

## Special Meeting of Council

to be held at the Civic Centre, Civic Drive, Greensborough  
on Thursday 17 January 2019 commencing at 8.30pm.

## Agenda

**Carl Cowie**  
**Chief Executive Officer**

Friday 11 January 2019

Distribution: Public

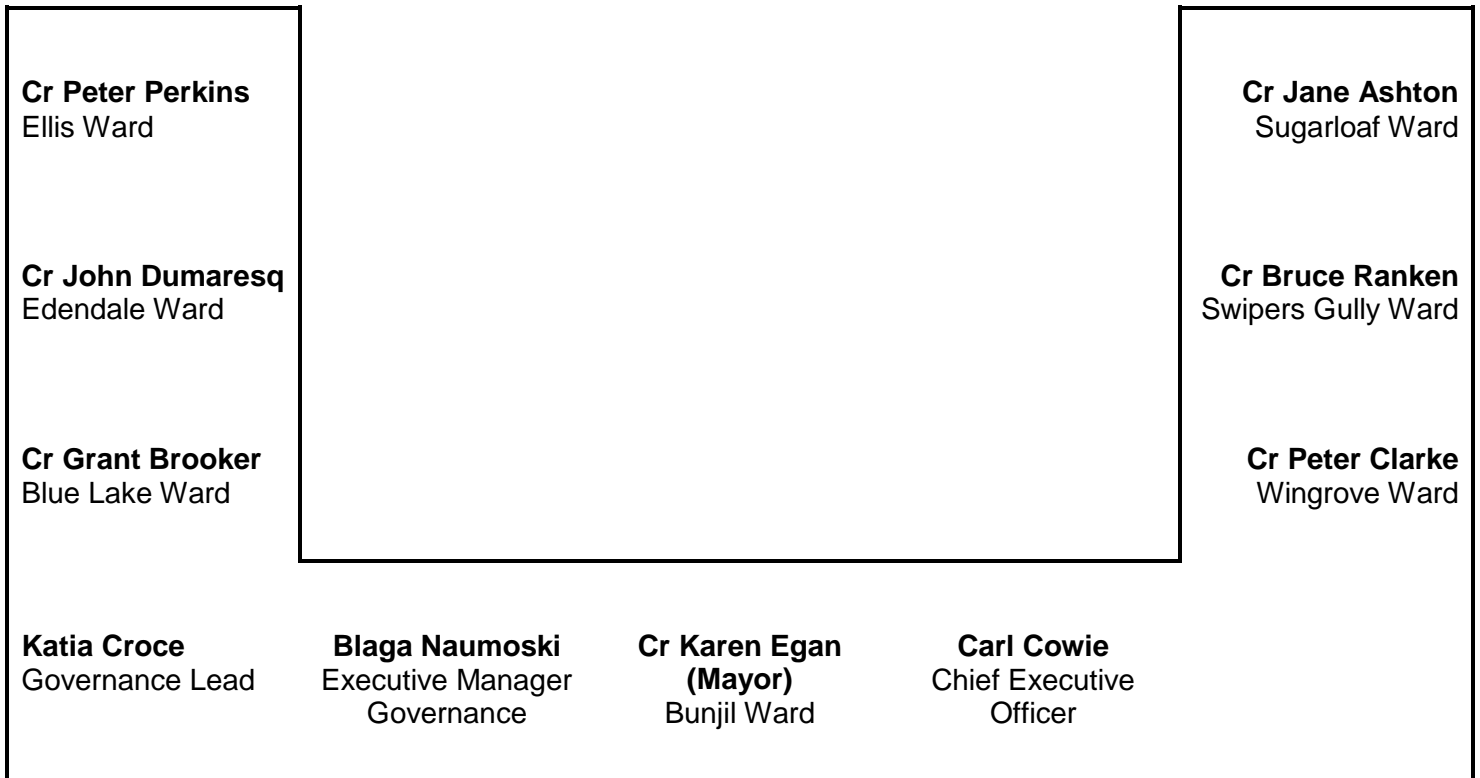
Civic Drive, Greensborough  
PO Box 476, Greensborough 3088  
Telephone 9433 3111  
Facsimile 9433 3777

Website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au)

Email [nillumbik@nillumbik.vic.gov.au](mailto:nillumbik@nillumbik.vic.gov.au)

*Domin je ka*

# Special Meeting of Council seating plan



Visitors in the gallery at Council meetings are:

- Welcome to copies of the reports which will be considered by the Council at the meeting. These are on the table in the foyer.
- Welcome to the tea, coffee and water provided in the foyer.
- Requested to observe Council deliberations quietly in order for Council 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.

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**Nillumbik Shire Council**

**Agenda of the Special Meeting of Nillumbik Shire Council to be held  
Thursday 17 January 2019 commencing at 8.30pm.**

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**1. Welcome**

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.

**2. Reconciliation statement**

**The reconciliation statement to be read by the Mayor**

Nillumbik Shire Council acknowledges the Wurundjeri people who are the Traditional Custodians of this Land. We would also like to pay respect to the Elders both past and present and extend that respect to other Indigenous Australians present.

**3. Apologies**

**Recommendation**

**That** the apologies be accepted.

**4. Disclosure of conflicts of interest**

Councillors should note that any conflicts of interest should also be disclosed immediately before the relevant item.

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**5. Notices of Motion**

**NOM.001/19 – Notice of Rescission**

Cr Peter Clarke and Mayor, Cr Karen Egan advise of their intention to rescind the Committee Resolution on 11 December 2018 as follows:

**That** Council rescind, in its entirety the Committee Resolution on 11 December 2018 at the Future Nillumbik Committee meeting that refers to item 'FN.039/18 – Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North'.

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**6. Officers' report**

The following item will only be considered if the rescinding motion NOM.001/19 is successful.

**OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North**

**Distribution: Public**

**Manager: Matt Kelleher, Director Services and Planning**

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

This report is being presented to Council in response to a Notice to Rescind the decision made at the Future Nillumbik Committee on 11 December 2018 to refuse a permit for buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North. The Notice to Rescind the decision is being considered by Council as part of this meeting's agenda. In the event the decision is rescinded by Council, it will need to reconsider the planning permit application for 1 Grevillea Close, Eltham North and make a new decision.

