

Planning Committee

Held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 10 May 2016 commencing at approximately 8.00pm (following the
conclusion of the Policy and Services Committee meeting).

Agenda

Stuart Burdack
Chief Executive Officer

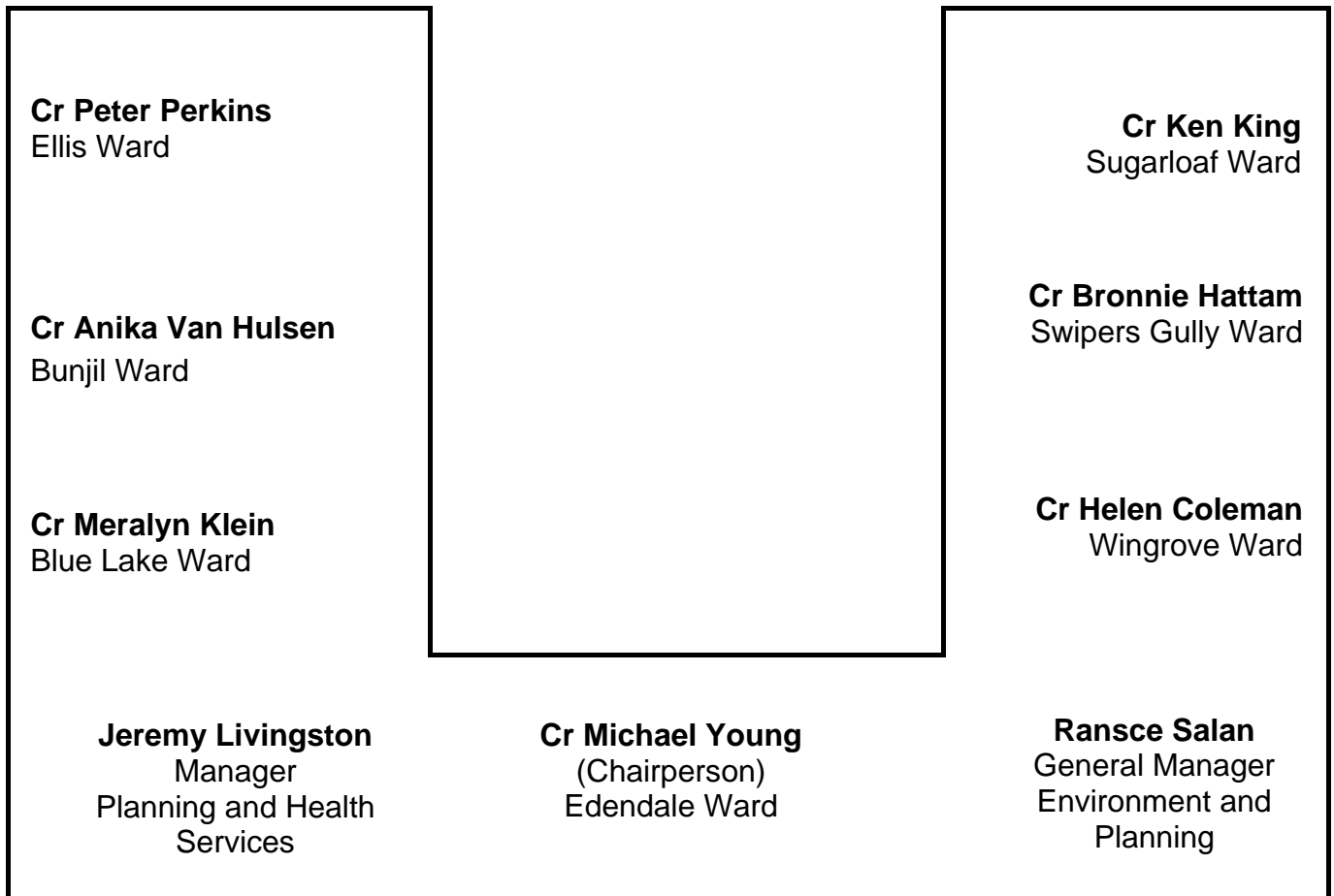
Thursday 5 May 2016

Distribution: Public

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Domin je ka

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 10 May 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 12 April 2016.

Motion

That the minutes of the Planning Committee Meeting held on Tuesday 12 April 2016 be confirmed.

4. Planning Reports

PC.006/16 **Development of the land for a dwelling and associated native vegetation removal at 40 Kent Hughes Road, Eltham**

File: **K032/00/040P**
Distribution: **Public**
Manager: **Jeremy Livingston, Manager Planning and Health Services**
Author: **Anita Fitzpatrick, Senior Statutory Planner**

Application summary

| | |
|---------------------------|---|
| Address of the land | 40 Kent Hughes Road, Eltham |
| Site area | 1,071 square metres |
| Proposal | Development of the land for a dwelling and associated native vegetation removal |
| Application number | 429/2015/05P |
| Date lodged | 25 August 2015 |
| Applicant | Paul and Jan Riley, C/-Tom Paciocco Architect |
| Zoning | Low Density Residential |
| Overlay(s) | Significant Landscape Overlay (Schedule 2) Environmental Significance Overlay (Schedule 1) Bushfire Management Overlay |
| Reason for being reported | More than 5 objections received |
| Number of objections | 13 |
| Key issues | <ul style="list-style-type: none"> • The capability of the land (including on-site effluent disposal) • Bushfire management • Neighbourhood character • Landscape and environmental impacts |
| Officer recommendation | Issue a Notice of Decision to Refuse to Grant a Permit |

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4. Planning Reports

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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

Subject site and surrounds

1. The key features of the subject land and surrounds are as follows:
 - The subject site is identified as Lot 1 on Title Plan 712205Y, Volume 05281, Volume 109. The subject site is located on the east side of Kent Hughes Road, close to the intersection with Lavender Park Road to the west, in Eltham.
 - The site is an irregular shape with a frontage of 10.06 metres, a depth of around 100 metres and a site area of 1,071 square metres. It is a small size lot, with it being an anomaly compared to the general subdivision pattern of the area (including property sizes).
 - The topography of the land slopes downwards towards its rear boundary with a change in grade of approximately 7 metres. The average slope percentage is 7%.
 - The site is currently vacant of any permanent buildings and there is no vehicle access to the site. The site is bounded by post-and-wire fencing which is a consistent characteristic of the wider area.
 - Until recently, the site consisted of scattered indigenous (predominantly *Eucalyptus melliodora* and *Eucalyptus goniocalyx*) and exotic trees across the site as detailed on submitted ground floor plan. A vast proportion of the vegetation was removed under Clause 52.48 (Bushfire Protection Exemptions). There is approximately 17 trees remaining on-site. There is little to no understorey, with lawn/grassland forming the groundcover.
 - Kent Hughes Road is an unsealed residential street. Kent Hughes Road consists of land zoned Low Density Residential and contains a mixture of lot sizes and configurations. Lot sizes range from approximately 1,600 to 7,200 square metres, with the average approximately 4,500 square metres.

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- The area of Kent Hughes Road is characteristic of a ‘Semi-Bush’ residential setting, with a high density of indigenous canopy trees and understorey. There is little delineation between the road reserve and private land, except for post-and-wire fencing. There are areas of cultivated gardens around dwellings and other buildings, however from a wider landscape perspective, development is well nestled into a treed setting.
- The built character of Kent Hughes Road is also characteristic of the ‘Semi-Bush’ residential setting, with dwellings and other buildings generally obscured by the topography or vegetation. Dwellings are generally larger than average and vary in architectural styles and number of storeys. Dwellings and other buildings are well setback from the front boundary, and side and rear setbacks are fairly generous.
- The adjoining lot to the north is a Council reserve of some 2,329 square metres in size which provides pedestrian and vehicle access through to lots to the east, including those lots contained within the Culla Hill Estate. To the south, at No. 38 Kent Hughes Road, the property is 5,836 square metres in size and contains a single storey dwelling. The dwelling is setback 13 metres from Kent Hughes Road and 15 metres from the common boundary. Adjoining to the east is No. 7 Culla Hill. This property is 8,939 square metres and contains a dwelling located at its approximate mid-point of the site.

Details of proposal

2. Refer to the attached plans.
3. Features of the proposal include:
 - The proposed dwelling is situated towards the rear of the site. The dwelling is setback 52.75 metres from the west (front) boundary and 7.6 metres from the east (rear) boundary. Walls are proposed adjacent to the side boundaries, apart from a small indentation of 6 metres along the north boundary. The boundary walls equate to 32.95 metres in length along the northern boundary and 34.5 metres along the south boundary. The boundary walls reach a maximum height of 3.2 metres.
 - The dwelling incorporates a double car garage with an entrance hall that provides access to the two bedrooms (both with ensuite) and main living area which includes living, dining kitchen and library. A small upper level studio is located over the entrance area. The boundary walls provide seclusion to various areas of private courtyards, decks and gardens accessed throughout the dwelling.
 - The building footprint (including decks and courtyards) is 345 square metres, equating to a site coverage of 32%.
 - The external materials include a mix of compressed fibre cement sheet, rendered in a natural grey concrete colour, and concrete block rendered in a yellow ochre finish. The roof forms include flat, skillion and pyramid in a zincalume finish. The dwelling is generally around 4.5 metres in height, however the pitch in the roof form provides an overall height of 6.3 metres.

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- Access to the dwelling will be via a crushed rock driveway located in proximity to the northern boundary.
- The application proposes the removal of Tree No. 17 – Eucalyptus melliodora (Yellow Box).
- An amendment to the proposal was formally submitted (pursuant to Section 57A of the Planning and Environment Act) following the initial public notice period. The change relocated the effluent and wastewater disposal from the adjacent property at No. 7 Culla Hill, to the subject site.

Property history

4. The subject site is an anomaly in terms of its configuration when compared to other lots within the area, and within the current Low Density Residential zoning of the land which requires a minimum subdivision area of 4,000 square metres.
5. The configuration of the property appears as if it was meant for a type of access arrangement. A local surveyor has provided the following history of the site:
 - The Burston Family owned a property in Sweenys Lane, which extended to the Yarra River. The land included Lot 6 and the majority of Lot 5 on LP16923, including a small connection to Kent Hughes Road. Lot 30 on LP7894 was purchased by Victor Burston in October 1958.
 - In February 1959, a substantial proportion was transferred out of title which is now the land for No. 38 Kent Hughes Road. It is understood that a transfer would not have been based on a subdivision plan approved by Council.
 - The purpose for Burston purchasing the land and then retaining the 10 metre wide strip would have been to provide additional access to his property and never any intention of creating a residential lot.
 - The lot was offered for purchase to the then owner of No. 38 Kent Hughes, however this was not followed through.
6. The adjoining Council reserve to the north, of some 2,329 square metres, was formalised as part of Plan of Subdivision 312252H which created the Culla Hill Estate in 1993.

Planning controls

7. The subject land is zoned Low Density Residential. Under this zone, a permit is not required for the use or development of a single dwelling on a lot provided that the development can meet the requirements of Clause 32.03-2.
8. Clause 32.03-2 states that a lot may be used and developed for a dwelling provided that:
 - If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the *Environment Protection Act 1970*.

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- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply to the satisfaction of the responsible authority.
- The dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

Overlays

9. The site is affected by the Bushfire Management Overlay. Under this overlay, a permit is required to construct a building or carry out works associated with accommodation. This application also requires a referral to the Country Fire Authority (CFA) as a recommending referral authority.
10. The site is also affected by the Significant Landscape Overlay (Schedule 2). Under this overlay, a permit is required to construct a building and to remove, destroy or lop native vegetation (unless it is exempt). Native vegetation is any vegetation native to Victoria.
11. The site is also affected by the Environmental Significance Overlay (Schedule 1). Under this overlay, a planning permit is required to construct a building and the remove, destroy or lop vegetation (unless it is exempt).

Particular Provisions

12. Clause 52.47 (Bushfire Protection: Planning Requirements) is relevant to the consideration of this application. This clause specifies requirements for buildings, works on land which the Bushfire Management Overlay applies, and seeks to ensure that development is only permitted if the risk to life, property and community infrastructure can be reduced to an acceptable level.
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 12 – Environment and landscape values
 - Clause 13.05 – Bushfire
 - Clause 15 - Built environment and heritage
 - Clause 15.01-5 – Cultural identity and neighbourhood character
 - Clause 16.01-2 – Location of residential development
 - Clause 16.01-4 – Housing diversity

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15. The Local Planning Policies which are relevant to this application include:

- Clause 21.03-3 – Environment, Conservation and Landscape
- Clause 21.05-1 – Settlement and Housing
- Clause 22.12 – Neighbourhood Character Policy
- Clause 22.13 – Wildfire Management Policy

Policy context

16. The planning controls and policies identified above seek to protect and enhance the natural environment and character of an area, whilst also prioritising the protection of human life in areas at risk of bushfire. At both a State and Local planning policy level, priority is given to ensuring that any new development in areas affected by the Bushfire Management Overlay minimises the bushfire risk to people and property, with more weight provided to the protection of human life.
17. The decision guidelines of the Low Density Residential Zone further requires the consideration of the capability of the land to accommodate the proposed development in the absence of reticulated utility services, in particular sewer and drainage, and the impact on surrounding properties and infrastructure.
18. The Significant Landscape Overlay (Schedule 2) and the Neighbourhood Character Policy for the ‘Semi-Bush’ precinct provides guidelines to protect and enhance the landscape and built form characteristics of the area. Development should respond to the natural and built form character of the site and surrounds, and also ensure the retention of vegetation to maintain and enhance the significant landscape characteristics of the ‘Semi-Bush’ precinct.
19. Bushfire risk is also addressed by a local policy at Clause 22.13 (Wildfire Management Policy). The policy applies to all land affected by the provisions of the Bushfire Management Overlay, and the policy adopts the protection from wildfire objectives in Clause 13.05 (Bushfire) to local circumstances.
20. As each site is generally different, the degree of policy support for a development constrained by lack of services and located within an area identified as both landscape significant and at a high bushfire risk, will depend upon the design response to the site’s location and physical characteristics.

Public consultation

Advertising

21. The initial application was advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of a notice on-site. As a result of this public notification process, a total of 11 written objections were received.
22. Following the formal amendment to the planning application via Section 57 of the *Planning and Environment Act*, the application was re-advertised. As a result of this process, no written objections were withdrawn, however two further objections were received.

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Objections

23. Of the 13 written objections received, they can be summarised as follows:
- The lot is below the minimal lot size specified in the Low Density Residential Zone and is too small to accommodate a dwelling.
 - The proposal represents an overdevelopment of the land.
 - Siting and built form response to the surrounding neighbourhood character is unacceptable.
 - The capability of the land to retain and treat wastewater is unacceptable, and it is inappropriate to dispose on the adjacent lot.
 - The proposal results in the removal of native vegetation and will create environmental impacts.
 - The proposal's inability to landscape in accordance with the Neighbourhood Character Policy requirements of the planning scheme.
 - The proposal will adversely impact on the adjacent walking track.
 - The proposal will result in the devaluation of nearby properties.

Planning application conference

24. A Planning Application Conference (PAC) was not held as the proposal has been identified as having such significant issues that such a meeting would unlikely have resulted in any changes to address the concerns identified by Council officers and objectors.

Referrals

Internal

25. 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 |
|---------------------|---|
| Consulting Arborist | <p><u>21 September 2015 advice:</u></p> <p>A significant volume of tree removal has occurred on site. The remaining trees on site are of high landscape and arboricultural significance. All reasonable efforts should be made to retain them on site. The trees of high landscape and arboricultural significance that remain on-site are Tree Nos. 15, 17, 27 and 29.</p> <p>The construction will cause unacceptable impacts to Tree No. 15. Significant design changes would be required to retain this tree.</p> |

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| | <p><u>22 March 2016 advice:</u></p> <p>The Land Capability Assessment now proposes that the land application area (LAA) will be located in the front (western) portion of the property. This will have a major encroachment on the Structural Root Zone and Tree Protection Zone of Tree No. 15. The crusted rock driveway will have an additional encroachment on Tree No. 15. Tree No. 15 is not expected to remain viable under the proposal.</p> |
| <p>Environmental Planning Team</p> | <p>The site contains scattered trees consistent with the Ecological Vegetation Class (EVC) 'Grassy Dry Forest'. Yellow Box and Long-leaf-Box were evident on the site, although most of the understory has been degraded. The site is unlikely to be core habitat for threatened species, however it forms part of the habitat connection in this area which supports locally important species. The proposal will result in significant impacts on Tree Nos. 15 and 17 which are both remnant trees.</p> |
| <p>Environmental Health Team</p> | <p><u>14 September 2015 advice:</u></p> <p>Concern was raised with the initial proposal for wastewater disposal on the adjacent land. It was suggested that a boundary re-alignment occur prior to any further consideration.</p> <p><u>29 March 2016 advice:</u></p> <p>The application sought to resolve this issue through on-site detention and submitted an amended Land Capability Assessment (LCA) which has been reconsidered by Council's Environmental Health Team. Given the above limitations, this level of development on the site is not supported.</p> |
| <p>Infrastructure Development Unit</p> | <p>No issues were identified, and standard conditions in relation to vehicle crossing, driveway construction, stormwater and runoff management are required should a permit be issued.</p> |
| <p>Landscape Architect</p> | <p>If the water disposal area is moved to the front of the property, then the proposed shrubs and trees will have to be replaced with grasses and sedges (assuming there is sufficient space to accommodate dispersal of the waste water). There are three existing Eucalypts in what will be the proposed treated effluent and outfall zone. The tree root structure will be damaged during the creation of the wastewater disposal area (trenching).</p> |

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| | <p>The need for wastewater restricts the future landscaping opportunities.</p> <p>Also, the narrowness of the block and the need to build boundary to boundary makes it impossible to create any screen planting along the boundaries. The unusual dimensions of the block and the proposed dwelling will create what will appear to be a visual over development of the site.</p> |
| Building Team | <p>The new dwelling requires a building permit. Part 4 of the <i>Building Regulations 2006</i> would apply for walls on boundaries.</p> |

External

26. 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 |
|------------------------------|--|
| Country Fire Authority (CFA) | No objection to the planning application provided the Bushfire Management Plan prepared by Heath Design Pty Ltd (Revision A) is endorsed to form part of the permit. |

Planning assessment

Introduction

27. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- The capability of the land (including on-site effluent disposal);
- Bushfire management;
- Neighbourhood character; and
- Landscape and environmental impacts.

28. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

The capability of the land (including on-site effluent disposal)

29. The subject site has a total land area of 1,071 square metres, which is substantially smaller than the minimum lot size of 4,000 square metres as established for new lots by the Low Density Residential Zone. Whilst many of the written objections received have claimed that the small lot size should automatically prohibit the development of the land for a single dwelling, it is important to note that Council is not considering an application to subdivide the land, rather a proposal which is seeking development approval for a lot that already exists on a separate title.

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30. The table at Clause 32.02-1 (Table of uses) of the Low Density Residential Zone clearly states that a permit is not required for the use of the land for a single dwelling, provided that the requirements of Clause 32.03-2 (Use for one or two dwellings or a dependant person's unit) are met. The suitability of the land to accommodate a dwelling is thus based on the capability of the land to treat and retain wastewater and stormwater, irrespective of the minimum lot size.
31. When initially lodged, the application proposed to dispose of wastewater on the adjacent lot at No. 7 Culla Hill. Whilst this lot is in the same ownership as the subject site, it did not satisfy the requirements for the wastewater to be treated and retained within the lot (being the subject site). On this basis, Council raised significant concerns with non-compliance with Clause 32.03-2 of the Low Density Residential Zone. The permit applicant sought to amend the proposal by retaining all wastewater within the subject site, supported by amended plans and a revised Land Capability Assessment (dated 25 February 2016).
32. The size of the land, its soil quality, its configuration and slope make disposal of wastewater a challenging proposition. The land application area (LAA) is the area into which the wastewater, once treated drains, via the chosen land application method. Observing the setback distances of the EPA Publication 891.3, the site has approximately 270 square metres area available in the western area of the site and an additional 20 square metres potentially available at the rear of the dwelling.
33. The Land Capability Assessment sets out a number of recommendations on page 15. Council's Environmental Health Team has considered these recommendations, and the overall assessment, and is not supportive of the proposal, noting:
 - the nominated effluent area would need vegetation removed in order to make the required space available.
 - it is unlikely from the plan that there would be sufficient setback from the effluent disposal area to the driveway.
 - the design loading rates make use of figures that accommodate water reduction figures. Council does not accept water reduction fixtures as a reliable method of reducing water use as there is no mechanism to ensure these fixtures remain in the property on a permanent basis. This will increase the anticipated daily use from 600L/day. A subsequent increase in effluent disposal area will be required to accommodate this additional water use.
 - the LCA also refers to the need to incorporate secondary wastewater treatment in the form of greywater recycling for indoor use. This would require the owner to install two septic tank systems for relatively little gain.
 - concerns arise as to the permanent ongoing use of both types of effluent management systems on-site.
34. Given the limitations of the site being its small size, configuration and vegetation coverage, Council's Environmental Health Team are not satisfied that the site can appropriately dispose of wastewater. In this regard, the proposal is not seen to satisfy Clause 32.03-2 of the Low Density Residential Zone.

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Bushfire management

35. The proposal must also demonstrate that the site is capable of responding to a bushfire threat due to the smaller area available for achieving defendable space. The Bushfire Management Overlay and the policies on bushfire protection at Clause 13.05 (Bushfire) and Clause 22.13 (Wildfire Management Policy) places the protection of human life as the highest priority. The risk to life is at the greatest on sites that are heavily vegetated; adjoin areas of high risk such as parklands or unmanaged private land; or on-site whereby defendable space cannot be achieved due to lot size or configuration constraints.
36. A Bushfire Management Statement is required to be submitted for all planning applications within the Bushfire Management Overlay, and includes a number of mandatory objectives that must be met such as building siting, layout, bushfire protection measures, defendable space, water supply and vehicle access. The proposal and supporting Bushfire Management Statement were referred to the CFA as a referral authority under the Bushfire Management Overlay. The CFA confirmed that the proposal satisfactorily meets the requirements for a dwelling, with a Bushfire Attack Level of BAL19.
37. Whilst the subject site is located within the 'Semi-Bush' setting, which generally includes a medium to dense vegetation cover, the subject site is relatively cleared and adjoins managed private land. Clause 52.47-5 (Bushfire protection measures) includes a number of mandatory requirements such as vegetation management, water supply and access, which can be achieved on-site.

