

## **Future Nillumbik Committee**

held at the Civic Centre, Civic Drive, Greensborough on Tuesday 16 May 2017.

## **Minutes**

**Mark Stoermer**  
**Chief Executive Officer**

Wednesday 17 May 2017

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*Wominje ka*



## Nillumbik Shire Council

Minutes of the Future Nillumbik Committee Meeting held Tuesday 16 May 2017. The meeting commenced at 7pm.

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### Councillors present:

Cr Peter Clarke	Wingrove Ward (Mayor)
Cr Grant Brooker	Blue Lake Ward
Cr Karen Egan	Bunjil Ward
Cr John Dumaresq	Edendale Ward
Cr Peter Perkins	Ellis Ward
Cr Jane Ashton	Sugarloaf Ward
Cr Bruce Ranken	Swipers Gully Ward

### Officers in attendance:

Naomi Paton	Acting General Manager Community and Leisure
Allison Watt	Acting General Manager Corporate Services
Jeremy Livingston	Acting General Manager Environment and Planning
Lisa Pittle	Acting General Manager Infrastructure Services
Renaë Ahern	Acting Manager Planning and Health
Nadine Wooldridge	Coordinator Community Leisure Services

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#### 1. Welcome and apologies

The Mayor, Cr Peter Clarke, as Chair welcomed everyone to the meeting.

There were no apologies.

#### 2. Disclosure of conflicts of interest

Nil

#### 3. Confirmation of minutes

Confirmation of minutes of the Future Nillumbik Committee Meeting held on Tuesday 18 April 2017.

<b>Motion</b>
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**Cr Karen Egan**  
**Cr Bruce Ranken**

**That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 18 April 2017 be confirmed.**

**CARRIED**

### Change to the order of business

Due to the large number of people present in the gallery to for item FN.022/17 Research Park Pavilion Redevelopment Options, the order of Officers' Reports was altered and item FN.022/17 Research Park Pavilion Redevelopment Options report was heard first, followed by FN.021/17 Open Space Precinct Plan, Graysharps Road, Hurstbridge; FN.020/17 Nillumbik Lifetime Play Strategy; and FN.019/17 Subdivision of the land at 47 Warringah Crescent, Eltham.

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

**Distribution:    Public**

**Manager:        Renae Ahern, Acting Manager Planning and Health**

**Author:          Tim Oldfield, Statutory Planner**

**Portfolio        Planning**

Cr Peter Perkins, as the Councillor responsible for the Planning Portfolio, assumed the role of Chair for this report.

**Summary**

Address of the land	47 Warringah Crescent, Eltham
Site area	3,148 square metres
Proposal	Subdivision of the land into three lots, the creation of an easement and associated vegetation removal
Application number	508/2016/14P
Date lodged	13/09/2016
Applicant	Millar Merrigan
Zoning	Neighbourhood Residential Zone (Schedule 7)
Overlay(s)	Significant Landscape Overlay (Schedule 2)
Reason for being reported	Called in by Ward Councillor
Number of objections	14
Key issues	<ul style="list-style-type: none"> <li>• Strategic location</li> <li>• Neighbourhood character and tree impacts</li> <li>• Compliance with Clause 56 (Residential Subdivision)</li> <li>• Public open space contribution</li> </ul>

**Change to the order of business**

The order of Officers' Reports was altered and this item was considered fourth by the Committee.

**Speakers**

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

1. Wendy Morris on behalf Keith Staples

**4. Officers' reports****FN.019/17 Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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2. Nola Smith
  3. Austin Blackburne
  4. Julie Fink
  5. Andrew Smith

Recommendation
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That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Planning Permit to the land at 47 Warringah Crescent, Eltham, for the subdivision of the land into three lots, the creation of an easement and associated vegetation removal, in accordance with the submitted plans and subject to the following conditions:

