

Planning Committee

Held at the Civic Centre, Civic Drive, Greensborough on Tuesday 7 June 2016 commencing at approximately 8.00pm (following the conclusion of the Policy and Services Committee meeting).

Agenda

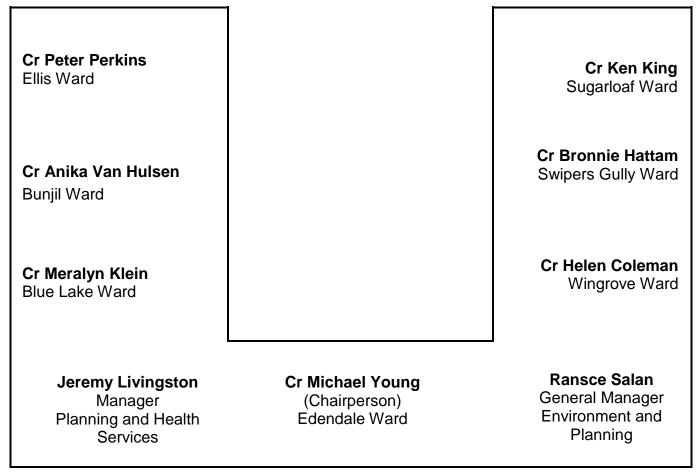
Stuart Burdack Chief Executive Officer

Thursday 2 June 2016

Distribution: Public

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Planning Committee seating plan



Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe Council deliberations quietly in order for Council meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes.

Nillumbik Shire Council

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Nillumbik Shire Council

Agenda of the Planning Committee Meeting to be held Tuesday 7 June 2016 commencing at 8pm (following the conclusion of the Policy and Services Committee meeting)

1. Welcome and apologies

Welcome by the Chair

Members of the public are advised the meeting will be recorded for the purposes of verifying the accuracy of the minutes.

Apologies

Motion

That the apologies be accepted.

2. Disclosure of conflicts of interest

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

3. Confirmation of minutes

Confirmation of minutes of the Planning Committee Meeting held on Tuesday 10 May 2016.

Motion

That the minutes of the Planning Committee Meeting held on Tuesday 10 May 2016 be confirmed.

4. Planning Reports

PC.009/16 Construction of 8 dwellings and associated vegetation removal at 704 Main Road, Eltham

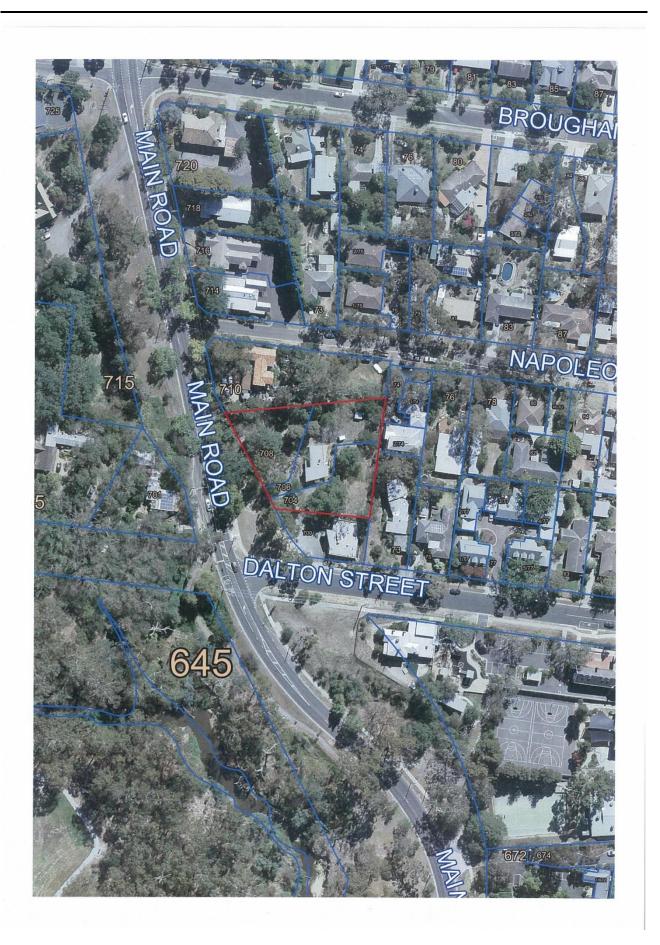
File:	M006/00/704
Distribution:	Public
Manager:	Jeremy Livingston, Manager Planning and Health Services
Author:	Karen McPherson, Senior Statutory Planner

Application summary

Address of the land	704 Main Road, Eltham
Site area	2,506 square metres
Proposal	Construction of 8 dwellings, associated vegetation removal and alterations to vehicle access adjacent to Road Zone – Category 1
Application number	704/2015/03P
Date lodged	30 November 2015
Applicant	Mont-Eltham Drafting Pty Ltd
Zoning	Mixed Use
Overlay(s)	Significant Landscape Overlay (Schedule 7) Design and Development Overlay (Schedule 1)
Reason for being reported	More than 5 dwellings
Number of objections	3
Key issues	 Strategic location (in the context of policy) Neighbourhood character Vegetation removal Compliance with Clause 55 (ResCode) Car parking and traffic
Officer recommendation	Issue of a Notice of Decision to Grant a Permit

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4. Planning Reports

PC.009/16 Construction of 8 dwellings and associated vegetation removal at 704 Main Road, Eltham

Attachments

- 1. Subject site and surrounds
- 2. Plan 1
- 3. Plan 2
- 4. Plan 3
- 5. Plan 4
- 6. Plan 5
- 7. Plan 6
- 8. Plan 7
- 9. Plan 8
- 10. Plan 9
- 11. Plan 10

Subject site and surrounds

- The subject site is made up of three titles, and is particularly described as Lot 1 PS 305826 PSH Nillumbik, CT 11432/295; Lot 2 PS 305826 PSH Nillumbik, CT 11432/296 and Lot 3 PS 305826 PSH Nillumbik, CT-10290/010.
- 2. The key features of the subject land and surrounds are as follows:
 - As identified above, the subject site is made up of 3 titles measuring 785, 938 and 785 square metres respectively. The total site area therefore equates to 2,506 square metres.
 - The site is irregular in shape and has a 45.93 metre wide frontage to Main Road and a maximum depth of 68.60 metres.
 - In terms of topography, the site is undulating with most of the slope concentrated towards the rear and southern areas of the site. There is a fall of 4.5 metres from the south-east corner to the north-west corner of the site.
 - The site has previously been significantly excavated within the central and rear areas to provide for the construction of the existing building and vehicular access towards the rear of the building.

