

Planning Committee

Held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 July 2016 commencing at approximately 8.00pm (following the
conclusion of the Policy and Services Committee meeting).

Agenda

Stuart Burdack
Chief Executive Officer

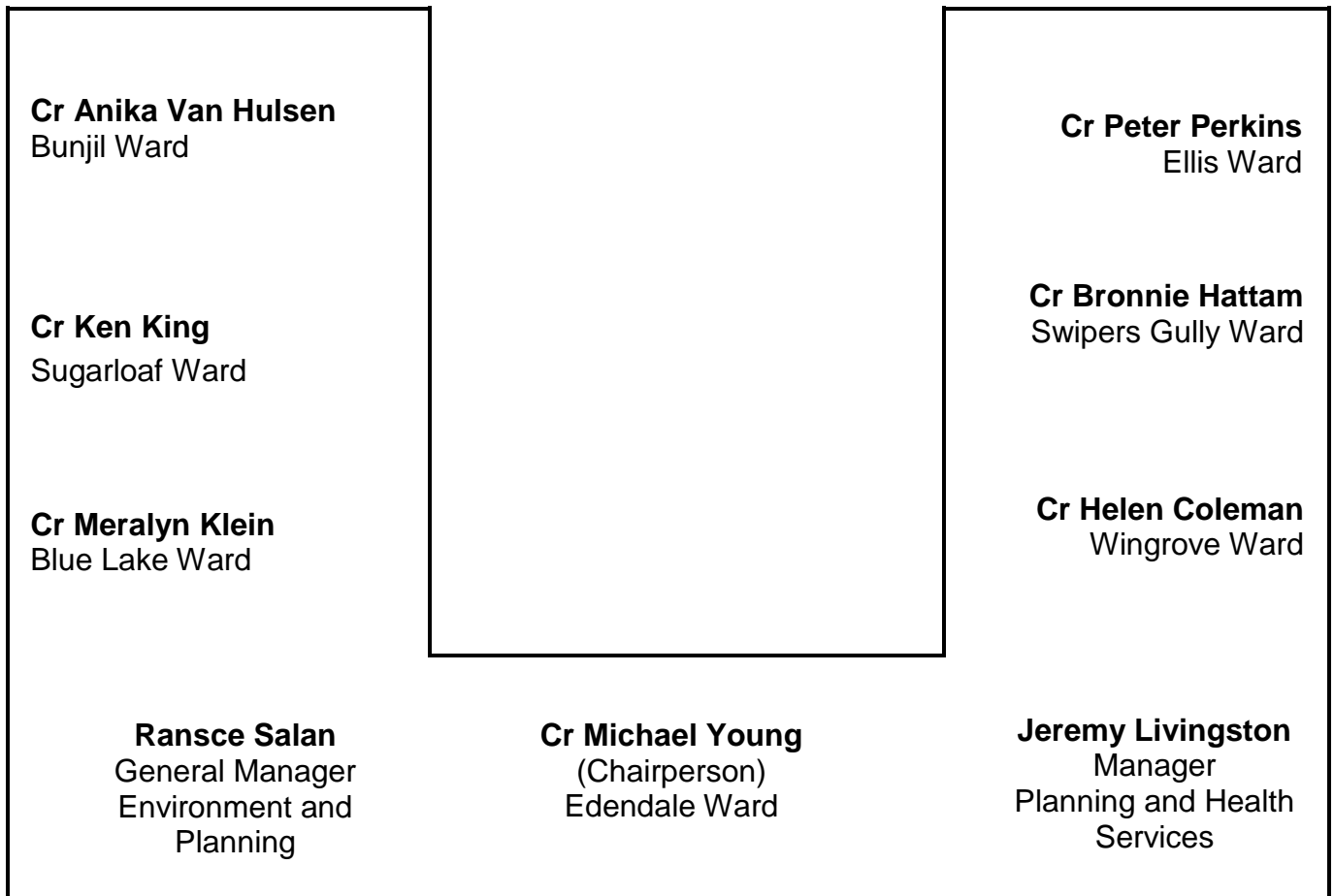
Wednesday 6 July 2016

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.

Contents

1. Welcome and apologies	1
2. Disclosure of conflicts of interest	1
3. Confirmation of minutes	1
4. Planning Reports	2
PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham	2
5. Supplementary and urgent business	39
6. Confidential reports	39

Nillumbik Shire Council

Agenda of the Planning Committee Meeting to be held Tuesday 12 July 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 7 June 2016.

Motion

That the minutes of the Planning Committee Meeting held on Tuesday 7 June 2016 be confirmed.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

File: B117/00/099P
Distribution: Public
Manager: Jeremy Livingston, Manager Planning and Health Services
Author: Tim Oldfield, Statutory Planner

Application summary

Address of the land	99 Brougham Street, Eltham
Site area	976 square metres
Proposal	Construction of two dwellings and associated vegetation removal
Application number	745/2015/03P
Date lodged	18 December 2015
Applicant	Property Analytics
Zoning	General Residential
Overlay(s)	Significant Landscape Overlay (Schedule 3)
Reason for being reported	More than 5 objections received
Number of objections	9
Key issues	<ul style="list-style-type: none"> • Strategic location (in the context of policy) • Neighbourhood character • Vegetation impacts • Compliance with Clause 55 (ResCode) • Car parking
Officer recommendation	Issue of a Notice of Decision to Grant a Permit

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

Subject site and surrounds



4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

Attachments

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

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

- The subject site is located on the northern side of Brougham Street, approximately 120 metres to the west of its intersection with Bible Street, in Eltham. The site is rectangular in shape and is 976 square metres in area.
- This section of Brougham Street is undulating in topography with the subject site being located close to the crest of the street. A flat top speed hump is located directly out the front of the site.
- The site contains an existing weatherboard single storey dwelling. Vehicle access to the site is provided via a crossover at the south-west corner of the site.
- The subject site contains vegetation throughout, which is generally located around the property boundaries and consists of a mixture of species.
- The site is immediately surrounded by conventional residential development consisting of single storey and double storey dwellings, constructed from a mixture of materials such as brick and weatherboard. Many dwellings, particularly to the south of Brougham Street, contain subfloor areas, some of which include under-croft garages.
- The properties immediately abutting the subject site to the east and west have previously been subdivided. The property to the west contains three dwellings with a large common driveway down the eastern boundary. The property to the east of the site accommodates two dwellings on the land.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

- The subject site is situated approximately 760 metres to the south of the Eltham Activity Centre. Main Road is situated 280 metres to the east.

Details of proposal

2. Refer to the attached plans.

- Construction of two dwellings in a side-by-side configuration on the land.
- Dwelling 1, located on the western side, will be a double storey dwelling. The ground floor of this dwelling will consist of a double car garage, an open plan kitchen/living/dining room, a bedroom, bathroom and laundry.
- The upper floor level of this dwelling will consist of an additional three bedrooms and a bathroom. The sub-floor area includes a multi-purpose room. The double garage to the front of the dwelling will access directly off Brougham Street via a proposed driveway, located in the same position as the existing driveway.
- Dwelling 1 will be setback (as a minimum) 5.3 metres from the front (southern) property boundary, between 1 and 3.7 metres from the western boundary, and a minimum of 12.4 metres from the northern (rear) property boundary.
- The dwelling will have a maximum height of 8.9 metres above ground level at any one point.
- Dwelling 2, located on the eastern side, will also be double storey. The ground floor will consist of a double car garage, an open plan kitchen/living/dining room, a sitting room, bedroom (with ensuite) and powder room.
- The first floor level includes an additional three bedrooms and a bathroom. The sub-floor includes a multi-purpose room. The proposed crossover for Dwelling 2 will be located on the existing flat top speed hump, and the driveway will be centrally located off Brougham Street.
- Dwelling 2 will be setback (as a minimum) 7.8 metres from the front (southern) property boundary with a verandah encroaching into this setback. The dwelling will also be setback a minimum of 1.39 metres from the eastern boundary, and a minimum of 12.6 metres from the northern (rear) boundary.
- The dwelling will have a maximum height of 8.7 metres above ground level.
- Both dwellings will be constructed of face brickwork in Selkirk 'Jasper', selected rendered brickwork, render cladding and lightweight cladding in Dulux 'White Duck Quarter' and will have a charcoal grey tiled roof. The gable ends and window frames will be colored Dulux 'Lexicon half strength' and the gutters, fascias and down pipes will be in Colorbond 'Woodland Grey'.
- The separation between the two proposed dwellings range between 1.4 and 3 metres at ground floor level, and between 4.61 and 5.01 metres at first floor level.
- No front fencing is proposed.
- The proposal does seek side and rear boundary solid paling fencing constructed to a height of 1.8 metres around the entire site (in addition to 400

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

metre high trellis on the east boundary). The proposal also seeks 1.8 metre high solid paling fencing (as well as 400 metre high trellis) along the common boundary between the proposed two dwellings. Under the Significant Landscape Overlay (Schedule 3), a permit is only required for a front fence. As such, this fencing does not require a permit.

- The following vegetation is proposed to be removed:

Tree	Botanical Name	Common Name	Origin
3	<i>Cupressus macrocarpa</i>	Monterey Cypress	Exotic
4	<i>Cupressus macrocarpa</i>	Monterey Cypress	Exotic
5	<i>Acacia baileyana</i>	Cootamundra Wattle	Native
9	<i>Acacia dealbata</i>	Silver Wattle	Indigenous
11	<i>Callistemon 'Harkness'</i>	Harkness Bottlebrush	Native
12	<i>Callistemon 'Harkness'</i>	Harkness Bottlebrush	Native
13	<i>Callistemon 'Harkness'</i>	Harkness Bottlebrush	Native
14	<i>Callistemon 'Harkness'</i>	Harkness Bottlebrush	Native
15	<i>Melia azedarach</i>	White Cedar	Native
16	<i>Schinus areira</i>	Peppercorn Tree	Exotic
17	<i>Eucalyptus spathulata</i>	Swamp Mallet	Native
19	<i>Cotoneaster glaucophyllus</i>	Grey-leaved Contoneaster	Exotic
20	<i>Ligustrum lucidum</i>	Shining Privet	Exotic
22	<i>Campsis radicans</i>	Trumpet Vine	Exotic
24	<i>Campsis radicans</i>	Trumpet Vine	Exotic
25	<i>Melaleuca bracteata</i>	Black Tea-tree	Native
29	<i>Acacia dealbata</i>	Silver Wattle	Indigenous
30	<i>Acacia dealbata</i>	Silver Wattle	Indigenous
31	<i>Acacia dealbata</i>	Silver Wattle	Indigenous
32	<i>Cotoneaster glaucophyllus</i>	Grey-leaved Contoneaster	Exotic
33	<i>Acacia dealbata</i>	Silver Wattle	Indigenous
40	<i>Acacia floribunda</i>	Sallow Wattle	Native
41	<i>Corymbia citriodora</i>	Lemon-scented gum	Native
42	<i>Photinia serratifolia</i>	Chinese Hawthorn	Exotic

- Of the above trees, Tree Nos. 3, 15, 17, 19, 22, 25, 31, 32, 41, 42 require a permit to be removed as they are identified as 'substantial trees' pursuant to the Significant Landscape Overlay (Schedule 3).

