

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 12 June 2018 commencing at 7.30pm.

Agenda

Mark Stoermer
Chief Executive Officer

Thursday 7 June 2018

Distribution: Public

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Wominje ka

Future Nillumbik Committee seating plan

Cr John Dumaresq
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

Balga 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 12 June 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 15 May 2018.

Motion

That the minutes of the Future Nillumbik Committee Meeting held on Tuesday 15 May 2018 be confirmed.

4. Officers' Report

FN.013/18 Consideration of submissions - draft budget 2018-2019

File: 20/25/001

Distribution: Public

Manager: Vince Lombardi, Manager Finance

Author: Robert Malignaggi, Management Accountant

Summary

This report considers submissions received from the public regarding the draft Budget 2018-2019.

Council adopted the draft Budget 2018-2019 at the Ordinary Council meeting on 1 May 2018 for the purpose of community consultation. The draft Budget was exhibited for 28 days in line with statutory requirements with 46 submissions received. These submissions are summarised in this report. Copies of each individual submission have been circulated to Councillors separately.

It is proposed that the Committee considers the submissions on the draft Budget 2018-2019 and that the matter then be considered by Council on 12 June 2018.

Recommendation

That the Committee (acting under delegation from Council):

1. **Receives and notes the submissions received in respect of the draft Budget 2018-2019, in accordance with the sections 129 and 223 of the *Local Government Act 1989*.**
2. **Presents a report to the Ordinary Council Meeting on 26 June 2018 in accordance with section 223(1)(c) of *Local Government Act 1989* with the following recommendation:**
 - a) **That Council notes that 46 submissions were received on the draft Budget 2018-2019, that submissions were considered and submitters were provided with the opportunity to be heard by the Future Nillumbik Committee on 12 June 2018.**
 - b) **That Council considers the matters contained in the submissions and the Committee's report during finalisation of the Budget.**

Attachments

1. Budget Submission Listing
2. Budget Submission - Ken Crompton
3. Budget Submission - Ken and Beth Crompton

Background

1. The *Local Government Act 1989* provides that a council must:
 - Prepare a budget for each financial year – section 127(1).

4. Officers' Report

FN.013/18 Consideration of submissions - draft budget 2018-2019

- Ensure that the budget contains financial statements, description of services and major initiatives and a statement as to how these will contribute to achieving the strategic objectives specified in the Council Plan, indicators of service performance that are required to be reported against in the performance statement and any other details required by the regulations– section 127(2).
 - Give public notice of a proposed budget and make it available for public inspection for at least 28 days – section 129.
 - Adopt the budget and submit a copy to the Minister - section 130.
2. Council adopted the draft Budget 2018-2019 at the Ordinary Council meeting on 1 May 2018 for the purpose of community consultation.

Policy context

3. The draft Budget has been developed in the context of the Council Plan which sets the overall strategic direction for Nillumbik. It is also developed in the context of the Strategic Resource Plan which demonstrates how the outcomes of the Council Plan can be resourced in a way which ensures Nillumbik's ongoing sustainability.
4. Council has also considered the key priorities emerging from the masterplans for major recreation facilities and reserves, the structure plans for activity centres, and various other policies and strategies for specific Council services.

Budget implications

5. The costs of advertising and public consultation are included in the operating budget.

Consultation/communication

6. The draft Budget was the subject of an extensive communication and consultation program which included statutory advertising, and an online feedback form on Council's website.

Submissions

7. In response to the public exhibition of the draft Budget, 46 submissions were received from the community.
8. These submissions are listed in **Attachment 1**.
9. Submitters have been invited to attend this meeting of the Future Nillumbik Committee to speak to their submissions.
10. Once the Committee has considered the submissions, the Committee must present a report to the next Council meeting. Council is required to consider the Committee's report on submissions prior to finalising the Budget.

Other Items

Laughing Waters Residence

11. A request has been received for Council to make contribution of approximately \$30,000 towards a potential programming and operational costs at the Laughing Waters Residence.

4. Officers' Report

FN.013/18 Consideration of submissions - draft budget 2018-2019

Conclusion

12. Council has adopted a draft Budget for 2018-2019 and exhibited this for public consultation in accordance with the *Local Government Act 1989*.
13. Following the Committee's consideration of submissions, the matter will be further considered at the Ordinary Council Meeting on 26 June 2018.

4. Officers' report

FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

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	28 Luck Street, Eltham
Site area	1,110 square metres
Proposal	Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements
Application number	424/2017/03P
Date lodged	8 September 2017
Applicant	Hansen Partnership Pty Ltd
Zoning	Activity Centre Zone (Schedule 3)
Overlay	Significant Landscape Overlay (Schedule 1)
Reason for being reported	Called in by Ward Councillor.
Number of objections	18
Key issues	<ul style="list-style-type: none"> • Strategic Location • Neighbourhood Character • Tree removal and impacts • Car parking and vehicular access (Clause 52.06) • Clause 55 (ResCode)

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Location map



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FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

Recommendation

That the Committee (under delegation from Council) issue a Notice of Decision to Grant a Permit to the land located at 28 Luck Street, Eltham, for buildings and works to construct six dwellings, removal of substantial trees and reduction of the car parking requirements, 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 plans received on 29 January 2018, but modified to show:**
 - a) A minimum 1.8 metre deep by 4.9 metre wide balcony on the first floor of dwelling 6.**
 - b) Screening of kitchen windows in dwelling 2 through to 5 to prevent overlooking in accordance with Standard B22 (ResCode) of Clause 55, or demonstrate with cross sections that screening is not required.**
 - c) The proposed horizontal capped 1.8 metre high fence for dwelling 1 setback 3 metres from the living room wall to reduce the extent of works within the structural root zone for tree no. 8.**
 - d) Deletion of fencing adjacent to bedroom 1 in unit 1 on the Bible Street frontage.**
 - e) A 1.2 metre high timber paling fence on the boundary between unit 1 and unit 2, rather than a 1.8 metre high fence.**
 - f) Bin enclosures, which if located on the Bible Street frontage, should be constructed of timber to a maximum height of 1.2 metres.**
 - g) A revised materials and finishes schedule that includes details of fencing and screening.**
 - h) Deletion of the 1 metre deep landscape beds adjacent to the garages.**
 - i) Landscape plan as required by condition 3.**
- 2. The development and tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
- 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 be generally in accordance with the landscape plan dated 20/07/17 prepared by Hansen. The plan must show:**
 - a) Development layout to accord with revised plans;**

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FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

- b) A survey of all existing vegetation and natural features;**
- c) The area or areas set aside for landscaping;**
- 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; and**
- g) Appropriate irrigation systems;**

- 4. The endorsed tree management plan prepared by Treemap Arboriculture, dated January 2018, must be implemented to the satisfaction of the Responsible Authority.**

Within 30 days of the completion of the development, the final certification issued by the project arborist and specified in the endorsed tree management plan, must be provided to the satisfaction of the Responsible Authority.