Neighbourhood character

38. The subject site is located within an area identified as having a significant landscape and valued neighbourhood character. These valued and preferred characteristics are embodied in the Significant Landscape Overlay (Schedule 2) and the Neighbourhood Character Policy. The subject site is identified within this policy as being in a 'Semi Bush' character precinct.
39. The landscape objectives of the Significant Landscape Overlay (Schedule 2) to be achieved are:
 - *To provide for housing in a residential location in a bushland setting.*
 - *To provide for sensitive siting of buildings and works, access and earthworks and by the restoration of native vegetation where considered appropriate.*
 - *To provide for conservation and enhancement of the environmental values of the area.*
 - *To ensure that the development of land and the removal of native vegetation are not detrimental to the natural environment and character of the area.*
 - *To minimise the threats to the natural environment through the unnecessary removal of vegetation in these areas.*

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40. The Neighbourhood Character Policy provides further guidance as to the desired future character of the ‘Semi-Bush’ precinct as one in which:
- *“Development is sited so that buildings nestle into the landform and are partly obscured from view by the topography or tree canopy. Development responds to sloping landforms and creates minimal disturbance.*
- Hillsides of residential development when viewed from a distance appear to be tree covered. In typical streetscapes, substantial indigenous or native trees dominate the skyline and are common in gardens. Garden planting is mostly indigenous or native, and flows uninterrupted to the edge of the roadways.*
- Driveways and car storage areas are confined to a small portion of the land area. Garages and carports are hidden from view”.*
41. The Neighbourhood Character Policy provides a number of design objectives and the design responses to achieve those objectives. The objectives are:
- *To maintain the indigenous vegetation including canopy trees and understorey planting and encourage the replanting of indigenous plants.*
 - *To minimise site disturbance and impact on the landform and vegetation.*
 - *To minimise excavation for car access, impact on bush setting and visibility of access driveway and car storage facilities.*
 - *To maintain and enhance the continuous flow of the landscape and vegetation and the bush character of the front garden vegetation.*
 - *To design and site buildings which minimise the risk of loss in a bushfire and landscaping which minimises the spread and intensity of bushfires.*
42. The proposed dwelling has a building area of 345 square metres (including decks and courtyard areas) which equates to a site coverage of 32%. The size of the dwelling footprint itself is not dissimilar to other dwellings within the area, which contain a number of large sprawling dwellings. However, whilst the building footprint is generally consistent with many properties within the Low Density Residential Zone, the issue with this proposal is not so much the concept of the dwelling itself, but the constraints of a small and narrow lot. These physical site constraints are not conducive to the style and scale of the proposed development.
43. The proposal achieves a significant setback of 52 metres from Kent Hughes Road, allowing the development to read as relatively obscure and recessed from this vantage point. The dwelling has an overall height of 6.3 metres and maintains a single storey profile with a small upper level studio (26 square metres in size) at the western (front) section of the dwelling. The western elevation of the dwelling does not read as prominent given the excavation of approximately 800mm, and an overall height of 4.8 metres when measured from natural ground level. The dwelling otherwise follows the topographic profile with little cut and fill. The roof forms are varied with a mix of skillion, flat and pyramid forms and varied materials contribute towards a relatively well resolved design.

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44. However, such design elements incorporated into the proposed dwelling to reduce the visual bulk are lost due to the small and narrow lot size and undermined by the extent of boundary walls. Whilst the dwelling is essentially sited towards the back half of the site, these boundary walls are unreasonably prominent within the wider streetscape and the 'Semi-Bush' setting, providing a pattern of development that is inconsistent with the established setting.
45. These boundary walls form an integral part of the overall design and cannot be treated in isolation from the dwelling. The southern wall forms the ramped entrance hall connecting the garage to the bedrooms, upper level and main living areas. Along the northern elevation, the walls act as screening to the internal courtyards, decks and primary habitable rooms. The length of boundary wall along the north boundary is 32.9 metres and the extent along the southern boundary is 37.7 metres.
46. Whilst the Significant Landscape Overlay (Schedule 2) and the 'Semi-Bush' precinct of the Neighbourhood Character Policy do not specifically identify any particular vista or viewpoint, its approach is to reflect the significance of the broader landscape and landform as a whole. The local policy directives place an emphasis on nestling built form into a 'Semi-Bush' setting. The high boundary walls provide an unacceptable built form response to other properties that allow separation and landscaping to obscure buildings. It reads as visually prominent to the adjoining property to the south and along the northern boundary that is a heavily utilised walking track and Council reserve. There is no opportunity to screen the extent of wall and the proposed yellow ochre finish makes it more visible in a naturally treed setting.
47. This extent of wall would achieve difficultly if it were to be assessed under an urban 'ResCode' assessment with the length of the south wall failing Standard A11. In a typical residential setting within Nillumbik, the extent of boundary wall would be considered unreasonable, and whilst direct impacts on amenity may be reduced in this location, it represents a significant departure from the existing character and that sought by Local planning policy.

Landscape and environmental impacts

48. The Significant Landscape Overlay (Schedule 2), the Environmental Significance Overlay (Schedule 1) and the Neighbourhood Character Policy place an emphasis on protecting native trees through providing for their conservation through sensitive siting of buildings and works.
49. The plans initially lodged show a significant extent of tree canopy across the site (Site Plan received 25 August 2015). Many objectors have raised concern with the extent of tree removal across the site. The landowners have exercised their rights under Clause 52.48 (Bushfire Protection: Exemptions) and removed vegetation within 4 metres of the existing fence line. Given the narrowness of the site, this has resulted in substantial tree and vegetation loss. Of these trees, a number of removed a number were dead, exotic weeds with a total of 12 native trees removed.
50. There are 17 trees remaining on-site, being Tree Nos. 1, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15, 17, 26, 27, 28 and 29. Of these trees, the most significant are the *Eucalyptus melliodora* (Yellow Box) species, which are Tree Nos. 1, 3, 15, 17, 27 and 29. The development seeks to retain Tree Nos. 1, 3, 7, 15, 27 and 29 (6 trees in total).

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51. Tree No. 17 is a medium tree in decline, and located within the building footprint, and is considered an acceptable loss. Tree No. 15 is a mature tree with a height of 23 metres and a Diameter Breast Height of 98cm. It is the most significant tree remaining tree on-site. Council's Environment Planning Team has identified it as being a large old remnant tree with evidence of hollow bearing limbs and offering habitat value. Both the submitted arborist report and Council's consulting arborist have identified significant likely impact to this tree given the proximity of the development (including dwelling, excavation and wastewater disposal area) within its Structural Root Zone and Tree Protection Zone. Both arborists have identified that if the works were to proceed, the tree would become unviable and hazardous.
52. Council's consulting arborist is satisfied that Tree Nos. 27 and 29 can be successfully retained.
53. The amended application now locates the wastewater disposal area within the front setback area. The area provides a setback of 500mm to the south and west (front) boundaries, and 3 metres from the north boundary. Not only would this impact Tree No. 15, Tree Nos. 1, 3 and 7 located within the front setback would also be compromised. The revised Land Capability Assessment has not been prepared in consultation with a revised arborist report, nor is there a specific design that demonstrates how the trees will not be impacted upon. If this area requires the removal of four of the six remaining trees, this will result in unreasonable environmental and landscape impacts.
54. Council's Landscape Architect has also identified limitations in new tree planting within the wastewater disposal area, with proposed shrubs and trees needing to be replaced with grasses and sedges. Such low lying plants would offer limited contribution to the landscape and environmental objectives of the area.
55. Further tree loss through construction impacts, lack of appropriate landscaping opportunities and construction of prominent walls along the north and south boundaries compromises the environmental and landscape qualities of the site and fails to provide an appropriate outcome when considered against the objectives of the Environmental Significance and Significant Landscape Overlays. There is also very limited ability to maintain the visual dominance of vegetation within the 'Semi-Bush' precinct of the Neighbourhood Character Policy.

Response to objections not yet addressed in this report

56. The majority of issues raised by objectors were also raised by Council officers throughout the planning application process. These issues have been discussed and assessed in the previous sections of this report. The only ground of objection not yet discussed relates to the devaluation of properties. The valuation of properties is not a relevant consideration of the *Planning and Environment Act* or the Nillumbik Planning Scheme, and therefore this concern cannot be considered in relation to the assessment of this development proposal.

4. Planning Reports

PC.006/16 Development of the land for a dwelling and associated native vegetation removal at 40 Kent Hughes Road, Eltham

Conclusion

- 57. The application seeks to develop the land for a dwelling and associated removal of native vegetation. The application was advertised and a total of 14 written objections have been received. The key planning issues relate to the capability of the land to develop the land for a dwelling (including on-site effluent disposal), bushfire management, neighbourhood character, and landscape and environmental impacts.
- 58. Whilst the Low Density Residential Zone allows for the use of the land for a dwelling, the size, configuration, and environmental and landscape constraints make development of this site difficult. Although the application can meet the objectives and measures of the Bushfire Management Overlay, it fails to demonstrate an appropriate response to the zone provisions, and the landscape, environmental and neighbourhood character outcomes sought by the planning scheme.
- 59. The capability of the land to sustain the proposed development on the small lot was an issue raised by Council officers to the permit applicant early in the application process, and is reflective of many of the objection grounds received. The application has not demonstrated that the land can support the proposed development.
- 60. The proposed dwelling is considered an innovative design in some regards, however the reliance of extensive boundary development significantly compromises the character and landscaping qualities of the area. The development does not reflect the typical residential siting pattern of the area, and the attempt to 'wedge' a dwelling into this lot does not meet the objectives of the 'Semi-Bush' neighbourhood character precinct.
- 61. In summary, the subject site is simply too small, narrow and short to accommodate the proposed dwelling. The proposal is compromised by the inability to achieve adequate boundary setbacks in accordance with the prevailing built form of the area and will not achieve the landscaping outcomes that is the character of the 'Semi-Bush' character precinct identified in the Neighbourhood Character Policy, nor the environmental and landscape outcomes sought by the Environmental Significance and Significant Landscape overlays respectively.
- 62. In light of the above planning assessment, the application warrants refusal, as reflected in the officer recommendation which follows.

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Refuse to Grant a Permit to the land at 40 Kent Hughes Road, Eltham, for the development of the land for a dwelling and associated native vegetation removal, on the following grounds:

- 1. **The proposal does not meet Clause 32.03-2 (Use for one or two dwellings or a dependent person's unit) of the Low Density Residential Zone as it has not demonstrated the ability to appropriately treat and retain wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.**

4. Planning Reports

PC.006/16 Development of the land for a dwelling and associated native vegetation removal at 40 Kent Hughes Road, Eltham

- 2. The proposed development is not responsive to the objectives of the Significant Landscape Overlay (Schedule 2) in terms of the extent of built form and massing, lack of front and side setbacks, and lack of existing and proposed canopy vegetation throughout the site.**
- 3. The proposed development is not responsive to the objectives of the Environmental Significance Overlay (Schedule 1) in terms of the extent of impact to Tree No. 15, and lack of replanting opportunities on-site to enhance the environmental values of the area (having regard to the dwelling and required defensible space).**
- 4. The proposed development is inconsistent with the objectives of Neighbourhood Character Policy at Clause 22.12 in that the proposal does not reflect the development pattern within this area of Eltham, being a large dwelling on an undersized allotment with minimal effort made to make the dwelling blend in with the 'Semi-Bush' landscape.**
- 5. The proposal does not provide adequate opportunity for meaningful landscaping to separate the built form and enhance the existing 'Semi-Bush' characteristics of the subject site and area, as outlined in Clause 22.12 (Neighbourhood Character Policy) and the Significant Landscape Overlay (Schedule 2).**



Subject Site and Surrounds

Subject Site: 40 Kent Hughes Road, Eltham

File Reference: C084/00/031P

Application Number: 429/2015/05P

Melway's Reference: 22 B9



Subject Site



Objectors

Nearby Objectors: 13

Total: 13



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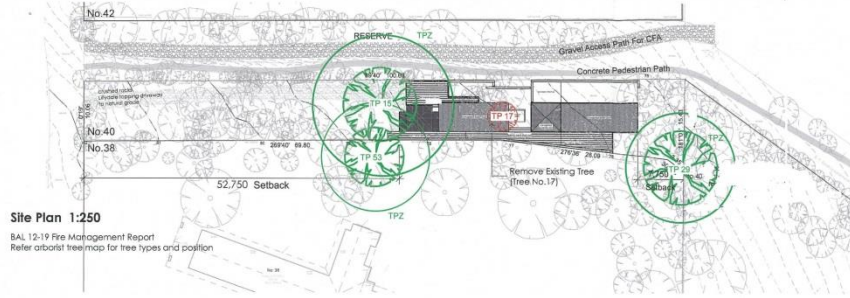
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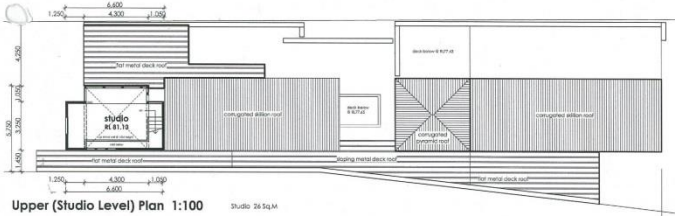
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| Produced By: | Planning and Building Services |
| Responsible Officer: | Anita Fitzpatrick |
| Date: | Tuesday, 10 May 2016 |



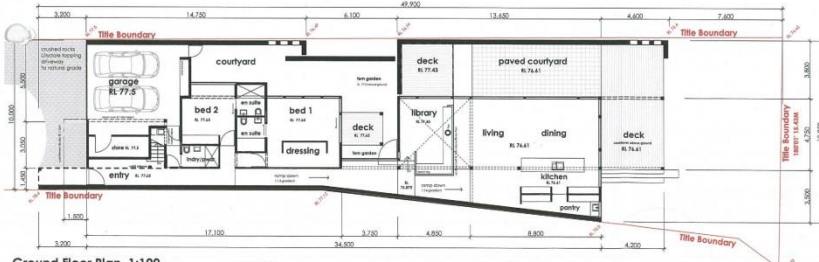


AREAS

| | |
|---|-----------|
| Site Area | 1071 Sq.M |
| Building Area | 277 Sq.M |
| Ground Floor House | 203 Sq.M |
| First Floor Studio | 26 Sq.M |
| Garage + Store | 48 Sq.M |
| Building Footprint (including decks/courtyards) | 345 Sq.M |
| Site Cover | 32% |



Upper (Studio Level) Plan 1:100 Studio 56 Sq.M



Ground Floor Plan 1:100

AREAS

| | |
|-------------------|----------|
| Garage & Store | 48 Sq.M |
| House | 203 Sq.M |
| Deck | 40 Sq.M |
| Courtyard (paved) | 30 Sq.M |



SCALE AS INDICATED (A1)

Riley Residence
40 Kent-Hughes Road, ELTHAM



Location Plan 1:1000
BAL 12-19

NILLIMARRI SHIRE COUNCIL
PLANNING SERVICES
07 MAR 2016
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Approved 21/02/2016

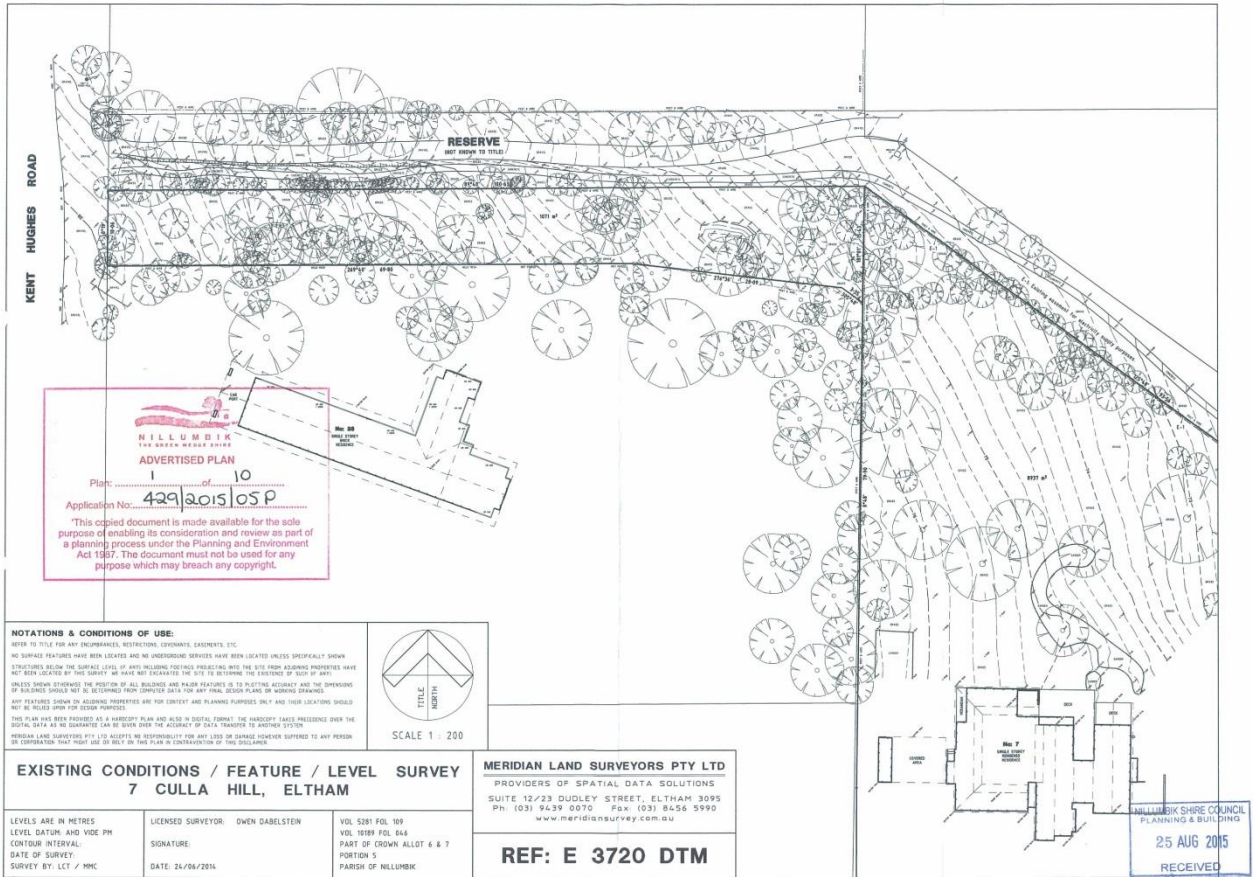
Tom Paciocco Architect FRAIA
52 Lt. Palmerston St. CARLTON 3053
ph 9348 0904 mob 0412 11 230
email: tom.paciocco@bigpond.com



Member
Australian Institute
of Architects

1.3





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 Plan 1 of 10
 Application No: 4293015105P
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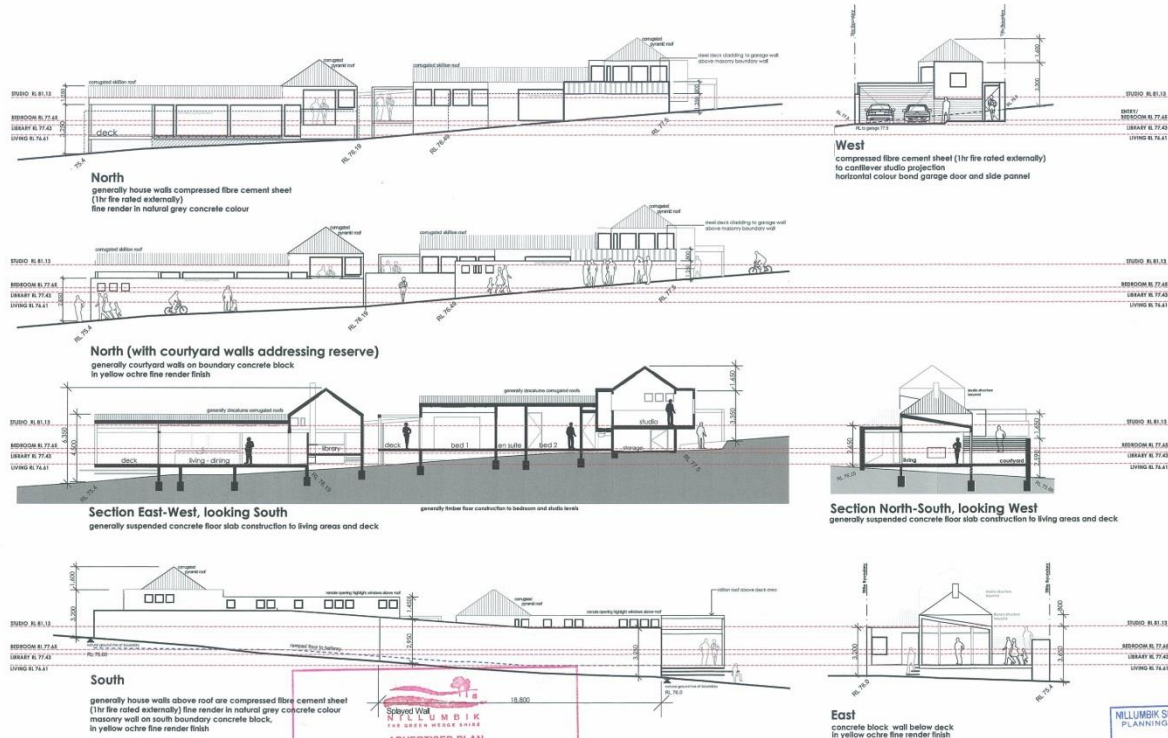
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 LEVEL DATUM AND VIDE PM
 CONTOUR INTERVAL:
 DATE OF SURVEY:
 SURVEY BY: LCT / MMC