Planning history

- There is no known planning permit history for the land.

Planning controls

Zoning

- The subject land is zoned General Residential. The zone purpose seeks a diversity of housing types and moderate housing growth in a manner which respects the neighbourhood character. Under this zone, a permit is required to construct two or more dwellings on the land. A 'dwelling(s)' is a 'Section 1' no permit required use in the zone.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

Overlays

5. The land is affected by the Significant Landscape Overlay (Schedule 3). Under this overlay, a permit is required to construct a building or carry out works if the proposed buildings or works exceed 7.5 metres in height, or if the proposed buildings and works are within 5 metres of a substantial tree. A permit is also required for the removal of any substantial tree. A substantial tree is defined under the overlay as vegetation that has a trunk circumference greater than 0.5 metres at one metre above ground level.

Particular provisions

6. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'ResCode').
7. Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, to ensure that car parking does not adversely affect the amenity of the locality, and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use
8. 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

9. State Planning Policies which are relevant to this application include:
- Clause 15.01-1 – Urban Design
 - Clause 15.01-5 – Cultural Identity and Neighbourhood Character
 - Clause 16.01-1 – Integrated Housing
 - Clause 16.01-2 – Location of Residential Development
 - Clause 16.01-4 – Housing Diversity
10. The Municipal Strategic Statement (MSS) clauses and Local Planning Policies which are relevant to this application include:
- Clause 21.05-1 – Settlement and Housing
 - Clause 22.01 – Medium Density Housing Policy
 - Clause 22.12 – Neighbourhood Character Policy

Policy context

11. The planning controls and policies identified above encourage a moderate growth in 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. However, in both State and Local policy, the strength of encouragement for medium density housing is greater the closer the site is located to

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

an activity centre or other commercial and community facilities, and reduces the further the site is located from necessary urban infrastructure.

12. The encouragement 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.
13. 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.

Public consultation

Advertising

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

Objections

15. As a result of advertising, a total of 9 written objections have been received. These objections can be summarised as follows:
 - Vegetation removal will be more once works commence and should be closely monitored.
 - The proposal is an overdevelopment of the site with minimal side setbacks.
 - The height of the proposed buildings are substantial, and the visual bulk will be dominant when viewing from the street and abutting properties.
 - The dwellings are double storey, and as most development in the area is single storey, the proposal is not in keeping with character.
 - The dwelling will directly overlook properties to the rear (north), reducing privacy
 - There is limited off-street parking available for the development, particularly if the new owners of the dwellings have family or guests.
 - There is not enough on-street car parking available to deal with any overflow from the subject site. On many occasions the street has very little parking opportunities and it is becoming increasingly unsafe when existing other dwellings in the street. Visitor car parking should be provided on-site.
 - There is a crossover proposed on the speed hump, and this is unacceptable and a risk to safety. The development should only permit a shared single driveway.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

- Trees on abutting properties will be affected by the proposal, specifically Tree Nos.1 and 6 to the west (it is noted that Tree No. 6 is located on the common boundary of the subject site and the neighbouring property).
- Fireplaces will blow smoke in the area and will result in an amenity issue reducing air quality.
- The dwellings are of poor architectural design and do not meet the needs of an ageing population.
- The dwellings are out of character for the area, specifically in relation to size and will set a precedent.
- There will be increased water runoff from the development which will affect adjoining properties, specifically to the north.
- The proposed landscaping does not comply with the objectives of Significant Landscape Overlay (Schedule 3).
- Colours should be earthy tones to fit in with the character of Eltham.

Planning application conference

16. A Planning Application Conference (PAC) was held at the Shire offices on 1 June 2016. Many of the above issues were discussed at length, and whilst no agreements or compromises were achieved, the position of all parties was clarified.
17. During this meeting it was clarified that the fire places in each dwelling are gas fires (and not open wood fires), which alleviated concern in relation to smoke and air quality.

Referrals

Internal

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

Council Unit	Comments
Infrastructure Development Unit	No issues raised with respect to the proposal, subject to conditions being placed on any permit issued for the development. These conditions relate to stormwater management, access and driveway construction.
Consulting Arborist	The development requires 24 trees to be removed. These are Tree Nos. 3-5, 9, 11-17, 19, 20, 22, 24, 25, 29-33 and 40-42 as per the submitted arborist report. There is a major encroachment (approximately 13%) on Tree No. 1 from the proposed works for Dwelling 1, however there is no Structural Root Zone encroachment. The proposed driveway will be largely constructed at grade. The existing informal gravel driveway has likely limited root distribution in the area of proposed works and the tree

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

	<p>should tolerate the impact.</p> <p>There is a major encroachment on Tree No. 6 from the proposed development, however Site Plans (Lower Floor Site Layout) now show screw pile footings within the Tree Protection Zone. There is no Structural Root Zone encroachment. Provided the footings can be constructed under arborist supervision to ensure there is no damage to major roots, the tree should tolerate the impact.</p> <p>Tree No. 41 is proposed for removal. Tree Nos. 39 and 41 are assigned different retention values from the two project arborists. I assess both trees to be of ‘moderate’ retention value. Tree No. 41 is the dominant feature on-site but has a moderate Useful Life Expectancy due to co-dominant stems with included bark. The adjacent Tree No. 39 is currently smaller but has a long Useful Life Expectancy and should ultimately benefit from the removal of Tree No. 41.</p> <p>There is a major encroachment on Tree No. 39 from the veranda of Dwelling 2, the proposed driveway and the pathway to the dwelling. The adjacent Tree No. 41 has likely limited root distribution of Tree No. 39 to the west and the proposed driveway should not impact the tree. Provided the pathway to the dwelling is permeable and constructed at or above grade, as per site plans, and the verandah is constructed under arborist supervision to ensure there is no damage to major roots, the tree should tolerate the impact.</p> <p>If site access is required within the Tree Protection Zone of Tree Nos. 1, 6 or 39, ground protection (e.g. mulch and rumble boards) must be laid across the Tree Protection Zone to prevent soil compaction.</p> <p>The landscaping plan proposes three canopy trees (<i>Agonis flexulosa</i> – Willow Myrtle), and it is recommended that these be revised as they are small trees at maturity (8 metres in height) and are not expected to compensate for the loss of amenity from removed trees.</p>
Landscape Architect	<p>No concerns raised in terms of the footprint of the development and the ability to achieve meaningful on-site landscaping. Advised that a mixture of indigenous and exotic species planted on-site is acceptable.</p>

External

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

Planning assessment

Introduction

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

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

- Strategic location (in the context of policy);
- Neighbourhood character;
- Vegetation impacts;
- Compliance with Clause 55 (ResCode); and
- Car parking.

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

Strategic Location

22. 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. This objective is given more direct effect in the Medium Density Housing Policy located at Clause 22.01 of the planning scheme.

23. Council’s Medium Density Housing Policy encourages medium density housing to be located within 400 metres of the Eltham Activity Centre, public open space and other community facilities. The subject site is located 760 metres (as the crow flies) to the south of the Eltham Activity Centre. The site is also located within 280 metres of various scheduled bus stops along Main Road, with direct links to Eltham Railway Station. Other recreational, educational and community facilities are located between 300 to 800 metres of the site. In terms of strategic location, the site is suited for some form of medium density housing, and this location has some policy support at both State and local policy level.

Neighbourhood Character

24. The General Residential Zone encourages a diversity of housing types and moderate housing growth. However, it equally requires development to “*respect the neighbourhood character of the area*”. Local planning policy seeks to ensure that the identified elements that contribute to neighbourhood character are retained and enhanced. This is achieved by managing change and ensuring new development works towards achieving the stated streetscape and character outcomes.

25. The identified key elements of the Significant Landscape Overlay (Schedule 3) include:

- *the visual dominance of vegetation including large native and indigenous trees and bush garden planting.*
- *the way in which the majority of development sits within the landscape with minimal excavation, and dwellings are partly obscured from view.*
- *the hillsides appear to be covered by trees even when developed with houses.*
- *dwellings with colours that blend with the landscape.*
- *a general lack of front fencing.*

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

26. The landscape character objectives to be achieved include:

- *To retain the dominance of vegetation cover in keeping with the bush garden character.*
- *To ensure that development is compatible with the scale, setbacks and character of existing development.*
- *To ensure that development is sensitive to the natural characteristics of the land including slope, terrain, services and any existing vegetation.*
- *To ensure that development does not penetrate the tree canopy.*
- *To ensure that the health of existing trees is not jeopardised by new development.*

27. The site is located within a 'Bush Garden' precinct as identified by the Neighbourhood Character Policy at Clause 22.12 of the planning scheme. This policy is closely associated with the Significant Landscape Overlay (Schedule 3) and sets out the preferred character for the precinct as follows:

