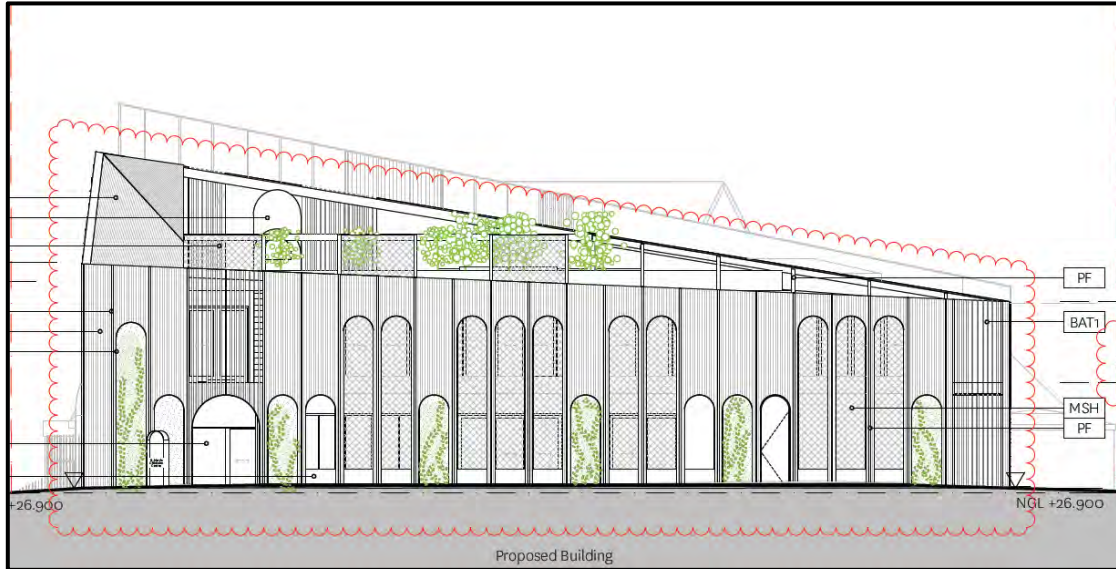


Figure 7: Excerpt from Drawing No.TP03.1 Streetscape Elevations (Proposed)

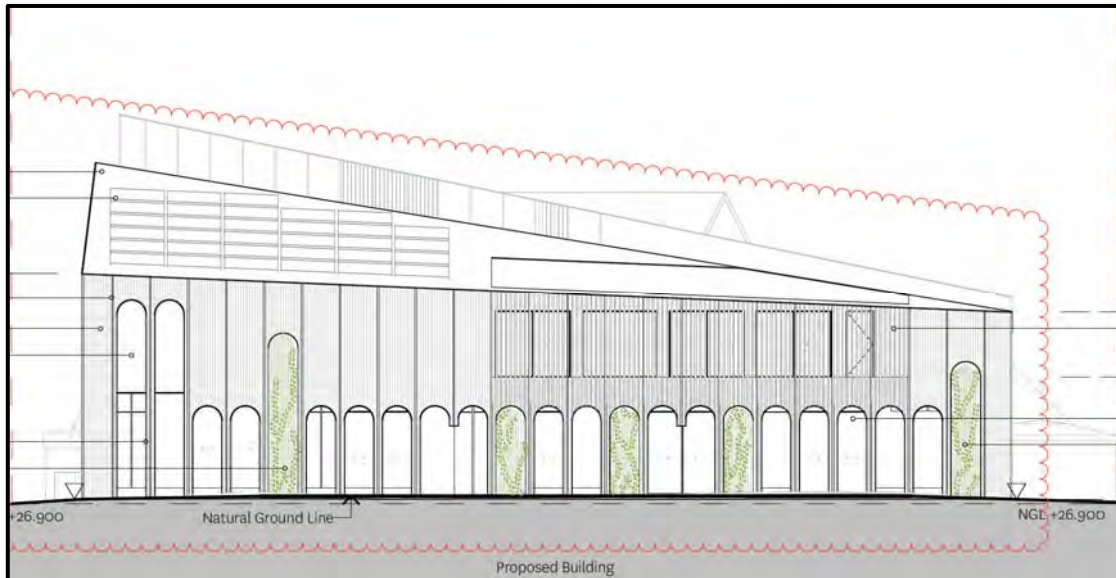


Figure 8: Excerpt from Drawing No.TP03.1 Streetscape Elevations (Endorsed)

1.8 metre Fence to Epsom Road

As discussed in Section 7.2.2 of this report, the proposed new to the fence Epsom Road frontage will be fabricated of fine vertical elements to allow as great a degree of visual permeability as possible (at least 50% visually permeable).

Subject to a condition being included on any amended permit being granted requiring this design detail to be further clarified on amended plans prior to endorsement, it is considered that the proposed fence will present to the street as a simplified and modern structure, which will not interfere with any established heritage streetscape character along Epsom Road (representing a 'Level 3' graded streetscape).

8.3.2 Urban Design

As discussed in Section 7.2.1 of this report, Council's Urban Designer has expressed support for the changes proposed under Application TP-2015-81/A, and for the reasons set out in

these referral comments, it is considered that the proposal complies with *Clause 22.17 Urban Design outside the Capital City Zone*.