LICENSED SURVEYOR: OWEN DABELSTEIN
 SIGNATURE:
 DATE: 24/06/2014

VOL 5281 FOL 109
 VOL 10189 FOL 646
 PART OF CROWN ALLOT 6 & 7
 PORTION 5
 PARISH OF HILLIER

REF: E 3720 DTM

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Riley Residence
 40 Kent-Hughes Road, ELTHAM

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 Plan: 3 of 10
 Application No: 429/2015/OSP
 1:100 @ A1

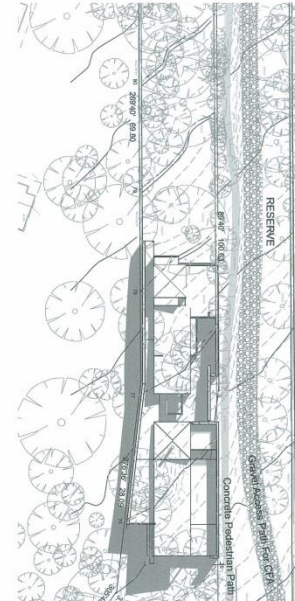
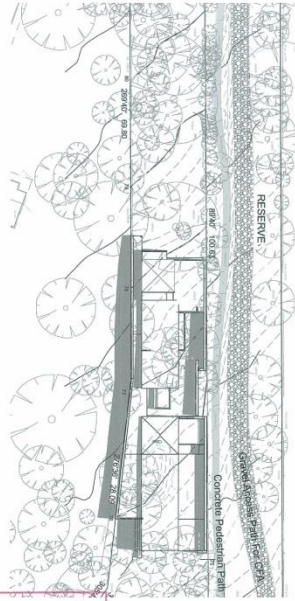
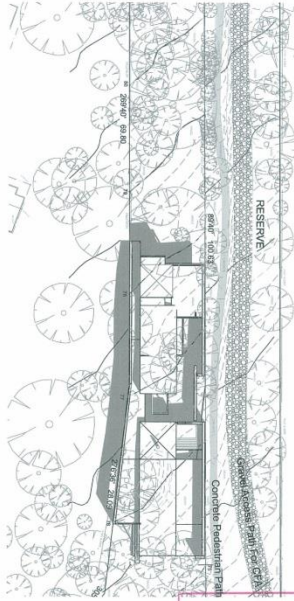
Elevations & Sections
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September 22 @ 9am

September 22 @ 12pm

September 22 @ 3pm

Riley Residence
40 Kent-Hughes Road, ELTHAM

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THE GREEN WEDGE SHIRE
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4 of 10
Application No: 439 2015 OSP

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
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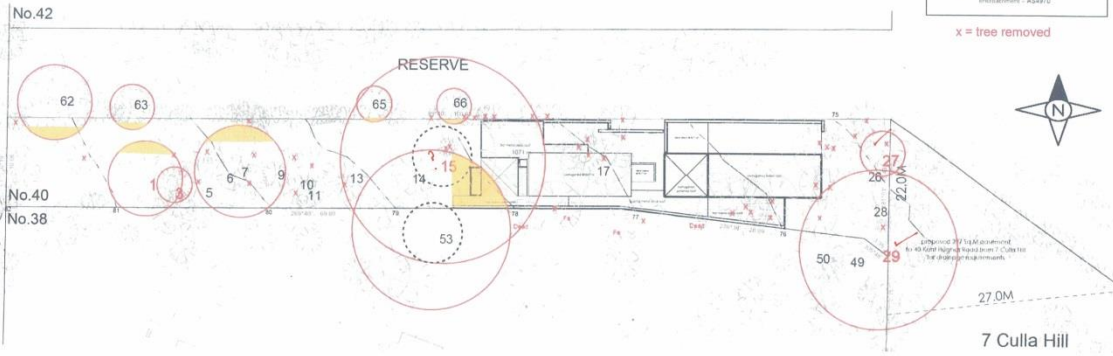
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Arboricultural Assessment
40 Kent Hughes Road, Eltham
July 2015

Legend

-  Tree Protection Zone - AS4970
-  Structural Root Zone - AS4970
-  10% of TPZ area allocated for removal - AS4970

x = tree removed



TREEMAP
ARBORICULTURE



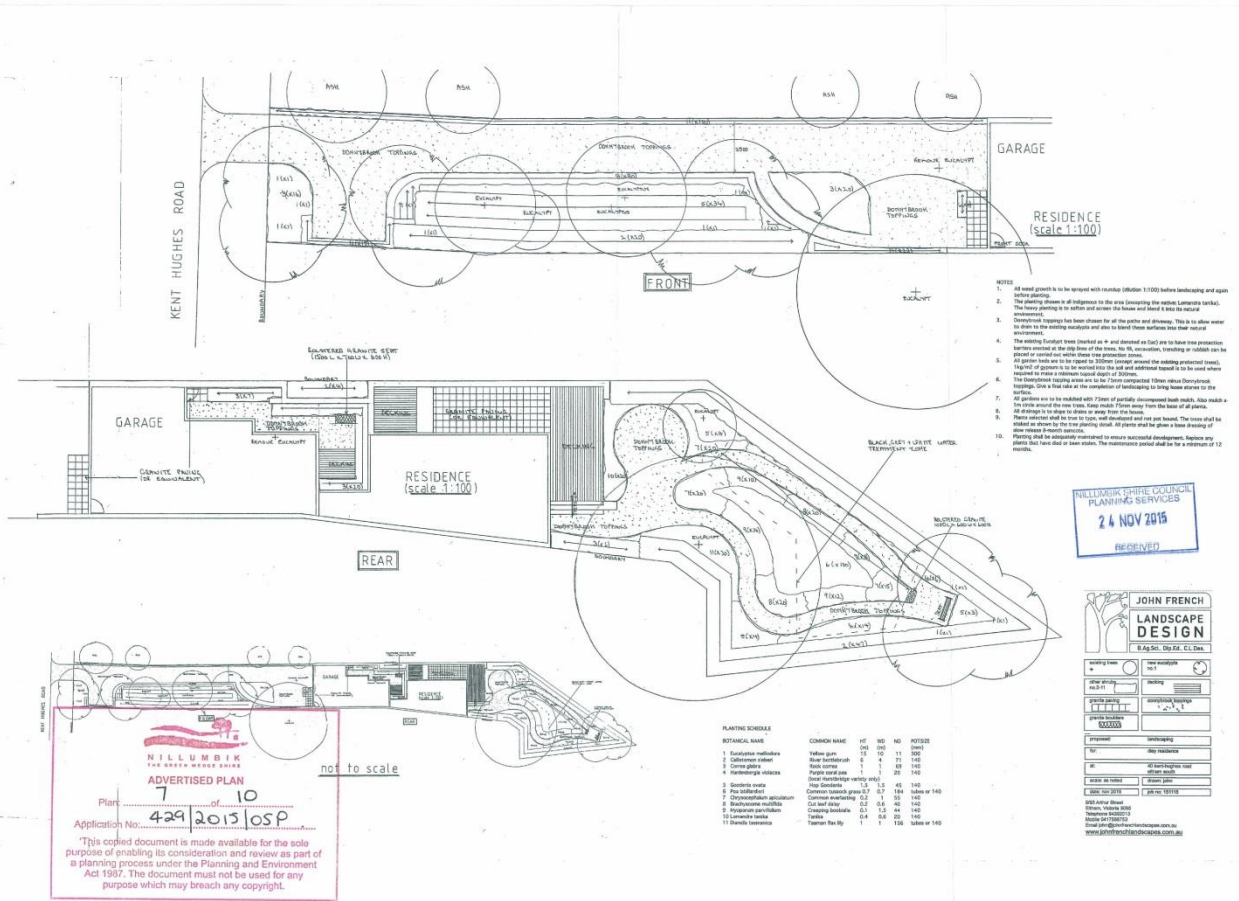
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5 of 10
Application No: 429/2015/OSP

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4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

File: C084/00/031P
Distribution: Public
Manager: Jeremy Livingston, Manager Planning and Health Services
Author: Anita Fitzpatrick, Senior Statutory Planner

Application summary

| | |
|---------------------------|---|
| Address of the land | 31 Collins Street, Diamond Creek |
| Site area | 1,574 square metres |
| Proposal | Development of the land for an additional single storey dwelling |
| Application number | 381/2015/03P |
| Date lodged | 3 August 2015 |
| Applicant | Andrew Ramage |
| Zoning | General Residential |
| Overlay(s) | Nil |
| Reason for being reported | More than 5 objections received |
| Number of objections | 7 |
| Key issues | <ul style="list-style-type: none"> • Strategic location • Neighbourhood character and landscaping • Impact on existing trees • Car parking, access and traffic • Compliance with Clause 55 (ResCode) |
| Officer recommendation | Issue of a Notice of Decision to Grant a Permit |

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek



4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

Attachments

1. Subject site and surrounds
2. Plan 1
3. Plan 2

Subject site and surrounds

1. The key features of the subject land and surrounds are as follows:
 - The subject site is identified as Lot 1 on Title Plan 202129H, Volume 09471 Folio 890. The subject site is located on the south-west corner of Collins Street and Clyde Street, in Diamond Creek.
 - The site has a frontage of 31.92 metres to Collins Street, a frontage of 44.8 metres to Clyde Street, and an overall site area of 1,582 square metres.
 - A large double storey residence occupies the eastern section of the site, with an outdoor covered deck area, rotunda and in-ground pool to its rear. The dwelling contains a triple car garage which is accessed via a crossover to Collins Street.
 - A levelled area (retained by retaining walls) occupies the western portion of the site and is accessed via an existing crossover to Clyde Street. The levelled area is both concrete and gravel, and sits (at a maximum) approximately 1.6 metres above natural ground level.
 - Surrounding the existing dwelling are planted exotic garden species with more established significant Eucalypt species towards the southern and western perimeter of the site.
 - High timber picket fencing extends across the site's street frontages. Timber paling fencing defines the common boundary between adjoining properties.
 - The site has a fall of approximately 5.8 metres falling from Collins Street to the west. An easement extends along the south boundary.
 - The surrounding dwellings are a mixture of single storey, split-level designs and double storey, and are constructed from a variety of materials, including brick and weatherboard. There are a number of examples of multi-dwelling developments within the area, particularly along Collins Street.
 - The subject site is situated some 800 metres to the west of the Diamond Creek Railway Station, 255 metres west of the Chute Street shopping strip, and is located within the study area of the Diamond Creek Activity Centre Structure Plan (2006).

Details of proposal

2. Refer to the attached plans.

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

3. The application originally proposed the development of two additional double storey dwellings located to the west of the existing dwelling, and accessed via a single driveway from Clyde Street.
4. As a result of the initial advertising process and the objections received, the permit applicants formally amended the application via Section 57A of the *Planning and Environment Act*, reducing the proposal to one additional single storey dwelling. The key components of the amended proposal are as follows:
 - The existing dwelling retains its outdoor deck, pool and rotunda area with the new dwelling concentrated in the south-west corner of the site, generally within the defined levelled area.
 - The proposed dwelling is setback 8 metres from the Clyde Street boundary, 2.05 metres from the western boundary, and 4.2 metres from the southern boundary.
 - The proposed dwelling is ‘dog-legged’ in shape, featuring a double car garage, four bedrooms plus study, open plan kitchen and living area and separate sitting room. The area of secluded private open space is located in the south-west corner and retains Tree No. 6 – a high retention Yellow Box species.
 - The dwelling is accessed via the existing crossing to Clyde Street, and a new driveway setback from side boundaries.
 - The finished ground level is 79.2 (to the Australian Height Datum), with the proposed dwelling achieving an overall height of 6.8 metres. Given the existing topography, the dwelling nestles into its eastern elevation, requiring a cut of approximately 1.6 metres. By contrast, the proposed dwelling has a raised profile along its western elevation, and the land falls away.
 - The proposed dwelling features face brickwork, a slate grey tiled hipped roof form, and a Colorbond garage door (Shale Grey).
 - All existing trees are to be retained, except for Tree No. 8 – *Ligustrum lucidum* (Privet).
 - The site coverage is 32.5%, with a permeable area of 47.8%.

Planning history

5. Planning Permit 970829 was issued in May 1998 and approved a two lot subdivision of the land, creating a larger parcel of land (1,058 square metres) and a smaller lot of 524 square metres fronting Clyde Street. This permit was never acted upon.

Planning controls

Zoning

6. The subject land is zoned General Residential Zone (Schedule 1). Under this zone, a permit is required to construct two or more dwellings on a lot. A dwelling(s) is a Section 1 ‘no permit required’ use in this zone.

Overlays

7. The subject land is not affected by any overlay controls.

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

Particular provisions

8. The application must be assessed against the objectives and standards of Clause 55 (ResCode). This clause sets out a range of objectives and standards which test a design's responsiveness to its site and surrounds, and provides objective tests regarding potential amenity impacts.
9. Clause 52.06 (Car Parking) sets out the statutory requirements for the provision of car parking. Clause 52.06-5 specifies the car parking rates for different land uses.
10. 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

11. State Planning Policies which are relevant to this application include:
 - Clause 11 – Settlement
 - Clause 12 – Environmental and Landscape Values
 - Clause 15.01-1 – Urban Design
 - Clause 15.01-2 – Urban Design Principals
 - Clause 16 – Housing
12. The Local Planning Policies which are relevant to this application include:
 - Clause 21.05-1 – Settlement and Housing
 - Clause 22.01 – Medium Density Housing
 - Clause 22.12 – Neighbourhood Character Policy

Policy context

13. The planning controls and policies identified above encourage residential development in the General Residential Zone at a range of densities, which includes medium density housing. This intent is also reflected specifically in the purpose of that zone, which seeks to enable moderate housing growth and a diversity of housing stock which respects the neighbourhood character of the area. In both State and Local policy, the strength of encouragement for medium density housing is greater the closer the site is located to an activity centre or other commercial and community facilities, and reduces the further the site is located from necessary urban infrastructure.
14. The encouragement of housing growth afforded by the zone and planning policies is counter-balanced by objectives that require development to be site responsive (i.e. minimise landscape and vegetation impacts), and complementary to desired neighbourhood character.

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

15. Assessment of the degree of policy support for medium density housing is dependent upon a balancing of these sometimes contradictory policy objectives. In this regard, a flat site with little vegetation located near an activity centre can be seen to have strong policy support for development in the form of medium density housing. A steep, heavily vegetated site, remotely located from services will have a significantly reduced level of policy support for medium density housing development. As each site is generally different, the degree of policy support for medium density housing will often vary depending upon the site's location, its individual characteristics, and its response to neighbourhood character.
16. The particular context of the site must be taken into consideration in balancing all of the competing planning policy considerations. Each site, its inherent constraints and the development's design response, must be considered on its own planning merit.

Public consultation

Advertising

17. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of two on-site notices (one fronting Clyde Street and one fronting Collins Street).

Objections

18. As a result of advertising, a total of seven written objections have been received. These objections can be summarised as follows:
 - The character of Clyde Street will be affected by the visual bulk of the building.
 - The proposal represents an over-development of the site.
 - Inappropriate layout of the development which doesn't take into account the natural topography and fall of the land.
 - Limited setbacks to common boundaries resulting in inappropriate transition between double storey development and adjacent single storey dwellings.
 - Tree impacts and limited space for landscaping.
 - Existing ground stability – the excavation works will have an impact on existing structures and trees.
 - Overlooking and loss of privacy. The natural ground level of the site has been raised by approximately 800mm by means of additional soil and retaining wall. This elevation exacerbates the issue of overlooking.
 - Loss of daylight and overshadowing.
 - Noise from rear decking area from proposed dwelling 3.
 - Lack of on-site parking will result in additional traffic conflicts within Collins Street and Clyde Street. Increased on-street car parking adjacent to the site is dangerous given the reduced visibility at the intersection between Collins and Clyde Street.

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

- Drainage issues. Adjacent properties are affected by runoff from this property.
- Inaccurate and inconsistent plans. The plans lack basic measurements such as setbacks, fence height, treatment of retaining walls, shed placement.

19. In response to the objections received, the permit applicant formally amended the planning application pursuant to Section 57A of the *Planning and Environment Act*. The amended planning application was re-advertised. As a result of this further public notice process, no objections were withdrawn, with two objectors submitting further concerns. These additional concerns can be summarised as follows:

- Not enough planting for screening along the west boundary.
- The existing timber retaining wall was not built to retain the proposed dwelling.
- Drainage issues remain.
- Issues of following the natural topography have not been addressed resulting in a dwelling that retains visual bulk when viewed from the west.
- Overlooking and overshadowing.
- Loss of privacy.
- Another example of no diversity in the housing stock with the proposed number of bedrooms.

Planning application conference

20. A Planning Application Conference (PAC) was not held given that the permit applicant undertook significant amendments to the proposal following the advertising of the planning application in its original iteration.

Referrals

Internal

21. 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 | The vehicle crossover does not meet Council requirements as it is too steep and vehicles are currently scraping on it. Otherwise, no objection to the proposal subject to conditions being placed on any permit issued relating to a modified vehicle crossing, driveway, turning area, stormwater, underground drainage system, on-site detention, drainage construction works and run-off control. |
| Consulting Arborist | The amended design has reduced the impact to Tree Nos 1, 6, 9 and 10. This is provided there is no works and excavation and filling on the south and east side of the existing retaining wall. |

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

| | |
|--|--|
| | This will be addressed by way of conditions on any permit issued. A Tree Management Plan is also recommended for the proposed works within the easement to accommodate on-site stormwater detention. |
|--|--|

External

22. The application did not require referral to any external referral authorities.

Planning assessment

Introduction

23. 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 and landscaping;
- Impacts on existing trees;
- Car parking, access and traffic; and
- Compliance with Clause 55 (ResCode).

24. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Strategic location

25. Clause 21.05-1 (Settlement and Housing) of the Municipal Strategic Statement (MSS) contains an objective to encourage medium density housing with good access to commercial and community services, public transport, open space and other infrastructure, and to discourage medium density housing where access to these facilities is inadequate. The objective is given more direct effect in the Medium Density Housing Policy at Clause 22.01, which specifically encourages medium density housing development close to the activity centres and/or other urban services.

26. When considering the strategic merits of the subject site, there is planning policy support for a degree of greater utilisation of the site for additional housing. The site is relatively large at 1,545 square metres in size and is well serviced by commercial and community facilities. In this respect, the subject site is situated some 800 metres to the west of the Diamond Creek Railway Station, 255 metres west of the Chute Street shopping strip, and within the study area of the Diamond Creek Activity Centre Structure Plan (2006).

27. The key consideration of this proposal is whether the development offers appropriate outcomes when considered against the purpose of the zone, the neighbourhood character and landscape objectives of the planning scheme, and the existing constraints of the site. This will be assessed in the remaining sections of this report.

4. Planning Reports

PC.007/16 Development of the land for an additional single storey dwelling at 31 Collins Street, Diamond Creek

Neighbourhood character and landscaping

28. Although the General Residential Zone encourages a diversity of housing types and moderate housing growth, it equally requires development to “respect the neighbourhood character of the area” and to “implement neighbourhood character policy and adopted neighbourhood character guidelines”.

29. Clause 22.01 (Medium Density Housing Policy) identifies the following:

- *“The urban and township areas of the Shire are characterised by a tree canopy of predominantly indigenous species. Residential areas are generally of a lower density than for metropolitan Melbourne, providing for open spaces and retention of a bushland setting. The built environment does not dominate the natural environment.*

The natural and built character of residential areas contributes to a high level of amenity and a strong sense of a place for the community. Medium density housing development needs to take into account these qualities and not detract from the character of residential areas”.

30. The Neighbourhood Character Policy set out at Clause 22.12 identifies the subject site within a ‘Garden Court’ precinct (GC3). The statement of desired future character for the precinct includes:

- *Development is sited so that it nestles into the landform and surrounding vegetation. Buildings maintain the pattern of orientations and setbacks of adjoining properties and the streetscape. Some variation occurs in the Diamond Creek Garden Court 3 and 4 Precincts where innovative higher density housing has and will develop. Driveways and car storage areas should occupy the minimum functional area.*
- *Residential development is generally set among indigenous trees, although there are some locations where native vegetation dominates and exotic trees are present. Hillsides of residential development viewed from a distance appear to be lushly vegetated. Garden planting flows uninterrupted to the edge of the roadway.*
- *There is little physical evidence of the boundary between private and public property at the front of the house, and no solid front fence. Solid side fences may reach the front property boundary.*
- *The ‘public’ space between the garden and the roadway is not delineated as a separate space, and includes informal native plantings with some substantial native trees. Many footpaths and verges are informally aligned, but formal footpath-plus-standard-suburban nature strip layouts are common. Roadways are sealed, some with roll over kerbs, some with upstand kerbs.*

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31. The specific design objectives of the ‘Garden Court’ precinct are as follows:
- *To retain remnant indigenous understorey vegetation where possible and replant where possible.*
 - *Substantial native and exotic trees should be retained or planted as necessary to contribute to the desired future character having regard to solar access, residential amenity and bushfire safety issues.*
 - *Avoid front fencing or solid side fencing visible from the street where this is feature of the streetscape.*
32. Local planning policies place an emphasis on having development that nestles into the landscape, is compatible with existing development, provides a lower density with open space allowing for retention of existing trees whilst enhancing the ‘Garden Court’ character. Other elements that contribute towards ‘character’ include the positioning of dwellings on-site, setbacks to the street, and the relationship between the development to neighbouring properties with respect to spacing and transition in heights.
33. Development opportunities on the subject site are constrained by the retention of the existing dwelling and its associated outdoor entertaining areas, leaving an irregular portion of land to the west. Whilst corner lots with direct street frontage can often promote appropriate design outcomes, this western section also contains significant trees and elevated topography with associated retaining walls. Other physical constraints include the difference in levels between the site and adjoining properties, and the dilemma of a northern boundary along Clyde Street.
34. It is noted that the streetscape character of Collins Street will largely remain unaltered with the retention of the existing dwelling, and its formal garden setting. Collins Street has witnessed a number of medium density housing developments in recent times, with a diversity in housing stock forming part of this street’s character. Conversely, limited re-development has occurred within Clyde Street. It retains a character of predominantly modest, single and double storey dwellings nestled into their respective lots, with a vegetated setting dominating view lines of the streetscape’s varied topography.
35. The proposal offers a number of attributes to ensure the proposed new dwelling can sit appropriately within the streetscape. Being modified from two double storey dwellings to one single storey dwelling now allows for an appropriate relationship to other more modest single storey dwellings within the streetscape. Local planning policy encourages buildings to maintain the pattern of orientation and setbacks of adjoining properties and the streetscape. The dwelling offers an 8 metre front setback (with 3 metres permissible under Standard B6 of ResCode) which meets the setback of the adjoining dwelling to the west, at No. 37 Clyde Street. This setback allows for an open front garden and retains Tree No. 1, a *Eucalyptus goniocalyx* – Bundy Box. This open setback meets the character objective of maintaining and enhancing the continuous flow of garden settings and the openness of the front boundary treatment, particularly as Clyde Street maintains an open front garden setting.