- *Development is sited to minimise disruption to landform and vegetation. Buildings maintain the pattern of orientations and setbacks of adjoining properties and the streetscape. Some variation occurs where innovative higher density housing has and will develop in areas close to activity centres and transport routes. Driveways and car storage areas should occupy the minimum functional area.*
- *Residential development is set among predominantly indigenous trees, although there are some locations where native or exotic trees are present. Hillsides of residential development viewed from a distance appear to be lushly vegetated. There is little or no physical evidence of the boundary between private and public property at the front of the house, and no solid front fence. Solid side fences stop level with the front of the building.*
- *The public domain includes footpaths and verges that are generally informally aligned. Some exceptions occur where formal standard suburban footpath and nature strip layouts are appropriate. Roadways are mostly sealed with roll over kerb and sometimes no kerb. In some areas, roll over kerb and channels have been constructed to prevent erosion and to protect properties from storm water runoff.*

28. The design objectives of the 'Bush Garden' precinct are as follows:

- *To retain remnant indigenous trees and continue enhancing the landscape setting with indigenous and Australian natives and understorey (where appropriate with other planning requirements including bushfire safety).*
- *To maintain and enhance the continuous flow of the vegetation of the bush garden landscape.*
- *To design and site buildings which minimize the risk of loss in a bushfire and landscaping which minimizes the spread and intensity of bushfires.*

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

29. The Medium Density Housing Policy requires new development to have regard to the building form and style of surrounding dwellings, and encourages contemporary and innovative design that does not detract from the preferred character of the area.
30. The proposed two dwellings will be sited side-by-side on the land and will both be visible from the street. The double storey nature of the development becomes an important consideration when assessing how the proposal responds to the streetscape character of the area. In defining neighbourhood character, a double storey dwelling should not be viewed as inappropriate solely based upon the reasoning that the area is dominated by single storey development (which is generally the present case with respect to this section of Brougham Street).
31. This position was reinforced in the Victorian Civil and Administrative Tribunal (VCAT) decision *Leibowitz v Latrobe CC & Ors* [2013] VCAT 425. In this decision, the Tribunal stated: *“firstly when considering whether to support a two storey development within the street, I note that it has long been stated by the Tribunal that two storey dwellings are not in themselves two headed monsters”*. The Tribunal further commented *“...it would be improper for the Tribunal to refuse this proposal just because it would be the first double storey dwelling in a particular row of residential properties. The more relevant question is whether the design response is adequate for the context/a reasonable neighbourhood character outcome, whether it would give the future occupants adequate internal amenity and if it would have any fatal amenity impacts on the neighbours”*.
32. Single storey development does not define a character of a particular area and as such, the inclusion of a second storey for both dwellings under this application can still be respectful of the character of the area subject to appropriate siting, design and visual bulk considerations. It is noted that while double storey development may not be a dominant feature of the immediate area, there is a considerable development pattern in the area of single dwellings with substantial sub-floor areas, particularly on the southern side of Brougham Street. These sub-floor areas generally consist of undercroft garages that present significant built form when viewed from the street. Notwithstanding this, the assessment must consider the double storey nature of the proposed dwellings and ascertain the appropriateness given the site constraints, character of the area, and design.
33. The subject site has a considerable slope from the south to the north, where a drainage gully is located between the subject site and properties on Franklin Street to the north that abut the rear boundary. The site slopes approximately 6.5 metres from the south-east corner to the north-west corner of the site and while the development (mainly the roof forms) does step down with the land, the built form still requires a sub-floor area to the rear of both dwellings. While this is the case, the dwellings will still sit beneath the canopy of substantial vegetation and will require very minimal alterations to the topography of the land through earthworks. The street elevation, while two storey in nature, presents well to the street as the subject site is on the lower side of Brougham Street, meaning the lot slopes away from the street. This is beneficial as both dwellings will sit lower than the street which assists in reducing their visual prominence.

4. Planning Reports**PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham**

34. Concerns have been raised by objectors that both dwellings create excessive visual bulk within the streetscape. Dwelling 1 will be a maximum height of 8.9 metres and Dwelling 2 will be a maximum height of 8.7 metres above natural ground level, both of which are below the maximum allowable height under Clause 55 (ResCode). Although the proposed dwellings contain large sub-floor areas, the proposed built form is sufficiently setback from dwellings located on adjoining properties. The first floor for both dwellings has been recessed from the ground floor level along the side elevations, thereby avoiding sheer two storey walls. The upper floor levels have been designed to ensure separation of the two dwellings when viewed from the street. This upper floor level separation between dwellings avoids a large visual mass commonly found in many duplex (side-by-side) style developments.
35. Furthermore, both dwellings are staggered from the street and have different front setbacks. The front setback of Dwelling 1 is 5.3 metres (as a minimum) and Dwelling 2 is setback 7.8 metres from the front boundary. The staggered front setbacks reduce the dominance of the built form within the street, and also allows for a landscaping design which further separates and reduces the built form. Similarly, there is sufficient room at the rear of the proposed dwellings to plant a large indigenous canopy tree at the rear of each dwelling.
36. The footprint and siting of both proposed dwellings also aids in reducing visual bulk as the design of the development contains staggered setbacks to other property boundaries. At ground floor level, the setbacks of Dwelling 1 to the western boundary range from 1 metre (adjacent to the garage) to 3.7 metres in order to protect a mature Eucalypt. Dwelling 2 will have staggered setbacks on the eastern side of the development, ranging from 1.3 metres to 2.1 metres. Further to the staggered side setbacks of both dwellings, material variation has been employed in the design to assist in breaking up built form.
37. The proposed dwellings do require some earthworks, including a maximum cut of 900mm to the rear of Dwelling 1 and 800mm of cut to the rear of Dwelling 2. Overall, the proposed earthworks are minimal and will not dramatically alter the landform of the site. Furthermore, the earthworks are situated to the rear of the site and will not be visible from the street. It is noted that the small instances of cut to the rear of both dwellings allow for these rear elevations to better sit into the landscape, which reduces the overall visual prominence of the built form within the area.
38. The double storey design assists to achieve reduced building footprints which provides for more landscaping opportunities and larger areas of private open space for the dwellings. The dwellings have been appropriately setback from property boundaries to allow for meaningful landscaping to ensure the 'Bush Garden' precinct objectives can be adequately achieved. The application was referred to Council's Landscape Architect who had no concern with the footprint of the proposal and the ability to appropriately landscape on-site. The vegetation ratio pursuant to the 'Bush Garden' precinct is one canopy tree for every 150 square metres. This equates to a total of 7 canopy trees for the site.
39. The proposal seeks to retain five canopy trees on-site, while also providing for an additional five trees throughout the development. As such, the proposal comfortably complies with the desired tree ratio for the site and overall 'Bush Garden' precinct. It

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

is noted that the five proposed canopy trees are exotic or non-indigenous species, and it is considered appropriate that in light of the ‘Bush Garden’ precinct objectives, three of these trees be replaced with large indigenous canopy trees. This can be addressed via a permit condition in the event that a planning permit is issued.

- 40. The development allows for substantial private open space areas to the north of the development. These areas are considerable in relation to the dwellings which are in keeping with the general rear setback character of this particular area, particularly in contrast to the two adjoining properties to the east and west. These areas provide good separation of the built form from the rear boundary. While these rear setbacks are substantial, it is considered that more screening opportunities are available along the northern boundary of the site. When viewing the proposed development from the rear, medium sized trees and shrubs create a substantial vegetated screen, significantly reducing built form. This is due to the fact that the existing dwellings and private open space areas which abut the site to the rear are set well below the subject site (approximately 1.5 to 2 metres via a retaining wall). As such, canopy trees within this area do not provide for screening, however the incorporation of more medium sized vegetation within this area will greatly benefit these abutting sites. This can be incorporated into conditions on any permit issued.
- 41. The proposed development is contemporary in design and consists of a number of sympathetic materials for the built form, comprising of brickwork, render and weatherboard cladding that are all commonly found within the broader neighbourhood. The proposed colour scheme is muted and non-reflective and will blend well into the streetscape.
- 42. Overall, it is considered the siting, design and visual bulk of the proposed dwelling is acceptable, and is respectful to the ‘Bush Garden’ character of the area. The proposal will also provide sufficient space for meaningful landscaping and private open space.

Vegetation Impacts

- 43. The proposal requires the removal of 24 trees from the site to accommodate the development. Under the Significant Landscape Overlay (Schedule 3), only 10 of these trees require a permit for their removal. These trees are as follows:

Tree	Botanical Name	Common Name	Origin.	Tree Retention Value
3	<i>Cupressus macrocarpa</i>	Monterey Cypress	Exotic	Low
15	<i>Melia azedarach</i>	White Cedar	Native	Low
17	<i>Euclayptus spathulata</i>	Swamp Mallet	Native	Low
19	<i>Cotoneaster glaucophyllus</i>	Grey-leaved Contoneaster	Exotic	None (woody weed)
22	<i>Campsis radicans</i>	Trumpet Vine	Exotic	None (shrub, weedy)

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

25	<i>Melaleuca bracteata</i>	Black Tea-tree	Native	Low
31	<i>Acacia dealbata</i>	Silver Wattle	Indigenous	Low
32	<i>Cotoneaster glaucophyllus</i>	Grey-leaved Cotoneaster	Exotic	None (woody weed)
41	<i>Corymbia citriodora</i>	Lemon-scented gum	Native	Low
42	<i>Photinia serratifolia</i>	Chinese Hawthorn	Exotic	Low

