

## Planning Committee

Held at the Civic Centre, Civic Drive, Greensborough  
on Tuesday 6 September 2016 commenced at 8.40pm

## Minutes

**Stuart Burdack**  
**Chief Executive Officer**

Thursday 8 September 2016

Distribution: Public

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*Wominje ka*

Nillumbik Shire Council

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## Nillumbik Shire Council

Minutes of the Planning Committee Meeting held Tuesday 6 September 2016. The meeting commenced at 8:40pm (following the conclusion of the Policy and Services Committee meeting)

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**Councillors present:**

Cr Michael Young	Edendale Ward (Chairperson)
Cr Anika Van Hulsen	Bunjil Ward Ward
Cr Ken King	Sugarloaf Ward
Cr Bronnie Hattam	Swipers Gully Ward (Mayor)
Cr Helen Coleman	Wingrove Ward

**Councillors absent:**

Cr Meralyn Klein	Blue Lake Ward
Cr Peter Perkins	Ellis Ward

**Officers in attendance:**

Ransce Salan	General Manager Environment and Planning
Jeremy Livingston	Manager Planning and Health Services

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**1. Welcome and apologies**

Cr Meralyn Klein and Cr Peter Perkins were absent from the meeting.

**Motion**

**Cr Helen Coleman  
Cr Bronnie Hattam**

**That the Committee notes that Cr Meralyn Klein and Cr Peter Perkins are absent from tonight's meeting.**

**CARRIED**

**2. Disclosure of conflicts of interest**

Nil

**3. Confirmation of minutes**

Confirmation of minutes of the Planning Committee Meeting held on Tuesday 9 August 2016.

**Motion**

**Cr Ken King  
Cr Bronnie Hattam**

**That the minutes of the Planning Committee Meeting held on Tuesday 9 August 2016 be confirmed.**

**CARRIED**

4. Planning Reports

**PC.012/16 Construction of 4 double storey dwellings at 8 Brooks Crescent, Diamond Creek**

**File:** B114/00/008P

**Distribution:** Public

**Manager:** Jeremy Livingston, Manager Planning and Health Services

**Author:** Karen McPherson, Senior Statutory Planner

**Application summary**

Address of the land	8 Brooks Crescent, Diamond Creek
Site area	891 square metres
Proposal	Construction of 4 double storey dwellings
Application number	246/2016/03P
Date lodged	3 May 2016
Applicant	Daniel DeFazio
Zoning	General Residential
Overlay(s)	Nil
Reason for being reported	More than 5 objections received
Number of objections	6
Key issues	<ul style="list-style-type: none"> <li>• Strategic location (in the context of policy)</li> <li>• Neighbourhood character</li> <li>• Impacts on trees</li> <li>• Compliance with Clause 55 (ResCode)</li> <li>• Car parking</li> </ul>
Officer recommendation	Notice of Decision to Refuse to Grant a Permit

**Presenter**

The following person addressed the Committee with respect to the item:

1. Daniel Defazio

4. Planning Reports

PC.012/16 Construction of 4 double storey dwellings at 8 Brooks Crescent, Diamond Creek

**Motion**

Cr Anika Van Hulsen  
Cr Bronnie Hattam

That the Committee (under delegation from Council) issue a Notice of Decision to Refuse to Grant a Permit to the land at 8 Brooks Crescent, Diamond Creek, for the construction of double storey dwellings, on the following grounds:

1. The proposed development is inconsistent with the character of the neighbourhood in terms of Clause 22.12 (Neighbourhood Character Policy) and specifically the objectives of the 'Garden Court' character precinct, due to the lack of separation between the four new dwellings, the limited setbacks from the eastern and northern boundaries, the resultant excessive visual bulk of the built form, and the constrained nature of the areas designated for landscaping (including provision of canopy trees).
2. The proposal is not responsive to the neighbourhood character objectives set out at Clause 16 (Housing), Clause 22.01 (Medium Density Housing Policy), Clause 22.12 (Neighbourhood Character Policy) and Clause 55.01 (Neighbourhood Character) of the planning scheme in terms a continuous built form down the length of the entire site, the lack of separation between the proposed new dwellings, the minimal side and rear setbacks, the resultant building scale and visual bulk of the new dwellings, as well as the limited opportunities for an appropriate level of landscaping on the site. This will result in a development outcome that fails to respect the existing and preferred character of the neighbourhood as sought by the planning scheme.
3. The proposal is contrary to Clause 65 (Decision Guidelines) of the planning scheme, as the proposed built form will adversely impact on the general amenity of the immediate area, including the more sensitive interface to the north, south and east of the subject land.
4. The proposed development does not meet the objectives of the following ResCode provisions:
  - a) The development does not adequately respect the existing neighbourhood character or contribute to the preferred neighbourhood character as required by Clause 55.02-1 (Neighbourhood character objective).
  - b) The extent of built form across the site does not protect the predominant landscape features and allow for appropriate future planting as required by Clause 55.03-8 (Landscaping objective).

