

6 Ordinary Business

6.1 Town Planning Reports

6.1.1 T220285 PA - Use and Development of Land for a Medical Centre and alteration of an access in a Transport Zone Schedule 2 at 337 Belgrave-Gembrook Road, Emerald

Responsible GM: Lili Rosic
Author: Jason Gilbert

Recommendation(s)

That Council issue a Notice of Decision to Grant a Planning Permit for the Use and Development of Land for a Medical Centre and alteration of access to a road in a Transport Zone 2 subject to the following conditions:

1. Before the use or 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Annotation on plans as to road upgrades to Madigan Way for the length of the rear boundary of the site to the corner of Madigan Way and Ferres Road.
 - b. Remove annotations on site and floor plans regarding office/ commercial use.
 - c. The location of four (4) bicycle spaces positioned nearby an entrance way and designed in accordance with the Design Standards of Clause 52.34-6.
 - d. Internal layout of amenities including the location of a change room in accordance with Clause 52.34-5.
 - e. Annotate on the plans the reinstatement of the Gembrook – Belgrave footpath as required for the length of the sites frontage.
 - f. Provision of minimum 500mm overhang for Car Parking Bay 8, Bay 28, Bay 29 ensuring relevant accessway width remains.
 - g. Bay 25 (no clearance to disabled bays) to be removed from level 2 basement carpark, ensuring that minimum 1.2m pedestrian access maintained.
 - h. Clarification and update to Bay 24 and a 1m clearance between Bay 24 and Lift, noting this is shown on Swept Path Assessment but not basement floor plan.
 - i. Landscaping Plan in accordance with Condition 1(m).
 - j. Annotated and identifiable glazing finishes to all windows.
 - k. Amended Bushfire Plan and Plan Set to reflect required changes as per Fire Rescue Victoria Condition 24.
 - l. Screening/window treatment to the west to avoid overlooking of adjoining properties.

- m. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority drawn to scale showing:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways.
 - iv. 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.
 - v. Landscaping and planting within all open areas of the subject land.

General

- 2. The development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
- 3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 4. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building must be of a non-reflective nature.
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.
- 6. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing:
 - a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - b. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - c. A commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - d. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

Hours of Operation and Use particulars

- 7. Hours of operation for the permitted use must not exceed:
 - a. Monday to Friday: 8.30am to 7.00pm.
 - b. Saturday: 8.30am to 2.00pm.
 - c. Sunday: Closed.
- 8. No more than 13 health practitioners to be located on site at any one time.

Vegetation

9. Before the development starts, a Planning Permit must be obtained where required under the Cardinia Planning Scheme for the destruction, removal or lopping of any vegetation, including for any vegetation removal to meet the conditions of this Permit.

Engineering – Site Specific

10. Before the development is occupied, Madigan Road must be designed and constructed to an urban standard to the eastern boundary of the land in accordance with engineering plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “VPA - Engineering Design and Construction Manual”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
11. At least 14 days before any works start on Madigan Road, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed

Engineering – General Conditions

12. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
13. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
14. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
15. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
16. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
17. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

18. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
19. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
20. Prior to completion of the development, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority.
21. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
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23. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

Transport for Victoria

24. Prior to the occupation of the development, all disused or redundant vehicle crossings on Belgrave Gembrook Road must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

Fire Rescue Victoria (Country Fire Authority)

25. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must show the following bushfire protection measures:

- a. Defendable space

Defendable space for a distance of 50 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- i. Grass must be short cropped and maintained during the declared fire danger period.

- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b. Construction standards
- The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL-12.5)
- c. Water supply
- 10000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
- i. Is stored in an above ground water tank constructed of concrete or metal.
 - ii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - iii. Include a separate outlet for occupant use.
- The water supply must also –
- iv. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - v. Be located within 60 metres of the outer edge of the approved building.
 - vi. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - vii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - viii. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
26. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Attachments

1. T220285 PA - Locality Map [6.1.1.1 - 1 page]
2. T220285 PA - Development Plans [6.1.1.2 - 11 pages]
3. T220285 PA - Arborist Advice [6.1.1.3 - 11 pages]
4. CONFIDENTIAL REDACTED - T220285 PA - Objections [6.1.1.4 - 26 pages]
5. CONFIDENTIAL REDACTED - T220285 PA - Additional Submission [6.1.1.5 - 2 pages]

6. T220285 PA - Council Report [6.1.1.6 - 22 pages]

Executive Summary

APPLICATION NO.:	T220285
APPLICANT:	XWB Consulting
LAND:	L14 LP14785, 337 Belgrave-Gembrook Road, Emerald VIC 3782
PROPOSAL:	Use and Development of Land for a Medical Centre and alteration of access to a road in a Transport Zone 2.
PLANNING CONTROLS:	<p>Zone:</p> <ul style="list-style-type: none"> Mixed Use Zone (adjacent to Transport Zone, Schedule 2) <p>Overlays:</p> <ul style="list-style-type: none"> Bushfire Management Overlay Design and Development Overlay – Schedule 4 Vegetation Protection Overlay – Schedule 3
NOTIFICATION & OBJECTIONS:	<p>Notice of the application was given pursuant to Section 52 of the <i>Planning an Environment Act 1987</i>.</p> <p>To date, Council has received twelve (12) objections.</p>
KEY PLANNING CONSIDERATIONS:	<p>Mixed use zone Commercial development Township character Built form outcomes Visual bulk Car parking Traffic</p>
REASON FOR MEETING	The application has received over 4 objections.
RECOMMENDATION:	Notice of Decision to Grant a Planning Permit

Background

This report relates to an application to use and develop the land at 337 Belgrave-Gembrook Road, Emerald for a multi-storey Medical Centre and alteration of access to a road in a Transport Zone 2.

It is proposed that up to thirteen (13) health practitioners will be on site at any one time, with proposed hours of:

- Monday to Friday: 8:30am to 7:00pm;

- Saturdays: 8:30am to 2:00pm; and
- Sundays: Closed.

The building is to incorporate four (4) storeys, presenting as double-storey to Belgrave-Gembrook Road.

The four floors are identified as follows:

- Lower Basement – Car Parking
- Upper Basement – Car Parking and Medical Centre
- Ground Floor (from Belgrave-Gembrook Road) – Medical Centre
- Upper Floor – Medical Centre

The application was previously considered by Council at a Town Planning Committee Meeting on 4 September 2023 where it was recommended that Council issue a Notice of Decision to Grant a Planning Permit for the application, subject to a range of conditions.

At this meeting, the Committee resolved to defer consideration of the application until the next meeting of the Town Planning Committee to allow the provision of further information on the traffic impacts of the application on Madigan Way.

The traffic impacts were further reviewed and officers did not recommend any changes to the proposed permit conditions in relation to this matter. However, concerns were raised regarding the impact on vegetation within the Madigan Way road reserve and surrounding properties as a result of the upgrade of Madigan Way (noting that a proposed condition of any permit requires the upgrade of Madigan Way adjacent to the subject site).

Due to the above, at the most recent Town Planning Committee Meeting on 2 October 2023, officers recommended that consideration of the application be deferred to allow additional time to obtain further information regarding the road upgrade and its vegetation impacts. At this meeting, Councillors resolved to:

Defer consideration of Planning Permit Application T220285 to a future Town Planning or Ordinary Council Meeting to allow for the further consideration of vegetation impacts relating to upgrades to Madigan Way.

Consideration

The applicant has submitted arboricultural advice (attached) assessing the impacts on vegetation on or adjoining Madigan Way along the approximate 60-metre length of road that would require upgrading as per the recommended conditions of any permit.

While the advice is preliminary and without the benefit of detailed construction drawings, it concludes that four trees (all within the road reserve) are likely to need to be removed for the required upgrade of Madigan Way. Of these four trees, two are exotic species and two are indigenous, with their health and condition ranging from very poor to fair. None of the trees are identified as being significant.

The submitted advice provides an understanding of the likely impact on vegetation as a result of any upgrades to Madigan Way as required by the recommended conditions of any permit.

It is important to note that the current application does not seek approval of any vegetation, including the vegetation identified as being impacted in the submitted arboricultural advice. Should a permit for this application be granted, any subsequent activities that may require a planning permit (such as vegetation removal) will need appropriate permissions before they occur. At such time, a thorough assessment and consideration can be given to these matters.

Based on the above, the recommendation continues to be that Council issue a Notice of Decision to Grant a Planning Permit, subject to the originally recommended conditions and one additional condition:

- Before the development starts, a Planning Permit must be obtained where required under the Cardinia Planning Scheme for the destruction, removal or lopping of any vegetation, including for any vegetation removal to meet the conditions of this Permit.

One submission in support of the application has been received since the previous meeting. This has been included as an attachment.



T220285 PA - Locality Map - 337 Belgrave-Gembrook Road,
Emerald

Disclaimer: This content is provided "as is" without warranty of any kind. 28-Jul-2023

[View map online](#)



Commercial Area Analysis
 STREET LEVEL COMMERCIAL - 37A Glen St, 618 sqm
 STREET LEVEL COMMERCIAL - 107/21 Mt St, 1134 sqm
 STREET LEVEL COMMERCIAL - 585/594 Mt St, 951 sqm
 STREET LEVEL COMMERCIAL - 585/594 Mt St, 951 sqm
 STREET LEVEL COMMERCIAL - 191/195 Mt St, 1418 sqm
 STREET LEVEL COMMERCIAL - 271/1 Mt St, 7556 sqm
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 STREET LEVEL COMMERCIAL - 271/1 Mt St, 7556 sqm
 STREET LEVEL COMMERCIAL - 271/1 Mt St, 7556 sqm
 TOTAL BUILDING AREA - 25113 sqm OR 612000 sqm

Commercial Offices/Medical
 STREET LEVEL COMMERCIAL AREA - 904 sqm
 STREET LEVEL COMMERCIAL AREA - 304 sqm
 STREET LEVEL COMMERCIAL AREA - 1317 sqm
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 STREET LEVEL COMMERCIAL AREA - 1317 sqm
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 TOTAL COMMERCIAL AREA - 4881 sqm

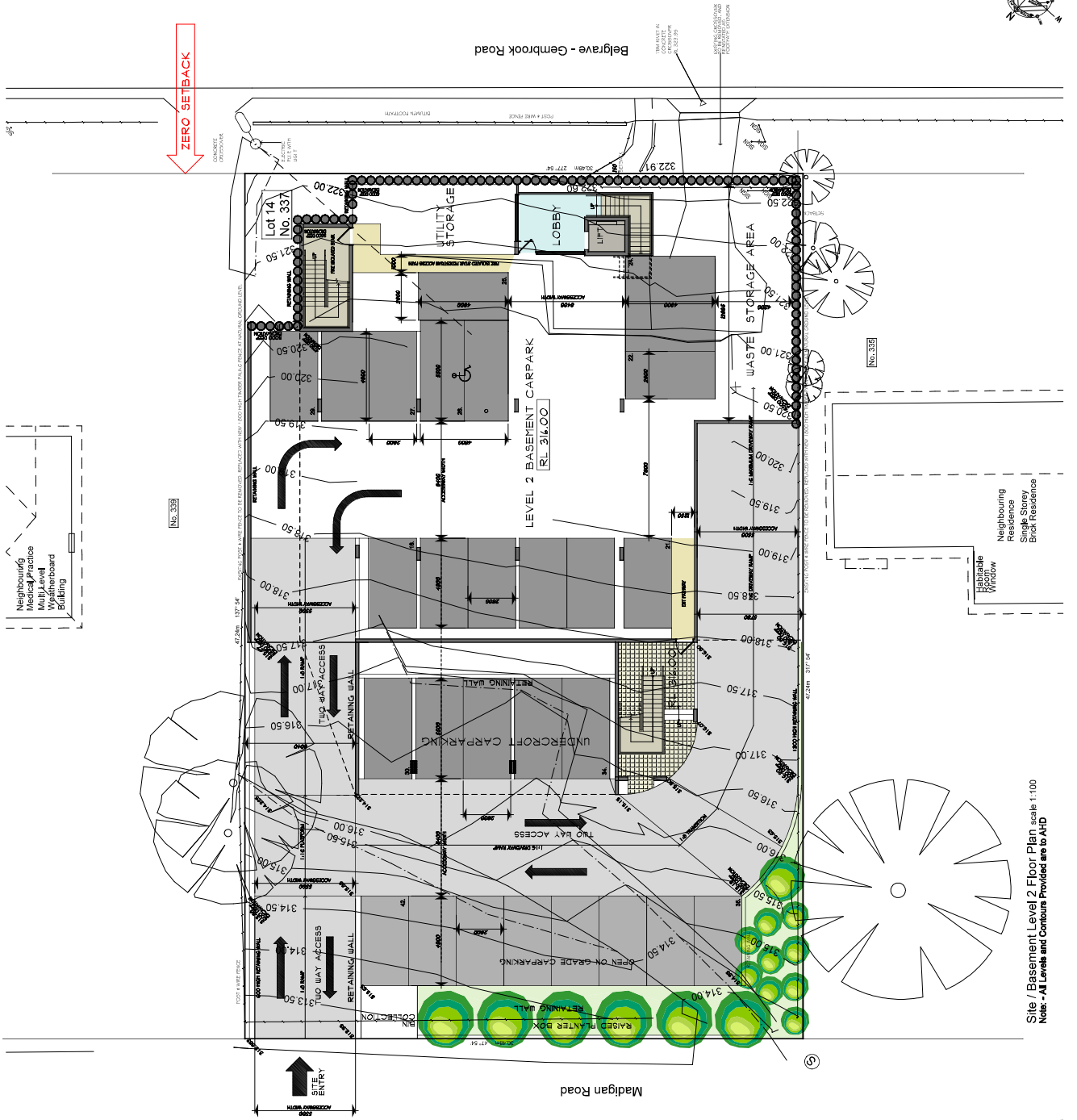
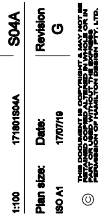
Car Parking Analysis
 TOTAL CAR PARKING - 42 SPACES

