



NOTICE OF MOTION

This form lodges a notice of intention to move a Notice of Motion in accordance with rule 41 of the Governance Rules. The full text of rule 41 is included below.

'A notice of motion must:

- a) Be **in writing**, or sent electronically, and generally be in a form approved by the Chief Executive Officer;
- b) Be **signed, including by electronic means, by the Councillor submitting the notice of motion;**
- c) Be **signed, including by electronic means, by another Councillor willing to second the motion for the purpose of debate at the meeting at which it will be considered;**
- d) Be **lodged with the Chief Executive Officer by 5pm 6 days prior to the date of the meeting at which it is intended to be considered to ensure its inclusion in the agenda; and**
- e) **Relate to the objectives, role and functions of Council as outlined in the [Local Government Act 2020].'**

I, Councillor Clayton Whitfield give notice of my intention to move at the Scheduled Meeting of Council to be held on 23 / 07 / 24 that:

Wording of proposed motion:

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Planning Permit for the use and development of the land for a child care centre and associated buildings and works pursuant to the provisions of the TZ (Clauses 32.05-2 & 32.05-11), subject to the conditions attached to this report.

Reasoning for proposed motion:

The rationale for the proposed motion aligns with the reasons for the recission, that I don't believe the application was considered duly against the provisions of the Planning Scheme, including the Municipal Planning Strategy and Planning Policy Framework, and the decision guidelines of the Planning Scheme, (clause 65).

I commend this Notice of Motion to Council.

Clayton Whitfield

COUNCILLOR SIGNATURE

NAME:

Clayton Whitfield

Helena Kirby

SIGNATURE OF SECONDER

NAME:

Cr. Helena Kirby

(This section is to be completed and signed by Chief Executive Officer.)

This notice was received by the Chief Executive Officer at 4.45 Am/pm on 16 / 7 / 24.

[Signature]

CEO SIGNATURE

NOM NUMBER: 81

41 NOTICE OF MOTION

- 41.1 A Councillor can submit to the *Chief Executive Officer* a *notice of motion* for inclusion in the *agenda* for a meeting.
- 41.2 A *notice of motion* must:
- (a) Be in *writing*, or sent electronically, and generally be in a form approved by the *Chief Executive Officer*;
 - (b) Be signed, including by electronic means, by the Councillor submitting the *notice of motion*;
 - (c) Be signed, including by electronic means, by another Councillor willing to second the motion for the purpose of debate at the meeting at which it will be considered;
 - (d) Be lodged with the *Chief Executive Officer* by 5pm 6 days prior to the date of the meeting at which it is intended to be considered to ensure its inclusion in the *agenda*; and
 - (e) Relate to the objectives, role and functions of *Council* as outlined in the *Act*.
- 41.3 A *notice of motion* must call for an officer report if the *notice of motion* proposes any action that:
- (a) impacts the levels of Council services;
 - (b) commits Council to expenditure greater than \$10,000 that is not included in the adopted budget;
 - (c) proposes to impact the rights of any person who has not had the opportunity to contribute their views;
 - (d) commits Council to any contractual arrangement; and/or
 - (e) concerns any litigation in respect of which Council is a party.
- 41.4 A Councillor may attach any supporting documentation to their notice of motion for inclusion in the agenda. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda and outline the policy, financial and resourcing implications if the notice of motion is passed.
- 41.5 The *Chief Executive Officer* may designate a *notice of motion* to be confidential in accordance with relevant grounds as contained in the *Act*, in which case, the *notice of motion* will be considered in the part of the relevant *Council meeting* that is closed to members of the public.
- 41.6 The *Chief Executive Officer* must reject any *notice of motion* which in the opinion of the *Chief Executive Officer*:
- (a) Is too vague;
 - (b) Is defamatory;
 - (c) May be prejudicial to any person or Council;
 - (d) Is objectionable in language or nature;
 - (e) Does not meet the requirements of sub-rule 41.3;
 - (f) Is outside the powers of Council; or
 - (g) Is submitted during election period.
- 41.7 The *Chief Executive Officer* may reject a proposed *notice of motion* which in the opinion of the *Chief Executive Officer*:
- (a) Relates to a matter that can be addressed through an operational service request process; or
 - (b) Relates to a matter that has previously been resolved by *Council* or is acted upon.
- 41.8 Prior to rejecting a *notice of motion*, the *Chief Executive Officer* must, if practicable, give the Councillor who lodged it an opportunity to amend the *notice of motion* and may suggest revised wording to the *notice of motion* to facilitate compliance with the requirements under this Rule.