The following is the original Officer report to Council.

**Application summary**

Address of the land	1 Grevillea Close, Eltham North
Site area	1,272 square metres
Proposal	Buildings and works to construct three dwellings
Application number	612/2017/03P
Date lodged	21 December 2017
Applicant	Scheiber & Co Pty Ltd
Zoning	General Residential Zone (Schedule 1)
Overlay(s)	Nil
Reason for being reported	Called in by Ward Councillor.
Number of objections	15
Key issues	<ul style="list-style-type: none"> <li>• Strategic Location (in the context of policy)</li> <li>• Neighbourhood Character</li> <li>• Compliance with Clause 55 (ResCode)</li> <li>• Compliance with Clause 52.06 (Car Parking)</li> </ul>

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OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North

Location map



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**OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North**

**Recommendation**

**That** Council issue a Notice of Decision to Grant a Permit to the land located at 1 Grevillea Close, Eltham North for Buildings and works to construct three dwellings, in accordance with the submitted plans and subject to the following conditions

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans received on 22 August 2018 and 13 November 2018 and prepared by Scheiber & Co Pty Ltd but modified to show:
  - a) The eastern elevation of the TV/informal room located on the first floor at the east of Dwelling 1 reduced in length from 4.38 metres to 3.38 metres.
  - b) The northern elevation of the first floor bedroom located at the north east corner of Dwelling 2 reduced in length from 3.59 metres to 2.59 metres.
  - c) All west facing first floor habitable room windows screened with fixed obscure glazing.
  - d) Deletion of the front fence on the north boundary within 9 metres of the front property boundary with Grevillea Close.
  - e) Deletion of the front fence on the east boundary (4 Grevillea Close) within 9 metres of the front property boundary with Grevillea Close.
  - f) Additional screening to a height of 1.7 metres from the floor level of the deck on the west side of the proposed decking for all dwellings to prevent overlooking to adjoining private open space.
  - g) A full schedule of all colours and materials to be used in the construction of the three dwellings.
  - h) The location of letter boxes for the three dwellings.
  - i) Exact location and measurements of the Tree Protection Zone and associated tree protection fencing for tree number 4 (as identified in the Arborist report) shown on the plans to be retained.
  - j) Three copies of a landscape plan as required by Condition 3 below.
  - k) A Waste Management Plan as required by Condition 8 below
2. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. Before the development commences, three copies of a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
  - a) A survey of all existing vegetation and natural features;

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- b) The area or areas set aside for landscaping;
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover. This schedule shall include a mixture of exotic plants and plants selected from the Council document 'Live Local Plant Local' showing the botanical and common name of each plant, the quantity to be planted, the pot size and spacing;
  - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - f) Appropriate irrigation systems;
  - g) The provision of canopy trees throughout the development as appropriate, including in the front setback area of the buildings.
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 development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree number 4 marked on the endorsed plans as being retained must have a Tree Protection Zone to the satisfaction of the Responsible Authority. The fencing associated with this Tree Protection Zone must meet the following requirements:
- a) Extent  
 The tree protection fencing is to be provided to the extent of the identified Tree Protection Zone.  
  
 If works are shown on any endorsed plan of this permit within the confines of the calculated Tree Protection Zone, then the Tree Protection Fencing 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 Tree Protection Zone.  
  
 The Tree Protection Fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level and of chain mesh or similar material. A top line of high visibility plastic tape must be erected around the perimeter of the fence.
  - c) Signage  
 Fixed signs are to be provided on all visible sides of the Tree Protection Fencing clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.

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d) Irrigation

The area within the Tree Protection Zone and Tree Protection Fencing must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil/trunk interface on a weekly basis.

e) Provision of Services

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

f) Access to Tree Protection Zone

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).

6. 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.

7. 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.

8. Prior to the development commencing, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed as evidence of its approval and will form part of the planning permit. The plan must specify:

- a) The details and location of bin storage and bin collection areas to the satisfaction of Council's Infrastructure Maintenance Section (if a Council collection).

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- b) The details and location of bin storage and bin collection points by a private waste contractor (if not a Council collection).
  - c) Access route and method of access for the vehicles collecting waste.
  - d) Details and location of bin storage areas for each approved dwelling.
  - e) Odour control from bin storage areas.
9. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
10. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
11. Prior to occupation of the development, all visual screening measures shown on the endorsed plans must be installed in order to prevent overlooking and must be maintained to the satisfaction of the responsible authority. Any screening measure that is removed or unsatisfactorily maintained must be replaced to the satisfaction of the responsible authority.
12. The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and Council's specifications.
- The engineer that is designing the on-site detention unit must contact Nillumbik Shire development engineer for tc and tso figures in writing. For calculations adopt for pre development 1 in 5 years average occurrence interval, post development use 1 in 10 years average occurrence level.
13. Vehicular access and egress to the development site from the roadway must be by way of a vehicle crossing constructed to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossing. Any existing unused crossing must be removed and the disturbed area reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under an *Infrastructure Works permit*.
- The width of the driveway at the property boundary must match the width of the vehicle crossing.
14. 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 and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.



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15. Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at the property boundary with Grevillea Close where it meets the road reserve and connected to the on-site detention device/new drainage system.

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 dwellings hereby approved must be directed to an individual holding tank with a minimum storage capacity of 2000 litres. The overflow from the tank shall be directed to an on-site detention unit.

The overflow from the on-site detention unit must be connected to Council point of stormwater discharge.

Water in the holding tank may be used for one or more of the following purposes: toilet flushing; property irrigation; vehicle washing and any other purpose approved by the Responsible Authority.

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

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

17. 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 an *Infrastructure Works permit*.

18. 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.

19. 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.

NOTE:

During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.

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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 \$806 for the land owner and occupant, and \$1612 for any company which may be undertaking works on-site.