1. Prior to certification of the plan, 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 prepared by Millar and Merrigan Pty. Ltd., but modified to show:
  - a) Plans generally in accordance with the plans submitted to Council on 7 April 2017 to show:
    - i) Lot 2 increased to 881 square metres;
    - ii) Lot 3 increased to a minimum of 900 square metres; and
    - iii) Lot 1 decreased in size based on conditions 1a(i) and a(ii).
  - b) The Tree Protection Zone areas of Tree Nos. 19, 20, 22, 23 and 24 that are located within the proposed Lot 2 to be labelled and clearly identified as building exclusion zones.
  - c) In addition to 1(b), building exclusion zones established for the following: trees on Lot 2:
    - i. The *Eucalyptus polyanthemus* (Red Box) adjacent to the existing shed; and
    - ii. The *Exocarpos cupressiformis* (Cherry Ballart) located along the northern boundary.
  - d) The location of all tree protection fencing to be erected adjacent to all proposed crossover and driveway works.
  - e) A plan notation stating that all services in the road reserve are to be installed by way of directional boring to a minimum depth of 600mm to protect all trees to be retained.
  - f) The location of the entry bore pits both within the road reserve and the subject site, sited so as to not impact on existing vegetation.
  - g) A driveway envelope proposed within the Tree Protection Zone of Tree No. 26 on Lot 2.

**4. Officers' reports****FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- h) All sections of driveway (including the section of driveway envelope) within the Tree Protection Zone of Tree No. 26 to be modified so that it is located 1 metre further south to create a setback of more than 3 metres to this tree.
  - i) A 2 metre wide easement, located along the western boundary of Lot 3 over the proposed drainage pipe, in favour of Lot 2.
  - j) Evidence an offset for the vegetation removal hereby approved has been secured in accordance with condition 12 of this permit.
2. The subdivision and tree removal allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.
3. Prior to any subdivision works 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 identified TPZ.

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

**4. Officers' reports****FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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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.

## 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).

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

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

5. 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.
6. Only trees marked 'tree to be removed' on the endorsed plans are permitted to be removed, to the satisfaction of the Responsible Authority.
7. No trees 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.
8. All services that are to be located within the road reserve must be installed by directional boring at a minimum depth of 600mm, to the satisfaction of the Responsible Authority.
9. All drainage works shown on the endorsed plans to be installed by directional boring must be to a minimum depth of 600mm, to the satisfaction of the Responsible Authority.
10. Prior to a Statement of Compliance being issued for any stage of the subdivision under the *Subdivision Act 1988*:

**4. Officers' reports****FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- a) The owner must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the *Planning and Environment Act 1987*. The agreement must provide for:
- The owner must not build, construct, erect or carry out or cause or permit to be built, constructed, erected or carried out any Building or Works within a building exclusion zone on Lot 2 as identified on the endorsed plan, except with the prior written consent of Council.
  - The owner must not build, construct, erect or carry out or cause or permit to be built, constructed, erected or carried out any building or works outside the building envelope on Lot 3 as identified on the endorsed plan, except with the prior written consent of Council.
  - The owner must not construct any driveway outside of the driveway envelope on Lots 2 and 3 as identified on the endorsed plan, except with the prior written consent of Council.
  - Any tree to be retained on Lots 1, 2 and 3 under planning permit 508/2016/14P must not be removed, felled, destroyed, lopped, ringbarked, uprooted or otherwise damaged on the subject land, except with the prior written consent of Council.

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 statement of compliance being issued.

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

- b) An on-site detention device must be installed, at no cost to Council, as per approved plans and Council's specification. Construction of the on-site detention device must be carried out under Council supervision and under a Minor Works within the Municipal Road Reserves permit.
- c) Vehicular access to and egress to the site from the roadway must be by way of a vehicle crossing constructed and/or upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit. The width of the driveway at property boundary must match the width of the vehicle crossing.
- d) The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface (unless located within the Tree Protection Zone of Tree No. 26) and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.



