

Future Nillumbik Committee

to be held at the Civic Centre, Civic Drive, Greensborough
on Tuesday 16 May 2017 commencing at 7pm.

Agenda

Mark Stoermer
Chief Executive Officer

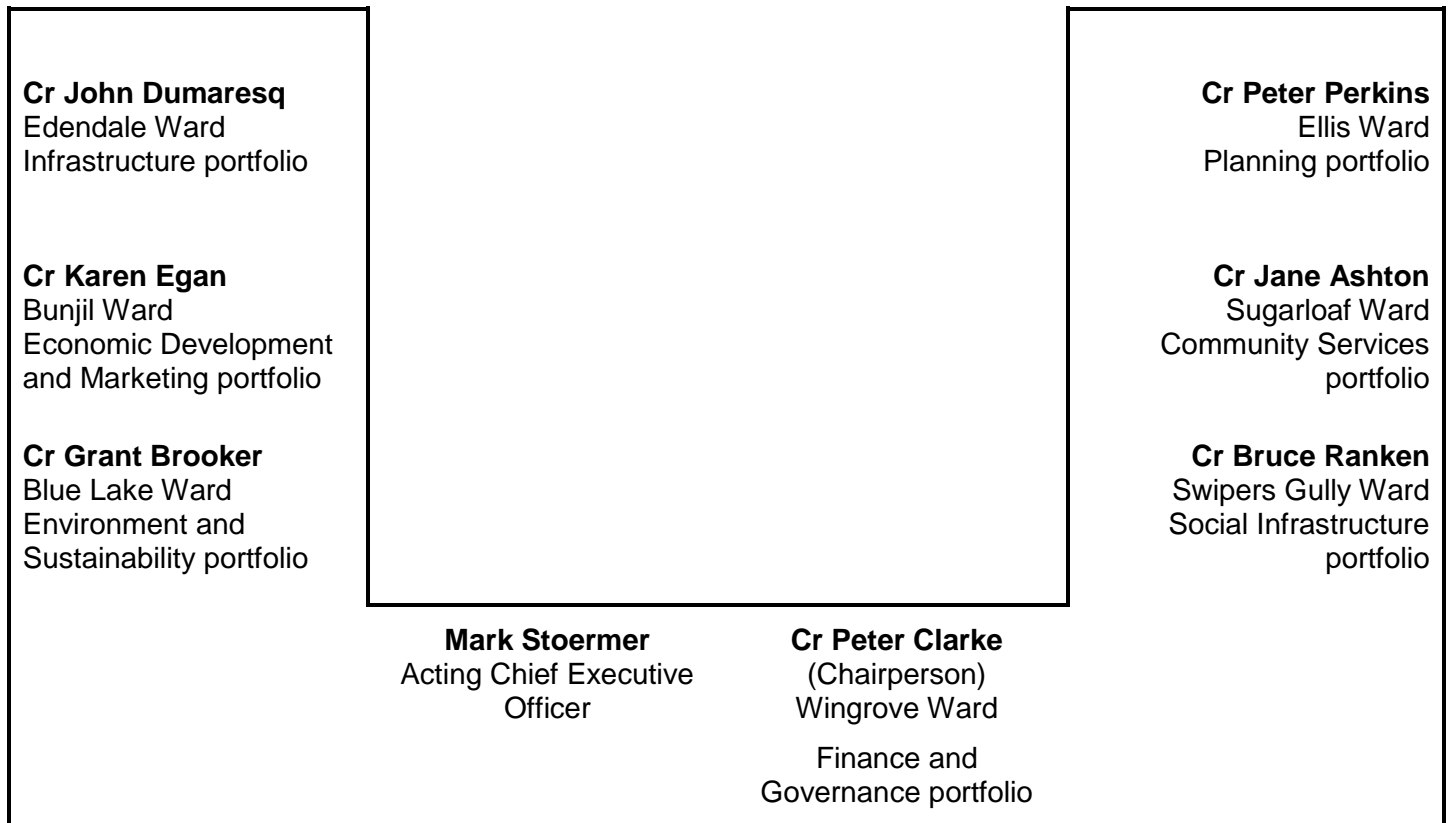
Thursday 11 May 2017

Distribution:

Civic Drive, Greensborough
PO Box 476, Greensborough 3088
Telephone 9433 3111
Facsimile 9433 3777
Website www.nillumbik.vic.gov.au
Email nillumbik@nillumbik.vic.gov.au

Wominje ka

Future Nillumbik Committee seating plan



Visitors in the gallery at Committee meetings are:

- Welcome to copies of the various reports which will be considered by this Committee at the meeting. These are on the table in the foyer.
- Welcome to tea, coffee and water. These are on the table in the foyer near the Council Chamber entry.
- Requested to observe deliberations quietly in order for Committee meetings to run smoothly.
- Advised that an audio recording of this meeting will be made for the purpose of verifying the accuracy of the minutes. The recording will not be disclosed unless Council is compelled to do so by law or court order.

Hearing of submissions from members of the public

The arrangements for members of the public to address a Special Committee meeting are defined in Council's Meeting Procedure Local Law. Council has recently established the Future Nillumbik Committee as a Special Committee. The Terms of Reference for this committee propose some changes to the arrangements for hearing of submissions. However these changes are not yet in effect, as they require a change to Council's Meeting Procedure Local Law. Until such a change is made, the existing arrangements will continue to apply, and any member of the public who has registered prior to 3pm on the day of the meeting is entitled to address the committee regarding a matter on the agenda.

Nillumbik Shire Council

Agenda of the Future Nillumbik Committee Meeting to be held Tuesday 16 May 2017 commencing at 7pm.

1. Welcome and apologies

Welcome by the Chair

Members of the public are advised the meeting will be recorded for the purposes of verifying the accuracy of the minutes.

Apologies

Motion

That the apologies be accepted.

2. Disclosure of conflicts of interest

Committee members should note that any disclosure of conflict of interest must be disclosed immediately before the item in which they have an interest.

3. Confirmation of minutes

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

Motion

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

4. Officers' reports

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

Distribution: Public
Manager: Renae Ahern, Acting Manager Planning and Health
Author: Tim Oldfield, Statutory Planner
Portfolio: Planning

Summary

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

4. Officers' reports

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



4. Officers' reports

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

Recommendation

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

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

4. Officers' reports

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

- i) **A two metre wide easement, located along the western boundary of Lot 3 over the proposed drainage pipe, in favour of Lot 2.**
 - j) **Evidence an offset for the vegetation removal hereby approved has been secured in accordance with condition 12 of this permit.**
- 2. The subdivision and tree removal allowed by this permit and shown on the plans endorsed to accompany the permit shall not be amended for any reason unless with the prior written consent of the Responsible Authority.**
- 3. Prior to any subdivision works commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority. The fencing associated with this TPZ must meet the following requirements:**
- a) **Extent**

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

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

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

The TPF must be erected to form a visual and physical barrier and must be a minimum height of 1.5 metres and of chain mesh or similar fence with 1.8 metre support posts (e.g. treated pine or similar) every 3-4 metres, including a top line of high visibility plastic hazard tape erected around the perimeter of the fence.
 - c) **Signage**

Fixed signs are to be provided on all visible sides of the TPF clearly stating "Tree Protection Zone – No Entry", to the satisfaction of the Responsible Authority.
 - d) **Irrigation**

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

All services (including water, electricity, gas and telephone) should be installed underground, and located outside of any TPZ, wherever practically possible. If underground services are to be routed within an established TPZ, they must be installed by directional boring with the top of the bore to be a minimum depth of 600mm below the existing grade, to the satisfaction of the Responsible Authority.

4. Officers' reports

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

f) Access to TPZ

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

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

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

- 5. The following actions must not be undertaken in any tree protection zone as identified in this permit, to the satisfaction of the Responsible Authority:**

- a) Materials or equipment stored within the zone;**
- b) Servicing and refuelling of equipment and vehicles;**
- c) Storage of fuel, oil dumps or chemicals;**
- d) Attachment of any device to any tree (including temporary service wires, nails, screws or any other fixing device);**
- e) Open cut trenching or excavation works (whether or not for laying of services);**
- f) Changes to the soil grade level;**
- g) Temporary buildings and works; and**
- h) Unauthorised entry by any person, vehicle or machinery.**

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

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

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

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

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

4. Officers' reports

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

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

Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the statement of compliance being issued.

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

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

4. Officers' reports

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

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

4. Officers' reports

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

detailing the management actions undertaken including an offset site condition statement and photographs, must also be submitted to the Responsible Authority at the completion of years three, five and ten. All reports shall be to the satisfaction of the Responsible Authority.