1	TOTAL CAR PARKING	42
2	TOTAL BUILDING AREA	25113
3	TOTAL COMMERCIAL AREA	4881
4	TOTAL OFFICE AREA	304
5	TOTAL MEDICAL AREA	1317
6	TOTAL RESIDENTIAL AREA	1317

Client
Mandala Medical Clinic
 Proposed Commercial Development at
**No.337 Belgrave Gembrook Road
 Emerald, Vic. 3782**



Plan:
Basement Level 2 Site/Floor Plan
 Scale: Plan designation: Sheet No.
 1:100 17180504 S044
 Plan size: Date: Revision
 A0/A1 17/07/18 G



Site / Basement Level 2 Floor Plan scale 1:100
 Note - All Levels and Contours Provided are to AHD

Commercial Area Analysis
 1. SITE LOCATION - 875.0m² OR 0.187 HA
 2. ZONING - COMMERCIAL CENTRAL (CC)
 3. STREET FRONTAGE - 110.0m
 4. LOT AREA - 110.0m²
 5. TOTAL FLOOR AREA - 110.0m²
 6. TOTAL CAR PARKING - 110.0m²
 7. TOTAL BUILDING AREA - 281.34m² OR 0.0281 HA

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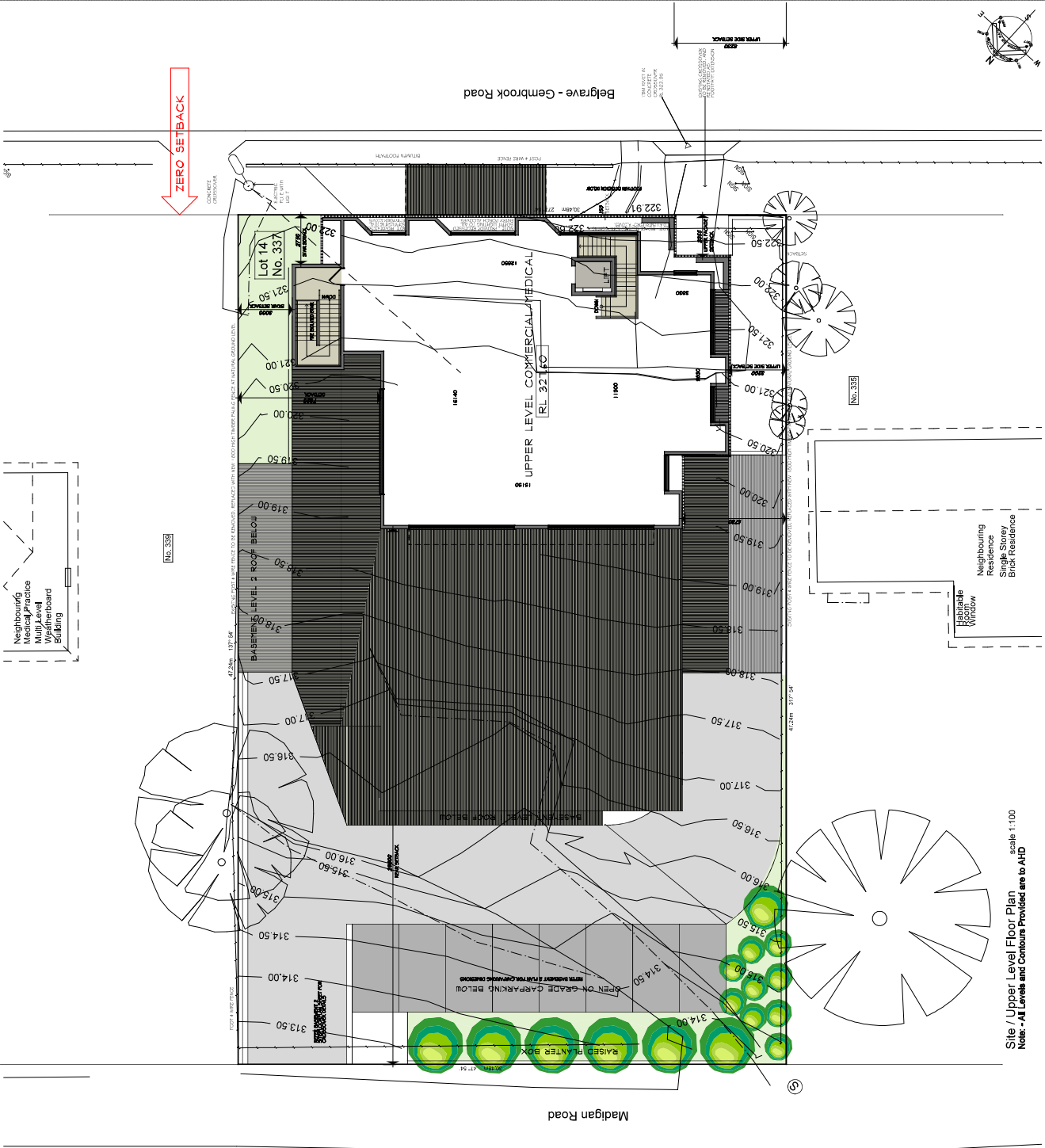
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Site / Upper Level Floor Plan
 Note: - All Levels and Contours Provided are to AHD
 Scale 1:100

NO.	DATE	DESCRIPTION
1	10/01/2023	ISSUED FOR PERMIT
2	10/01/2023	ISSUED FOR PERMIT
3	10/01/2023	ISSUED FOR PERMIT
4	10/01/2023	ISSUED FOR PERMIT
5	10/01/2023	ISSUED FOR PERMIT
6	10/01/2023	ISSUED FOR PERMIT

Client
 Mandala Medical Clinic
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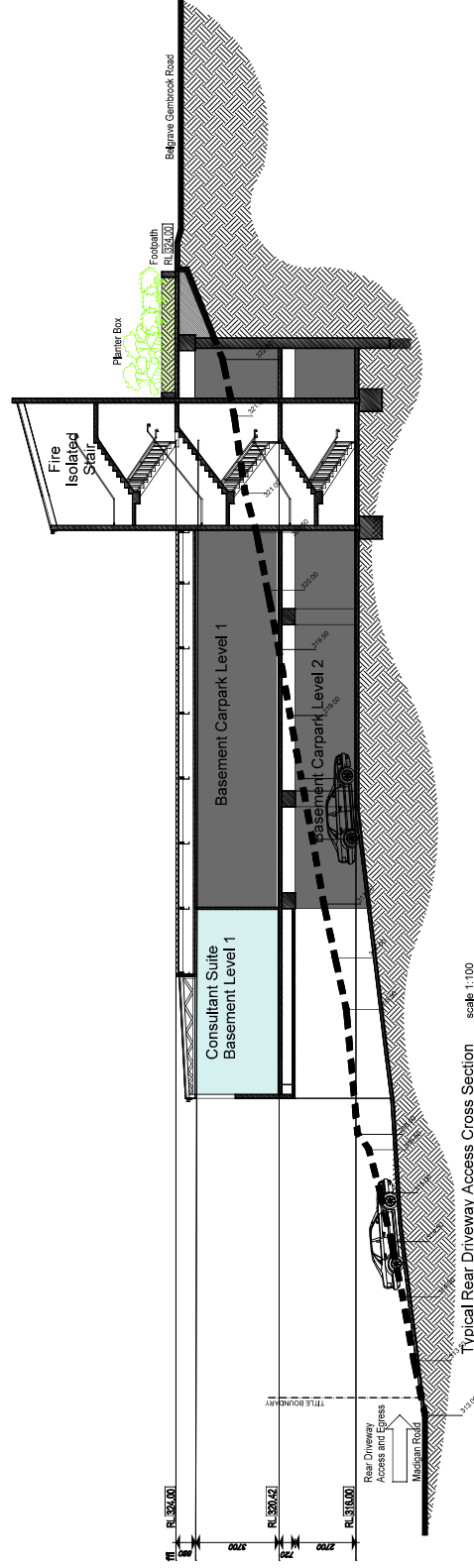
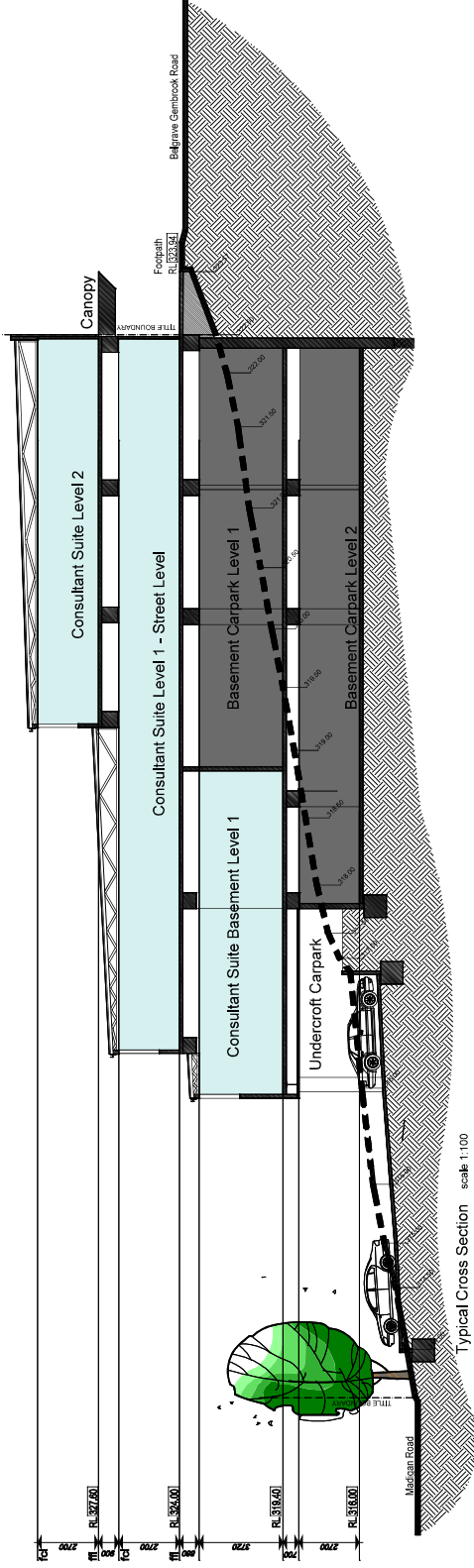


Plan: Upper Storey Office/Medical
 Stair/Floor Plan

Scale: 1:100
 Plan designation: S02A
 Sheet No. 02/24

Plan size: A0/A1
 Date: 17/01/2023
 Revision: G

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 10/01/2023 10:00 AM
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1	DATE	17/07/19
2	BY	17/07/19
3	FOR	17/07/19
4	REVISION	17/07/19
5	DATE	17/07/19
6	BY	17/07/19
7	FOR	17/07/19
8	REVISION	17/07/19
9	DATE	17/07/19
10	BY	17/07/19
11	FOR	17/07/19
12	REVISION	17/07/19

Client
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Plan: Site Cross Profile
Scale: Plan designation: Sheet No. S07
 1:100 17/06/2019

Plan size: 1707/19
ISO A1 **Revision** **G**

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MATERIALS & FINISHES KEY

	CHARCOAL PAINT FINISH TO F.C. SHEET WALL CLADDING PANEL/BLOCK WALL
	MONUMENT COLORBOND, POLYESTER, MATT FINISH PROFILE WALL CLADDING
	STEEL FRAME PAINTED GREY WITH CHARCOAL BATTEN INFILL
	ALUMINIUM FRAMED WINDOW GLAZING POWDERCOATED IN CHARCOAL COLORBOND COLOUR
	ALL ASPECTS TIMBER PROFILE, LIGHT GREY COLORBOND COLOUR
	ALUMINIUM SCREENING IN LIGHT GREY COLORBOND FINISH POWDERCOATED FINISH
	CHARCOAL POWDERCOAT FINISH HANDRAIL WITH VERTICAL BALUSTRADE POWDERCOATED IN BLONDE TIMBER FINISH
	CHARCOAL ALUMINIUM CANDY CLADDING
	APPLIED STONE CLADDING

