

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 15 May 2018 commencing at 7.30pm.

Agenda

Mark Stoermer
Chief Executive Officer

Tuesday 8 May 2018

Distribution: Public

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Wominje ka

Future Nillumbik Committee seating plan

Cr John Dumaesq
Edendale Ward
Infrastructure
Portfolio

Cr Karen Egan
Bunjil Ward
Economic and
Development
Portfolio

Cr Grant Brooker
Blue Lake Ward
Environment and
Sustainability
Portfolio

Cr Peter Perkins
Ellis Ward
Planning Portfolio

Cr Jane Ashton
Sugarloaf Ward
Community
Services Portfolio

Cr Bruce Ranken
Swipers Gully Ward
Social Infrastructure
Portfolio

Blaga Naumoski
Executive Manager
Governance

**Cr Peter Clarke
(Mayor)**
Wingrove Ward
Finance and
Governance
Portfolio

Mark Stoermer
Chief Executive
Officer

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 deliberations quietly in order for Committee meetings to run smoothly.
- Advised that the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

Nillumbik Shire Council

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Nillumbik Shire Council

**Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 15 May 2018
commencing at 7.30pm**

1. Welcome and apologies

Welcome by the Chair

Members of the public are advised the meeting will be recorded and an audio recording of the meeting will be made publicly available on Council's website.

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 Future Nillumbik Committee Meeting held on Tuesday 17 April 2018.

Motion

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 17 April 2018 be confirmed.

4. Officers' report

FN.012/18 Buildings and works to construct eleven dwellings at 15 Edmonds Street, Diamond Creek

Portfolio: Planning

Distribution: Public

Manager: Renae Ahern, Acting Manager Planning and Health Services

Author: Simon Ilsley, Senior Statutory Planner

Application summary

Address of the land	15 Edmonds Street, Diamond Creek
Site area	3,127 square metres
Proposal	Buildings and works to construct eleven dwellings
Application number	302/2017/03P
Date lodged	5 July 2017
Applicant	Deton7
Zoning	General Residential Zone (GRZ)
Overlay(s)	Nil
Reason for being reported	Called in by Ward Councillor
Number of objections	13
Key issues	<ul style="list-style-type: none"> • Strategic Location • Neighbourhood Character and landscaping • Medium Density Housing Policy • Compliance with Clause 55 (ResCode) • Clause 52.06 – Car Parking

4. Officers' Report

FN.012/18 Buildings and works to construct eleven dwellings at 15 Edmonds Street, Diamond Creek

Location map



4. Officers' Report**FN.012/18 Buildings and works to construct eleven dwellings at 15 Edmonds Street, Diamond Creek**

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 15 Edmonds Street, Diamond Creek, for buildings and works to construct ten dwellings subject to the following conditions:

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 19 September 2017 and prepared by *DETON7* but modified to show:
 - a) Deletion of dwelling 6 and the associated garage.
 - b) Dwelling 5 setback a minimum of 7.5 metres from Edmonds Street.
 - c) Dwelling 7 reduced to two bedrooms and the car space in front of this dwelling deleted and replaced with landscaping.
 - d) Horizontal elements on the front façade of dwelling 7.
 - e) Darker finishes on the east elevation of dwellings 3 and 4 to assist in blending the development into the treed background.
 - f) Any fencing forward of the building line must not exceed a height of 1.2 metres.
 - g) Windows in dwellings 9 and 10 treated to comply with Standard B22 of ResCode.
 - h) A 6.1 metre wide by 7 metre long accessway from the boundary.
 - i) Increase the width of the accessway immediately adjoining the garage for dwelling 1 to 6.4 metres and provide 0.5 metres of landscaping on the western edge of the visitor car space.
 - j) Existing trees that will be retained, their species and height.
 - k) Footpaths or paving connecting the dwellings to the road, and details of any associated works.
 - l) Services or infrastructure that must not be located in the tree protection zone of any tree.
 - m) A landscape plan in accordance with condition 3 of this permit.
 - n) Engineering plans in accordance with condition 7 of this permit.
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.