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36. Side boundaries within the streetscape of Collins and Clyde Street vary between 1 and 3 metres. The proposed development is well separated from the existing dwelling on-site, providing a sense of visual relief where it presents to the streetscape. However, along its eastern boundary, the dwelling is attached to the internal fence (double garage) and otherwise setback 1.59 metres. This does not provide sufficient opportunity for landscaping along this interface to assist with softening the built form. It is therefore recommended that the dwelling achieve a setback of 2.2 metres to the east boundary (bedrooms 2, 3 and 4), to provide opportunity for appropriate landscaping adjacent to a paling fence.
37. The objections received raised concern around the way in which the previous iteration of the proposal (for two additional dwellings) did not respond to the natural topography of the land, with the double storey built form presenting unreasonable impacts. This still remains a concern for the adjoining neighbours despite the proposal's modification to a single storey built form. The pattern of built form development within Clyde Street shows many western elevations raised in profile to deal with the steep topography. For example, the adjacent dwelling to the west provides an undercroft car-park and upper level resulting in a sheer two-storey western elevation, with no screen planting, making it relatively prominent within the streetscape. This pattern is also evident at Nos. 48 and 50 Clyde Street, directly opposite the site.
38. The two storey built form was considered to provide an unreasonable transition to the west boundary, which resulted in an overall wall height of 6.9 metres from natural ground level. By contrast, the currently proposed single storey built form reduces the overall wall height to 4.5 metres as it presents to the west. The west elevation is setback 2.05 metres to the common boundary, and now provides an appropriate transition, particularly given the adjacent dwelling does not contain any windows with an outlook towards the subject site. The 'dog-legged' design of the proposed dwelling results in the remainder of the dwelling well removed from the western boundary by 10.2 metres, allowing existing trees (Tree Nos. 2, 3, 4, 5 and 6) to be retained to provide a visual buffer and an acceptable vegetation outcome.
39. When viewed from Collins Street, the development will present a modest built form, nestled into the site consistent with the established residential pattern. The dwelling will sit with an open front garden enhanced by the retention of all significant trees. The development provides an appropriate setback along its west boundary, however (as identified earlier) an increased setback to the east is required to accommodate some vegetation to soften this interface.

Impact on existing trees

40. When the application was initially lodged, the development proposed a number of impacts to existing trees across the site, including the removal of Tree No. 6, a high retention *Eucalyptus Polyanthemos* (Yellow Box) tree in the rear yard. Amended plans have addressed these concerns by making modifications to the built form (increasing setbacks) and allowing for the retention of Tree No. 6, as well as better protection of Tree Nos. 1, 9 and 10.

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41. As the majority of the existing trees are located on the ‘downside’ of the existing retaining walls, Council’s consulting arborist is satisfied that little impact to these trees will occur, provided:
- there is no cut and fill within this area; and
 - manual excavation for the post holes for the deck to dwelling 2 within the Tree Protection Zone of Tree No. 6 occurs.
42. It is proposed to remove Tree No. 8 which is *Ligustrum lucidum* (Privet), an identified weed species. This is deemed to be an acceptable outcome by Council’s consulting arborist.
43. A number of the objections have raised concerns around the impact to the trees during construction, which will include drainage within the easement along the southern boundary. This easement includes Tree Nos. 9, 10 and 11, and the Structural Root Zone of Tree No. 5. Construction of drainage works within the easement are likely to have some impact to these trees. However, the submitted arboricultural report suggests that if underground services are required, then they must be bored at a depth of not less than 600mm, or dug by hand. If a permit were to issue, it is recommended that these matters be dealt with by way of a condition on any permit issued, with the submission of a Tree Management Plan.

Car parking, access and traffic

44. A number of the objections raised concern with additional on-street parking causing increased safety risks due to the crest at the intersection of Clyde Street and Collins Street, and the lack of visibility. Other objections referred to the lack of on-site car parking.
45. Clause 52.06 (Car Parking) provides car parking rates for different land uses. A dwelling that has three or more bedrooms must be provided with two on-site car spaces. Each of the dwellings (existing and proposed) has three bedrooms and have been provided with two on-site car spaces within double car garages. The clause also states that the visitor car parking rate is one car space per every five dwellings. As the development comprises of two dwellings, no on-site visitor spaces are required to be provided under the planning scheme. As such, the proposed development meets the required rate of parking under the planning scheme.
46. With respect to traffic movements generated by the proposal, Council’s Infrastructure Development Unit is satisfied that the increase of traffic can be effectively and safely accommodated on Clyde Street and on-site. As outlined in paragraph 21 above, the proposed development will need to provide for a vehicle crossing that satisfies Council’s requirements. This can be addressed by way of conditions on any permit issued.

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Compliance with Clause 55 (ResCode)

47. The application has been assessed against Clause 55 (ResCode) of the planning scheme. Clause 55 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 proposed development achieves a high level of compliance with Clause 55 (ResCode), and the following provides a discussion on the proposal's compliance with these standards and objectives.
48. The front setback of the proposed dwelling is compliant with Standard B6 of ResCode by providing a minimum setback of 8 metres from Clyde Street. The heights are compliant with Standard B7 of ResCode, as the development does not exceed 9 metres in overall height.
49. The proposed development will have a site coverage of 32.5%, which is under the maximum site coverage of 60% allowed by Standard B8, and Standard B9 (Impervious Surfaces) states that at least 20% of the site must be impervious, and the proposed development achieves 47.8%.
50. Given the raised and elevated nature of the proposed dwelling, this gives rise to some amenity impacts which have been noted by objectors. One of the primary concerns is the exposure of the built form to adjacent properties. Clause 55.04-1 deals with side and rear setbacks. The clause seeks to ensure that the "*height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings*". The proposal meets the prescriptive setbacks of Standard B17 with the single storey built form reducing the extent of the amenity impact. As discussed in the neighbourhood character assessment above, the amended design now provides a consistency of the pattern of development within both streetscapes.
51. The elevated nature of the proposed dwelling also gives rise to overlooking concerns to the west. The finished floor level of the proposed dwelling is located at a maximum of 1.8 metres above natural ground level. Standard B22 deals with overlooking, with the corresponding objective seeking to "*limit views into adjacent habitable windows and outdoor private open space area*". Although the west-facing study window of the new dwelling has a direct outlook over the boundary fence, its view lines are towards a blank eastern elevation of the adjacent dwelling, and a small section of the area of secluded private open space. It is therefore recommended that the window be modified to a highlight window located 1.7 metre above finished floor level.
52. The south elevation has the potential to also give rise to overlooking towards the south. The south-facing sitting and living area, whilst providing for an outlook over the fence, are setback 11.3 metres from the common boundary, therefore complying with Standard B22 (as the distance is greater than 9 metres). The south-facing family room is a highlight window located 1.7 metres above finished floor level, with the floor level to bedroom 4 located essentially at natural ground level, therefore also complying with the relevant standard.

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53. However, the outdoor elevated area (paved area of secluded private open space) also requires screening. It is recommended that around the existing retaining wall be placed a 1.7 metre high timber screen. This will create privacy to residents of the new dwellings and adjacent properties, and can be addressed by way of conditions on any permit issued.
54. Standard B21 assesses overshadowing, and seeks “*to ensure buildings do not significantly overshadow existing secluded private open space*”. Whilst a number of the objections have raised concern around impacts of overshadowing, the development achieves compliance with the standard. The adjacent areas of private open space are largely unaffected by the proposed dwelling.
55. With respect to the provision of secluded private open space to dwellings, Standard B28 requires that “*an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling ... with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room*”. Dwelling 1 (existing dwelling) is provided with a sufficient area of open space retaining its in-ground pool and rotunda. The proposed dwelling provides an area of 164.9 square metres at the rear, enabling opportunity to retain significant vegetation and provide appropriately sized recreational areas. Whilst the area of private open space is oriented to the south, it is provided with a sufficient depth to meet Standard B29 (Solar access to private open space).

Response to objections not yet addressed in the report

56. Other concerns raised by the objectors not yet addressed in this report relate to drainage and noise concerns, as well as issues regarding the submitted plans.
57. Some objectors raised concern with a lack of appropriate drainage from the existing site. Council’s Infrastructure Development Unit has assessed the proposal and requires the construction of an underground drainage system within the existing 1.83 metres wide easement, connecting up to a Council pit at the rear of No. 7/21 Collins Street. This is an extensive infrastructure undertaking, however if completed, this will ensure acceptable stormwater retention on-site and will minimise off-site stormwater impacts.
58. With respect to noise being generated from the deck area of the proposed dwelling, it is noted that the subject site is situated within an urban environment. Residential land use generally does not emit excessive levels of noise, and as with all residential development, dwelling occupants need to comply with the EPA guidelines regarding noise.
59. Despite concerns raised by objectors, the submitted plans which have formed the basis of this assessment have been sufficient in order for Council officers to undertake a full and proper assessment of this planning application, having regard to all the relevant considerations of the planning scheme.

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Conclusion

- 60. The planning application has attracted seven written objections and the key planning issues relate to strategic location (in the context of policy), neighbourhood character and landscaping, impact on existing trees, car parking, access and traffic, and compliance with Clause 55 (ResCode).
- 61. The application initially sought approval for two double storey dwellings on-site. As a result of the initial advertising process and the number of written objections received, the permit applicants amended the application under Section 57A of the *Planning and Environment Act* by reducing the proposed development to one additional single storey dwelling. Whilst the proposed dwelling occupies a similar footprint to the original proposed two dwellings, it can now better integrate into the streetscape given its reduced built form profile, significant area of secluded private open space, and generous front setback available for landscaping. As such, it is found that the proposal provides an appropriate response to the existing and preferred ‘Garden Court’ character of the area.
- 62. The subject site is located within an area that is appropriate for infill development as it is within close proximity to the Diamond Creek Activity Centre, and is 1,586 square metres in size. The proposed single storey dwelling, whilst large in footprint, offers sufficient design resolution to ensure it is an appropriate fit within this neighbourhood and landscape setting. The proposed development retains all significant trees on-site, and submission of a Tree Management Plan as a condition on any permit issued will further demonstrate how existing trees will be successfully retained within the existing easement on the property.
- 63. The proposal provides adequate on-site car parking which satisfies the requirements of the planning scheme, and Council’s Infrastructure Development Unit has confirmed that the proposed car parking arrangement is acceptable in terms of functionality and safety. Although the proposal achieves a high level of compliance with Clause 55 (ResCode), there are some amenity issues relating to unreasonable overlooking, however these can be readily overcome by window placement and screening within the area of secluded open space, and can be easily addressed by way of conditions on any permit issued.
- 64. 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 Planning Permit to the land at 31 Collins Street, Diamond Creek for the development of the land for an additional single storey dwelling, in accordance with the endorsed 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**

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will then form part of this permit. The plans must be generally in accordance with the advertised plans, but modified to show:

- a) The west elevation of the dwelling to bedrooms 2, 3 and 4 to achieve a setback of 2.2 metres to the east boundary to provide opportunity for landscaping. This increased setback shall be achieved without compromising setbacks to other boundaries.
 - b) The west-facing study room window to be modified to a highlight window located 1.7 metres above finished floor level, to prevent unreasonable overlooking into to the secluded private open space of the adjoining property.
 - c) The provision of a 1.7 metre high timber screen around the retaining wall area defining the secluded private open space to the proposed dwelling. This fence must be designed to prevent unreasonable overlooking into adjacent areas of secluded private open space, in accordance with Standard B22 of Clause 55 (ResCode).
 - d) The driveway reconfigured to match the width of the vehicle crossing.
 - e) Demonstration that access/egress can be achieved in accordance with AS/NZS 2890.1 Section 2.6 & Appendix C incorporating C1. The grades must be shown in plan form and longitudinal grades that gradients of the driveway will not cause scraping of the vehicle on the driveway formation or the crossing itself.
 - f) A detailed schedule of external materials and finishes of the approved dwelling.
 - g) A Landscape Plan in accordance with condition 3 of this permit.
 - h) A Tree Management Plan as required by condition 4 of this permit.
 - i) Location of the water tank as required by condition 11 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 3. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) A survey of all existing vegetation and natural features;
 - b) The area or areas set aside for landscaping with no planting within the easement;

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- c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of exotic plants and plants selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
- d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
- f) Appropriate irrigation systems;
- g) The provision of vegetative planting along the east and west sides of the new dwelling;
- h) The provision of canopy trees throughout the development as appropriate, including in the front setback area of the approved dwelling.

4. Before the development commences, two copies of a Tree Management Plan must be prepared by a qualified arborist must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:

- a) Location of existing trees on-site and adjoining properties;
- b) Methods of protecting such trees during construction of the development;
- c) Methods of protecting trees located within the easement and methods of construction of drainage works within the easement to protect the trees.

When approved the plan will be endorsed to form part of the planning permit.

5. 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.

6. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees (or nominate tree numbers or species of individual 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) Extent

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

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TPZ, calculated as being a radius of 12 x Diameter at Breast Height (DBH – measured at 1.4 metres above ground level as defined by the Australian Standard AS 4970.2009).

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.

b) Fencing

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

The TPF must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.

c) Signage

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

d) 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) Provision of Services

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

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).

7. 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

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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.

8. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone;
 - b) Servicing and refuelling of equipment and vehicles;
 - c) Storage of fuel, oil dumps or chemicals;
 - d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);
 - e) Open cut trenching or excavation works (whether or not for laying of services);
 - f) Changes to the soil grade level;
 - g) Temporary buildings and works; and
 - h) Unauthorised entry by any person, vehicle or machinery.
9. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway and/or grating pits positioned in the centre of the driveway at a maximum spacing of 15 metres and connected to the on-site detention device. Use minimum 225mm diameter underground drains for the internal drainage system underneath driveway.
10. 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.
11. Stormwater from the roof of each dwelling hereby approved must be directed to a with a minimum storage capacity of 2,000 litres. Each dwelling must have an individual holding tank. The overflow from the tanks must be directed to the on-site detention system. 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.
12. The flow from the on-site detention system must be directed to the nominated point of stormwater discharge. Nominated point of stormwater discharge point is Council drainage system in Heidelberg-Kinglake Road in front of the property.

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13. 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.
14. An on-site detention device must be installed, at no cost to Council, to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The on-site detention system outlet must be connected to the Council nominated point of stormwater discharge.
15. The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority for approval prior to the commencement of the development unless with the prior written consent of the responsible authority. Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and Council's specifications. An AutoCAD electronic copy of the approved plans must be submitted to Council for record purposes.
16. 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.
17. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.
18. This permit will expire if one of the following circumstances applies:
 - a) The development is not commenced within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

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

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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.
- The engineer that is designing the on-site detention unit as required by this permit must contact Council's Development Engineer for tc and tso figures.



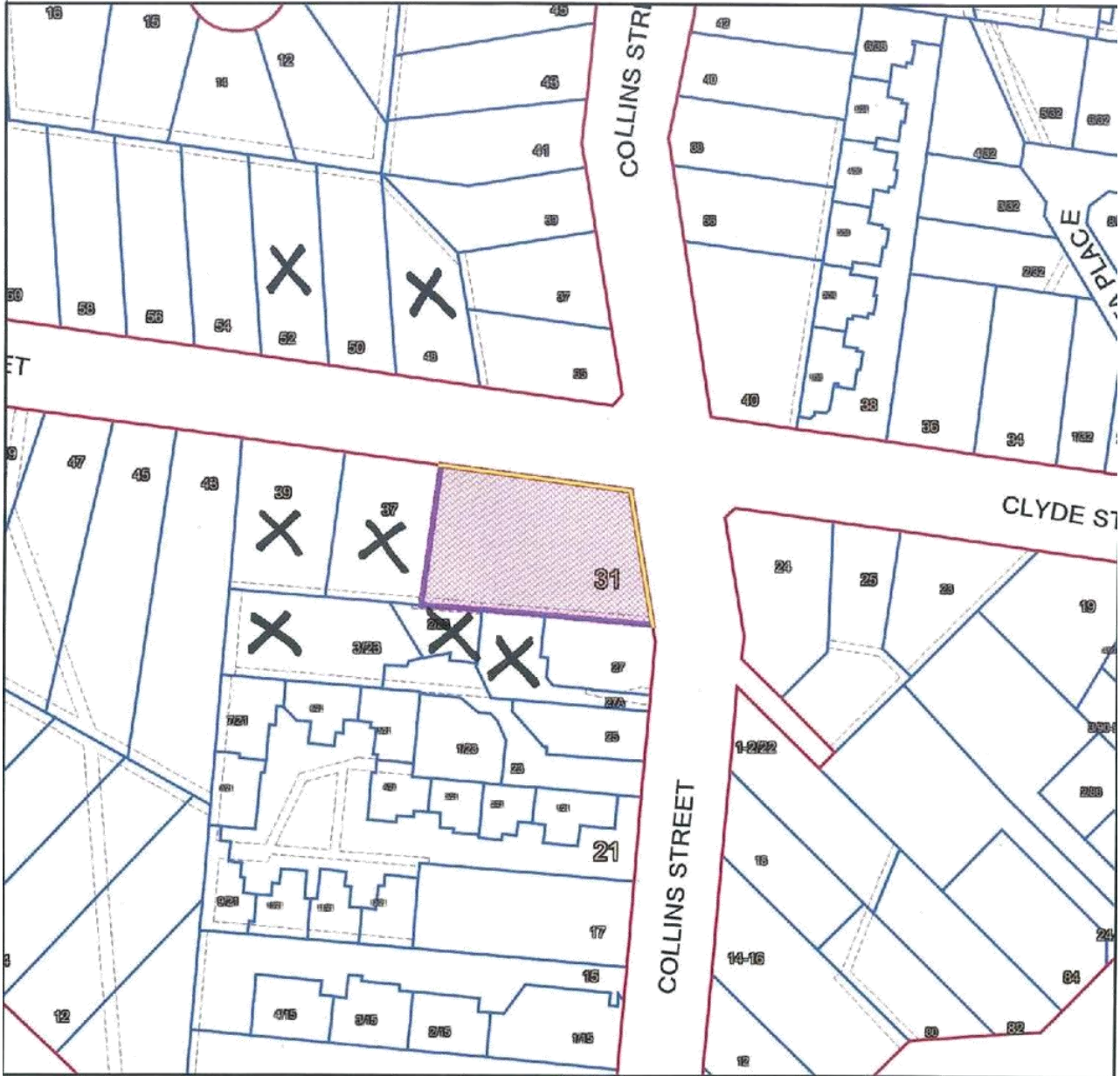
Subject Site and Surrounds

Subject Site: 31 Collins Street, Diamond Creek

File Reference: C084/00/031P

Application Number: 381/2015/03P

Melway's Reference: 11 K5



Subject Site



Objectors

Nearby Objectors: 7

Total: 7



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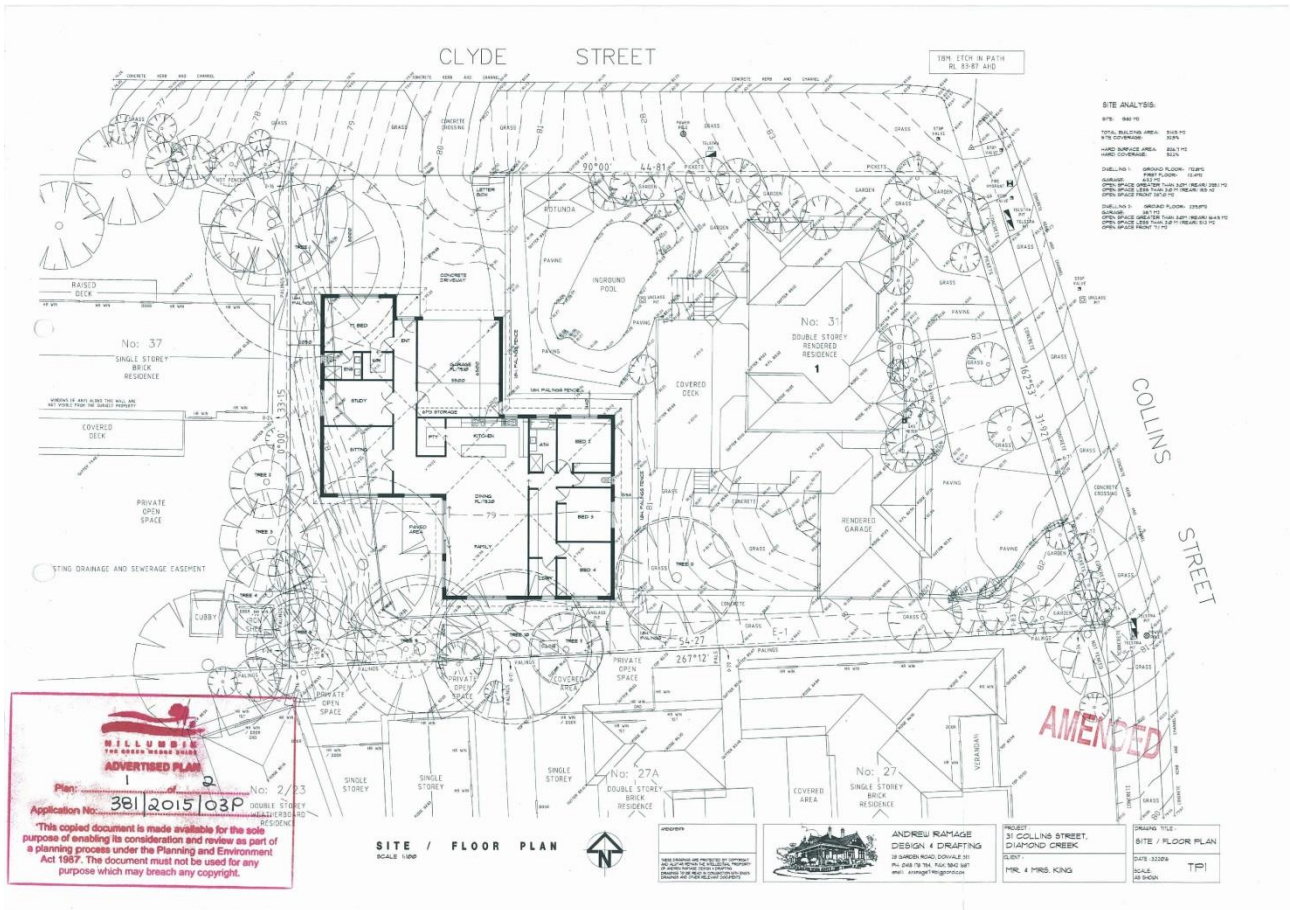
Contains Vicmap information.
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| Map Width: | 259.8 m |
| Produced By: | Planning and Building Services |
| Responsible Officer: | Anita Fitzpatrick |
| Date: | Tuesday, 10 May 2016 |