**PLANNING APPLICATION P23255 FOR A CHILD CARE CENTRE AT 21 MILTON STREET,
BANNOCKBURN**

RECOMMENDED CONDITIONS FOR A NOTICE OF DECISION TO GRANT A PERMIT

Amended plans

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a digital copy must be provided. The plans must be generally in accordance with the plans submitted with the application prepared by The Ellis Group Architects (Issue A dated 17.10.2023) but amended to show:
 - a) The correct property address being Milton Street not Melton Street in Bannockburn;
 - b) The easement along the south-east boundary to be a 2.0 metre width as per the title details;
 - c) The natural ground level within all elevations and cross sections to be provided with a RL / AHD level;
 - d) The required Bushfire Attack Level (BAL) for the child care centre building, which is to be based on an updated Bushfire Attack Level Assessment;
 - e) Removal signage details from the front setback within the north corner of the site;
 - f) Correct labelling of all external materials within the building elevations to correspond with the finishes schedule;
 - g) A notation that the new boundary fencing to the north-west, south-east and south-west will be installed prior to the commencement of construction of the child care centre;
 - h) A notation that the design of the acoustic fence will meet the requirements as set out within Section 5 Recommendations and Conclusion of the Acoustic Report prepared by Enfield Acoustic Consultants and dated 4 October 2023 and any updates to the fencing on drawing TP310A provided accordingly;
 - i) A notation that any non-climbable batten rails to the proposed new boundary fencing will be oriented inward to the child care centre outdoor play area;
 - j) A minimum sill height of 1.7 metres above floor level for the upper floor level windows within the south, east and west elevations; and
 - k) A notation that all bathroom facility windows at first floor level will be constructed of obscure glazing.

Endorsed plans

2. The use and development as shown on the endorsed plans must not be altered or modified (unless the Golden Plains Planning Scheme specifies a permit is not required) without the prior written consent of the Responsible Authority.

Use

3. The Child Care Centre must only operate within the following hours:
 - a) Monday to Friday – 6:30am until 6:00pm.
4. A maximum of 90 children may be cared for on the site at any one time.

Development

5. The constructed development must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

6. No equipment, services, architectural features or structures of any kind, including telecommunications, other than those shown on the endorsed plans, are permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.
7. Before the development is occupied, external lighting must be designed, baffled and located so as to prevent any adverse effect on the surrounding land to the satisfaction of the Responsible Authority.
8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes must be kept in a storage area screened from view to the satisfaction of the Responsible Authority.

Bushfire Planning

9. Before the development starts, an updated Bushfire Attack Level Assessment prepared by a suitably qualified person to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority for the use and development of the land for a child care centre. The Assessment must not rely on any fire break on the adjoining Bannockburn Bushland Reserve.
10. The child care centre must comply to the minimum Bushfire Attack Level identified within the updated Bushfire Attack Level Assessment submitted to the Responsible Authority.
11. Before the use starts, a Personal Bushfire Plan for the proposed child care use must be prepared. This Personal Bushfire Plan must be kept on display at all times within the building. The operators of the child care centre must ensure all staff are aware of the requirements of this plan.

Waste Management

12. The storage, disposal and collection of waste associated with the use must at all times be in accordance with the endorsed waste management plan prepared by Hexicon, dated 1 December 2023. The Waste Management Plan must not be altered without the prior written consent of the Responsible Authority.

