



Ordinary Meeting of Council

held at
the Civic Centre, Civic Drive, Greensborough
on Tuesday 24 June 2008.

MINUTES

Andrew Port
Group Manager Corporate Services

25 June 2008



Distribution: Public

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Ordinary Council meeting seating plan

Cr Michael Young EDENDALE WARD	Cr Bo Bendtsen ELLIS WARD
Cr Peter Yates COTTLE WARD	Cr Helen Coleman LENISTER WARD
Cr Bronnie Hattam COLEMAN WARD	Cr Howard Bulmer SUTHERLAND WARD
Cr Bill Penrose ALLWOOD WARD	Cr Greg Johnson WINGROVE WARD
Vin McKay Group Manager Leisure and Community Services	Suzy Ellingsen Acting Group Manager Infrastructure Services
Stuart Caldwell Acting Group Manager Environment and Planning Services	Andrew Port Group Manager Corporate Services
Cr Warwick Leeson (Mayor) YANAKIE WARD	Bill Forrest Chief Executive Officer

Other Council officers in attendance:-

Allison Watt, Manager Communications
Helen Sui, Manager Finance
Darren Bennett, Manager Leisure Services
Adrian Cully, Manager Social and Cultural Development

Peter Alvarez, Design Coordinator
Wayne Trull, Coordinator Governance and Corporate Information
Chad Griffiths, Coordinator Strategic Planning
Jeremy Livingston, Coordinator Statutory Planning

Nillumbik Shire Council

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Nillumbik Shire Council

Minutes of the Ordinary Meeting of Nillumbik Shire Council held
Tuesday 24 June 2008. The meeting commenced at 7.40pm.

Present:

Cr Warwick Leeson	Yanakie Ward (Mayor)
Cr Bill Penrose	Allwood Ward
Cr Bronnie Hattam	Coleman Ward
Cr Peter Yates	Cottle Ward
Cr Michael Young	Edendale Ward
Cr Bo Bendtsen	Ellis Ward
Cr Helen Coleman	Lenister Ward
Cr Howard Bulmer	Sutherland Ward
Cr Greg Johnson	Wingrove Ward

Officers in attendance:

Bill Forrest	Chief Executive Officer
Andrew Port	Group Manager Corporate Services
Stuart Caldwell	Acting Group Manager Environment and Planning Services
Suzy Ellingsen	Acting Group Manager Infrastructure Services
Vin McKay	Group Manager Leisure and Community Services
Allison Watt	Manager Communications
Helen Sui	Manager Finance
Darren Bennett	Manager Leisure Services
Adrian Cully	Manager Social and Cultural Development
Peter Alvarez	Design Coordinator
Wayne Trull	Coordinator Governance and Corporate Information
Chad Griffiths	Coordinator Strategic Planning
Jeremy Livingston	Coordinator Statutory Planning

Welcome

1. Reconciliation statement

The reconciliation statement was read out by the Mayor.

2. Good governance pledge

The good governance pledge was read out by Cr. Bo Bendtsen

3. Apologies

Nil

Cr Warwick Leeson read a short statement in relation to the Special Meeting held immediately prior to the Ordinary Meeting of Council on 24 June 2008, stating that the matter is still under consideration, and, at this stage no further comment will be made.

4. Presentations

Scouts Australia, Nillumbik district

A Centenary scarf was presented to the Mayor and Deputy Mayor and Chief Executive Officer by Greg Nash, Nillumbik District Commissioner, and representatives from nine local Scout groups.

Presentation for Sporting Achievement Grants

Olivia Bontempelli received \$150 for her participation in the 2008 under 16 Girls Victorian Metropolitan team. The team will compete at the Junior National Basketball Championships in Kalamunda, Western Australia.

Cade Pettie received \$150 for his participation in the 2008 Victorian Gymnastics team. Cade will compete in the under 12, level six boy's category, at the National Gymnastics Championships in Brisbane.

Talen Pettie received \$150 for his participation in the 2008 Victorian Gymnastics team. Cade will compete in the under 12, level six boy's category, at the National Gymnastics Championships in Brisbane.

Presentation for Cultural Achievement Recognition Certificate

Isobel Yates received a certificate to recognise her participation in the Ivanhoe Grammar School Cambodia project group. The group will travel to Cambodia to assist in the building of houses in a remote village near Siem Reap, teaching English at a high school, providing books, stationary and sporting equipment to the school, and visiting a local orphanage.

Nillumbik Shire Council wishes them every success with their future sporting and cultural pursuits.

5. Confirmation of minutes

Confirmation of minutes of the Ordinary Meeting of Council held on Tuesday 27 May 2008.