- 5. Before the development commences, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must provide for:**
- a) No fencing should be constructed forward of the building unless shown on the endorsed plans to the planning permit or with the prior written consent of Council.**
 - b) Tree 8 as shown on the endorsed plans to the planning permit must not be removed, destroyed, felled, lopped, ringbarked, uprooted or otherwise damaged, unless with the prior written consent of Council.**
 - c) The landscaping shown on the endorsed landscape plan to the planning permit must be maintained to the satisfaction of the Responsible Authority.**
 - d) Any screening measures installed to prevent the overlooking of adjoining properties must be maintained to the satisfaction of the Responsible Authority.**

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

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

6. Unless with the prior written consent of the Responsible Authority, prior to the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
7. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:

a) **Extent**

The tree protection fencing (TPF) is to be provided to the extent of the identified TPZ.

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

b) **Fencing**

All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.

The TPF must be erected to form a visual and physical barrier, 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 TPF clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.

d) **Irrigation**

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

e) **Provision of Services**

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 TPZ, to the satisfaction of the Responsible Authority.

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f) Access to TPZ

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

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

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

- 9. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:**
- a) Materials or equipment stored within the zone;**
 - b) Servicing and refuelling of equipment and vehicles;**
 - c) Storage of fuel, oil dumps or chemicals;**
 - d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);**
 - e) Open cut trenching or excavation works (whether or not for laying of services);**
 - f) Changes to the soil grade level;**
 - g) Temporary buildings and works; and**
 - h) Unauthorised entry by any person, vehicle or machinery.**

- 10. Before the development commences, drainage works must be designed and prepared by a qualified engineer and the plans and computations must be submitted to the Responsible Authority for approval (minimum pipe size within the road reserve must be 300mm diameter).**

Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines".

These drainage works include connection to a nominated point of stormwater discharge that is outside of the development site and requires the construction of drainage works outside the boundaries of the site.

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11. Before the development commences, an on-site detention device must be designed by a qualified engineer and plans must be submitted to the Responsible Authority for approval.

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

12. Vehicular access and egress to each dwelling 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.

13. 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.

Stormwater from the driveway must be collected using 225mm wide trench-grates across the driveway at the property boundary in Luck Street where it meets the road. The underground drains for the internal drainage system underneath the driveway must be 225mm in diameter.

14. 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 (proposed underground rain water tank) with a minimum storage capacity of 2000 litres. The overflow from the tank must be directed to an on-site detention unit. The overflow from the on-site detention unit must be directed to the Council nominated point of stormwater discharge.

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

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

4. Officers' Report

FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

- 15. The construction and drainage works within the easement must be completed in accordance with the approved plans and specifications prepared to the satisfaction of the Responsible Authority(Nillumbik Shire). These works are to be constructed at no cost to Council, under Council supervision and under an Infrastructure Works permit.**
- 16. An on-site detention device must be installed, at no cost to Council, as per approved plans and Council's specification. Construction of the on-site detention device must be carried out under Council supervision and under a Minor Works within the Municipal Road Reserves permit.**
- 17. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.**

In this regard, sediment fencing and/or pollution/litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority.

- 18. 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.

NOTES:

- The nominated point of storm water discharge is beyond the subject site.**
- During the course of the approved construction work, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.**
- Failure to undertake the 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 \$792 for the land owner and occupant, and \$1586 for any company which may be undertaking works on-site.**

4. Officers' Report

FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

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 south-western corner of Luck and Bible Streets.
 - The subject site is rectangular in shape with a frontage of 20.12 metres to Luck Street and 48.43 metres to Bible Street.
 - The topography of the subject site involves a fall of approximately 10 metres from Luck Street to the rear or southern boundary.
 - A single storey weatherboard building that was formerly used as a medical centre exists on the land. This building is setback 10.7 metres from Luck Street and 2.28 metres from Bible Street.
 - A crossover in the north-western corner on Luck Street provides access to a single car space in this frontage. There are two crossovers onto Bible Street that provide access to a bitumen car parking area containing 12 car spaces.
 - In the north-east corner of the land is a Yellow Box that is approximately 16 metres in height and 17 metres in width. This tree is a dominant feature of the site and the broader landscape.
 - There are approximately 20 trees and shrubs on the subject site. In addition to the Yellow Box mentioned above, other significant trees on the site include a 16 metre high Yellow Box in the south-western corner of the land, a 10 metre high Red Box on the Bible Street frontage adjacent to the car park, and an 8 metre high Red Box near the western boundary.
 - To the north across Luck Street is a single storey weatherboard dwelling setback 8 metres from Luck Street and approximately 3.5 metres from Bible Street. A wire mesh fence extends across both street boundaries.
 - To the east across Bible Street is a single storey brick dwelling that is setback approximately 3 metres to Bible Street. A timber fence extends along the frontage to Bible Street, which tapers down to a lower height near the corner.

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- To the immediate south of the subject site is a single storey weatherboard dwelling comprising setbacks of 3 metres to Bible Street and 6 metres to the common boundary with the subject site. A double garage is built to the common boundary with the subject site and is also built with a zero setback to Bible Street. A low steel picket fence is situated on the remainder of the front boundary to Bible Street.
- A three dwelling development immediately adjoins the subject site to the west and comprises of single storey weatherboard buildings. A common driveway is located on the western side of the site and the dwellings and private open space immediately adjoin the subject site. The front dwelling has a setback to Luck Street of 6 metres and this front setback area is well landscaped.
- The Eltham town centre is located approximately 200 metres to the west and Eltham train station is a further 200 metres to the west.

Details of proposal

2. Refer to the attached plans.
3. Key features of the proposal include:
 - Construction of two, two-storey and four three-storey dwellings in an attached built form fronting Bible Street, with double garages at the rear accessed from Luck Street. The two-storey dwellings bookend the development.
 - Dwelling 1 is setback 3 metres from Luck Street and a minimum of 4 metres from Bible Street. Living areas and one bedroom are located on the ground floor and on the first floor are two bedrooms, study area and a bathroom.
 - The three-storey dwellings (dwellings 2 to 5) are identical in their layout. Each dwelling has one bedroom with ensuite on the ground floor, living areas and a balcony on the first floor, and on the second floor there are two bedrooms with ensuites and a study area.
 - Dwelling 6 has two bedrooms, bathroom and laundry on the ground floor, whilst on the first floor are the living areas, bedroom and bathroom.
 - Dwellings 2 through to 6 have a front setback of 2.39 metres to Bible Street and are setback 6.39 metres to the west boundary.
 - Dwelling 6 is partly built to the southern boundary and the first floor is setback 1.87 metres to the same boundary.
 - The first floor in dwellings 1 and 6 are located within the roof space, whilst the second storey is located within the roof space of dwellings 2 through to 5.
 - The dwellings will be constructed and finished in a mix of brickwork, brick stone finish, rendered brick, timber cladding, timber louvres and roof sheeting.
 - Maximum overall building heights range from 5.49 metres to 9.2 metres.
 - A concrete driveway is proposed along the western side of the site, which is 3.4 metres wide at the beginning and 5.8 metres wide adjacent to the garages.

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FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

- Substantial trees proposed to be removed include trees no.s 3, 4, 5 and 7. Tree no.s 8 is a significant feature of the landscape and the proposal has been designed to retain this tree.
- The application is also seeking a reduction of one visitor car space.