- 14. The on-site detention device shall be designed by a qualified engineer and plans submitted to the Responsible Authority for approval prior to the commencement of the development.**

The engineer that is designing the on-site detention unit must contact Council's development engineer for tc and tso figures. For calculation adopt for pre-development 1 in 5 years average occurrence interval, post development use 1 in 10 years average occurrence interval and for vacant block adopt 60 per cent impervious area.

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

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

Each lot must be provided with property inlet connection. Therefore, such drainage works must be designed by a qualified engineer and plans and computations submitted to the Responsible Authority (Nillumbik Shire) for approval prior to the commencement of the development. Plans must detail underground drains, types and sizes of drainage pits, drainage longitudinal sections, pit schedule, etc. for approval. The construction plans and computations are to be prepared in accordance with Nillumbik Shire Council's "Subdivisional Design and Construction Standards" and "Drainage Design Guidelines.

- 16. The development, including any new paved areas, must be drained so as to prevent the uncontrolled discharge of stormwater from the subject site across any road or footpath or onto any adjoining land.**

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

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

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

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

- 17. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains, Melbourne Water's drains or watercourses or adjoining private property during the construction of the development.**

4. Officers' reports

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

18. The following are Yarra Valley Water requirements:

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

19. The following are Melbourne Water requirements:

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

20. The following are AusNet requirements:

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

21. The following are Telecommunications requirements

- a) The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

4. Officers' reports

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

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

Expiry

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

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

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

Notes:

- For any clarification or enquiries concerning the drainage or stormwater conditions contained in this permit, please contact Council's Development Engineer on 9433 3255.
- During the course of the approved tree removal, a copy of this permit and the endorsed plan(s) must be kept on-site and made available for inspection by Council officers.
- Failure to undertake the requisite tree protection fencing in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this is a different person), and the person or company undertaking the works on-site. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$777 for the land owner and occupant, and \$1,555 for any company which may be undertaking works on-site.
- The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit

4. Officers' reports

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

the land, and also potentially delay the vegetation removal process while compliance with the permit is checked.

- **The owner/builder is responsible to protect Council assets during the works and to obtain an Asset Protection Permit unless an exemption applies.**

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

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

Attachments

1. Subject site and surrounds
2. Plans 1 to 3

Subject site and surrounds

1. The key features of the subject land and surrounds are as follows:
 - The subject site is particularly described as Lot 13 LP 58605 PSH Nillumbik, CT.
 - The subject site is a corner block, located on the north and western sides of Warringah Crescent, Eltham, approximately 300 metres south of its eastern intersection with Ramptons Road.
 - The site is square in shape, and is approximately 3,148 square metres in size.
 - The subject site falls approximately 15 metres from the north-east corner to the south-west corner.
 - The site contains a two storey dwelling located towards the eastern section of the site. The site is not connected to sewer and currently has an on-site wastewater system.
 - The site is well vegetated with canopy tree coverage, the majority being indigenous to the Shire, which are generally located to the south and south-east of the subject site.
 - Fencing within the area is consistently of post-and-wire fencing surrounding the property.
 - The surrounding area contains a mixture of residential densities. The immediate area, particularly along the southern section of Warringah Crescent, contains large residential lots within a semi-bush setting. These lots range in size from 1,700 to 4,600 square metres. It is noted that as per the subject site, these lots are not connected to a reticulated sewerage system and are therefore utilising on-site wastewater systems.

4. Officers' reports

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

- The lots to the north of the subject site contain a mixture of lot sizes, however the development pattern, particularly along Ramptons Road, sees an increase in smaller lots, with the smallest in the immediate area being approximately 750 square metres in area. While this is the case, there are also a number of lots exceeding 2,000 square metres along Ramptons Road.
- The area 100 metres to the south of the subject site has seen significant land fragmentation, specifically the Nerreman Gateway subdivision which has an average lot size of approximately 900 square metres.
- It is noted that areas where smaller lots have been created are connected to the reticulated sewer.

Details of proposal

2. Refer to the attached plans.

3. Key features of the proposal include:

- To subdivide the land into three lots.
- Lot 1, located to the east of the site, is irregular in shape and is 1,214 square metres in area. This lot will contain the existing dwelling on the site and will maintain the existing vehicle access from Warringah Crescent.
- Lot 2, located in the north-west corner of the site, is a battle-axe shaped lot with an area of 881 square metres. This lot is proposed to have access, via a common property driveway with Lot 1, from Warringah Crescent in the north-east corner of the site.
- Lot 3, located to the south-west corner of the site, is irregular in shape and is 890 square metres. This lot is proposed to have vehicle access off Warringah Crescent from the south-west corner of the lot via a newly constructed crossover. This lot proposes a building envelope to be located centrally on the lot. This building envelope is setback 9 metres from the southern boundary, 4 metres from the northern boundary, a minimum of 7.5 metres from the western boundary and 4 metres from the eastern boundary.
- The proposal nominates the removal of the following trees:

Tree	Botanical Name	Common Name	Origin	Permit required for removal
21	Melaleuca syphiloides	Pricky-leaved Paper Bark	NSW	No
29	Dead tree		Exotic	No
30	Eucalyptus cephalocarpa	Silver-leaved Stringybark	Vic/NSW	Yes

4. Officers' reports

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

Tree	Botanical Name	Common Name	Origin	Permit required for removal
31	Eucalyptus goniocalyx	Long-leaved Box	Indigenous	Yes
32	Bursaria spinosa	Sweet Bursaria	Indigenous	Yes
33	Coprosma repens	Mirror Bush	Exotic	No

- Tree Nos. 29–33 are located within the road reserve to the south of the subject site.
- A new vehicle crossover is proposed in the south-west corner of the site to service Lot 3. The access is to be 3 metres in width and will require a site cut which will be one metre in width to either side of the access.
- The creation of a two metre wide easement along the western property boundary of Lot 3, to be located over the proposed drainage line for Lot 2. The proposal will require the lots to connect to sewer at the cost of the permit applicant.

Planning history

4. There is no planning permit history for the subject land.

Planning controls**Zoning**

5. The subject land is zoned Neighbourhood Residential (Schedule 7). Under this zone, a permit is required to subdivide land.
6. On 27 March 2017, Ministerial Amendment VC110 to all Victorian planning schemes implemented significant changes to the Neighbourhood Residential Zone and other residential zones. The revised zone changes seek to “improve housing diversity and choice across all council areas, while protecting the open and garden character of more sensitive residential areas”. In doing so, VC110:
- Amends the building height provisions in the revised zones
 - Introduces a mandatory ‘garden area’ requirement into the Neighbourhood Residential Zone and General Residential Zone.
 - Removes the restriction on the number of dwellings that can be built on land in the Neighbourhood Residential Zone.

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

7. While this is the case, Clause 32.09-14 (Transitional Provisions) of this zone states that the minimum garden area requirement of Clause 32.09-4 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110 (27 March 2017). Although this application benefits from the transitional provisions, it is important to ensure any future lots can adequately meet the new requirements of the Neighbourhood Residential Zone if a future dwelling is proposed.

Overlays

8. The subject land is affected by the Significant Landscape Overlay (Schedule 2). Under this overlay, a permit is not required to subdivide land. A permit is also required to remove native vegetation and for buildings and works to construct an impervious driveway.
9. Although not part of this planning application, as a result of the existence of this overlay, further planning permits will be required for the construction of future dwellings on the proposed lots.

Particular provisions

10. Under the provisions of Clause 52.17 (Native Vegetation), a permit is required to remove, destroy or lop native vegetation on land which, together with all contiguous land in one ownership, has an area greater than 0.4 hectares. The purpose of this provision is to ensure permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity. This is achieved through the following approach:
- Avoid the removal of native vegetation that makes a significant contribution to Victoria's biodiversity.
 - Minimise impacts on Victoria's biodiversity from the removal of native vegetation.
 - Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria's biodiversity that is equivalent to the contribution made by the native vegetation to be removed.
 - To manage native vegetation to minimise land and water degradation.
 - To manage native vegetation near buildings to reduce the threat to life and property from bushfire.
11. Residential subdivision must meet the relevant requirements of Clause 56 (commonly known as 'ResCode'. The requirements of what clauses need to be met are outlined under Clause 32.09 (Neighbourhood Residential Zone) of the Nillumbik Planning Scheme.
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.

4. Officers' reports

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

Relevant planning policies

13. State Planning Policies which are relevant to this application include:
- Clause 12.01-2 – Native Vegetation Management
 - Clause 15.01-3 – Neighbourhood and Subdivision Design
14. 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 22.12 – Neighbourhood Character Policy

Policy context

15. The planning controls and policies identified above encourage residential development in urban areas at a range of densities. This intent is also reflected specifically in the purpose of the zone. However, in both State and local policy, the strength of encouragement for increasing housing densities and corresponding subdivision 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.
16. The encouragement afforded by the zone and planning policies is counter-balanced by objectives that require future subdivision and development to be site responsive (i.e. minimise landscape and vegetation impacts), and promoting a built environment that is complementary to desired neighbourhood character.
17. Assessment of the degree of policy support for residential subdivision is dependent upon a balancing of these sometimes contradictory policy objectives.