**CARRIED**

4. Planning Reports

**PC.013/16 Buildings and works to construct two dwellings, fencing and associated vegetation removal at 12 Thornton Street, Eltham**

**File:** T026/00/012P

**Distribution:** Public

**Manager:** Jeremy Livingston, Manager Planning and Health Services

**Author:** Eloise Gabriele, Statutory Planner

**Application summary**

Address of the land	12 Thornton Street, Eltham
Site area	796 square metres
Proposal	Buildings and works to construct two dwellings, fencing and associated vegetation removal
Application number	752/2015/03P
Date lodged	18 December 2015
Applicant	D P Sette
Zoning	Neighbourhood Residential
Overlay(s)	Significant Landscape Overlay (Schedule 2)
Reason for being reported	More than 5 objections received
Number of objections	9
Key issues	<ul style="list-style-type: none"> <li>• Strategic location (in the context of policy)</li> <li>• Neighbourhood character</li> <li>• Vegetation impacts</li> <li>• Compliance with Clause 55 (ResCode)</li> <li>• Car parking, access and traffic</li> </ul>
Officer recommendation	Notice of Decision to Refuse to Grant a Permit

**Presenters:**

The following people addressed the Committee with respect to the item:

1. Graham Hill, on behalf of Linda and Trevor Castle
2. Lyn Hill
3. Angela Muir
4. David Adams

4. Planning Reports

**PC.013/16 Buildings and works to construct two dwellings, fencing and associated vegetation removal at 12 Thornton Street, Eltham**

- 5. Indra Hopleythompson
- 6. Sue Ormerod
- 7. Dieter Schnabel

**Motion**

**Cr Helen Coleman  
Cr Bronnie Hattam**

**That the Committee (under delegation from Council) issue a Notice of Refusal to Grant a Permit to the land at 12 Thornton Street, Eltham, for the buildings and works to construct two dwellings, fencing and associated vegetation removal, on the following grounds:**

- 1. The proposal does not meet the purpose of the Neighbourhood Residential Zone (Schedule 7) as it does not respect the identified neighbourhood character and landscape characteristics of the adopted neighbourhood character guidelines of the planning scheme.**
- 2. The proposal does not meet the character objectives of the Significant Landscape Overlay (Schedule 2) as it fails to provide for the sensitive and site-responsive siting of development within a vegetative landscape setting.**
- 3. The proposal does not meet the design objectives of the ‘Bush Garden’ precinct of the Neighbourhood Character Policy (Clause 22.12) as it does not minimise the disruption to the vegetation character, does not provide for sufficient area for replanting throughout the site and car parking facilities within the front setback will result in a visually prominent built form element.**
- 4. The development presents unacceptable impacts to existing vegetation within the road reserve and fails to meet the objectives of the Significant Landscape Overlay (Schedule 2).**
- 5. The proposed development and vegetation removal does not meet the objectives of the following ResCode provisions:**
  - a) The development does not adequately respect the existing neighbourhood character or contribute to a preferred neighbourhood character as required by Clause 55.02-1 (Neighbourhood Character objectives).**
  - b) The extent of built form across the site does not protect the predominant landscape features and allow for appropriate future planting as required by Clause 55.03-8 (Landscaping objectives).**
  - c) The development is not oriented to make appropriate use of daylight and solar energy as required by Clause 55.03-5 (Energy efficient objective).**
  - d) The development does not allow adequate solar access into the secluded private open space of the dwellings as required by Clause 55.05-5 (Solar access to open space objective).**

4. Planning Reports

**PC.013/16 Buildings and works to construct two dwellings, fencing and associated vegetation removal at 12 Thornton Street, Eltham**

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- e) The additional crossover does not comply with Clause 55.03-9 (Access objective) as the additional crossover does not respect the preferred neighbourhood character and does not maximise the retention of on-street car parking spaces.