Planning history

4. Planning Permit 389/2010/03P was issued at the direction of the Victorian Civil Administrative Tribunal in November 2011 for the construction of two, two-storey buildings containing ten dwellings with an undercroft car park. This approved development consisted of eight one-bedroom dwellings and two two-bedroom dwellings.
5. Whilst the site was at this time zoned Residential 1, the Tribunal in determining to overturn Council's refusal, provided commentary that is pertinent to the consideration of this application. The Tribunal dismissed Council's view that the scale of the development should be reduced to be more consistent with adjoining multi-dwelling development, the Tribunal stated: *"These are from an earlier time period and it is unrealistic to expect that new development will be of a similar scale"*.

Planning controls

Zoning

6. The subject land is zoned Activity Centre Zone (Schedule 1). Under this zone, a permit is required to construct two or more dwellings on a lot, dwellings on common property and residential buildings.
7. Pursuant to Clause 4.3 in the Activity Centre Zone (Schedule 1), a development in Precinct 2 must meet the requirements of Clause 55 of the Nillumbik Planning Scheme.

Overlays

8. The subject land is also affected by the Significant Landscape Overlay (Schedule 1). A permit is required to construct a building or carry out works within five metres from the base of any substantial tree.
9. A planning permit is also required to remove a substantial tree, which applies to tree no.s 3, 4, 5, 7 and 8.

Particular provisions

10. 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.
11. A planning permit is required to reduce the number of car parking spaces required under Clause 52.06-5. This application proposes a reduction of 1 visitor car space.

4. Officers' Report**FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham**

12. 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

13. 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

14. 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
- Clause 22.07 – Eltham Town Centre Policy

Policy context

15. Precinct 2 of the Activity Centre Zone (Schedule 1) is the residential interface precinct, where more intensive development is encouraged at a scale that responds appropriately to the adjacent lower scale residential development. One of the key objectives of Precinct 2 is to provide a transition in built form scale between the core commercial area adjoining residential areas. Whilst medium density housing is the primary outcome sought in Precinct 2, some small to medium office use is also encouraged.
16. When considering the planning controls relating to the Eltham Activity Centre more widely, the controls and policies identified above encourage residential development within the Eltham Activity Centre at a higher density of housing. This intent is specifically reflected in the purpose of the Activity Centre Zone, which seeks to facilitate new housing growth and diversity, which includes increased housing densities, including medium to high density housing development. The Eltham Activity Centre (together with the Diamond Creek Activity Centre) has been identified as the primary geographical location to provide higher density forms of housing. Both State and Local planning policy also encourages developments within activity centres that reduce the dependency on motor vehicle usage and the level of car parking required for each dwelling.
17. The encouragement afforded by this zone and relevant planning policies is tempered by objectives that require development to be site responsive, and complementary to desired neighbourhood character and the Eltham Activity Centre Design Guidelines.

4. Officers' Report

FN.014/18 Buildings and works to construct (6) six dwellings, removal of substantial trees and reduction of the car parking requirements at 28 Luck Street, Eltham

18. Strong support for the proposal is provided by the following State and Local strategic planning documents:
- The existing State Planning Policy Framework, particularly to the extent that it implements objectives relating to the consolidation of major activity centres for commercial uses and housing.
 - The Local Planning Policy Framework, notably the Municipal Strategic Statement and Clause 22.07, to the extent that the proposal reinforces the role of the Eltham Activity Centre.
 - The Eltham Major Activity Centre Structure Plan (August 2004), particularly as the document seeks development that provides more substantial medium density housing between Dudley and Cecil Streets within 100 metres of Bible Street.

Public consultation

Advertising

19. 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. It must be noted that the Activity Centre Zone (Schedule 1) exempts public notice and it was determined that this application should be advertised under the Significant Landscape Overlay (Schedule 1).

Objections

20. As a result of advertising, a total of 18 written objections have been received. Only four of these objections raised concerns relating to the considerations in the Significant Landscape Overlay (Schedule 1), which are summarised below:
- The proposal does not respond adequately to the objectives of Significant Landscape Overlay (Schedule 1) and in particular:
 - The encroachment into the Tree Protection Zone of tree 8 is significant and the risk to the health of this significant tree is unacceptably high.
 - A fence is also proposed within the Tree Protection Zone of tree 8.
 - No apparent provision for landscaping and in particular canopy trees, no landscaping plan provided.
 - The setbacks are inconsistent with surrounding properties.
 - There is a lack of information regarding building materials and finishes.
 - The number of dwellings fronting Bible Street is inconsistent with the character of Bible Street and provides very little landscaping opportunities.
 - The measures within the Tree Management Plan are inadequate to protect tree no. 8, which makes a significant contribution to the broader landscape.
 - Insufficient justification to support the removal of the trees near the existing car park.

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- The proposed development is too bulky when compared to the existing character of development.

Planning application conference

21. No planning application conference was held for this application as the objections raised issues that would require significant design changes to the proposal, which the applicant has chosen not to pursue.

Referrals

Internal

22. 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
<p>Infrastructure Development Unit</p>	<p><u>October 2017</u></p> <ul style="list-style-type: none"> • Do not support the reduction in the car parking requirement. However, it is important to note that the proposal is to reinstate two redundant crossovers on Bible Street hence gaining an additional parking pace. On this basis it would be unreasonable to refuse the proposal. • Ramp grades need to be demonstrated prior to a decision being made. • Standard conditions requested relating to stormwater management, driveway and crossover construction. <p><u>March 2018</u></p> <ul style="list-style-type: none"> • The ramp grades and driveway width shown on the revised plans is now satisfactory, subject to deletion of the 1 metre deep landscape beds adjacent to the garages. • Retaining wall size, type and location must be shown. • Visitors parking bay should be provided. • Show vehicle crossing in right location with correct dimensions. • If the vehicle crossing is closer than 1 metre to other service's assets, written approval from relevant Authorities must be obtained and a copy provided to Council, stating that they do not object to having vehicle crossing near/within 1 metre of their assets.

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<p>Consulting Arborist</p>	<ul style="list-style-type: none"> • All trees have been correctly identified within the arborist report and Tree Protection Zones (TPZs) and Structural Root Zones (SRZs) are in accordance with AS 4970-2009. • Disagree with the retention values assigned to some of the assessed trees. Tree no.s 5 & 8 are mature, indigenous species in good condition with a Useful Life Expectancy in excess of 20 years. • The trees are dominant features of the local landscape and they have high retention value. • Tree no.s 1 and 6 are semi-mature indigenous species in fair condition with a moderate landscape contribution; these trees have Medium retention value. • Trees no.s 3, 4 and 7 have low retention value and their removal is supported. • The removal of Tree 5 is not supported. • The proposed design has a major encroachment on Tree no. 8. Existing site conditions (grade change and retaining wall) have limited root development throughout the area of proposed works and the tree is expected to remain viable with strict adherence to specific tree protection measures and with direct supervision and monitoring from the project arborist. • It is recommended that a Tree Management Plan is prepared • Tree no. 9, located on the adjoining property at 26 Luck Street is unlikely to be impacted by the proposed works due to an existing grade change between the tree and the subject property. It is unlikely that tree roots extend beyond the existing rock retaining wall and the north elevation plan for Unit 1 shows no excavation into the existing grade at this point. • Tree no.s 10, 11 & 12 are street trees. Tree no.10 is not impacted by works and can be retained with standard Tree Protection Zone provisions and exclusions. • A Tree Management Plan was submitted and reviewed by Council's consulting arborist. No issues were identified with this plan.
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External