Public consultation

Advertising

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

Objections

19. As a result of advertising, a total of 14 written objections have been received. These objections can be summarised as follows:
- The site is in a poor strategic location and is not located close to commercial or educational areas.
 - The proposal is considered an 'overdevelopment' of the site where two lots as opposed to three would be more appropriate.
 - The subdivision will have a large impact on existing trees.
 - The subdivision is not respectful to neighbourhood character within the area, particularly as the lot sizes are well below the average of the immediate area.
 - The subdivision of the land and future dwellings will ensure a loss of privacy to surrounding lots and existing views will be affected.

4. Officers' reports

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

- The site is steep and cars will not be able to appropriately park on the lots, causing spillage into the street where little to no parking is available.
- The proposal seeks a pressure sewer system to connect to the existing sewer line to the north. This system will fail with any power outages in the area.
- The incorporation of more dwellings will increase the existing stormwater runoff and flooding issues.
- The subdivision into three lots will set a precedent in the area.
- The proposed building envelope size for Lot 3 will result in a two storey dwelling for this site (given the size of envelope and slope).
- The site is on a very dangerous corner and the subdivision will increase the risk of an accident.
- The subdivision will result in an increase in traffic as well as dust and noise.
- The lots will not be disability accessible.
- The current road, with parts being unsealed, needs to be upgraded as it currently cannot accommodate the existing traffic volume.

Planning application conference

20. A planning application conference was held at the Shire offices on Monday 27 March 2017. Many of the above issues were discussed at length, and whilst no agreements or compromises were achieved, the position of all parties was clarified.
21. As a result of the introduction of Ministerial Amendment VC110, the applicant submitted amended plans to Council on 7 April 2017 to reduce the size of Lot 1 from 1,383 to 1,214 square metres and to increase the size of Lots 2 and 3. Lot 2 was increased from 793 to 881 square metres and Lot 3 was increased from 810 to 890 square metres.

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
Consulting arborist	<p>Common driveway - to reduce the impact on Tree No. 26:</p> <ul style="list-style-type: none"> • The common (existing concrete) driveway must be modified so that it is located immediately along the southern boundary of the 'common property' and front section of Lot 2 where inside the Tree Protection Zone. Construction at this distance will achieve a setback greater than three metres from this tree. • The driveway must be constructed above existing

4. Officers' reports

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

Council Unit	Comments
	<p>grade and designed to be of a permeable surface</p> <ul style="list-style-type: none"> • No more than a maximum of 50mm of top grass/mulch layer is to be removed for the preparation/sub-grade of the driveway • All excavation for the proposed driveway must be supervised by a qualified arborist • The driveway must be constructed prior to development on Lot 2 (there are methods of protecting new driveway from damage during future construction) • The soil level between the driveway and Tree No. 26 must remain at existing grade and this area must be mulched. • Any future planting in between the driveway and Tree No. 26 be limited to small shrubs and groundcovers <p>In regards to proposed Lot 2, the subdivision must ensure the protection of an <i>Exocarpos cupressiformis</i> (Cherry Ballart, Tree Protection Zone of 3.6 metres) located along the northern property boundary and semi-mature <i>Eucalyptus polyanthemos</i> (Red Box, Tree Protection Zone of 3 metres) located next to the existing garden shed.</p> <p>In regards to Lot 3, whilst the proposed building envelope is shown within the Tree Protection Zone of Tree No. 18, the encroachment is minor and unlikely to have a major impact. The envelope is appropriate.</p> <p>Removal of Tree Nos. 29-33 is supported for the construction of a vehicle crossover as the vegetation is considered of low value and in light of the amount of vegetation to be retained.</p>
<p>Infrastructure Department Unit</p>	<p>The proposal will need to ensure appropriate drainage connection to avoid stormwater runoff onto adjoining properties.</p> <p>Driveway grades will be required to meet Clause 52.06 (Car Parking).</p> <p>Conditions provided for requirements prior to statement of compliance and certification of the subdivision.</p>
<p>Sustainability and Environment Unit</p>	<p>The submitted Biodiversity Assessment report is accurate. Provided conditions relating to vegetation offsets.</p>

4. Officers’ reports

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

External

23. The application was referred to the following statutory referral authority/authorities for advice on particular matters. The following is a summary of the relevant advice:

Authority	Comments
Melbourne Water	No objections, subject to conditions
AusNet	No objections, subject to conditions
APA Group	No objections and no conditions required
Yarra Valley Water	No objections, subject to conditions

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 (in the context of policy);
- Neighbourhood character and tree impacts;
- Compliance with Clause 56 (Residential Subdivision); and
- Public open space contribution.

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

Strategic location (in the context of policy)

26. The site is zoned Neighbourhood Residential, which aims to manage and ensure that development respects the identified neighbourhood character, environmental and landscape characteristics, and to provide for limited housing growth. When the application was first lodged, this zone restricted a lot to no more than two dwellings. Two recent Victorian Civil and Administrative Tribunal (VCAT) cases have examined the implications of this restriction and whether a subdivision of more than two lots is an appropriate outcome in light of this restriction.

27. In *Auslong Development Management Pty Ltd v Whitehorse CC [2016] VCAT 121* and *Wilson v Yarra Ranges SC [2015] VCAT 1142*, the Tribunal determined that the two dwelling restriction contained in the Neighbourhood Residential Zone did not prohibit the ‘subdivision’ of a lot into more than two lots. The Tribunal determined that when an appropriately structured application for subdivision and development is lodged it may be possible to achieve a yield higher than the maximum number of dwellings specified in the Neighbourhood Residential Zone. Given these findings, the site is not immediately considered inappropriate for a three lot subdivision by virtue of the Neighbourhood Residential Zone and a balanced assessment against all relevant provisions must be undertaken to determine the appropriateness of three lots on this site.

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

28. The site is located approximately one kilometre (as the crow flies) from the Eltham train station, 800 metres from the Bridge Street Business Precinct to the south, approximately 550 metres to the nearest education facility (Sherbourne Primary School) and 600 metres from Catholic Ladies College to the south-east. The site is also located within walking distance (approximately 200 metres) of parkland to the north-west which links up to Malcolm Blair Reserve, which contains a number of recreational facilities. It is acknowledged that the site is not located within typical walking distance of these facilities due to the topography of the area, however the site is still appropriately serviced and is located within an area suitable for infill development. The proposed lot sizes are much larger than typical medium density housing development lots and are more characteristic of residential lot sizes within Eltham that accommodate single dwellings. As such, any future development of these lots will be typical of infill suburban development. Given this, the proposal has policy support for some form of subdivision within this area.

Neighbourhood character and tree impacts

29. The land is affected by the Significant Landscape Overlay (Schedule 2) which aims to provide for housing in a semi-bush setting, to provide for conservation and enhancement of the environmental values of the area and ensure that the development of land and the removal of native vegetation are not detrimental to the natural environment and character of the area. A large emphasis of the semi-bush setting (particularly the retention of native vegetation displayed within this area of Eltham) is due to lot size and allowing sufficient space around a dwelling for meaningful landscaping or existing tree retention to occur. This is further reinforced via the 'Semi-Bush' precinct at Clause 22.12 (Neighbourhood Character Policy) which focuses primarily on the retention of indigenous vegetation, including canopy trees and understorey and ensuring that development is responsive to the preferred future character of the area.
30. The surrounding area has varying lot sizes with examples of previous subdivision or second dwelling developments within 250 metres of the subject site. The development pattern in Warringah Crescent varies, with lot sizes ranging from 750 to 4,500 square metres. The lots within the immediate vicinity of the subject site (within this east/west section of Warringah Crescent) generally exceed 2,000 square metres in size due to these lots not being connected to the reticulated sewer.
31. Reticulated sewer infrastructure finishes to the north of the subject site, outside No. 58 Warringah Crescent, approximately 30 metres from the northern boundary of the subject site. While there are still many larger lots within the area that have access to reticulated sewer, the absence of such within this immediate section of Warringah Crescent greatly restricts the opportunity for further subdivision given the area required to facilitate on-site wastewater treatment. The proposal seeks to connect the lots to reticulated sewer infrastructure, and as such, this allows consideration of reduced lot sizes given there is no requirement for on-site wastewater treatment.