**Attachments**

1. Plans

**Subject site and surrounds**

1. The key features of the subject land and surrounds are as follows:
  - The subject site is located close to (separated by a road reserve) the south-western corner of Grevillea Close and Allendale Road, Eltham North.
  - The site has an irregular shape, with a curved frontage to Grevillea Close of 8.6 metres, a northern (side) boundary of 21.1 metres, a western (rear) boundary of 63.1 metres, and a total site area of 1,272 square metres.
  - The site was formerly a Council Reserve and is currently vacant.
  - Topographically, the site has a fall of approximately nine metres from the south (rear) to the north (frontage).
  - In terms of vegetation, the property is cleared with no significant trees located on site.
  - An existing vehicle crossing is located within the Grevillea Close frontage.
  - A 2.0 metre wide drainage easement extends a third of the way down the western (rear) boundary, beginning at the northern (side) boundary.
  - The surrounding properties are generally developed with a mixture of single and double storey detached family homes.
  - To the north of the site is a 9.6 metre wide road reserve that separates the site from Allendale Road.

**Details of proposal**

2. Refer to the attached plans.
3. Key features of the proposal include:
  - Construction of three dwellings.
  - Dwelling 1 will face Grevillea Close, and Dwellings 2 and 3 will be located along the west of the site, accessed via a shared driveway.
  - Dwelling 1 will be setback 7 metres from Grevillea Close, and approximately 14 metres from Allendale Road.



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- Dwellings 1, 2, and 3 each have a double garage, with Dwelling 3 proposed in a semi-basement form, and having a 7.73m length wall on the eastern boundary.

Dwelling	Bedrooms	Car spaces	Secluded Private Open Space	Floor area
1	4	2	140 m <sup>2</sup> north	149 m <sup>2</sup>
2	4	2	108 m <sup>2</sup> north	128 m <sup>2</sup>
3	4	2	110 m <sup>2</sup> north	132 m <sup>2</sup>

- Dwelling 1 is setback 2 metres at ground level from the west boundary.
- Dwelling 2 is setback 1 metre at ground level from the west boundary.
- Dwelling 3 is setback 1.4 metres at ground level from the west boundary.
- Wall heights vary between 4.5 metres to 6.5 metres and overall height of 7.9 metres.
- The maximum site coverage is 58.98%. Site coverage is defined as the proportion of a site covered by buildings.
- Total Permeable area is 41.02%
- The proposed garden area of the site is 36.5%. Garden area is defined as any area on a lot with a minimum dimension of 1 metre that does not include:
  - a dwelling or residential building, except for:
    - an eave, fascia or gutter that does not exceed a total width of 600mm;
    - a pergola;
    - unroofed terraces, patios, decks, steps or landings less than 800mm in height;
    - a basement that does not project above ground level;
    - any outbuilding that does not exceed a gross floor area of 10 square metres;
 and
    - domestic services normal to a dwelling or residential building;
  - a driveway; or
  - an area set aside for car parking.

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- Proposed earthworks include construction of a series of retaining walls adjacent to the driveway, adjacent to the front entry porches, and within secluded private open space areas, which range in height from 0.9 metres up to 2 metres to accommodate the slope.

**Planning history**

4. The site was formerly owned by Council as a reserve.
5. On 2<sup>nd</sup> March 2018 the applicant made a Section 50 Application to Council, seeking changes to the proposed layout of the development under assessment. This included alteration to the location of the retaining wall between Dwelling 2 and Dwelling 3 and the garage to the east by 750mm, in order to reduce the extent of site cut and provide an increased area of 'at grade' space. The purpose of the changes was to provide additional protection for the neighbouring tree (Tree 4 in the arborist report prepared by Stem Arboricultural Consultancy: a *Eucalyptus polyanthemos* or Red Box) located to the west at 4 Marian Court, and had been discussed with Council Officers.

**Planning controls**

**Zoning**

6. Under the General Residential Zone (Schedule 1) a permit is required to construct more than one dwelling on a lot.

**Particular provisions**

7. Development of two or more dwellings on a lot must meet the requirements of Clause 55 (commonly known as 'Rescode').

Clause 52.06 (Car Parking) is relevant to the consideration of this application. This clause seeks to ensure there is the provision of an appropriate number of car parking spaces, to ensure that car parking does not adversely affect the amenity of the locality, and to ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

General Provisions

8. Clause 65 (Decision Guidelines) outlines general decision guidelines that must be considered when assessing an application. These guidelines include the purpose of the zone or other provision, the orderly planning of the area, and the effect on the amenity of the area.

**Relevant planning policies**

9. State Planning Policies which are relevant to this application include:
  - Clause 13.02 - Bushfire
  - Clause 15.01-1S – Urban Design
  - Clause 15.01-5S –Neighbourhood Character
  - Clause 16.01-1S – Integrated Housing
  - Clause 16.01-2S – Location of Residential Development

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- Clause 16.01-3S – Housing Diversity
10. The Municipal Strategic Statement (MSS) clauses and Local Planning Policies which are relevant to this application include:
- Clause 21.05-1 – Settlement and Housing
  - Clause 22.01 – Medium Density Housing Policy
  - Clause 22.12 – Neighbourhood Character Policy

**Policy context**

11. The planning controls and policies identified above encourage 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.
12. The encouragement afforded by the zone and planning policies is counter-balanced by objectives that require development to be site responsive (i.e. minimise landscape and vegetation impacts), and complementary to desired neighbourhood character.
13. Assessment of the degree of policy support for medium density housing is dependent upon a balancing of these sometimes contradictory policy objectives. In this regard, a flat site with little vegetation located near an activity centre can be seen to have strong policy support for development in the form of medium density housing. A steep, heavily vegetated site, remotely located from services will have a significantly reduced level of policy support for medium density housing development. As each site is generally different, the degree of policy support for medium density housing will often vary depending upon the site's location, its individual characteristics, and its response to neighbourhood character.