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

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Planning assessment

Introduction

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

- Strategic Location
- Neighbourhood Character
- Tree removal and impacts
- Car parking and vehicular access (Clause 52.06)
- Clause 55 (ResCode)

Strategic Location

25. Clause 11.03 (Activity Centres) in the State Planning Policy Framework seeks to build up activity centres as a focus for high-quality development, activity and living for the whole community by developing a network of activity centres. One of the strategies of this Clause is to provide different types of housing, including forms of higher density housing within activity centres. Clause 16.01-2 supports the above mentioned clause by seeking to locate new housing in or close to activity centres and sites that offer good access to jobs, services and transport. Clause 16.01-2 has the following relevant strategies:

- Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.
- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- Identify opportunities for increased residential densities to help consolidate urban areas.

26. The Municipal Strategic Statement contains an objective to encourage residential development within areas subject to major activity centre structure plans. This objective is given more direct effect in the Eltham Town Centre Policy at Clause 22.07, which encourages increasing the diversity and amount of housing available within the urban environment that is sustainable and appropriately scaled to respect the surrounding built form and topography.

27. The policies discussed above clearly articulate the role that activity centres such as Eltham play in providing residential redevelopment opportunities. In terms of strategic location, the site is ideally suited for some form of more intensive residential development, and this location has strong policy support at both State and local policy level.

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Neighbourhood Character

28. The Activity Centre Zone contains ten precincts within Eltham, with the subject site located in Precinct 2 Residential Interface. One of the key objectives of this precinct is to provide a transition in built form scale between the core commercial area and adjoining residential areas. Precinct 2 encourages more intensive development in a variety of high quality forms and design responses that respond to the Eltham form and character. The guidelines elaborate on the Eltham character, which includes elements such as earthy toned colours and materials such as stone, wood, render and mud brick, simple, robust design elements, and verandahs with timber colonnades on the outer edge. The guidelines also encourage building heights, setbacks and form that have regard to surrounding development. In addition to this, front, side or rear setbacks are extensively landscaped with indigenous vegetation so as to contribute to the Eltham form and character.
29. The subject site is on the periphery of the Activity Centre zone, with land to the east of Bible Street zoned Neighbourhood Residential. The extent of built form proposed in this application must respond appropriately and sympathetically to the lower scale character of development that adjoins the site. This requirement stems from the following residential precinct objective in the Activity Centre Zone:
- To provide a transition in built form scale between the core commercial area and adjoining residential areas.
30. The Activity Centre Zone objectives for the residential interface areas also clearly set the expectation for the intensity of development by encouraging medium density housing.
31. The Significant Landscape Overlay (Schedule 1) must also be considered when assessing neighbourhood character. The Significant Landscape Overlay (Schedule 1) states that new development should achieve the following preferred character:
- New development will employ earthy muted tones, natural building materials and innovative design
 - Buildings will not exceed the predominant tree canopy height and while visible from the street, their appearance will be softened through landscaping
 - Building forms will be modest and compact in scale and avoid excessive bulk through the use of articulation, low roof pitches, and other design elements
 - Vegetation, both native and exotic canopy trees, will dominate long distance views, the skyline of streetscape views, and front gardens
 - There will be little physical evidence of the boundary between private and public property at the front of buildings, and no solid fences
32. In addition to the above-mentioned objectives, the Significant Landscape Overlay (Schedule 1) also requires the following landscape objectives to be achieved:

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- To recognise, protect and enhance the contribution provided by canopy trees, particularly native trees, to the existing and preferred character of the Eltham Town Centre
 - To ensure that the health of existing canopy trees is not unnecessarily jeopardised by buildings and works
 - To restrict removal of vegetation to the minimum required to allow land to satisfy its development potential in accordance with the Eltham Major Activity Centre Structure Plan (August 2004)
 - To ensure that new development contributes to the achievement of the preferred character through additional landscaping, particularly canopy trees
 - To reinforce the indigenous planting regime within the Eltham Town Centre.
33. The proposal satisfies the following requirements of the Activity Centre Zone:
- The proposed building doesn't exceed the maximum height of 10.5 metres
 - The third storey is incorporated into the roof space.
 - The proposal complies with the 5.5 metre front setback (from roadside kerb).
 - On-site car parking should be sited to the side and rear of dwellings behind the front façade.
34. In respect of the Significant Landscape Overlay (Schedule 1), the proposal has been designed to incorporate the retention of tree no. 8, which is a significant tree in the broader landscape. Whilst the application proposes major encroachment on tree 8, Council's consulting arborist and the project arborist are both confident that the tree can remain viable subject to the implementation of measures specified in a Tree Management Plan and with appropriate supervision by the project arborist.
35. The application relies heavily on the retention of tree on. 8 and without the retention of this tree the application would likely be refused. This tree is a significant element within the broader landscape and the successful retention of this tree must be achieved. The retention of this tree aligns strongly with the landscape objectives of the SLO1.
36. The application proposes the removal of tree no. 5, which makes a significant contribution to the landscape. The plans indicate that this tree will be removed pursuant to Clause 52.48-1 (Bushfire Protection: Exemptions). Due to the driveway and the location of the garage for Dwelling 6, there is no scope to retain this tree in the current scheme.
37. Tree no. 5 is located on the periphery of the site and this tree makes a strong contribution to the broader landscape. Whilst the retention of a significant tree such as this is encouraged by the Significant Landscape Overlay (Schedule 1), the tree should not unreasonably limit the development potential of land in the Activity Centre Zone (Schedule 1). Ultimately the removal of this tree cannot be seen as a fatal flaw to this application, particularly with the proposed development being designed around the retention of the more prominent tree no. 8.

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38. A concern with this proposal is the limited landscaping opportunities afforded by this scheme. Both the Activity Centre Zone (Schedule 1) and Significant Landscape Overlay (Schedule 1) encourage developments that provide the opportunity for open space areas and allow for canopy tree landscaping to be integrated within the total development. The applicant submitted a landscape plan that shows a reasonable amount of landscaping in the front setbacks. Twelve trees with a potential of growing in excess of six metres in height are proposed along both frontages and these trees should grow to make a strong contribution to the streetscape and future character of this area.
39. In respect of the western boundary, a landscape plan was provided at the time that the application was lodged. This landscape plan showed the planting of thirteen trees with a potential height of 8 metres within the 1 metre wide landscape strip. Following concerns raised regarding the functionality of the driveway, this landscape strip has been reduced to approximately 600 millimetres. A revised landscape plan incorporating the 600 millimetre wide landscape strip has not been received. However, the planting of similar trees in this reduced landscape strip is not achievable or practical from a future management perspective. An amended landscape plan will be required through a condition in the decision, in the event that a planning permit is issued.
40. The proposed built form adequately responds to both the Activity Centre Zone (Schedule 1) and the Significant Landscape Overlay (Schedule 1) by incorporating the third level into the roof space and proposing materials and finishes such as a stone finish and timber louvres and cladding. The proposed palette of materials and finishes is consistent with the following objectives from the Activity Centre Zone (Schedule 1):
- To ensure buildings are of a high quality design and construction and include the use of materials and colours of muted tones that blend in with the surrounding environment.
 - To ensure the exterior of buildings fit the character of the area by utilising earthy toned colours and materials such as stone, wood, render and mud brick.
41. The bookending of the development with two storey dwellings is also considered an appropriate response to the Activity Centre Zone (Schedule 1), the Significant Landscape Overlay (Schedule 1) and the transitional location of this site. This lowering of the building height transitions the built form appropriately towards the single storey dwellings found on the adjacent residential properties, which is particularly pertinent in the southern section of the site. This design approach is consistent with the precinct guidelines, which encourage the appearance of new developments to have a domestic quality and respond appropriately to the residential character of the area.