NORTH ELEVATION
SCALE 1:50

WEST ELEVATION
SCALE 1:50

SOUTH ELEVATION
SCALE 1:50

EAST ELEVATION
SCALE 1:50

MATERIALS LEGEND

- ① GABLE ROOF
- ② GABLE WALL
- ③ SIDE WALL
- ④ PAVED SIDE LANE
- ⑤ GARDEN FENCE
- ⑥ COLLECTOR TRUCK - SCALE GREY
- ⑦ SIDE WALL AND CHIMNEY

ADVERTISED PLAN
Plan: 2 of 2
Application No: 381|2015|03P

AMENDED

| | | |
|--|--|---|
| <p>DESIGNED BY ANDREW RAMAGE 31 COLLINS STREET, DIAMOND CREEK, VIC 3083 PH: 03 9438 7878 FAX: 03 9438 8871 WWW.ARAMAGEDESIGN.COM</p> | <p>PROJECT: 31 COLLINS STREET, DIAMOND CREEK, VIC 3083</p> | <p>DRAWING TITLE: ELEVATIONS</p> |
| <p>ANDREW RAMAGE DESIGN & DRAFTING 31 COLLINS STREET, DIAMOND CREEK, VIC 3083 PH: 03 9438 7878 FAX: 03 9438 8871 WWW.ARAMAGEDESIGN.COM</p> | <p>CLIENT: MR & MRS KING</p> | <p>DATE: 13/09/16 SCALE: AS SHOWN TP2</p> |

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

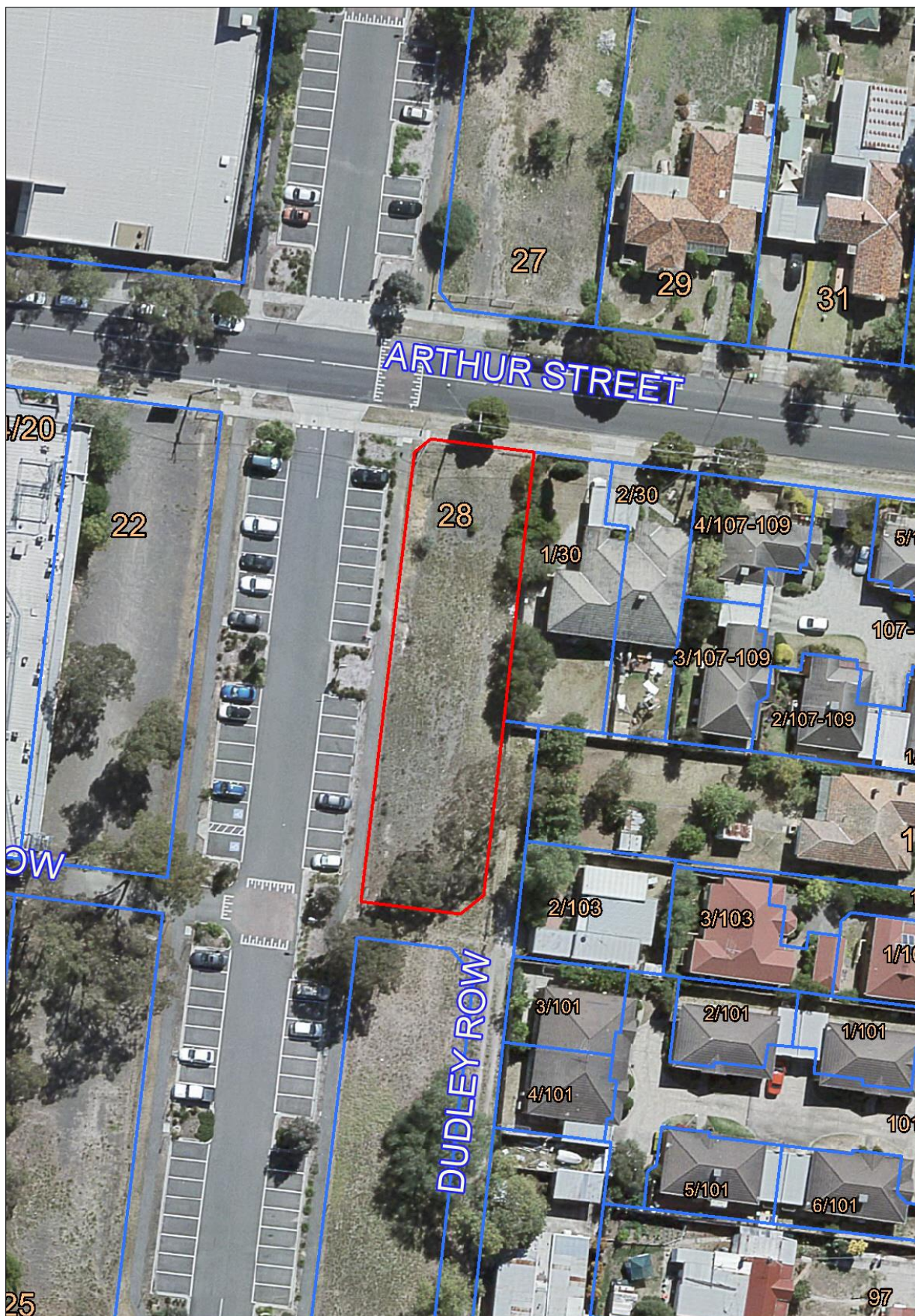
File: A043/00/028P
Distribution: Public
Manager: Jeremy Livingston, Manager Planning and Health Services
Author: Renae Ahern, Coordinator Statutory Planning

Application summary

| | |
|---------------------------|--|
| Address of the land | 28 Arthur Street, Eltham |
| Site area | 962 square metres |
| Proposal | Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements |
| Application number | 386/2014/03P |
| Date lodged | 23 July 2014 |
| Applicant | Time Architects Pty Ltd |
| Zoning | Residential Growth (Schedule 1) |
| Overlay(s) | Design and Development Overlay (Schedule 6) Significant Landscape Overlay (Schedule 1) |
| Reason for being reported | More than 5 dwellings |
| Number of objections | 2 |
| Key issues | <ul style="list-style-type: none"> • Strategic merit for higher density development • Car parking and traffic impacts • Compliance with Clause 55 (ResCode) • Built form and neighbourhood character • Vegetation impacts and landscaping |
| Officer recommendation | Issue a Notice of Decision to Refuse to Grant a Permit |

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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
12. Plan 11
13. Plan 12
14. Plan 13
15. Plan 14

Update

1. This planning application was reported last year to the September Planning Committee Meeting. The officer recommendation was to refuse the application, and the property owner who attended the meeting appealed to the Committee to defer the application so that the permit applicant could work with Council officers to address the officer concerns outlined in the planning assessment.
2. In response to the deferral motion supported by the Planning Committee, the planning application has now been 'on hold' for 8 months. The permit applicant has not approached planning officers to discuss amendments to the proposed development. Despite officers making contact with the permit applicant on several occasions to enquire about the progress of the proposed changes, and in the absence of such progress, this planning application is now being reported back to the Council's Planning Committee for a formal decision.

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Subject site and surrounds

1. The key features of the subject land and surrounds are as follows:

- The subject site is partially described as Lot D on PS 608309F PSH Nillumbik. The site is subject to Section 173 Agreement AL275361M. This agreement states that the road known as the Circulatory Road must not be utilised for vehicular access to, or egress from, the subject land and that the landowner will only use and develop the subject land for residential purposes. The site is not encumbered by any easements.
- The subject site is 962 square metres in area and is situated on the south-east corner of Arthur Street and the Circulatory Road, within the Eltham Activity Centre.
- The site is rectangular in shape with a frontage to Arthur Street of 13.67 metres, and a frontage to the Circulatory Road of 59.71 square metres.
- The site is currently vacant, with two trees present. The trees are located towards the rear of the site, with one adjacent to the eastern boundary and the other adjacent to the southern boundary. Both trees have been identified as *Eucalyptus melliodora* (Yellow Box) and have been assessed as being of high retention value. An additional tree, a *Melaleuca styphelioides* (Prickly Leaf Paperbark) is located within the nature strip (and outside of the subject site) along Arthur Street.
- The site is bounded by a combination of both public and private land. To the south and partially to the east, the site is bounded by a 4.57 metre laneway/right-of-way (Dudley ROW). Whilst the section of this laneway abutting the eastern boundary is constructed, the section abutting the southern boundary is unconstructed. To the west of the site is the Circulatory Road, which includes 90 degree parking on each side, supplying Eltham trader car parking for the activity centre. This road is bisected in the centre with a raised median which allows direct east-west access to the main shopping area of Eltham activity centre.
- To the south, on the opposite side of the unconstructed section of Dudley ROW, is a near identical property of similar dimensions as the subject site, which is also vacant (No. 31 Dudley Street). A planning application for a townhouse development has recently been refused by Council's Planning Committee and was heard at Victorian Civil and Administrative Tribunal (VCAT) in early August. A decision from VCAT has not yet been received.
- Immediately east of the subject site (north of the Dudley ROW) are two attached single storey dwellings (Nos. 1/30 and 2/30 Arthur Street). Further east of these two dwellings are detached units which front and gain access from Bible Street (No. 107-109 Bible Street). Further east beyond the Dudley ROW is a single storey dwelling fronting Bible Street (No. 105 Bible Street), as well as three units at No. 101 Bible Street. The rear unit, No. 2/103 Bible Street obtains vehicle access from the Dudley ROW.

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- On the opposite side of Arthur Street are lots of between 990 and 1033 square metres. Nos. 29 and 31 Arthur Street are currently developed with single dwellings and Nos. 27 and 33 Arthur Street are vacant lots. A planning permit for an apartment building containing 15 apartments has recently been approved by Council’s Planning Committee at No.33 Arthur Street and an application for the development of the land for 108 apartments incorporating Nos. 27 and 29 Arthur Street has been received by Council (and is currently in its infancy in terms of processing).
- Properties to the west of the subject site are situated within the core commercial precinct of the Eltham Activity Centre, and buildings consist of a mixture of retail and commercial businesses.

Details of proposal

2. Refer to the attached plans.
3. Features of the proposal include:
 - To excavate and partially fill the site to construct 10 three-storey attached townhouses.
 - The townhouses are orientated along a north-south axis with front facades for dwellings 2 to 10 presenting to the western boundary (Circulatory Road). Dwelling 1 will orientate to Arthur Street. Vehicular access is provided to ground floor level garages for each dwelling via a proposed new crossover and driveway from Arthur Street along the eastern boundary.
 - The proposal consists of 10 two-bedroom dwellings and the internal configuration of each dwelling is as follows.

Ground Floor Level

- Front entries for dwellings 2 to 10 (inclusive) are accessed from the existing pedestrian pathway along Circulatory Road via landscaped front gardens. The entrance to dwelling 1 is from Arthur Street. For dwellings 2 to 10, the entry foyer leads to a study and separate laundry, with entry to a single car garage. A staircase leads to the first floor. For dwelling 1 access is obtained via the front porch fronting Arthur Street. A large study faces out to Arthur Street and a separate laundry and second open space orientate to Circulatory Road. Entry is provided to the single car garage and storage area and a staircase provides access to the first floor.

First Floor Level

- Each dwelling contains an open plan kitchen, dining and living area orientated in an east-west direction. Dwelling 1 also includes a separate bathroom.

Second Floor Level

- Each dwelling contains two bedrooms, each with its own ensuite bathroom. Dwelling 1 is the exception, as it contains one ensuite and one separate bathroom.

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Other Features

- The development will have a maximum overall height of 11.15 metres, measured from natural ground level to the top of the skillion roof profile. This maximum height applies to dwelling 3. The proposed site coverage (building area) is 52%, and the proposed permeable area is 22%.
- The proposed dwellings range in size from 152 square metres (seven of the ten dwellings) to 193 square metres (dwelling 1). Details are as shown in the table below (all areas are in square metres).

| Dwelling | Bedrooms | Car Spaces | Total Area | Floor | Balcony Area |
|----------|----------|------------|------------|-------|--------------|
| 1 | 2 | 1 | 193 | | 20 |
| 2 | 2 | 1 | 152 | | 10 |
| 3 | 2 | 1 | 152 | | 10 |
| 4 | 2 | 1 | 152 | | 10 |
| 5 | 2 | 1 | 152 | | 10 |
| 6 | 2 | 1 | 152 | | 10 |
| 7 | 2 | 1 | 152 | | 10 |
| 8 | 2 | 1 | 159 | | 10 |
| 9 | 2 | 1 | 152 | | 10 |
| 10 | 2 | 1 | 159 | | 10 |

- The proposed building is a modern architectural design, and will include a colour and materials palette consisting of stone cladding, concrete render in two muted tones, vertical and horizontal timber cladding, matrix cladding in two muted tones, alucobond metal cladding, face brick work, powder coated black window and sliding door frames and obscured glazed balustrading.
- It is proposed to remove all on-site vegetation, including the two high retention value Yellow Box trees on-site. The Prickly Leaf Paperbark located within the nature strip will remain.
- The proposal seeks the planting of one new large indigenous canopy tree and 12 twelve other smaller trees consisting of a mix of exotic and indigenous species.

Property history

4. This site was recently sold by Council to allow for residential development to occur on it, reflective of the Residential Growth zoning of the land.

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Planning controls

5. When the application was submitted to Council (on 23 July 2014), the subject site was zoned Residential Growth (Schedule 1), and was not affected by any overlays. Amendment C51 to the planning scheme was gazetted on 25 September 2014, and introduced to the area designated as part of the Eltham Major Activity Centre the Design and Development Overlay (Schedule 6) and the Significant Landscape Overlay (Schedule 1). Amendment C51 also introduced a revised Eltham Major Activity Centre Policy at Clause 22.07, which includes new Eltham Major Activity Centre Design Guidelines.

Zoning

6. The subject land is zoned Residential Growth (Schedule 1). The purpose of the Residential Growth Zone includes the provision of housing at increased densities in buildings up to and including four storey buildings, and to encourage a diversity of housing types in locations offering good access to services and public transport, including activity areas.
7. Under this zone, a permit is required to construct two or more dwellings on a lot. A dwelling is a 'no permit required' use in this zone. Schedule 1 of the zone does not specify any variations to the provisions of Clause 55 (ResCode).

Overlays

8. The land is affected by the Significant Landscape Overlay (Schedule 1). 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.
 - Remove, destroy or lop any substantial tree.
9. A substantial tree is defined as vegetation that has a trunk circumference greater than 0.5m at one metre above ground level, and/or a height greater than 6 metres.
10. The land is also affected by the Design and Development Overlay (Schedule 6). Under this overlay, a permit is required to:
- Construct a building or construct or carry out works.
 - Buildings and works must be constructed in accordance with any requirements in the schedule.
 - A permit may be granted to construct a building or construct or carry out works which are not in accordance with any requirement in the schedule, unless specified otherwise.
11. The site is identified as being located within the Eltham Major Activity Centre – Precinct 2C as specified by the overlay. The relevant precinct objectives to this proposal seek to provide a transition in built form scale between the core commercial area (to the west) and adjoining residential areas (to the east), and to encourage consolidation of residential lots for well-designed integrated residential developments.

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Particular provisions

12. Clause 52.06 (Car Parking) applies to the application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, that car parking does not adversely affect the amenity of the locality, and 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.
13. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'ResCode').
14. 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

15. State Planning Policies which are relevant to this application include:
 - Clause 11.01 – Activity Centres
 - Clause 15.01 – Urban Environment
 - Clause 15.01-2 – Urban Design Principles
 - Clause 15.02 – Sustainable Development
 - Clause 16.01-2 - Location of residential development
 - Clause 16.01-4 – Housing Diversity
16. The Local Planning Policies which are relevant to this application include:
 - Clause 21.05-1 – Settlement and Housing
 - Clause 21.05-3 – Environment, Conservation and Landscape
 - Clause 21.05-4 – Economic Development
 - Clause 21.05-5 – Infrastructure
 - Clause 22.01 – Medium Density Housing Policy
 - Clause 22.07 – Eltham Major Activity Centre Policy
 - Clause 22.12 – Neighbourhood Character Policy
17. The Local Strategic documents which are relevant to this application include:
 - Eltham Major Activity Centre Structure Plan (August 2004)
 - Eltham Major Activity Centre Design Guidelines (February 2014)
 - Nillumbik Major Activity Centres - Sustainable Transport Study and Strategy (September 2009).

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Policy context

18. The planning controls and policies identified above encourage residential development within the Eltham Major Activity Centre at a higher density of housing. This intent is specifically reflected in the purpose of the Residential Growth Zone, which seeks to facilitate new housing growth and diversity, which includes increased housing densities, including medium to high density housing development. The Eltham Activity Centre (together with the Diamond Creek Activity Centre) has been identified as the primary geographical locations to provide higher density forms of housing. Both State and Local planning policy also encourages developments within activity centres that reduce the dependency on motor vehicle usage and the level of car parking required for each dwelling.
19. The encouragement afforded by this zone and relevant planning policies is tempered by objectives that require development to be site responsive, and complementary to desired neighbourhood character and the Eltham Major Activity Centre Design Guidelines.
20. Support for the proposal is provided by the following State and Local strategic planning documents:
 - The existing State Planning Policy Framework, particularly to the extent that it implements objectives relating to the consolidation of major activity centres for commercial uses and housing.
 - The Local Planning Policy Framework, notably the Municipal Strategic Statement and Clause 22.07, to the extent that the proposal reinforces the role of the Eltham Major Activity Centre.
 - The Eltham Major Activity Centre Structure Plan (August 2004), particularly as the document seeks development that provides more substantial medium density housing between Dudley and Cecil Streets within 100 metres of Bible Street.

Public consultation

Advertising

21. The application has been advertised by way of the posting of notices to the owners and occupiers of neighbouring properties and the erection of three notices on-site (one along the Arthur Street frontage, one along the Circulatory Road frontage, and one along the Dudley ROW at the southern end of the site).

Objections

22. As a result of advertising, a total of two written objections have been received. These objections can be summarised as follows:
 - Concerns regarding the standard of design. For example, the west-facing frontage to Circulatory Road will present as one solid block, without articulation or separation between dwellings. The design results in uniformity and bulkiness which is disappointing for a residential development in a prime and central location.

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- The proposal is too dense to properly satisfy Schedule 6 of the Design and Development Overlay.
- The proposed 1.55 metre setback from the footpath along Circulatory Road does not allow sufficient room for indigenous canopy trees to be planted and a greater setback to the rear boundary should be provided for landscaping opportunities. Further, only one indigenous canopy tree is proposed throughout the development, which is insufficient.
- Concerns that the design has not considered adequate passive solar access and comfort for all seasonal conditions. For example, the development is west facing and the sloping roof form restricts entry of northern winter sunlight.
- Secluded open space has only been provided in the form of balconies.
- The landscape plan shows trees planted at the end of the building away from Arthur Street along what is marked as a 'road'. This area is a footpath. This path is also to be used by the development of No.31 Dudley for its landscaping. With such dense planting of canopy trees, it is unlikely that any will survive in this double use of a very limited space.
- On the landscape plan for No. 31 Dudley Street a large *Eucalyptus melliodora* (yellow box) is marked as 'to be retained', however it appears to be on the land of No.28 Arthur Street and on the landscape plan for No.28 Arthur Street does not show this tree.
- The planting schedule does not use all indigenous plants, the climate and soil in Eltham is poor. 'Nillumbik' means poor or bad earth with good reason. Adherence to plants listed in the Council produced document "Live Local, Plant Local" increases the chances of landscape planting surviving.
- The materials and colour schedule lacks precise detail regarding colours of the building materials and paint. There are photographs of materials, however the information below each states 'or similar' which is open to interpretation.

Consultation meeting

23. No consultation meeting was held for this application as officers had identified and raised concerns regarding the proposal throughout the course of the application. Although some concerns were addressed through minor design changes, the permit applicant chose not to address the major concerns around detailed design and tree retention. Accordingly, in this instance, it was determined that such a meeting would not be beneficial.