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- The site is currently developed with two storey building, located centrally on the site that was until recently used as an office. There is also a small shed that is located within the north-eastern corner of the site.
- The site is well vegetated by a mixture of small to large shrubs and medium to large trees. Vegetation cover is thickest close to property boundaries, creating substantial screening of the property from all directions. The majority of vegetation is located within the existing front setback and along the northern boundary.
- Post-and-wire fencing occupies the northern and eastern boundaries, while a high paling fence is located on part of the southern boundary, screening the site from the adjacent medical centre. The front boundary is not fenced.
- The surrounding area contains a mixture of residential and community uses (including a medical centre and school) on the eastern side of Main Road, whilst the western side of Main Road is largely characterised by public open space adjacent to the Diamond Creek.
- The streetscape along Main Road is diverse, and is largely characterised by non-residential buildings of varying size and style, while residential dwellings are mostly confined to local streets that connect to Main Road.
- The subject site is situated 1 kilometre to the south of both the core commercial area of the Eltham Activity Centre and the Eltham Railway Station.

Details of proposal

- 3. Refer to the attached plans.
- 4. Features of the proposal include:
 - The construction of 8 dwellings and the removal of associated vegetation.
 - The proposed dwellings are all double storey, although some will present as triple storey from the common driveway due to the proposed site cut.
 - The dwellings have been designed in a 'lodge' style that includes gable roof forms at a medium pitch and upper levels that are contained within the roof space. The proposed development is summarised in the following table.

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	Number of bedrooms	Car Parking	Secluded private open space (square metres)	Overall number of storeys
Dwelling 1	3	Double car garage	88	Double (first floor within roof space)
Dwelling 2	2	Single car garage with stacker	53	Double (first floor within roof space)
Dwelling 3	2	Single car garage with stacker	62	Double (first floor within roofspace)
Dwelling 4	3	Single car garage with stacker plus tandem car space	119	Double (includes sub- floor)
Dwelling 5	4	Double car garage	84	Double (sub- floor and first floor within roof space)
Dwelling 6	3	Double car garage	128 (plus balcony)	Double (first floor within roof space)
Dwelling 7	3	Double car garage	42 (plus balcony)	Double (sub- floor and first floor within roof space)
Dwelling 8	3	Double car garage	55	Double (first floor within roof space)

• The 8 dwellings are proposed to be constructed from a mixture of colours and materials detailed as follows:

- Roofing, gutters and downpipes Colorbond Monument (dark grey)
- Render Off white colored render finish
- Stone wall Coldstream Rock
- Windows and louvres Colorbond Night Sky (almost black)

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- The proposed development will require the removal of 29 trees from the site, and the proposal seeks the retention of two canopy trees on-site. Of the 29 trees proposed for removal, only five of these require a planning permit.
- The existing crossover will be used to access the site.

Planning history

5. Planning Application 170/2014/03P was withdrawn in November 2015 for buildings and works to construct 21 apartments and 3 offices.

Planning controls

Zoning

- 6. The subject land is zoned Mixed Use. The primary purpose of this zone is to provide for a range of residential, commercial and other uses which complement the mixed use function of the locality; to provide for housing at higher densities; and to encourage development that responds to the existing and preferred neighbourhood character of the area.
- 7. Under this zone, a permit is required for the construction of two or more dwellings on a lot. A development must meet the requirements of Clause 55 (ResCode). A dwelling(s) is a 'no permit required' use in this zone.

Overlays

- 8. The subject land is affected by the Design and Development Plan Overlay (Schedule 1). The purpose of this overlay is essentially to recognise, protect and enhance the special character of the natural and built form landscape of the Eltham Gateway. Under this overlay, a permit is required to construct a building or construct or carry out works. This overlay also gives effect to the Eltham Gateway Design Guidelines (March 2013).
- 9. The land is also affected by the Significant Landscape Overlay (Schedule 7). The purpose of this overlay is to identify significant landscapes, and to conserve and enhance the character of significant landscapes. Under this overlay, a permit is required to construct a building or carry out works within 5 metres from the base of any substantial tree. A permit is also required to remove, lop or destroy a substantial tree. A substantial tree is defined as vegetation that has a trunk circumference greater than 0.5 metres at one metre above the ground level.

Particular provisions

- 10. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'ResCode').
- 11. Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, to ensure that car parking does not adversely affect the amenity of the locality, and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

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- 12. Clause 52.29 (Land Adjacent to a Road Zone Category 1) also applies to this application as the site abuts a Road Zone Category 1 (Main Road). This clause aims to ensure that access to identified roads is appropriate, and requires a statutory referral to VicRoads.
- 13. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

Relevant planning policies

- 14. State Planning Policies which are relevant to this application include:
 - Clause 15.01-1 Urban Design
 - Clause 15.01-5 Cultural Identity and Neighbourhood Character
 - Clause 16.01-1 Integrated Housing
 - Clause 16.01-2 Location of Residential Development
 - Clause 16.01-4 Housing Diversity
- 15. The Local Planning Policies which are relevant to this application include:
 - Clause 21.05-1 Settlement and Housing
 - Clause 22.01 Medium Density Housing Policy
 - Clause 22.10 Eltham Gateway Policy
- 16. The Local Strategic documents which are relevant to this application include:
 - Eltham Gateway Design Guidelines (March 2013)

Policy context

- 17. The Mixed Use Zone, State Planning Policies and Council's Medium Density Housing Policy encourage residential development at a range of densities in this location, which includes high density housing. This encouragement is tempered somewhat by the existence of the Design and Development Overlay, Significant Landscape Overlay, and the Eltham Gateway Policy, whereby development must not visually dominate the landscape or interrupt major view lines from public areas. Development should also be situated below the predominant tree canopy height.
- 18. The Eltham Gateway is recognised in the planning scheme as an important natural and historical part of Eltham and provides a strong sense of arrival into the township. Its topography and vegetation are fundamental elements of its character, providing leafy views across the Diamond Valley. The Eltham Gateway Design Guidelines (March 2013) are referenced at Clause 22.10 and provide guidelines for the preparation and design of development proposals in the Eltham Gateway.

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Public consultation

Advertising

19. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of a notice on-site.

Objections

- 20. As a result of advertising, a total of 3 written objections have been received. These objections can be summarised as follows:
 - The proposal would involve an eightfold increase in density, transforming the site from a lush green space into one of the densest developments in the whole of Eltham. This particular site would have to be one of the least appropriate sites along all of Main Road for a development of this scale.
 - Although only one driveway joins the roadway, it is actually two driveways that leave the property and cross the roadside reserve. This is neither visually nor practically appropriate.
 - The entry/egress point for this development is very close to a busy pedestrian crossing used by school children from the local primary and secondary schools, as well as people crossing Main Road to use the bike paths and access the Eltham Leisure Centre. The leafy trees of the Avenue of Honour could hinder visibility when entering Main Road from the development or for vehicles driving south along Main road seeing vehicles exiting the property.
 - The removal of 29 substantial trees is unacceptable, particularly the removal of two considered of high retention value.
 - The impact of three storey buildings on the low profile, single storey neighbourhood character of the Gateway, and the precedent it would set, is of concern.
 - The application demonstrates a lack of respect for the unique suburban environment of Eltham.
 - Concerns raised regarding parking during the construction phase of the development. Parking is at a premium in Dalton Street twice a day during dropoff and pick-up times at Eltham Primary School. The adjacent medical centre has requested that signage along the north-western end of Dalton Street be provided requesting no construction vehicles to park during school hours.