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

32. On 27 March 2017, Ministerial Amendment VC110 to all Victorian planning schemes implemented significant changes to the Neighbourhood Residential Zone and other residential zones. This amendment introduced a mandatory 'garden area' requirement into the Neighbourhood Residential Zone and removed the restriction on the number of dwellings that can be built on land in the Neighbourhood Residential Zone. While there are transitional arrangements that state these changes do not affect applications lodged prior to this amendment date, any future dwellings on these lots would be subject to these new requirements. As such, it is important to ensure that lot configuration presented in this application will be able to meet the minimum garden area for when future development applications are lodged.
33. Indicative plans submitted to Council on 7 April 2017 show the proposed Lot 2 to be increased to an area of 881 square metres. Pursuant to the Neighbourhood Residential Zone, lots greater than 600 square metres require 35 per cent of garden area to be provided. As such, this site will require a garden area of 308 square metres. This allows for built form to have an area of 573 square metres. This is considered a considerable area for future development and allows enough room for a single dwelling to be appropriately sited on the lot. The building envelope proposed for Lot 3 is approximately 200 square metres in area which equates to 22 per cent of the total site area. It is considered that 35 per cent of the lot can readily be made available for a garden area. This will ensure that sufficient area is made available for future landscaping opportunities.
34. Given its location, Lot 3 will have a strong identity to the street and will play an important role in the streetscape character of the area. Given this, it is recommended this lot be further increased in size. Increasing this lot to exceed 900 square metres will result in a more balanced approach to the lots facing Warringah Crescent within the subdivision and will result in a more consistent streetscape character than what is currently proposed. This requirement can be addressed as permit conditions in the event that a permit is issued for this subdivision proposal.
35. The site is affected by the Significant Landscape Overlay (Schedule 2) and is within a 'Semi-Bush' precinct under Clause 22.12 (Neighbourhood Character Policy). Both place a strong focus on vegetation retention and enhancement. Subdivisions within these areas should be respectful of the surrounding landscape values of the area which can be achieved through minimising the need to remove vegetation, particularly canopy trees.

4. Officers' reports

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

-
36. While vegetation is located throughout the site, there are a number of locations where vegetation is not present. In relation to Lot 2, the proposed lot is generally devoid of vegetation given a vegetable garden used to be located within this area of the site. While this is the case, there are a number of trees located around the periphery of the proposed lot, both within the property boundaries and on adjoining properties. These trees are to be retained and therefore any future development on this lot will need to be responsive to this vegetation. Given the proposed lot size, there is generous room to ensure that these trees will not be impacted as a result of any future development. While any dwelling and vegetation impacts would be subject to a future planning assessment pursuant to the Significant Landscape Overlay (Schedule 2), these trees can also be further protected through this subdivision application via building exclusion zones given effect through a Section 173 Agreement registered on the title in the event a permit is issued.
37. Although a building envelope has not been proposed for Lot 2, there are Tree Protection Zones for trees to be retained that encroach into this lot and the inclusion of building exclusion zones within these areas will set an appropriate expectation for future development on this lot. This is particularly important for trees on Lots 1 and 3 that have sections of their Tree Protection Zones on Lot 2, as well as an *Exocarpos cupressiformis* (Cherry Ballart), which has a Tree Protection Zone of 3.6 metres located along the northern property boundary and semi-mature *Eucalyptus polyanthemos* (Red Box) which has Tree Protection Zone of 3 metres, located next to the existing garden shed. In the event that a planning permit is issued, this can be addressed through permit conditions.
38. Lot 3 contains considerable vegetation greatly restricting this lot for future development. A building envelope is proposed centrally on the site that has been designed to ensure the protection of surrounding vegetation. This building envelope is setback 9 metres from the southern boundary (Warringah Crescent) which is consistent with many properties within the area and will have a larger front setback than that currently afforded by the existing dwelling. The building envelope demonstrates that a dwelling can be adequately sited on this lot without compromising vegetation. This is an acceptable outcome in the context of the area. Similarly to Lot 2, the trees on this lot can be protected through this subdivision application by giving effect to this building envelope via a Section 173 Agreement registered on the title in the event a permit is issued.
39. A small portion of the building envelope for Lot 3 is located within the Tree Protection Zone of Tree No. 18, which is a high retention value mature *Eucalyptus polyanthemos* (Red Box). This encroachment equates to approximately 2.5 per cent of the Tree Protection Zone and is an acceptable encroachment under the Australian Standard AS4970-2009 (Protection of Trees on Development Sites). It is noted that the building envelope does not encroach into any other Tree Protection Zones and thereafter has been designed appropriately to ensure all trees on the site can be adequately retained for any future dwelling. Council's consulting arborist has also advised that whilst the proposed building envelope is shown within the Tree Protection Zone of Tree No. 18, the encroachment is minor and unlikely to have a major impact. The envelope is supported.

4. Officers' reports

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

40. The proposal nominates the removal of the following vegetation:

Tree no.	Botanical Name	Common Name	Origin	Permit required for removal
21	Melaleuca syphiloides	Pricky-leaved Paper Bark	NSW	No
29	Dead tree		Exotic	No
30	Eucalyptus cephalocarpa	Silver-leaved Stringybark	Vic/NSW	Yes
31	Eucalyptus goniocalyx	Long-leaved Box	Indigenous	Yes
32	Bursaria spinose	Sweet Bursaria (shrub)	Indigenous	Yes
33	Coprosma repens	Mirror Bush	Exotic	No

41. Tree No. 21, which is located on Lot 2, is not indigenous to the Shire and does not contribute greatly to the site or surrounding canopy character. Council's consulting arborist has advised that this tree has low arboricultural value due to poor structure and should not be a constraint on any future development. It is also noted that as this tree is not native to Victoria, a planning permit is not required for its removal.
42. Tree No. 31, which is required to be removed to facilitate access to Lot 3, is not an overly large species and while it provides vegetation character to the streetscape, its removal will not create a significant loss of vegetated character for the area. The vehicle access has been sited in the most reasonable position taking into consideration both safe vehicle movement to the site as well as the retention of high value vegetation. The access has been positioned to avoid the Tree Protection Zones of Tree Nos. 15 and 16 which are both large high retention value trees. Council's Infrastructure Maintenance Unit do not have any concerns with the removal of this vegetation given the quality of the vegetation to be removed and that the access has been designed to avoid high retention value trees. Given this, the location of the access and the subsequent removal of Tree No. 31 is considered an acceptable outcome.
43. Council's consulting arborist has also advised that the removal of Tree Nos. 29 - 33 (inclusive) is acceptable due to their low arboricultural value and that the removal of these trees will not drastically affect the vegetated character of the site or road reserve.

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

44. Tree Nos. 31 and 32 (the latter which is a shrub located adjacent to Tree No. 31) are indigenous to the Shire and are located within the road reserve. As such, this vegetation requires a planning permit pursuant to Clause 52.17 (Native Vegetation). Native vegetation removal under Clause 52.17 requires a Biodiversity Assessment Report to be submitted that calculates the total third party offset required for the vegetation to be removed. Council's Sustainability and Environment team has reviewed the plans and Biodiversity Assessment Report (BAR) and has advised that the indigenous tree removal on the road reserve has been calculated correctly and is acceptable. Council's Sustainability and Environment team has provided permit conditions outlining the offsets required for the removal of these trees in the event a permit is issued for the subdivision.
45. Further to the above, the 'Semi-Bush' precinct at Clause 22.12 (Neighbourhood Character Policy) aims to ensure lots (residential development) when viewed from a distance, appear to be tree covered and strongly promotes substantial indigenous or native trees that dominate the skyline and are common in gardens. The proposal is considered consistent with this objective as the site contains significant canopy cover that will be unaffected by the proposed subdivision. The site contains in excess of 50 trees and therefore the removal of one tree within the site will not have a significant detrimental impact on the 'Semi-Bush' vegetated character of the lot. The majority of trees within the site are located around the existing dwelling and will not be impacted by the subdivision or any future development on the new lots.
46. In relation to Lot 2, one of the major points of consideration is how a driveway can be appropriately located and constructed to ensure there are no detrimental impacts on Tree No. 26, located on the adjoining property to the north. Council's consulting arborist has made the following recommendations to ensure this tree remains viable:
- The common (existing concrete) driveway on the site must be modified so that it is located immediately along the southern boundary of the 'common property' and front section of Lot 2 where inside the Tree Protection Zone of Tree No. 26. Construction at this distance will achieve a setback greater than 3 metres from this tree;
 - The driveway must be constructed above existing grade and designed to be of a permeable surface;
 - A maximum of 50mm of the top grass/mulch layer can be removed for the driveway preparation;
 - All excavation for the proposed driveway must be supervised by a qualified arborist;
 - The driveway must be constructed prior to development on Lot 2;
 - The soil level between the driveway and Tree No. 26 must remain at the existing grade and this area must be mulched; and
 - Any future planting in between the driveway and Tree No. 26 should be limited to small shrubs and ground covers.