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Referrals

Internal

24. 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 | <p>Initial concerns regarding the width of the driveway and truck clearance under the cantilevered second floor have been addressed through amended plans.</p> <p>Concerns have been identified with the Waste Management Plan, however these are errors that can be addressed through a permit condition in the event a planning permit is issued.</p> <p>Conditions regarding stormwater management; quality and detention; vehicle crossover; and driveway construction have been provided in the event that a planning permit is issued.</p> |
| Strategic Planning Team | <p>A number of unresolved issues regarding tree removal, landscape design, building height and density, building form and setbacks, building massing, and sense of address and safety were identified throughout the course of this application and have not been fully addressed.</p> |
| Consulting Arborist | <p>The trees and associated tree protection zoned identified within the permit applicant's arborist report are correct.</p> <p>Trees on the abutting property at No. 30 Arthur Street have been incorrectly located on the plans and will be adversely impacted by the proposed driveway works.</p> <p>The removal of high retention value trees (Nos. 4 and 5) are not supported.</p> |
| Landscape Architect | <p>The narrow setback of the development to the western boundary limits the landscaping opportunities in this location. It would be difficult to successfully establish any vegetation of significance that could soften the built form. Similar restrictions to the landscape opportunities exist on the eastern boundary.</p> <p>The proposed landscaping at the northern and southern end of the development is sufficient given the space available.</p> <p>The proposed landscaping is a reasonable response to the obvious restrictions of the site.</p> |

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| | |
|------------------------|---|
| Sustainability Officer | <p>For a development of this size (ten or more dwellings), Council would encourage the permit applicant to submit a Sustainable Management Plan to address the ten Key Sustainable Building Categories defined in Sustainable Design Assessment in the Planning Process (SDAPP).</p> <p>To date, Council has received a Sustainable Design Assessment completed using the STEPS tool, which is more appropriate for a smaller development. The other categories under the SDAPP framework have not been addressed. It is noted that the application cannot be refused on this basis alone, as the submission of a sustainability assessment is not currently identified in the planning scheme as a statutory requirement that must be satisfied.</p> |
|------------------------|---|

External

25. There are no external referral authorities relevant to this application.

Planning assessment

Introduction

26. The following have been identified as the key planning issues in relation to the assessment of this planning application:

- Strategic merit for high density development;
- Car parking and traffic impacts;
- Compliance with Clause 55 (ResCode);
- Built form and neighbourhood character; and
- Vegetation impacts and landscaping.

27. Assessment of these issues, together with a response to objections received, will be discussed in the remainder of this report.

Strategic merit for high density development

28. The subject site is located within the Eltham Major Activity Centre in the residential interface area, and is situated approximately 300 metres from the Eltham Railway Station. The site therefore has excellent access to commercial facilities, public transport and community infrastructure. The proposed development is consistent with both State and Local planning policies, where greater residential housing densities are encouraged and considered to be appropriate close to, and within, identified activity centres.

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29. The Residential Growth Zone (Schedule 1) seeks to provide housing at increased densities in buildings up to and including four storeys; encourage a diversity of housing types in locations offering good access to services and transport including activity areas; and encourage a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth. The zoning of the land clearly supports the type of development proposed.
30. As such, the subject site is afforded strong strategic support for higher density development within the Eltham Activity Centre. However, a development proposal must still consider key elements such as design response and neighbourhood character as part of the development proposal. This will be discussed in the sections of the assessment below.

Car parking and traffic impacts

31. The proposed development includes 10 two-bedroom dwellings. Clause 52.06-5 of the planning scheme specifies a car parking rate of one car space for each one or two bedroom dwelling, and one visitor space is required for every 5 dwellings. As such, the proposal has a statutory parking requirement of 12 car spaces, comprising of 10 car spaces for the dwellings and 2 visitor car spaces. The development proposes to provide 10 on-site car spaces for occupants of the proposed dwellings (complying with the provision set by Clause 52.06), however a reduction of 2 visitor car spaces is sought under this application.
32. Clause 52.06 (Car Parking) enables responsible authorities to consider a reduction in car parking requirements if the application can demonstrate that a reduction is justified, having regard to the car parking demand generated by the use and whether or not it is appropriate to allow fewer car spaces to be provided than the number likely to be generated by the development. In accordance with Clause 52.06-6, an assessment of car parking demand likely to be generated by the use must have regard to the following factors: the availability of public transport; the availability of car parking within the area; the convenience of pedestrian and cyclist access to the site; the provision of bicycle parking and end-trip facilities for cyclists; and the anticipated car ownership rates of likely occupants of the development.
33. The proposed reduction of two visitor car spaces is considered to be acceptable for the following reasons:
- Recent parking occupancy surveys indicate that there is sufficient capacity within the surrounding on-street parking areas to readily accommodate an increase in parking demand associated with visitors to the development.
 - The site is ideally located to take advantage of access to sustainable transport alternatives, such as nearby public transport services, on and off-road bicycle lanes, and the pedestrian footpath network.
34. Council's Infrastructure Development Unit supports the reduction of 2 visitor car spaces for this development, given its close proximity to the Eltham Major Activity Centre, close proximity to public transport options, and the available car parking within the activity centre and area.

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35. The proposal will utilise a new crossover and driveway from Arthur Street on the eastern side of the site and will be constructed to accord with the requirements of Clause 52.06 (Car Parking) of the planning scheme and the requirements of Council's Infrastructure Development Unit. The first 7 metres of the driveway have been widened to allow enough room for a vehicle entering the driveway to stop while it waits for another vehicle to exit the driveway. This will help to reduce any traffic congestion within Arthur Street. No other issues concerning traffic circulation and impacts on the surrounding road network have been identified by Council's Infrastructure Development Unit.

Compliance with Clause 55 (ResCode)

36. The application has been assessed against Clause 55 (ResCode) of the planning scheme. Clause 55 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.
37. The proposed development complies with many of the technical standards and objectives of ResCode. In particular, the development complies with the site coverage and permeability benchmarks of 52% and 22% respectively.
38. However, the proposed design fails to meet the side and rear setbacks objective of Standard B17 of ResCode, which requires that a new building not on or within 200mm of a boundary should be set back from side or rear boundaries 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. The boundary setbacks along the length of the eastern elevation do not comply with this standard.
39. The proposed design fails to meet the overlooking objective of Standard B22, as the kitchen windows of each dwelling are proposed to have clear fixed glazing. These windows have the ability to overlook the private open space of dwellings to the east of the subject site.
40. The proposal also fails to meet the accessibility objective at Standard B25. Out of the ten dwellings proposed, four have ground floor entries either at-grade or with minimal steps that could be made accessible to people with limited mobility. However, the design has failed to consider the needs of people with limited mobility however, as none of the proposed dwellings contain a lift which would enable access to the living areas on the first floor of all dwellings and the bathrooms on the second floor of dwellings 2 to 10. This site is located within the heart of the Eltham Activity Centre, where people with limited mobility have easy access to employment, services, retail outlets and public transport. It is therefore not unreasonable that some of the proposed dwellings provide access for people with limited mobility.

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41. The design detail objectives contained at Standard B31 have also not been fully considered. Standard B31 seeks to encourage design detail that respects the existing or preferred neighbourhood character through the design of buildings having consideration for façade articulation and detailing, roof form and verandahs, eaves and parapets. The flat roof form, pop cube feature and cantilevered second floor are not responsive to the preferred neighbourhood character. This concern is discussed in further detail later in this report.
42. The proposed design has not addressed the common property objectives of Standard B33, where developments should clearly delineate public, communal and private areas, as well as ensuring that any areas of common property are functional and capable of efficient management. From the plans, it is unclear whether the development proposes the front and rear setback landscaped areas to be common property or private property. If the rear setback is to be common property, then there is currently no access point proposed to this area. If the area is to belong to dwelling 10, then there is currently no convenient way to access this area for enjoyment and maintenance. Similarly, the front setback area to Arthur Street contains the stormwater detention area, services and letter boxes which will service the entire development. However, this area also contains the front entry path and porch for dwelling 1.
43. The proposed development also fails to address the neighbourhood character objectives of Standard B1, as well as the landscape character objectives of Standard B13. These concerns are discussed in greater detail later within the report.

Built form and neighbourhood character

44. The site is located within the Eltham Activity Centre, and specifically within the residential interface to the commercial core. The Residential Growth Zone provides direct support for higher density development, and the Design and Development and Significant Landscape Overlays provide for redevelopment of up to four storeys in this location. Objectives within these overlays seek retention of mature trees and new built form which draw from the valued aspects of the existing character.
45. The Eltham Activity Centre local planning policy promotes “*an increase in the amount and diversity of housing by providing medium density housing, particularly that suited to one and two person households*”. The Significant Landscape Overlay describes it as “*the Eltham Town Centre has a distinctive character which in part is defined by the integration of the built form and vegetation, particularly canopy trees, which should be preserved and enhanced. The Eltham Town Centre is also a designated area of high change, where the development potential of sites is to be realised in accordance with the Eltham Major Activity Centre Structure Plan. Future development should thus seek to strike a balance between the retention and planting of vegetation and the accommodation of higher density development*”.
46. Council’s Neighbourhood Character Policy at Clause 22.12 identifies the subject site as being within the ‘Eltham Central’ character precinct. The application of this policy in this geographical location pre-dates Amendment C51 to the planning scheme. The key elements taken from the statement of desired future character of the ‘Eltham Central’ precinct are:

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- *Development responds to topographic and vegetation context.*
 - *Orientation and setbacks of adjoining developments are maintained.*
 - *Excavation and earthworks should be minimised.*
 - *Substantial indigenous/native trees dominate the landscape.*
 - *The 'public' space between the garden and the roadway is not delineated as a separate space.*
47. The predominant character of the immediate area is a mixture of commercial and residential development. Multi-dwelling developments are prevalent in the wider area, particularly to the east along Bible Street. The built form of these multi-unit developments is typically single or double storey semi-detached. This proposal for a three-storey townhouse development is not currently consistent with the existing built form context described above, and therefore the focus must shift to whether the proposed built form representative of the 'preferred' character of this activity centre precinct.
48. The key objectives of the Design and Development Overlay (Schedule 6) and the Significant Landscape Overlay (Schedule 1) relevant to this application are:
- New development should appear to have a domestic quality and respond to the residential character of the area;
 - Building forms will be modest and compact in scale and avoid excessive bulk through the use of articulation, low roof pitches, and other design elements;
 - To recognise, protect, retain and enhance the contribution provided by canopy trees, particularly native trees, to the existing and preferred character of Eltham;
 - To ensure the health of existing canopy trees is not unnecessarily jeopardised by buildings and works;
 - To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees;
 - Building siting should provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated with the total development;
 - To restrict removal of vegetation to the minimum required to allow land to satisfy its development potential;
 - To ensure pedestrian entrances into buildings are located at the same level as the footpath, clearly visible from the street, well lit, and allow for mobility-impaired access;
 - Buildings with larger footprints should be designed with split levels to respond to the natural topography.
49. The following is a summary of how the proposed development responds to the design guidelines contained within the Design and Development Overlay (Schedule 6).

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| Design Guideline | Complies? | Comment |
|--|--------------------|--|
| Maximum building height must not exceed 14 metres (4 storeys). | Complies | The maximum building height is 11.15 metres. |
| The fourth storey should be contained in the roof space. | Complies | There is no fourth storey proposed. |
| The building's front setback should be a minimum of 5.5 metres from roadside kerb. | Complies | The building line is setback 5.8 metres from the kerb of Arthur Street. |
| A third storey (and above) should be setback a minimum of 3 metres from the first floor frontage. | Does not comply | The third storey is not set back a minimum of 3 metres from the first floor frontage of Arthur Street. |
| Buildings must be designed to preserve views from adjoining residential properties to the treed hilltops to the west. | Partially complies | The properties to the east are currently single storey and some with solid fences which have existing limited views of the treed hilltops. |
| Buildings with larger footprints should be designed with split levels to respond to the natural topography. | Does not comply | The site has a 4 metres fall from front to rear and does not utilise a split level design to follow the landform. |
| Main pedestrian entrances should be clearly legible from the street and demarcated with strong architectural and landscape features. | Complies | The pedestrian access to the townhouses is from Arthur Street and the footpath located on Circulatory Road. The entrances are demarcated by entry steps, landscaping, and a change in materials around the entrance areas. |
| New development should appear to have a domestic quality and respond to the residential character of the area. | Does not comply | The proposed design as it fronts Arthur Street does not appear to be residential in nature. |
| Non-residential development should appear to have a domestic quality and respond to the residential character of the area. | Not applicable | The development is residential use only. |
| Developments sited alongside boundaries should be massed in a staggered manner to avoid overlooking of adjacent properties and reduce overshadowing impacts. | Complies | The eastern boundary of the property partially abuts an existing road reserve. Where it does abut residential properties, overlooking and overshadowing comply with Clause 55 (ResCode). |

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

| | | |
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| Building siting should provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated with the total development. | Does not comply | Insufficient areas have been provided on the western and eastern sides of the development, and the northern (front) setback is heavily encumbered by stormwater and service infrastructure, as well as the communal letterbox area. |
| On-site car parking should be sited to the side and rear of dwellings behind the front façade. | Complies | Car parking will be located in single car garages that form part of the ground floor level of the dwellings. |
| New development should provide for open landscaped front yards and avoid high solid fencing. | Complies | No front fencing is proposed and landscaping will be provided along both the Arthur Street and Circulatory Road street frontages. |
| Signage on non-residential uses should be subdued in colour, positioned below the eave line and integrated with the surroundings | Not applicable | There are no non-residential uses proposed as part of this application. |

50. Although the building is only three storeys in height and the overall building height is 11.15 metres (compared to the four storeys and maximum height of 14 metres as permitted by the overlay), the design and built form is not in keeping with what the Design and Development Overlay (Schedule 6) and other policies are trying to achieve in this precinct. The general guidelines within the overlay recommend that the roof be pitched, gabled or hipped greater than 10%. The current design incorporates a mixture of flat roof forms and low skillion roof forms that are considered unacceptable. Although the skillion roof form on dwellings 2 to 10 reach 10 degrees at their steepest point, the roofs predominantly present as flat and this in conjunction with the continuous built form along the length of the property presents as a boxy and very bulky built form.
51. The design of dwelling 1 does not respond to the pitched roof character that is prevalent moving eastwards along Arthur Street. The planning report accompanying the application looks to the mixed use character of the area to justify the flat roof. This is not considered to be a situation where design should respond to all aspects of the existing neighbourhood character. The Eltham Major Activity Centre Structure Plan, Neighbourhood Character Policy at Clause 22.12, the Design and Development Overlay (Schedule 6) and the Eltham Activity Centre Design Guidelines (Part A – General Design Guidelines), seeks a new built form character which draws only on those parts of the existing character which are valued. This is described as the ‘Eltham form and character’. Specifically, the flat roofed commercial building beyond the open lot car park to the west of the site, is not a valued part of the existing character, nor is it a roof form which the planning scheme aspires to on the subject land.

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

52. The Eltham Activity Centre Design Guidelines (Part A – General Design Guidelines) similarly promote roof styles that are respectful to the existing buildings within the area and establish a consistent roof scape image. This should be achieved by:
- Incorporating roofs pitched, gabled or hipped greater than 10 per cent;
 - Avoiding excessive use of flat, curved or high pitched roof forms;
 - Applying extended eaves or roof cap (of at least 450mm in depth) to the roof design. This will enhance the presentation of the building and assist in controlling sun light penetration.
53. The Design and Development Overlay (Schedule 6) requires a front setback of 5.5 metres from the kerb, with the third and fourth storey setback 3 metres from the first floor frontage. Whilst the proposed development is setback a sufficient distance from the kerb line, the third storey is not setback a minimum distance of 3 metres from the ground floor frontage. The design is a three storey building with its front elevation incorporating a wraparound balcony at the middle level and a cantilevered second level on the north and eastern elevations. Whilst this is an interesting design approach, it is not what is sought by the Design and Development Overlay (Schedule 6) and exacerbates visual bulk and mass of the development when viewed from Arthur Street. Instead, the design guidelines seek to make the levels of three and four storey development recessive in an area predominantly containing one and two storey buildings. Further to this, the Design and Development Overlay (Schedule 6) and the Eltham Activity Centre Design Guidelines (Part B – Residential Interface Design Guidelines) refer to the residential vernacular of the area and notes that new developments should appear to have a domestic quality. The pop out cube and cantilevered second storey is at odds with this vernacular, and presents more as a commercial building, and exacerbates the absence of a pitched roof over this part of the development.
54. The Eltham Major Activity Centre Structure Plan, the Design and Development Overlay (Schedule 6) and the Eltham Activity Centre Design Guidelines (Part A – General Design Guidelines) seek development which takes account of the existing landform and responds to the natural topography of the land. The Design and Development Overlay (Schedule 6) specifically states:
- Buildings with larger footprints should be designed with split levels to respond to natural topography.
55. The Eltham Activity Centre Design Guidelines (Part A – General Design Guidelines) seek to “*ensure development integrates with the surrounding landscape and minimise disturbance to the natural landform*”. This should be achieved by:
- Minimising earthworks and visual impact by using split level design on larger sites;
 - Stepping development to follow contours and the prevailing slope of the land; and
 - Siting buildings to avoid excessive cut and fill.

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

56. The subject site has a 4 metre slope from back to front and a 1.5 metre slope across the rear. The proposed development does not comply with the planning scheme and does not follow the advice of the design guidelines, as the ground floor level of the development is largely consistent across the length of the site, with only 0.7 metre difference between the ground floor levels of dwelling 1 and dwelling 10. The effect of this design is that the ground floor of dwelling 1 which faces Arthur Street, is elevated a full metre above the footpath level and most of the dwellings requiring a front entrance with steps.
57. Whilst acknowledging that accessible housing is predominantly the domain of the Building Code, this location is strategically important for those sectors of the community who cannot drive, some of whom may use walking frames and electric wheelchairs. Housing within walking distance of shops, services, job opportunities and high frequency public transport provides opportunities for those with mobility impairments a level of independence which is not otherwise open to them. Council's Positive Aging Strategy points out that within 10 years, 23% of the population of Nillumbik will be aged over 55. It is also unfortunate that none of the dwellings have included an internal lift within the floor plan so as to provide access to people with limited mobility.

Vegetation impacts and landscaping

58. The subject site contains two healthy *Eucalyptus melliodora* (Yellow Box) trees, both of which are proposed to be removed as part of the development. Both the project arborist and Council's consulting arborist have identified these trees as being of high retention value. The Significant Landscape Overlay (Schedule 1) outlines the following relevant decision guidelines when considering tree removal:
- Whether the site is being restricted from realising its development potential in accordance with the Eltham Major Activity Centre Structure Plan (August 2004) by retention of the vegetation;
 - Whether the design of any proposed buildings and works has been adequately responsive to the objective of avoiding and/or minimising the extent of vegetation removal, destruction or lopping.
59. Tree No. 4 is located along the western boundary, towards the southern portion of the site. Whilst assessed as being in good condition and of high retention value, the location of this mature canopy tree is in direct conflict with the driveway of the proposed development. Its retention is considered to unreasonably restrict the development potential of the site and therefore its removal is supported.
60. Conversely, Tree No. 5, which has also been assessed as being of high retention value and in good condition, is located adjacent to the southern property boundary. This tree is located in an area of future landscaping, however it cannot be retained under the current design due to the extensive earthworks proposed within its Tree Protection Zone. The current application proposes 10 dwellings, however the site could accommodate 9 dwellings in this configuration and retain Tree No. 5.

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

61. The decision guidelines of the Significant Landscape Overlay (Schedule 1) seek a balance between retention of native canopy trees and redevelopment of land within the Eltham Activity Centre. Removal of this tree, positioned at the rear of the site in an area of future landscaping, does not strike a reasonable balance.
62. The plans considered for this proposal also show a Prickly Leaf Paperbark within the nature strip along Arthur Street, as well as two trees on the adjoining site at No. 30 Arthur Street. The project arborist states that these trees are in good health and advises that the trees on the abutting property will not be impacted provided that the proposed driveway is constructed above-grade with no excavation, using porous concrete surface to avoid damage to the roots of these trees in the Tree Protection Zone and Structural Root Zone.
63. Council's consulting arborist reviewed the application and advised that the project arborist has correctly identified trees and corresponding Tree Protection Zones on the abutting property. Council's consulting arborist did however identify that there is an additional tree located at the front of No. 30 Arthur Street in close proximity to the common boundary of the development site, which has not been assessed by the project arborist. This tree is a *Cupressus sempervirens* (Italian Cypress). Council's consulting arborist also identified that the location of tree trunks at No. 30 Arthur Street have not been correctly located on the development plans. The trees in question are located much closer to the common property boundary with No. 28 Arthur Street than what has been shown on the plans.
64. Council's consulting arborist has further advised that soil modification (cut and fill) is proposed along the eastern boundary of the site to locate the driveway, which will have a substantial impact upon all trees located on the neighbouring property at No. 30 Arthur Street. The plans submitted for consideration are not consistent with the findings and advice contained within the project arborist's report, which advises that the driveway must be constructed above grade. As such, the impact to third party trees as a result of this development proposal is arboriculturally unacceptable.
65. Although a landscape plan has been submitted as part of the application, the proposed development footprint leaves little room for meaningful landscaping to be established that will help to soften the built form and contribute longer-term to the wider landscape. In particular, the building is only setback 1.55 metres from the western boundary, which provides little opportunity to establish front gardens for dwellings 2 to 10, or to provide enough room to plant a small tree or shrubbery to help soften the three storey built form when viewed from the west.
66. Similarly, given the proximity of the driveway to the eastern boundary, there is very little opportunity to establish landscaping along the eastern boundary to assist in softening the three-storey built form when viewed from the residences to the east. Further to this, the low level landscaping that is proposed and the minimal area available for planting, does not allow opportunity to soften the long, straight concrete driveway arrangement when viewed from Arthur Street, nor the bin store area located at the end of the driveway.

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

67. Although the ground floor setback from Arthur Street complies with the setback requirements under the Design and Development Overlay (Schedule 6), the frontage set aside for landscaping is heavily encumbered by the proposed stormwater detention unit, the communal letterboxes and the service area. The area set aside does not provide sufficient space for a large indigenous canopy tree to be established, which would offer a future contribution to the streetscape and wider landscape area, and assist to soften the built form when viewed downslope of the subject site.

Response to objections not yet addressed in the report

68. The written objections received have raised concerns with respect to the proposed development. Issues regarding detailed design, insufficient landscaping and the inclusion of canopy trees within the development have been discussed in earlier sections of this report. A response to those issues not previously discussed and addressed is included below.

The only secluded private open space provided appears to be on balconies

69. The proposed development complies with Standard B28 (Private open space objective) of Clause 55 (ResCode), which allows for private open space to be provided in the form of a balcony of 8 square metres with a minimum width of 1.6 metres, and with convenient access from a living room.

It is unclear whether this proposal has made sufficient design allowances for passive solar access/comfort for all seasonal conditions.