44. The ‘Bush Garden’ precinct of the Neighbourhood Character Policy specifically aims to retain remnant indigenous trees and to continue enhancing the landscape setting with indigenous and Australian natives and understorey. While the retention of vegetation is important in any context, there is particular emphasis on the retention of indigenous and Australian native vegetation. In reference to the 10 trees that require planning permission to be removed, five of these trees are either indigenous to the Shire or are native to another region within Australia.
45. Tree Nos. 15, 19, 22, 25, 31 and 42 have been assessed by the project arborist as having a low retention value, mainly due to health or structural issues, and do not provide substantial landscape value. Council’s consulting arborist was in agreement with these retention values and has advised that these trees should not be a constraint on the development and can readily be replaced on-site. Given this, the removal of these trees is not considered a hindrance to the future development of the subject site by way of character loss and can be replaced via compensatory replanting. In addition, it is noted that Tree No. 3 and Tree No. 32 are invasive species and have been identified as weed species within the *Nillumbik Shire Environmental Weed List 2009*, and as such their removal is considered appropriate.
46. The largest of the trees to be removed are Tree Nos. 17 and 41, the latter of which is located within the front setback of the site. Both of these trees are native to Western Australia, however their appearance does provide a contribution to the existing character of the street. Tree No. 17 has been identified as being of low retention value due to its poor structure with evidence of dieback by the project arborist, and is considered an acceptable loss.
47. Tree No. 41 is the dominant feature tree on-site but has a moderate Useful Life Expectancy due to co-dominant stems with included bark (meaning bark within the stem union is slowly pushing the two stems apart), increasing the likelihood of failure. Council’s consulting arborist advised that the adjacent Tree No. 39 (also a *Corymbia citriodora* – Lemon Scented Gum) is currently smaller but has a long Useful Life Expectancy and should ultimately benefit from the removal of Tree No. 41 given it is currently suppressed by this adjacent tree. Given this, it is considered the removal of Tree No. 41 and the retention of Tree No. 39 will have a long term benefit as Tree No. 39 will have the ability to establish itself within the landscape, resulting in a long term contribution to the vegetated character of this area.
48. In relation to trees to be retained that may be impacted by the proposed works, there is a major encroachment of works on the Tree Protection Zone of Tree No. 39, specifically by the proposed verandah, pedestrian path and driveway for Dwelling 2. The project arborist stated that there would be no impact of the proposed driveway

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

on this tree as Tree No. 41 adjacent to the driveway location would have previously restricted the root growth of Tree No. 39 in this area. Council's consulting arborist reviewed the encroachment on this tree and has advised that provided the pathway to Dwelling 2 is permeable and constructed at or above grade as per the site plans, and the verandah is constructed under arborist supervision to ensure there is no damage to major roots, the tree should tolerate the impact. This is a requirement that can be imposed as a condition on any permit issued.

49. Concern has been raised in regards to the building and works encroachment on Tree No. 1, which is a *Eucalyptus melliodora* (Yellow Box) located within the road reserve to the south-west of the property. This tree has been given a medium retention value by the project arborist given its history of pruning to protect the overhead power lines and subsequent structural issues in the trunk. This tree has existing accessways on both sides and the proposed development is seeking to utilise the existing access way to the subject site. Council's consulting arborist advised that the existing informal gravel driveway has already likely limited root distribution in the area of the proposed works and as such, the tree should tolerate the impact of the new driveway, which will encroach into the Tree Protection Zone of this tree by 13%. It is noted that the proposed garage for Dwelling 1 also encroaches into the Tree Protection Zone of this tree, however, it is noted this encroachment is minimal and will not have a detrimental impact on the tree's health or structure.
50. The proposal will also be located within close proximity to Tree No. 6 which is located along the western property boundary of the site. This tree is a *Eucalyptus melliodora* (Yellow Box) and has been given a high retention value rating by the project arborist. Concerns have been raised by objectors in relation to the amount of encroachment and works close to this tree, particularly given the existing driveway located on the abutting property to the west. The project arborist has stated that Tree No. 6 will tolerate the level of encroachment into the Tree Protection Zone (40%, which is considered a major encroachment) as the tree is already coping considerably with a similar encroachment, primarily via earthworks from the existing garage along the western property boundary. Furthermore, the project arborist has stated the following in relation to the construction method of the dwelling within this Tree Protection Area:
- "The subject tree has a large Tree Protection Zone and the design has provided a simple and accommodating building method response to preserve the tree. Screw piles coupled with an infill slab will be used for the majority of the building footprint that sits in the Tree Protection Zone. The Lower Floor Site Layout Plan provides the details of this design approach and the finished floor levels indicate no excavation in the Tree Protection Zone or Structural Root Zone. The West Elevation Plan also illustrates the above ground nature of the proposed construction. This building method will basically provide a floating slab with no requirement to excavate in the Tree Protection Zone".*
51. The above demonstrates that while the encroachment on the subject tree is considered major under the Australian Standard, the building methods employed by the proposal will ensure the adequate retention of the tree. Council's consulting arborist reviewed this justification and is in agreement with this recommendation, advising that as there is no Structural Root Zone encroachment and provided the

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

footings can be constructed under arborist supervision to ensure there is no damage to major roots, the tree should tolerate the impact. While both arborists have advised that the tree can adequately tolerate the proposed works, it is recommended strict tree protection measures are required through permit conditions in the event a permit is issued for the development.

52. Lastly, the development is outside of the Tree Protection Zones of all other trees to be retained, and as such it is considered no other trees are likely to be impacted by the proposed development. Given the above, the tree removal and impacts are considered acceptable and will not have an unreasonable impact on the character of the immediate area.

Compliance with Clause 55 (ResCode)

53. The development must meet the requirements of Clause 55 (commonly known as 'ResCode'). This clause sets out a range of objectives and standards that tests a design's responsiveness to its site and surrounds, and provides objective tests regarding potential amenity impacts. Whilst meeting the specified objectives is mandatory, satisfying the standards can be varied provided that the proposal satisfies the objective.
54. The proposed development meets all of the standards and objectives of ResCode. In particular building heights, boundary setbacks, the provision of private open space, site coverage and site permeability are in accordance with the requirements of this Clause. Most notably, the proposed site coverage for the development is 37 per cent, comfortably satisfying the 60 per cent threshold. The site permeability is 57 per cent, comfortably exceeding the threshold 20 per cent. Dwelling 1 will have 185 square metres of secluded private open space and dwelling 2 will have 190 square metres, substantially exceeding the 40 square minimum required by ResCode.
55. Although overlooking requirements have generally been met, it is noted that 400mm high trellis is proposed on top of the existing 1.8 metre high eastern boundary fence. This is not considered to be an appropriate design outcome and overlooking should be addressed through the design of the dwelling, or alternatively via a free standing screen located within the subject site. This can be addressed through a condition on any permit issued. It is also unclear as to whether there is potential for unreasonable overlooking from the north-facing family room window of Dwelling 1. In the event that a permit is issued, a condition can be imposed ensuring that overlooking requirements are met in accordance with ResCode.

Car parking

56. Clause 52.06 (Car Parking) aims to ensure that car parking does not adversely affect the amenity of the locality and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. Under this clause, a dwelling containing three or more bedrooms must provide two on-site car spaces. This has been achieved on-site with the both dwellings providing for a double car garage. In addition to this, the car parking facilities provide sufficient access to and from the subject site, and also provide convenient access to both dwellings.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

57. Concerns have been raised in regards to off-street parking, specifically that the proposal does not provide visitor car spaces. Clause 52.06 (Car Parking) only requires a visitor car space for developments of five or more dwellings, the rate being one visitor space for every five dwellings proposed. As such, there is no statutory requirement for visitor car parking to be provided on-site. The applicant has not provided visitor car spaces on-site given that sufficient room is available to the front of the site. This position is supported by Council's Infrastructure Development Unit.
58. Notwithstanding the above, concerns have been raised by objectors specifically in relation to there being sufficient on-street parking to accommodate the proposed two dwellings with an additional crossover. The additional crossover does not significantly affect the street in its ability to provide for on-street car parking, and the gap between the crossovers to service the development is sufficient to allow for one vehicle to park. Furthermore, the proposed crossover is setback considerably from the vehicle crossover for the adjacent property to the east (at No. 101 Brougham Street). Whilst car parking within the area may be busy at times, the provision of an additional dwelling will not exacerbate this issue given that all required car parking can be accommodated within the development. The application is supported by Council's Infrastructure Development Unit.

Response to objections received

59. Concern was raised in relation to views being inhibited by the proposed development. A loss of a view is not an adequate planning consideration as recognised by the planning scheme, and as such cannot be considered as part of the assessment of this application.
60. Concern has also been raised by objectors in regards to fencing being erected around the boundaries of the subject site. Under the Significant Landscape Overlay (Schedule 3), a permit is only required for a front fence, and as such the side and rear fences proposed do not require consideration under this application. Importantly, it is noted that no front fence has been proposed as part of this development. A condition on any permit issued will require that any fencing within the front setbacks of the development be of post-and-wire construction only, to ensure that the open, continuous flow of planted landscaping is maintained, in accordance with the objectives of the 'Bush Garden' character precinct.
61. In relation to stormwater concerns raised by some objectors, Council's Infrastructure Development Unit has not identified any concerns with stormwater retention within the site, and has provided stormwater conditions to be placed on any permit issued. These conditions include the requirement for a stormwater detention system that reduces the stormwater runoff from the building footprint, slowly releasing it to the point of stormwater discharge (situated at No. 104 Franklin Street, Eltham). Each dwelling will also be required to provide a rainwater tank to connect runoff from the roof of a minimum capacity of 2,000 litres.
62. Lastly, concerns have been raised by objectors in relation to the proposed crossover being located on a speed hump, which is viewed as unacceptable and will result in unreasonable safety issues when vehicles attempt to reverse out of the site. Council's Infrastructure Development Unit has advised that crossovers can be located on speed humps, and as part of any application for a crossover, design

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

adjustments to the height of the crossover can be made to ensure safe entry and exiting to and from the development. The Infrastructure Development Unit has also suggested that considering the speed hump in question is a flat top speed hump, these modifications may only be minor.

Conclusion

- 63. The application seeks to construct two dwellings on the site with associated vegetation removal. The application was advertised and 9 written objections were received. The key planning issues are strategic location (in the context of policy), neighbourhood character, vegetation impacts, compliance with Clause 55 (ResCode) and car parking.
- 64. While the land slopes away to the north and both proposed dwellings contain sub-floor areas to the rear of the building, it is considered the dwellings have been appropriately sited and designed to ensure visual bulk is minimised and that there is sufficient room for meaningful landscaping to occur. The dwellings have good separation from boundaries through staggered setbacks and built form to ensure the development does not dominate the streetscape or surrounding landscape.
- 65. The proposed development is considered respectful of the surrounding character of the area, providing for generous private open space and sympathetic built form that is respectful of surrounding development and the preferred character of the area. The dwellings will remain below the canopy line, and with provision for meaningful landscaping being achieved within the setbacks of the development (particularly within the front setback). The dwellings utilise a range of sympathetic external materials which are in keeping with the existing development character of Eltham.
- 66. Vegetation removal generally consists of low retention value trees (which include weed species) and the development has been appropriately designed around vegetation to be retained, including Tree Nos. 1 and 6 which are located close to the development. Overall, it is considered the vegetation removal will not significantly affect the vegetated character of the area and can adequately be replaced via compensatory replacement landscape planting within the development.
- 67. The proposal is compliant with the requirements of Clause 55 (ResCode), resulting in appropriate amenity outcomes within the streetscape and to abutting properties. The proposal complies with Clause 52.06 (Car Parking) as all car parking facilities can be adequately accommodated on-site, with sufficient and convenient access to the street.
- 68. In light of the above planning assessment, the application warrants support, as reflected in the officer recommendation which follows.