**CARRIED**

Cr Helen Coleman called for a division:

For: Crs Coleman, Hattam, King, Young and Van Hulsen

Against: Nil



4. Planning Reports

**PC.014/16** Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works

**File:** A043/00/027P

**Distribution:** Public

**Manager:** Jeremy Livingston, Manager Planning and Health Services

**Author:** Katrina Ross, Senior Statutory Planner

**Application summary**

Address of the land	27 & 29 Arthur Street and 26, 28 & 30 Pryor Street, Eltham
Site area	5,046 square metres
Proposal	Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street; vegetation removal, car parking reduction and associated works
Application number	303/2015/03P
Date lodged	30 June 2015
Applicant	Taouk Architects
Zoning	Activity Centre (Schedule 1)
Overlay(s)	Significant Landscape Overlay (Schedule 1)
Reason for being reported	More than 5 objections received More than 5 dwellings
Number of objections	176 (plus one letter of support)
Key issues	<ul style="list-style-type: none"> <li>• Strategic merit for higher density development</li> <li>• Built form and neighbourhood character</li> <li>• Internal amenity</li> <li>• Access, traffic and car parking</li> <li>• Vegetation and landscaping</li> <li>• Compliance with Clause 55 (ResCode)</li> <li>• Sustainability</li> <li>• Waste collection</li> </ul>
Officer recommendation	Issue of a Notice of Decision to Grant a Permit

#### 4. Planning Reports

**PC.014/16 Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works**

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#### Presenters

The following people addressed the Committee with respect to the item:

1. Greg Johnson, on behalf of Friends of Nillumbik Inc.
2. Carlotta Quinlan, on behalf of Eltham Gateway Action Group
3. Sue Dyet
4. Denis Johnston
5. Kate Milkins
6. Lynnsay Prunotto
7. Craig Burleigh
8. Mitzi Tuke
9. Alison Hall
10. Rhonda Thomson
11. Faye Williams
12. Darrell Koochew
13. Atika Rea
14. Richard Pennell
15. John Joyner, from Melbourne Planning Outcomes, acting on behalf of the permit applicant (Taouk Architects)

#### Continuance of meeting

**Cr Helen Coleman**  
**Cr Bronnie Hattam**

In accordance with Clause 20.3 of the Meeting Procedure Local Law, a meeting must not continue after 10.30pm unless a majority of Councillors present vote in favour of its continuance, The Chair notes that as it had now reached 10.30pm, continuation of the meeting must be put to the vote.

**CARRIED**

Recommendation
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That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land at 27 and 29 Arthur Street, Eltham and 26, 28 and 30 Pryor Street, Eltham, for the construction of more than two dwellings on a lot (100 dwellings) with basement car parking and associated works, vegetation removal and a reduction of the car parking requirement, in accordance with the endorsed plans and subject to the following

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**PC.014/16 Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works**

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conditions:

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 1 June 2016 and prepared by Taouk Architects but modified to show:
  - a) The deletion of Apartments 11, 32 and 42 in Building 1, and the deletion of Apartments 15 and 33 in Building 2. The immediately adjoining apartments are to be reconfigured to increase living and bedroom areas and must not increase the number of bedrooms, study nooks may be provided. Boundary setbacks and the areas of private open space available for landscaping must not be reduced in size.
  - b) As a result of the re-configurations required by condition 1a) of this permit, Apartments 10, 12, 26, 31, 33, 41 and 43 in Building 1 and Apartments 13, 16, 31, 33, and 34 in Building 2 to be redesigned to be adaptable apartments in accordance with the Liveable Housing Design Guidelines.
  - c) The deletion of one bedroom from Apartment 26 in Building 1.
  - d) The 'white on white' external render material to be amended to a darker and earthy tone.
  - e) The basement carpark doors fronting Arthur Street and Pryor Street to be amended from 'Surfmist' to a darker colour.
  - f) Specific details of the art to be included on the elevation plans, including size, location, type colour and design, to better reflect Eltham's artistic heritage.
  - g) Appropriate design response that details how air conditioning units situated on balconies are to be visually concealed so not to be visible from outside the site.
  - h) Location and details of any mechanical plant equipment and air conditioning equipment to be shown, in a manner which is in accordance with the Eltham Activity Centre Design Guidelines.
  - i) Details of how the apartments on the first and second floors on the eastern elevations of Building 1 and Building 2 meet the overlooking requirements of Clause 55.04-6 of the planning scheme.
  - j) The fencing located within the Tree Protection Zone of Tree No. 3 to be constructed of timber and to meet the requirements of condition 10 of this permit.
  - k) A notation on the plans that all works and paving within the Tree Protection Zones of Tree Nos. 3 and 28 must be constructed of permeable paving at or above grade using permeable paving and under the supervision of the project arborist.