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- 3. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must show:**
 - a) A survey of all existing vegetation and natural features.**
 - b) The area or areas set aside for landscaping.**
 - c) Existing trees that will be retained, their species and height.**
 - d) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of exotic plants and plants selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing.**
 - e) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material.**
 - f) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill.**
 - g) Appropriate irrigation systems.**
 - h) Provision of 16 canopy trees selected from the Council document 'Live Local Plant Local'. Canopy trees must not be located within 5 metres of a building.**
 - i) In the event that there is insufficient area to plant 16 canopy trees, an alternative scheme consisting of 10 canopy trees and 10 tall shrubs compromising of all indigenous species can be shown.**
 - j) Extensive landscaping along the Edmonds Street frontage.**
- 4. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.**
- 5. Prior to the development commencing, the following must be provided to the satisfaction of the Responsible Authority:**
 - a) The developer must demonstrate how vehicles can safely turn on the developed site to allow entry and exit in a forward motion to all approved garages / carports and complies with AN/NZS 2890. These amended plans must be presented at a scale of 1 in 100 with the vehicle turning circles shown.**

The design must be submitted to the Responsible Authority for approval. The approved design levels must be shown on the construction plans for the site and the driveway constructed according to the levels.

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- b) The developer will need to demonstrate (provide longitudinal grades) that access/egress via vehicle crossing can be achieved in accordance with AS/NZS 2890.1 Section 2.6 & Appendix C incorporating C1.

The developer must apply the template in Figure C1 (domestic driveway) and show in plan form and longitudinal grades that gradients of the vehicle crossing will not cause scraping of the vehicle on the driveway.

- c) The drainage system within the subject site must be designed to the requirements and satisfaction of the Responsible Authority.
- d) The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority (Nillumbik Shire) for approval.

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

6. Prior to the occupation of the development, the following must be carried out to the satisfaction of the Responsible Authority:

- a) Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed / 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 the property boundary must match the width of the vehicle crossing.

- b) The vehicular driveway must be properly formed and constructed meeting the ramp grades specified in the Nillumbik Planning Scheme (Clause 52.06-9, Design standard 3: Gradients), and to such levels to ensure that it can be utilised at all times for both dwellings. 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.
- c) Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and Council's specifications.
- d) Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at property boundary in Edmonds Street where it meets the road reserve and connected to the internal drainage system.

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7. 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.

8. Stormwater from the roof of the new dwellings 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 on-site detention unit. The overflow from the on-site detention unit must be connected to 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.

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

9. 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.

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

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

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

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

Attachments

1. Site and surrounds
2. Aerial map
3. Plans

Subject site and surrounds

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

- The subject site is located on the corner of Fuller Street and Edmonds Street, Diamond Creek. The site abuts Fuller Street to its north-west boundary and Edmonds Street to the north-east.

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- The site is irregular in shape with a total site area of 3,127 square metres. Despite having an Edmonds Street address, the site has a longer boundary to Fuller Street. The Fuller Street frontage has a length of 57.3 metres, while the Edmonds Street frontage has a length of 31.39 metres. A 4.31 metre long splay separates the two road boundaries.
 - Existing development on the site consists of a single-storey weatherboard dwelling, located on the rear half of the site, with a stand-alone garage in the south corner. Other buildings and features include a single carport, a small shed and a swimming pool.
 - The site has a significant fall of approximately 13 metres from the western corner to partway along the eastern boundary. There is a steep bank immediately to the west of the existing dwelling that runs the length of the site. The site is sparsely vegetated with existing trees, shrubs and ground-storey vegetation.
 - Both adjacent road reserves are substantially treed, particularly the Fuller Street (north-western) boundary.
 - The site is presently served by two crossovers, located at either end of the Edmonds Street frontage.
 - No easements are located on the property.
 - The surrounding area has an established residential character consisting of both single and double-storey dwellings of brick or weatherboard construction.
 - As well as having a double road frontage, the site adjoins four properties, as follows:
 - To the south-west, the site adjoins 20 Fuller Street, which contains a double-storey brick dwelling, and 6 Happy Valley Rise, which also contains a double-storey brick dwelling.
 - To the south-east, the site adjoins 11 Edmonds Street, which contains a single-storey weatherboard dwelling, and 7 Happy Valley Rise, which also contains a single-storey brick dwelling.
2. The subject site is located within close proximity to the following services and amenities:
- 400 metres to the Chute Street retail and services precinct
 - 400 metres to the Diamond Creek Primary School
 - 600 metres to Nillumbik Park Diamond Creek Reserve
 - 1 kilometre to the Diamond Creek Activity Centre