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land at 99 Brougham Street, Eltham, for the construction of two dwellings and associated vegetation removal, in accordance with the submitted plans and subject to the following conditions:

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

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1. Before the development (including tree removal) 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 advertised but modified to show:
 - a) The location of all tree protection fencing as required by condition 6 of this permit.
 - b) Plan notations showing that all works within the Tree Protection Zones of trees to be retained are to be in accordance with the approved Tree Management Plan as required by condition 3 of this permit.
 - c) The location of all trenched services to service the development.
 - d) Plan notations showing that all fencing forward of the approved dwellings (within the front setback of the development) is of post-and-wire construction only, and no more than 1.2 metres in height.
 - e) Details of the vehicle driveway treatments for both dwellings, including proposed colour.
 - f) Deletion of the trellis from the external boundary fencing and any unreasonable overlooking (as identified by Standard B22 of ResCode) be addressed through either the dwelling design or a free standing screen located within the subject site.
 - g) The north-facing family room window of Dwelling 1 screened in accordance with Standard B22 of ResCode.
 - h) An amended Landscape Plan as required by condition 2 of this permit.
 - i) A Tree Management Plan as required by condition 3 of this permit.

 2. Before the development (including tree removal) 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 plan must show:
 - a) The proposed Acer Crimson Sentry trees to the rear of both dwellings, and one of the Hymenysporum flavum (Native Frangipani) trees within the front setback, to be replaced with trees of the following species:
 - *Eucalyptus polyanthemos* (Red Box)
 - *Eucalyptus melliodora* (Yellow Box)
 - *Eucalyptus radiate* (Narrow-leaved Peppermint)
 - *Eucalyptus leucoxylon* subsp. *Connate* (Yellow Gum)
 - b) The provision of medium sized screening vegetation to be located along the northern property boundary including a mixture of medium sized trees and large shrubs. Some of this screening vegetation is to be of indigenous

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

origin and selected from Council's 'Live Local, Plant Local' guide. At least three rows of screening vegetation must be included to be planted in a zig-zag formation.

3. Before the development (including tree removal) commences three copies of a Tree Management Plan, prepared by a suitably qualified arborist 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 Tree Management Plan must detail the following:

a) Management strategies associated with works within the Tree Protection Zone of Tree No. 6, including but not limited to:

- All works within the Tree Protection Zone must be supervised by the project arborist.
- No roots are to be cut or damaged during any part of the construction process.
- The Tree Protection Zone must be fenced at the edge of the recommended distance and remain in place until construction of that part of the building is required. The Tree Protection Zone fence should only be moved under direct supervision of the project arborist.
- The remaining area of the Tree Protection Zone and extended areas around it must be mulched and irrigated to the satisfaction of the project arborist.

b) Management strategies in regards to works within the Tree Protection Zone of Tree No. 1, including but not limited to:

- All works within the Tree Protection Zone must be supervised by the project arborist.
- No roots are to be cut or damaged during any part of the construction process.
- The proposed driveway must be constructed at grade utilising porous materials allowing water to penetrate the soil profile.
- The Tree Protection Zone must be fenced at the edge of the recommended distance and remain in place until construction of that part of the driveway is required. The Tree Protection Zone fence should only be moved under direct supervision of the project arborist
- The remaining area of the Tree Protection Zone and extended areas around it must be mulched and irrigated to the satisfaction of the project arborist.

c) Tree protection methods in relation to the construction of both driveways for the development, including but not limited to:

- Both driveways to be constructed at grade and under the direct

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

supervision of the project Arborist, to the satisfaction of the Responsible Authority.

d) Tree protection measures for trees within close proximity to works being carried out for Dwelling 2, including but not limited to:

- Construction of the proposed pedestrian pathway to Dwelling 2 must be constructed at grade and under direct supervision by the project arborist, to the satisfaction of the Responsible Authority.
- The construction of the proposed verandah of Dwelling 2 within the Tree Protection Zone of Tree No. 39 must be under the direct supervision of the project arborist and all roots greater than 40mm in diameter within the Tree Protection Zone must be retained and the design modified to allow for their retention, to the satisfaction of the Responsible Authority
- Any tree roots with a diameter less than 40mm must be cleanly pruned by the project arborist at a right angle to the direction of growth with sterilised secateurs or pruning saw, to the satisfaction of the Responsible Authority.

4. The development and tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

5. Only trees marked “tree to be removed” on the endorsed plans are permitted to be removed, to the satisfaction of the Responsible Authority.

6. No vegetation on-site (*unless specified on the endorsed plans*) shall be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged except with the prior written consent 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 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 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.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

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).

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

9. 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.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

10. 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.

11. Prior to 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.

12. Prior to occupation of the development, all visual screening measures shown on the endorsed plans must be installed 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.

13. Vehicular access and egress to each dwelling 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. The width of the driveway at property boundary must match the width of the vehicle crossing.

14. The vehicular driveways must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.

15. The construction of drainage works outside the boundaries of the site must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire Council) for approval prior to the commencement of the development. Plans must detail underground drains,

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines". The minimum pipe size within the easement must be 225 mm diameter.

- 16. Stormwater drainage works are to be constructed, at no cost to Council, and must be carried out under Council supervision, in accordance with the approved plans and Council's specifications and must be carried out under Council supervision and an *Infrastructure Works* permit. All works must be to the satisfaction of the Responsible Authority.
- 17. An on-site detention device must be installed, at no cost to Council, as per approved plans and to Council's specification. Construction of the on-site detention device must be carried out under Council supervision and under an *Infrastructure Works* permit. All works must be to the satisfaction of the Responsible Authority.
- 18. 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.

The engineer that is designing the on-site detention unit must contact Council's development engineer for tc and tso figures. For calculation adopt for pre-development 1 in 5 years average occurrence interval, post development use 1 in 10 years average occurrence interval.

- 19. 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.

Stormwater from the roof of each dwelling hereby approved must be directed to an individual holding tank with a minimum storage capacity of 2000 litres. The overflow from the tank must be directed to the Council nominated point of stormwater discharge.

Water in the holding tank 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.

The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.

Any connection to Council's underground drainage system within road reserves or drainage easements must be carried out under Council supervision and an *Infrastructure Works* permit.

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

20. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council’s drains, Melbourne Water’s drains or watercourses or adjoining private property. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

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

- a) The development is not commenced within 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 6 months afterwards if the development has not commenced, or 12 months after if the development has commenced but is not yet completed.

NOTES:

- The nominated point of stormwater discharge is drainage system at the rear of No. 104 Franklin Street, Eltham.**
- During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.**
- Failure to undertake the vegetation removal in accordance with this permit will result in the issuing of Planning Infringement Notices to the landowner, occupant (if this is a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$777 for the land owner and occupant, and \$1,555 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 \$777 for the land owner and occupant, and \$1,555 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**

4. Planning Reports

PC.010/16 Construction of two dwellings and associated vegetation removal at 99 Brougham Street, Eltham

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.