Confirmation of minutes of the Policy and Services Committee held on Tuesday 10 June 2008.

Confirmation of minutes of the Special Meeting of Council held on Tuesday 17 June 2008.

Confirmation of minutes of the Planning and Building Committee held on Tuesday 17 June 2008.

Motion

Cr Bill Penrose
Cr Bronnie Hattam

That the minutes be confirmed.

CARRIED

6. Disclosure of interests and conflicts of interest

Nil

7. Petitions

7.006/08

A petition containing 38 signatures objects to the attempted planning of a 24 hour cat curfew to keep all felines confined on the grounds that it is highly unrealistic, cruel and expensive, and too difficult to enforce to such a degree.

Motion

Cr Peter Yates
Cr Bill Penrose

That the petition:

- 1. Be received and noted.**
- 2. Be referred to the Group Manager Infrastructure Services.**
- 3. Organisers be advised accordingly.**

CARRIED

7.007/08

A petition containing 676 signatures strongly objects to Nillumbik Shire Council's proposal to enforce 24 hour cat confinement within the next two years. The signatories support responsible cat ownership, including desexing, microchipping, dusk to dawn curfew, community education, and request the recommendation for 24 hour cat confinement be removed from the Domestic Animal Management Plan 2008-2011.

Motion

Cr Peter Yates
Cr Bill Penrose

That the petition:

- 1. Be received and noted.**

2. Be referred to the Group Manager Infrastructure Services.
3. Organisers be advised accordingly.

CARRIED

8. Questions from the gallery

Jim Connor, Bend of Islands Conservation Association, asked Council:

'Will Council explain the possible ramifications for Nillumbik of the state government's proposed New Residential Zones?'

Stuart Caldwell, Acting Group Manager Environment and Planning Services, responded that the State Government has released only draft versions of new residential zones. Although Council has made a submission to the State Government identifying various issues with the draft zones, it is still too early to be able to determine whether they will assist Council in directing new housing to activity centres and protecting existing neighbourhood character. The consequences of the zones will become clearer when more detail on the zones and how Councils will be able to apply them is released.

Jim Connor, Bend of Islands Conservation Association, asked Council:

'In respect of the Yarra Plenty Regional Library Service, of which Nillumbik, along with Banyule and Whittlesea, are co-members, will Council detail:

- The methodology used by federal and state governments to allocate funding to the library Service?
- The methodology used to determine each Council's financial input into the library Budget?
- If Council is seeking a more equitable funding system?'

Vin McKay, Group Manager Leisure and Community Services, responded that

- The Federal Government provides no funding for library services. The state Government provides annual operation grants which this year is expected to be 16 per cent of the total contribution (council and state) to the Yarra Plenty Regional Library Service, for the provision of Nillumbik's library services. Council is allocating \$1.77m in 08/09. The state allocation is based on a formula relating to population with allowances for such things as disadvantaged rurality.
- Some costs are based on the actual cost incurred at the library and other costs are distributed across the service. The distribution is based on usage.
- There is a review of the Regional Library Board Agreements relating to the apportionment of costs, being undertaken at present. This review will be completed in the 08/09 financial year.

Michael Pelling, Bend of Islands Conservation Association, asked Council:

'We note that Nillumbik hosted a solar power forum last night and advise that the Bend of Islands Community is currently progressing with the implementation of a solar neighbourhood program of up to 50 households.'

Questions from the gallery (cont)

The Bend of Islands area and the shire generally have zone perimeters and overlays to control management of vegetation and we do not want these to be ignored. What we are looking for is a practical and reasonable approach to allow efficient solar implementation.

We would like to know how Council will approach applications for vegetation trimming and/or removal to accommodate solar power panels.'

Stuart Caldwell, Acting Manager Environment and Planning Services, responded that how Council approaches applications for vegetation trimming and/or removal to accommodate solar panels will depend on whether a planning permit is required or not. In some circumstances a permit will not be required, however, it is likely in the Bend of Islands area, for example, a permit would be required. In the case of a permit application, this would be assessed on its individual merit, but certainly intended installation of a solar panel device would be a strong reason in support of the grant of a permit.

Michael Pelling, Bend of Islands Conservation Association, asked Council: 'In light of the proposed rate increase of 6 per cent, will the Council provide statistics as to:

- The level of revenue increase obtained by the state government as a result of its recent budget?
- The dollar amount, year-by-year and cumulatively, lost to this Council, over the past four years, as a result of cost shifting by federal and state governments, and what this would represent as an annual rate figure reduction were cost-shifting not to occur?'