Details of proposal

3. The proposed development can be described as follows:
- Construction of 11 multi-level dwellings containing three bedrooms and two car parking spaces, predominantly in the form of double garages.

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- Dwellings 1 to 6 will comprise three storeys, including what the applicant describes as a “semi basement”. The “semi basement” in dwellings 1 to 6 contains one bedroom and a bathroom, and for dwellings 3 and 4 a rumpus room is also included. On the ground floor are the kitchen and living areas, and on the first floor are two bedrooms, a bathroom and laundry.
- Dwellings 7 to 11 are two-storeys of varying layouts that comprise of either two or three bedrooms on the first floor and kitchen and living areas on the ground floor. Dwelling 8 is the exception to this, with the kitchen and living area on the first floor.
- Dwelling 6 has a front setback to Edmonds Street of 4 metres and the garage associated with this dwelling is setback 2.66 metres. Dwelling 7 has a front setback of 8.86 metres to Edmonds Street.
- Dwellings 2 through to 6 are setback 4 metres from the Fuller Street frontage and dwelling 1 has a front setback of 9 metres.
- A maximum building height of 9.1 metres is proposed.
- All dwellings will be accessed via a single vehicle access from Edmonds Street. The existing crossover will be used for the proposed development, while the other existing crossover, located near the intersection of Edmonds Street and Fuller Street, will become redundant and will be removed and the road reserve reinstated.
- Three visitor parking spaces are provided, two between the garages for Dwellings 4 and 5 and a further visitor car space immediately adjoining the double garage associated with Dwelling 3.
- Private open space areas range from 49 square metres to 140 square metres at an average area of 86 square metres across the entire development.

Planning history

4. There is no relevant planning history with respect to the subject site.

Planning controls

Zoning

5. The subject site is zoned General Residential (Schedule 1). Under this zone, a permit is required to construct two or more dwellings on a lot. A dwelling is a Section 1 ‘no permit required’ use in this zone.
6. Clause 32.08-4 requires residential development to provide a minimum garden area requirement dependent on the size of the allotment. This application satisfies the minimum 35 per cent required by this clause, by allocating 38 per cent of the site to garden area.

Overlays

7. The site is not affected by any overlays.

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Particular provisions

8. Clause 52.06 (Car Parking) applies to the application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces; that car parking does not adversely affect the amenity of the locality; and that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use. Clause 52.06 requires two car spaces for each 3 bedroom dwelling and one visitor car space for every five dwellings.
9. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'ResCode').
10. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

Relevant planning policies

11. State Planning Policies which are relevant to this application include:
 - Clause 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
12. The Local Planning Policies which are relevant to this application include:
 - Clause 21.05-1 – Settlement and Housing
 - Clause 22.01 – Medium Density Housing Policy
 - Clause 22.12 – Neighbourhood Character Policy
13. The planning controls and policies identified above encourage residential development in the General Residential Zone at a range of densities, which includes medium density housing. This intent is also reflected specifically in the purpose of that zone. However, in both State and local policy, the strength of encouragement for medium-density housing is greater the closer the site is located to an activity centre or other commercial and community facilities, and reduces the further the site is located from necessary urban infrastructure.
14. The encouragement afforded by the zone and planning policies is counter-balanced by objectives that require development to be site responsive (i.e. to minimise landscape and vegetation impacts), and complementary to desired neighbourhood character.
15. Assessment of the degree of policy support for medium density housing is dependent upon a balancing of these sometimes contradictory policy objectives. In this regard, a flat site with little vegetation located near an activity centre can be seen to have strong policy support for development in the form of medium-density housing.