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42. The application includes fencing forward of Dwelling 1 to provide secluded private open space for this dwelling. Whilst the Significant Landscape Overlay (Schedule 1) discourages high fencing forward buildings, this area of open space is available as a result of the retention of tree no.8, and it is preferable to provide ground level open space where there is an opportunity within a development. Details of the fencing materials and finishes will be required through a condition in the decision, which will ensure an appropriate treatment to this fencing. The landscape plan also shows landscaping in front of the fence, which will provide a visual filtration of this structure.
43. Fencing to a height of 1.2 metres is proposed within the Bible Street frontage that delineates the boundary between each dwelling. Fencing to this height is appropriate in this context and once again, details of the fencing will be required by way of a condition in the decision.
44. The minimal setback of Dwellings 2 through to 6 will likely result in future owners erecting fencing to provide a level of security and privacy. In this location, fencing doesn't require a planning permit and a potential outcome is a disorderly arrangement of varying fencing types and heights that could undermine the quality and appearance of the development. To avoid this situation, it is proposed to include a requirement in the decision requiring the preparation of a Section 173 Agreement that will require Council consent to erect any front fencing. Low front fencing at a maximum height of 1.2 metres and of semi-transparent construction is the preferred outcome.
45. The Section 173 Agreement can also include matters relating to the protection of tree 8, maintenance of any overlooking screens and the maintaining of landscaping.

Tree removal and impacts

46. The applicant provided an arboricultural assessment of the trees on the site and on adjoining land. In respect of tree no. 8, this assessment made the following comments:
 - *“Tree no. 8 is a large tree that is prominent towards the streetscape and the busy intersection of Luck Street and Bible Street. The proposed design indicates Tree Protection Zone encroachment from the construction of Dwelling 1. However, there are existing obstructions to root growth that reduce the overall level of encroachment and impact towards the tree from the design. A brick wall and associated footing are situated 3.5 metres south of the tree trunk. A retaining wall is also located approximately 6.7metres to the west of the tree trunk (as indicated at Appendix 3a). Root growth towards the south and west of the tree trunk would be restricted by these obstructions.”*
 - *“The proposed design near Tree no. 8 indicates a deck, boundary fence and landscaping. These are generally low impact site changes. The proposed boundary fence for Dwelling 1 is aligned outside the Structural Root Zone of the tree. The overall level of impact towards this tree is predicted to be 'minor' or manageable and it could be addressed by permit conditions.”*

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47. Council's consulting arborist reviewed the arborist assessment and confirmed that the proposed design has a major encroachment on Tree no. 8. Existing site conditions (grade change and retaining wall) results in the tree having limited root development throughout the area of proposed works and the tree is expected to remain viable with strict adherence to specific tree protection measures and with direct supervision and monitoring from the project arborist. Council's consulting arborist requested the submission of a Tree Management Plan for tree no. 8, which was provided by the applicant. Council's consulting arborist reviewed this Tree Management Plan and was satisfied with the content.
48. Both the project arborist and Council's consulting arborist agree that tree no. 8 is a significant feature in the broader landscape and both acknowledge that major encroachment in the Tree Protection Zone is proposed. The Tree Management Plan even suggests that it would be preferable to locate the fence outside of Structural Root Zone. Considering the significance of this tree and the presence of the Significant Landscape Overlay (Schedule 1), it is reasonable to explore options that will result in reduced works and building within the Tree Protection Zone of tree no. 8. The project arborist has suggested moving the fence outside of the Structural Root Zone and this appears to be a reasonable and appropriate measure to implement without significant impact on the proposal.
49. Strong consideration was given to pushing bedroom one in Dwelling 1 further away from tree 8 at the expense of the ensuite and walk-in-robe. However, as the existing building is already located closer to the tree, there would be little benefit to the tree.
50. There is 1.8 metre high fencing proposed on the Bible Street frontage forward of bedroom one in Dwelling 1. This fencing is located within the Tree Protection Zone of tree no. 8 and provides privacy for bedroom one. Any high fencing forward of the building is discouraged by the Significant Landscape Overlay (Schedule 1). For this reason and to further minimise the risk towards tree no. 8, it is reasonable to require the deletion of fencing forward of bedroom 1 on the Bible Street frontage.
51. There is also a 1.8 metre high fence dividing the frontages of Dwellings 1 and 2 and the height of this fence should be reduced to 1.2 metres, which is consistent with the height of the other fences separating each dwelling within this development.
52. The project arborist also reviewed trees on adjoining land and provided the following assessment:
- *"The neighbouring property to the west contains a large tree adjacent to the boundary with the subject site — Tree no. 9, Corymbia citriodora (Lemon-scented Gum). The tree is located adjacent to an existing driveway within the subject site, and the base of the stem sits at a higher natural ground level than the existing driveway level on the subject site. A rock retaining wall is located along the boundary."*
53. Council's consulting arborist agreed that tree no. 9 is unlikely to be impacted and that it is unlikely that the tree roots extend beyond the existing rock retaining wall.

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Car parking and vehicular access (Clause 52.06)

54. The application seeks to reduce the car parking requirement by not providing a visitor car space. Car parking availability in Bible Street is limited and on-street car parking immediately adjacent to the subject site is further limited by the corner location of the site.
55. However, the proposal will result in the reinstatement of two crossovers on Bible Street and this coupled with the site being located within the Eltham Activity Centre and close to public transport, the non-provision of a visitor car space is considered appropriate in this instance.
56. The driveway width was identified as an issue early in the application and this concern related to vehicles being unable to efficiently access (both ingress and egress) to and from the garages. The applicant amended the drawings by increasing the width of the driveway and provided advice from TTM traffic consultants to support the revised design. Council's Infrastructure Development Unit reviewed both the amended plans and the advice from TTM and whilst acknowledging that the access remained tight, were satisfied that vehicles could manoeuvre efficiently in and out of the garages.
57. In respect of compliance with the Planning Scheme, the driveway width at a minimum of 3.4 metres complies with the design standards of Clause 52.06-9, which requires a minimum driveway width of 3 metres. It should be noted, that Clause 52.06-9 requires the provision of passing bay of 6.1 metres by 7 metres when an accessway is greater than 50 metres in length and accesses ten or more car spaces. The length of the proposed accessway in this application is 48 metres.