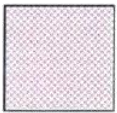
Subject Site and Surrounds

Subject Site: 99 Brougham Street, Eltham

File Reference: B117/00/099P

Application Number: 745/2015/03P

Melway's Reference: 21 K7



Subject Site



Objectors

Nearby Objectors: 7

Total: 9



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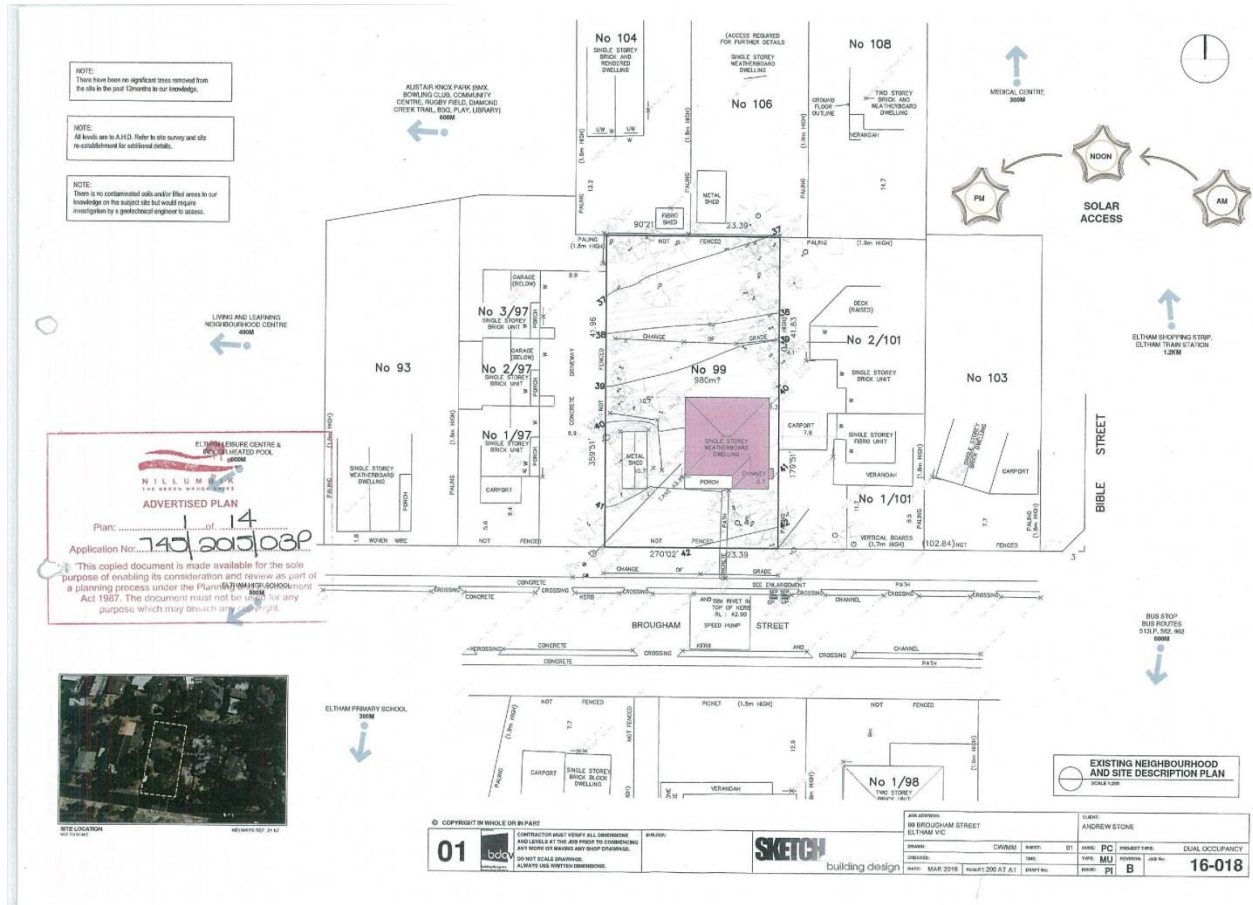
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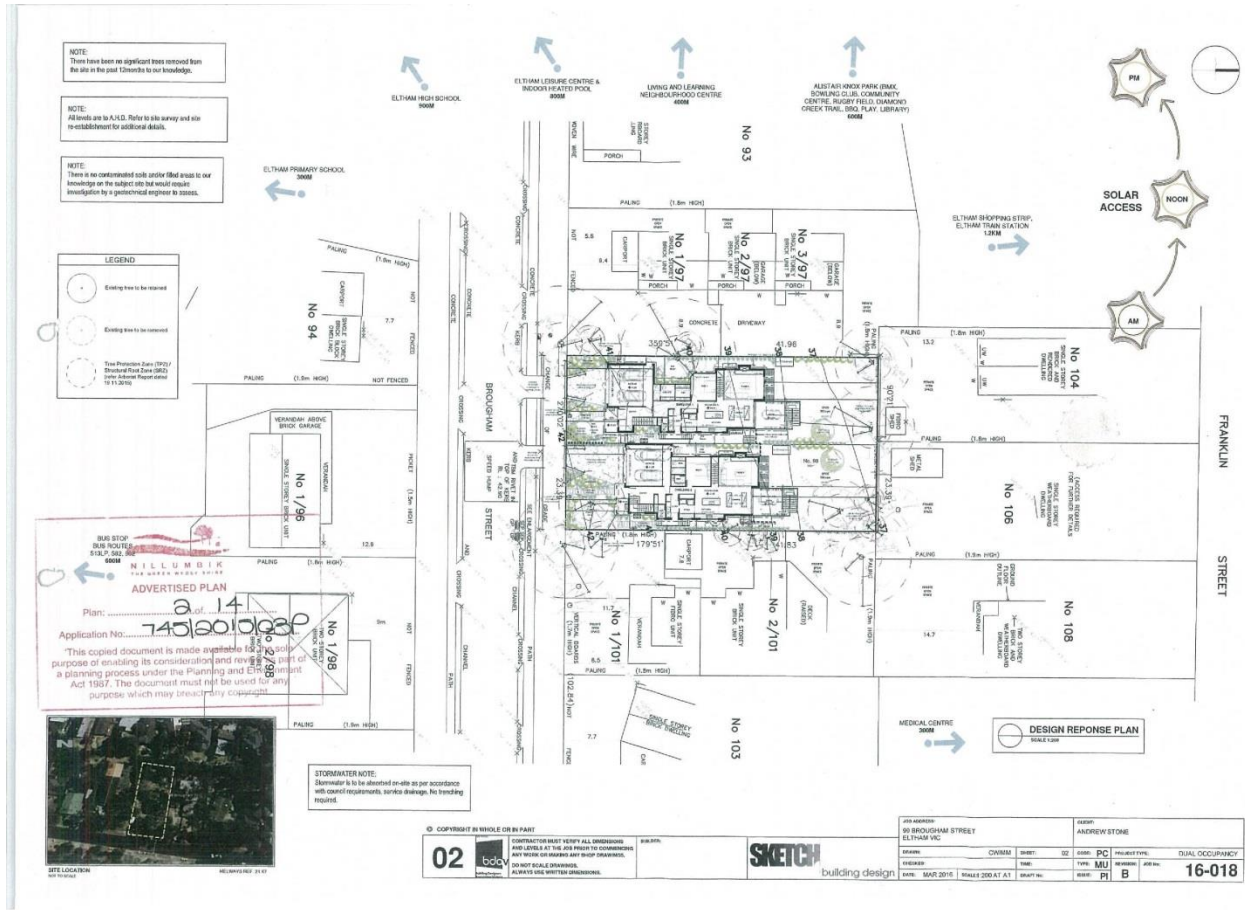
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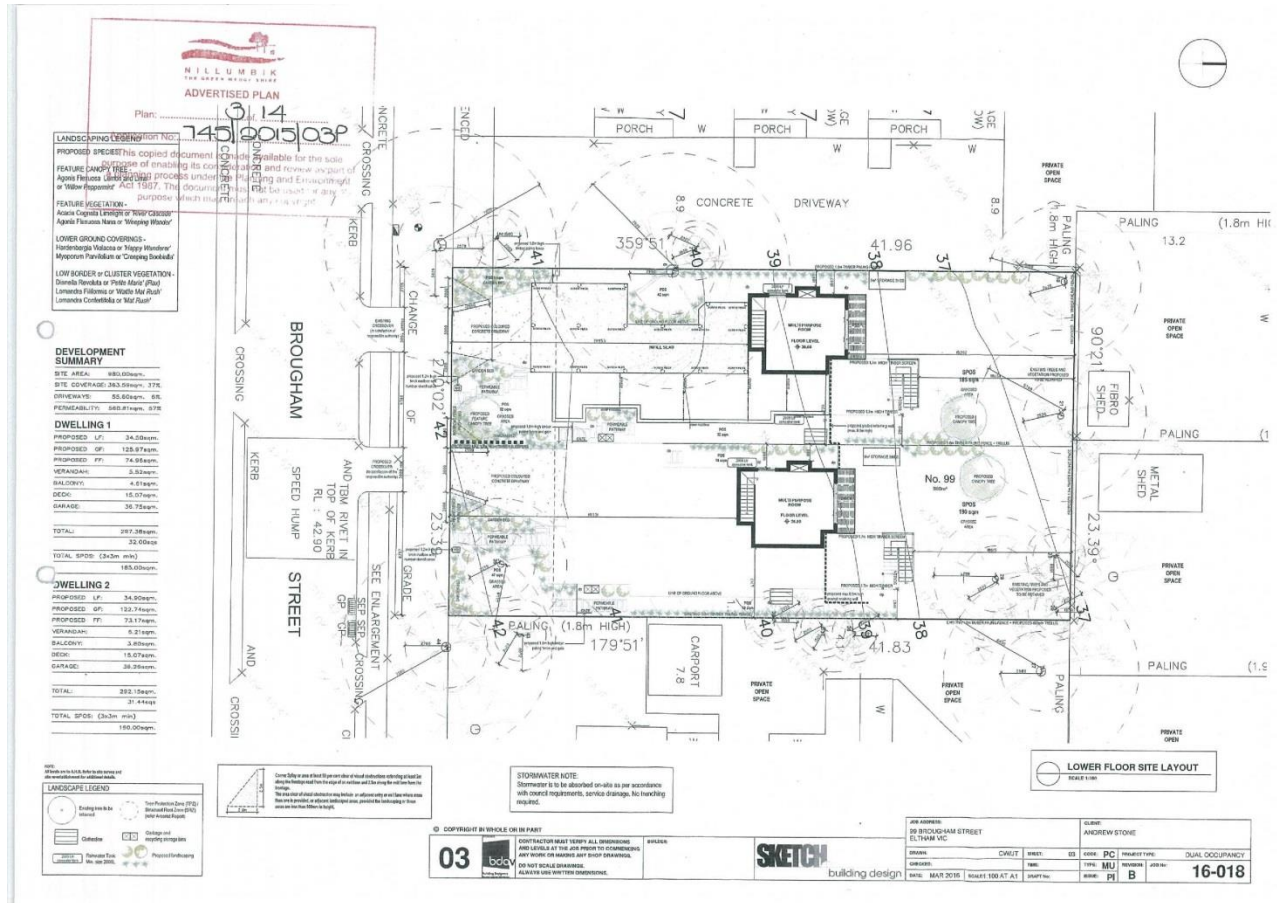
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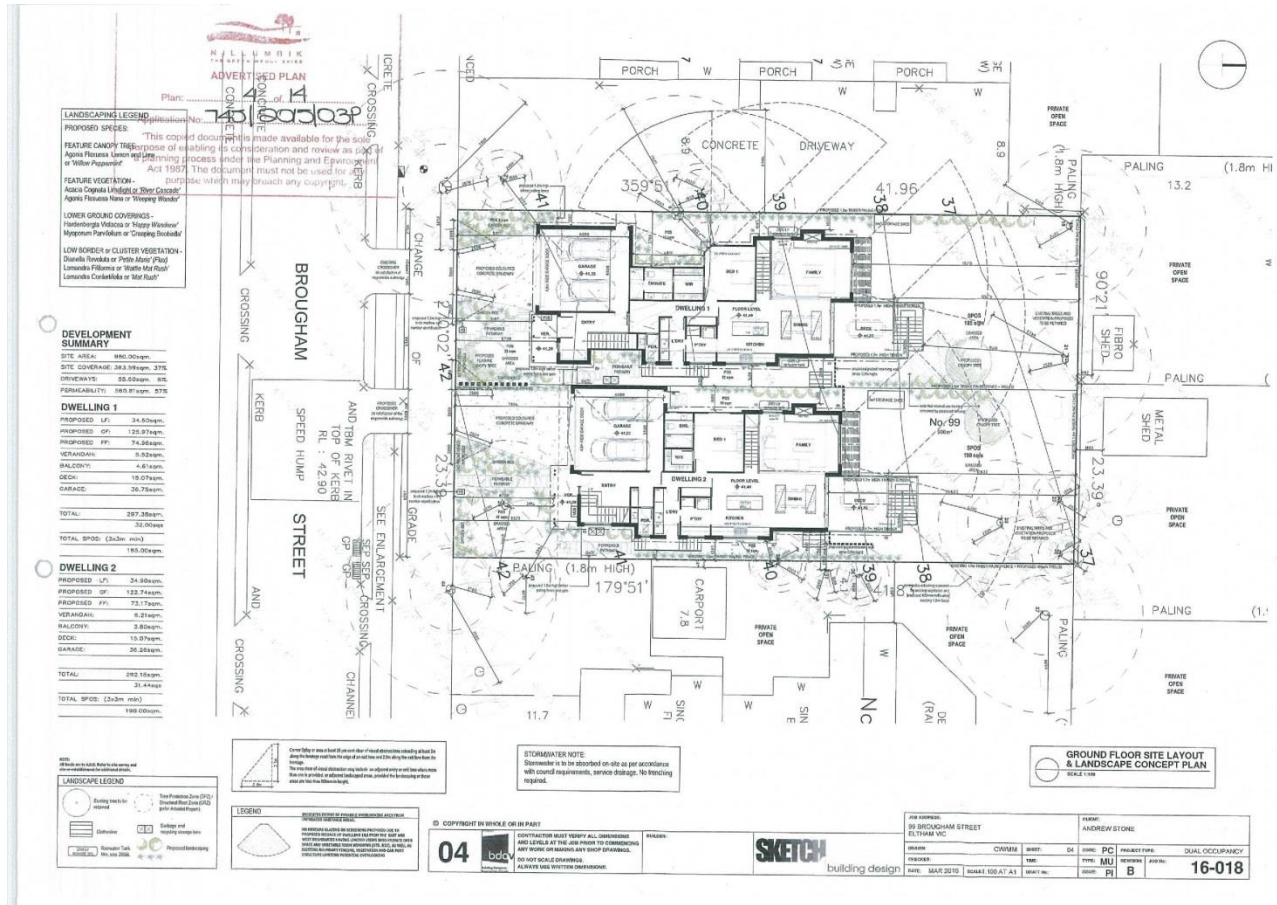
Map Width:	241.9 m
Produced By:	Planning and Building Services
Responsible Officer:	Tim Oldfield
Date:	Friday, 1 July 2015