70. Standard B10 (Energy efficiency objectives) of Clause 55 (ResCode) has an objective to ensure that the orientation and layout of developments reduce fossil fuel energy use and make appropriate use of daylight and solar energy, as well as to achieve and protect energy efficient dwellings and residential buildings. This clause notes that buildings should be oriented to make appropriate use of solar energy; living areas and private open space should be located on the north side of the development; and if practicable developments should be designed so that solar access to north-facing windows is maximised. The zone and overlay controls affecting the subject site do not include requirements for energy efficiency objectives. Given the orientation and shape of the lot, it is difficult to avoid a predominantly east and west facing design.

71. The landscape plan shows trees planted at the end of the building away from Arthur Street along what is marked as a 'road', whereas this area is a footpath. This path is also to be used by the development of No.31 Dudley Street for its landscaping. With such dense planting of canopy trees, it is unlikely that any will survive in this double use of a very limited space.

72. The landscape plan proposes all landscaping within the property boundaries and not within the adjacent right-of-way. The plans correctly show the right-of-way as a road. Although this area is currently used as a footpath, the right-of-way is shown as a road on the plan of subdivision attached to the property title. The proposed landscaping for this application will not overlap with the proposed landscaping for No. 31 Dudley Street in the event that a planning permit is issued for either property.

4. Planning Reports

PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

- 73. On the landscape plan for 31 Dudley a large Eucalyptus melliodora is marked as 'to be retained' however it appears to be on the land of 28 Arthur and, on the landscape plan for 28 Arthur does not show this tree.
- 74. The land at No.28 Arthur Street contains two Eucalyptus melliodora (Yellow Box) trees and these have been shown correctly on the plans submitted with the application.
- 75. The planting schedule does not use all indigenous plants, the climate and soil in Eltham is poor. 'Nillumbik' means poor or bad earth with good reason. Adherence to plants listed in the Council produced document "Live Local, Plant Local" increases the chances of landscape planting surviving.
- 76. The landscape plan includes a good mix of both indigenous and non-indigenous and the species selection is considered to be appropriate for the transitional interface between the commercial core and wider residential area.
- 77. The materials and colour schedule lacks precise detail regarding colours of the building materials and paint. There are photographs of materials, however the information below each states 'or similar' which is open to interpretation.
- 78. The materials and colour schedule submitted with the application includes details of the proposed external materials and colours. It is standard practice for a colour schedule to specify 'or similar' in the event that a particular manufacturer's material cannot be sourced. This allows an alternate finish in the same tone to be utilised without requiring an amendment to the planning permit.

Conclusion

- 79. The application seeks approval for the construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking. The application was advertised and two written objections were received. The key planning issues relate to the strategic merit for high density development; compliance with Clause 55 (ResCode); car parking and traffic impacts; built form and neighbourhood character; and vegetation impacts and landscaping.
- 80. Although the proposed development is ideally located in the Eltham Activity Centre and suited for higher density development, the design of the dwellings has failed to address numerous standards and objectives of Clause 55 (ResCode). The detailed design of the development also fails to address many elements of key planning policy for this area, including the Design and Development Overlay (Schedule 6), the Significant Landscape Overlay (Schedule 1), the Eltham Major Activity Centre Policy, the Neighbourhood Character Policy and the Eltham Activity Centre Design Guidelines (Parts A and B).
- 81. The proposed development seeks the removal of two high retention value Yellow Box trees, one of which can readily be retained without compromising the redevelopment potential of this site. The proposal will also adversely impact on a number of trees located on abutting land, and the development footprint fails to provide sufficient area for meaningful and viable landscaping to occur.

4. Planning Reports

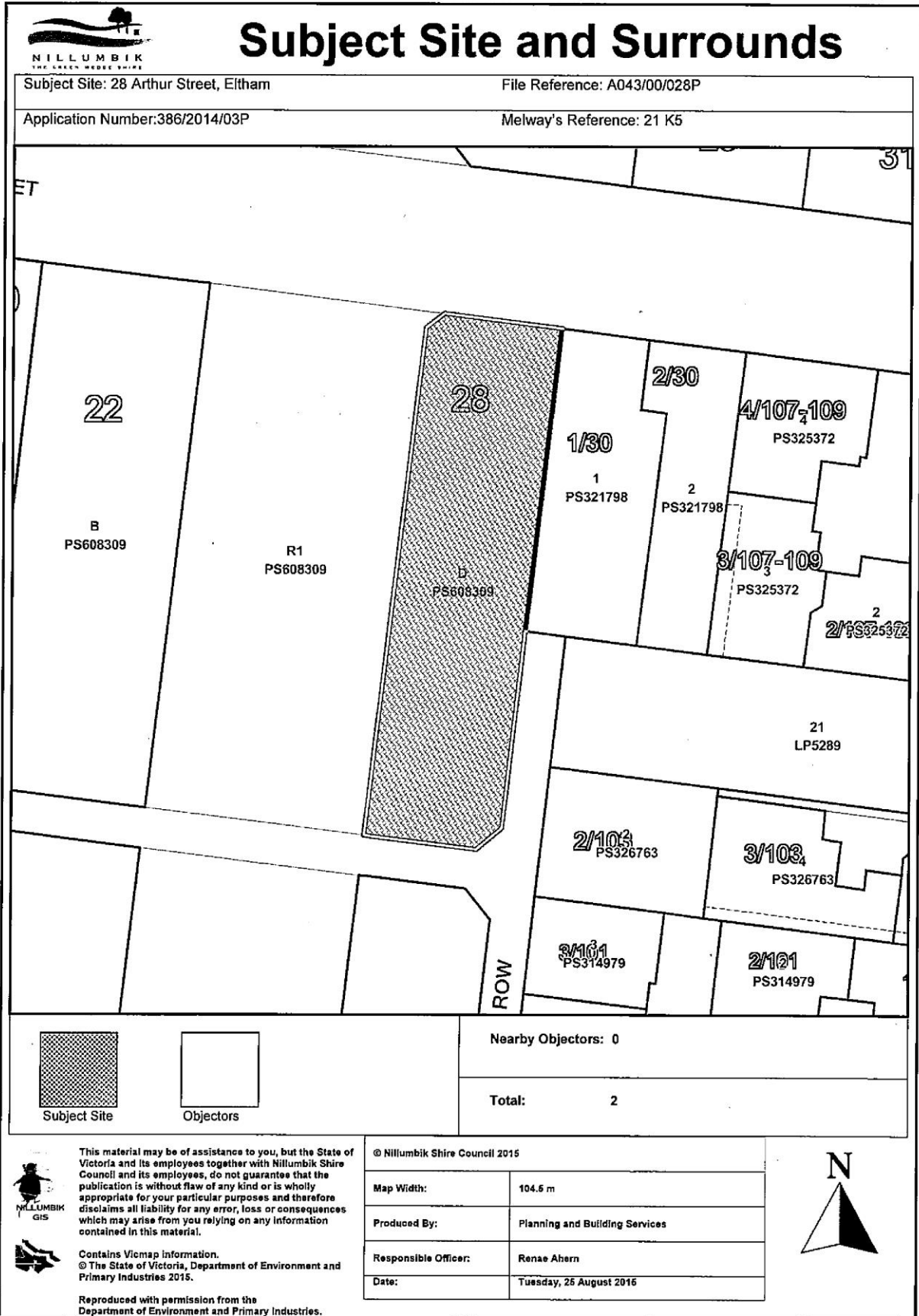
PC.008/16 Construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements at 28 Arthur Street, Eltham

82. The issues identified with this development proposal are substantial and cannot be addressed by modification via permit conditions. Rather, re-examination of the number of dwellings proposed, and the design and layout of the development is required in order to provide a site responsive and acceptable residential development outcome for this site.
83. In light of the above planning assessment, the application warrants refusal, as reflected in the officer recommendation which follows. It is noted that the permit applicant was provided with an opportunity to formally amend the application via a deferral motion at last September’s Planning Committee Meeting, however this has not progressed over the course of the last 8 months, and therefore a formal determination of the planning application is now warranted.

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Refuse to Grant a Permit to the land at 28 Arthur Street, Eltham, for the construction of 10 dwellings, removal of substantial trees and a reduction in visitor parking requirements on the following grounds:

- 1. The proposal is contrary to the objectives of the Design and Development Overlay (Schedule 6), Clause 22.07 (Eltham Major Activity Centre Policy) and Clause 22.12 (Neighbourhood Character Policy) in relation to respecting the preferred neighbourhood character of the area, due to the design detail, roof form, extent of continuous built form, and overall scale, bulk and building mass.**
- 2. The proposed development is contrary to the objectives of the Significant Landscape Overlay (Schedule 1), as the proposed development fails to incorporate the retention of a high retention value indigenous canopy tree.**
- 3. The proposed development is contrary to the objectives of the Significant Landscape Overlay (Schedule 1) and Clause 22.12 (Neighbourhood Character Policy) due to the lack of meaningful landscaping opportunities in order to provide an appropriate landscape setting for the proposed development.**
- 4. The proposed development is contrary to many of the objectives and standards of Clause 55 of the Nillumbik Planning Scheme. In particular, the development does not satisfy Standard B1 (Neighbourhood Character), Standard B13 (Landscape Character), Standard B17 (Side and Rear Setbacks), Standard B22 (Overlooking), Standard B25 (Accessibility), Standard B31 (Design Detail) and Standard B33 (Common Property).**



Attachment



MILLMURK SHIRE COUNCIL
N I L L U M B I K
100 DEPT. STREET, ELTHAM VIC 3083
ADVERTISED PLAN

Plan: 1 of 19
Application No: 386/2014/03P

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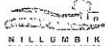
ARTIST'S IMPRESSION

28 Arthur Street, Eltham

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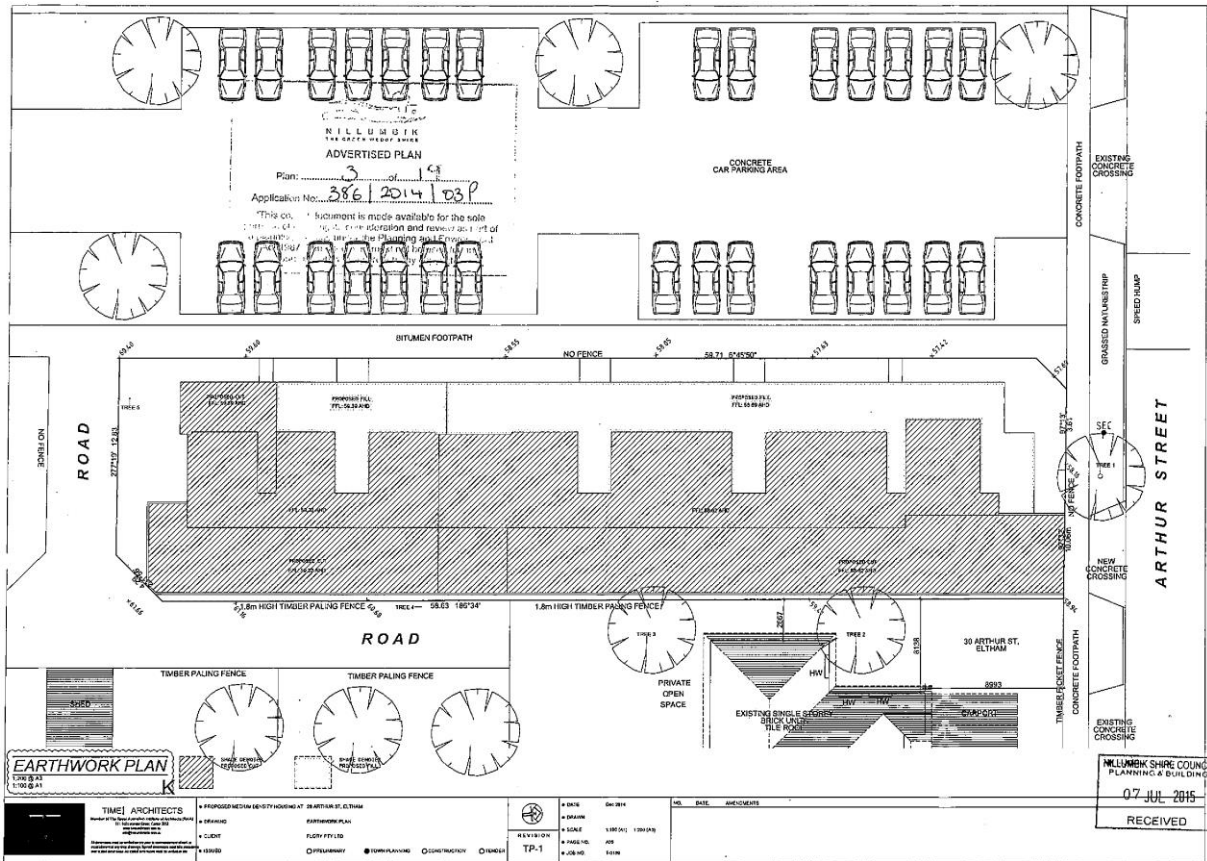


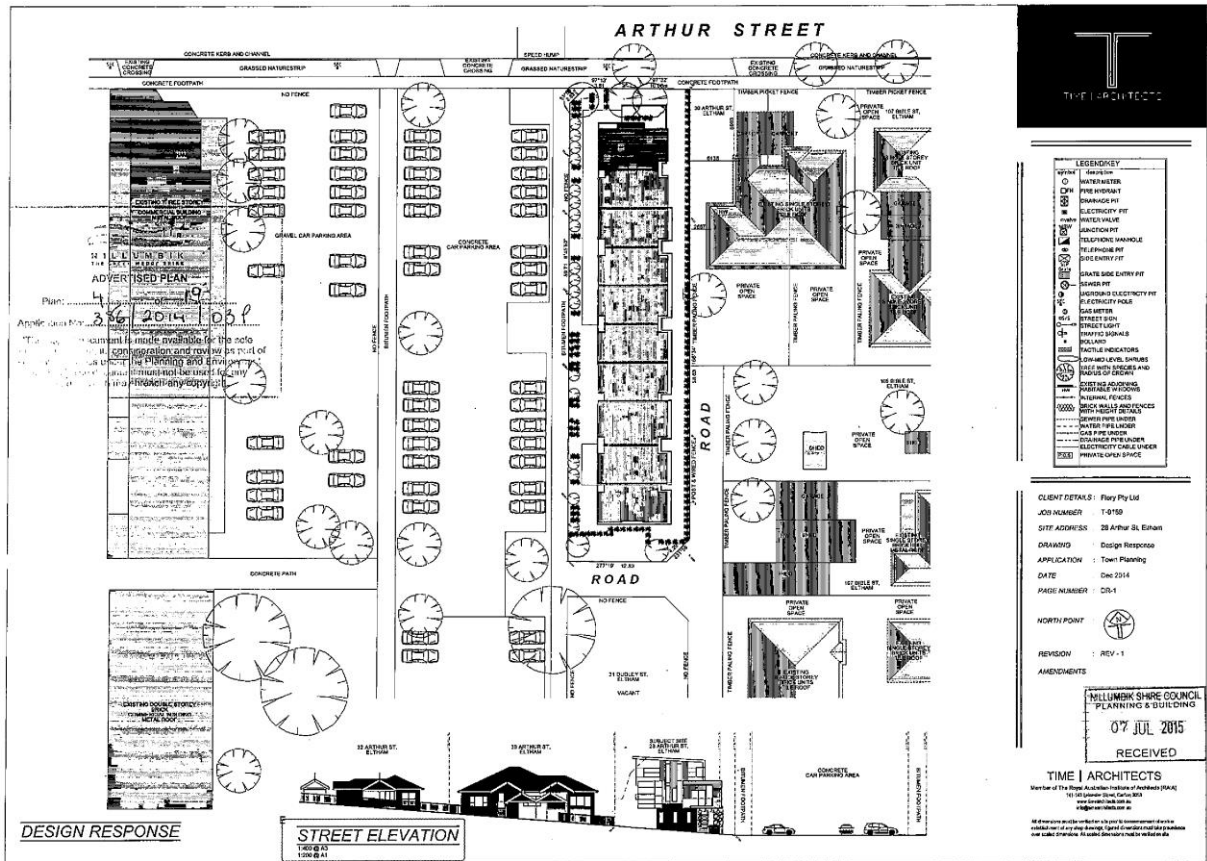
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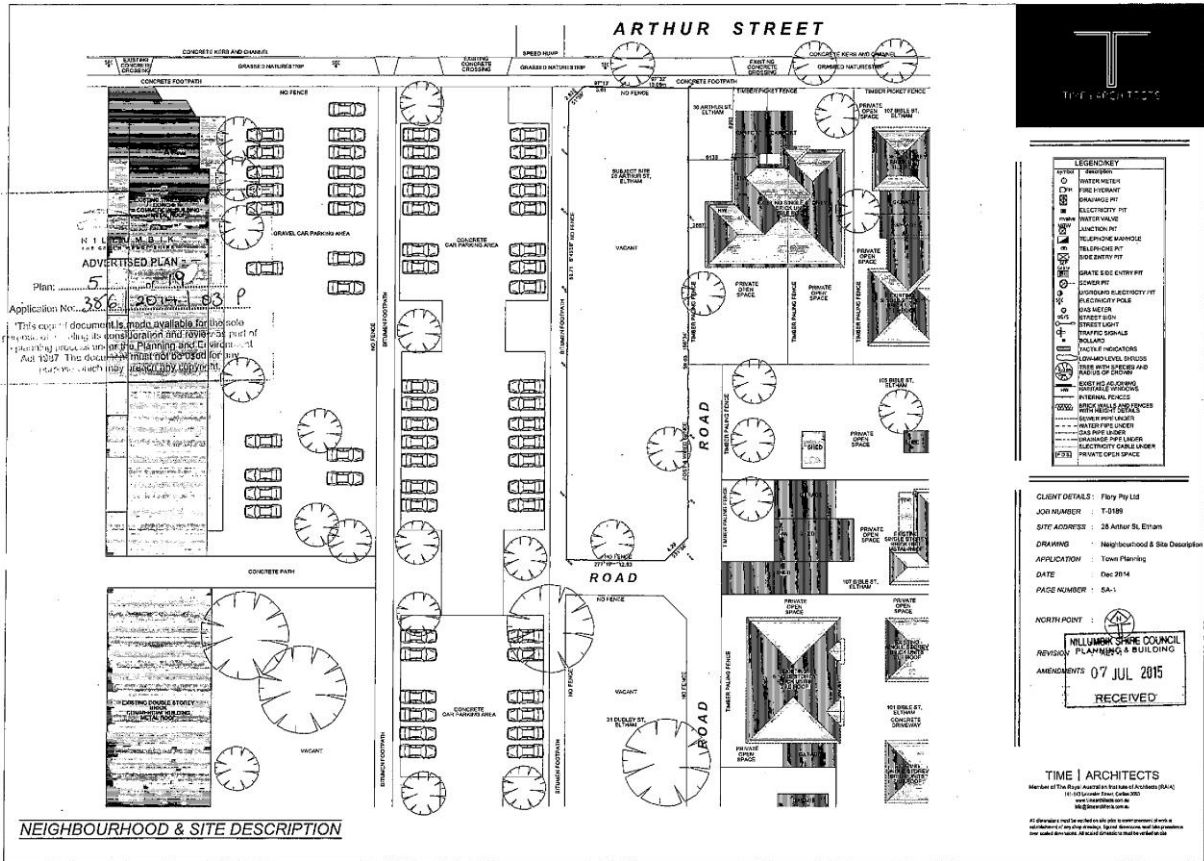
28 Arthur Street, Eltham

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LEGENDKEY

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| ○ | T. TREES |
| ⊙ | WATER METER |
| ⊗ | SEWER METER |
| ⊖ | DRAINAGE PIT |
| ⊕ | ELECTRICITY PIT |
| ⊞ | WATER VALVE |
| ⊟ | EXHAUSTION PIT |
| ⊠ | TELEPHONE MANHOLE |
| ⊡ | TELEPHONE PIT |
| ⊢ | GAS METER |
| ⊣ | TELEPHONE PIT |
| ⊤ | WATER METER |
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CLIENT DETAILS : Filly Pty Ltd
JOB NUMBER : T-2189
SITE ADDRESS : 28 Arthur St, Eltham
DRAWING : Neighbourhood & Site Description
APPLICATION : Town Planning
DATE : Dec 2014
PAGE NUMBER : SA-1