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Planning application conference

21. A Planning Application Conference (PAC) was held at the Shire Offices on 24 May 2016 and was attended by the permit applicant and one of the three objector parties. In this meeting, the position of all parties was clarified, and in response to objector concerns regarding the extent of hard standing area within the common property and to Dwelling 8, the permit applicant agreed to amend the surface treatment of the driveway leading to dwelling 8 to a more natural looking surface such as grass pavers or similar product. This will assist in reducing the level of hard standing surface area from a visual aspect, whilst still providing an appropriate hard standing area for vehicles to access or park. It was agreed that this would be addressed by way of a condition on any permit issued.

Referrals

Internal

22. The application was referred to various business units or individuals within Council for advice on particular matters. The following is a summary of the relevant advice:

Council Unit	Comments
Infrastructure Development Unit	No issues were identified. It was requested that conditions relating to vehicle crossing, driveway construction, driveway drainage, stormwater, design on-site detention unit, construction works on-site detention device, underground drainage system, nominated point of discharge, fire hydrant and runoff control be included on any permit issued.
Strategic Planning Team	The proposed use is consistent with strategic policy. There are positive aspects of the proposed design pertaining to the roof shape, the size of the proposed building footprints, the orientation of the development to the street and the location of car parking for most dwellings.
	There were initially some concerns relating to the height/bulk of a number of dwellings, a lack of space for landscaping at the front and within the development, however these concerns have been alleviated as a result of the submission of amended plans, and recommended permit conditions as reflected in the officer recommendation to this report.
Consulting Arborist	The proposed removal of 29 of the 31 trees on the subject site will have a high impact on the landscape, in particular the proposed removal of the high retention value Tree Nos. 29 (<i>Quercus canariensis</i> – Mirbeks Oak, 39 and 40 (<i>Melaleuca styphelioides</i> – Prickly-Leaved Paperbark).
	There does not appear to be sufficient space within the proposed development to compensate for the tree removal proposed in order to reinstate canopy cover of the site (refer to Landscape Architect advice below concerning identified

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	additional opportunities for the planting of four additional canopy trees).
	The final design will require a detailed landscape planting plan detailing tree species and planting location. The design will need to provide adequate space to undertake replanting to compensate for the loss of canopy of any trees that are removed. For larger trees, preference should be made to indigenous species as these are well suited to the conditions of the area. Trees such as <i>Eucalyptus melliodora</i> (Yellow Box), <i>Eucalyptus polyanthemos</i> (Red Box), <i>Eucalyptus camaldulensis</i> (River Red Gum), <i>Eucalyptus leucoxylon ssp. connata</i> (Melbourne Yellow Gum) and <i>Eucalyptus tricarpa</i> (Ironbark) are examples of suitable species.
Waste Management Team	The area at the front of the site was assessed and would accommodate 16 bins, however current tree growth would not allow the waste trucks to pick up the bins. Clearance space would have to be maintained in order for a Council collection to be viable. Accordingly, a Waste Management Plan will be required to be submitted as a condition of any permit issued to ensure that a Council collection can be undertaken (with the alternative being that a private waste collection will need to be employed if a Council collection is not physically achievable).
Landscape Architect	The submitted landscape plan is acceptable, however four additional indigenous Eucalypts could be proposed for the front set back area to replace three <i>Acacia melanoxylon</i> (Blackwood) proposed. This would equate to 10 new canopy contributing trees on the site (and an overall total of 12 canopy trees for this development when you include the 2 existing canopy trees on-site to be retained).
Sustainability Officer	There are some very positive Environmental Sustainable Development (ESD) aspects to the application submitted, and the proposed development would be enhanced by providing Council with a Sustainable Design Assessment. Since 'STEPS' software is no longer available, a simple report detailing whether and how best practice standards have been met for each of the Sustainable Design Assessment in the Planning Process (SDAPP) key categories will suffice.

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External

23. The application was referred to the following statutory referral authority for advice on particular matters. The following is a summary of the relevant advice:

Authority	Comments
VicRoads	No objection to the proposal, subject to the crossover being constructed to the satisfaction of, and at no cost to, the Responsible Authority and VicRoads.

Planning assessment

Introduction

- 24. The following have been identified as the key planning issues in relation to the assessment of this planning application:
 - Strategic location (in the context of policy);
 - Neighbourhood character;
 - Vegetation removal;
 - Compliance with Clause 55 (ResCode); and
 - Car parking and traffic.
- 25. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Strategic location

- 26. Residential development (dwellings) is a Section 1 'no permit required' use in the Mixed Use Zone. As such, the use of the subject site for dwellings is highly compatible with the purpose of the Mixed Use Zone.
- 27. The Municipal Strategic Statement (MSS) contains an objective to encourage higher density housing with good access to commercial and community services, public transport, open space and other infrastructure, and to discourage higher density housing where access to these facilities is inadequate.
- 28. The subject site is located within an established urban area and is well located in relation to urban services. The site is approximately 800 metres from the Eltham Activity Centre and is within close proximity to community services. The site is within 1 kilometre of both the core commercial area of the Eltham Activity Centre and the Eltham Railway Station, and the nearest bus stop is located on the opposite side of Main Road. There is also an abundance of parkland to the west of the site.
- 29. In terms of strategic location, the site is well located for higher density housing and this location offers support at both a State and Local planning policy level.

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Neighbourhood character

- 30. The subject land is situated within an area extending along Main Road known as the 'Eltham Gateway'. It exhibits a special character including historic buildings, 'rustic' architecture, open spaces and a mix of exotic and native vegetation.
- 31. The MSS at Clause 21.03-3 (Environment, Conservation and Landscape) states that the "*Eltham Gateway was identified in the 1980s as a significant landscape area for its role as the entrance to the Eltham Township*". Relevant identified strategies contained within Clause 21.05-1 (Settlement and Housing) of the MSS include:
 - Maintain the Eltham Gateway and ensure that new development enhances the integrity of the Gateway.
 - Use a local policy to guide the consideration of use and development in the Gateway to the Eltham Township.
 - Maintain and enhance the landscape values of the Eltham Gateway.
- 32. The Eltham Gateway Policy, at Clause 22.10, also supports recognition of the area for its special significance as the historic entrance to the Eltham town centre and for its generally secluded building scale, form and line.
- 33. The Design and Development Overlay (Schedule 1) seeks to ensure that new development maintains and enhances the highly vegetated and architectural character of the Eltham Gateway. The key objectives of the policy are to:
 - Recognise, protect and enhance the special character of the landscape and built form of the Eltham Gateway area as an entrance to the Eltham township.
 - To ensure that development does not visually dominate the landscape or interrupt major view lines from public areas.
 - To ensure that development corresponds to the contours of the land, and is sited below the predominant tree canopy height.
 - To ensure setbacks are generous and consistent with others in the street, and are well vegetated.
 - To promote building scales compatible with the prevailing one and two storey domestic buildings within the Eltham Gateway.
 - To ensure buildings are of high architectural quality and contemporary design.
 - To ensure car parking will have minimal visual impact from public spaces and integrate with the landscape setting.
- 34. The overlay sets out a number of design guidelines by which all new development should be responsive to. The guidelines can be varied and require:
 - A preferred maximum wall height of 6 metres
 - A preferred front setback of 8-10 metres and a side setback of 3-5 metres
 - Buildings should be articulated, incorporate pitched and gable roof forms
 - Minimise vegetation removal and enhance the landscape character