8.4 Traffic

Traffic generation and the management of car parking associated with the use and development of the land authorised by Planning Permit TP-2015-81 represented a key consideration in the assessment of the original application, and a key concern raised by objectors who engaged in the original planning process.

The concerns raised in objections received by Council for Application TP-2015-81/A also focus on these matters.

It is important to note that assessment of Application TP-2015-81/A is confined to the proposed changes under the application. Questions regarding car parking provision and traffic generation associated with the broader development authorised by the permit cannot be revisited.

As discussed in Section 7.2.3 of this report, Council's Traffic Engineer has assessed the proposed Child Care Centre land use against the requirements of the Planning Scheme, and provided comments in relation to a small number of items requiring further clarification.

These items have been satisfactorily addressed by the applicant, and Council's Traffic Engineer has advised that they are satisfied with the proposal.

Subject to conditions being included on any amended permit being granted to give force and effect to Council's Traffic Engineer's recommendations, it is considered that car parking arrangements and traffic generation for the proposal will comply with the relevant requirements of *Clause 52.06 Car Parking* of the Planning Scheme, noting:

- The proposed Child Care Centre generates a statutory car parking requirement of 10 spaces, which will be provided in the development.
- The layout of the car parking areas, including vehicle access and egress arrangements, will comply with the relevant design standards and requirements of the Planning Scheme.
- Traffic movements will be managed by requiring visitors to the site to enter the basement car parking areas via The Ridgeway, and exit to Kensington Road, limiting any impact posed by traffic generated from the site on traffic conditions in local streets.
- Wayfinding signage will be required that identifies car parking spaces allocated to the Child Care Centre, and formalise drop-off and pick-up arrangements for visitors to the centre within the site, ensuring that these activities will not contribute to queuing or other adverse traffic impacts in local streets.

8.5 Sustainability

8.5.1 Energy, Water and Waste Efficiency

Clause 22.19 Energy, Water and Waste Efficiency provides that it is policy to encourage buildings that:

- *Minimise greenhouse gas emissions and maximise energy efficiency.*
- *Minimise mains potable water consumption and encourage the use of alternative water sources, such as rainwater and grey water.*

- *Provide the facilities that will enable building users and occupants to reduce waste sent to landfill, maximise the recycling and reuse of materials and support the municipality's progress towards becoming a resource and material-efficient city.*

The Environmentally Sustainable Design Statement prepared by Frater (dated 20 September 2019) identifies that the proposed development in Application TP-2015-81/A incorporates sustainable design features that exceed the requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

Conditions will be included on any amended permit being granted to ensure that the performance measures specified in the ESD Statement are implemented in the completed development.

Further, conditions have been recommended for inclusion on any amended permit being granted to ensure that the submitted Waste Management Plan reflects the approved internal layout of the development, and is consistent with City of Melbourne's applicable Guidelines for preparing a Waste Management Plan.

It is therefore considered that the proposed development will meet the relevant requirements of *Clause 22.19 Energy, Water and Waste Efficiency*.

8.5.2 Stormwater Management (Water Sensitive Urban Design)

Clause 22.23 Stormwater Management (Water Sensitive Urban Design) sets out the following objectives:

- *To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended).*
- *To promote the use of water sensitive urban design, including stormwater re-use.*

Planning Permit TP-2015-81 includes a condition that requires details of a stormwater drainage system incorporating integrated water management design principles to be submitted to Council's Drainage Engineer prior to the commencement of the development. This condition will be maintained, and will ensure that the development meets the relevant requirements of *Clause 22.23 Stormwater Management (Water Sensitive Urban Design)*.

8.6 Other Objector Concerns

8.6.1 Safety of Children

Concerns have been raised by objectors in relation to the safety of children, particularly in regards to the location of the outdoor play area at ground level, which interfaces with Epsom Road.

The safety of children under the care of the future child care provider is not a matter that falls within the jurisdiction of the *Planning and Environment Act 1987*.

The Education and Services National Regulations provides a robust and exhaustive suite of requirements addressing the safety of children in the care of child service providers, which includes, at Part 4.2 of the Regulations, requirements related to Children's health and safety.

These requirements represent the relevant legislative and regulatory framework governing the safe administration of child care services, and it is expected that the operator of the proposed Child Care Centre under Application TP-2015-81/A will comply with these requirements.

8.6.2 Loss of Public Open Space

Concerns have been raised by objectors in relation to a perceived loss of public open space, associated with the proposed fence under Application TP-2015-81/A bounding the ground level play space for the Child Care Centre.

Whilst the originally approved development layout may have given the impression of public open space (by virtue of a lack of fencing along Epsom Road in front of the courtyard area located between the western and southern wings of the new development), this land was never required to be used for this purpose.

There is no scope under Application TP-2015-81/A to require this land to be made accessible for this purpose.

8.6.3 Overlooking

Concerns have been raised by objectors in relation to the potential for the introduction of the roof-top terrace to the western wing, and introduction of four windows to the south-west elevation of the first floor of the central wing, to allow overlooking opportunities over neighbouring secluded private open space.