Landscape plans

13. Before the development starts, landscape plan/s to the satisfaction of the Responsible Authority and prepared by a suitably qualified and/or experienced person must be submitted to and approved by the Responsible Authority. The landscape plan must be drawn to scale with dimensions to show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes and pathways within any landscaped areas;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant;
 - d) only the use of plant species indigenous to the locality.When approved, the plan will be endorsed and will then form part of the permit.
14. Before the use starts the landscaping shown on the endorsed landscape plan/s must be carried out and completed and thereafter must be maintained in accordance with the endorsed plans to the satisfaction of the Responsible Authority, including the replacement of any dead, diseased or damaged plants.

Carparking

15. Before the use starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be constructed to meet the following requirements and standards:
 - a) Properly formed to such levels that they can be used in accordance with the plans.
 - b) Surfaced with an all-weather-seal coat.
 - c) Drained.
 - d) Line marked to indicate each car space and all access lanes.
 - e) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority.
 - f) Provided with disabled persons parking bays where required by the Building Code of Australia.
16. Car parking spaces and access lanes must be maintained and kept available for these purposes at all times to the satisfaction of the responsible authority.

Loading / Unloading

17. The loading and unloading of vehicles (other than waste collection) and the delivery of goods to and from the land must:
 - a) Only be carried out within the site boundaries of the land;
 - b) Not be conducted before 6.00am or after 7.00pm on any day; and
 - c) Utilise vehicles of a suitable size so as not disrupt the circulation or parking of vehicles on the landto the satisfaction of the Responsible Authority.

Amenity

18. Noise emissions from the land must comply with *EPA Publication 1826 – Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues* or its equivalent or successor at all times.
19. The use must be managed to the satisfaction of the Responsible Authority so that the amenity of the area is not detrimentally affected including through the:
 - a) transportation of materials, goods or commodities to or from the land.
 - b) appearance of any building, works or materials.
 - c) emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, water, waste products, grit or oil.
 - d) presence of vermin.

Signs

20. No signs other than those allowed by Clause 52.05 (Signs) of the planning scheme may be displayed on the subject land without the written consent of the Responsible Authority.

Development Engineering

21. Before the development starts, the following plans to the satisfaction of the Responsible Authority must be submitted for approval by the Responsible Authority:
 - a) Detailed construction plans, generally in accordance with "24011 – Preliminary Civil" as prepared by MRM Group dated 26 February 2024, Council standards and specifications in the Infrastructure Design Manual (IDM). Plans are to provide for:
 - i. Long section and cross-sections of proposed drainage system; and

- ii. Detailed computation of on-site detention and stormwater treatment.
 - b) An Environmental Management Plan (EMP). The plan must include, but is not limited to:
 - i. An outline how issues such as runoff, mud on roads, dust generation, erosion and sediment control will be managed, on site, during the construction and post construction phase.
 - ii. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
 - iii. Management measures are to be in accordance with EPA guidelines for Environment Management, 'Civil construction, building and demolition guide' Publication 184.1, September 2023.
- 22. Before the use starts, the developer must undertake Works in accordance with the approved Construction Plan and EMP, to the satisfaction of the Responsible Authority.
- 23. Before Construction Plans are approved, provide an engineering drainage design including drainage computations and specifications, generally in accordance with "24011 – Preliminary Civil" as prepared by MRM Group dated 26 February 2024, demonstrating acceptable management of stormwater runoff from the site with on-site detention system (OSD) in accordance with best practice guidelines and providing for:
 - a) Permissible Stormwater Discharge (PSD) rate of 20% AEP event at pre-development levels.
 - b) Detention of stormwater for 1% AEP event at post-development levels.
 - c) Stormwater treatment in accordance with current best practice performance as contained in Urban Stormwater – Best Practice Environmental Management Guidelines.
 - d) Connection to the existing underground drainage network in existing drainage easement located at south-east of the lot.
- 24. Before the use starts, a paved vehicle crossing to the site must be provided generally in accordance with the Infrastructure Design Manual (IDM) standard drawing SD250 and to the satisfaction of the Responsible Authority.
- 25. Before the use starts, all disused or redundant vehicle crossings must be removed and the area reinstated to the satisfaction of the Responsible Authority.
- 26. Before the use starts, the owner of the land must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987, which provides for the following:
 - a) The owner of the land must retain and maintain:
 - i. The rainwater storages, pits and pipes for the purpose of detention; and
 - ii. The water quality system,in a condition and to a standard that ensures its correct operation and otherwise to the satisfaction of the Responsible Authority.
in perpetuity for the purpose of treatment, detention and disposal of stormwater.
- 27. Application must be made to the Registrar of Titles to register the Section 173 agreement on the title to the land under Section 181 of the Act. The owner/operator must pay the Responsible Authority's reasonable costs for the preparation, review, execution, and registration of the Section 173 agreement.
- 28. Before the use starts, trees are to be assessed and protected as per IDM and AS4970-2009 – Protection of Trees on development sites. If any works are proposed within the tree protection zone of trees on adjoining land, a qualified and experienced arborist is to provide a report on the impact of the works on the trees.