**4. Officers' reports****FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- e) Unless with the prior written consent of Council, all driveway works, within the prescribed driveway envelope for Lot 2 and within the Tree Protection Zone of Tree No. 26, hereby approved must:
    - i) Be constructed above existing grade and designed to be of a permeable surface
    - ii) Not remove more than 50mm (top grass/mulch layer) for preparation/sub-grade
    - iii) Ensure all excavation for the proposed driveway is supervised by a qualified arborist
    - iv) The soil level between the driveway and Tree No. 26 must remain at existing grade and this area must be mulched.
    - v) Any future planting in between the driveway and Tree No. 26 be limited to small shrubs & ground covers
  - f) The permit holder must pay to Council a 5 per cent cash-in-lieu open space contribution in respect to all of the land in the subdivision or any stage pursuant to Section 18 of the *Subdivision Act 1988*.
11. The permit holder must provide a native vegetation offset for the removal of 1 scattered tree on the road reserve approved as part of this permit. The offset must meet the following requirements and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. The offset must:
- a) Contribute gain of 0.002 general biodiversity equivalence units.
  - b) Be located within the Shire of Nillumbik or the Port Phillip & Westernport Catchment Management Authority Boundary.
  - c) Have a strategic biodiversity score of at least 0.080.
- The offset provided must be to the satisfaction of the Responsible Authority.
12. Prior to the certification of the plan, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence must include one of the following:
- a) A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.
  - b) A credit register extract from the Native Vegetation Credit Register.
13. In the event that a security agreement is entered into as per condition 11(a) the permit holder must provide a written report to the Responsible Authority one year after the approval of the Offset Management Plan hereby approved, detailing the management actions that have been undertaken towards the implementation of the offset management plan. A written progress report detailing the management actions undertaken including an offset site condition statement and photographs, must also

4. Officers' reports

**FN.019/17 Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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be submitted to the Responsible Authority at the completion of years three, five and ten. All reports shall be to the satisfaction of the Responsible Authority.

14. 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 and for vacant block adopt 60 per cent impervious area.

The on-site detention unit is to be constructed at no cost to Council and under Council supervision.

15. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site.

Each lot must be provided with property inlet connection. Therefore, such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, 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.

16. 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 the existing dwelling must be directed to a holding tank with a minimum storage capacity of 2000 litres.

The overflow from the tank must be directed to the on-site detention unit.

The overflow from the on-site detention unit 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.

17. 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 during the construction of the development.

18. The following are Yarra Valley Water requirements:

- a) The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

**4. Officers' reports****FN.019/17 Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- b) The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.
19. The following are Melbourne Water requirements:
- a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.
20. The following are AusNet requirements:
- a) The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the *Subdivision Act 1988*. The applicant must –
- b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- c) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.
21. The following are Telecommunications requirements
- a) The owner of the land must enter into an agreement with:
- a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- b) Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority,

**4. Officers' reports****FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

## Expiry

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

- a) A plan of subdivision is not certified within two years of the issue date of this permit; or
- b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The responsible authority may extend the permit if a request is made in writing prior to expiry of the permit or within six months afterwards.

## Notes:

- For any clarification or enquiries concerning the drainage or stormwater conditions contained in this permit, please contact Council's Development Engineer on 9433 3255.
- During the course of the approved tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the 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 holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.
- The owner/builder is responsible to protect Council assets during the works and to obtain an Asset Protection Permit unless an exemption applies.

When Council receives notification of the proposed building/development works from the appointed Building Surveyor, we will forward an Asset Protection Permit application and payment form to the building permit applicant.

Should you require additional information, please contact Council's Infrastructure Development team on 9433 3234.

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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<b>Motion</b>
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**Cr John Dumaresq**

**Cr Jane Ashton**

**That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Planning Permit to the land at 47 Warringah Crescent, Eltham, for the subdivision of the land into two lots and associated vegetation removal, in accordance with the submitted plans and subject to the following conditions:**

- 1. Prior to certification of the plan, 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 prepared by Millar and Merrigan Pty. Ltd., but modified to show:**
  - a) Amended boundaries creating two lots and maximising the number of indigenous trees to be retained, with one lot utilising the existing driveway and the second lot accessing from the south-west corner of the property.**
  - b) The Tree Protection Zone areas of Tree Nos. 19, 20, 22, 23 and 24 to be labelled and clearly identified as building exclusion zones.**
  - c) In addition to 1(b), building exclusion zones established for the following:**
    - i. The Eucalyptus polyanthemos (Red Box) adjacent to the existing shed; and**
    - ii. The Exocarpos cupressiformis (Cherry Ballart) located along the northern boundary.**
  - d) The location of all tree protection fencing to be erected adjacent to all proposed crossover and driveway works.**
  - e) A plan notation stating that all services in the road reserve are to be installed by way of directional boring to a minimum depth of 600mm to protect all trees to be retained.**
  - f) The location of the entry bore pits both within the road reserve and the subject site, sited so as to not impact on existing vegetation.**
  - g) A driveway envelope proposed within the Tree Protection Zone of Tree No. 26.**
  - h) All sections of driveway (including the section of driveway envelope) within the Tree Protection Zone of Tree No. 26 to be modified so that it is located 1 metre further south to create a setback of more than 3 metres to this tree.**
  - i) Evidence an offset for the vegetation removal hereby approved has been secured in accordance with condition 11 of this permit.**

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- 2. The subdivision and tree removal allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.**
- 3. Prior to any subdivision works 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 identified TPZ.