Roof-top terrace to western wing

The exterior perimeter of the roof-top terrace to the western wing is located a minimum distance of 15 metres⁵ from the boundary of any neighbouring secluded private open space, which is considered a sufficient distance to reasonably limit views from this outdoor area into any neighbouring secluded private open space.

South-west facing first floor windows to central wing

The south-west facing first floor windows to the central wing do present the potential to allow overlooking opportunities over the rear secluded private open space of the dwelling at 1 The Ridgeway, Kensington.

Section diagrams submitted with the application appear to show built-in desks being relied upon to limit views in accordance with the requirements of Standard B22 to *Clause 55.04-6 Overlooking Objective*.

⁵ The horizontal distance required under ResCode (Clause 54 and Clause 55 of the Melbourne Planning Scheme), as measured from the perimeter of an external roof-top terrace, to reasonably limit views into neighbouring secluded private open space is 9 metres. The development therefore comfortably complies with this standard.

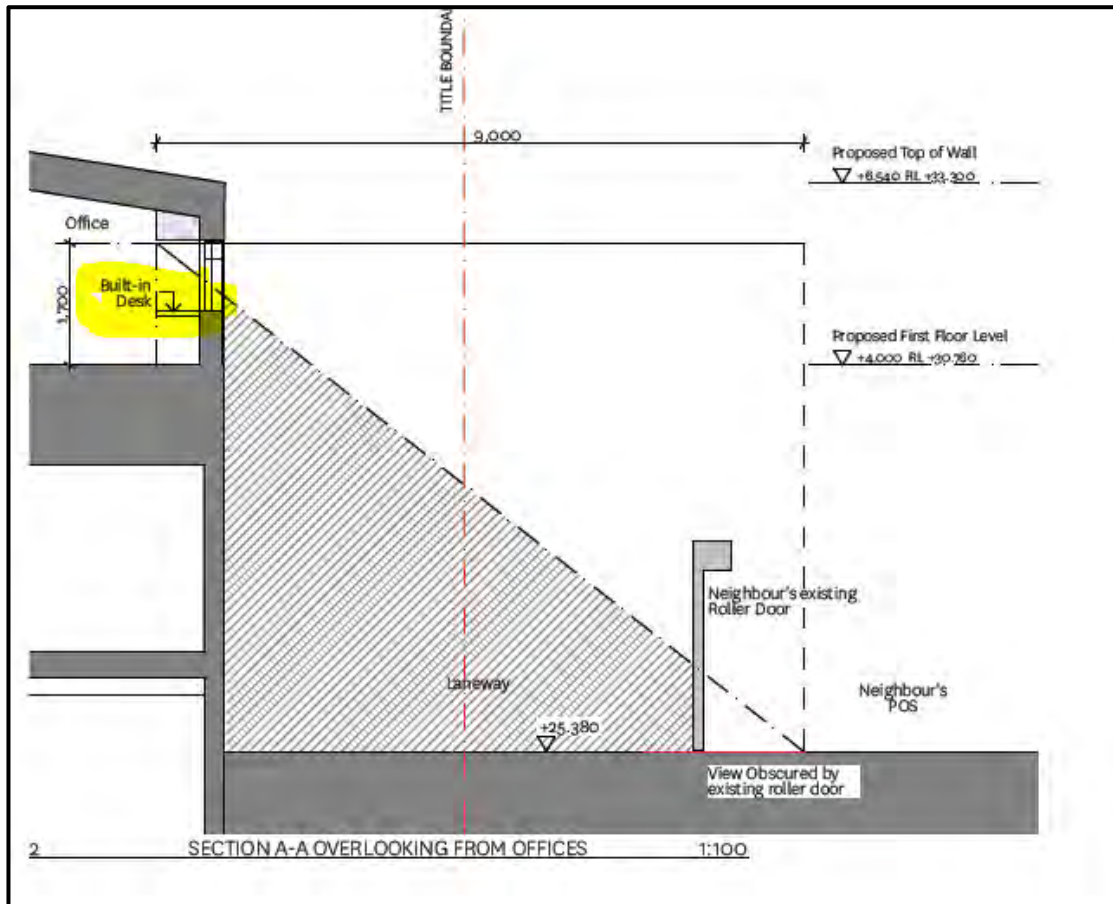


Figure 9: Excerpt from Drawing no. TP03.7 Overlooking Diagrams

Reliance on built-in desks to limit views into neighbouring rear secluded private open space is not identified as an accepted screening method under Standard B22 to Clause 55.04-6.

Subject to a condition being included on any amended permit being granted requiring fixed horizontal louvres to be installed to the south-west facing windows of the first floor of the central wing located within a horizontal distance of 9 metres (measured within a 45 degree angle of the window plane) to the rear secluded private open space of 1 The Ridgeway, designed in accordance with Standard B22, it is considered that views will be reasonably limited.

8.6.4 Overshadowing

Concerns have been raised by objectors in relation to the potential for the proposed changes to the western wing, associated with the introduction of a roof-top terrace, may contribute to the extent of overshadowing posed by the development over neighbouring properties.

It is noted that the changes to the proposed development are broadly contained within the approved building envelope under Planning Permit TP-2015-81, and will therefore not result in any perceptible increase in the extent of overshadowing posed by the development over neighbouring properties.