4. Officers’ reports

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

47. Given the above, it is considered that the driveway can be adequately sited and constructed without compromising the health and structure of Tree No. 26 on the abutting property. If in the event a planning permit is issued for the subdivision, the above requirements can be incorporated into permit conditions. Overall, the proposal is consistent with the objectives of the Significant Landscape Overlay (Schedule 2) and Clause 22.12 (Neighbourhood Character Policy).

Compliance with Clause 56 (Residential Subdivision)

48. The subdivision must also meet the requirements of Clause 56 (Residential Subdivision). For a three lot subdivision, the proposal must meet the requirements of all clauses, except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. The proposed subdivision complies with the objectives and measures of Clause 56 as per the following:

Clause 56 requirements	Response
Clause 56.03-5 C6 (Neighbourhood character)	The three lot subdivision has been designed to respect Neighbourhood Character, specifically the ‘Semi-Bush’ precinct of Clause 22.12 (Neighbourhood Character). The subdivision layout is in keeping with the varied pattern of development of the area and will result in appropriately sized lots for infill development. The subdivision will ensure the majority of trees on the site will be retained and that any future dwelling on each lot (design notwithstanding) can be sited to ensure appropriate integration with the surrounding urban environment.
Clause 56.04-1 C7 (Lot diversity and distribution)	There is no set lot density expected for this site, however the proposal can accommodate a range of dwelling sizes and designs given the proposed lot layout. The building envelope for Lot 3 will restrict dwelling size given nearby vegetation to be retained, however Lot 2 allows for greater flexibility in dwelling size while still maintaining vegetation within close proximity.
Clause 56.04-2 C8 (Lot area and building envelopes)	A building envelope has been provided for Lot 3 while Lot 2 will require building exclusion zones in order to protect a significant amount of vegetation on the site. The subdivision is creating lots greater than 300 square metres and as such ResCode (Clause 54) considerations do not apply.

4. Officers' reports

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

Clause 56 requirements	Response
Clause 56.04-3 C9 (Solar orientation to lots)	The site is orientated in a way that will allow for future dwellings to maximise solar orientation. Lot 2 will have a substantial north facing element and Lot 3, while located to the south of the site, has a building envelope sufficiently setback from the northern boundary to ensure adequate solar access for any future dwelling.
Clause 56.04-4 C10 (Street orientation)	Lot 3 will directly front Warringah Crescent to the south and will allow for strong dwelling integration with the street while Lot 2 will be in a battle-axe formation that fronts Warringah Crescent to the east. The existing dwelling will also provide Lot 2 with passive surveillance to the accessway to the north of the site
Clause 56.04-5 C11 (Common area)	The common area has been clearly identified and delineated for access to Lot 2, via the existing crossover for Lot 1 (existing dwelling). The common property has been appropriately sited and still allows for the existing dwelling to exit the site in a forwards direction.
Clause 56.05-1 C12 (Integrated urban landscape)	No public space is proposed as part of this subdivision.
Clause 56.06-2 C15 (Walking and cycling network)	No walking or cycling network is proposed as part of this subdivision (no roads are proposed) and all walking and cycling will be via the existing road network.
Clause 56.06-4 C17 (Neighbourhood street Network)	The sites have direct access to established roads and as such, easy and safe movement to and from the site are achievable.
Clause 56.06-5 C18 (Walking and cycling network detail)	No walking and cycling infrastructure is proposed as part of this subdivision
Clause 56.06-7 C20 (Neighbourhood street network detail)	No carriageways or verges are proposed as part of this subdivision

4. Officers' reports

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

Clause 56 requirements	Response
Clause 56.06-8 C21 (Lot access)	Conditions of any permit issued for the subdivision will require the access arrangements for each lot to be constructed in accordance with the endorsed plans. Council's Infrastructure Development Unit is satisfied the access to all lots is acceptable and will allow for safe vehicle movements exiting and entering the site.
Clause 56.07-1 C22 (Drinking water supply)	The subject site will be connected to potable water services.
Clause 56.07-3 C24 (Wastewater management)	The subject site is proposing to connect to the reticulated sewer to the north of the subject site. This will be via high pressure connection. The application was referred to Yarra Valley Water for comment who raised no concern with the proposed sewer connection.
Clause 56.07-4 C25 (Urban run-off management)	Council's Infrastructure Development Unit has provided conditions for stormwater management. Furthermore, all lots are proposed to be connected to existing Council Infrastructure within Warringah Crescent where stormwater infrastructure is available.
Clause 56.08-1 C26 (Site management)	The proposed works required for the subdivision are relatively minor and are generally confined to the access for Lot 3 and the common property modifications. The main consideration of these works will be nearby tree retention which will be managed via established tree protection zones and tree protection fencing to be installed prior to works commencing.
Clause 56.09-1 C27 (Shared trenching)	The site will maximise shared trenching, particularly in regards to connecting pressure sewer from all three lots. Given the slope of the land, shared trenching is not an option for drainage infrastructure, however services will be installed via directional boring to ensure existing vegetation is to be retained.

4. Officers' reports

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

Clause 56 requirements	Response
Clause 56.09-2 C28 (Electricity, telecommunications and gas)	All services will be provided to the lots in consultation with the relevant authorities.
Clause 56.09-3 C29 (Fire hydrants)	There is a fire hydrant located within 120 metres of the rear of each lot.
Clause 56.09-4 C30 (Public lighting)	No public lighting is proposed.

Public open space contribution

49. Section 18(1) of the *Subdivision Act 1988* states that 'Council acting as a responsible authority under the *Planning and Environment Act 1987* may require the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision to pay or agree to pay to the Council a percentage of the site value of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent'.
50. It is noted that there is limited available public open space in the immediate vicinity of the subject land and the areas of public open space in the broader area would benefit from updated facilities provided through this contribution. As such, a five per cent contribution is an appropriate requirement and can be addressed via a condition on any permit issued.

Response to objections received

51. The written objections have raised a number of concerns with respect to the proposed subdivision. Issues regarding strategic location, neighbourhood character and tree removal and impacts have been discussed in earlier sections of this assessment. A response to those issues not previously assessed in this report is included below.

Increased traffic, car parking issues and safety issues

52. The location of the proposed vehicle access and crossover has raised concerns in regards to safety, specifically cars entering and exiting the site within close proximity to the corner of Warringah Crescent. It is noted that the new crossover for Lot 3 will be located in excess of 40 metres from the street corner and will be setback a greater distance than the existing crossover for the site. Furthermore, there are three crossovers in the street located closer to or on the corner of this street, indicating that vehicles can safely enter and exit properties closer to the corner than what is proposed under this subdivision. The application was referred to Council's Infrastructure Development Unit who did not require a traffic or car parking report and raised no concerns with the access proposed under this subdivision. The subdivision will result in additional car movements, however two new households within the street

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

will not create unnecessary noise or traffic problems within the area. The proposed lots are also of a size where future on-site car parking can be accommodated. The building envelope for Lot 3 allows space where a future garage may be accommodated to provide for off-street car parking.

Sewer Connection

53. The proposal seeks a pressure sewer system to connect to the existing sewer line to the north of the subject site. Concern has been raised in regards to this system, particularly if it fails and the impact a failure would have on adjacent lots. The application was referred to Yarra Valley Water for comment who raised no objection. Furthermore, Council's Environmental Health Team has advised that this area of Eltham is a 'declared sewer area' and as such any proposal on the land must connect to reticulated sewer. Clause 3.12 of the Code of Practice (Onsite Wastewater Management) states that State Environment Protection Policy – Waters of Victoria (SEPP) requires councils to issue planning permits with a requirement that reticulated sewerage is provided at the time of subdivision if sewer is available. This requirement would also apply to any development on the land (new dwelling or dwelling extension) and would also be a requirement if the subdivision was only for one additional lot. As such, on-site septic systems cannot be considered by Council within a designated sewer area. Any septic system within a declared sewer area must get specific approval from the regional water authority, which in this case is Yarra Valley Water.
54. In relation to the potential failure of the pressure sewer system. Council's Environmental Health Team has advised that any specifications of the sewer system are overseen and conducted by Yarra Valley Water. As the governing body of this infrastructure, Yarra Valley Water ensures that the site is suitable for connection to reticulated sewer, even if via a high pressure system.
55. Lastly, the sewer line can be installed without impacting existing vegetation through directional boring at a minimum depth of 600mm. In the event a permit is issued for the subdivision, these directional boring requirements can be addressed through permit conditions.