**Public consultation**

**Advertising**

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

**Objections**

15. As a result of advertising, a total of fifteen (15) written objections have been received. These objections can be summarised as follows:
- Contrary to General Residential Zone and Clause 22.12 (Neighbourhood Character Policy);
  - Insufficient front setbacks;
  - Modern architecture inappropriate;
  - Loss of landscaping and insufficient landscaping opportunities;
  - Land should be a public reserve;

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- Overdevelopment of the site;
- Traffic safety issues including inadequate vehicle access, insufficient car parking and the impact to on-street car parking;
- Impacts on surrounding neighbours from overlooking and overshadowing;
- Location of retaining walls not clear on plans;
- Walls located on boundaries are not an appropriate response;
- Impacts on energy efficiency;
- Will set a precedent for other similar developments in the area.
- Insufficient space on the street for storage of garbage bins;
- Increased noise from three additional dwellings;
- Insufficient infrastructure to cope with three new dwellings;
- Impact on property values;
- The development is cheap looking and has the potential of being rented which creates property maintenance issues.
- Impact on street trees.

**Planning application conference**

16. A Planning Application Conference (PAC) was held at the Civic offices on 31<sup>st</sup> May 2018. In attendance was the applicant's town planning representative, objectors, and Council Officers. No consensus was able to be reached.

**Advertising of Amended Plans**

17. The amended plans received on 22 August 2018 and 13 November 2018 were advertised to the objectors to the original application and to adjoining owners and occupiers who had been previously notified but had not made a submission. As a result one additional objection was received and no objections were withdrawn.

**Referrals**

**Internal**

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

Council Unit	Comments
Infrastructure Development Unit	No issues with the proposal provided the requested conditions are placed on any permit issued.
Building Unit	No issues with the proposal.

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Council Unit	Comments
Consulting Arborist	<p>The proposed works have a major encroachment on neighbouring Tree no.4 Red Box. It is recommended that the design is modified to ensure there is no retaining wall or building encroachment within the Tree Protection Zone of Tree no. 4.</p> <p>Tree no.s 1, 2, 3 and 5 are not impacted under the proposed design.</p> <p>The design was subsequently amended to show that the retaining walls had been located outside the Tree Protection Zone of Tree no. 4 and therefore the tree should therefore be able to be retained.</p>

**External**

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

**Planning assessment**

**Introduction**

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

- Strategic Location (in the context of policy)
- Neighbourhood Character
- Compliance with Clause 55 (ResCode)
- Compliance with Clause 52.06 (Car Parking)

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

Strategic Location

22. The Municipal Strategic Statement contains an objective to encourage medium density housing with good access to commercial and community services, public transport, open space and other infrastructure, and to discourage medium density housing where access to these facilities is inadequate. This objective is given more direct effect in the Medium Density Housing Policy at Clause 22.01, which encourages medium density housing development to be located close to activity centres or other urban services.

23. The site is located within the General Residential Zone, and as such, a moderate level of change is anticipated, but with a cautionary context, taking account of local neighbourhood character and environmental conditions.

24. The subject site is located approximately 900 metres from the St Helena Shopping Centre, 2.7 kilometres from Diamond Creek shopping centre and 2.9 kilometres from Diamond Creek Train Station and has good local access to public transport.

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25. In terms of strategic location, the site is suited for some form of medium density housing, and this location has policy support at both planning policy framework and local policy level.

Neighbourhood Character

26. Local planning policy and Clause 55.02-1 (Neighbourhood character objectives) seek 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. Consideration must be given to whether the proposal results in acceptable outcomes having regard to the relevant policy provisions.

27. The site is located within a 'Garden Court' precinct as identified by the Neighbourhood Character Policy at Clause 22.12, and sets out the preferred character for the precinct as follows:

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

28. The design objectives for the precinct are as follows:

- *Retain remnant indigenous understorey vegetation where possible and replant where appropriate.*
- *Substantial native and exotic trees should be retained or planted as necessary to contribute to the desired future character having regard to solar access, residential amenity and bushfire safety issues.*
- *Avoid front fencing or solid side fencing visible from the street where this is a feature of the streetscape.*

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29. The Medium Density Housing Policy requires new development to have regard to the building form and style of surrounding dwellings, and encourages contemporary and innovative design that does not detract from the preferred character of the area. 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.
30. Collectively, these policies place an emphasis on having development that nestles into the landscape, is compatible with existing development, and retains existing substantial trees whilst enhancing the 'Garden Court' character with further landscaping. These objectives are also reflected in Clause 55.03-8 (Landscaping) of Clause 55 (ResCode) which seeks to protect the predominant landscape features of the neighbourhood and provide for the retention or planting of trees, where these are part of the character of the neighbourhood.
31. The proposed development has been designed to ensure that it sits comfortably within the context of the area and its immediate neighbours. This has been achieved through the first floor envelopes of the three dwellings incorporating greater setbacks from the ground floor to reduce any appearance of visual bulk or mass. The increased setbacks of the upper floor areas from the boundaries exceeds the requirements of Rescode and ensures that the development better reflects the existing built forms in the surrounding area.
32. The proposed scale of the development (double storey with the first floor significantly recessed and articulated), proposed architectural style (combination of render and brick) and the proposed roof form (pitch roof tiles) are characteristics which are common within the neighbourhood and respectful of existing development on land in the surrounding area.
33. The frontages of properties within Grevillea Close are generally open with no fences and little vegetation; however some contain scattered shrubs or trees. Side and rear yards often contain a number of large indigenous trees. Therefore, the combination of open spaces and trees form a significant part of the landscape character of Grevillea Close. There are no trees on the subject site.
34. The advertised plans detail minimal setbacks from all boundaries, limited areas of open space around the three dwellings and either side of the driveway resulting in no opportunity for a meaningful level of landscaping on the site or for the planting of canopy contributing trees. As a result of discussions with the applicant, amended site plans were provided on 22 August 2018 that increase the setbacks from all boundaries, and redesign the decking areas, thereby increasing the area available for landscaping allowing canopy tree planting throughout the site. The setbacks and reorientation of the decking areas will also improve the amenity of adjoining neighbours to the west.
35. The setback of Dwelling 3 from the south boundary shown on the revised floor plans now incorporates a 1.5 metre wide garden bed before the retaining wall that allows the construction of the dwelling. This area will allow landscaping to be undertaken providing a vegetated buffer between the proposed development and the property to the south.