LANDSCAPING LEGEND

PROPOSED SPECIES
 This concept document is made available for the sole purpose of establishing the Planning and Environment process under Act 1987. The document must not be used for any other purpose which may breach any copyright.

FEATURE CANOPY TREE
 Agave Roseae
 Lemon Eucalyptus
 Yellow Poplar

FEATURE VEGETATION
 Agave Roseae
 Lemon Eucalyptus
 Yellow Poplar

LOWER GROUND COVER
 Hardenbergia
 Viticella
 or 'Spiky Wreath'
 Argemone
 Parviflora
 or 'Crimson Biscuit'

LOW BORDER or CLUSTER VEGETATION
 Dianella
 Teretica
 or 'Petalio Moss' Plant
 Lomandra
 Teretica
 or 'Wattle Mat Plant'
 Lomandra
 Teretica
 or 'Mat Plant'

DEVELOPMENT SUMMARY

SITE AREA: 840.00sqm
SITE COVERAGE: 243.58sqm, 29%
CONCRETE: 22.00sqm, 2.6%
FURNISHABILITY: 860.00sqm, 102%

DWELLING 1

PROPOSED LF: 34.50sqm
PROPOSED GP: 123.87sqm
PROPOSED FP: 74.00sqm
VERANDAH: 9.52sqm
BALCONY: 4.81sqm
DECK: 15.07sqm
GARAGE: 56.78sqm

TOTAL: 287.38sqm
TOTAL SPB: 130.2m

DWELLING 2

PROPOSED LF: 34.50sqm
PROPOSED GP: 123.74sqm
PROPOSED FP: 73.77sqm
VERANDAH: 4.23sqm
BALCONY: 3.80sqm
DECK: 15.07sqm
GARAGE: 56.28sqm

TOTAL: 287.38sqm
TOTAL SPB: 130.2m

LANDSCAPE LEGEND

Existing trees to be retained

Tree to be removed

Planting to be done

Planting to be done (to be removed)

Planting to be done (to be retained)

Planting to be done (to be removed)

Planting to be done (to be retained)

Contractor must verify all dimensions and levels at the site prior to commencing any work or making any shop drawings. ALWAYS USE METRIC DIMENSIONS.

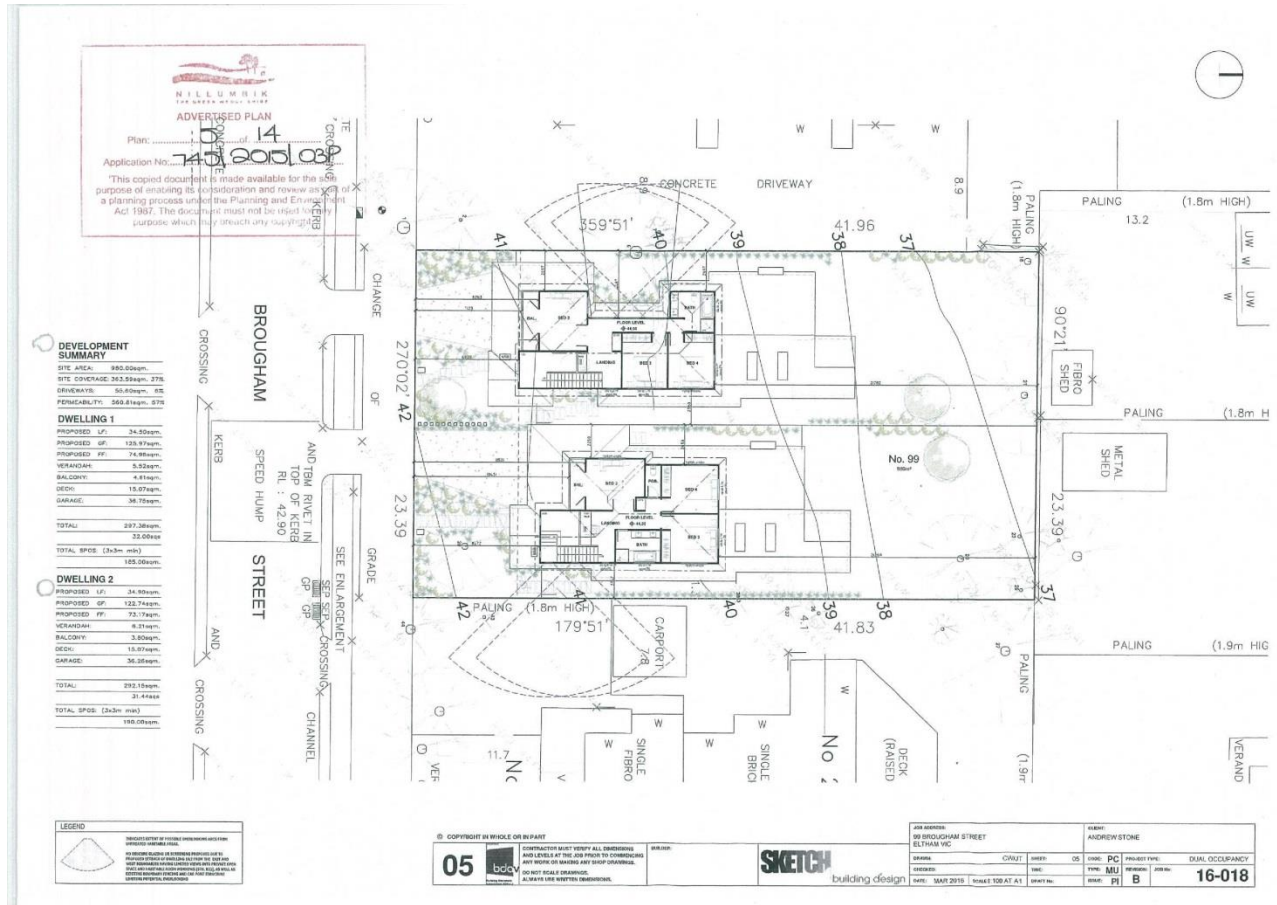
STORMWATER NOTE:
 Stormwater is to be absorbed on site as per accordance with council requirements, service details. No flooding required.