Stormwater runoff

56. Concern was raised that the incorporation of more dwellings will increase existing stormwater runoff and flooding issues. It is noted that this application is for subdivision only, however the proposal is seeking to connect to drainage infrastructure within the street. In the event a planning permit is issued for a dwelling on the new lots, separate drainage conditions will be required in addition to the requirements set out for this subdivision. The application was referred to Council's Infrastructure Development Unit who required that connection to the Council drainage infrastructure was demonstrated on the plans. Furthermore, it has been requested that a 2 metre wide easement is created over the proposed drainage line along the western boundary of Lot 3. The application has demonstrated that all lots can connect to drainage infrastructure within the area.

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

Loss of privacy

57. In relation to the issues raised that the subdivision of the land and future dwellings will result in a loss of privacy to surrounding lots and existing views will be affected, this application is for subdivision only and any overlooking will need to be addressed via a building permit (assessed against the relevant Building Regulations) for any proposed future development on the lots.

Proposed lots not accessible for the disabled

58. Disability access has been raised as a concern for the proposed lots. While there is a slope to the site, any disability requirements will be the subject of a future building design. The driveway envelope for Lot 3 has a small section where driveway grades will be 25 per cent (1 in 4), however the length of 25 per cent is less than 20 metres which meets the requirements of Clause 52.06 (Car Parking). This shorter distance allows for people of more limited mobility to gain access by foot into the site.

The subdivision will set a precedent

59. Precedent was also raised as a concern by objectors, implying a three lot subdivision approved for this site will allow for all lots within close proximity to do the same. All planning applications must be assessed on their own individual planning merit. For instance, a three lot subdivision may be appropriate for this particular site but not for a property down the road by virtue of different site constraints.

Conclusion

60. The application seeks to subdivide the land into three lots, to create an easement and for the associated vegetation removal. The application has attracted 14 written objections. The key planning issues to consider relate to response to State and Local planning policy, extent of vegetation removal, neighbourhood character, access and stormwater and wastewater management.
61. The proposed subdivision supports the purpose of the Neighbourhood Residential Zone (Schedule 7) by ensuring that future development facilitated by residential subdivision can respect the identified neighbourhood character of the area. The proposed subdivision can therefore respond appropriately to the objectives of Clause 22.12 (Neighbourhood Character Policy) and Clause 43.03 (Significant Landscape Overlay – Schedule 2).
62. It is recognised that properties within this part of Eltham vary greatly in size. The existing site is well vegetated and can continue to retain trees even with future additional development resulting from this subdivision proposal. The proposal accommodates two additional lots without compromising canopy vegetation and is appropriate in the context of the prevailing development pattern of the area.
63. All lots can adequately connect to services within the area, including reticulated sewer to avoid the requirement for on-site wastewater treatment systems. The proposed subdivision also complies with the relevant objectives and standards of Clause 56 (ResCode).
64. In light of the above planning assessment, the application warrants support, as reflected in the officer recommendation.

4. Officer reports**FN.020/17 Nillumbik Lifetime Play Strategy**

Distribution: Public**Manager: Naomi Paton, Acting General Manager Community and Leisure****Author: Nichole Johnson, Coordinator Strategy Projects - Community and Leisure****Nadine Wooldridge, Coordinator Community Leisure****Portfolio: Community Services Portfolio****Summary**

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

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

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

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

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

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

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

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

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

4. Officer reports**FN.020/17 Nillumbik Lifetime Play Strategy**

Attachments

1. Draft Lifetime Play Strategy

Background

1. Council manages 68 playgrounds on Council owned or managed land. Eltham Lower Park Accessible Play Space, Eltham and Eltham North Adventure Playground, Eltham North are considered regional playgrounds, and Alistair Knox Park, Eltham is categorised as a municipal playground. There are currently no regional or municipal playgrounds in the Shire north of Eltham North.
2. The remaining 65 playgrounds typically contain manufactured play equipment with the space defined by timber edging and tan bark soft fall. These playgrounds predominantly cater for children aged zero to eight, whilst very few cater for those aged eight to 18 or older.
3. Council also manages three skate parks, one BMX track, many parks and reserves (including active, passive and nature reserves and dog off leash parks) that provide a range of informal active and recreational nature based play, four half courts and one hit up wall and one outdoor exercise area with gym equipment.
4. The current playground renewal program is largely driven by compliance with playground standards, the age of equipment and the need to deliver within a limited annual renewal budget. Council has limited capacity to respond to the diverse play needs taking into consideration demographics, community needs and catchment and the optimal spread of opportunities across the Shire. This typically results in the replacement of like-for-like standard playground infrastructure rather than delivering quality and diverse play experiences across all ages.
5. The need for a Play Strategy was identified in the Nillumbik Recreation Strategy 2011-2019. The Recreation Strategy also identified the need to consider the provision of 'pick up games' such as half court netball and basketball pads, fitness equipment, hot shots tennis courts, mini soccer and informal games opportunities.
6. The Lifetime Play Strategy – all ages play framework considers the opportunities for broader inter-generational and multi-functional spaces across Nillumbik.
7. The Strategy recognises the needs of different users and that the space where they play or socialise will have different characteristics, spatial, infrastructure and location requirements.
8. Lifetime play spaces are those which offer people of all ages and abilities the best possible chance of health, wellbeing, and social, economic, environmental and civic engagement.

Policy context

9. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will provide recreation and sports facilities and services to enhance social participation and to help our community be active and healthy.

4. Officer reports

FN.020/17 Nillumbik Lifetime Play Strategy

10. This report includes priority actions proposed in the draft Council Plan 2017-2020:
 - Develop and implement an integrated strategy for managing open space and parkland
 - Implement the Lifetime Play Strategy in natural and man-made spaces across the Shire
11. Implementing the Strategy contributes to our Living the Landscape.

Budget implications

12. The overall project budget is \$30,000.
13. Council secured State Government funding of \$15,000 through the Community Sports Infrastructure Fund.

Consultation/communication

14. In October 2015 Council was briefed on the Nillumbik Lifetime Play Strategy scope.
15. Community consultation informing the draft Strategy commenced in May 2016. Five community based drop in sessions were conducted.
16. These sessions engaged residents and gathered feedback from a broad section of the community on their desires and aspirations for future provision of play across the Shire.
17. Through May and June 2016 an 'Our Say' online forum operated providing opportunities for discussion and debate across the wider community on Council's future provision of play across all ages. A total of 115 people were engaged.
18. In addition, focus group sessions were held in May 2016. The focus group consisted of community members nominated from Council's Advisory Groups and community based agencies. The focus group provided input into the preparation of the Strategy and disseminated information and encouraged stakeholders and the broader community to participate in the online forum.
19. Once endorsed, the Lifetime Play Strategy - Planning Framework document will be released for consultation for a four week period commencing 17 May to 14 June 2017.
20. Council will actively promote this final consultation opportunity and seek feedback via the below networks and methods:
 - a. Social media, Council's website- have your say page.
 - b. Networks across early years, positive ageing, youth, schools, economic development, tourism, community development and arts and culture.
 - c. Community groups and organisations including Council's advisory committees, Rotary and Lions clubs, men's sheds, Nillumbik U3A, friends of groups, playgroups.
21. Council will also consult with those who provided feedback which has helped shape the draft strategy, as well as adjacent local government areas, State Government via DELWP and DHHS (Sport Recreation Victoria) and peak body Play Australia.

4. Officer reports**FN.020/17 Nillumbik Lifetime Play Strategy**

Issues/options

22. The Lifetime Play Strategy project delivers a comprehensive planning framework to deliver inclusive and well-designed play environments for all ages.
23. Whole of life play opportunities in different settings will contribute to the Council's vision of being Australia's most liveable shire. Implementing the Strategy will help deliver upon Council's strategic objectives around community health and wellbeing, social inclusion, community connectedness, activated spaces, quality public realm, a thriving tourism sector and strengthened economic activity.
24. In responding to the Council vision and goals articulated in the draft Council Plan 2017-2020, four pillars of play have been identified in the draft Strategy:
 - The art of play: valuing our creative communities and delivering play through public art and contributing to the public realm and local identity through playful spaces. Examples include climbable sculptures or artistic surface treatments.
 - The nature of play: immersing play through the natural environment supports our living in the landscape. Examples include natural design elements and materials in play, allowing for imaginative play, exploration and contemplation.
 - The health of play: active play spaces offer a range of health and wellbeing outcomes. Supporting physical activity through play has lifelong benefits, for all ages. Examples include parkour, half-courts, table tennis tables and climbing walls.
 - The connection of play: social connections through play are critical in building and sustaining strong communities. Inclusive playspaces support connections across generations and across communities. Examples include skate parks, seats, paths, and flexible spaces to gather and celebrate.
25. The planning framework identifies a vision and principles for the design, provision, engagement, distribution, management of play spaces.
26. A review of the provision, type, location, condition and maintenance requirements of existing playgrounds and active informal play facilities against the framework will inform the preparation of a prioritised 10-year implementation plan. This work is scheduled to be completed by September 2017.
27. The implementation plan will identify gaps or over supply in provision of play spaces and facilities within catchments based on the planning framework principles and current provision. Some of the recommendations may require a budget allocation, others may not. Projects requiring a budget allocation will be referred to detailed scoping in accordance with Council's capital works planning process each year for accuracy.
28. The implementation plan will be realistic, achievable and take into consideration Council's finite resources, renewal obligations and make suggestions for sustainable provision based on realistic budget allocations. The Plan will be reviewed and updated annually.