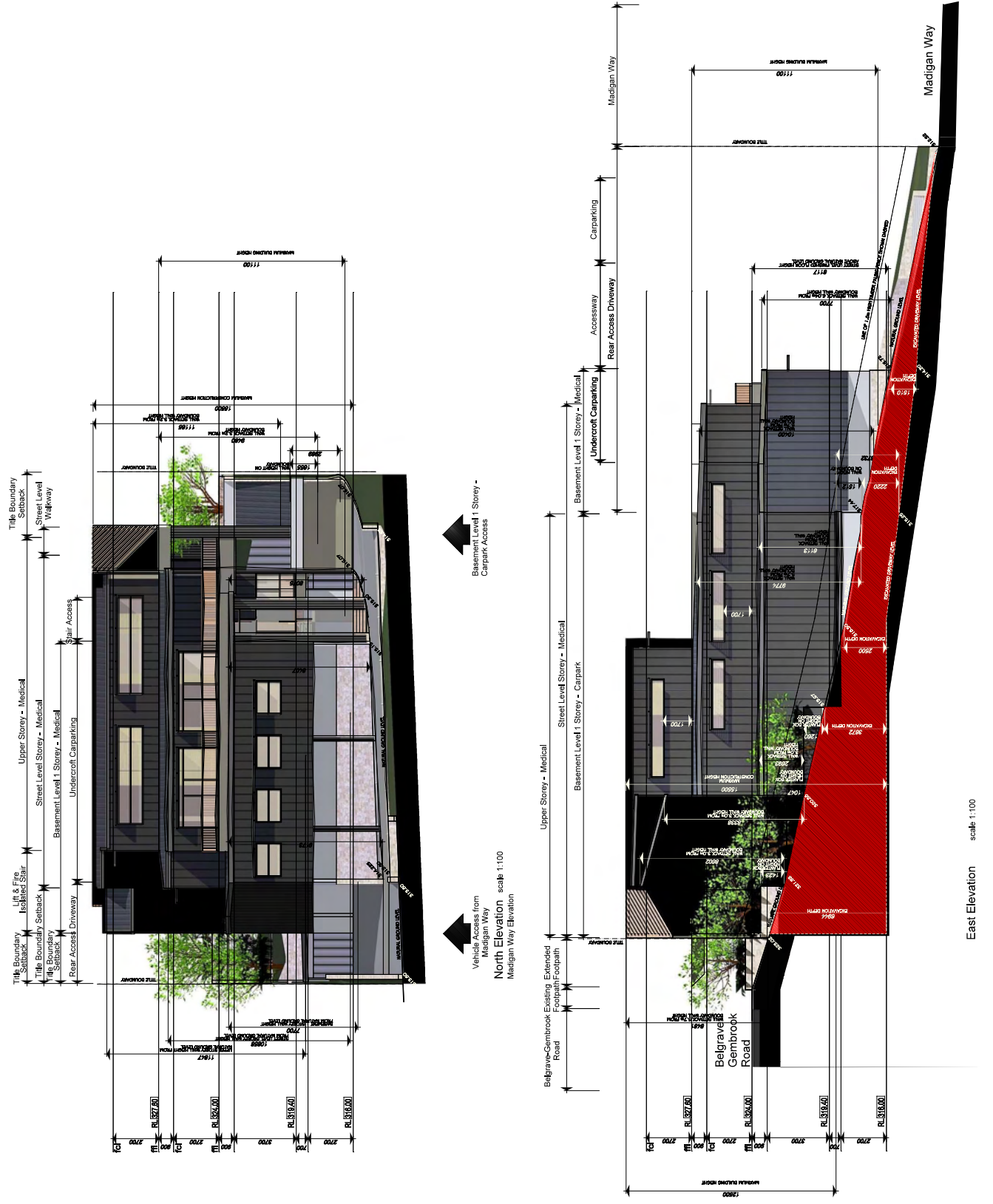
NOTE: REFLECTIVE FLASH AND ROOFINGS TO BE PRESSED METAL IN DARK GREY COLORBOND COLOUR

1	DATE: 17/08/2023	BY: J. HAMILTON
2	DATE: 17/08/2023	BY: J. HAMILTON
3	DATE: 17/08/2023	BY: J. HAMILTON
4	DATE: 17/08/2023	BY: J. HAMILTON
5	DATE: 17/08/2023	BY: J. HAMILTON
6	DATE: 17/08/2023	BY: J. HAMILTON
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10	DATE: 17/08/2023	BY: J. HAMILTON
11	DATE: 17/08/2023	BY: J. HAMILTON
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17	DATE: 17/08/2023	BY: J. HAMILTON
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19	DATE: 17/08/2023	BY: J. HAMILTON
20	DATE: 17/08/2023	BY: J. HAMILTON













Client
Mandala Medical Clinic
 Proposed Commercial Development at
No.337 Belgrave Gembrook Road
Emerald, Vic. 3782

Plan: Elevations 2.

Scale:	Plan designation: Sheet No.
1:100	17/89185/06 S06
Plan size:	Date:
A0	17/07/19
ISO A1	Revision
G	



MATERIALS & FINISHES KEY

-  CHARCOAL PAINT FINISH TO F.C. SHEET WALL CLADDING
-  PANEL BRICK WALL
-  MONUMENT COLORBOND PROFILE WALL CLADDING
-  STEEL FRAME PAINTED GREY WITH CHARCOAL BATTEN MILL
-  ALUMINUM FRAMED WINDOW
-  ALUMINUM FRAMED WINDOW WITH HORIZONTAL SLATS
-  ALUMINUM FRAMED WINDOW WITH VERTICAL SLATS
-  ALL ROOFING TIMBREK PROFILE, LIGHT GREY COLORBOND COLOUR
-  ALUMINUM SCREENINGS OVER TIMBER POWDERCOAT FINISH
-  CHARCOAL POWDERCOAT FINISH HANDRAIL WITH VERTICAL BALUSTRADE POWDERCOATED IN BLONDE TIMBER FINISH
-  CHARCOAL ALUMINUM CANDY CLADDING
-  APPLIED STONE CLADDING

NOTE: SELECTED FASCIA AND FOOTINGS TO BE PRESSED METAL IN DARK GREY COLORBOND COLOUR

1. SITE PLAN	DATE: 10/11/2023
2. ARCHITECTURAL ELEVATIONS	DATE: 10/11/2023
3. SECTIONAL DRAWINGS	DATE: 10/11/2023
4. STRUCTURAL DRAWINGS	DATE: 10/11/2023
5. MECHANICAL DRAWINGS	DATE: 10/11/2023
6. ELECTRICAL DRAWINGS	DATE: 10/11/2023
7. PLUMBING DRAWINGS	DATE: 10/11/2023
8. LANDSCAPE ARCHITECTURE	DATE: 10/11/2023
9. CIVIL ENGINEERING	DATE: 10/11/2023
10. CONSTRUCTION MANAGEMENT	DATE: 10/11/2023

Client
Mandala Medical Clinic
 Proposed Commercial Development at
No.337 Belgrave Gembrook Road
Emerald, Vic. 3782



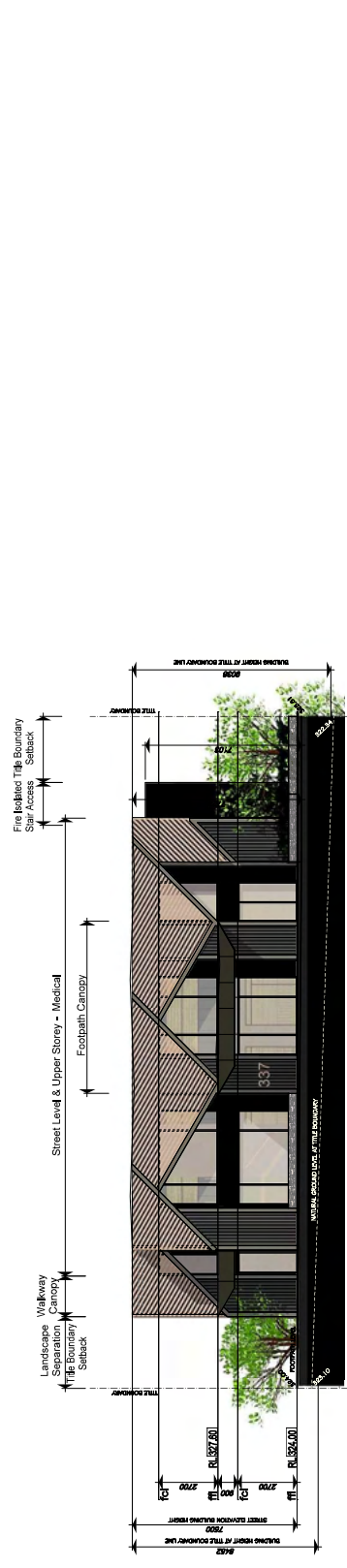
Plan: Elevations 1.

Scale: Plan designation: Sheet No. S05
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Plan size: 170719
ISO A1

Revision: G

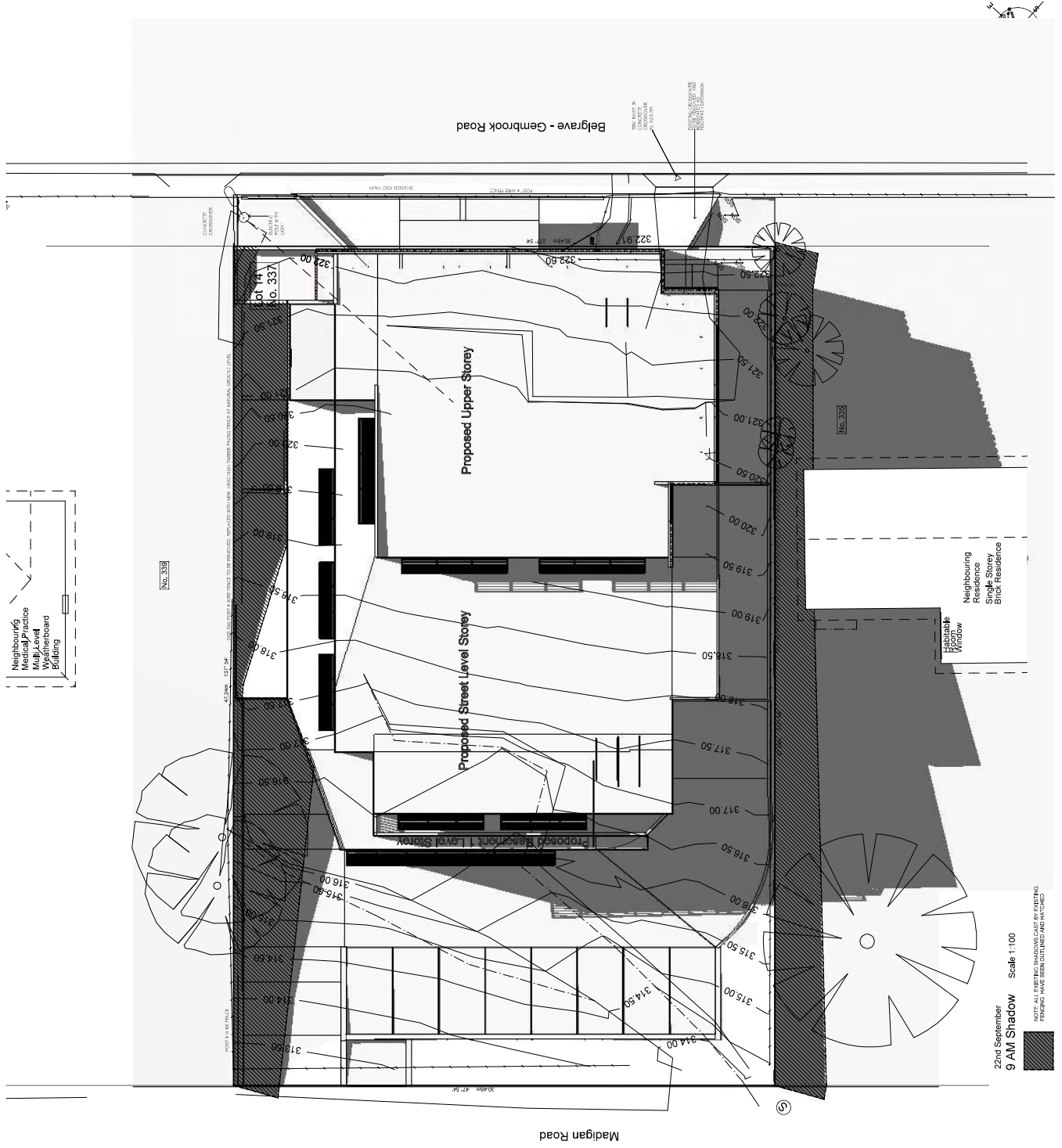
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South Elevation
 scale 1:100
 Belgrave Gembrook Road Elevation

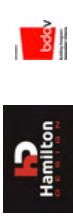


West Elevation
 scale 1:100



NO.	DATE	DESCRIPTION
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2	17/09/2023	ISSUED FOR TENDERS
3	17/09/2023	ISSUED FOR TENDERS
4	17/09/2023	ISSUED FOR TENDERS
5	17/09/2023	ISSUED FOR TENDERS
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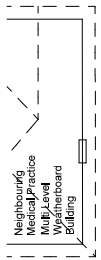
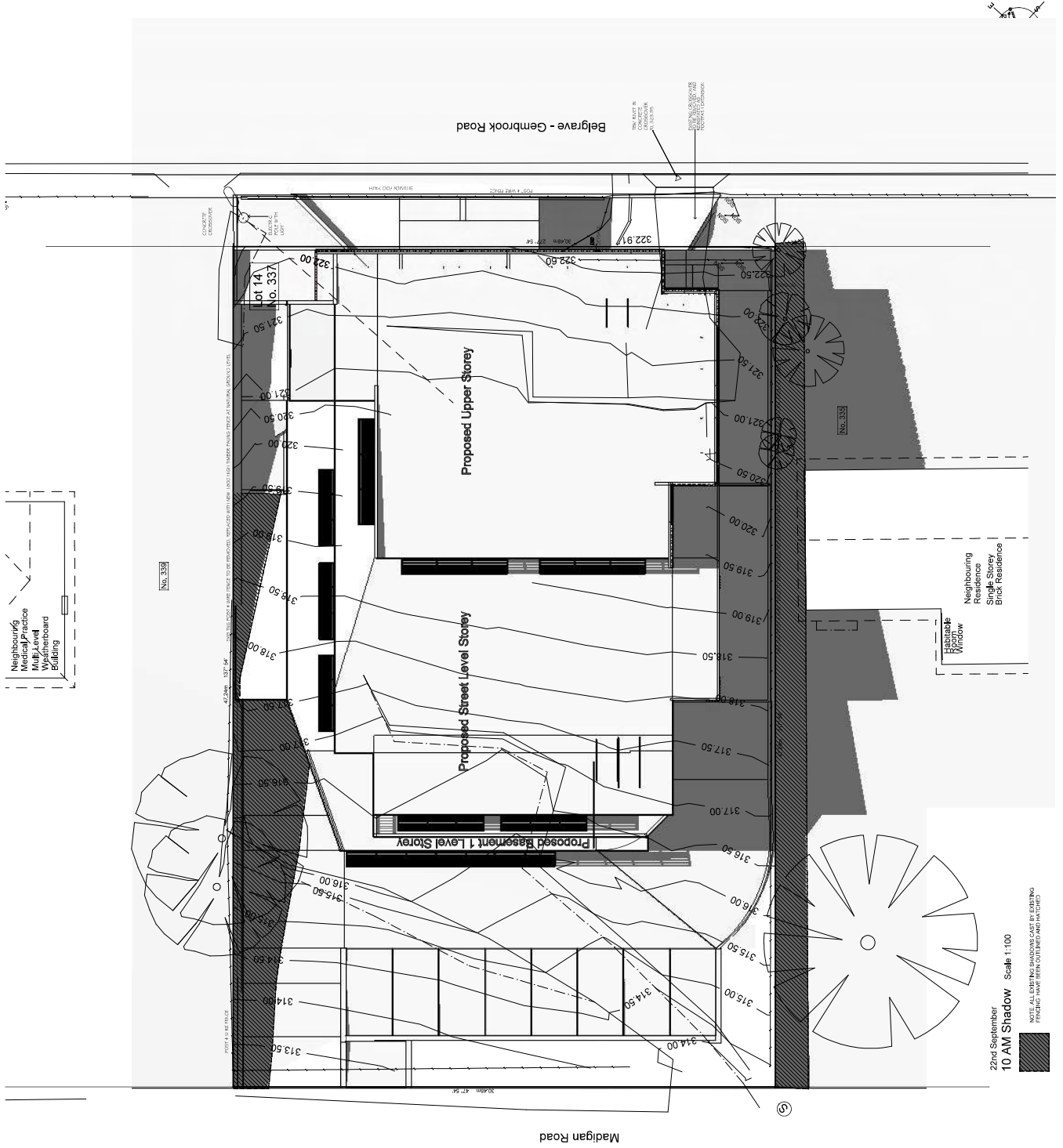
Client
Mandala Medical Clinic
 Proposed Commercial Development at
 No.337 Belgrave Gembrook Road
 Emerald, Vic. 3782