9 OFFICER RECOMMENDATION

For the reasons discussed in Section 8 of this report, the changes proposed under Application TP-2015-81/A are supported.

The introduction of the proposed Child Care Centre land use represents an appropriate use for the site's residential context, and has been suitably accommodated within the

development. The provision of a Child Care Centre land use at the subject site is also strategically justified having regard to Municipal Strategic Statement and the purpose of the General Residential Zone, which seek to provide community facilities / commercial uses with a neighbourhood focus at this location.

Furthermore, the changes to the proposed development proposed under Application TP-2015-81/A are broadly of no consequence to the approved development's compliance with *Clause 22.05 Heritage Places outside the Capital City Zone* and *Clause 22.17 Urban Design outside the Capital City Zone*.

Accordingly, it is recommended that a Notice of Decision to Grant an Amended Permit be issued, subject to the recommended revised conditions and new conditions as set out below.

9.1 Permit Preamble

The description of what the permit allows be amended as follows:

Demolition of existing buildings (5, 7 and 9-11 Epsom Road) to allow for the construction of a two storey building with two basement levels in association with the use of land for a Child Care Centre, and the continued use of the land as a Place of Assembly and Place of Worship, and the creation of a new vehicle crossover off the rear laneway in accordance with the endorsed plans.

9.2 Conditions

9.2.1 Revised Conditions

Amended plans before endorsement

1. Prior to the commencement of the development on the land, ~~two copies of~~ plans, drawn to scale, must be submitted **electronically** to the Responsible Authority generally in accordance with the ~~Section 57A Amendment~~ plans dated ~~14/09/2017~~ **prepared by Studio Bright (formerly Make Architecture) dated 6 May 2019, but amended to show:**
 - a) Incorporation of lighting within the colonnades.
 - b) An increase in the two central corners of the Epsom Road elevation in the order of 1.5 metres to provide a better vertical proportion and relationship to the existing Church.
 - c) The provision of an infill break between the south-west axis wing, behind the central courtyard, in order to increase the sense of openness and reduces the sense of bulk when viewed from both Epsom Road and the residential interface to the rear.
 - d) The provision of a minimum 10 secure, accessible and convenient bicycle parking spaces on-site.
 - e) The footpath of the widened splay to the corner of Epsom Road and Macaulay Road finished in asphalt, in consultation with Council's Traffic Engineering Services.
 - f) **Fixed horizontal louvres to the south-west facing windows of the first floor of the central wing located within a horizontal distance of 9 metres (measured within a 45 degree angle of the window plane) to the rear secluded private open space of 1 The Ridgeway, Kensington. These horizontal louvres are to be configured in a manner that limits views in accordance with the requirements of Standard B22 (Clause 55.04-6 Overlooking Objective) of the Melbourne Planning Scheme.**
 - g) **10 car parking spaces dedicated to the Child Care Centre land use.**

- h) The location and type of wayfinding signage to ensure visitors to the Child Care Centre are able to readily locate car parking areas dedicated to this use.
- i) The direction of vehicle ingress (which must be via The Ridgeway) and egress (which must be to Kensington Road).
- j) Corrected column locations on the basement plans, generally in accordance with Drawing No. TP02.5 & TP02.6 prepared by Studio Bright received 26 September 2019.
- k) A visually permeable front fence design incorporating fine vertical elements with openings to maintain a high degree of visual transparency (at least 50% open), generally in accordance with Drawing No. TP06 prepared by Studio Bright received 4 October 2019.

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Environmentally Sustainable Design (ESD) Statement Achievement

- 7. The performance outcomes specified in the Ecologically Sustainable Design (ESD) Statement prepared by ~~Atelier Ten and dated September 2017~~ Frater and dated 20 September 2019 must be achieved in the completed development.

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Waste

- ~~9. The waste storage and collection arrangements must be in accordance with the Waste Management Plan (WMP) prepared by Atelier Ten dated 8 September 2017. The submitted WMP must not be altered without prior consent of the City of Melbourne – Engineering Services.~~
- 10. Prior to the commencement of the development, an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Frater dated 22 May 2019, but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans) (including updated swept path diagrams). The WMP must be in accordance with Melbourne City Council's Guidelines for Preparing a Waste Management Plan to the satisfaction of Melbourne City Council – Engineering Services. When provided to the satisfaction of Melbourne City Council – Engineering Services, the WMP will be endorsed to form part of this permit.

The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services.

Operational Management Plan (uses other than Child Care Centre)

- 24. Prior to the commencement of the use the applicant must submit an operational management plan **for the use of the land, excluding the Child Care Centre**, (generally in accordance with the report accompanying the **original** application) describing:
 - a. The ways in which staff is made aware of the conditions attached to this permit.
 - b. Details of the general hours of operation of the premises.
 - c. Details of any proposed special events.

- d. Details of the maximum number of patrons to be permitted on the premises at any one time.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed Operational Management Plan unless with the prior written consent of the Responsible Authority.

9.2.2 New Conditions

Child Care Centre

36. Except with the prior written consent of the Responsible Authority, no more than 46 children shall be cared for within the child care centre at any one time.
37. Except with the prior written consent of the Responsible Authority, the child care centre must operate only between the hours of:
Monday to Friday: 7am to 6.30pm
38. Car parking spaces identified on the endorsed plans as being dedicated to the child care centre must be kept available for this purpose at all times whilst the child care centre is in operation.