4. Officer reports

FN.020/17 Nillumbik Lifetime Play Strategy

Conclusion

29. The Lifetime Play Strategy provides a framework for the long term re-imaging of play for the Shire of Nillumbik.
30. The Planning Framework identifies a vision and principles of the design, provision, engagement, distribution, management of play spaces and anticipated community outcomes enhanced from future investment.
31. Following the adoption of this framework all play spaces will be assessed against these guiding principles.
32. Once endorsed by Council the Strategy will be released for a 4 week consultation period until 14 June 2017.
33. A report to Council incorporating community feedback and a finalised strategy for consideration and adoption is scheduled for 27 June 2017.

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

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

Summary

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

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

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

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

Recommendation

That the Committee (acting under delegation from Council):

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

Attachments

1. Graysharps Road Precinct Area
2. Key Stages Flow Chart
3. Open Space Precinct Plan Terms of Reference

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

Background

1. The purpose of this report is to seek Council's endorsement of the proposed process for the preparation of an Open Space Precinct Plan for Graysharps Road, Hurstbridge and draft Terms of Reference for the appointment of a Councillor led Project Reference Group.
2. The Graysharps Road precinct area is generally bounded by Arthurs Creek Road to the north, the railway line to the east and the Diamond Creek to the south and west. A map of the precinct area is in Attachment 1. Connections with the Main Road area of Hurstbridge will also be considered.
3. The Hurstbridge Township Strategy 2002 and Hurstbridge Concept Plan 2010 identified a number of issues and actions relating to improvements required within the precinct and connections with the Main Road area of the Township.
4. In August 2016, Council commenced work on the preparation of a Precinct Masterplan for publicly owned land around Graysharps Road, Hurstbridge then excluding land purchased by Council for the purposes of housing development known as Lot 1, Graysharps Road.
5. At the 22 November 2016 Ordinary Meeting of Council, Council resolved to prepare a Recreational and Open Space Plan for the Graysharps Road precinct. It was at this point that work on the Precinct Masterplan ceased.

Policy context

6. This report directly supports the achievement of Council Plan 2013-2017 strategy:
 - We will engage the community in enhancing local neighbourhoods to make them welcoming and vibrant places.

Budget implications

7. Funding of \$35,000 is available in the 2016-2017 budget to support the development of the precinct plan. These funds have been redirected from the Lot 1 Graysharps Rd project funded through Council's new initiative program.

Consultation/communication

8. Preparation of the Precinct Masterplan, led by urban planning and design consultancy Hansen Partnership, involved initial discussions and workshops with a number of key stakeholders within the precinct in late 2016.
9. Stakeholders included sporting clubs, pre-schools, men's shed, Hurstbridge Hub users, Hurstbridge Community Voice, local landcare groups, Hurstbridge Traders Association, CFA, Public Transport Victoria, Metro Trains and VicTrack who identified issues, opportunities and constraints within the precinct. These groups will again be engaged in this next phase of precinct planning.
10. As outlined in Attachment 2 it is proposed that the community will be engaged throughout the life of the project, beginning with the 'Town and Country Connect Expo' on Saturday 20 May 2017. It is anticipated the range of community engagement methods will include drop in sessions, displays, workshops, surveys and bulletins, as agreed to by the proposed Project Reference Group.

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

11. A Project Reference Group (PRG) chaired by Bunjiil Ward Councillor will be appointed to provide local knowledge and advice in relation to goals and aspirations for the Precinct. A copy of the Draft Terms of Reference is in Attachment 3. It is anticipated that the PRG will meet several times during the life of the project and act as an advocate for the Precinct Plan outcomes.

Issues/options**Open Space Precinct Plan**

12. It is proposed that development of the Open Space Precinct Plan be undertaken through the key stages flow chart as shown in Attachment 2. This includes project bulletins, a discussion paper, community engagement as outlined above and a draft precinct plan.
13. Feedback from the 2016 precinct plan consultation will inform a discussion paper that is proposed to be released as part of the first phase of community engagement.

Lot 1 Graysharps Road rezoning

14. In addition to resolving to prepare an Open Space Plan for the Graysharps Road precinct, Council also resolved at the 22 November 2016 Ordinary Meeting of Council to:
- Abandon any plans to sell Lot 1 Graysharps Road, Hurstbridge to developers and that the process to rezone Lot 1 Graysharps Road, Hurstbridge to Public Park and Recreation Zone (PPRZ) immediately commence.
15. The land at 44 Graysharps Road, Hurstbridge (known as Lot 1) formed part of the old Hurstbridge School site that ceased operation in 1998. The land was purchased by Council in 2014 from the Department of Education and Training as an interim measure to facilitate the future development of the land by suitable agencies, for diverse and accessible housing for all ages and abilities in Hurstbridge.
16. In order to facilitate the development of the land for housing, the site was rezoned from Public Use Zone 2 (Education) to Township Zone with a Development Plan Overlay applied to the site through Amendment C85 to the Nillumbik Planning Scheme that was approved by the Minister for Planning in 2015.
17. As work is proposed to commence immediately on the preparation of the Open Space Precinct Plan that incorporates the Lot 1 land, it is recommended that immediate rezoning of the Lot 1 parcel to a Public Park and Recreation Zone is deferred until after a draft Precinct Plan has been prepared in consultation with the Hurstbridge community and the Project Reference Group. Deferring the immediate rezoning of the land will enable the zone applied to Lot 1 to be further considered in accordance with the preferred options identified by the community.

Conclusion

18. This report outlines the proposed process for the preparation of an Open Space Precinct Plan for Graysharps Road, Hurstbridge and draft Terms of Reference for the appointment of a Councillor led Project Reference Group for Council's adoption and endorsement.

4. Officer's reports

FN.021/17 Open Space Precinct Plan, Graysharps Road, Hurstbridge

19. Subject to Council's endorsement at this meeting, the next step is to advertise for members of the Project Reference Group and to commence the preparation of an Open Space Precinct Plan for Graysharps Road, Hurstbridge.
20. This report also recommends that rezoning of land known as Lot 1 Graysharps Road to a Public Park and Recreation Zone is deferred until after a draft Precinct Plan has been prepared for the Precinct.
21. Community engagement on the Plan will commence with the 'Town and Country Connect Expo' on Saturday 20 May 2017.

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

Distribution: Public**Manager: Naomi Paton, Acting General Manager Community and Leisure****Author: Naomi Paton, Acting General Manager Community and Leisure****Portfolio: Social Infrastructure****Summary**

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

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

The ageing sports pavilion is no longer fit-for-purpose. Player and umpire change facilities are inadequate, inaccessible and outdated. The social room is undersized at 60m², and restricts clubs' social activities.

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

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

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

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

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

- 1. Notes that two options for a pavilion redevelopment at Research Park have been prepared, of which the industry-standard option only can be delivered with the available budget.**

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

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

Attachments

1. Research Park pavilion redevelopment - options assessment against facility guidelines
2. Research Park pavilion redevelopment - single storey concept design
3. Research Park pavilion redevelopment - single storey cost plan
4. Research Park pavilion redevelopment - two storey concept design (lower level)
5. Research Park pavilion redevelopment - two storey concept design (upper level)
6. Research Park pavilion redevelopment - two storey cost plan

Background

1. Research Park sportsground is home to seasonal sports clubs Research Junior Football Club (RJFC) and Research Eltham Collegians Cricket Club (RECCC), occupying facilities under separate seasonal tenancy agreements with Council. The class B sportsground is suitable for junior-only football and senior and junior cricket. The ground is operating at capacity in the winter season.
2. The Park is situated on a heavily vegetated, steep and sloping site. Layout of the narrow internal road network, limited car parking, challenging topography and the centralised location of the sports pavilion, scout hall and tennis courts cause significant congestion at peak times.
3. RECCC has 205 senior and junior members and fields 18 teams. The Club uses facilities at both Research Park and Eltham College for training and competition.
4. RJFC has 267 junior members playing across 13 teams. The Club is affiliated with the senior-only Lower Plenty Football Club (LPFC). The affiliation provides a participation pathway for members from Auskick to senior (currently limited to males) football. RJFC plans to field an U18 girls team in 2018, and is advocating to LPFC to field senior women's teams in the future.
5. Female participation has grown across both clubs to 59 members over the past four years, an increase of more than 250 per cent.