**6. Officers' reports****OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North**

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36. The setback of the eastern retaining wall creating the garden area for Dwelling 2 has been increased from the front elevation of the dwelling, thereby creating a larger area available for landscaping and the planting of a large tree.
37. The front setback of Dwelling 1 has increased through a complete reconfiguration of the ground floor layout. The setback from the front boundary (where the vehicle access is located) will increase from four metres to seven metres. In addition the area of private open space for this dwelling has been relocated further east and the decking reconfigured. These changes in combination with a reduction in the front fence height will open up the frontage of the site allowing for areas of landscaping in keeping with the character of the area.
38. There are no trees on the site, however there is one tree within the rear garden of number 4 Marian Court that will need to be protected during construction as its tree protection zone extends into the subject site. The plans submitted with the application detail a section of retaining wall related to Dwelling 2 located within the Tree Protection Zone of tree no. 4 which was identified by Council's Consulting Arborist as being an issue. This issue was raised with the applicant and after discussions the wall was relocated outside the Tree Protection Zone therefore ensuring the retention and future viability of this tree. A condition can be placed on the planning permit if one is to be issued requiring that tree protection fencing be erected around the Tree Protection Zone of tree no.4 prior to any works commencing on site.
39. The proposed changes to the setbacks of the three dwellings, in addition to the planting between the front property boundary and the retaining wall for the driveway will allow landscaping to be incorporated into the design to assist in the integration of the development into the streetscape.
40. Whilst the predominant style of built form in the area is single storey dwellings, this does not preclude double storey dwellings being introduced into the area subject to an appropriate design response being proposed. There are a number of double storey dwellings located to the east of the site (numbers 4-6 and 7 Grevillea Close) and to the south west (5 Marian Way), the proposal is therefore not introducing a new design feature to the area. Whilst the amended plans had increased the setbacks of the ground floors of each dwelling from the north, south and west boundaries, the upper floors remained unchanged resulting in a bulky appearance and a lack of articulation. This issue was raised with the applicant and it was agreed that the floor area of some of the rooms on the upper floor plans will be reduced and the level of articulation significantly increased. These changes can be dealt with through conditions of the planning permit in the event that one is issued.
41. The dwellings are proposed to be constructed from face brickwork for the ground floor with a rendered finish on the upper floor. A tiled roof is proposed for all three dwellings. External colours for each of the building materials have not been identified; however this can be addressed with as a condition of the planning permit in the event that a permit is issued.



**6. Officers' reports**

**OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North**

42. A 1.5 metre high paling fence is proposed along the side property boundary with number 4 Grevillea Close where no fence currently exists. The character of the area is that there is no front fencing, however the amended site plan details that retaining walls with 1.5 metre high fencing above are proposed up to the frontage of the property with Grevillea Close. This does not meet the preferred character of this area outlined in Clause 22.12 (Neighbourhood Character Policy) and therefore a condition can be placed on any permit issued requiring that there be no fencing on the north and north east boundary forward of Dwelling 1, and for a similar length on the eastern boundary.

Compliance with Clause 55 (Rescode)

43. 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 application has been assessed against these provisions and found to be generally compliant with the minimum standards.
44. The proposal does not meet Standard B6 (Street setback) as the requirement under this standard is for a 9 metre front setback and the amended plans detail a seven metre setback. The objective of this standard seeks 'to ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site'. There are varying front setbacks within Grevillea Close, with the adjoining property to the east (number 4-6 Grevillea Close) being 60 metres, number 7 Grevillea Close being 15.5 metres and number 8 being 4.5 metres. These varied setbacks in combination with the recessive nature of the front elevation of Dwelling 1 and lack of front fencing results in creating an open frontage that can be landscaped to reflect the existing character of the area in compliance with the objective of Standard B6.

Clause 52.06 – Car Parking

45. Clause 52.06 sets out the number of required car parking spaces a development must provide, along with various design standards such as the car parking space dimensions, access requirements and gradients.
46. As a requirement of Clause 52.06, two car parking spaces must be provided for dwellings with three or more bedrooms. A two car garage has been provided for each dwelling and therefore the proposal meets the minimum number of car parking spaces.
47. Clause 52.06 (Car Parking) also requires on-site visitor car parking at a rate of one space per every five dwellings. Accordingly, there is no requirement that any on-site visitor car spaces be provided.