Plan: 9AM Shadow Diagram
Scale: Plan designation: Sheet No. S08
 1:100 17/09/2023

Plan size: Date: 17/09/23
ISO A1 Revision: G
 17/09/23
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 DRAWN BY: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]
 TOTAL SHEETS: [Number]

22nd September
9 AM Shadow Scale 1:100
 NOTE: ALL SHADOWS INDICATED BY HATCHING
 FORMED ON THE BASIS OF THE ASSUMPTIONS
 STATED ON SHEET S01



22nd September
 10 AM Shadow Scale 1:100

NOTE: ALL EXISTING SHADOWS CASE BY EXISTING FENCING HAVE BEEN OUTFITTED AND MATCHED

NO.	DATE	DESCRIPTION
1	17/09/2023	ISSUED FOR PERMIT
2	17/09/2023	ISSUED FOR PERMIT
3	17/09/2023	ISSUED FOR PERMIT
4	17/09/2023	ISSUED FOR PERMIT
5	17/09/2023	ISSUED FOR PERMIT
6	17/09/2023	ISSUED FOR PERMIT
7	17/09/2023	ISSUED FOR PERMIT
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9	17/09/2023	ISSUED FOR PERMIT
10	17/09/2023	ISSUED FOR PERMIT

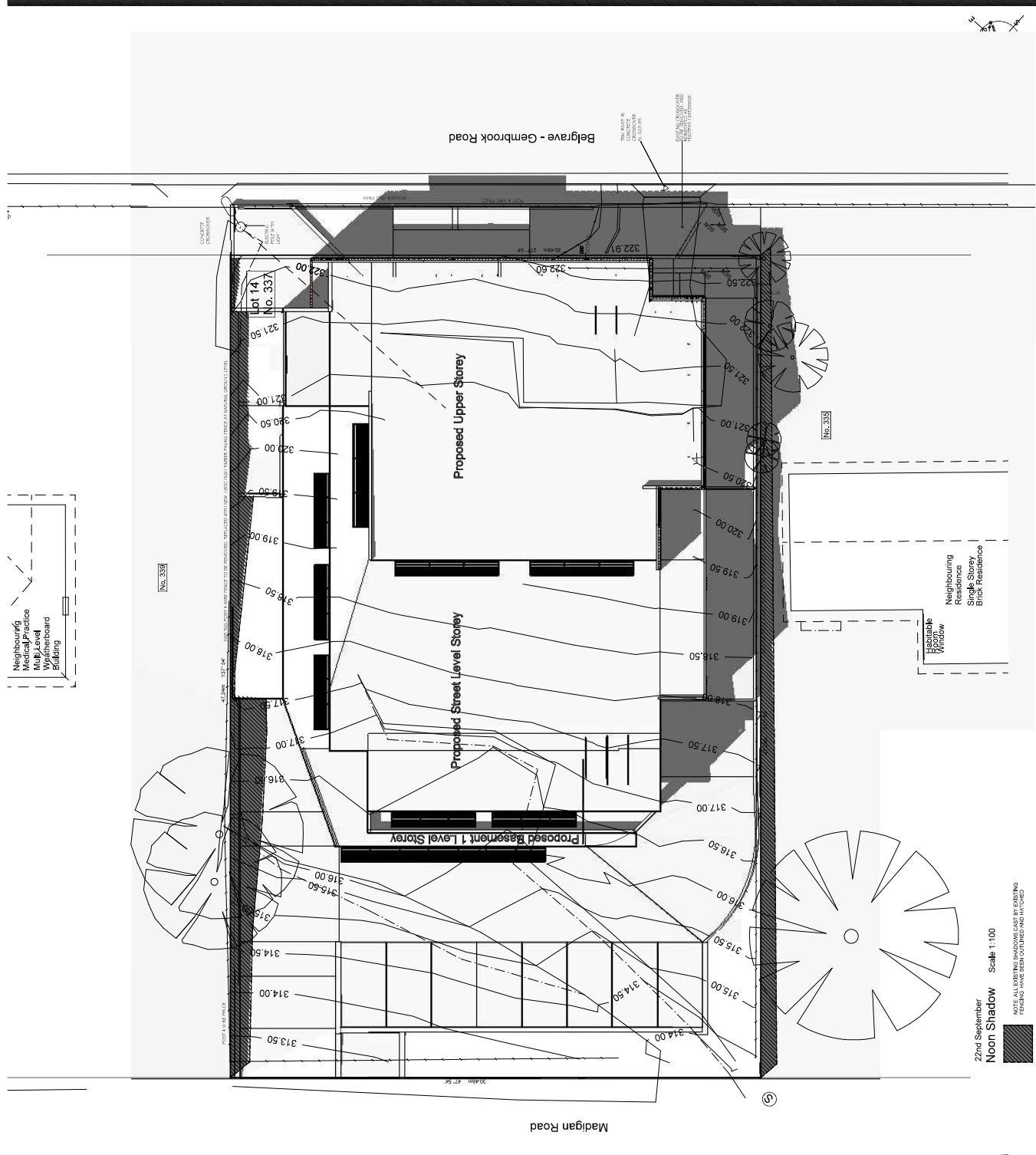
Client
Mandala Medical Clinic
 Proposed Commercial Development at
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 Emerald, Vic. 3782



Plan: 10AM Shadow Diagram
Scale: Plan designation: Sheet No. S09
 1:100 17/09/2023

Plan size: 1707/918
ISO A1
Revision G
Date: 17/07/18

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NO.	DATE	BY	DESCRIPTION
01	17/09/2023	AW	ISSUED FOR PERMIT
02	17/09/2023	AW	ISSUED FOR PERMIT
03	17/09/2023	AW	ISSUED FOR PERMIT
04	17/09/2023	AW	ISSUED FOR PERMIT
05	17/09/2023	AW	ISSUED FOR PERMIT
06	17/09/2023	AW	ISSUED FOR PERMIT
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18	17/09/2023	AW	ISSUED FOR PERMIT
19	17/09/2023	AW	ISSUED FOR PERMIT
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Client
Mandala Medical Clinic
 Proposed Commercial Development at
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 Emerald, Vic. 3782

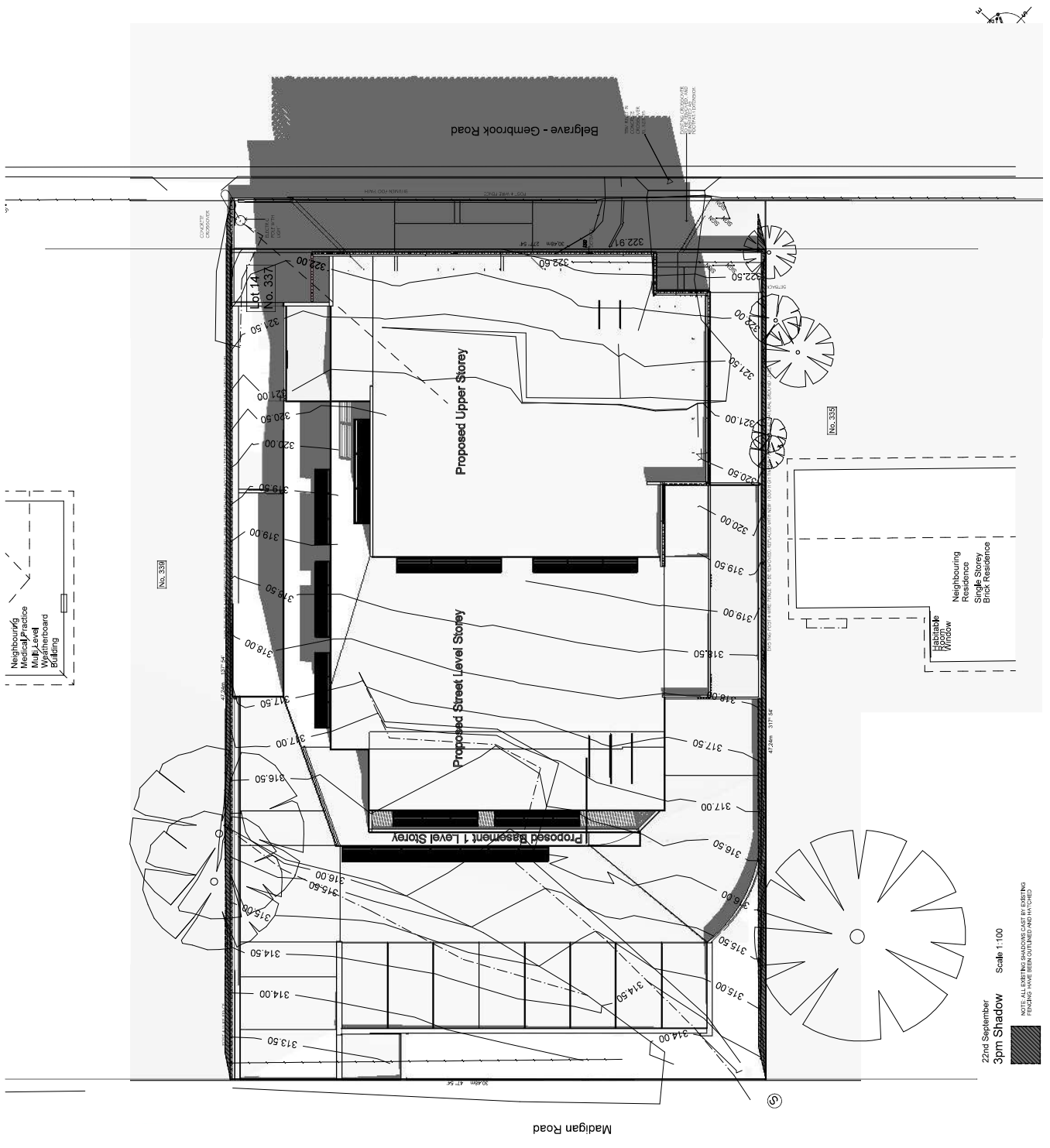


Plan: NOON Shadow Diagram
Scale: Plan designation: Sheet No. S10
 1:100
 17/09/2023

Plan size: Date: 17/09/23
ISO A1 Revision: **G**
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22nd September
 Noon Shadow
 Scale 1:100

NOTES:
 1. ALL DIMENSIONS SHOWN ARE BY EXTERIOR
 2. DIMENSIONS TO FACE UNLESS OTHERWISE NOTED



Neighbouring
Medical Practice
Waterside
Building

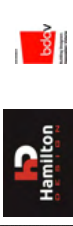
Neighbouring
Residence
Single Storey
Brick Residence

22nd September
3pm Shadow
Scale 1:100

NOTES: ALL DIMENSIONS SHOWN ARE BY EXISTING
CONDITIONS UNLESS OTHERWISE SPECIFIED.

NO.	DATE	BY	DESCRIPTION
1	17/09/2023	AW	ISSUED FOR PERMIT
2	17/09/2023	AW	ISSUED FOR PERMIT
3	17/09/2023	AW	ISSUED FOR PERMIT
4	17/09/2023	AW	ISSUED FOR PERMIT
5	17/09/2023	AW	ISSUED FOR PERMIT
6	17/09/2023	AW	ISSUED FOR PERMIT
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14	17/09/2023	AW	ISSUED FOR PERMIT
15	17/09/2023	AW	ISSUED FOR PERMIT
16	17/09/2023	AW	ISSUED FOR PERMIT
17	17/09/2023	AW	ISSUED FOR PERMIT
18	17/09/2023	AW	ISSUED FOR PERMIT
19	17/09/2023	AW	ISSUED FOR PERMIT
20	17/09/2023	AW	ISSUED FOR PERMIT

Client
Mandala Medical Clinic
Proposed Commercial Development at
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Plan: 3 PM Shadow Diagram
Scale: Plan designation: Sheet No. S11
1:100 17/09/2023
Plan size: Date: 17/09/23
ISO A1 Revision: G

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Treed *environs*

11 October 2023

Mr Philip Walton
XWB Consulting
By email mail@xwbconsulting.com.au

Dear Phil,

Madigan Way Emerald

The following table contains information of the 10 assessed trees on or adjoining Madigan Way in the proposed 60 m construction area. This does not include the many weedy shrubs (*Cotoneaster glaucophylla* for example) that line the road. The boundary between 335 and Madigan Way and Res 1 PS 511552 and Madigan Way are fenced with other than a few short areas where the fence is not apparent.