29. Before the use starts, any damage to the road reserve/natural strip or other Council assets must be repaired to match the existing, to the satisfaction of the Responsible Authority.

Parks Victoria /DEECA

30. No polluted or sediment laden runoff is to be discharged directly or indirectly into the Bannockburn Bushland Reserve.
31. No vehicle or machinery access, nor material storage, is allowed within the Bannockburn Bushland Reserve.
32. No structures are to encroach upon the Bannockburn Bushland Reserve.
33. No vehicle or pedestrian access, or associated infrastructure (e.g., gates), is permitted between the private property and the adjoining Bannockburn Bushland Reserve, without Parks Victoria consent.
34. No stormwater is to be discharged directly or indirectly into the Bannockburn Bushland Reserve.

Expiry

35. This permit expires if:
- a) The development does not start within two (2) years of the date of this permit; or
 - b) The use is not started and the development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards (for a request to extend the time to commence the development) or twelve months after the permit expires (for a request to extend the time to complete the development).



- 41.9 If rejecting a *notice of motion*, the *Chief Executive Officer* must notify in *writing* the Councillor who lodged it of that rejection and the reasons for the rejection.
- 41.10 The *Chief Executive Officer* will give all Councillors notice of a *notice of motion* received in accordance with sub-rule 41.2 and not rejected in accordance with sub-rules 41.6 and 41.7.
- 41.11 The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they were received.
- 41.12 Except by resolution of Council, notices of motion before any Council meeting must be considered in the order in which they were recorded in the notice of motion register.
- 41.13 If a Councillor who has given a notice of motion is absent from the Council meeting or fails to move the motion when called upon by the Chairperson to do so, any other Councillor may move the motion.
- 41.14 The Chairperson, having lodged a notice of motion in accordance with this rule, must vacate the chair of the Council meeting to move the notice of motion and the Deputy Mayor or, in the absence of any Deputy Mayor, temporary Chairperson appointed by the Council, will take the chair for the duration of consideration of the item.
- 41.15 If a notice of motion, whether amended or not, is lost or lapsed, a similar motion cannot again be put before the current Council for a period of three calendar months from the date it was lost.
- 41.16 If a notice of motion is not moved at the Council meeting at which it is listed, it lapses.
- 41.17 Before the notice of motion is put to the vote, it may be withdrawn by the Councillor.

PRIVACY COLLECTION NOTICE

Personal information collected on this form will be used by Council's Governance and Executive Units to process your notice of motion. This form and the information contained on it will be disclosed to the public through publication on the Council meeting agenda.

If you do not provide us with all required information, your notice of motion may be non-compliant with the Governance Rules and may be rejected. You have the right to access your personal information and make any necessary corrections. If you have any queries or wish to gain access to amend your information, please contact Golden Plains Shire's Privacy Officer on (03) 5220 7111 or enquiries@gplains.vic.gov.au.

Council will comply with its Privacy Policy and Information Privacy Principles in schedule 1 of the Privacy and Data Protection Act 2014 and the Health Records Act 2001 in relation to the use, storage and disclosure of information.