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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

16. 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

17. As a result of advertising, a total of thirteen written objections have been received. These objections can be summarised as follows:
- Inconsistency with neighbourhood character
 - Loss of visual amenity / aesthetic values
 - Excessive bulk and height
 - Traffic safety and congestion, fire evacuation issues from dead-end street
 - Lack of landscaping area / 'green' spaces
 - Lack of tree removal / landscaping detail in application
 - Infrastructure overloading
 - Noise, dust and disruption during construction phase
 - Ongoing noise from higher-density development
 - Insufficient front setbacks
 - Lack of on-street visitor parking space
 - Loss of privacy
 - Drainage / cross-boundary stormwater flow
 - Overshadowing / loss of daylight access
 - Construction impacts on foundations of neighbouring dwellings
 - Contribution to Melbourne-wide 'property bubble'

Planning application conference

18. A planning application conference was not held for this application. The concerns raised in the objections were clearly expressed and the recommendation in this report addresses many of the issues raised by objectors, such as increasing landscaping areas and front setbacks, and reducing the number of dwellings will reduce the car parking demand and traffic numbers. It was considered that the outstanding concerns raised could not be adequately resolved through a planning application conference.

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Referrals

Internal

19. 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	<ul style="list-style-type: none"> • Access to dwelling 1 is not satisfactory. • Location of visitor car parking bay is not satisfactory. • Change proposed access width from 6 metres to 6.1 metre for first 7 metres to provide passing area. • Plans are not clear to see if there are any service assets within the area of new vehicle crossing. <p>The abovementioned issues can be addressed through conditions. Standard engineering conditions were requested.</p>
Building surveyor	<ul style="list-style-type: none"> • Building permit required; potential report and consent required for fence within 9 metres of road intersection.

External

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

Planning assessment

Introduction

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

- Strategic location (in the context of policy)
- Neighbourhood character and landscaping
- Response to the Medium Density Housing Policy
- Compliance with Clause 55 (ResCode)
- Car Parking

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

Strategic location

23. Clause 21.05-1 (Settlement and Housing) of the Municipal Strategic Statement (MSS) contains an objective to encourage medium-density housing with good access to commercial and community services, public transport, open space and other infrastructure, and to discourage medium-density housing where access to these facilities is inadequate.

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The objective is given more direct effect in the Medium-Density Housing Policy at Clause 22.01, which specifically encourages medium-density housing development close to the activity centres and/or other urban services.

24. When considering the strategic merits of the subject site, there is some degree of planning policy support for greater utilisation of the site for additional housing. With an area of 3,127 square metres the site is relatively large. However, the site has sections of 'relatively steep slope and is surrounded by much less intensively developed residential lots. Lots in the surrounding area typically range in size from 600 to 1000 square metres and contain predominantly one dwelling on a lot primarily because of topography. This area of Diamond Creek hasn't experienced significant redevelopment of the built form and what exists is older housing stock that is generally well integrated into the landscape and the topography.
25. The site is located within a primarily residential area that is approximately 400 metres from the western end of the local commercial area on Chute Street. The Diamond Creek Activity Centre and the Diamond Creek railway station are located a further 600 metres to the east.
26. Whilst the site is located beyond 400 metres of the Diamond Creek Activity Centre and the Diamond Creek railway station, the site is still considered to be suitable for some form of medium density residential development. This is a view that is supported by State Policy which seeks to increase residential density in established urban areas with good access to facilities such as public transport, activity centres and public open space. The subject site is located within a General Residential Zone, as are the majority of the urban areas of Diamond Creek. The 'hierarchy' of residential zones tempers development with the consideration of a site's context, including the existing and preferred neighbourhood character.
27. The key considerations of this proposal are whether the development offers appropriate outcomes when considered against the purpose of the zone, the objectives and strategies for new residential development and specifically the objectives and policies relating to medium-density housing. Crucial to and implicitly intertwined with all of these considerations, is an assessment of the extent to which the proposal is consistent with the relevant neighbourhood character policies and objectives.