Table 1: Tree assessment data

Tree No	Species	Character	Health	Architecture	Condition	Life Stage	Significance	DBH (mm)	Height (m)	Canopy Spread (m)	ITR
1	<i>Robinia psuedoacacia</i>	X	F	P	P	M	N	200	5	5	F
2	<i>Acer psuedoplatanus</i>	XW	F	F	F	M	N	150	5	4	F
3	Unknown species	X	VP	VP	VP	D	N	500	6	5	L
4	Unknown species	X	F	F	F	M	N	150	5	3	F
5	<i>Acacia melanoxylon</i>	I	F	F	F	M	N	210	6	4	F
6	<i>Acacia melanoxylon</i>	I	F	F	F	M	N	160	6	5	F
7	<i>Acer psuedoplatanus</i> x 2	XW	F	F	F	M	N	150	5	5	F
8	<i>Cedrus deodara</i>	X	F	F	F	M	N	500	15	8	F
9	<i>Acacia dealbata</i>	I	P	VP	VP	S	N	700	8	7	L
10	<i>Acacia melanoxylon</i>	I	P	P	VP	M	N	100	4	3	F

The indicative location of trees is shown on the following plan. Trees 3, 5, 9 & 10 are likely to need to be removed for the construction of this section of Madigan Way. Tree 3 is a dead exotic and Tree 9 is a dying and structurally unsound indigenous tree that is likely to warrant removal regardless of the proposed construction. Without a design for the construction, it is not possible to be more specific on the impact on other trees. However, if the design showed construction to be on or above the existing road level then the impact on the adjoining trees would be minimal. Trees 1, 2, 4, 6, 7 & 8 are located on 335 Belgrave Gembrook Road and the base of these trees is substantially higher than the road surface. The letters in the above table are defined in the following explanation of terms.

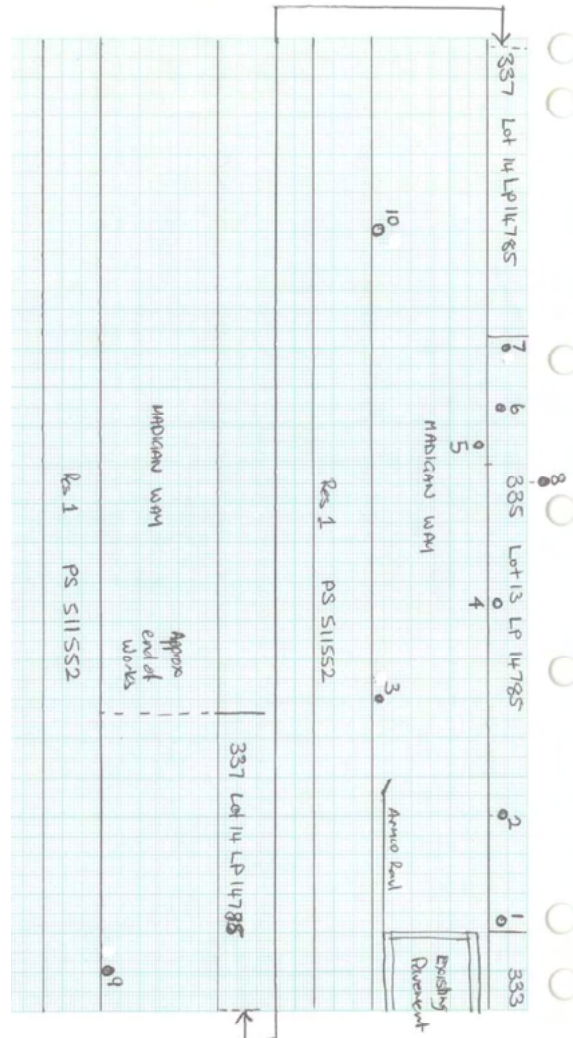
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10 Meadowview Lane Emerald VIC 3782 jeff@treedenvirons.com.au Phone 0419 899 446



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Should you require any additional information please contact me on 0419899446.
Yours Faithfully

Jeffrey Latter B For Sc (Melb), TRAQ (ISA),
Principal Consultant

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Explanation of terms

Species Character

The tree character provides information on the species of tree. For weeds reference is made to leaflets prepared by various municipalities, as well as "Environmental Weeds: A Field Guide for SE Australia", by Kate Blood. Weeds may be Exotic **XW**, Australian **AW** or Victorian **VW**.

Character (symbol)	Description
Indigenous (I)	Grows or expected to grow naturally in the subject area. May be remnant or planted.
Australian (A)	Originated in Australia but outside Victoria.
Victorian (V)	Originated in Victoria but outside the subject area.
Exotic (X)	Originated outside Australia.
Weed (W)	Australian or Exotic tree that has or has potential to become a pest in the area.

Health

Categorises the health and growth potential of a tree.

Category (symbol)	Description
Excellent (E)	Canopy intact with significantly above average leaf shape, size, and colour. Insect or disease damage less than 5% of leaf area. Epicormic growths make up virtually none of the canopy. Growth rate significantly above average for type, location, and age of tree. High tip extension and leaf size. No appreciable tip dieback or canopy decline. Bud burst significantly early and leaf retention significantly late in season for deciduous trees. Dead wood comprises less than 10% of branch structure. Strong wound wood development (if wounds apparent). Growth not restricted by trees or structures.
Good (G)	Canopy intact with above average leaf shape, size, and colour. Insect or disease damage less than 10% of leaf area. Epicormic growths make up less than 10% of canopy. Growth rate above average for type, location, and age of tree. Good tip extension and leaf size. No appreciable tip dieback or canopy decline. Bud burst early and leaf retention late in season for deciduous trees. Dead wood comprises less than 20% of branch structure. Moderate wound wood development. Minor interference to growth by adjoining trees or structures.
Fair (F)	Canopy relatively intact with average leaf shape, size, and colour. Insect or disease damage less than 20% of leaf area. Localised leaf discolouration may be present. Epicormics make up less than 20% of canopy. Growth rate average for type, location, and age of tree. Average tip extension and leaf size. Localised tip dieback or canopy decline. Bud burst average and leaf retention average in season for deciduous trees. Dead wood comprises less than 30% of branch structure. Average wound wood development. Minor interference to growth by adjoining trees or structures.

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Category (symbol)	Description
Poor (P)	Canopy partly intact with less than average leaf shape, size, and colour. Insect or disease damage more than 30% of leaf area. Leaf discolouration may be present across the canopy. Epicormic growths make up a significant proportion of canopy. Growth rate below average for type, location, and age of tree. Low tip extension and leaf size. Widespread tip dieback or canopy decline. Bud burst late and leaf drop early in season for deciduous trees. Dead wood comprises more than 30% of branch structure. Low wound wood development. Significant interference to growth by adjoining trees or structures.
Very Poor (VP)	Canopy incomplete with significantly less than average leaf shape, size, and colour. Insect or disease damage significantly more than 30% of leaf area. Leaf discolouration may be present across the entire canopy. Epicormic growths make up the majority of canopy. Growth rate significantly below average for type, location, and age of tree. Major canopy decline and dieback. Bud burst extremely late, and leaf drop early in season for deciduous trees. Dead wood comprises more than 30% of branch structure. Almost no wound wood development. Major interference to growth from adjoining trees or structures. Dead

Architecture

Categorises the form and structure of the buttress, trunk and main branches of the tree and the presence of decay and other defects.

Category (symbol)	Description
Excellent (E)	Canopy exceptionally well-shaped and balanced. Tree structure is sound with no forks, defects or decay in the trunk or major branches. Buttress free of decay and defects and well developed for type, location, and age of tree. No apparent damage to roots. Minor branches free of forks or defects.
Good (G)	Canopy well shaped and balanced. Tree structure is sound with no forks, defects or decay in the trunk or major branches. Buttress free of decay and defects and well developed for type, location, and age of tree. No apparent damage to roots. Localised defects in minor branches.
Fair (F)	Canopy of average shape and balance. Trunk may be slightly leaning and canopy irregular in shape. Minor defects in tree structure with isolated forks, defects or decay in the trunk or major branches. Forks appear stable and are not significantly flared. Buttress free of decay and defects and with average development for type, location, and age of tree. Minor root damage apparent outside structural root zone. Small defects in minor branches.
Poor (P)	Canopy of less than average shape and balance. Trunk may be significantly leaning and canopy very irregular in shape. Major defects in tree structure with forks, defects or decay in the trunk or major branches. Forks may not be stable and may be flared. Branches may be crossed, rubbing or over extended. Buttress with minor decay and defects, and with below average development for type,

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Category (symbol)	Description
	location, and age of tree. Root damage apparent outside with possibility of damage within the structural root zone. Major defects in minor branches.
Very Poor (VP)	Canopy of well below average shape and balance. Trunk may be strongly leaning and canopy very irregular in shape, with gaps or holes. Extensive defects in tree structure with forks, defects or decay in the trunk or major branches. Forks not stable and may be cracked or exceedingly flared. Branches may be crossed, rubbing or over extended. Buttress with major decay and defects and with well below average developed for type, location, and age of tree. Major root damage apparent, including damage to structural root zone. Major defects in minor branches.

Condition

The assessed condition of a tree is the lowest rating for Health or Architecture of that tree. To be of "Excellent" condition a tree must have excellent Health and Architecture. A tree with a poor Health rating and a poor Architecture rating has a "Very Poor" condition rating. The following table shows the condition for each Health and Architecture rating.

Health or Architecture	Excellent	Good	Fair	Poor	Very Poor
Excellent	Excellent	Good	Fair	Poor	Very poor
Good	Good	Good	Fair	Poor	Very poor
Fair	Fair	Fair	Fair	Poor	Very poor
Poor	Poor	Poor	Poor	Very poor	Very poor
Very poor	Very poor	Very poor	Very poor	Very poor	Very poor

Condition	Description: A tree
Excellent	well above average for its species, age, and location.
Good	above average for its species, age, and location.
Fair	average for its species, age, and location.
Poor	below average for its species, age, and location.
Very Poor	well below average for its species, age, and location.

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Life Stage

Stage	Description
Establishing (E)	A recent germinant or transplanted tree that has not fully established.
Growth (G)	An established tree that is rapidly growing and has not reached 50% of final expected canopy size for the species and location. Typically characterised by strong apical control and a pointed crown.
Mature (M)	A tree that has reached at least 50% of its expected final canopy size for the species and location, and with canopy volume increasing. Typically characterised by the reduction in apical control and the rounding of the crown.
Senescent (S)	A tree that has reached final canopy size for species and location, and with the canopy volume declining. Typically characterised by a rounded crown with holes. May contain new emergent growth in the lower canopy.
Dead (D)	

Significance

Reference should be made to National Trust of Australia (Victoria) criteria in Appendix 2.

Level	Description
Municipal (M)	On or considered suitable to be on a register at or above the municipal level.
Streetscape (S)	Of high value to the local area or streetscape. The value will generally be due to the landscape or amenity role of the tree.
Property (P)	Of high value to adjoining properties. The value will generally be due to the landscape or amenity role of the tree.
Not Significant (N)	Not of high value at the adjoining property level.

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Integrated Tree Rating (ITR)

ITR combines the condition, significance, species character and ownership to create a measure of the value and effort/ resources that should be applied to the retention/protection of the tree.

Character (& number colour)	Description
Exceptional (Green)	Trees that protection is most desired. Significant at the state or municipal level. With exceptional condition and significant at the streetscape level.
Moderate (Blue)	Trees that protection is desirable. Significant at street or locality level. Large trees (15m or greater) of good condition. Fair condition or higher and NOT on subject site.
Fair (Brown)	Trees that may be protected: Significant at the property level. Trees that may be readily replaced by similar value trees. Tree of no specific merit or small canopy volume. Poor condition and NOT on the subject site.
Low (Red)	Trees of no specific value. Not significant. Dead or structurally unsound trees. Small or young trees. Trees of very poor condition. Weed or potential weed species. Trees likely to become unstable due to removal of other trees not suited for retention, or removal of structures.

▪ TREES ▪ NATIVE VEGETATION ▪ BUSHFIRE MANAGEMENT

TERRASTYLIS PTY LTD ACN 080 282 506 ATF The Holly Patch Trust ABN 68 452 276 207 Tas TREED ENVIRONS

10 Meadowview Lane Emerald VIC 3782 jeff@treedenvirons.com.au Phone 0419 899 446



Treed *environs*

Glossary / Notes

Tree Protection Zone (TPZ):	The root zone calculated in accordance with AS 4970 - 2009. If the tree canopy may be impacted by the proposed development the TPZ may need to be increased to provide protection to the canopy. The TPZ is the radius which defines the Tree Protection Zone
Structural Root Zone (SRZ):	As defined in AS 4970 being “the area around the base of a tree required for the tree’s stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is nominally circular with the trunk at its centre and is expressed by its radius in metres. This zone only considers a tree’s structural stability and not the root zone required for a tree’s vigour and long-term viability, which will usually be a much larger area.” The SRZ is the radius which defines the Structural Root Zone.
Diameter at Breast Height (DBH):	As defined in AS 4970 being “the nominal trunk diameter at 1.4 m above ground level determined from the circumference of the trunk divided by pi (π)”. Appendix A of AS 4970 provides additional guidance as to defining the DBH and provides a formula for determining the DBH for multi-trunk trees.
Limit of Approach (LOA)	The limit of approach is the distance from the centre of the tree at ground level where the development will encroach greater than 10% into the area of the TPZ with encroachment being tangential to the LOA.
Measurements:	As far as practicable the diameter, height and canopy spread of assessed trees are measured. Diameter is measured by means of a diameter tape. Canopy is measured with a tape measure. Height is measured with a range finder. Diameter is measured to the closest 10 mm; height and canopy are measured to the metre and are likely to be within 10% of actual. When access is not available for measurement, the dimension is visually estimated.