Clause 55 (ResCode)

58. 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.

Clause 55.03-3 – Site Coverage

59. The proposed site coverage of 50.5% is considered appropriate in the context of the Activity Centre Zone. The Activity Centre Zone encourages medium density housing and envisages higher density in this location, whilst also achieving development that is sympathetic to the established character of the area. The proposed site coverage provides reasonable opportunities for landscaping and the proposal includes the retention of a significant tree on the site, all of which achieves the desired character of the area.

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Clause 55.04-6 - Overlooking objective

60. In respect of potential overlooking, there will be limited opportunities for overlooking from kitchen windows into the secluded private open space and potentially habitable room windows of the adjoining dwellings to the immediate west. The kitchens in question are on the first floor of Dwellings 2 through to 5 and the plans show narrow garden beds immediately adjoining these windows. It is reasonable to require the applicant to address overlooking through the design or demonstrate through the provision of cross sections that screening is not required due to the height of the windows and depth of the kitchen benches.

Clause 55.05-4 – Private open space objective

61. With the secluded private open space for Dwelling 1, the secluded private open space will be reduced as a consequence of the changes to fencing described earlier in this report. The private open space for Dwelling 1 will be reduced to approximately 23 square metres at a depth of 3 metres. This provision of private open space is appropriate for the needs of future residents of this dwelling.

62. Dwelling 6 does not provide for private open space that accords with the applicable. In response to this issue, the applicant submitted an indicative plan at the completion of the advertising period showing a first floor balcony that complies with the applicable ResCode standard. The incorporation of this balcony into the design will be addressed through a condition in the decision in the event that a planning permit is issued.

Clause 55.06-4 Site services objectives

63. Bin storage is shown in the garages. However, as the bins will be collected on Bible Street, the likely outcome is that the bins will be stored in the front setback area. Details of these bin storage areas will be a requirement contained within the decision, with an expectation that these structures will be of a timber construction and a maximum height of 1.2 metres.

Response to objections received

64. Matters relating to tree no. 8, the extent of built form on Bible Street and the loss of vegetation on the land have been addressed in detail already in this report.

Conclusion

65. The application seeks to construct six dwellings, remove substantial trees and reduce the car parking requirement by not providing a visitor car space. The application was advertised and 18 written objections were received. The key planning issues relate to strategic support for development in this location, neighbourhood character, tree removal and impacts, car parking provision, vehicular access, and compliance with Clause 55.

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66. The strategic support for development such as the one proposed in this application is overwhelming and this is reinforced by the Activity Centre Zone that applies to the subject land. Nonetheless, the Activity Centre Zone recognises the transitional nature of this particular location and encourages development that responds appropriately to this setting.
67. The proposed built form has responded appropriately to the transitional location by lowering building height to two storeys at each end of the development, retaining the significant tree on the land and providing sufficient area in the Bible and Luck Street setbacks to achieve a reasonable landscape outcome.
68. The reduction of one visitor car space is considered appropriate as the site is located within the Activity Centre close to an activity centre with public transport options. Despite the vehicular access being compact, it does comply with the requirements of the Planning Scheme.
69. In light of the above planning assessment, the application warrants support, as reflected in the officer recommendation.

4. Officers' report**FN.015/18 Special Charge Scheme Policy Review****Portfolio: Infrastructure****Distribution: Public****Manager: Hjalmar Philipp, Director Sustainability and Place****Author: Patrick Wood, Coordinator Design****Summary**

In late 2017, Council commenced a review of its Special Charge Scheme Policy. The key objective of the review was to develop a policy that is more responsive to the needs of the community. The review was completed in May 2018 and a new policy has been drafted based on the recommendations of the review. Following consideration of the draft policy by Council, it is recommended that feedback be sought from the community, prior to the policy being adopted by Council.

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

- 1. Approves the draft document 'Special Charge Schemes for Road and Drainage Works - Policy & Guidelines' (Attachment 1) for public consultation.**
- 2. Endorses Council officers to seek community feedback in relation to the above document.**

Attachments

1. Draft Policy and Guidelines

Background

1. Council's existing Special Charge Scheme Policy was last updated in 2010.
2. Following a Council briefing in July 2017 Council requested that a review of the existing policy be reviewed, with the objective of developing a policy that is more flexible to the needs of the community.
3. Council appointed Terry Alford Consulting to undertake the review, which commenced in November 2017. The review involved:
 - A review of existing Council documentation;
 - A review of current legislation ;
 - Interviews with Councillors and Council officers; and
 - Benchmarking of Council's policy against the policies of other councils.
4. The review was completed in May 2018 and has been circulated to all Councillors.
5. A draft policy was prepared based on the findings of the review and was presented at the Council briefing on 29 May 2018. Feedback relating to the draft was requested to be provided by 4 June 2018.

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FN.015/18 Special Charge Scheme Policy Review

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
- Ensure that the provision of community infrastructure responds to community needs.

Budget implications

7. The draft policy does not include any changes that will place additional budget implications on Council.

Consultation/communication

8. Consultation to date has been with internal stakeholders as part of the review. This report recommends that community feedback be sought in relation to the draft policy prior to its adoption.

Issues/options

9. The report completed by Terry Alford Consulting, made a number of key findings which have been addressed in the draft policy. These include:
- Improved consultation
 - More flexible approach to design standards
 - Consideration of a Council contribution
10. The report also made recommendations that were considered longer terms actions. As Council requires a policy that can be implemented immediately these recommendations have not been incorporated into the draft policy. However Council may choose to consider these actions for future policy updates:
- Long term planning in relation to Council's road network.
 - Development of a Design Manual for Special Charge Schemes.
11. The key changes to the policy that have resulted from the review are:
- The inclusion of a public meeting to be held following an initial questionnaire gauging community interest, prior to any formal commitment from property owners.
 - Removal of the requirement for an 'Urban' design standard to be applied to roads where average property sizes are below 0.4 of a hectare.
 - Allowing for contributions to be made by Council, in situations where it considers that there may be special benefit to the wider community.
12. Based on feedback from Councillors, further changes have been made to the policy, which are:
- Section 2.5 – The three year moratorium on re-instigating a scheme abandoned due to lack of support, may be reconsidered in situations where there has been a substantive change in property ownership (over 50 percent).
 - Section 4.1 – Unnecessary references to 'Special Rate' have been removed.

4. Officers' Report

FN.015/18 Special Charge Scheme Policy Review

- Section 5.2 – The impact on other road users (e.g. walkers, cyclists and horse riders) will be considered as part of the design.
- Section 5.6 – Council officers may recommend a reduced extent of works, where a safe and practical end point can be achieved, pending the support of the property owners involved.

Next steps

13. The next step involves seeking community feedback in relation to the draft policy. It is recommended that the community be given the opportunity to make submissions that would be considered by the Future Nillumbik Committee. The committee would then make a recommendation to adopt the policy in its current form, or amend the policy.
14. Following the consideration of submissions (and making any necessary changes to the policy) the policy would then be adopted by Council.