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

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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**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).**

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

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

- 5.    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.**

- 6.    Only trees marked 'tree to be removed' on the endorsed plans are permitted to be removed, to the satisfaction of the Responsible Authority.**

- 7.    No trees 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.**

- 8.    All services that are to be located within the road reserve must be installed by directional boring at a minimum depth of 600mm, to the satisfaction of the Responsible Authority.**

- 9.    All drainage works shown on the endorsed plans to be installed by directional boring must be to a minimum depth of 600mm, to the satisfaction of the Responsible Authority.**

**4. Officers' reports**

**FN.019/17**      **Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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**10. Prior to a Statement of Compliance being issued for any stage of the subdivision under the *Subdivision Act 1988*:**

- a) **The owner must enter into an agreement with the Responsible Authority and in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**
- i) **The owner must not build, construct, erect or carry out or cause or permit to be built, constructed, erected or carried out any Building or Works within a building exclusion zone as identified on the endorsed plan, except with the prior written consent of Council.**
  - ii) **The owner must not construct any driveway outside of the driveway envelope on Lots 2 as identified on the endorsed plan, except with the prior written consent of Council.**
  - iii) **Any tree to be retained on Lots 1 and 2 under planning permit 508/2016/14P must not be removed, felled, destroyed, lopped, ringbarked, uprooted or otherwise damaged on the subject land, except with the prior written consent of Council.**
- 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 statement of compliance being issued.**
- The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration, review and (if later sought) cancellation of the Section 173 Agreement.**
- b) **An on-site detention device must be installed, at no cost to Council, as per approved plans and Council's specification. Construction of the on-site detention device must be carried out under Council supervision and under a Minor Works within the Municipal Road Reserves permit.**
- c) **Vehicular access to and egress to the site from the roadway must be by way of a vehicle crossing constructed and/or upgraded to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an Infrastructure Works permit. The width of the driveway at property boundary must match the width of the vehicle crossing.**
- d) **The vehicular driveway must be properly formed and constructed to such levels to ensure that it can be utilised at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface (unless located within the Tree Protection Zone of Tree No. 26) and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.**



**4. Officers' reports**

**FN.019/17**      **Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- e) **Unless with the prior written consent of Council, all driveway works, within the prescribed driveway envelope for Lot 2 and within the Tree Protection Zone of Tree No. 26, hereby approved must:**
  - i) **Be constructed above existing grade and designed to be of a permeable surface**
  - ii) **Not remove more than 50mm (top grass/mulch layer) for preparation/sub-grade**
  - iii) **Ensure all excavation for the proposed driveway is supervised by a qualified arborist**
  - iv) **The soil level between the driveway and Tree No. 26 must remain at existing grade and this area must be mulched.**
  - v) **Any future planting in between the driveway and Tree No. 26 be limited to small shrubs & ground covers**
  
- 11. **The permit holder must provide a native vegetation offset for the removal of 1 scattered tree on the road reserve approved as part of this permit. The offset must meet the following requirements and is in accordance with the Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. The offset must:**
  - a) **Contribute gain of 0.002 general biodiversity equivalence units.**
  - b) **Be located within the Shire of Nillumbik or the Port Phillip & Westernport Catchment Management Authority Boundary.**
  - c) **Have a strategic biodiversity score of at least 0.080.**

**The offset provided must be to the satisfaction of the Responsible Authority.**
  
- 12. **Prior to the certification of the plan, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Permitted clearing of native vegetation – Biodiversity assessment guidelines and the Native vegetation gain scoring manual. Offset evidence must include one of the following:**
  - a) **A security agreement, to the required standard, for the offset site or sites, including a 10 year offset management plan.**
  - b) **A credit register extract from the Native Vegetation Credit Register.**
  