▪ TREES ▪ NATIVE VEGETATION ▪ BUSHFIRE MANAGEMENT

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Treed *environs*

Photographs



Adjoining constructed Road (typical construction)



Tree 1



Existing unconstructed Road



Tree 2

▪ TREES ▪ NATIVE VEGETATION ▪ BUSHFIRE MANAGEMENT

TERRASTYLIS PTY LTD ACN 080 282 506 ATF The Holly Patch Trust ABN 68 452 276 207 Tas TREED ENVIRONS

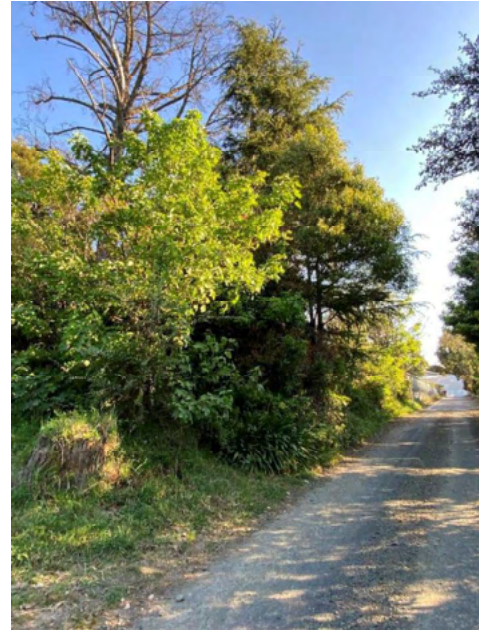
10 Meadowview Lane Emerald VIC 3782 jeff@treedenvirons.com.au Phone 0419 899 446



Treed *environs*



Tree 3 (dead)



Tree 7, 6, 5 & 8



Tree 4



Tree 5, 6, 7 & 8

▪ TREES ▪ NATIVE VEGETATION ▪ BUSHFIRE MANAGEMENT

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Treed *environs*



Tree 9



Fence rear 335



Fence adjoining reserve



Tree 10



Fence adjoining reserve

▪ TREES ▪ NATIVE VEGETATION ▪ BUSHFIRE MANAGEMENT

TERRASTYLIS PTY LTD ACN 080 282 506 ATF The Holly Patch Trust ABN 68 452 276 207 Tas TREED ENVIRONS

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APPLICATION FOR CONSIDERATION
COUNCIL REPORT
NOTICE OF DECISION TO GRANT A PERMIT



Application Details:

Proposal	Use and Development of Land for a Medical Centre and alteration to an access to a road in a Transport Zone Schedule 2		
Applicant	XWB Consulting		
Date Received:	28 April 2022		
Statutory Days:	255 days as of 28 July 2023		
Section 50/50A/57A Amendment	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, date: 24 October 2022	
Application Number	T220285		
Planner	Benjamin Jones		
Land/Address	L14 LP14785, 337 Belgrave-Gembrook Road, Emerald VIC 3782		
Property No.	2084603800		
Zoning	Mixed Use Zone (adjacent to Transport Zone Schedule 2)		
Overlay/s	Bushfire Management Overlay Design and Development Overlay (Schedule 4) Vegetation Protection Overlay (Schedule 3)		
Permit Trigger(s)	Clause 32.04-2 and Clause 32.04-9 of the Mixed Use Zone Clause 44.06-2 Permit Requirement of the Bushfire Management Overlay Clause 43.02-2 Buildings and Works of the Design and Development Overlay		
Aboriginal Cultural Sensitivity	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes; a CHMP is:	
		<input type="checkbox"/> Not required	<input type="checkbox"/> Required
Section 55 Referrals	<input type="checkbox"/> None	<input checked="" type="checkbox"/> Yes, list below:	
		<ul style="list-style-type: none"> ▪ Country Fire Authority ▪ Transport for Victoria (DoT / VicRoads) 	
Registered restrictions on Title	<input checked="" type="checkbox"/> None	<input type="checkbox"/> Yes, list below:	
Recommendation	<input type="checkbox"/> Permit		

	<input checked="" type="checkbox"/> NOD <input type="checkbox"/> Refusal
Ward Councillor communications	<input checked="" type="checkbox"/> None <input type="checkbox"/> Yes , item in Councillor Bulletin
Documents relied on	<ul style="list-style-type: none"> ▪ Application Forms, including Section 50 Amendment Form. ▪ Title Documentation ▪ Response to RFI Town Planning Letter, prepared by xwb consulting dated 24 October 2022 ▪ Planning Submission prepared by xwb consulting (undated) ▪ Arboricultural Assessment Report prepared by Treed Environs dated April 2022 ▪ Bushfire Assessment Report, prepared by xwb consulting dated April 2022. ▪ Engineering Development Report (inc. Waste Management Plan and Swept Paths), prepared by Craig Civil Design dated October 2022 ▪ Site Survey, prepared by Nilsson, Noel and Holmes REV 3 dated 03 October 2022 ▪ Development Plans prepared by Berwick Drafting REV G dated
Full plans and documents	T220285 PA - Advertised Docs.pdf
Plans to be endorsed?	<input type="checkbox"/> Yes , <input checked="" type="checkbox"/> No , amended plans required

Proposal

Approval is sought for the use and development of a Medical Centre at 337 Belgrave-Gembrook Road, Emerald.

Use Parameters

It is proposed that up to thirteen (13) health practitioners will be on site at any one time, with proposed hours of:

- Monday to Friday: 8:30am to 7:00pm;
- Saturdays: 8:30am to 2:00pm; and
- Sundays: Closed.

Built Form

The building is to incorporate four (4) storeys, however due to the slope of the land the building will present as double-storey to Belgrave-Gembrook Road with a building height of 9m above street level, whilst from the rear all four (4) storeys will be evident.

The four floors are identified as follows:

- Lower Basement – Car Parking
- Upper Basement – Car Parking and Medical Centre
- Ground Floor (from Belgrave-Gembrook Road) – Medical Centre

- Upper Floor – Medical Centre

The built form will be built to the street frontage, 3m to the eastern side boundary and 3.2m from the western side boundary above ground, however at the basement level the built form will extend the width of the site and is built boundary to boundary.

Three separate 'tenancies' or suites are provided, inclusive of one at the upper basement level (130m²), one at the ground floor / street level (573m²), and one at the upper floor (326m²).

All levels are accessed via both an internal stairwell and elevator system.

Materials include a mix of painted concrete panelling, Colorbond Monument cladding, steel (painted charcoal), and a variety of aluminium screening battens.

Access and Car Parking

A total of 42 car parking spaces are proposed via the two levels of basement parking, inclusive of 1 x accessible space.

Vehicular access is provided by Madigan Road to the rear only, whilst pedestrian entry is provided via the street frontage.

Forming part of the proposal incorporates ~60m worth of works to Madigan Way to formalise and extend the two-way carriageway.

The existing crossover off Belgrave-Gembrook Road is to be reinstated (i.e. considered an alteration).

Waste Management

Bin storage areas are provided, and waste management is proposed to be via private collection.

Landscaping

Raised planter boxes are proposed to Madigan Way, whilst landscaping areas are also proposed within side setbacks at street level facing Belgrave – Gembrook Road.

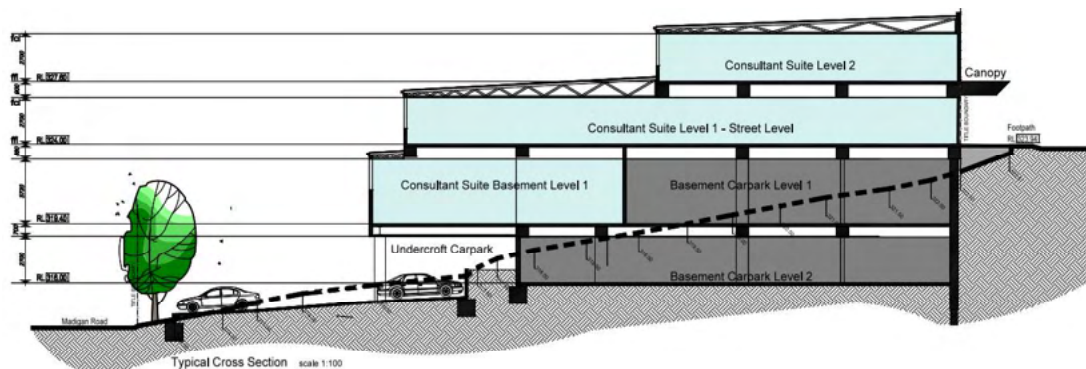


Figure 1 - Typical Cross Section



Figure 2 - Lower Basement (vehicle entry).

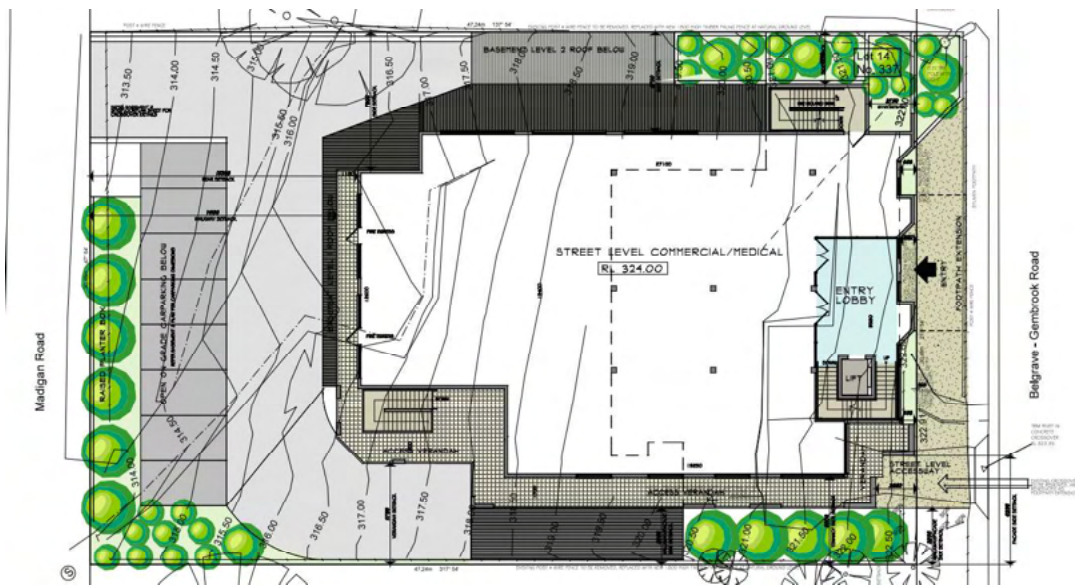


Figure 3 - Ground Floor to Belgrave- Gembrook Road.

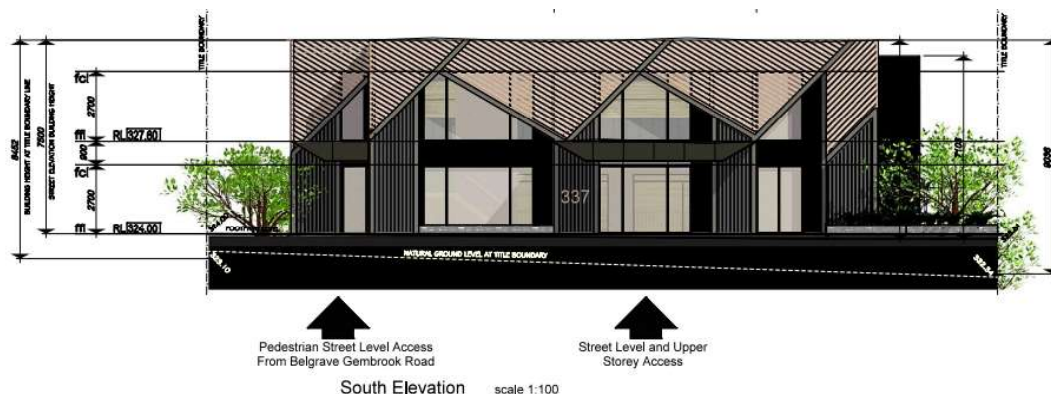


Figure 4 - Elevation from Belgrave Gembrook Road.



Figure 5 - Elevation from Madigan Way to the rear

Subject site & locality

The 1432m² rectangular site is located on the northern side of Belgrave-Gembrook Road, located within the designated Emerald Town Centre. The site has a frontage of 30.5, and lot depth of 47.2m.

The site is subject to significant slope, with the frontage of the site sitting approximately 9m above the rear boundary. The site is a double-fronted lot, with the rear boundary adjoining Madigan Way.

The site is currently subject to a single-storey dwelling, accessed via a formal crossover to Belgrave-Gembrook Road, and is generally cleared of canopy vegetation. An informal crossover provides access to the rear of the site from Madigan Way.

The immediate surrounds is an eclectic mix of residential and commercial development, reflective of the mixed use zoning of the area. There is further delineation between older dwelling stock and more recent builds. Older dwellings and development are generally single or double storey in nature with substantial garden areas and landscaping, however more recent builds are noted for greater scale, using the slope to 'hide' additional levels when seen from the street (for example the developments at 329-331 and 333 Belgrave-Gembrook Road which presents as single and double storey from the street but are over two-storeys at the side and rear).



Figure 6 - Subject site and immediate surrounds (Nearmap, December 2022)



Figure 7 - Subject site and wider surrounds (Nearmap, December 2022)

Permit/Site History

The history of the site includes:

- T190255 regarding a VicSmart Planning Application for the removal of one (1) native tree, which was issued on 14 June 2019

Planning Scheme Provisions

Zone

The land is subject to the following zones:

- Mixed Use Zone

Overlays

The land is subject to the following overlays:

- Bushfire Management Overlay
- Design and Development Overlay (Schedule 4)
- Vegetation Protection Overlay (Schedule 3)

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 11 Settlement
- Clause 13 Environmental Risks and Amenity
- Clause 15 Built Environment and Heritage
- Clause 17 Economic Development

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.03 Settlement and Housing
- Clause 21.04 Economic Development
- Clause 21.05 Infrastructure
- Clause 21.06 Particular Uses and Development
- Clause 21.07 Local Areas – Hills Region

Relevant Particular/General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 Car parking
- Clause 52.29 – Land adjacent to the Principal Road network.
- Clause 52.34 Bicycle facilities
- Clause 65 Decision Guidelines
- Emerald Distract Strategy Plan 2009

Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Pursuant to Clause 32.04-2 Table of Uses of the Mixed Use Zone, a planning permit is required for the use of land of a medical centre as the floor area exceeds 250m².