ATTACHMENT 1: PLANNING POLICY

9.3 Planning Policy Framework

The Planning Policy Framework (PPF) provides the broad policy direction within the Victoria Planning Provisions. The planning principles set out under the PPF are to be used to guide decision making on planning proposals across the state.

The PPF provides broad support for the proposed changes under Application TP-2015-81/A.

The following PPF clauses are considered relevant to Application TP-2015-81/A:

- Clause 11 – Settlement
 - Clause 11.01-1R – Settlement – Metropolitan Melbourne
 - Clause 11.03-1S – Activity Centres
 - Clause 11.03-1R – Activity Centres – Metropolitan Melbourne
- Clause 13 – Environmental Risks and Amenity
 - Clause 13.01 – Climate Change Impacts
 - Clause 13.01-1S – Natural hazards and climate change
 - Clause 13.04 – Soil Degradation
 - Clause 13.04-1S – Contaminated and potentially contaminated land
 - Clause 13.05 – Noise
 - Clause 13.05-1S – Noise Abatement
 - Clause 13.06 – Air Quality
 - Clause 13.06-1S – Air Quality Management
 - Clause 13.07 – Amenity and Safety
 - Clause 13.07-1S – Land Use Compatibility
- Clause 15 – Built Environment and Heritage
 - Clause 15.01 – Built Environment
 - Clause 15.01-1S – Urban Design
 - Clause 15.01-1R – Urban Design – Metropolitan Melbourne
 - Clause 15.01-2S – Building Design
 - Clause 15.01-4R – Healthy Neighbourhoods – Metropolitan Melbourne
 - Clause 15.01-5S – Neighbourhood Character
 - Clause 15.02 – Sustainable Development
 - Clause 15.02-1S – Energy and Resource Efficiency
 - Clause 15.03 – Heritage
 - Clause 15.03-1S – Heritage Conservation
- Clause 17 – Economic Development
 - Clause 17.01 - Employment
 - Clause 17.01-1S – Diversified Economy

- Clause 17.01-1R – Diversified Economy – Metropolitan Melbourne
- Clause 17.02 - Commercial
 - Clause 17.02-1S – Business
- Clause 18 – Transport
 - Clause 18.01 – Integrated Transport
 - Clause 18.01-1S – Land Use and Transport Planning
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1S – Sustainable Personal Transport
 - Clause 18.02-2S – Public Transport
 - Clause 18.02-4S – Car Parking
- Clause 19 - Infrastructure
 - Clause 19.03 – Development Infrastructure
 - Clause 19.03-3S Integrated Water Management

9.4 Municipal Strategic Statement

The Municipal Strategic Statement (MSS) is a concise statement of the key strategic planning, land use and development objectives for the municipality and the strategies and actions for achieving the objectives.

The MSS furthers the objectives of planning in Victoria to the extent that the State Planning Policy Framework is applicable to the municipality and local issues, and provides the strategic basis for the application of the zones, overlays and particular provisions in the planning scheme and decision making by the responsible authority.

The following clauses of the MSS in the Melbourne Planning Scheme are considered relevant to Application TP-2015-81/A:

- Clause 22.02 – Municipal Profile
- Clause 21.03 – Vision
- Clause 21.04 – Settlement
- Clause 21.06 – Built Environment and Heritage
- Clause 21.08 – Economic Development
- Clause 21.09 – Transport
- Clause 21.10 – Infrastructure
- Clause 21.14 – Proposed Urban Renewal Areas
 - Clause 21.15-2 Flemington and Kensington

9.5 Local Planning Policy Framework

A Local Planning Policy (LPP) is a policy statement of intent or expectation. It states what the responsible authority will do in specified circumstances or the responsible authority's expectation of what should happen. LPP's provide the responsible authority an opportunity to state its view of a planning issue and its intentions for an area, and provides guidance to decision making on a day to day basis.

The following LPP's in the Melbourne Planning Scheme are considered relevant to Application TP-2015-81/A

- Clause 22.05 – Heritage Places outside the Capital City Zone
- Clause 22.14 – Discretionary
- Clause 22.17 – Urban Design outside the Capital City Zone
- Clause 22.19 – Energy, Water and Waste Efficiency
- Clause 22.23 – Stormwater Management