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- On-site car parking to have minimal visual impact on the streetscape and public areas.
- 35. Collectively, these policies identify the Eltham Gateway as being a unique settlement which has developed its own significant character and identity over time. In support of the proposal, the proposed dwellings have been sited either side of a central driveway with generous setback from Main Road, respecting the preferred street pattern of the area.
- 36. Under the Design and Development Overlay (Schedule 1), front setbacks should generally be 8 to 10 metres for properties that are located north of Mount Pleasant Road. Dwelling 8 is closest to the front boundary of the site, being setback approximately 6.5 metres. However, this part of the site features an unusually wide road reserve of approximately 20 metres (between the edge of Main Road and the front of the site) at the southern end of the frontage. This is in contrast to the approximate 8 metre wide road reserve at the northern end of the site frontage, and the approximate 5.2 metre wide road reserve to the front of No. 710 Main Road.
- 37. Accordingly, dwelling 8 is set back from the road pavement of Main Road by approximately 21 metres, which is comparable to the proposed setback of dwelling 1 (approximately 23 metres from Main Road), and that of the existing dwelling at No. 710 Main Road (approximately 16 metres). Therefore, due to the unusual alignment of the front boundary of the subject site, and the generous road reserve width provided, the proposed minimum front setback will appear substantially greater than 6.5 metres, and will ensure that the development remains secondary to the landscape, sitting behind a substantial buffer of existing and future vegetation.
- 38. With respect to the side and rear setbacks, dwellings 1, 2, 3 and 4 are set back between 3.3 metres and 4.2 metres from the northern boundary of the site, due to a combination of a 3 metre wide drainage and sewerage easement along this boundary and the Tree Protection Zones of two trees (Tree Nos. 36 and 42) on the adjacent property (No. 710 Main Road). The setback of dwellings 4, 5 and 6 along the rear (east) boundary range from 1.1 metres to 6.2 metres, with dwellings 6, 7 and 8 setback from the side (south) boundary between 1.5 metres, 7.3 metres and 2.7 metres respectively.
- 39. In terms of built form, the proposal is generally compliant with the Eltham Gateway Design Guidelines. The proposed dwellings are of a contemporary style that incorporates local design features that are commonly found within the area, such as a pitched roof form with eaves, gables and stone feature walls. The proposed dwellings are well articulated and incorporate decks and balconies into the design, which breaks up the built form. In addition, varied materials and façade treatments have been applied to the design which further assists in breaking up the built form. The majority of the materials selected for the dwellings are considered to be appropriate as they are non-reflective and are of an earthy tone. However, concern was raised in regards to the off white render that was proposed for all the dwellings. Whilst this would be acceptable as a one-off colour, it is not considered acceptable to be used throughout an 8 dwelling development. A condition will be placed on any permit issued requiring that three different renders in muted colours (browns/greys)

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be incorporated into the development, which will ensure that the development is more visually interesting and blends in with the Eltham Gateway landscape.

- 40. The proposed dwellings have been designed to follow the topography of the site with dwellings 1, 2, 3 and 4 being located on the lower part of the site formally used as a parking area for the commercial building. Dwellings 5, 7 and 8 will be cut into the existing slope that runs east-west through the centre of the site and dwelling 6 will be partially cut into the upper level of the site adjacent to the medical centre at No. 700 Main Road (property to the south). Access to dwelling 6 is proposed via a ramp that is located between dwellings 5 and 7, thereby utilising the existing slope and negating the need for excessive amounts of cut and fill. Overall, the proposed development will make a positive contribution to the streetscape, and the built form character of the area.
- 41. The Eltham Gateway Design Guidelines also state that the maximum wall height of the building should not exceed 6 metres. The proposed wall heights have been minimised as much as possible, with no sheer walls exceeding 6 metres in height (excluding gable wall ends). There is one instance of a wall height of approximately 6.5 metres (north elevation of dwelling 7), however this is not a sheer wall, and has been appropriately articulated using setbacks and balustrading to reduce any visual impact.
- 42. Upper floor levels have been located within proposed roof spaces, thereby significantly reducing their visual impact on the landscape. The design response also utilises roof forms that are simple in design, incorporating pitched and gabled elements with the dwellings presenting as single storey to the east (frontage) and a mixture of single (with accommodation within roof space) and double storey dwellings along the other boundaries.
- 43. The uneven slope of the land and the presence of retaining walls in the rear half of the site (including along the rear boundary) reflect a difficult site to develop, whereby retaining walls or floor levels may be raised higher than would otherwise be the case. This is consistent with other buildings in the immediate surrounding area, particularly those to the rear of the subject site.
- 44. A landscape plan was submitted with the application that proposes a variety of indigenous species throughout the site. The plan details the planting of 45 new trees (mixture of Lightwood, Blackwood, Black She-oak, Long Leaf Box, Red Box and Brush Muttonwood), 89 hedging and screening plants (mixture of Gold Dust Wattle, Sweet Bursaria and Swamp Paperbark), 289 shrubs (mixture of Common Cassinia, Common Correa, Hop-leaf Bitter Pea and Common Rice-Flower), 831 groundcovers, and 62 climbing plants throughout the site. The landscape plan has provided trees throughout the site and has also incorporated a wide variety of other indigenous species.