- Pursuant to Clause 32.04-9 Buildings and Works Associated with a Section 2 Use of the Mixed Use Zone, a planning permit is required to construct a building and carry out works.
- Pursuant to Clause 44.06-2 Permit Requirement of the Bushfire Management Overlay, a planning permit is required to construct a building or carry out works associated with an office (medical centre).
- Pursuant to Clause 43.02-2 Buildings and Works of the Design and Development Overlay, a planning permit is required to construct a building or carry out works.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing a sign on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 07 March 2023.

Council has received 12 objections to date.

The key issues with planning merit that require consideration that were raised in the objections are:

- Overlooking
- Removal of street trees
- Road network capacity and increased traffic
- Visual bulk, scale and massing
- Inconsistent with orderly planning and impact on scale and character
- Not responsive to Emerald Distract Strategy Pan 2009 and associated policy
- Proposal does not respond to zoning and overlay provisions

Other matters raised include:

- Other sites are more appropriate to accommodate the development
- Other / recent approvals

Additionally, one (1) letter of support was received

Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Fire Rescue Victoria Head, Transport for Victoria	No objection (subject to conditions) No objection (subject to conditions)
Section 52 Notices	n/a	n/a

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Engineering Traffic Waste	No objection (subject to conditions), however some concerns remain relating to the construction of Madigan Way at the rear and stormwater management. This has been addressed via condition.
Strategic Planning and Urban Design	No objection (subject to conditions), Have provided consent. No objection (subject to conditions), and also seek for a Landscape Plan to be provided for assessment prior to any permit issued.

Assessment

A number of matters require consideration for an application of this nature.

Response to Planning Policy Framework

At the Planning Policy Framework level, Clause 11 Settlement identifies that planning is to anticipate and respond to the needs of existing and future communities. Clause 11.03-1S Activity Centres encourages the concentration of community facilities such as medical centres within activity centres (or town centres) that are highly accessible to the wider community, whilst Clause 11.03-6S Regional and Local Places seeks to facilitate integrated place-based planning.

The proposal seeks to provide for a medical centre within the core township, which will service the wider regional surrounds and as such is appropriately placed based on place-making principles.

Clause 15 Built Environment and Heritage identifies the need to consider land use and built form outcomes from a character, built form and cultural context. In detail, Clause 15.01-1S Urban Design seeks to create environments that are safe, healthy, functional and enjoyable whilst Clause 15.01-2S seeks to achieve building design and siting outcomes that contribute positively to the local context. Of note is Clause 15.01-6S Design for Rural Areas. Whilst the site is located within the township core, the town is considered and incorporates elements of a rural area and this Clause identifies that development should respect valued areas of rural character.

Whilst subsequent sections of this report discuss character in greater detail, it is considered that the built form is appropriate for its context and response to the streetscape.

Clause 17 Economic Development incorporates policies such as Clause 17.02-1S Business which seeks to encourage development that meets the communities needs for services. As noted, the proposal seeks to provide a community-centric outcome.

The Local Planning Policy Framework, including the Municipal Strategic Statement, expands on a number of these matters.

Of particular note, Clause 21.05-6 Community Services and Facilities identifies a need that “all residents in the Cardinia Shire have a reasonable level of access to a range of services and facilities” including medical facilities. It is a noted key issue that providing adequate community facilities in rural townships required particular attention and that strategies to resolve these issues include establishing facilities in the most accessible locations for residents within any given catchment, and to establish medical centres (and other community services) which serve the needs of residential areas which minimise any impacts on the amenity of the area.

Clause 21.06 Particular Uses and Development incorporates Clause 21.06-1 Urban Design which seeks for site responsive designs, creating a strong character and identify for the area.

These Clauses, amongst others, generally support the proposal noting the net community benefit resulting from the use and development.

Clause 21.07-3 Emerald, Avonsleigh and Clematis is relevant, being the directing document for Emerald, as any proposed use or development must be generally consistent with the Emerald District Strategy (June 2009).

The purpose of the Strategy is to provide a strategic framework for the future development of the township and incorporates overarching strategic directions (Section 3.3) seeking to facilitate appropriate built form character in town centre precincts resulting in functional town centres.

The site is designated as being in the Town Centre Boundary (Figure 4) and it noted in Section 5.3 that:

Emerald serves the role of a small neighbourhood centre providing retail and town centre services to local residents and those in the surrounding townships and rural localities.

Emerald town centre provides residents with non-retail commercial services including banks, real estate agents, medical services, lawyers and accountants, and the like.

Chapter 5.7 highlights the potential and role of the town centre, stating that:

Through appropriate infill development within the various precincts attracting a diverse range of retail and commercial uses, the Emerald town centre has the potential to position itself as the preferred shopping and employment destination for local residents as well as residents in the broader catchment area. This will reduce escape expenditure and boost the local economy. The retail assessment has identified that Emerald town centre currently has a limited non-food offer

Belgrave-Gembrook Road section (Main Street) will continue to be the focus for mixed use development with a majority of the businesses catering to the surrounding population.

Further, the use of land for a medical centre ("office and professional suites" is a preferred land use for the precinct, as per Chapter 5.10.

Noting that the use of land for a medical centre is generally encouraged in this location, it is also relevant and required to consider built form outcomes. Chapter 12 Design Guidelines provides relatively detailed preferred outcomes and guidance for the built form.

Prior to assessing guidelines, it is important to note that it is acknowledged that the high point of the surrounds is indeed the town centre area, and views are particularly prominent to the north (where the built form appears as double storey) as opposed to the south. Chapter 12.2 expands that:

Much of the character of Emerald has been determined by design that is site responsive. Built form has generally responded to the particulars of a site (site conditions as set out above) within the context of a small township. In terms of context, the scale of the town is an important feature. Although extending along the ridge for a distance of approximately 600 metres, Emerald is perceived as a contained, small town. This is due in part to the pattern of development which has been contained by the topography, determining that the main concentrations of development and activity are confined to the plateaus and a linear edge of the ridgeline. Further, the scale of built form in Emerald typically responds to a human scale and the scale of the surrounding environment, i.e. the proportion of space, height, mass and void is responsive to human activity and is generally amenable within the surrounding landscape. To date, built form has remained relatively low/ small scale in its proportion of volume and height. The density of development is also low. Influences such as street address and setback, amenity and adjoining uses must also be considered in identifying an appropriate contextual response for new development.

The importance of this paragraph is noted, identifying that built form is site responsive and should consider the human scale regarding proportions of space, height and massing. The proposal uses the slope of land to its advantage to "hide" basement car parking from the public realm and main street (with associated pedestrian activity) and will present as double-storey, in line with recent development.

The site, located in the Central Mixed Use Precinct (Figure 15), as noted in Chapter 12.5 Town Centre Design Guidelines which states that *"The design guidelines are intended to promote an understanding of existing design influences and are not intended to determine a consistent 'formulaic' approach to design of built form. The guidelines emphasise a holistic approach to site planning, determining that new development should be site responsive."*

In response to these general guidelines, it is noted:

Guideline	Response
Topography and Siting	The proposal seeks to take advantage of the topography of the site by providing basement car parking via rear access, cutting into the site and allowing the built form to mirror similar recent developments when viewed from the street. It is not envisaged that view corridors will be 'unreasonably reduced' noting that double-storey built form is appropriate when considering the character of the main street, the zoning and overlays that apply to the site.
Landscape Response	Landscaping opportunities facing the main street will contribute to the character of the township.
Amenity	Vehicular access, loading and waste management are all to be undertaken 'back of house' away from public view, and be accessed via the rear of the sit.
Accessibility	The proposal is designed to provide appropriate access from the street level for pedestrians accessing from the main street, whilst DDA compliant vehicular spaces are provided in appropriate locations within the basement car parking close to lifts and medical suites.
Innovation and Detailing	As referenced elsewhere in the report, the built form presentation responds to and incorporates elements of recent development in the street, but does not copy such a design. The design is individual in nature and compatible with the evolving streetscape.
Scale	The scale of the built form is appropriate from the main street (double-storey with recessive elements), and is an appropriate form relative to the human scale.
Front Setback, Entry and Address	It is acknowledged policy seeks for front setbacks, however a 0m front setback to a commercial building on the town core is respectful of various examples within the street. Main pedestrian entries are easily identifiable and accessible.
Signage	No signage is proposed as part of this application.
Sustainable Design	The building is required to meet relevant Building Regulations when it comes to sustainable design and energy efficiency.

Detailed guidelines for the Central Mixed Use Precinct (Appendix K) identify a number of additional key matters as assessed below:

Guideline	Response
Topography and Siting <ul style="list-style-type: none"> Take advantage of the natural topography. Ensure that view corridors are not unreasonably reduced, providing view corridors between 	As per above assessment

buildings and ensuring retention of public views particularly from Main Street and Murphy's Way.	
<p>Landscape Response</p> <ul style="list-style-type: none"> • Demonstrate a strong landscape response and a contribution to the landscape character of the town, particularly the address to Belgrave-Gembrook Road. • Front hedging and a density of canopy vegetation are desirable. 	As per above assessment
<p>Accessibility</p> <ul style="list-style-type: none"> • Minimise the number of vehicle access points from Belgrave-Gembrook Rd and ensure site planning avoids steep driveways. • On the north side, encourage vehicle access and parking from the rear lane. • On the south side, encourage shared vehicle crossovers and rear carparking. 	As per above assessment
<p>Innovation and Detailing</p> <ul style="list-style-type: none"> • New development should be innovative, with due regard and recognition of the surrounding village character, without necessarily copying past styles. • Select colour schemes and materials which do not dominate in the strong landscape setting, or within the streetscape, and contribute to and strengthen a sense of place through the use of local and natural materials (such as timber and stone) 	As per above assessment
<p>Scale</p> <ul style="list-style-type: none"> • Building heights from natural ground level should be north side max height presented to Main Street, not more than 1 storey above natural ground level. 	The upper floor is recessed and articulated via the proposed canopy detailing. It is further acknowledged that existing built form within the street is double-storey in nature.
<p>Setback, Entry and Address</p> <ul style="list-style-type: none"> • Front setbacks shall be 6.0m minimum, however consideration will be given to reduced setbacks where it can be demonstrated that the reduced setback is in response to retention of existing vegetation, limiting cut and fill, protection of views and response to slope/elevation. • Front setbacks shall be maintained as landscaped open space. • On the north side of Main Street, all developments shall incorporate a public shared path as well as canopy trees, as a contribution to the development of 'Emerald Link'. 	<p>A 0m front setback significantly reduced the need for substantial fill that would allow for a 6m front setback.</p> <p>As such, the 0m setback with landscaping opportunities is deemed an adequate response when considering the site constraints.</p> <p>The subject site is not located on Main Street.</p> <p>Car parking is located to the rear of the development with access available via Madigan Way.</p> <p>The building is setback between 3.0m and 3.2m from the side boundaries which enables</p>

<ul style="list-style-type: none"> • Front setbacks for carparking shall be avoided. • Setbacks from side and rear boundaries shall be a minimum of 3.0m to allow for canopy tree planting. 	<p>the provision of meaningful landscaping which will be highly visible from the streetscape once established. Whilst not dimensioned on the Site Plan, the carpark is suitably setback from the rear boundary which allows for a meaningful landscape buffer.</p>
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As such, the proposal is considered to appropriately respond to the relevant policy provisions of the Cardinia Planning Scheme.

Response to the Mixed Use Zone

The proposal triggers a need for planning permission to both use and develop the site under the Mixed Use Zone.

The purposes of the Mixed Use Zone include:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

The proposal provides for community orientated facilities, being a medical centre, which complement the mixed use nature of a main central area of the township and will support the township and wider surrounds. The proposal provides a built form outcome and materiality that is appropriate and adds to the evolving context of the streetscape as discussed elsewhere in this report.

Further, relevant decision guidelines as listed at Clause 32.04-14 include the proposals response to the Planning Policy Framework (refer elsewhere in this report), as well as any other objectives or decision guidelines set out in the schedule to the Mixed Use Zone which there are not.

As such, it is considered that the development and use of land for a medical centre within the Mixed Use Zone is appropriate.

Bushfire Considerations

The Bushfire Management Overlay, State and Local Policy, and Particular Provisions all incorporate bushfire matters for consideration.

The proposal triggers the need for planning permission under the Bushfire Management Overlay, and the application has been appropriately referred to Fire Rescue Victoria who have provided consent to the proposal, subject to conditions to be placed on any permit issued.

The BMO, as well as state and local policy at Clause 13.02-1S and the Municipal Strategic Statement have common themes seeking to reduce bushfire risk and protect property and human life.

The application has been supported by a Bushfire Assessment which identifies that the immediate surrounds of the site is a low threat risk, taking the form of grassland and established residential and commercial areas. The site is given a designation of a Broader Landscape Type 2 under the relevant Guidelines (DELWP, 2017), and it has been determined that the site has significant separation from higher risk bushfire hazard areas.

The relevant construction standard for the built form is to be BAL12.5, and recommendations are provided in the report to achieve compliance with both BAL12.5 and the relevant associated defensible space.

Noting that Fire Rescue Victoria has undertaken a detailed assessment of the proposal and have concluded that the proposal is appropriate subject to conditions to be placed on any permit issued, it is

considered that the proposal appropriate considers all relevant matters pertaining to bushfire risk within the Cardinia Planning Scheme.