- 13. **In the event that a security agreement is entered into as per condition 12(a) the permit holder must provide a written report to the Responsible Authority one year after the approval of the Offset Management Plan hereby approved, detailing the management actions that have been undertaken towards the implementation of the offset management plan. A written progress report detailing the management actions undertaken including an offset site condition statement and photographs, must also be submitted to the Responsible Authority at the completion of years three, five and ten. All reports shall be to the satisfaction of the Responsible Authority.**

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- 14. 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 and for vacant block adopt 60 per cent impervious area.**

**The on-site detention unit is to be constructed at no cost to Council and under Council supervision.**

- 15. The nominated point of stormwater discharge is outside of the development site and requires the construction of drainage works outside the boundaries of the site.**

**Each lot must be provided with property inlet connection. Therefore, such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, 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.**

- 16. 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 the existing dwelling must be directed to a holding tank with a minimum storage capacity of 2000 litres.**

**The overflow from the tank must be directed to the on-site detention unit.**

**The overflow from the on-site detention unit 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.**

- 17. 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 during the construction of the development.**

- 18. The following are Yarra Valley Water requirements:**

**a) The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.**

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- b) The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

**19. The following are Melbourne Water requirements:**

- a) Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or waterways.
- b) Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

**20. The following are AusNet requirements:**

- a) The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988. The applicant must –
- b) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- c) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

**21. The following are Telecommunications requirements**

- a) The owner of the land must enter into an agreement with:
  - i) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - ii) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
- b) Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - i) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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- ii) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Expiry**

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

- a) A plan of subdivision is not certified within two years of the issue date of this permit; or
- b) A plan of subdivision is not registered at Land Victoria within five years of the original certification date.

The responsible authority may extend the permit if a request is made in writing prior to expiry of the permit or within six months afterwards.

**Notes:**

- For any clarification or enquiries concerning the drainage or stormwater conditions contained in this permit, please contact Council's Development Engineer on 9433 3255.
- During the course of the approved tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the 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 holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.
- The owner/builder is responsible to protect Council assets during the works and to obtain an Asset Protection Permit unless an exemption applies.

**4. Officers' reports**

**FN.019/17      Subdivision of the land into three lots, the creation of an easement and associated vegetation removal at 47 Warringah Crescent, Eltham**

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**When Council receives notification of the proposed building/development works from the appointed Building Surveyor, we will forward an Asset Protection Permit application and payment form to the building permit applicant.**

**Should you require additional information, please contact Council's Infrastructure Development team on 9433 3234.**

**CARRIED**

Cr Peter Perkins called for a division:

For: Crs Ranken, Ashton, Egan, Clarke, Dumaresq and Brooker.

Against: Cr Perkins.

#### 4. Officers' reports

##### FN.020/17 Nillumbik Lifetime Play Strategy

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**Distribution:** Public

**Manager:** Naomi Paton, Acting General Manager Community and Leisure

**Author:** Nichole Johnson, Coordinator Strategy Projects - Community and Leisure

Nadine Wooldridge, Coordinator Community Leisure

**Portfolio:** Community Services Portfolio

Cr Jane Ashton, as the Councillor responsible for the Community Services Portfolio, assumed the role of Chair for this report.

#### Summary

In the 2011 Recreation Strategy Council identified the need to establish a strategic framework for the future provision of play for all ages across the Shire.

Preparing the Lifetime Play Strategy seeks to respond to this need. The draft Strategy Attachment 1, establishes a framework and strategic direction for the provision of a diverse range of accessible, attractive, challenging, inclusive and well maintained play spaces for all ages across recreation, natural environment and urban settings.

Integrating play experience across our landscape helps to activate our community, contribute to wellbeing, engage people, connect communities and support participation across all ages, goals in the draft Council Plan 2017-2021.

The Lifetime Play Strategy will inform Council's delivery and upgrade of play spaces across the Shire as well as facilitate informal opportunities to incorporate play into daily life. Implementing the Strategy will improve the quality and diversity of play experiences benefitting all residents, and further support our Living in the Landscape.

Four pillars of play have been identified which capture what a play space or playful opportunity should contain in Nillumbik. They are the Art, Nature, Health and Connection of play.

These are outlined to give Council a benchmark tool in which to assess both the existing play space provision and future play opportunities across the Shire. This will include a detailed assessment of all play spaces and their distribution to inform a prioritised implementation plan.