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

6. The sports pavilion is no longer fit-for-purpose. It does not meet cricket or football facility guidelines, does not comply with the Disability Discrimination Act and does not adequately provide for females.
7. Council has been working with RJFC, RECCC and State Government to upgrade the sports pavilion following confirmation of the State's \$200,000 election commitment in 2014.

Policy context

8. This report directly supports the achievement of the following draft Council Plan 2017-2021 strategies:
 - a) Ensure that the provision of community infrastructure responds to community needs.
 - b) Provide a range of infrastructure that encourages people of all ages to participate in a variety of active and passive opportunities.
 - c) Create and activate places and spaces that have good connectivity, provide needed infrastructure and promote social interaction.
9. Council has an objective and responsibility to facilitate sports participation through the prioritised development and management of fit-for-purpose facilities. There is significant pressure on Council's budget to deliver the necessary upgrades to sports pavilions, most of which do not meet facility guidelines, legislation, contemporary community expectations or address growing participation demands particularly the unprecedented growth in female participation. In the interest of fairness and equity to all sports clubs, extending community facilities to incorporate above standard provision is not efficient use of public funding.
10. In prioritising investment and upgrading facilities to industry standard, Council is observing the sound financial management principles of Sustainable Budgeting, Asset Renewal, New Assets and User Pays detailed in Council's Financial Sustainability Plan 2013.

Budget implications

11. \$2.29 million is available to upgrade the pavilion.
 - a) Council has allocated \$150,000 in the 2016-2017 budget and a further Council contribution of \$1 million is proposed in the draft 2017-2018 budget.
 - b) The project has attracted \$1.110 million in external funding through State Government (election commitment \$200,000, Growing Suburbs Fund \$650,000 and Community Sports Infrastructure Fund \$100,000) and sports club contributions from RJFC \$150,000 (cash and borrowings) and RECCC \$10,000.

4. Officers' reports

FN.022/17 Research Park pavilion redevelopment options

12. Two redevelopment options (detailed below) and cost plans have been prepared.
 - a) Option one can be fully funded within the available budget with a surplus of \$912,000.
 - b) Option two has a funding shortfall of \$739,000.

Consultation/communication

13. The Research Park Project Reference Group, consisting of club representatives, Cr Bruce Ranken (Chair) and Cr Jane Ashton, State Member for Eltham Vicki Ward, Sport and Recreation Victoria and officers, has met periodically since 2015 to progress planning, seek now confirmed additional external funding and prepare concept designs.
14. Officers have negotiated with State Government Department of Environment, Land, Water and Planning representatives to enter into a funding agreement for the Growing Suburbs Fund grant. The contract requires the pavilion redevelopment be completed by December 2018.
15. Negotiations with State Government Department of Health and Human Services representatives on separate funding agreements for the Community Sports Infrastructure Fund grant and 2014 election commitment will continue once the redevelopment scope is confirmed.
16. Officers have also consulted with Park tenants 1st Research Scouts Group and Research Tennis Club. Neither indicated any demand for access to a redeveloped sports pavilion.

Issues/options

17. The ground's use and capacity determines the required player, spectator and umpire amenities reflecting AFL Victoria and Cricket Australia's facility guidelines.
18. Whilst additional change rooms to service the increased number of girls playing football and cricket is not a requirement by either sport, providing four change rooms makes it easier for the clubs to accommodate all players irrespective of gender.
 - a) The Community Sports Infrastructure Fund grant was awarded in the Female Friendly Facilities category and helps fund the delivery of two additional change rooms. In securing the grant, both clubs committed to further growing female participation.
19. During the football season RJFC's use of the ground is at capacity. The Club fields 13 teams, an increase of three teams since 2013. To support the Club's continued growth in response to community need, particularly female participation which has grown to 39 members in 2017, access to an additional floodlit sportsground for both training and competition is essential.
20. To support RJFC's forecast growth, particularly female football, officers will continue to work with the Club and the Northern Football League in exploring opportunities to develop new or access existing sportsgrounds within the Club's catchment. Opportunities include access to school facilities or, longer term, developing new sites such as Kangaroo Ground former landfill for sport.

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

21. RECCC has a long-standing affiliation with Eltham College – the Club was established in 2010 following the amalgamation of Research Cricket Club and Eltham College Cricket Club. RECCC uses the College's sportsgrounds for training and competition in addition to facilities at Research Park. Facilities at both Research Park and Eltham College will service the Club's playing needs into the future, including their aspirations to grow their female program.
22. Officers have had several recent meetings with Eltham College to discuss the College's vision, and their aspiration to strengthen partnerships with the local community and deliver on their commitments to civic leadership and developing a school community engaged locally and globally.
23. The College is keen to explore with Council and the community opportunities for future co-investment in facilities benefiting both the College and wider Nillumbik community. Establishing partnerships with education providers to deliver sport participation outcomes is a priority in Council's Recreation Strategy 2011-2019.
24. An assessment of the sportsground's use has informed two options. A comparison of the proposed scope for each option against sports facility guidelines is provided in Attachment 1.
 - a) Option one - A fit-for-purpose single-storey pavilion meeting AFL and cricket facility guidelines.
 - i) The concept plan (Attachment 2) includes two-additional change rooms, umpire rooms, accessible amenities and a 100m² social room.
 - ii) The construction cost estimate (Attachment 3), including all on costs and contingencies, is \$1.348 million allowing for escalations for a May 2018 completion.
 - b) Option two - A two-storey sports pavilion exceeding AFL and cricket facility guidelines.
 - i) The concept plan (Attachments 4 and 5) details:
 - (1) Player, umpire and spectator facilities (as per option one) and canteen on the ground level.
 - (2) A 140m² social room, committee room, two offices, bar, kitchen and elevated deck on the second floor.
 - ii) The cost estimate (Attachment 6) including all on costs and contingencies is \$2.789 million escalated for a March 2019 completion. A further \$210,000 is required to upgrade the Park's power and water supply to service the larger facility. Combined, there is a \$739,000 funding shortfall.
25. A summary of available funds, cost estimates and exclusions is presented below.

4. Officers' reports

FN.022/17 Research Park pavilion redevelopment options

	Option 1	Option 2
Available budget	\$2,260,000* <i>*On adoption of 2017-2018 Council budget</i>	
Cost estimate	\$1,348,000	\$2,789,000
Exclusions	NA	Power upgrade \$120,000 Increased fire safety measures \$90,000 (triggered by larger floor area)
Net result	<i>\$912,000 surplus</i>	<i>\$739,000 shortfall</i>
Additional costs (optional)	Car parking and associated drainage, vegetation removal/offsets and landscaping \$350,000 to address existing undersupply.	

26. Both Clubs have a strong preference for option two, with the larger social room to better accommodate club social functions. Both clubs currently incur higher costs to hire venues for larger club functions. Developing function facilities will increase revenue through food and beverage sales which could be reinvested in further improved sporting facility developments as well as enhance the clubs' overall financial viability.
27. Research Park is underserved for car parking. It is estimated up to 50 additional bays are necessary to meet existing Park-wide demands, including scouts and tennis. Additional car parking could be delivered by widening and sealing internal roadways and verges.
 - a) A detailed traffic assessment will inform car parking layout, design (including drainage, vegetation removal, earth works, retaining walls etc) and costings, should Council wish to include this component in the overall scope.
 - b) Additional hard paving will increase stormwater runoff which will need to be captured and/or diverted.

Conclusion

28. The preparation of two options for the redevelopment of Research Park pavilion report has been prepared following considerable planning by Research Junior Football Club, Research Eltham Collegians Cricket Club and State Government representatives from Sport and Recreation Victoria.
29. Use, size and carrying capacity of the sportsground, together with AFL Victoria and Cricket Australia facility guidelines has helped inform the scope of each option.
30. Option one is a fit-for-purpose facility reflective of industry standards which can be delivered with a saving of \$912,000. Option two delivers a two-storey building with ground floor player and umpire facilities as per option one and larger social room, separate bar, canteen and kitchen, committee room and offices on the first floor. There is a funding shortfall of \$739,000.

4. Officers' reports

FN.022/17 Research Park pavilion redevelopment options

31. Both clubs strongly favour the two-storey pavilion providing enhanced social facilities for member benefit. In the interest of fairness and equity to all sports clubs, and in light of the Park operating at capacity at peak times, officers recommend option one which delivers a fit-for-purpose facility, reflective of Council and peak sporting body standards for seasonal sports pavilions.
32. Officers also recommend further traffic management investigations to address the current car parking undersupply and congestion at Research Park, and further exploring additional use of and improvements to the sports facilities at Eltham College.

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

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

Motion

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

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