**6. Officers' reports**

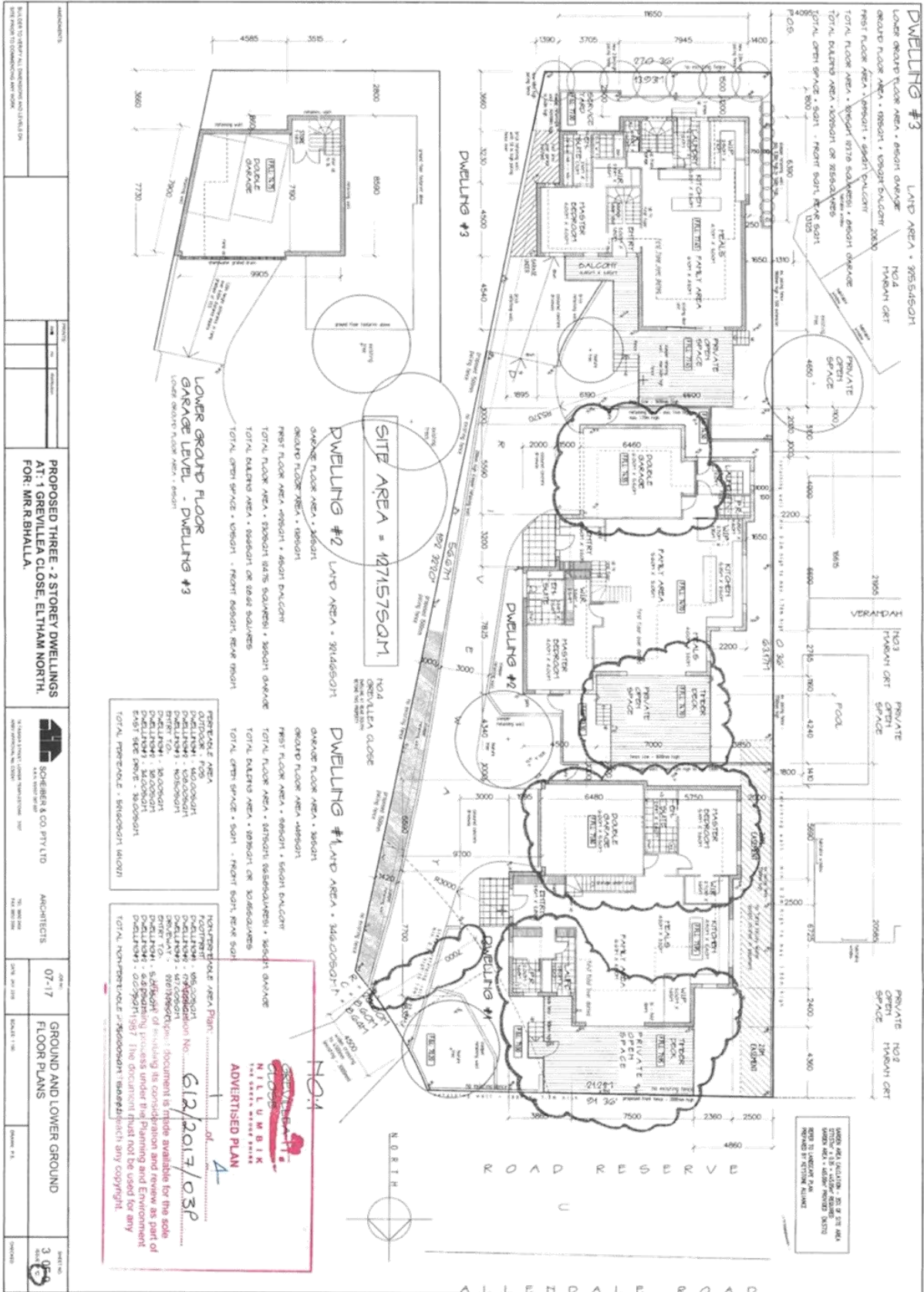
**OCM.001/19 Buildings and works to construct three dwellings at 1 Grevillea Close, Eltham North**