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- 45. Extensive indigenous landscaping is proposed throughout the development, with a higher concentration within the front setback where the development interfaces with Main Road. The submitted landscape plan provides for 6 new indigenous canopy trees with the proposed development. Council's Landscape Architect has advised that an additional 4 canopy contributing trees can be located within the front setback, bringing the total of canopy trees on-site to 10. This can be addressed through a condition on any permit issued. Once the two existing canopy trees on-site sought to be retained by this development are included, the total number of canopy trees within the proposed development will equate to 12. A further 35 smaller indigenous trees are proposed, and this in addition to the trees that are to be retained on the site will create a development that responds favourably to the Significant Landscape Overlay (Schedule 7).
- 46. Whilst no front fencing is proposed along the front boundary of the property, fencing was initially proposed adjacent to the western elevation of proposed dwellings 1 and 8 to create a portion of the private open space for each of those dwellings. The fence was proposed to be 2.2 metres high timber slat fence, part of which would be located on a 1 metre high stone retaining wall for dwelling 8. The location, style and height of this fencing was considered to be inappropriate, as it would essentially block out the front elevation of both dwellings, creating a very blank street frontage view from Main Road. The applicant subsequently agreed to remove the fencing in front of both of these dwellings. This will be addressed via conditions on any permit issued.
- 47. The Eltham Gateway Design Guidelines state that side fences should not be set forward of the main building façade and that side and rear fencing should not exceed 1.8 metres in height. The existing side fencing will be retained in front of dwelling 1, however this fencing is constructed from post-and-wire and woven wire, which is a transparent material. The remaining side boundary fencing (southern boundary) is an existing timber fence that will be retained.
- 48. The subject site is suitably located for some form of higher density residential development, and it has been designed to closely align with the Eltham Gateway Design Guidelines. The site abuts one non-residential use to the south and residential uses on the other two boundaries. The overall heights of the dwellings adjacent to the boundaries are generally single storey, with accommodation in the roof space. The higher elements of the dwellings are generally located internally within the site as detailed on dwellings 5 and 7.

Vegetation removal

- 49. The subject site holds a large number of canopy trees that occur in a random pattern across the site. They are a mixture of deciduous exotics, indigenous eucalypts and non-Victorian natives. A few self-sown environmental weeds have also infiltrated the site.
- 50. The application seeks the removal of 29 trees on-site. Of these trees, 15 are of a low retention value, 10 are of medium retention value, 4 trees are of high retention value. The arborist report submitted with the application states that a total of 12 trees are to be retained, however when the location of these trees are reviewed on the plans, it appears that only 2 of the trees are actually on the site as the remaining 10 trees located on the adjoining properties.

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- 51. Of the 29 trees to be removed from the subject site, only 5 trees require a planning permit under the Significant Landscape Overlay (Schedule 7).
- 52. The submitted arborist report and the assessment from Council's consulting arborist have differences of opinion regarding the high retention trees on the site. The applicant's arborist has identified that Trees Nos. 10, 25, 39 and 40 are of high retention, whilst Council's consulting arborist has identified Tree Nos. 29, 39 and 40 are of high retention. Tree Nos. 10 and 25 are Mirbeks Oak, an exotic species that have good tolerance to development. These trees are proposed to be retained as part of the development and are located at the front of the property adjacent to the north and south boundaries. Tree No. 29 is also a Mirbeks Oak, however has been rated as low retention value by the applicant's arborist. It is located in the footprint of dwelling 5 and therefore is unable to be retained.
- 53. It is clear from the above assessment that there are a large number of trees to be removed from the site to allow for the proposed development. The site is unique in the area in that it is of a large size, and whilst being previously developed (having only a small building located in the centre of the site), it possesses a relatively intact covering of vegetation (both exotic and native). The site has historically provided the adjoining and nearby properties with a vegetated buffer between them, that has added to their enjoyment of the amenity of the area. However, the site is zoned Mixed Use which has a purpose of providing for housing at higher densities (subject to a permit). In addition to the zoning, the subject land is significantly larger than other land within the neighbourhood, and therefore has notable development potential.
- 54. As such, the strong planning scheme expectation to provide more intensive residential development on the subject land must be balanced against the level of vegetation removal that is likely to occur as a result. In doing so, the tension between protecting the natural and environmental characteristics of the land with the expectation of residential development on the land needs to be carefully assessed.
- 55. As identified earlier, the landscape plan submitted with the application proposes the replanting of a total of 45 new trees throughout the site, however only 6 of these trees are canopy contributing trees (Long leaf Box and Red Box). Although Council's Landscape Architect has considered the overall landscape plan to be acceptable, he has identified that there is an opportunity to plant an additional 4 canopy contributing trees within the front setback of the proposed development. This is recommended to be a requirement addressed via a condition on any permit issued.
- 56. In light of the above assessment, the landscape outcome sought by the proposed development (including resultant tree removal) satisfactorily responds to the objectives of the Significant Landscape Overlay (Schedule 7).

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Compliance with Clause 55 (ResCode)

- 57. Clause 55 (ResCode) sets out a range of objectives and standards that test a design's responsiveness to the site and surrounds, and provides objective tests regarding potential amenity impacts. Whilst meeting the specified objective is mandatory, satisfying the standards can be varied provided that the proposal satisfies the objective. The following provides a discussion on the development's responsiveness to ResCode.
- 58. In relation to the overall building height, dwelling 7 will have a maximum height of 10.5 metres on the internal north elevation, which exceeds the ResCode maximum requirement of 10 metres for a sloping site, as detailed in Standard B7 (Building height) of Clause 55.03-2. Although the height of this dwelling is technically non-compliant with this standard, the design is still considered to meet the objective of Clause 55.03-2 in that the height encroachment of 0.5 metres is minor, is internal to the site, and that the development respects the existing and preferred character of the surrounding area.
- 59. The proposal complies with in relation to site coverage and permeability. The proposed development will have a site coverage of 35%, which is under the maximum site coverage of 60% allowed by Standard B8 (Site Coverage). Standard B9 (Permeability) states that at least 20% of the site must be pervious. The application proposes that 57% of the site will be pervious, which is comfortably compliant with the standard. The side and rear setbacks of the dwellings also complies with Standard B17 (Side and rear setbacks).
- 60. In relation to private open space, each of the dwellings has been provided with areas of private open space ranging from 42 to 127 square metres. In addition to this area, some of the dwellings also have outdoor terraces, balconies and a rooftop garden (dwelling 5) that are integral to the design of the dwellings and add to the backyard areas of open space provided. Standard B28 (Private open space) states that a courtyard must be provided with a minimum of 40 square metres, whilst a balcony must have a minimum area of 8 square metres. All areas of private open space comply with this standard.
- 61. The abutting property to the south is a non-residential use (medical centre), therefore off-site amenity considerations such as overshadowing and overlooking are acceptable in terms of complying with ResCode. In regards to the adjoining residential properties to the east, these are at a higher level than dwellings 4 and 5 along the east boundary of the site, and the existing dwellings will essentially look over the roofs of the proposed dwellings on the site.
- 62. The rear of proposed dwellings 1, 2, 3 and a portion of dwelling 4 will overlook the rear garden of the adjoining property to the north (No. 710 Main Road). The combination of the proposed gabion wall and the screening window treatment will prevent any unreasonable overlooking issues with adjoining land.