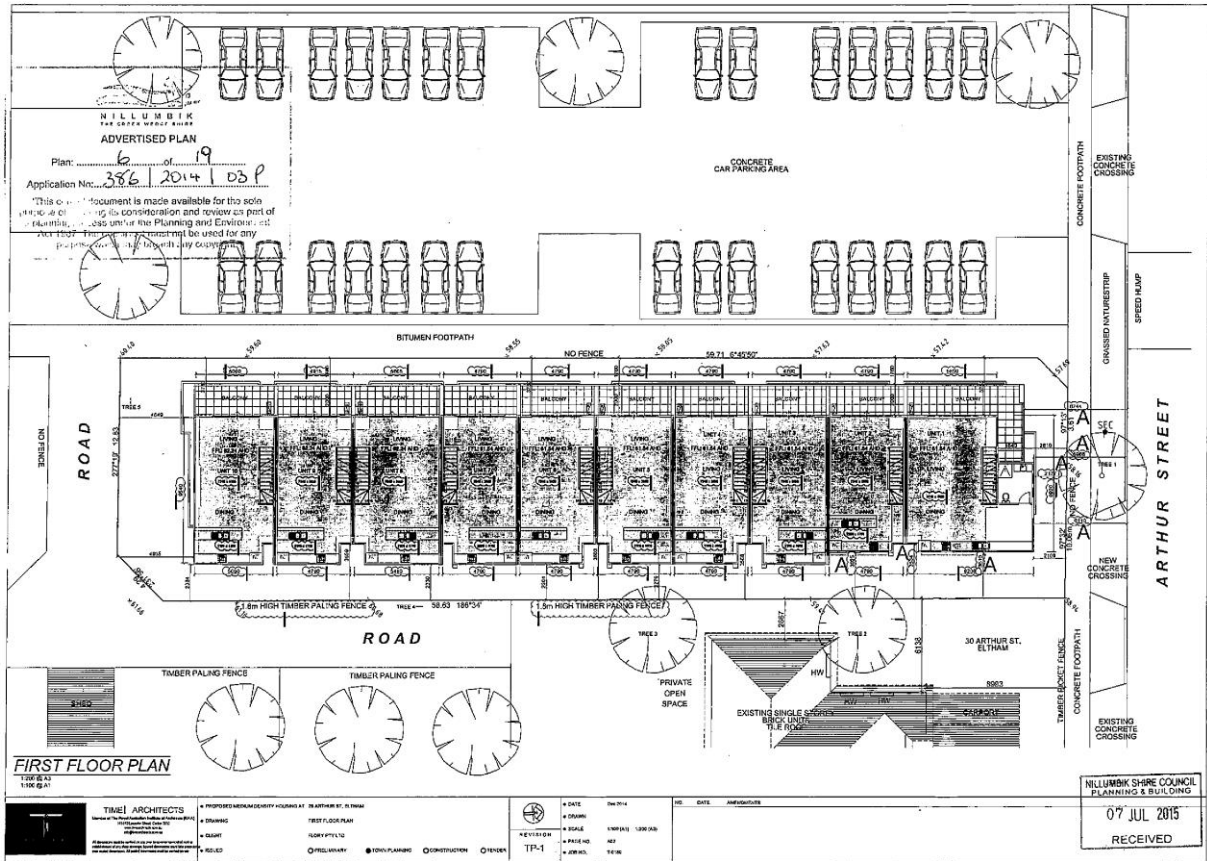
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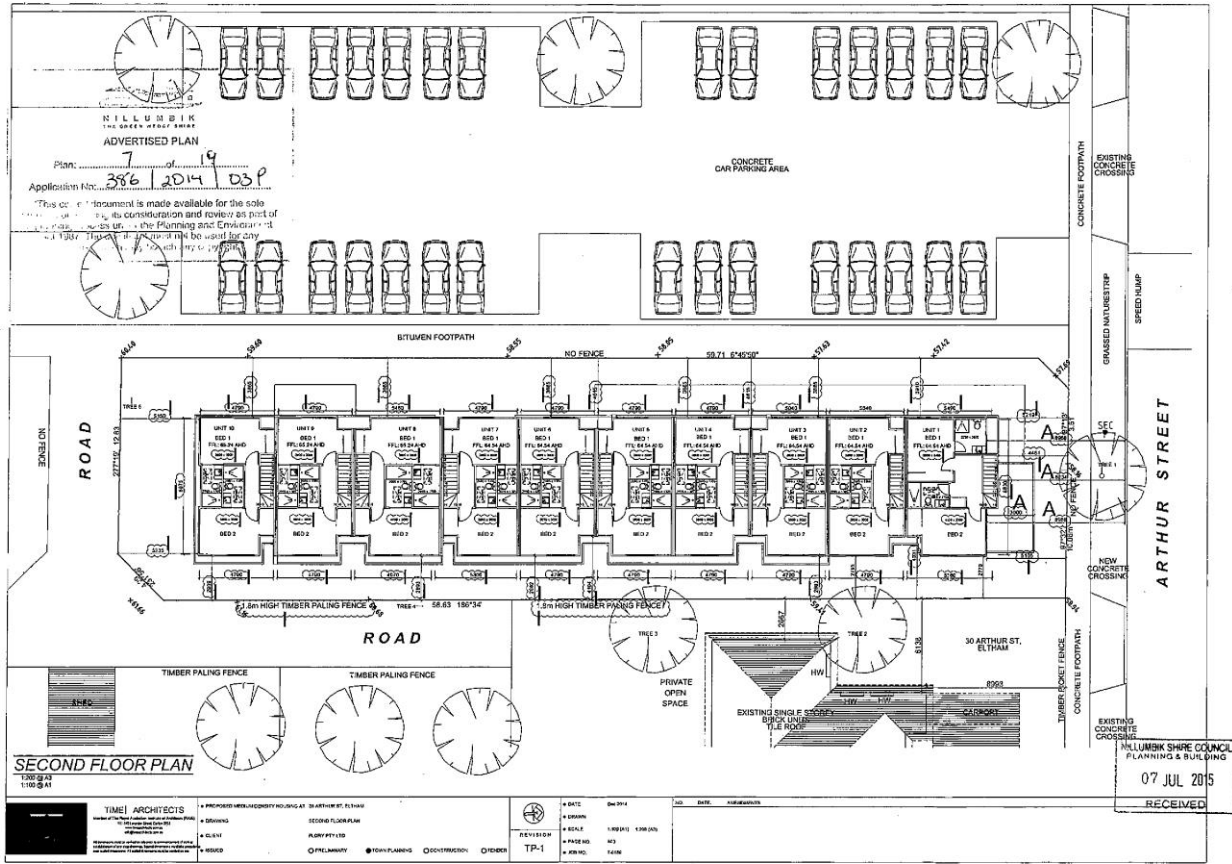
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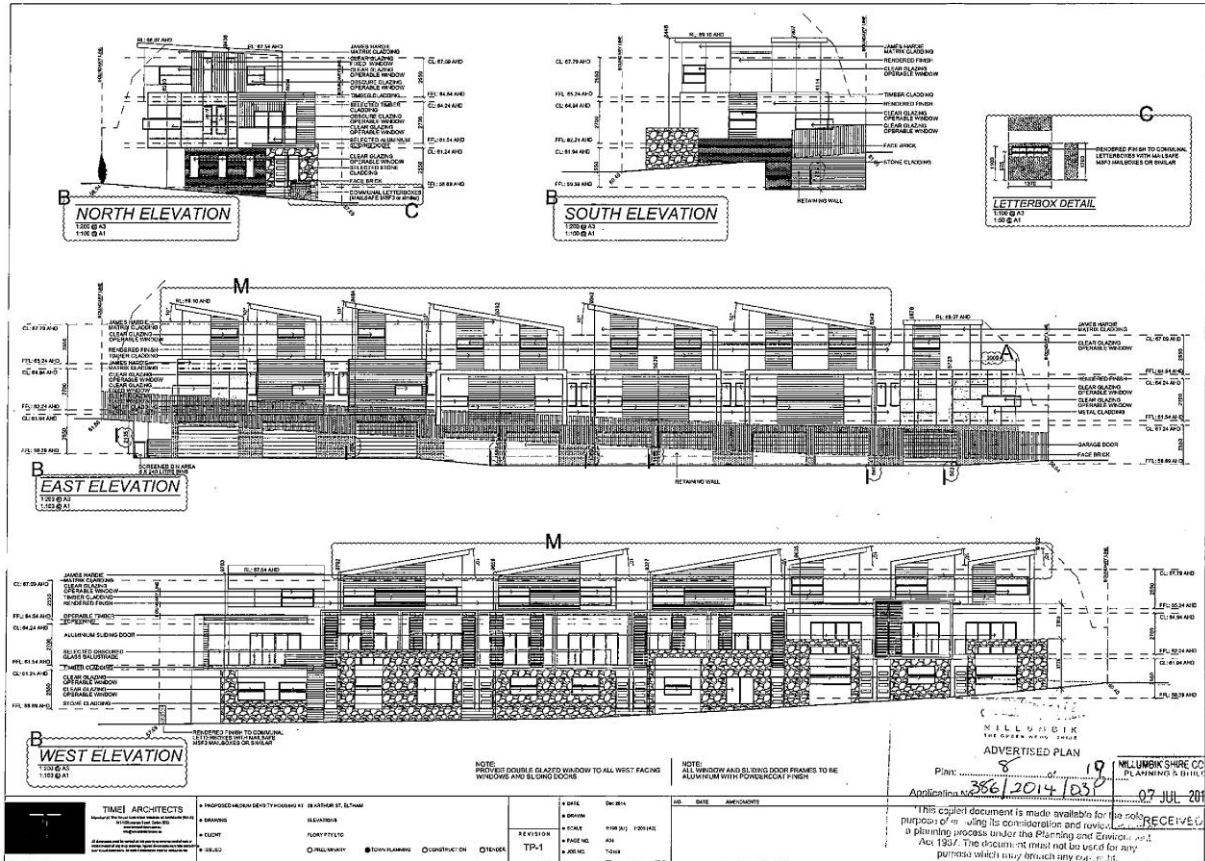
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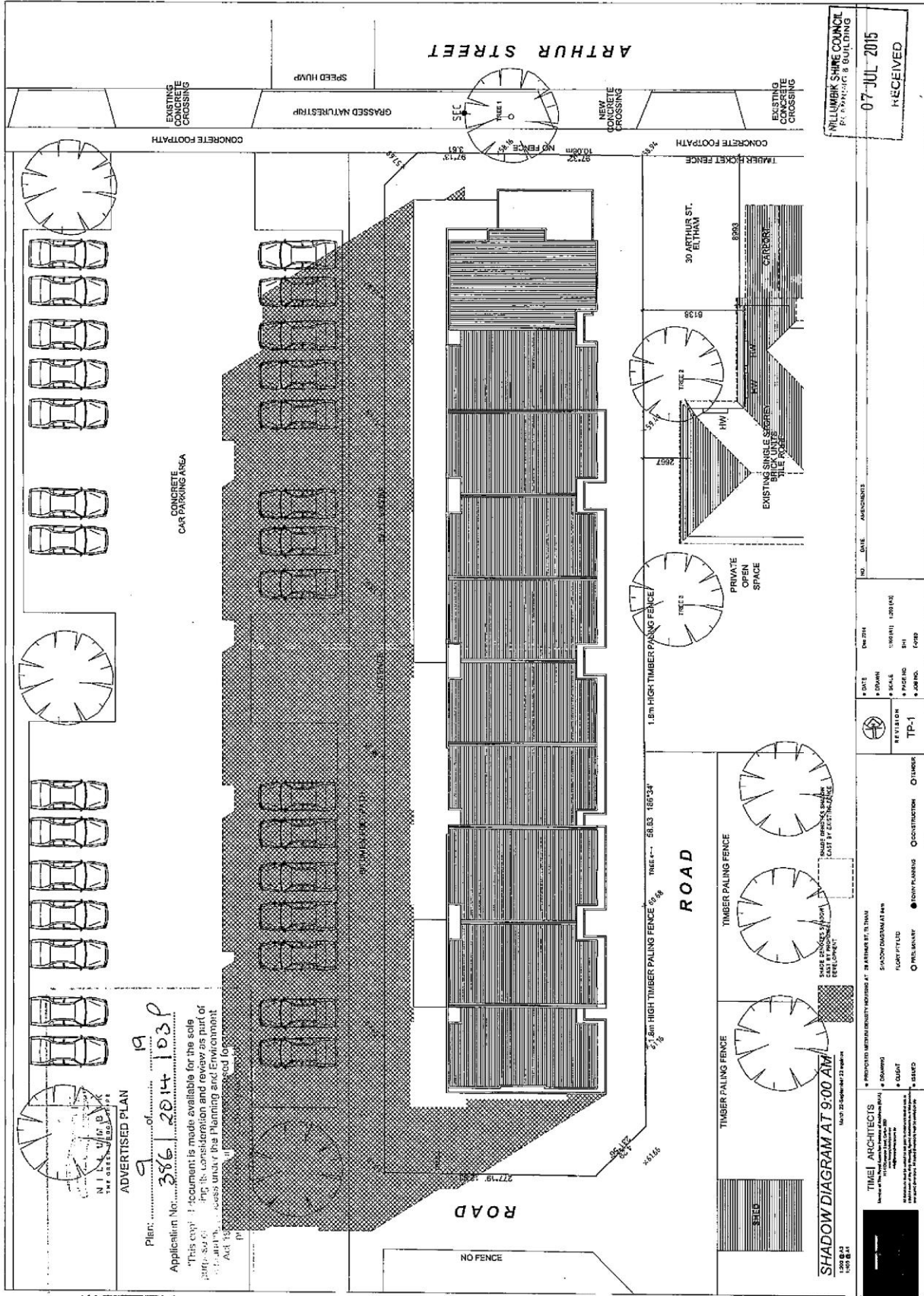
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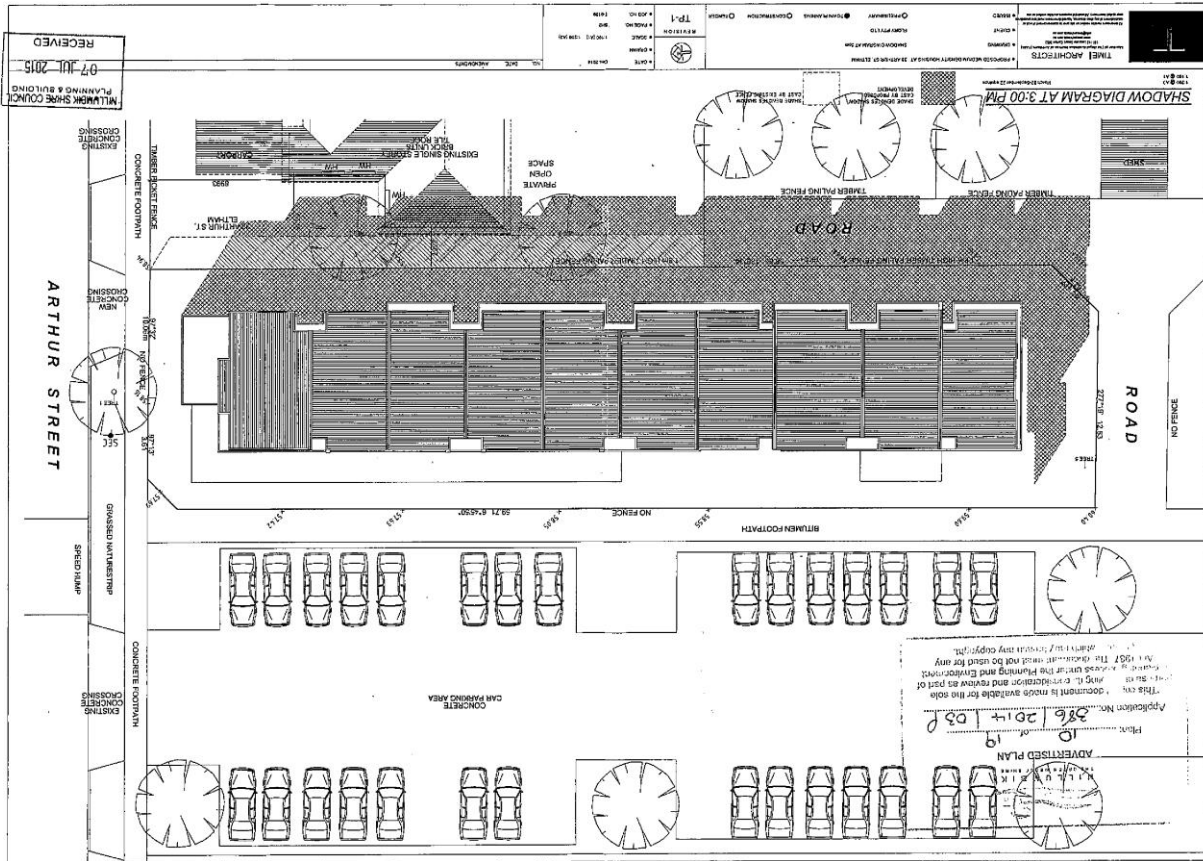
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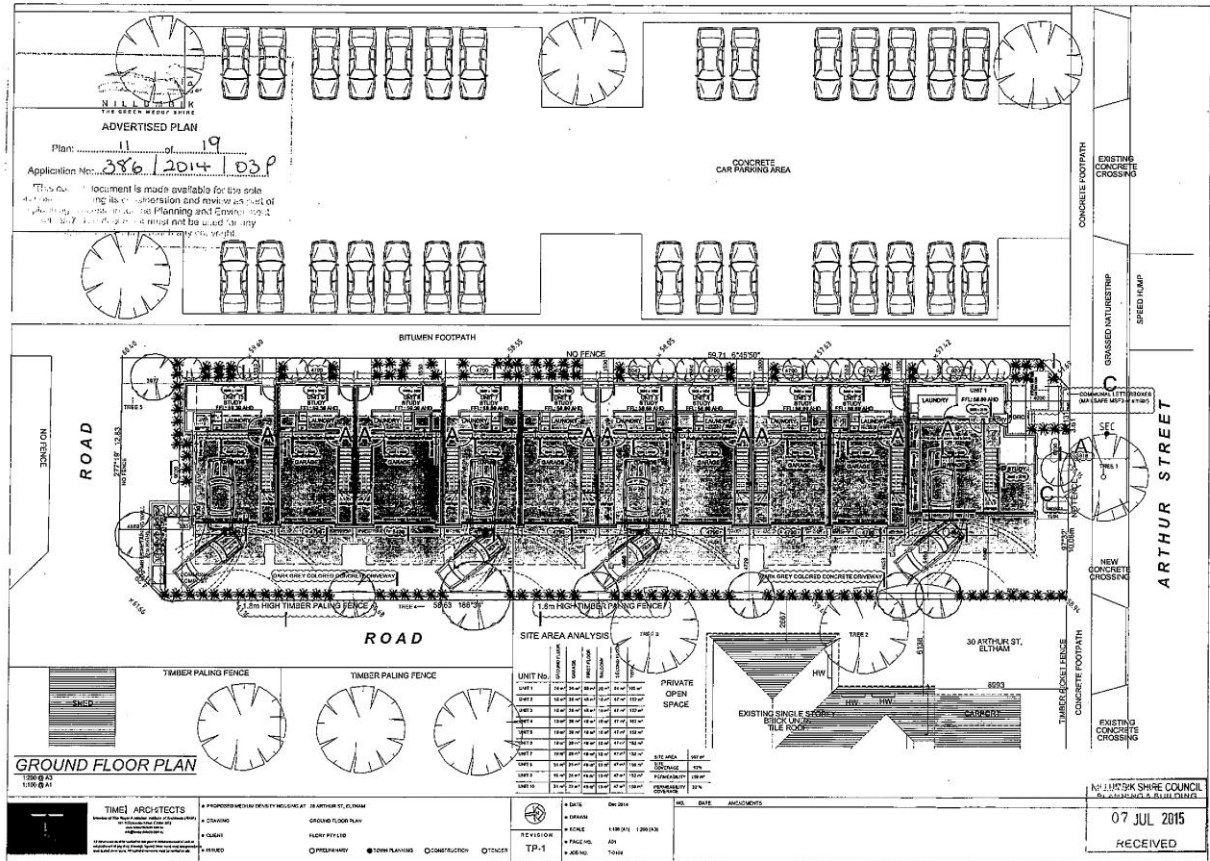
TIMEI ARCHITECTS
 10/100 WILSON STREET, ELTHAM VIC 3175
 PHONE: 03 9752 1111
 EMAIL: info@timei.com.au
 WEBSITE: www.timei.com.au

PREPARED BY: TIMEI ARCHITECTS
 CHECKED BY: [Signature]
 DRAWN BY: [Signature]
 DATE: 10/07/2014

PROJECT: 38612014103P
 SHEET: TP-1 OF 19

SCALE: 1:100 (A1) 1:50 (A2)
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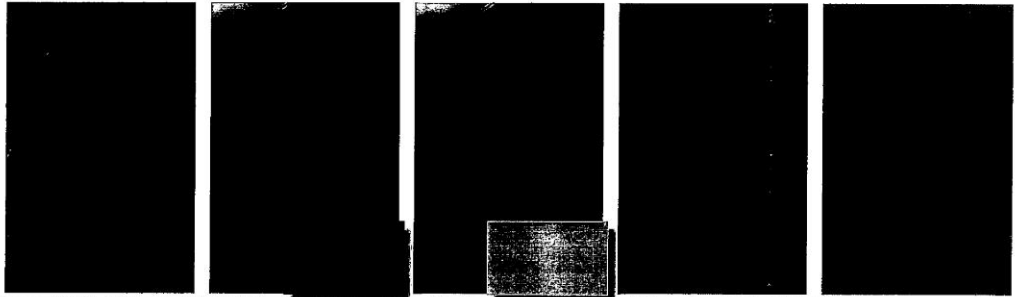


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FINISHES SCHEDULE

28 Arthur Street, Eltham



Timber Cladding
Bilton Timber
Cambria Ash or similar

Matrix Cladding
Dulux Raku
or similar

Matrix Cladding
Dulux Warm Granite
or similar

Smooth Render Finish
Dulux Raku
or similar


Smooth Render Finish
Dulux Warm Granite
or similar

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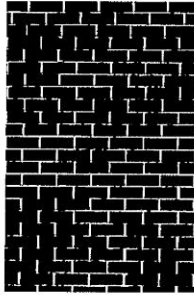
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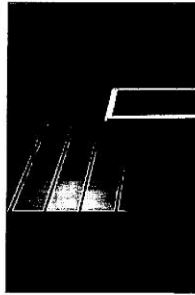

 NILLUMBIK SHIRE COUNCIL
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 Plan: 13 of 19
 Application No: 286/2014/03 P
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FINISHES SCHEDULE

28 Arthur Street, Eltham



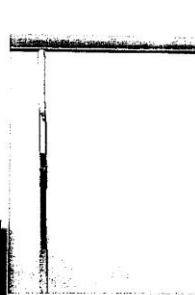
Face Brick
 Austral Bricks
 Rowra Blue or similar



Alucobond Cladding
 Anodized Look C34
 or similar



Selected Garage Door
 Dulux Raku or Colorbond Monument
 or similar



Obscure Glass Balustrade



Aluminium Framed Windows &
 Sliding Doors
 Electro Powdercoat Finish
 Black Ace or similar

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WILLUMSK SHIRE COUNCIL
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The Shire Halls, 100
The Esplanade, Eltham

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Plan: 14 of 19

Application No: 386 / 2014 / D3P

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FINISHES SCHEDULE

28 Arthur Street, Eltham



Stone Cladding
Infill Stone(s)
092SB Random Field stone or similar



Operable Timber Screening



Entry Door
Dubai Raku
or similar



Metal Roofing
Corrobond Monument or similar



Timber Fence
1.8m high

*Materials to be used will vary only

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PLANNING & BUILDING
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Planning Committee agenda

10 May 2016

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