Conclusion

15. The review of the existing Special Charge Scheme Policy and drafting of the new policy has responded to the key objective of Council, which was primarily to develop a policy that is responsive to the needs of the community. It is now recommended that community feedback be sought, to ensure that the policy meets this objective.

4. Officers' report**FN.016/18 Eltham North Adventure Playground Rebuild****Portfolio: Infrastructure****Distribution: Public****Manager: Adrian Cully, Director Business and Strategy****Author: Melissa Houselander, Project Officer****Summary**

This report provides an update on community engagement activities during the playground rebuild project. It notes the community feedback received and how it has informed the concept designs produced by the play space designers. The report recommends that Council endorses the community engagement concept design activities and endorses the re-siting of the playground and amended car park arrangements.

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

- 1. Endorses the community engagement concept design activities to collect community feedback.**
- 2. Endorses the relocation of the playground recreation space to the southern side of the play space/oval precinct.**

Attachments

Nil

Background

- In the early hours of the 16 December 2017, the Eltham North Adventure Playground (ENAP), was destroyed by fire. Council quickly rallied to make sure the site was made safe and responded to community outcry by establishing an on-line community engagement platform for people to share their stories and aspirations for the replacement of this much loved community asset.
- In January 2018, a project team was formed to rebuild the ENAP and engage with the community. The purpose of this project is for Council to include the community as partners in the vision for the playground and its surrounds, as well as delivering the project within a timely manner.

Policy context

- This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Budget implications

- The budget for the design and construction rebuild of the playground will be funded through a combination of:
 - Insurance settlement
 - Allocation from Council's 2018/2019 Capital Works Program budget

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FN.016/18 Eltham North Adventure Playground Rebuild

- State Government commitment
3. In addition the Bendigo District Community Bank fundraising, will match donations dollar-for-dollar up to \$25,000.

Consultation/Communication

4. Community engagement and consultation was conducted between December 2017 and March 2018 resulting in a Consultation Report noting the community's aspirations for the playground rebuild.

The consultation key findings included the following:

- Build it as it was with some enhancements
 - Build it from wood
 - Build an all-weather structure, under cover for all-year use
 - Build an imaginative, creative play space inspired by and surrounded by nature.
5. The draft playground design is nearing completion and will be released for community feedback from the week of 18 June 2018 and conclude on 1 July 2018.
 6. Community can provide feedback and meet the designers at two sessions on Thursday 21 June 2018 at Edendale Farm, and Saturday 23 June 2018 at the Eltham Library, times to be confirmed.
 7. The design will be available online for feedback on Council's engagement portal Participate Nillumbik.
 8. The draft design will be exhibited at key locations around the Nillumbik Shire with information on how the community can provide feedback.
 9. Local schools and preschools have been invited to exhibit the draft design and work with children on activities to provide their feedback.
 10. The Community engagement process has included:

Consultation & Engagement	Status
i. On-line platform, Participate Nillumbik; to collect stories, share ideas and keep community informed of progress on the project. Regular social media posts will be utilised to support updates.	In progress until conclusion of draft design engagement 1 July 2018
ii. Four pop-up events; 'Once Upon a Dream Tree' where community dreams, wishes, hopes and memories were captured.	Completed

4. Officers' Report

FN.016/18 Eltham North Adventure Playground Rebuild

Consultation & Engagement	Status
iii. Mega consultation; once off event at Eltham North reserve, included art activities to capture children's ideas and their desired thematic play experiences and attributes.	Completed
iv. The Listening Post; on-site at Eltham North reserve daily feedback is collected by a chalkboard installation.	Completed
v. Pop-up engagement and installations at various locations; such as Edendale Farm, Living & Learning and Libraries.	In progress until conclusion of draft design engagement 1 July 2018
vi. Community invited to validate data collected through consultation online and at drop-in session.	Completed
vii. Initial testing of draft (concept) design and playground relocation with precinct stakeholders such as Eltham North Primary School, local Sporting Clubs and Friends of group.	Completed
viii. Playground draft design out for community feedback. Feedback via feedback form.	Week of 18 June 2018 to 1 July 2018

11. Planning for the design of the playground will give consideration to the principle areas outlined in the Lifetime Play Strategy adopted by Council in June 2017.

Issues/options

12. The playground draft design will represent the feedback provided by the community through the consultation process, with clear links to their most desired attributes and themes.
13. A workshop was held on 23 May 2018 with Councillors, internal stakeholders and the playground architect/designers. Concept designs explored ways to improve parking, access arrangements across the site and address the issue of safety e.g. sightlines and vehicle pedestrian interface. A site design option which relocated the playground to the informal gravel car park site (south side) and relocates the car park on part of the original playground site (northern side) was the preferred arrangement.
14. Relocating the playground will address concerns raised numerous times by the community and observed by Council officers of pedestrian conflict with children running from the playground through the car park and road to the oval and more broadly address the request for further (or no less than current) car parking within the precinct.

4. Officers' Report

FN.016/18 Eltham North Adventure Playground Rebuild

15. Following the workshop officers consulted the main precinct stakeholders being Eltham North Primary School (ENPS), Eltham Redbacks Football Club and North Eltham Cricket Club regarding the site arrangements, all of which confirmed the carpark relocation would address the long withstanding issue of pedestrian safety and provide better integration with Edendale Farm.

Conclusion

16. Officers will commence the final round of community engagement for feedback on the playground design in July 2018.
17. Based upon the outcomes from the workshop on 23 May 2018 and precinct stakeholder consultation, officers recommend the precinct arrangements and endorsement of the re-siting of both the playground and the car park. With on-site works to commence as soon as possible to expedite completion of the play-space prior to the one year anniversary of its loss.
18. Officers will commence communications including a media release and social media advising of community engagement process and carpark relocation.

4. Officers' report

FN.017/18 2018-2020 Sport and Recreation Victoria Funding Programs

Portfolio: Social Infrastructure

Distribution: Public

Manager: Neil Hordern, Acting Environment Manager

Author: Joanne Massoud, Acting Coordinator Recreation and Open Space Planning

Summary

This report provides background information and makes officer recommendations regarding applications to the State Government 2018-2019 Female Friendly Facilities Fund (FFFF) and 2019-2020 Community Sports Infrastructure Fund (CSIF) administered by Sport and Recreation Victoria (SRV).

The projects proposed for submission are consistent with Council strategies, and seek to improve sporting and recreation participation outcomes within the Shire.

The report seeks Council endorsement for the submission of three applications in total. One Major Facilities and one Local Planning under CSIF, and one application under FFFF.

The total funding requested from State Government is \$989,000 with local contributions totalling \$2,326,000. \$76,000 is already indicatively committed in the five year capital works program, a further \$2,000,000 will be applied for through Growing Suburbs Fund (GSF) and sporting clubs have committed \$250,000 in contributions.