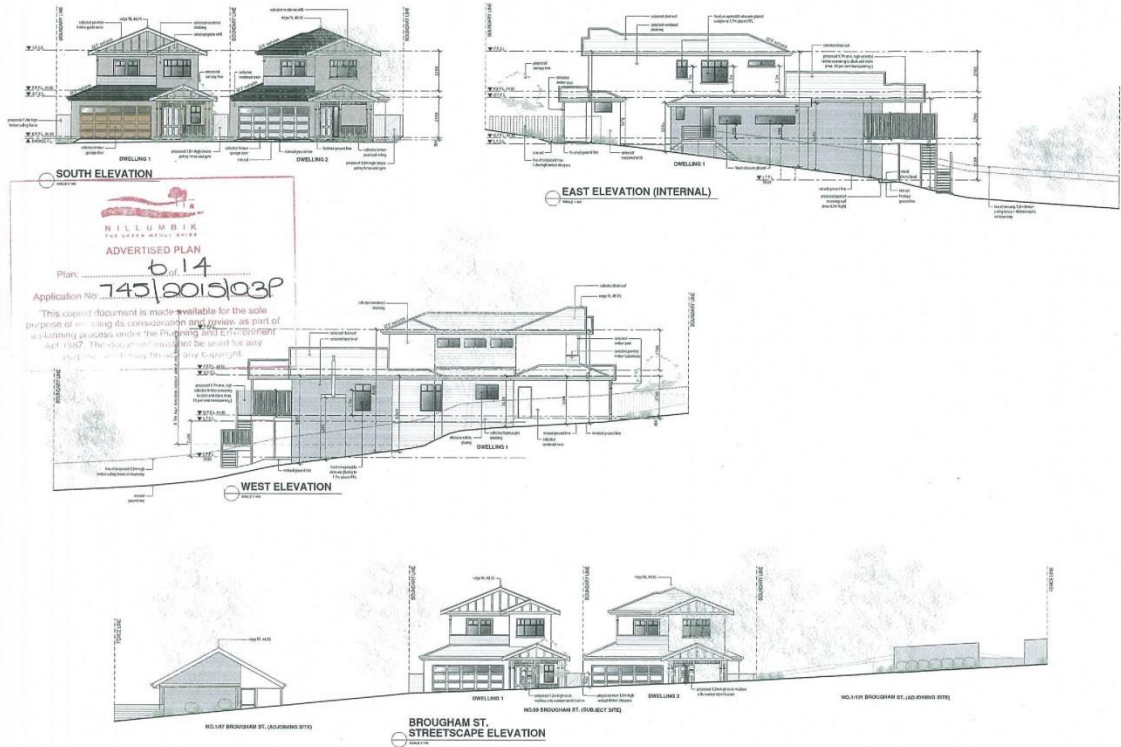
GROUND FLOOR SITE LAYOUT & LANDSCAPE CONCEPT PLAN
 SCALE: 1:100

04

SKETCH building design

JOB NUMBER: 99 BROUGHAM STREET ELTHAM VIC		NAME: ANDREW STONE	
DESIGNER: ANDREW STONE	CUSTOMER: MURRAY	SHEET: 04	DATE: 28 MAR 2019
PROJECT: 16-018	TYPE: MU	PHASE: RI	DRAWN BY: ANDREW STONE
DATE: 28 MAR 2019		SCALE: 100 AT A1	

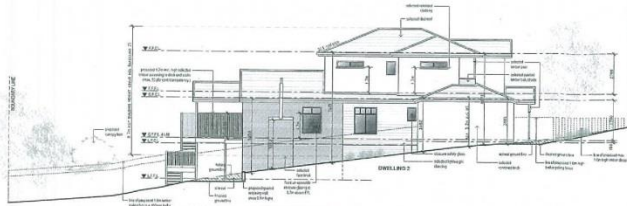




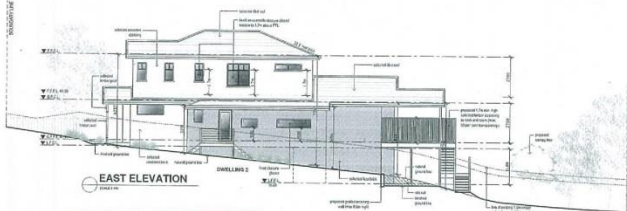
ADVERTISED PLAN
 Plan No. **614**
 Application No. **745/2015/03P**

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<p>06</p> <p>bdg</p>	<p>CONTRACTORS MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR ISSUING ANY EXIST DRAWINGS. DO NOT SCALE DIMENSIONS. ALWAYS USE BEST FOR DIMENSIONS.</p>	<p>SKETCH building design</p>	<p>09 JENNIFER 99 BROUGHAM STREET ELTHAM VIC</p>		<p>CLIENT: ANDREW STONE</p>	
			<p>DATE: MAR 2015</p> <p>SCALE: 1:50 AT A1</p> <p>DRAWN BY:</p>	<p>NO.:</p> <p>REV:</p>	<p>TYPE: MU</p> <p>NO.:</p>	<p>PROJECT TYPE: DUAL OCCUPANCY</p> <p>NO.:</p>



WEST ELEVATION (INTERNAL)



EAST ELEVATION



NORTH ELEVATION

WILLWORK
THE ARCHITECTS

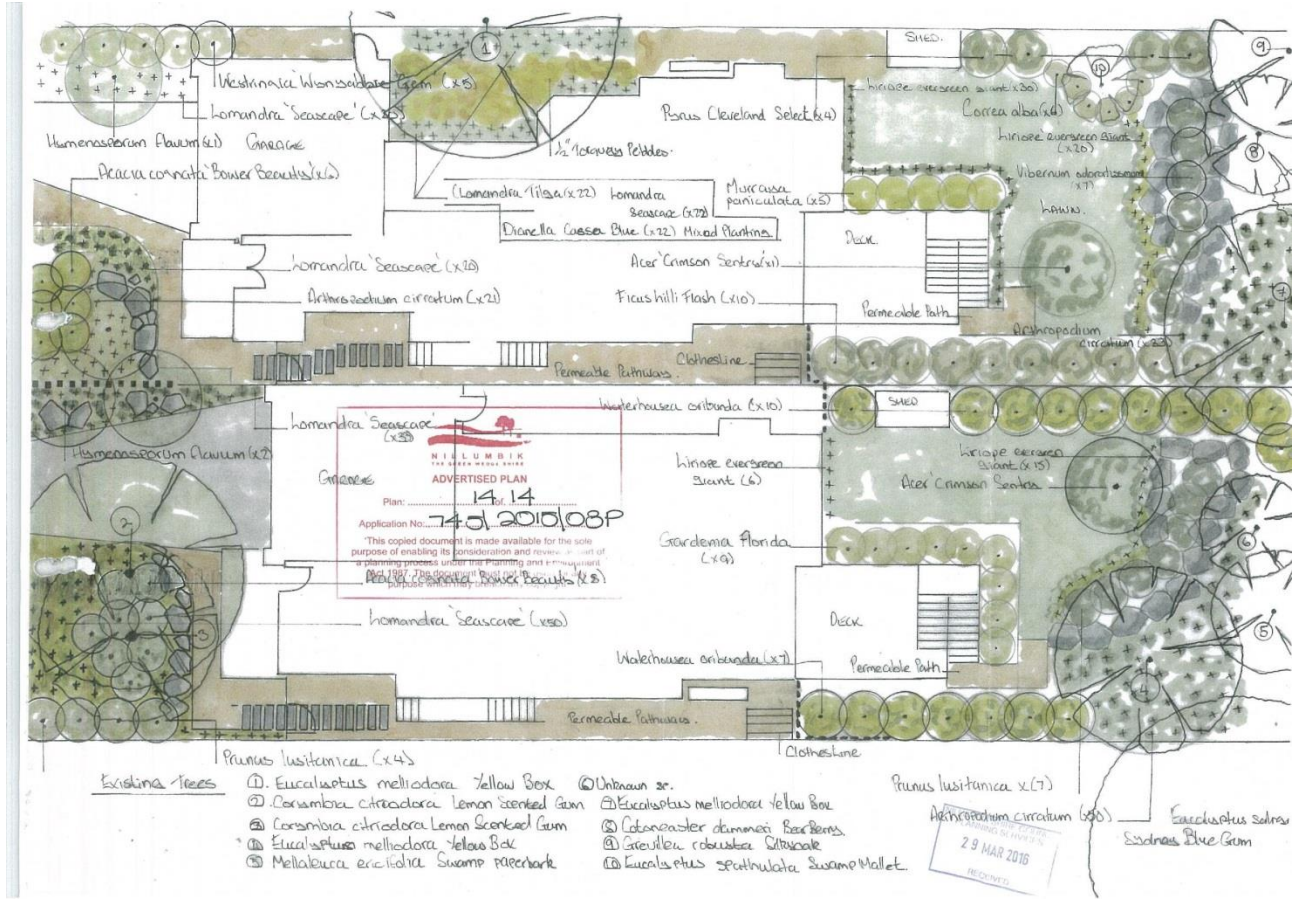
ADVERTISED PLAN

Plan: 7 of 14

Application No: 745/2010/03P

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© COPYRIGHT IN WHOLE OR IN PART		JOB NO:		JOB NUMBER		CLIENT	
07		bdcw		99 BROUGHAM STREET ELTHAM VIC		ANDREW STONE	
CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCEMENT. ANY WORK OR DIMENSIONS NOT SHOWN ARE TO BE VERIFIED BY THE CONTRACTOR. DO NOT SCALE DRAWINGS. ALWAYS USE WRITTEN DIMENSIONS.		SKETCH building design		DRAWN: CHMM		DATE: 07	
				DATE: MAR 2016		SCALE: 1:50 AT A1	
				TYPE: MU		REVISION: B	
				JOB No:		16-018	





COLOURS & MATERIALS ELEVATION

COLOUR & MATERIALS SCHEDULE	
	1) Roof Tiles: BORAL Vogue 'Charcoal Grey' (pr. vendor)
	2) Face Brickwork: DULUX 'Quarter' (pr. vendor)
	3) Gutters, Fascias & Down Pipes: DULUX 'White Duck Quarter' (pr. vendor)
	4) Timber Posts, Balustrades, Railing and Garage Doors: 'TIMBER Oak' Finish (pr. vendor)
	5) Gable Ends and Aluminium Window Frames: DULUX 'Leacock Half Strength' (pr. vendor)
	6) Selected Rendered and Lightweight Cladding: DULUX 'White Duck Quarter' (pr. vendor)
	7) Selected Rendered Brickwork: DULUX 'White Duck Half' (pr. vendor)
<p>PLEASE NOTE: All colours are AutoCAD derived and only indicative of the manufacturers product. Please refer to manufacturer specification for exact colour match. Where colour and manufacturer's specified not available, a similar match is to be substituted.</p>	

<p>© COPYRIGHT IN WHOLE OR IN PART CONTRACTOR MUST VERIFY ALL DIMENSIONS AND LEVELS AT THE JOB PRIOR TO COMMENCING ANY WORK OR ISSUES ANY PROOF DRAWINGS. DO NOT SCALE DIMENSIONS. ALWAYS USE MASTER DIMENSIONS.</p>		<p>CO bcd</p>	<p>SKETCH building design</p>	<p>JOB ADDRESS: 99 BROUGHAM STREET ELTHAM VIC 3015</p>	<p>CLIENT: ANDREW STONE</p>
<p>DATE: DEC 2015</p>	<p>SCALE: 1:50 AT A3</p>	<p>PROJECT NO: 16-018</p>	<p>TYPE: MU</p>	<p>REVISION: PR</p>	<p>DATE: 28 JUN 2016</p>

RECEIVED
28 JUN 2016
WILLIAM SHIRTS CONSULTING
PLANNING SERVICES

Planning Committee agenda

12 July 2016

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