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Car parking and traffic

- 63. Clause 52.06 (Car Parking) provides car parking rates for different land uses. A dwelling that has two bedrooms must be provided with one car space, whilst a dwelling with three or more bedrooms must be provided with two car spaces. There is a mixture of 2, 3 and 4 bedrooms in the 8 dwelling development proposed, and each has been provided with the appropriate number of car spaces within either a single or double car garage. The clause also states that the visitor car parking rate is to be one car space for every five dwellings. The development comprises of 8 dwellings, therefore one visitor car space is required to be provided. However, two on-site visitor car spaces have been provided for this development, exceeding this requirement by one car space.
- 64. As proposed, the development meets the required rate of parking under the planning scheme, and Council's Infrastructure Development Unit is satisfied that the increase of traffic can be effectively and safely accommodated within the surrounding road network.

Response to objections received

- 65. Concerns were raised in regards to the access arrangements for the site. The site is proposed to be accessed via an existing single crossover from Main Road and then the driveway split into two once the driveway enters the site. One of the concerns raised is that if in the future VicRoads widen Main Road and the wide road reserve in front of the property is lost, then there will be two access points onto Main Road rather than one. There is no current proposal for this section of Main Road to be widened, and VicRoads has raised no concerns with the proposed development. Similarly, Council's Infrastructure Development Unit raised no concerns with respect to the vehicle access and driveway arrangements proposed as part of this development.
- 66. With regard to the concerns in relating to car parking impacts in Dalton Street during the construction phase of the development, this can be addressed through a condition on any permit issued requiring the submission of a Construction Management Plan that details where the construction vehicles and tradesmen who work on the site will park their vehicles taking into consideration the location of the Eltham Primary School in Dalton Street (amongst other things).

Conclusion

- 67. The application seeks the construction of 8 dwellings and associated vegetation removal. The application was advertised and 3 written objections were received. The key planning issues relate to strategic location (in the context of policy), neighbourhood character, vegetation impacts, compliance with Clause 55 (ResCode) and car parking and traffic.
- 68. The subject land is suitably located for medium density housing in the context of strategic policy, and the proposal provides for a high quality designed development which will provide for a greater diversity of housing choice in Eltham.

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- 69. The design of some of the proposed dwellings are split-level, meaning that these dwellings follow the topography of the site, and therefore minimise the level of cut and or fill required. The height of the dwellings, as a consequence of the split-level design, do appear higher than the other proposed dwellings, however the three-storey elements are restricted to the internal areas of the site, and not with an abuttal to external site boundaries. Building form and detailed design responds favourably to the policies of the Eltham Gateway, which will ensure that the built form of this site will contribute positively to the characteristics of the Eltham Gateway.
- 70. The proposal has been designed to ensure the retention of two of the 'high' retention value trees, and proposes the planting of a large number of replacement trees that will indigenous to the area (rather than the exotics that are proposed to be removed). The wide road reserve in front of the subject site will also assist in retaining the vegetated character of the streetscape.
- 71. The proposal achieves a high level of compliance with Clause 55 (ResCode) and Clause 52.06 (Car Parking). The proposal provides an acceptable level of car parking as identified by the planning scheme, and no traffic conflicts will arise from the proposal as assessed by both Council's Infrastructure Development Unit and VicRoads.
- 72. The Mixed Use Zone promotes (as it relates to this proposal) residential development at higher densities. On balancing the objectives of this zone against the Significant Landscape Overlay and the Eltham Gateway provisions and policies of the planning scheme, the proposal has successfully achieved an acceptable balance between the conflicting planning outcomes being sought by these policies and provisions. Although there are a large number of trees proposed to be removed, there is a landscape plan that proposes an appropriate level of replacement planting to ensure that the development responds appropriately to the Significant Landscape Overlay (Schedule 7) and Eltham Gateway policies in the planning scheme.
- 73. In light of the above planning assessment, the application warrants support, as reflected in the officer recommendation which follows.

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land at 704 Main Road, Eltham, for the construction of 8 dwellings and associated vegetation removal, in accordance with the submitted plans, and subject to the following conditions:

- 1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with plans received on 30 November 2015 and 22 February 2016 from Mont Eltham Drafting, but modified to show:
 - a) Deletion of all new fencing forward of the front (western) elevation of dwellings 1 and 8.

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- b) Specify at least 3 different render colours to the proposed 'off white' render detailed on the plans. The 3 colours should be muted tones that are harmonious with the environment.
- c) Demonstration that vehicles exiting dwelling 8 can exit in a forward manner.
- d) The first 7 metres of the driveway must be at least 5 metres wide.
- e) An 'Atlantis' (or similar) grass treatment driveway leading to Dwelling 8, located between the double car garage and the front title boundary, to reduce the extent of hard standing area as experienced from Main Road.
- f) Provision of adjustable vertical shading on windows to reduce the amount of heat from the sun from entering the building in summer for the following windows:
 - Dwellings 1 and 6 all west-facing glazing
 - Dwelling 5 wall of glass needs to be reduced and shaded
- g) Provision of fixed horizontal shading that excludes summer sun but allows winter sun to penetrate the glass on north-facing glazing for the following windows:
 - Dwelling 1 all ground floor glazing
 - Dwelling 2 western window on north elevation
 - Dwelling 3 eastern window on north elevation
 - Dwelling 4 all first floor glazing
 - Dwellings 5, 6 and 7 all first and second floor glazing.
- h) Notation adjacent to Dwelling 5 stating that all doorways and bathroom fixtures for dwelling 5 are to be built to Liveable Housing Australia gold standards or better.
- i) Provision of a water tank for each dwelling with a minimum capacity of 2,000 litres per tank.
- j) An amended landscape plan as required by condition 3 of this permit.
- k) Exact location and measurements of the Tree Protection Zone (TPZ) and associated tree protection fencing for all trees shown on the plans to be retained as required by 5 condition of this permit.
- 2. The development and tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

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- 3. Before the development commences, three copies of amended landscape plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with plans received on 22 February 2016 from John Patrick Pty Ltd but modified to show:
 - a) Deletion of all new fencing forward of the front (western) elevation of dwellings 1 and 8.
 - b) The planting of an additional 4 canopy contributing trees within the front setback. The species of trees should be chosen from the following species:
 - Eucalyptus melliodora (Yellow Box)
 - Eucalyptus polyanthemos (Red Box)
 - Eucalyptus camaldulensis (River Red Gum)
 - *Eucalyptus leucoxylon ssp. connata* (Melbourne Yellow Gum)
 - Eucalyptus tricarpa (Ironbark)
 - c) The selection of species for the rooftop garden.
- 4. Before the development commences, three copies of a report detailing how best practice standards have been met for each of the Sustainable Design Assessment in the Planning Process (SDAPP) key categories (including the desired Energy Rating for each dwelling) must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit.
- 5. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:
 - a) <u>Extent</u>

The tree protection fencing (TPF) is to be provided to the extent of the identified TPZ.

If works are shown on any endorsed plan of this permit within the confines of the calculated TPZ, then the TPF must be taken in to only the minimum amount necessary to allow the works to be completed.