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**PC.014/16 Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works**

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- l) Deletion of the reference of Nillumbik Shire Council to facilitate the communal garden and composting area.
  - m) Provision and details of lighting within the common property areas consisting of only low level lighting in accordance with the Eltham Activity Centre Design Guidelines.
  - n) Subject to further exploration as required by condition 12c of this permit, plan notations and details of shading devices along all eastern and western elevations of the proposed development.
  - o) Landscape plan amended in accordance with condition 3 of this permit.
  - p) A Landscaping Management Plan prepared in accordance with condition 4 of this permit.
  - q) The Tree Management Plan amended to reflect conditions 10 and 11 of this permit
  - r) An amended Sustainability Management Plan in accordance with condition 12 of this permit.
  - s) An amended Waste Management Plan in accordance with condition 13 of this permit.
2. The development and vegetation removal 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 an amended 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 landscaping plan must be generally in accordance with the landscape concept plan received on 1 June 2016, prepared by Hansen. The plan must show:
- a) A survey of all existing vegetation and natural features.
  - b) The area or areas set aside for landscaping.
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include 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, lighting and other landscape works including areas of cut and fill.

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- f) Appropriate irrigation systems and maintenance schedule that addresses regular inspection and flushing of the system, checking for leaks, monitoring the performance of the soils moisture sensors and time clock switching mechanisms.
  - g) The quantities of all trees shrubs, groundcovers, and climbers to be shown in the planting schedule.
  - h) The planters/plates to be numbered in accordance with the advice provided by John Patrick Architects to Council dated 28 January 2016.
  - i) The provision of three *Eucalyptus melliodora* (Yellow Box) to be located within the Circulatory Road setback. One tree to be located in each of the building indents.
  - j) Details of any required root barrier systems required to protect the buildings from the planted canopy trees.
  - k) Provision and details of lighting within the common property areas consisting of only low level lighting in accordance with the Eltham Activity Centre Design Guidelines. Such details to also be included on the development plans as required by condition 1 of this permit.
  - l) Soil specification as follows:
    - 0-300 mm organic enriched sand or loamy sand.
    - 300-1000 mm sand or loamy sand.
    - drainage layer – a proprietary system such as Atlantis is recommended.
4. Before the development commences, three copies of a Landscape Maintenance Plan prepared by a suitably qualified Landscape Architect with experience with above podium planting and 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 Landscape Maintenance Plan must detail:
- a) The experience and qualifications of the Landscape Architect.
  - b) Irrigation of the landscaping including details of the regular inspection and flushing of the system, checking for leaks, monitoring of the performance of the soil moisture sensors and time clock switching mechanism of the irrigation.
  - c) Maintenance of the landscaping by a specialist contractor with knowledge of maintenance of above podium gardens including fertilizer programs, soil health and maintenance, plant replacement strategies and health and safety in relation to raised planters.

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5. Before the development commences, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:

Unless with the prior written consent of Council:

- a) Waste collection for this development will occur through a private contractor, collected from within the site only and be managed appropriately by the Owner's Corporation.
- b) All landscaping approved under Planning Permit 303/2015/03P must be maintained thereafter, to the satisfaction of Council.
- c) The Landscaping Management Plan approved under Planning Permit 303/2015/03P must be complied with in perpetuity.
- d) Future owners and occupiers of the building will not be eligible for any future resident or visitor parking permit scheme.
- e) All visual screening measures shown on the endorsed plans must be installed in order to prevent overlooking and must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
- f) There shall be no additional front fencing other than that approved by Planning Permit 303/2015/03P located within the front setbacks of Arthur Street, Pryor Street and Circulatory Road.

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.

The owner must pay all costs (including Council's costs) associated with the preparation, review (if required), execution, registration and (if later sought) cancellation of the Section 173 Agreement.