ATTACHMENT 2: FULL LIST OF AMENDED CONDITIONS

Amended plans before endorsement

1. *Prior to the commencement of the development on the land, plans, drawn to scale, must be submitted electronically to the Responsible Authority generally in accordance with the plans prepared by Studio Bright (formerly Make Architecture) dated 6 May 2019, but amended to show:*
 - a) Incorporation of lighting within the colonnades.
 - b) An increase in the two central corners of the Epsom Road elevation in the order of 1.5 metres to provide a better vertical proportion and relationship to the existing Church.
 - c) The provision of an infill break between the south-west axis wing, behind the central courtyard, in order to increase the sense of openness and reduces the sense of bulk when viewed from both Epsom Road and the residential interface to the rear.
 - d) The provision of a minimum 10 secure, accessible and convenient bicycle parking spaces on-site.
 - e) The footpath of the widened splay to the corner of Epsom Road and Macaulay Road finished in asphalt, in consultation with Council's Traffic Engineering Services.
 - f) *Fixed horizontal louvres to the south-west facing windows of the first floor of the central wing located within a horizontal distance of 9 metres (measured within a 45 degree angle of the window plane) to the rear secluded private open space of 1 The Ridgeway, Kensington. These horizontal louvres are to be configured in a manner that limits views in accordance with the requirements of Standard B22 (Clause 55.04-6 Overlooking Objective) of the Melbourne Planning Scheme.*
 - g) *10 car parking spaces dedicated to the Child Care Centre land use.*
 - h) *The location and type of wayfinding signage to ensure visitors to the Child Care Centre are able to readily locate car parking areas dedicated to this use.*
 - i) *The direction of vehicle ingress (which must be via The Ridgeway) and egress (which must be to Kensington Road).*
 - j) *Corrected column locations on the basement plans, generally in accordance with Drawing No. TP02.5 & TP02.6 prepared by Studio Bright received 26 September 2019.*
 - k) *A visually permeable front fence design incorporating fine vertical elements with openings to maintain a high degree of visual transparency (at least 50% open), generally in accordance with Drawing No. TP06 prepared by Studio Bright received 4 October 2019.*

These amended plans must be to the satisfaction of the Responsible Authority and when approved shall be the endorsed plans of this permit.

Endorsed plans

2. The development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Responsible Authority.

Complete works prior to occupation

3. Prior to occupation of the development all buildings and works required by this permit must be completed to the satisfaction of the Responsible Authority.

Prepare full landscape plan

4. Prior to the commencement of the development, an updated Landscape Report prepared by Openwork Pty Ltd must be submitted and approved by the Responsible Authority. This report must:
 - a) Include submission of detailed landscape plans that confirm the development of the concept described in the Landscape Report into implementation documents;
 - b) Address soil volumes, depths, drainage and irrigation provision;
 - c) Ensure any hedge style planting is limited to 1 metre in height to allow sightlines. Clean trunked trees should be placed to allow for clear views through to the courtyard and colonnade on the Epsom Road frontage.

Construction Management Plan

5. Prior to the commencement of the development, including demolition or bulk excavation, a detailed construction and demolition management plan must be submitted to and be approved by the Responsible Authority – Construction Management Group . This construction management plan must be prepared in accordance with the Melbourne City Council - Construction Management Plan Guidelines and is to consider the following:
 - a) public safety, amenity and site security.
 - b) operating hours, noise and vibration controls.
 - c) air and dust management.
 - d) stormwater and sediment control.
 - e) waste and materials reuse.
 - f) traffic management.

Drainage system provision

6. Prior to the commencement of the development, a stormwater drainage system incorporating integrated water management design principles must be submitted to, and approved, by the Responsible Authority - Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the Melbourne City Council's stormwater drainage system.

Environmentally Sustainable Design (ESD) Statement Achievement

7. *The performance outcomes specified in the Ecologically Sustainable Development (ESD) Statement prepared by Frater and dated 20 September 2019 must be achieved in the completed development.*

Any change during detailed design, which prevents or alters the attainment of the performance outcomes specified in the endorsed ESD Statement, must be documented by the author of the endorsed ESD statement in an addendum to this report, which must be provided to the satisfaction of the Responsible Authority prior to the commencement of construction.

Implementation of Environmentally Sustainable Design (ESD)

8. Within six months of the occupation of the development, a report from the author of the endorsed ESD Statement must be provided to the satisfaction of the Responsible Authority, which details designed initiatives implemented within the completed development that achieve the performance outcomes specified in the endorsed ESD Statement.

Waste

9. *Prior to the commencement of the development (excluding demolition), an amended Waste Management Plan (WMP) must be submitted generally in accordance with the WMP prepared by Frater dated 22 May 2019, but amended to ensure consistency with the plans referred to in Condition 1 (Amended Plans) (including updated swept path diagrams). The WMP must be in accordance with Melbourne City Council's Guidelines for Preparing a Waste Management Plan to the satisfaction of Melbourne City Council – Engineering Services. When provided to the satisfaction of Melbourne City Council – Engineering Services, the WMP will be endorsed to form part of this permit.*

The waste storage and collection arrangements must be in accordance with the endorsed Waste Management Plan (WMP). Waste storage and collection arrangements must not be altered without prior consent of the City of Melbourne Engineering Services

Public Tree Protection

10. Prior to the commencement of the development, including any demolition and / or bulk excavation, a Tree Protection Plan (TPP) must be provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology) and demonstrate how public trees will be protected during construction activities associated with the development. The TPP must be in accordance with AS 4970-2009 – Protection of Trees on Development Sites, and include:
 - a) City of Melbourne asset numbers for the subject trees (found at <http://melbourneurbanforestvisual.com.au>).
 - b) Site specific details of the temporary tree protection fencing to be used to isolate publicly owned trees from the demolition and construction activities or details of any other tree protection measures considered necessary and appropriate to the site.
 - c) Specific details of any special construction methodologies to be used within the Tree Protection Zone of any publicly owned tree.
 - d) Full specifications of any pruning required to publicly owned trees.
 - e) Any special arrangements required to allow ongoing maintenance of publicly owned trees for the duration of the development.
 - f) Name and contact details of the project arborist who will monitor the implementation of the Tree Protection Plan for the duration of the development (including demolition).
 - g) Details of the frequency of the Project Arborist monitoring visits, interim reporting periods and final completion report (necessary for bond release). Interim reports of monitoring must be provided to Council's email via trees@melbourne.vic.gov.au.