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b) <u>Fencing</u>

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

The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.

c) <u>Signage</u>

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

d) Irrigation

The area within the TPZ and TPF must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) <u>Provision of Services</u>

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

Bore pits must be located outside of the TPZ or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

f) Access to TPZ

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

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

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

- 7. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone;
 - b) Servicing and refuelling of equipment and vehicles;

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- c) Storage of fuel, oil dumps or chemicals;
- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
- e) Open cut trenching or excavation works (whether or not for laying of services);
- f) Changes to the soil grade level;
- g) Temporary buildings and works; and
- h) Unauthorised entry by any person, vehicle or machinery.
- 8. Only trees marked "tree to be removed" on the endorsed plans are permitted to be removed, to the satisfaction of the Responsible Authority.
- 9. Unless with the prior written consent of the Responsible Authority, prior to the completion of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
- 10. Before the development commences, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
 - a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
 - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
 - c) Where access to the site for construction vehicle traffic will occur.
 - d) The location of car parking for workers/visitors of the construction site, taking into account the local school on Dalton Street.
 - e) Tree protection zones.
 - f) The location and details of a sign to be erected at the entrance(s) of the site advising contractors that they are entering a 'sensitive site' with prescribed tree protection zones and fences.
 - g) The location of trenching works, boring, and pits associated with the provision of services.
 - h) The location of any temporary buildings or yards.
 - i) Measures designed to ensure the orderly management of the construction site, including complaint procedures and contact details in the event of a received complaint relating directly to construction works.

Development works on the land must be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the Responsible Authority.

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- 11. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval. The plan must specify:
 - The details and location of bin storage and bin collection areas to the satisfaction of Council's Infrastructure Maintenance Team (if a Council collection).
 - b) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
 - c) Details of on-site disposal of organic waste (if not a Council Green Waste collection).
 - d) Access route and method of access for the vehicles collecting waste.
 - e) Details and location of bin storage areas for each approved dwelling.
 - f) Odour control from bin storage areas.
- 12. Vehicular access and egress to each dwelling from the roadway must be by way of a vehicle crossing upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority.

All vehicle crossing works are to be carried out with Council supervision under a Minor Works within the Municipal Road Reserves permit.

- 13. The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.
- 14. The development hereby permitted must not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of stormwater.
- 15. Stormwater from the roof of each dwelling hereby approved is to be directed to an individual holding tank with a minimum storage capacity of 2000 litres. The overflow from the tanks must be directed via the internal drainage system to the on-site detention system. The overflow from the tanks must be directed to the nominated point of stormwater discharge.

Water in the holding tanks may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.

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- 16. An on-site detention device must be installed, at no cost to Council, as per approved plans and Council's specification. Construction of the on-site detention device must be carried out under Council supervision and under a *Minor Works within the Municipal Road Reserves* permit.
- 17. Stormwater drains must be constructed from end wall in No. 710 Main Road property to the pit in front of No. 704 Main Road property.
- 18. Prior to the commencement of development (unless with the prior written consent of the Responsible Authority), construction plans and computations must be prepared by a suitably qualified engineer and submitted to the Responsible Authority for approval. The plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval (minimum pipe size within the road reserve must be 300 mm diameter). The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines".

The underground drainage system is to be constructed at no cost to Council and under Council supervision.

- 19. Stormwater must not be discharged from the subject land other than by means of an underground pipe drain to the Council underground drainage system in Main Road. Connection of the development drainage system to Council drain must be carried out in accordance with Council's specification and under Council supervision under a *Minor Works within the Municipal Road Reserves* permit.
- 20. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.
- 21. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within 2 years of the date of this permit.
 - b) The development is not completed within 4 years of the date of this permit.

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

The following is a requirement of VicRoads:

22. The crossover is to be constructed to the satisfaction of, and at no cost to, the Responsible Authority and VicRoads.

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Notes:

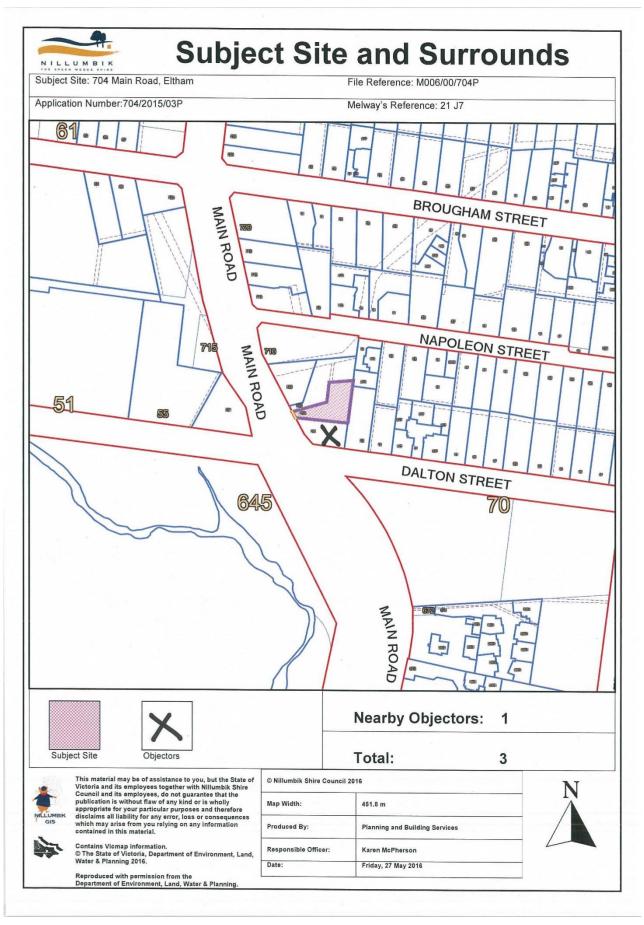
During the course of the approved construction work, including tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$758 for the land owner and occupant, and \$1517 for any company which may be undertaking the tree removal works.

Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$758 for the land owner and occupant, and \$1517 for any company which may be undertaking works on-site.

The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.