Neighbourhood Character and landscaping

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

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29. The overarching objectives of the Neighbourhood Character Policy, at Clause 22.12-2 of the Planning Scheme, are as follows:
- To ensure that development is responsive to the preferred future character of the area.
 - Retain and enhance the identified elements that contribute to the character of the area.
 - To implement the recommendations of the Shire of Nillumbik Neighbourhood Character Study 2000 and the Nillumbik Residential Design Guidelines 2000.
 - To recognize the potential for change as a result of new social and economic conditions, changing housing preferences and State and local housing policies.
30. In addition, residential precincts based on the delineation of areas of similar character elements are defined in the Shire of Nillumbik Neighbourhood Character Study. The desired future character for all the residential zones in the municipality is to be achieved by achieving the following common design objectives:
- To maintain the existing vegetation including canopy trees.
 - To minimise site erosion, the detrimental effects of excavation and the landscape impact of development.
 - To ensure buildings do not dominate the streetscape.
 - To ensure that car parking areas, garages and carports do not dominate sites when viewed from the street.
 - To maintain and enhance the continuous flow of the garden settings and the openness of the front boundary treatment.
31. At precinct level, the site is defined as being within a 'Garden Court' precinct. The key characteristics of the Garden Court precinct are identified as follows:
- Occasional high canopy native trees combine with substantial exotic trees occurring at a density of one to every 200m².
 - Front fences are generally not present and, although becoming more frequent in some areas, do not predominate. Side fences forward of the dwelling are either not present or are low.
 - Front gardens are generally low level, often with planted lawns and many also have substantial shrubs.
 - Front setbacks are generally 7-8 metres. Orientation of dwellings to the street is often not parallel and varies. Side setbacks are generally 1 - 3 metres.
 - Dwellings are usually single-storey.
 - Low-pitched tile roofs with wide eaves are dominant. Dwellings often incorporate a projecting front room or 'triple fronted' articulation.
 - Driveways are usually provided to the side of the dwelling. Car parking is provided in garages adjacent to or behind the dwelling.

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32. The Desired Future Character is to be achieved by these additional design objectives:
- To maintain the existing mix of native and exotic vegetation including canopy trees and understorey.
 - To maintain and enhance the continuous flow of the garden settings and the openness of the front boundary treatment.
33. Subject to the deletion of one dwelling and other changes, the proposal can satisfy the overarching objectives of the Neighbourhood Character Policy, the common design objectives for residential precincts and also the specific key characteristics of the Garden Court precinct.
34. At 36.5 per cent site coverage and 41.6 per cent impermeability, the proposed development has sufficient area to provide a meaningful landscaping outcome that aligns with the desires of the Neighbourhood Character Policy. The setbacks to side and rear boundaries also provide sufficient area to achieve this landscaping outcome. This outcome includes the provision of canopy trees to achieve the density required by the Garden Court Precinct. In addition to this, the applicant has agreed to provide additional open space through the deletion of the car space forward of Dwelling 7 and the consolidation of Dwellings 5 and 6 into one residence. The consolidation of dwellings 5 and 6 will also result in the loss of one double garage.
35. The above mentioned changes will provide greater area within the front setbacks to plant canopy trees, which will positively contribute to the existing character of this area. This landscaping outcome will complement the existing landscaping within the road reserve. In Fuller Street, the width of the nature strip is approximately six metres and contains approximately 15 mature canopy trees. On Edmonds Street the nature strip is wider at approximately 8 to 10 metres and once again there are mature canopy trees in this nature strip.
36. The built form character of this area is influenced strongly by the topography of the land. Dwellings on the north-western side of Fuller Street opposite the subject site typically present as two-storey buildings elevated above the road level, whereas on the opposite side of Fuller Street, dwellings present as single storey to the road, yet are two-storey at the rear as the land drops away.
37. On the southern side of Edmonds Street the dwellings are predominately single storey, with the exception of a double storey dwelling at 5 Edmonds Street, which has a front setback of 4 metres. Dwellings on the opposite side of Edmonds Street once again present as single storey to the road, although many of these dwellings are multi-level due to the natural topography of the land. Carports and garages forward of dwellings are also not uncommon due to the topography of the area.
38. The character of this area comprises of an eclectic mix of development that provides scope to consider a wide range of building designs. The proposed dwellings are kit homes that rely heavily on a varied palette of materials to reduce the visual bulk of the relatively unarticulated forms. The absence of pitched roofs also accentuates this built form and whilst dwellings in the surrounding area have predominantly pitched roofs, there are exceptions to this at 11 Edmonds Street and 25 Fuller Street. The two-storey dwelling at 5 Edmonds Street also has a low pitched roof.