Recommendation

That the Committee (acting under delegation from Council):

- 1. Endorses the following funding applications to the Female Friendly Facilities Fund:**
 - a) Eltham Lower Park Back Oval Sportsground Floodlight Upgrade.**
- 2. Endorses the following funding applications to the Community Sports Infrastructure Fund:**
 - a) Major Facilities category;**
 - i) Greensborough Hockey Club Pavilion Extension .**
 - b) Planning category;**
 - i) Diamond Creek Open Space Plan.**
- 3. Notes \$76,000 already identified in 2019-2020 indicative capital works program.**

Attachments

1. 2018-2020 SRV - Funding Programs and Categories
2. 2018-2020 Funding Partnerships

4. Officers' Report

FN.017/18 2018-2020 Sport and Recreation Victoria Funding Programs

Background

1. The Victorian State Government is receiving applications to the 2018-2019 Female Friendly Facilities Fund, a newly created program, and 2019-2020 Community Sports Infrastructure Fund. These programs are administered by Sport and Recreation Victoria through the Department of Health and Human Services.
2. The new FFFF program supports the development of sports facilities such as change rooms, grounds, pavilions and courts that enable, facilitate and retain participation by women and girls. An unlimited number of applications can be lodged through this program, up to a maximum total of \$500,000.
3. The CSIF supports planning for, building new, and improving existing sports and recreation facilities. The fund aims to encourage increased participation including target populations such as females and juniors, and better planning of facilities incorporating innovation, and environmental sustainability and universal design outcomes. Grants are available across six categories, detailed in **Attachment 1**.
4. Council has secured \$6.05 million from SRV over the last four years including most recently Eltham Lower Park pavilion development, Susan Street pavilion redevelopment, Marngrook Oval floodlight upgrade and Eltham Central floodlight upgrade.
5. Applications have now opened for both programs, FFFF applications close 23 July 2018 and CSIF applications close 25 June 2018.

Policy context

6. This report directly supports the achievement of Council Plan 2017-2021 strategy:
 - Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.

Budget implications

7. Nillumbik Shire Council is eligible for government funding set at the following ratios:
 - a) Major Facilities category, under CSIF, set at a ratio of \$2 grant for every \$1 local (Council, sports club or other contribution).
 - b) Funding in all other categories is set at a ratio of \$1:50 grant for every \$1 local.
8. Council's contribution towards a project outside existing indicative forward commitments will be conditional on the grant's success.
9. Clubs are encouraged to financially contribute to projects by way of demonstrating their willingness to invest in facilities benefitting members.
10. All applications are contingent on the total project cost and financial contributions being consistent with the agreed amounts detailed in **Attachment 2**.
11. Proposed club contributions toward the projects total \$558,000.

4. Officers' Report

FN.017/18 2018-2020 Sport and Recreation Victoria Funding Programs

12. Sportsground lighting allocation - There is an annual allocation of \$60,000 for sportsground lighting upgrades and renewal in the indicative capital works program. The 2019-2020 allocation will be used as Council's contribution towards Eltham Lower Park Sportsground Lighting project if successful.
13. Council will be required to undertake planning and concept design of all supported projects prior to the applications being submitted.

Consultation/communication

14. Sports clubs and recreation providers were invited to contact Council officers to discuss their proposed project and submit an Expression of Interest (EOI) to Council between 13 December 2017 and 3 February 2018 for officer and SRV consideration.
15. Officers received five enquiries from clubs in relation to proposed projects and the following four EOI proposals were received:
 - a) Diamond Valley Archery Club and Northern Suburb Fly Fishing Club Pavilion Extension.
 - b) Eltham Lower Park, Eltham - Sportsground Lighting Upgrade.
 - c) Hurstbridge Bowling Club Pavilion Redevelopment.
 - d) Kangaroo Ground Tennis Club Pavilion Redevelopment.

Identified projects

16. Officers propose to lodge three applications across both FFFF and CSIF programs. These are:
17. Female Friendly Facilities Fund:

An unlimited number for applications can be submitted (up to a total of \$500,000) with the following assessed for application.

 - a) Eltham Lower Park, Eltham - Sportsground Lighting Upgrade. This project is the next priority in the implementation of the Sportsground Lighting Strategy (2014). The project will result in new poles and fittings to light the ground to minimum 200 lux, a vast improvement from the current level of 15 lux. The project will improve the quality of training facilities benefitting junior and female participation.
18. Community Sport Infrastructure Fund
 - a) Major Facilities category: One project may be submitted and the following will be assessed for application.
 - i) Greensborough Hockey Club Pavilion Extension - The Greensborough Hockey Facility is one of three facilities in Victoria that has two hockey pitches and can accommodate regional competitions based on their outdoor facilities. The pavilion is currently insufficient to host 4 teams at one time as it only has two change rooms, therefore making it ineligible to host regional Hockey Victoria competitions. In addition a second level with social space and kitchen facilities will be constructed. The facility will be available as a community facility during business hours to ensure that Council receives maximum return on investment.

4. Officers' Report**FN.017/18 2018-2020 Sport and Recreation Victoria Funding Programs**

- ii) This project will be submitted to Growing Suburbs Fund to fund the shortfall of \$2,000,000 therefore making the project contingent on being successful in both funding programs.
 - b) Local Planning category: One project may be submitted and the following will be assessed for application.
 - i) Local Planning: Diamond Creek Open Space Plan - The open space plan will address the open space areas between Campbell Street Reserve through to Coventry Oval, including Marngrook Oval, the dog park and Rotary Park. Engagement and investigations will be undertaken to determine the most appropriate use of the open space areas particularly as there are competing demands for passive and active recreation.
19. The following projects will require further investigation to confirm project scope and requirements. Officers will continue to work with the respective clubs in preparing a proposal for future funding rounds.
- a) Kangaroo Ground Tennis Club Pavilion Redevelopment. This project will provide funding to redevelop the existing pavilion to include change rooms to support increased opportunities for participation by females and juniors.
 - b) Diamond Valley Archery Club and Northern Suburb Fly Fishing Club Pavilion Extension - Currently both clubs are operating out of one shared space which is limiting the amount of time either club can occupy the facility and undertake activities to promote and grow each club. The pavilion extension will provide each club a separate space to gather and facilitate activities for their respective sport. Although both clubs are minority sport, the impact of increasing their membership base will have direct benefits back into the community.
 - c) Hurstbridge Bowling Club Pavilion Redevelopment - This project will provide funding to upgrade the female and male toilets to include change rooms and create an accessible change room. This upgrade will allow the club to continue to promote all abilities bowling and increase the number of female participants.

Conclusion

20. The project proposals outlined in this report are consistent with Council's strategies for the provision of improved sporting facilities within the Nillumbik Shire. The projects provide clear community benefit and increased opportunities for participation.
21. Proposals recommended by officers for submission are considered the strongest against the 2019-2020 Community Sports Infrastructure Fund and 2018-2019 Female Friendly Facilities Fund, funding guidelines.
22. The proposed project proposals will provide \$3,315,000 towards improved community sport and recreation infrastructure with a cost to Council of \$76,000, which is already identified in the five year capital works program, as well as club contributions of \$250,000.

5. Notices of Motion

NOM.001/18 Temporary signage on Council land

Mayor, Peter Clarke advised of his intention to move the following:

Motion

That:

1. **Temporary signage on Council land and road reserve cease immediately where not on approved locations register and requests officers advise offending groups to remove and seek approval under Council policies; and**
2. **Officers bring a report to Council reviewing current policy for temporary signage to assessing marketing options for regular local events.**

Future Nillumbik Committee agenda

12 June 2018

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

Nil