PC.009/16



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Attachment

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montmorency 3094 a.b.n 81 105 136 098 a.c.n 105 136 098 p: (03) 9439 7788 f: (03) 9431 0697 e: admin@montelthamdrafting.com.au

19th November 2015

Nilumbik Shire Council Planning department P.O Box 476 Greensborough 3088

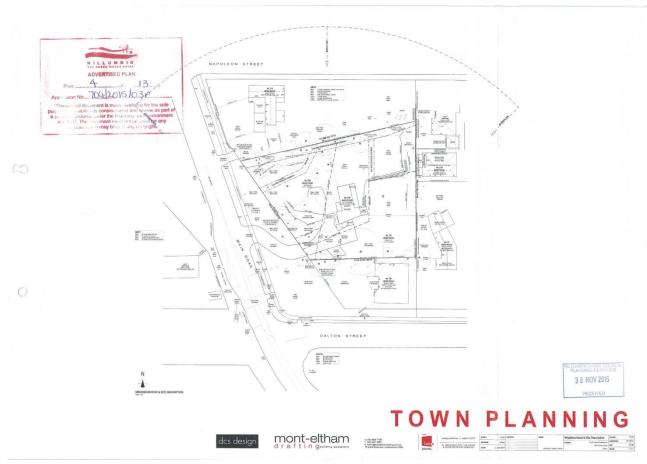
> RE: Schedule of Finishes AT: 704-708 Main Rd, Eltham

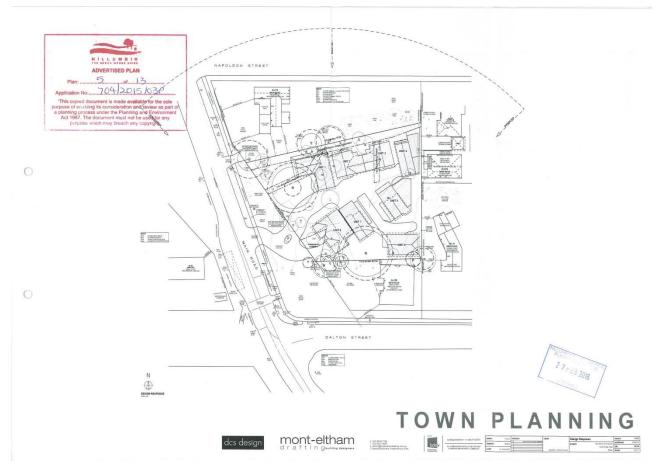
The following schedule and attached colour samples represent the proposed materials and finishes to be used for the above development.

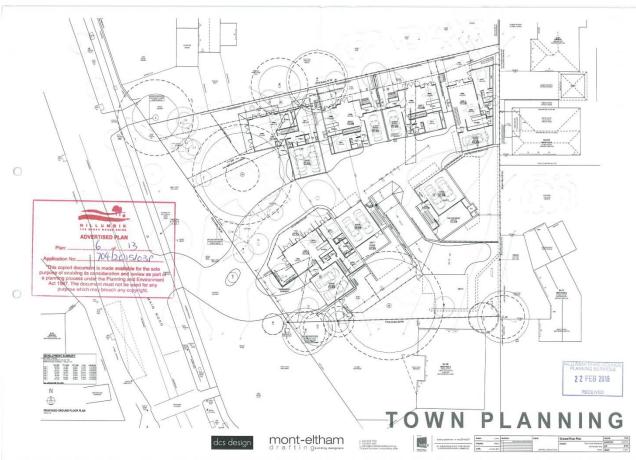
Stone Wall: Coldstream Rock

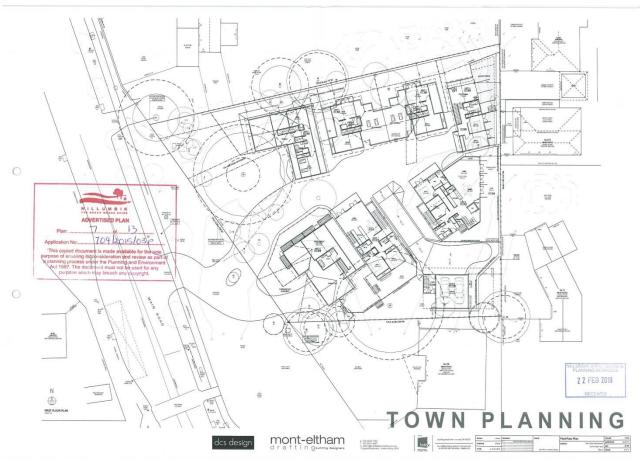


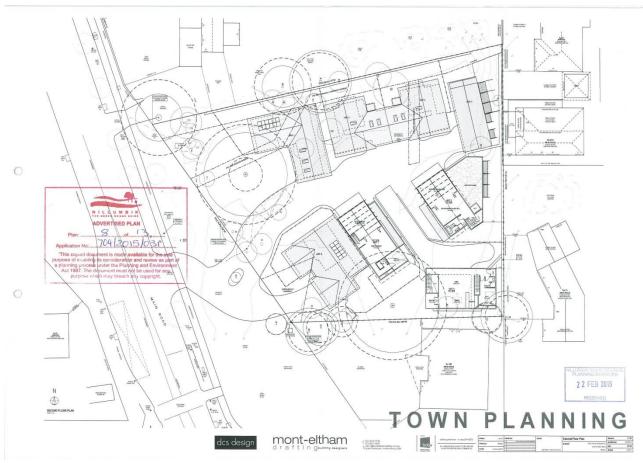
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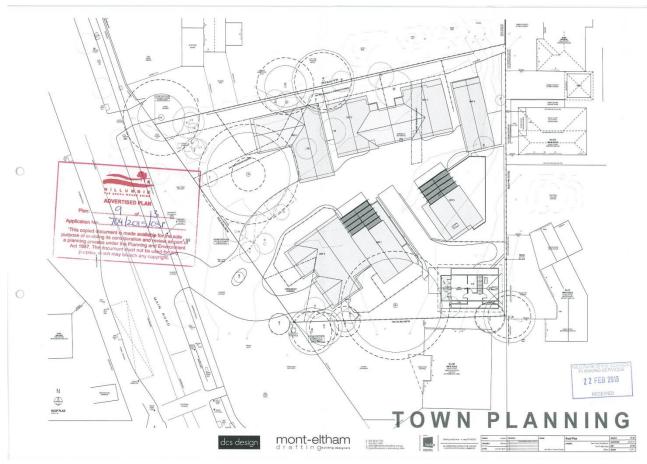






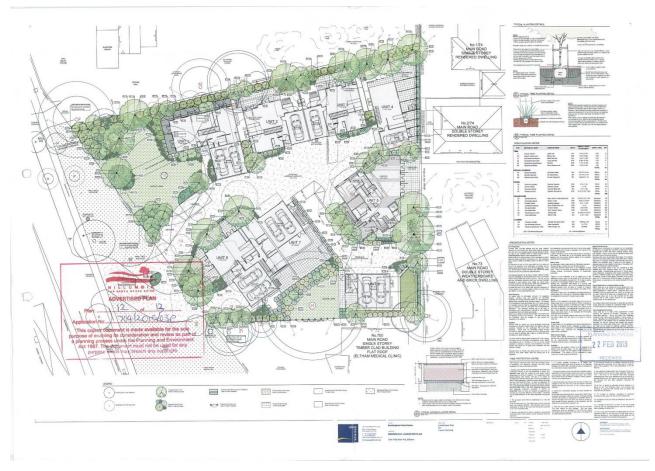












Planning Committee agenda

- 5. Supplementary and urgent business
- 6. Confidential reports