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39. The development has used the topography of the land to reduce the three storey dwellings to two-storey built form when viewed from Fuller Street. As the south elevation demonstrates, the built form follows the topography of the land. The built form is complemented with significant setbacks between buildings, as can be seen on the west elevation. Meaningful opportunities for a strong landscaping outcome can also be achieved as a result of the generous setbacks to boundaries. Without these setbacks and the ability to achieve a meaningful landscaping outcome, the proposed built form alone could be considered inappropriate when compared to the various built form elements that make up the eclectic character of this area. However, when the strong setbacks and landscaping outcomes are included as part of the entire development, the entire development then sits comfortably within this residential setting.
40. Both road reserves are heavily treed and this should provide a strong visual filtration of the development within the streetscape. Despite this, consideration needs to be given to the appropriateness of the front setbacks. A stated key characteristic for this area is that front setbacks are generally between 7 to 8 metres, although in this area front setbacks are typically greater and often exceed 10 metres. The immediately adjoining dwelling to the south-east is an exception, with a front setback of 6.2 metres.
41. The application proposes the following setbacks:
- Dwelling 1: 9 metres to Fuller Street
 - Dwellings 2 to 6: 4 metres to Fuller Street
 - Dwelling 6: 4 metres to Edmonds Street
 - Garage associated with Dwelling 6: 2.66 metres to Edmonds Street
 - Dwelling 7: 8.86 metres to Edmonds Street
42. The 4 metre setback for Dwelling 6 and the 2.66 metre setback both to Edmonds Street are inappropriate in the context of the predominant front setbacks found in both streets. These setbacks provide minimal opportunities for meaningful landscaping that would contribute positively to the streetscape and add stock to existing heavily treed road reserves. Post public notification, the applicant has agreed to consolidate Dwellings 5 and 6 into one dwelling with a setback of 7.5 metres to Edmonds Street. A result of this change is that the garage for Dwelling 6 will also be removed. These changes will provide significantly greater areas for landscaping and in particular canopy tree planting that will make a positive contribution to the character of this area. The role of these areas will be reinforced through a condition restricting the height of fencing forward of the building line to 1.2 metres and the submission of a landscape plan that demonstrates a strong landscape outcome in these setbacks.
43. In respect of the materials and finishes, the application proposes primarily rendered finishes for all of the dwellings. As mentioned earlier in this report, the character of the surrounding area is eclectic and this extends to the building materials and finishes of nearby dwellings.

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The proposal varies the colours of the rendering throughout the development and this is considered an appropriate response to the surrounding character, rather than introducing brickwork into the scheme.