Preparation of the Lifetime Play Strategy has been informed by extensive community engagement. The proposed further consultation on the draft will help inform the final Strategy for Council's consideration in coming months.

#### Change to the order of business

The order of Officers' Reports was altered and this item was considered third by the Committee.

4. Future Nillumbik reports

FN.020/17 Nillumbik Lifetime Play Strategy

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**Motion**

Cr Peter Clarke

Cr Peter Perkins

That the Committee (acting under delegation from Council):

1. Notes the process undertaken to develop a framework to guide the provision of play and playful opportunities.
2. Releases the Draft Lifetime Play Strategy for the purpose of final community consultation.

**CARRIED**

**4. Officers' reports****FN.021/17      Open Space Precinct Plan, Graysharps Road, Hurstbridge**

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**Manager:**      **Naomi Paton, Acting General Manager Community and Leisure**  
**Author:**      **Nichole Johnson, Coordinator Strategy Projects - Community and Leisure**  
                     **Alison Fowler, Senior Strategic Planner**  
                     **Melanie Holt, Place Activation Coordinator**  
**Portfolio:**     **Social Infrastructure**

Cr Bruce Ranken, as the Councillor responsible for the Social Infrastructure Portfolio, assumed the role of Chair for this report.

**Summary**

The purpose of this report is to seek endorsement of the proposed process for the preparation of an Open Space Precinct Plan for Graysharps Road, Hurstbridge and draft Terms of Reference for the appointment of a Councillor led Project Reference Group.

Council resolved on 22 November 2016 to prepare a Recreational and Open Space Plan for the Graysharps Road, Hurstbridge precinct. This Plan is now being referred to under the project title 'Open Space Precinct Plan, Graysharps Road, Hurstbridge'.

The recommended process to undertake the project, including proposed community engagement, is detailed in Attachment 2. Key aspects of this process include drop in sessions, displays, workshops, surveys and bulletins, as agreed to by the future Project Reference Group. It is suggested initial consultation begins at the Town and Country Connect Expo on Saturday 20 May 2017.

This report also recommends that the rezoning of Lot 1 Graysharps Road, which forms part of the Precinct Plan area, be deferred until the Precinct Plan is finalised.

**Change to the order of business**

The order of Officers' Reports was altered and this item was considered second by the Committee.

<b>Motion</b>
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**Cr Karen Egan**  
**Cr Bruce Ranken**

**That the Committee (acting under delegation from Council):**

- 1. Adopts the Open Space Precinct Plan, Graysharps Road, Hurstbridge Project Reference Group Terms of Reference.**
- 2. Endorses the proposed process for the preparation of an Open Space Precinct Plan.**
- 3. Authorises the commencement of advertising for members of the Project Reference Group.**
- 4. Defers a decision to rezone land known as Lot 1 Graysharps Road until the Hurstbridge Open Space Precinct Plan is finalised.**

**CARRIED**



#### 4. Officers' reports

##### **FN.022/17      Research Park pavilion redevelopment options**

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**Manager:**      **Naomi Paton, Acting General Manager Community and Leisure**

**Author:**        **Naomi Paton, Acting General Manager Community and Leisure**

**Portfolio:**     **Social Infrastructure**

Cr Bruce Ranken, as the Councillor responsible for the Social Infrastructure Portfolio, assumed the role of meeting Chair for this report.

#### **Summary**

Research Park is home to Research Junior Football Club (RJFC) and Research Eltham Collegians Cricket Club (RECCC). The undersized sportsground is suitable for both junior and senior cricket, but limited to junior football only.

In the winter season, RJFC's use has the ground operating at maximum capacity. The Club's further growth can only be accommodated by accessing additional venues elsewhere. RECCC uses facilities at both Research Park and nearby Eltham College in the summer season. Having access to two sportsgrounds enables RECCC to further grow participation.

The ageing sports pavilion is no longer fit-for-purpose. Player and umpire change facilities are inadequate, inaccessible and outdated. The social room is undersized at 60m<sup>2</sup>, and restricts clubs' social activities.

The 2014 \$200,000 state election commitment triggered the pavilion upgrade. Council has now secured a total of \$1.110 million in external investment through State Government and tenant clubs (the latter via cash and borrowings) towards the redevelopment. A total of \$2.260 million will be available, subject to the adoption of the 2017-2018 Council budget.