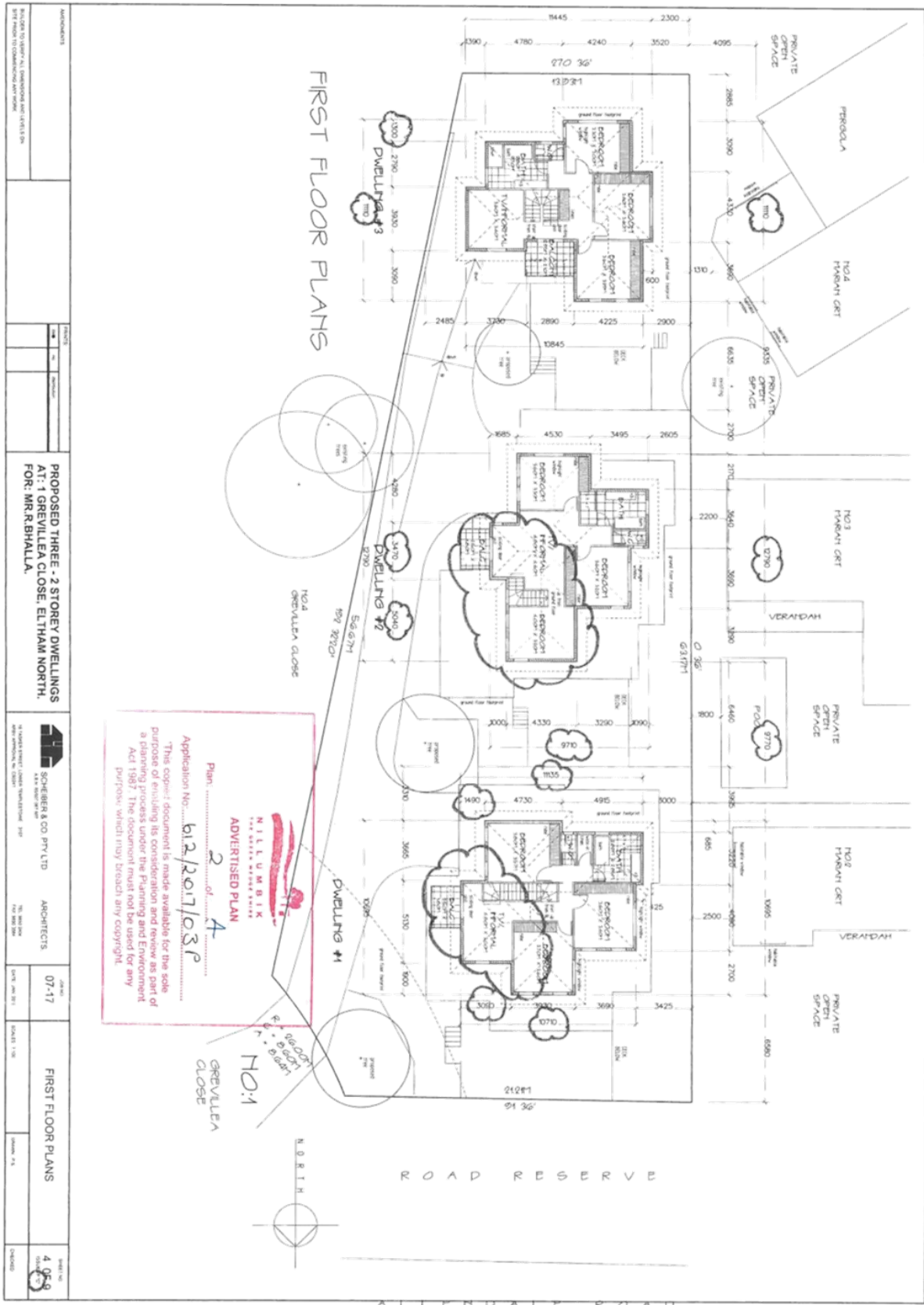
**Response to objections received**

48. Several of the concerns were general comments opposed to increased development in this area. Planning policy currently encourages medium density development that contributes positively to the character of the area. The initial plans submitted with the application failed to make a positive contribution to the character of the area, however the amendments that have been made to increase the setbacks, increase the level of planting and to improve the amenity of the adjoining neighbours will result in a development that makes a positive contribution in the streetscape.
49. In respect of the concerns regarding the capacity of the infrastructure to support increased development and off-site car parking issues, Council's Infrastructure Development Unit have not identified any concerns.
50. It is considered that the lack of landscaping raised by objectors has been answered in the body of this report.
51. In regards to overlooking issues raised by some objectors in Marian Court, all the windows on the upper floors of all three dwellings are detailed with having highlight windows or opaque glazing, thereby meeting the Rescode standard. In regards to the ground floor windows these will not cause any overlooking issues due to the one section of the existing 1.5 metre high paling fence being increased in height by 0.5 metres, and the remaining sections either being 1.7 or 1.8 metres in height.
52. In regards to overlooking issues raised by an objector at 7 Grevillea Close, all the windows on the upper floors of the 3 dwellings are in excess of 20 metres from the boundary of the objectors property thereby meeting the Rescode standard.
53. In regards to overshadowing adjacent properties, it is acknowledged that there will be some limited overshadowing of the private open space of the three properties to the rear in Marian Court. Overshadowing however is limited to the 9 am shadow diagram and by 12 noon the private open space is in full sun. It is considered that this meets the Rescode standard.

**Conclusion**

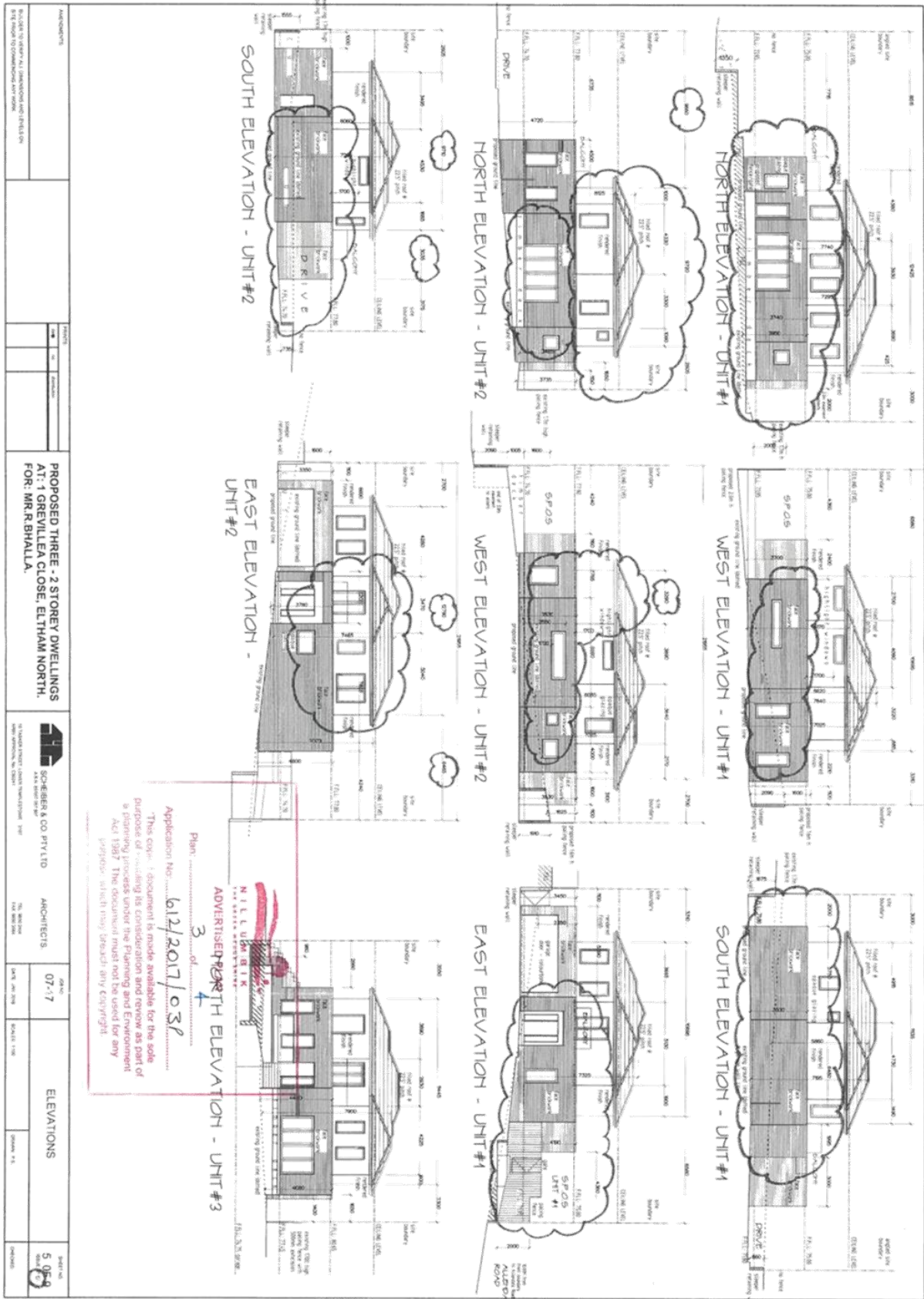
54. The application is for Buildings and works to construct three dwellings at 1 Grevillea Close. The application was advertised and fifteen (15) written objections were received. The key planning issues relate to Strategic Location (in the context of policy), Neighbourhood Character, Compliance with Clause 55 (ResCode) and Compliance with Clause 52.06 (Car Parking)
55. The plans submitted with the application resulted in a design that was not responsive to the site, the adjoining properties or the prevailing character of the area. The plans have subsequently been amended to increase setbacks from all boundaries, reorientate the decking in private open space and reduce the level of fencing in the front setback thereby allowing a meaningful level of landscaping to occur throughout the site. This in addition to the changes made to the footprint and design of Dwellings 1 and 3 results in a development that now respects the character of the area and integrates positively with the existing streetscape.
56. In light of the above planning assessment, the application warrants support as reflected in the officer recommendation.