Design and Development Overlay and Design Particulars including Character

The proposal triggers the need for planning permission under the Design and Development Overlay, Schedule 4 which regards the Emerald Town Centre.

Design objectives include:

- *To achieve architectural and urban design outcomes that contribute positively to the character of the Emerald town centre.*
- *To encourage a design solution that responds to the site topography and maintains the built form character of the Emerald town centre.*
- *To maintain view corridors with the town centre and protect the Puffing Billy landscape corridor.*
- *To ensure that car parking, vehicle access and service areas are visually integrated with the built form.*
- *To ensure frontages are pedestrian oriented and add interest and vitality to the town centre.*

In response, the built form as seen from the street frontage appears as double-storey, an emerging and appropriate trait for the town centre, whilst the built form is articulated and incorporates a variety of materials and additional battens resulting in an interesting, modern design.

The site slopes significantly to the rear, however presentation to the front street, being the main commercial thoroughfare of the township, is of an appropriate scale as to not depart from the character of built form height and outcomes such as the recent development at 329 – 331 Belgrave – Gembrook Road

View corridors are not to be detrimentally impacted, noting the overall built form will generally align with the height of double-storey dwellings facing Belgrave – Gembrook Road, and that due to the undulating nature of the surrounds, the built form will not be viewable from a substantial majority of the townships residential area.

Car parking is provided within two levels below the street frontage ‘ground floor’, and will not impact the streetscape or be visually obtrusive to a detrimental level.

Further, the main street will remain pedestrian friendly and the proposal seeks to provide additional landscaping to soften the built form at the street frontage.



Figure 8 - Existing streetscape and recent double-storey development to the west of the subject site.

Pursuant to Map 1 to Schedule 4, the site is located within the ‘Central Mixed Use’ precinct which identifies that:

Development should:

- *Take advantage of the natural topography.*
- *Ensure that view corridors are not unreasonably reduced, providing view corridors between buildings and ensuring retention of public views particularly from Main Street and Murphy's Way.*
- *Provide a strong landscape response and a contribution to the landscape character of the town, particularly the address to Belgrave – Gembrook Road. Front hedging and a density of canopy vegetation are desirable.*
- *Minimise the number of vehicle access points from Belgrave – Gembrook Rd and ensure site planning avoids steep driveways.*
 - *On the north side, encourage vehicle access and parking from the Madigan Way.*
 - *On the south side, encourage shared vehicle crossovers and rear car parking.*
- *Be of innovative design, with due regard and recognition of the surrounding village character, without necessarily copying past styles.*
- *Ensure the use of colour schemes and materials which:*
 - *do not dominate the strong landscape setting, or within the streetscape.*
 - *contribute to and strengthen a sense of place through the use of local and natural materials (such as timber and stone)*

Building heights from natural ground level should be:

- *South side maximum height presented to Main Street, not more than 2 storeys above natural ground level.*
- *North side maximum height presented to Main Street, not more than 2 storeys from the permanent footpath at the centre of the frontage of the site.*
- *Front setbacks should be 6.0 metres minimum, however consideration will be given to reduced setbacks where it can be demonstrated that the reduced setback is in response to retention of existing vegetation, limiting cut and fill, protection of views and response to slope/elevation.*

Front setbacks should be maintained as landscaped open space.

On the south side of Main Street, all developments should incorporate a public shared path as well as canopy trees, as a contribution to the development of 'Emerald Link'.

Front setbacks for car parking should be avoided.

Building setbacks from side and rear boundaries should be a minimum of 3.0 metres to allow for canopy tree planting.

The proposal takes advantage of the topography of the site by providing and 'hiding' car parking at a below ground level from the main street frontage, whilst presenting a built form outcome to the street not too dissimilar to the existing character. The built form is no more than two-storeys from natural ground level of Belgrave – Gembrook Road, and the 0m front setback is appropriate for a commercial area subject to significant slope.

The proposal provides landscaping opportunities to compliment and add to Belgrave – Gembrook Road, and does not propose any vehicle access points that would otherwise result in steep access and a reduction in both built form or landscaping opportunities to Belgrave – Gembrook Road.

The design and use of colours and materials do not overly dominate the landscape setting of the township, and will contribute to the evolving character of the mixed use precinct.

Council's Urban Design Unit has considered the proposal and are generally supportive, subject to conditions proposed to be placed on any permit issued.

Car parking and bicycle facilities

Pursuant to Table 1 of Clause 52.06-5 (Car parking) the use of the land for a Medical Centre is required to provide a statutory car parking rate of (Rate Column A):

Medical centre	5	To the first person providing health services plus
	3	To every other person providing health services

The proposal seeks permission for a total of thirteen (13) health practitioners to use the site at any one time. This results in a statutory car parking requirement of 41 car parking spaces.

The proposal provides a total of 42 car parking spaces, meeting the statutory requirement and resulting in a surplus of one (1) parking space.

Pursuant to Table 1 of Clause 52.34-5 (Bicycle facilities) the use of the land for a Medical Centre is required to provide bicycle spaces at the following rates:

Medical centre	1 to each 8 practitioners	1 to each 4 practitioners
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Noting the existing crossover off Belgrave-Gembrook Road is to be reinstated, this is considered an alteration in context of Clause 52.29. The application was referred to the Department of Transport and their conditions relating to reinstatement will be imposed on any Permit granted.

The bicycle facilities requirement based on practitioner numbers is 4 bicycle spaces. The proposal does not provide any bicycle parking spaces, however there is adequate space for the required amount to be provided on-site. This can be conditioned as part of any approval.

It is noted that no shower facilities are required pursuant to Clause 52.34-5 as the bicycle parking requirement does not exceed 5 spaces. However, one (1) change room is required. No information about toilet and other amenities have been shown on the plans, however given the size of the building and in accordance with Building Regulation requirements, there is adequate space for these amenities to be provided. This can be conditioned as part of any approval.

Response to Objections

A response to the reasons for objection is provided in the following table:

Reason for Objection Raised	Response
Overlooking	Windows on the east elevation are to 1.7m sill height, ensuring no overlooking occurs. Windows on the western elevation, as well as the associated 'verandah' (which acts as a balcony due to the slope of land) will form part of a Condition 1 item to appropriately screen and minimise impact to the adjoining neighbouring residence.
Removal of street trees	No street trees are proposed to be removed to accommodate the development.

Road network capacity and increased traffic	There is no envisaged capacity issues associated with the development and impacts to Belgrave – Gembrook Road, whilst conditions on any permit issued will capture required upgrades to Madigan Road to accommodate vehicles entering and existing the site.
Visual bulk, scale and massing	Refer to discussion regarding neighbourhood character and the built form
Inconsistent with orderly planning and impact on scale and character	Refer to discussion regarding neighbourhood character and the built form
Not responsive to Emerald Distract Strategy Pan 2009 and associated policy	Refer to discussion regarding policy assessment.
Proposal does not respond to zoning and overlay provisions	Refer to discussion regarding zoning and overlay provisions

Use and Development Particulars

The application material submitted has provided staff numbers and proposed hours of operation, however, has requested the permit not be conditioned with any specific restrictions.

Staffing particulars and hours of operation restrictions are generally placed on any permit issues (where required) to control amenity, use conflicts, and parking outcomes.

This application is no different, and it is proposed to place conditions reflecting staff numbers and hours of operation as applied for by the applicant.

Conclusion

The proposed development provides for beneficial, community orientated health and wellbeing in the form of a medical centre which will support both local residents and the wider catchment.

The built form presents appropriately to the main street, and vehicle access to the rear is a preferred built form outcome.

An assessment of the relevant policy has identified that the proposal provided an appropriate response, and as such the application should be supported subject to general and site specific conditions.

Recommendation

Planning Permit

Notice of Decision to Grant a Permit

That Council having caused notice of Planning Application No. T220285 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Notice of Decision to Grant a Permit in respect of the land known and described as L14 LP14785, 337 Belgrave-Gembrook Road Emerald, for the Use and Development of Land for a Medical Centre and alteration to an access in a Transport Zone 2 generally in accordance with the endorsed plans, subject to the following conditions:

Conditions:

1. Before the use or 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. Annotation on plans as to road upgrades to Madigan Way for the length of the rear boundary of the site to the corner of Madigan Way and Ferres Road.
- b. Remove annotations on site and floor plans regarding office/ commercial use.
- c. The location of four (4) bicycle spaces positioned nearby an entrance way and designed in accordance with the Design Standards of Clause 52.34-6.
- d. Internal layout of amenities including the location of a change room in accordance with Clause 52.34-5.
- e. Annotate on the plans the reinstatement of the Gembrook – Belgrave footpath as required for the length of the sites frontage.
- f. Provision of minimum 500mm overhang for Car Parking Bay 8, Bay 28, Bay 29 ensuring relevant accessway width remains.
- g. Bay 25 (no clearance to disabled bays) to be removed from level 2 basement carpark, ensuring that minimum 1.2m pedestrian access maintained.
- h. Clarification and update to Bay 24 and a 1m clearance between Bay 24 and Lift, noting this is shown on Swept Path Assessment but not basement floor plan.
- i. Landscaping Plan in accordance with Condition 1(m).
- j. Annotated and identifiable glazing finishes to all windows.
- k. Amended Bushfire Plan and Plan Set to reflect required changes as per Fire Rescue Victoria Condition 24.
- l. Screening/window treatment to the west to avoid overlooking of adjoining properties.
- m. A landscape plan prepared by a person suitably qualified and experienced in landscape design to the satisfaction of the Responsible Authority drawn to scale showing:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
 - iii. Details of surface finishes of pathways and driveways.
 - iv. 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.
 - v. Landscaping and planting within all open areas of the subject land.

General

2. The use and development as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
3. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
4. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the building must be of a non-reflective nature.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority and used for no other purpose. Any dead, diseased or damaged plants are to be replaced.

6. Before the development is occupied or by such later date as is approved by the Responsible Authority in writing:
 - a. The landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 - b. All proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.
 - c. A commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
 - d. Any redundant existing vehicle crossing must be removed and the nature strip and kerb and channel reinstated at the cost of the owner and to the satisfaction of the Responsible Authority.

Hours of Operation and Use particulars

7. Hours of operation for the permitted use must not exceed:
 - a. Monday to Friday: 8.30am to 7.00pm.
 - b. Saturday: 8.30am to 2.00pm.
 - c. Sunday: Closed.
8. No more than 13 health practitioners to be located on site at any one time.

Engineering – Site Specific

9. Before the development is occupied, Madigan Road must be designed and constructed to an urban standard to the eastern boundary of the land in accordance with engineering plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council “VPA - Engineering Design and Construction Manual”, “Development Construction Specification” and the “Water Sensitive Urban Design (WSUD) Guidelines”.
10. At least 14 days before any works start on Madigan Road, a site specific Construction Environmental Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP.

The CEMP must address all environmental risks and include:

- a. Temporary stormwater management including sedimentation control,
- b. Provision of pollution and contamination controls including noise and dust,
- c. Location of stockpiles and stockpile management,
- d. Location of site office and facilities
- e. Equipment, materials and goods management.
- f. Tree protection zones, trees to be retained and trees to be removed

Engineering – General Conditions

11. Before the development is occupied, all proposed areas set aside on the approved plan/s for access, circulation and car parking must be constructed with concrete, asphalt or other approved hard surfacing material, drained and the parking areas delineated to the satisfaction of the Responsible Authority. Once constructed, these areas must be maintained to the satisfaction of the Responsible Authority.

12. Before the development is occupied a commercial/industrial standard concrete vehicle crossing/s as shown on the approved plans must be constructed to the approval and satisfaction of the Responsible Authority.
13. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
14. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain discharged to an outlet in the street or to an underground pipe drain to the satisfaction of the Responsible Authority.
15. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
16. Before the development starts, drainage plans must be submitted to and approved by the Responsible Authority. The plans must show the provision of a stormwater detention system. The stormwater detention system will become the responsibility of the property owner or body corporate to maintain to the satisfaction of the Responsible Authority.

Note: As the development has an impervious ratio greater than 35%, the developer shall engage the services of a suitably experienced Engineer to design a stormwater detention system that will reduce the intensity of the storm water discharge entering Council's drainage system, i.e.: a detention system. The storm water detention system shall provide for the same five (5) year ARI peak discharge as that for a standard house lot with no storm water detention. A standard house lot is assumed to have a fraction impervious area of 35%. Calculations and a plan shall be submitted to Council for approval prior to construction. The storm water detention system must be constructed prior to the occupation of the proposed development.

17. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
18. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
19. Prior to completion of the development, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority.
20. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
21. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
22. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.

Transport for Victoria

23. Prior to the occupation of the development, all disused or redundant vehicle crossings on Belgrave Gembrook Road must be removed, and the area reinstated to kerb and channel to the satisfaction of and at no cost to the Head, Transport for Victoria.

Fire Rescue Victoria (Country Fire Authority)

24. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

The plan must show the following bushfire protection measures:

a. Defendable space

Defendable space for a distance of 50 metres around the proposed building (or to the property boundary, whichever is the lesser distance) must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- i. Grass must be short cropped and maintained during the declared fire danger period.
- ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- v. Shrubs must not be located under the canopy of trees.
- vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- vii. Trees must not overhang or touch any elements of the building.
- viii. The canopy of trees must be separated by at least 5 metres.
- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b. Construction standards

The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL-12.5)

c. Water supply

10000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:

- i. Is stored in an above ground water tank constructed of concrete or metal.
- ii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- iii. Include a separate outlet for occupant use.

The water supply must also –

- iv. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- v. Be located within 60 metres of the outer edge of the approved building.
- vi. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- vii. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
- viii. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

25. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Expiry:

26. A permit for the development and use of land expires if-
- a. the development does not start within two (2) years after the issue of the permit; or
 - b. the development is not completed within four (4) years after the issue of the permit; or
 - c. the use does not start within two (2) years after the completion of the development; or
 - d. the use is discontinued for a period of two (2) years.

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- I. The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.
- II. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.
- III. A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.