When provided to the satisfaction of the Responsible Authority, the TPP will be endorsed to form part of this permit.

11. Prior to the commencement of the development, including demolition and bulk excavation, if a Construction Management Plan or Traffic Management Plan changes any

of the tree protection methodologies or impacts on public trees, or any other public tree, in ways not identified in the endorsed Tree Protection Plan (TPP), a revised TPP) must be provided to the satisfaction of the Responsible Authority. When provided to the satisfaction of the Responsible Authority the revised Tree Management Report will be endorsed to form part of this permit and will supersede any previously endorsed TPP for the purpose of Condition 9.

12. Prior to the commencement of the development, including demolition and bulk excavation, a bank guarantee equivalent to the combined environmental and amenity value of public trees that may be affected by the development, must be provided to Council and held against the endorsed Tree Protection Plan for the duration of construction activities. The bond amount will be calculated by Council and provided to the applicant / developer / owner of the site. Should any public tree be adversely impacted on, the City Of Melbourne will be compensated for any loss of amenity, ecological services or amelioration works incurred.

Street Tree Replacement and City Greening

13. If any public trees are proposed for removal at any stage of the development under a Tree Protection Plan endorsed under this permit, then prior to the commencement of the development (including demolition and bulk excavation), the applicant must submit a Street Tree Plot Replacement Strategy to the Responsible Authority, which shows replacement and / or additional tree plots in accordance with Council's Tree Retention and Removal Policy. When provided to the satisfaction of the Responsible Authority (Urban Forest & Ecology), the Street Tree Plot Replacement Strategy will be endorsed to form part of this permit.
14. Prior to the occupation of the development, the replacement and / or additional street tree plots shown on the Street Tree Plot Replacement Strategy endorsed under this permit must be constructed at no cost to the City Of Melbourne and be to the satisfaction of the Responsible Authority (Urban Forest & Ecology).

Drainage connection underground

15. Prior to the commencement of the development, a stormwater drainage system, incorporating integrated water management design principles, must be submitted to and approved by the Responsible Authority – Engineering Services. This system must be constructed prior to the occupation of the development and provision made to connect this system to the City of Melbourne's underground stormwater drainage system.

Demolish and construct access

16. Prior to the commencement of the use / occupation of the development, all necessary vehicle crossings must be constructed and all unnecessary vehicle crossings must be demolished and the footpath, kerb and channel reconstructed, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Footpaths

17. The footpaths adjoining the site along Epsom Road and The Ridgeway must be reconstructed together with associated works including the reconstruction or relocation of kerb and channel and / or services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Roads

18. All portions of road affected by the construction activities of the subject land must be reconstructed together with associated works including the reconstruction or relocation of

services as necessary at the cost of the developer, in accordance with plans and specifications first approved by the Responsible Authority – Engineering Services.

Street levels not to be altered

19. Existing street levels in Epsom Road, The Ridgeway and laneway CL0534 must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.

Existing street lighting not altered without approval

20. All street lighting assets temporarily removed or altered to facilitate construction works shall be reinstated once the need for removal or alteration has been ceased. Existing public street lighting must not be altered without first obtaining the written approval of the Responsible Authority – Engineering Services.

Existing street furniture

21. Existing street furniture must not be removed or relocated without first obtaining the written approval of the Responsible Authority – Engineering Services.

Vehicle Access as on endorsed plans

22. Vehicular ingress and egress must not be modified from that shown on the endorsed plans without the prior written consent of the Responsible Authority - Engineering Services.

Street levels not to be altered

23. Existing street levels in the rear laneway must not be altered for the purpose of constructing new vehicle crossings or pedestrian entrances without first obtaining approval from the Responsible Authority – Engineering Services.

Operational Management Plan

24. Prior to the commencement of the use the applicant must submit an operational management plan for the use of the land, excluding the Child Care Centre, (generally in accordance with the report accompanying the original application) describing:
- a) The ways in which staff is made aware of the conditions attached to this permit.
 - b) Details of the general hours of operation of the premises.
 - c) Details of any proposed special events.
 - d) Details of the maximum number of patrons to be permitted on the premises at any one time.

The management plan must be to the satisfaction of, and be approved by, the Responsible Authority. Once approved, the management plan will form a part of the endorsed documents under this permit. The operation of the use must be carried out in accordance with the endorsed Operational Management Plan unless with the prior written consent of the Responsible Authority.

Architect to be retained

25. Except with the consent of the Responsible Authority, Make Architecture must be retained to complete and provide architectural oversight during construction of the detailed design as shown in the endorsed plans and endorsed schedule of materials to the satisfaction of Responsible Authority.

Compliance with SEPP No N-2

26. The noise generated by the premises must at all times comply with the requirements of the State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2, to the satisfaction of the Responsible Authority.