44. Concerns were identified with the appearance of dwelling 7 as it presents to Edmonds Street. These concerns centred around the strong vertical elements and the dominance of glazing on the front façade. The applicant has agreed to introduce horizontal elements onto the front façade in a similar manner to the facades of dwellings 3 and 4 and these changes would be a better response to the built form character of the area.
45. The basis for the Neighbourhood Character Policy, at Clause 22.12-1 of the Scheme states that “the extent of the predominately native and indigenous vegetation cover is a particular characteristic of Nillumbik that makes it distinctive from other areas of Melbourne”. While the subject site does not itself contain a significant amount of vegetation, it sits squarely within a well vegetated area, on steeply sloping land, with a high degree of visibility from Main Street and the higher land to the south-east. Consequently, the proposal must demonstrate a capacity to incorporate a strong landscape outcome and from this perspective the application has successfully done this.
46. In addition to this, the changes discussed above involving the consolidation of Dwellings 6 and 7 into one dwelling will increase the area available for landscaping. It would also be beneficial for the landscape plans to show existing trees, the species and setback of these trees to the proposed development. A condition will be included on the permit requiring the landscape plan to show at least 16 canopy trees or in the event that there is insufficient area for 16 canopy trees, 10 canopy trees and 10 tall shrubs must be shown. The basis for seeking 16 canopy trees stems from the ‘Garden Court’ precinct, which identifies canopy trees occurring at a density of one to every 200 square metres as a key characteristic of this precinct.

Response to the Medium-Density Housing Policy

47. The Medium-Density Housing Policy, at Clause 22.01 of the Planning Scheme, 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. There are a number of other elements that contribute towards ‘character’, including the position of the dwellings on-site; setbacks to the street; landscaping and the relationship between the development to neighbouring properties with respect to spacing and transition in heights.
48. Collectively, these policies place an emphasis on development that sits comfortably within the landscape, is compatible with existing development, and retains existing trees whilst enhancing the ‘Garden Court’ character.
49. This proposal introduces a building style and elements that are either new or not prevalent in this area. The strong landscaping outcome that can be achieved by deleting Dwelling 6 and increasing the open space areas through other changes should result in this development sitting comfortably within this neighbourhood.

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Long distance views of the development should be filtered by the heavily treed road reserve on Fuller Street that will form the background to this development when viewed from longer distance vantage points. The use of darker colours will assist in blending in the development to this setting and the east elevation of Dwellings 3 and 4 will need a darker finish. In the event a planning permit is issued, this can be addressed via a permit condition.

Compliance with Clause 55 (ResCode)

50. 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. The proposed development meets many of the standards and objectives of Clause 55.
51. The proposal is mostly consistent with the objectives contained in ResCode, but fails in relation to the following:

Clause 55.02-3 – Dwelling Diversity

52. This clause states that developments of ten or more dwellings should provide a range of dwelling sizes and types, including dwellings with a different number of bedrooms. The proposal involves the construction of eleven dwellings, all with three bedrooms. Dwelling 7 will become a two-bedroom dwelling as a result of changes discussed above will go some way to addressing this requirement.

Clause 55.03-1 – Street Setback

53. The changes discussed above to Dwellings 6 and 7 will bring the proposal into compliance with this standard and objective. Clause 55.03-1 requires a setback to Edmonds Street of 6.2 metres and a setback of 3 metres to Fuller Street.

Clause 55.04-6 - Overlooking objective

54. There is potential for overlooking from the first floor bedroom windows in Dwellings 9 and 10, which can be addressed through a condition in the event that a planning permit is issued.

Clause 52.06 – Car Parking

55. The proposal exceeds the statutory requirements for the numerical provision of car parking spaces, in that three visitor car spaces are provided rather than the two visitor car spaces required by this clause. However, there are still unresolved issues relating to driveway width, the second car space in the front setback, and vehicles reversing from the garage for Dwelling 1. These are issues that can be addressed through conditions on any permit, should one be issued.