- 6. Unless with the prior written consent of the Responsible Authority, before the occupation 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.
- 7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained and requiring tree protection fencing 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:

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a) Extent

The tree protection fencing (TPF) is to be provided to the extent of the Tree Protection Zone, as shown in the Tree Management Plan prepared by dbhorticulture and dated 21 March 2016. 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 and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.

c) 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

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority Bore pits must be located outside of the TPZ or manually excavated without damage to roots, to the satisfaction of the Responsible Authority.

f) Access to TPZ

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

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8. 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.
9. 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.
10. The following must occur within the Tree Protection Zones of Tree No. 3 to the satisfaction of the Responsible Authority.
  - a) All excavation works within the Tree Protection Zone of Tree No. 3 must be supervised by the project arborist.
  - b) Any temporary changes to the tree protection fencing must be supervised by the project arborist.
  - c) If tree roots are encountered, these must be pruned by the arborist, at right angles, using sharp, clean tools.
  - d) The rendered fence within the Structural Root Zone of Tree No. 3 must be changed to a timber paling fence to avoid the need for a strip footing through the Structural Root Zone.
  - e) The project arborist must supervise or undertake manual excavation of post holes for the fence. If roots greater than 40mm in diameter are encountered these must be retained and the location of posts shifted. Any roots smaller than 40mm in diameter should be cleanly pruned by the project arborist, at right angles, using sharp, clean tools.
  - f) If structural roots are encountered in order to avoid compromising the structural roots longer spans between posts must be employed
  - g) Paving within the Tree Protection Zone of Tree No. 3 must be of a permeable or porous surface and installed at or above grade.



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- h) Landscaping works within the Tree protection Zone of Tree No. 3 must be undertaken at or above grade, except for excavation for tree planting holes which must be undertaken manually under arborist supervision. If roots greater than 40mm in diameter are encountered these must be retained and the location of planting holes shifted. Any roots smaller than 40mm in diameter should be cleanly pruned by the project arborist, at right angles, using sharp, clean tools.
11. The following must occur within the Tree Protection Zones of Tree No. 28 to the satisfaction of the Responsible Authority
    - a) All excavation works within the Tree Protection Zone of Tree No. 28 must be supervised by the project arborist.
    - b) If tree roots are encountered, these must be pruned by the arborist, at right angles, using sharp, clean tools.
    - c) Paving within the Tree Protection Zone of Tree No. 28 must be of a permeable or porous surface and must be installed at or above grade.
  12. Prior to the commencement of buildings and works, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Three copies of the plan must be submitted. The plan must be updated to include:
    - a) Details in relation to the charging station and parking bay for electric vehicles in the Sustainable Transport section.
    - b) Details of space provided for communal gardening and composting. Information such as the size, location and purpose of this space must be included.
    - c) Further exploration (to the satisfaction of the Responsible Authority) into the incorporation of adjustable shading to be included on all east-facing and west-facing windows to eliminate summer sun and reduce mechanical cooling requirements.
  13. Prior to the commencement of buildings and works, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Waste collection operations on the site must conform to this endorsed plan. Three copies of the plan must be submitted. The plan must include:
    - a) The location of all area used for waste storage and the type and size of waste bins.
    - b) The means of waste collection, including waste collection vehicle undertaken by a private waste collection provider.
    - c) Frequency of waste collection.

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- d) Maintenance of the waste storage area.
  - e) Updated estimated waste generation values (as the values in the submitted report have been underestimated).
  - f) Waste collection to occur from basement levels only and not outside the curtilage of the boundaries of the subject site.
  - g) Waste collection vehicles to enter and exit the site in a forwards direction.
14. The Waste Management Plan endorsed as a part of this permit must be implemented and complied with as all times to the satisfaction of the Responsible Authority. No alterations to the Waste Management Plan may occur unless with the further written approval of the Responsible Authority.
15. Prior to the commencement of the development a Construction Management Plan must be submitted to and approved by the Responsible Authority. The management plan must show:
- a) Measures to control erosion and sediment and sediment laden water runoff including the design details of structures.
  - b) Where any construction wastes, equipment, machinery and/or earth is to be stored/stockpiled during construction.
  - c) Where access to the site for construction vehicle traffic will occur.
  - d) The location of trenching works, boring, and pits associated with the provision of services.
  - e) The location of any temporary buildings or yards;.
  - f) Measures designed to ensure the orderly management of the construction site, including noise and parking of vehicles, including complaint procedures that have the construction company as being the first point of contact in the event of a complaint.

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

- 16. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, 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. Air-conditioning units located on apartment balconies must be appropriately concealed at all times, so as to not be visible from outside of the site.