No external audio equipment

27. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose, to the satisfaction of the Responsible Authority.

No live music

28. No amplified live music or entertainment is permitted on the premises without the prior written consent of the Responsible Authority.

Bottle removal time limit

29. No bottles or other waste material may be removed from the site between the hours of 9pm and 7am the following morning, seven days a week.

Garbage storage area

30. All garbage and waste material must be stored in an area set aside for such purpose to the satisfaction of the Responsible Authority. No goods, garbage, packing material or similar material shall be left outside the venue on adjoining footpaths or roads.

Baffle external lighting

31. Any external lighting must be baffled so that no direct light is emitted outside the site, to the satisfaction of the Responsible Authority.

Parking area construction

32. Prior to the occupation of the approved development, the area set aside for the parking of vehicles and access ways shown on the endorsed plans must be constructed, surfaced, sealed, drained, delineated and maintained at all times to the satisfaction of the Responsible Authority.

Maintain access to parking spaces

33. The parking, loading and unloading areas shown on the endorsed plans must be kept available for that use at all times and the car parking spaces and access ways must not be obstructed or otherwise rendered inaccessible.

All loading / unloading on site

34. Unless with the prior written consent of the Responsible Authority, the loading and unloading of vehicles and delivery of goods to and from the site must at all times take place within the boundaries of the site to the satisfaction of the Responsible Authority.

Development time limit

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

The Responsible Authority may extend the permit if a request is made in writing before the permit expires, or within six months afterwards. The Responsible Authority may extend the time for completion of the development if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

New conditions added by Amendment TP-2015-81/A

Child Care Centre

36. *Except with the prior written consent of the Responsible Authority, no more than 46 children shall be cared for within the child care centre at any one time.*
37. *Except with the prior written consent of the Responsible Authority, the child care centre must operate only between the hours of:*
- Monday to Friday: 7am to 6.30pm*
38. *Car parking spaces identified on the endorsed plans as being dedicated to the child care centre must be kept available for this purpose at all times whilst the child care centre is in operation.*

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of Responsible Authority that approved the amendment</i>
## November 2019	<p>Amending the permit pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> in the following manner:</p> <ul style="list-style-type: none"> • Amending the description of what the permit allows to include “use of land for Child Care Centre”. • Amending the plans endorsed under the permit by making internal and external changes to the development arising from the introduction of a Child Care Centre, including the addition of a roof-top terrace to the western wing of the new development. • Revising the following conditions: <ul style="list-style-type: none"> • Condition 1 (Amended Plans) • Condition 7 (ESD Statement) • Condition 9 (Waste Management Plan) • Condition 24 (Operational Management Plan) • Introducing the following conditions: <ul style="list-style-type: none"> • Condition 1(f), (g), (h), (j), (i), (k); • Condition 36, 37 and 38. 	Melbourne City Council

PERMIT NOTES

Building Approval Required

This permit does not authorise the commencement of any demolition or construction on the land. Before any demolition or construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

Building Works to Accord with Planning Permit

The applicant / owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant / owner and the relevant

Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Drainage Point and Method of Discharge

The legal point of stormwater discharge for the proposal must be to the satisfaction of the responsible authority. Engineering construction plans for the satisfactory drainage and discharge of stormwater from the site must be submitted to and approved by the Responsible Authority prior to the commencement of any buildings or works.

Other Approvals May be Required

This Planning Permit does not represent the approval of other departments of Melbourne City Council or other statutory authorities. Such approvals may be required and may be assessed on different criteria from that adopted for the approval of this Planning Permit.

Urban Forest and Ecology

The tree valuation will be provided by Urban Forest and Ecology following the approval of the Tree Protection Plan.

In accordance with the Tree Retention and Removal Policy a bank guarantee must be:

1. Issued to City of Melbourne, ABN: 55 370 219 287.
2. From a recognised Australian bank.
3. Unconditional (i.e. no end date).
4. Executed (i.e. signed and dated with the bank stamp).

Please note that insurance bonds are not accepted by the City Of Melbourne. An acceptable bank guarantee is to be supplied to Council House 2, to a representative from Council's Urban Forest and Ecology Team. Please email trees@melbourne.vic.gov.au to arrange a suitable time for the bank guarantee to be received. A receipt will be provided at this time.

At the time of lodgement of the bank guarantee written confirmation that identifies the name of the Project Arborist who will supervise the implementation of the Tree Protection Plan will be required in writing. On completion of the works the bank guarantee will only be released when evidence is provided of Project Arborist supervision throughout the project and a final completion report confirms that the health of the subject public trees has not been compromised.

Approval for any tree removal is subject to the Tree Retention and Removal Policy, Council's Delegations Policy and requirements for public notification, and a briefing paper to councillors. It should be noted that certain tree removals including but not limited significant or controversial tree removals, may be subject to decision by Council or a Committee of Council.

All costs in connection with the removal and replacement of public trees, including any payment for the amenity and ecological services value of a tree to be removed, must be met by the applicant / developer / owner of the site. The costs of these works will be provided and must be agreed to before Council remove the subject trees.

Civil Design

All necessary approvals and permits are to be first obtained from the City of Melbourne and the works performed to the satisfaction of the Responsible Authority – Manager Engineering Services Branch.