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Response to objections received

56. In response to objector concerns not already raised in this report, the following comments are provided:

Excessive bulk and height

57. The proposal does not exceed the maximum height provided for in Standard B7 of Clause 55.03-2; nor does it exceed the maximum level of site coverage provided for in Standard B8 of Clause 55.03-3. The maximum height proposed is 9.1 metres and site coverage is 36.5 per cent, which is below the maximum 60 per cent allowed by Standard B8.

Traffic safety and congestion, fire evacuation issues from dead-end street

58. Council's Infrastructure Development unit has reviewed the application and raised no concerns in respect of pedestrian and driver safety or the capacity of the local road network to deal with the anticipated increase in traffic movements.

59. It should also be noted that whilst the local area is characterised by the prevalence of native and exotic vegetation, the site is not located within an area affected by the Bushfire Management Overlay or identified as being bushfire prone as classified in the building regulations. The road network adjacent to the subject site provides two exit routes in the event of an emergency.

Infrastructure overloading

60. A concern expressed in a number of objections was the impact of the development on infrastructure, particularly sewerage and drainage infrastructure. The owner will be required to address infrastructure servicing demands as required by the relevant service authorities.

Noise, dust, vibration and disruption during construction phase

61. Noise and truck movements during the construction phase of development are a temporary and unavoidable consequence of development and are not justification to withhold development of the site.

62. Construction techniques and effects – noise, dust, stability of existing foundations and damage to nearby dwellings - are not a consideration under the Planning & Environment Act or Nillumbik Planning Scheme.

Loss of privacy

63. In the event that a planning permit was issued for the proposal, conditions would be imposed to ensure that full compliance with the relevant standards of Clause 55 was achieved. This would ensure that no unreasonable overlooking of adjacent properties would occur.

Ongoing noise from higher-density development

64. The consideration of this planning application is confined only to the construction of the dwellings. The residential use of the dwellings does not require a planning permit and is not a planning matter. Residential noise associated with a dwelling(s) is considered normal and reasonable in an urban setting.

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Lack of on-street visitor parking space

- 65. The proposal exceeds the standard required in respect of on-site visitor parking, with three visitor car spaces proposed.
- 66. It is acknowledged that some visitor overflow parking may occur on neighbouring streets, but for the most part visitor parking will be accommodated via the allocated parking spaces on the site.

Drainage and cross-boundary stormwater flow

- 67. In the event that a planning permit is issued for the proposal, specific drainage conditions can be imposed. Council's Drainage Engineer has reviewed the application and raised no concerns in this respect.

Overshadowing and loss of daylight access

- 68. In these respects the proposal complies with the requirements of the Planning Scheme, as set out in Clause 55.04-5. The submitted shadow diagrams demonstrate that at least 75 per cent / 40 square metres with a minimum dimension of 3 metres of the secluded private open space located on adjacent land will receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.
- 69. Shadows cast by the development will be largely contained within the development site itself.

Contribution to Melbourne-wide 'property bubble'

- 70. Wider economic issues of land development are not an applicable or relevant consideration under the Planning and Environment Act or Nillumbik Planning Scheme.

AAV Cultural Significance (Aboriginal Heritage Regulations 2007 (Vic))

- 71. The site is not within an area of AAV Cultural Significance.

Human Rights Consideration

- 72. The application has been assessed in accordance with the requirements of the Planning and Environment Act 1987 (including the Nillumbik Planning Scheme), reviewed by the State Government and which complies with the Victorian Charter of Human Rights and Responsibilities Act 2006.

Conclusion

- 73. The subject site is 3,127 square metres in size, which is large for this location. Subject to further changes, the proposal is a modest development in terms of site coverage and permeability, which provides for significant separation between buildings and ample opportunities to plant meaningful landscaping. Despite the built form being different from what is currently found in the area, it is a development that should over time blend into the environment, with the presence of a large number of canopy trees in the road reserves providing an interim relief from the development.
- 74. In light of the above planning assessment, the application warrants support as reflected in the officer recommendation.

Future Nillumbik Committee agenda

15 May 2018

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