4. Planning Reports

**PC.014/16 Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works**

19. Air-conditioning and other plant and equipment installed on the subject buildings shall be positioned and baffled so that noise disturbance is minimised, to the satisfaction of the Responsible Authority.
20. Prior to completion of the development, all visual screening measures shown on the endorsed plans must be installed in order to prevent overlooking and must be maintained to the satisfaction of the Responsible Authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the Responsible Authority.
21. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit.
22. Driveways, access lanes, and areas set aside for the parking of vehicles must be properly formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. All must be drained and constructed in concrete, asphalt or similar surface, and must be carried out and maintained to the satisfaction of the Responsible Authority.
23. Before the occupation of the development starts, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed.
  - b) Properly formed to such levels that they can be used in accordance with the plans.
  - c) Surfaced with an all-weather-seal coat.
  - d) Drained.
  - e) Line marked to indicate each car space and all access lanes.
  - f) Clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the Responsible Authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
24. The development, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land. The drainage system within the subject site must be designed to the requirements and satisfaction of the relevant building surveyor. Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and an

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Infrastructure Works permit.

25. Stormwater from the roof of the development hereby approved must be directed to a holding tank with sufficient storage capacity in relation to the roof area. A holding tank/s with a minimum storage capacity of 54,000 litres must be provided to the development. The overflow from the tanks must be directed via an independent internal drainage system to the on-site detention system.

Water in the holding tank/s 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.

26. 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 unless with the prior written consent of the Responsible Authority. The on-site detention system outlet must be connected to the Council nominated point of stormwater discharge.

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. 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.

27. An interceptor trap, connected to the sewerage system, must be installed to collect water containing oil, litter, sediment, chemicals and/or other pollutants emanating from the site. A licence for the installation and maintenance of the trap must be obtained from Yarra Valley Water.

28. In areas where sewerage is not available, the polluted water must be removed from the site and disposed of through an organisation with a registered disposal licence. The discharge of contaminated water into Council's stormwater drainage system is not permissible.

29. 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.

30. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within 2 years of the date of this permit.
- b) The development is not completed within 4 years of the date of this permit.

**4. Planning Reports**

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

**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.

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.

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 \$777 for the land owner and occupant, and \$1555 for any company which may be undertaking works on-site.

For any clarification or enquiries concerning the drainage or stormwater conditions contained in this permit, please contact Council's Development Engineer on 9433 3234.

**Motion**

**Cr Helen Coleman  
Cr Bronnie Hattam**

**That the Committee (under delegation from Council) issue a Notice of Decision to Refuse to Grant a Permit for the construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works, on the following grounds:**

**4. Planning Reports**

**PC.014/16 Construction of a four storey building comprising of 45 apartments and basement car parking at 27-29 Arthur Street, Eltham; the construction of a four storey building comprising of 60 apartments and basement car parking at 26-30 Pryor Street, Eltham; vegetation removal, car parking reduction and associated works**

1. That the proposal is contrary to the objectives of the Activity Centre Zone (Schedule 1), 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 extent of building form proposed, the lack of building separation, the resultant building scale, bulk, mass and setbacks from Circulatory Road, as well as the development's interface to all three road frontages.
2. The proposal does not respond favourably to the Eltham Major Activity Design Guidelines as referenced in the Activity Centre in terms of the design detail, building forms and materials palette proposed for this development.
3. The proposed development is contrary to the objectives of Schedule 1 of the Significant Landscape Overlay and Clause 22.12 (Neighbourhood Character Policy) due to the lack of meaningful landscaping opportunities and lack of large canopy trees, in order to provide an appropriate landscape setting for the proposed development.
4. The proposal fails to comply with the objectives and standards set out in Clause 55 (ResCode) of the Nillumbik Planning Scheme. More specifically the proposal fails Clause 55.02-1 (Neighbourhood character), Clause 55.03-3 (Site coverage), Clause 55.03-10 (Parking location objectives), and Clause 55.04-6 (Overlooking objective).
5. The proposal fails to comply with the objectives and standards set out in Clause 52.06 (Car Parking) of the Nillumbik Planning Scheme as the proposal does not provide the appropriate number of resident and visitor car parking spaces.
6. The proposal fails to provide a good level of internal and external amenity contrary to Clause 65 (Decision Guidelines). With respect to internal amenity, some apartments are provided with inadequate bedrooms and living rooms sizes to meet contemporary living standards.

**CARRIED**

Cr Helen Coleman called for a division:

For: Crs Coleman, Hattam, King, Van Hulsen and Young

Against: Nil

**Planning Committee minutes**

**6 September 2016**

**5. Supplementary and urgent business**

Nil

**6. Confidential reports**

Nil

The meeting closed at 10:52pm

Confirmed: \_\_\_\_\_

Cr Michael Young, Chairperson