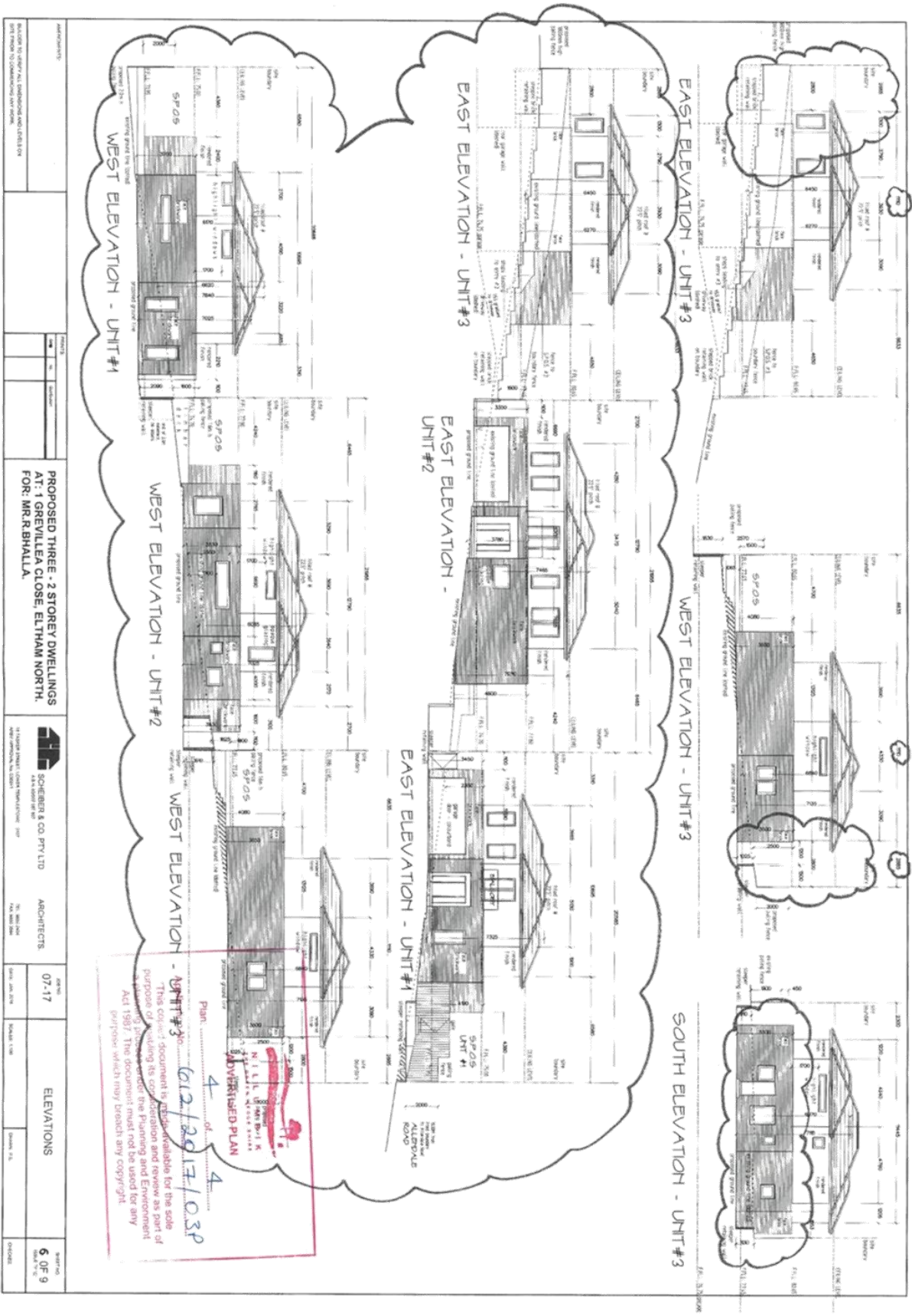


**Application No.:** h/2017/03P  
**Plan:** 2 of 4  
**ADVERTISED PLAN**  
**MILLUMBIK**  
**ARCHITECTS**  
 10/100 Grevillea Close, Eltham North, Vic 3011  
 Tel: 03 9488 1000  
 Email: info@millumbik.com.au  
 Website: www.millumbik.com.au  
 This copy of the document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

<p>PROPOSED THREE - 2 STOREY DWELLINGS                  AT: 1 GREVILLEA CLOSE, ELTHAM NORTH,                  FOR: MR. R. BHALLA.</p>	<p>SCHEBER &amp; CO. PTY LTD                  ARCHITECTS                  10/100 Grevillea Close, Eltham North, Vic 3011                  Tel: 03 9488 1000                  Email: info@millumbik.com.au                  Website: www.millumbik.com.au</p>	<p>07-17</p>	<p>FIRST FLOOR PLANS</p>	<p>4 of 4                  07-17</p>
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6. Officers' reports

OCM.002/19 Tender Report – Broad Gully Rd Guardrail - Amended Resolution

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**Distribution:** Public

**Manager:** Hjalmar Philipp, Director Sustainability and Place

**Author:** Steven Blight, Coordinator Construction

**Summary**

At the Ordinary Council Meeting of 18 December 2018, Council resolved to enter into a contract with Barrier Designs Pty Ltd for the design and construction of guardrail at various locations on Broad Gully Road, between Bellbird Road, Diamond Creek and Haleys Gully Road, Hurstbridge, for the amount of \$319,820.00 (inclusive of GST) plus a 10% contingency.

The contract price presented to Council at that OCM was GST inclusive, which was incorrect.

To rectify the error, a Council resolution is required to award the contract amount with the correct GST inclusive amount.

**Recommendation**

**That** Council approves the amended value for the Contract with Barrier Designs Pty Ltd for the design and construction of guardrail at various locations on Broad Gully Road, between Bellbird Road, Diamond Creek and Haleys Gully Road, Hurstbridge, to the amount of \$351,802.00 (inclusive of GST) plus a 10% contingency.

**Attachments**

Nil