Two options with detailed cost plans have been developed: an industry-standard sports pavilion that reflects cricket and football facility guidelines, and a two-storey pavilion with larger social room, separate bar, canteen and kitchen, committee room and offices. Player and umpire facilities are the same for each option. Option one can be delivered within the available budget, delivering a surplus of \$912,000. There is a shortfall of \$739,000 for option two.

The report recommends pursuing option one and delivering a fit-for-purpose facility, reflective of Council and peak sporting body standards for seasonal sports pavilions. Both clubs have a strong preference for option two to better accommodate social gatherings and events.

Once Sport and Recreation Victoria has approved the concept plan, it is recommended the project progresses to the design and construction phase/s with a view to completing the project by December 2018 to meet contractual requirements with State Government funding agreements.

#### **Change to the order of business**

The order of business was altered and this item was considered first by the Committee.

**4. Officers' reports****FN.022/17 Research Park pavilion redevelopment options**

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**Speakers**

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

1. Nancy Cummane
2. Wayne Jessop
3. Sebastian Fitzpatrick
4. Paul Northey on behalf of Roger Wilkinson, Vice President Research Junior Football Club
5. John Katsaros on behalf of Roger Wilkinson, Vice President Research Junior Football Club

<b>Recommendation</b>
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That the Committee (acting under delegation from Council):

1. Notes that two options for a pavilion redevelopment at Research Park have been prepared, of which the industry-standard option only can be delivered with the available budget.
2. Notes the significant external investment for the redevelopment consisting of \$950,000 from State Government and \$160,000 from tenant sports clubs.
3. Adopts the Research Park pavilion redevelopment option one concept plan of an industry-standard sports pavilion which delivers fit-for-purpose facilities.
4. Receives a further report detailing additional Park improvements for expanded car parking, drainage and landscaping for the benefit of all Park tenants and users.
5. Requests officers continue exploring opportunities with Research Junior Football Club, Research Eltham Collegians Cricket Club and Eltham College for the further development of Eltham College sporting facilities for broader community benefit.

<b>Motion</b>
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**Cr Jane Ashton**

**Cr Bruce Ranken**

That the Committee (acting under delegation from Council):

1. **Notes that two options to redevelop the Research Park sports pavilion have been prepared.**
2. **Notes the significant external investment of \$950,000 from State Government and \$160,000 from tenant sports clubs.**
3. **Adopts the Research Park pavilion redevelopment option two concept plan delivering fit-for-purpose player, umpire and spectator facilities on the ground floor and a second floor community facility available for sports club and wider community use.**

**4. Officers' reports**

**FN.022/17 Research Park pavilion redevelopment options**

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- 4. Requests officers explore with Research Junior Football Club and Research Eltham Collegians Cricket Club opportunities to refine the scope of option two to ensure the two levels can operate independently of each other to optimise community use, and that the project is delivered within the \$2,260,000 budget available.**
- 5. Requests officers work with Research Junior Football Club and Research Eltham Collegians Cricket Club in preparing a facility management model that facilitates and encourages broader community use.**
- 6. Receives a further report detailing required car parking and liquor licensing to address town planning requirements, water and electrical services upgrades, referring any additional costs for consideration in future Council budgets.**
- 7. Requests officers continue exploring opportunities with Research Junior Football Club, Research Eltham Collegians Cricket Club and Eltham College for the further development of Eltham College sporting facilities for broader community benefit.**
- 8. Requests officers review the liquor license and ensure it is relevant to the building's community focus.**

**CARRIED**

5. **Supplementary and urgent business**

Nil

6. **Confidential reports**

The meeting may be closed to members of the public to consider confidential matters.

<b>Motion</b>
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Cr Peter Perkins

Cr Karen Egan

That the Committee closes the meeting to the public pursuant to section 89(2) of the *Local Government Act 1989* to consider the following item, which is confidential for the reason indicated:

Report No.	Title	Reason for confidentiality
PS.023/17	Eltham Men's Shed lease	(e) proposed developments

**CARRIED**

**Future Nillumbik Committee minutes**

**16 May 2017**

The meeting closed at 9.18pm.

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

Cr Peter Clarke, Mayor