Andrew Port, Group Manager Corporate Services, responded that, the total revenue increase for the State Government from 07-08 to 08-09 according to the State Government budget is 10.3 per cent. The dollar amount lost by Nillumbik as a result of cost shifting by state and federal governments continues to rise each year. Over the four years of the current Council, the cumulative effect of these cost shifts has been \$4.9 million and in 2008-09 alone the amount is \$1.7 million, which is the same amount to be raised by the municipal charge.

Colleen Hackett, Friends of Nillumbik, asked Council: 'Given the state of the Wattle Glen car park reconstruction, when will Council be enforcing the planning requirements for this project such as; clean up, revegetation, the three tree replacement, graffiti, retaining wall drainage, signage etc?'

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded that this is the first time that this matter has been raised with Council. Council officers have contacted Connex, who have advised that the project is now complete and that additional works which would address the concerns expressed are planned to occur in the next three to four weeks. The works have been delayed in part by VicRoads consideration of submitted traffic plans. Graffiti is unrelated to the planning permit and Connex will address this matter separately.

Questions from the gallery (cont)

Colleen Hackett, Friends of Nillumbik, asked Council:

'According to the M2030 Medium Density Housing (M2030 Audit Expert Group Report) should go around major activity centres and for Nillumbik these are Eltham and Diamond Creek. Is medium density housing permitted in other Nillumbik townships in the proximity of the railway stations?'

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded that Medium density housing (ie. More than one dwelling on a lot) is a permitted form of development in the Township Zones which apply to Hurstbridge, Panton Hill and St Andrews, as well as the Residential 1 Zone which applies to parts of Wattle Glen. Both state and local planning policies give greater encouragement to medium density housing development closer to services, including public transport nodes such as train stations, including Hurstbridge.

Bob West, Friends of Nillumbik, asked Council:

'SPAustnet: Has their promised community contribution been determined (following their tree removals) and if so what has been done to date?'

Suzy Ellingsen, Acting, Group Manager Infrastructure Services, responded, that Council officers would investigate the issue and provide a response to Mr West.

Bob West, Friends of Nillumbik, asked Council:

'Supporters have asked us to clarify the situation with planting trees along the circulatory road in Eltham. Is it now the case that sustainable planting of Indigenous trees is planned by Council?'

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded, that it is the case that indigenous planting is planned.

Ian Webster, asked Council:

'Will draft plans for the possible redevelopment of the Civic Drive and Eltham sites be placed on the shire website or potentially displayed so as to allow the residents of the shire time to formulate and response or to make comment on the plans?'

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded, yes, these plans would be displayed if Council adopts the officer recommendation in the agenda tonight.

Margaret Jennings, asked Council:

'Could Council please write to the State Government advising the Minister for Environment and Climate Change of Council's opposition to logging in Melbourne water catchments and acknowledge that it is the 11th Metropolitan Council to do so this year out of 11 asked to do so?'

Questions from the gallery (cont)

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded that an Officer report on this matter is included in tonight agenda, and Council will thus determine its position on this issue later in the evening.

Jenni Bundy, asked Council:

'Does Council have any news on its funding applications to both federal and state governments, for the Diamond Creek Stadium project?

Bill Forrest, Chief Executive Officer, responded that Council does not have any further news its funding applications to federal and state governments, for the Diamond Creek Stadium project

Jenni Bundy, Green Wedge Protection Group Inc, asked Council:

'Could Councillors please take a stand tonight and consider voting to;

- Adopt a stance of strong discouragement of GM crops in the Rural Conservation Zone (Section 2 Use) as local policy in the Green Wedge Management Plan
- Write to the Premier and Planning Minister seeking the prohibition of GM crops in Green Wedge Land.

Until such time as it can be 100 per cent guaranteed the seed cannot spread into Nillumbik's National Habitat and National Park'.

Stuart Caldwell, Acting, Group Manager Environment and Planning Services, responded, that a report on the matter is included in tonight's agenda and Council will determine its position in respect of this issue this evening.

Belinda Clarkson, 1st Diamond Creek Scouts, asked Council:

'A tree almost claimed the Diamond Creek Guide hall on 2nd April this year and the remnants of the tree are threatening a Scout building and the lives of our children. Will Nillumbik Council urgently remove the dead trees?'

Vin Mackay, Group Manager Leisure and Community Services, responded that he was unaware of the service request until he read Ms Clarkson's question, and agreed to follow up on the matter tomorrow morning and respond.

Belinda Clarkson, 1st Diamond Creek Scouts, asked Council:

'The damage was reported to Council. It has been almost three months and no action has been taken. Will Nillumbik Council also repair the damage to the power cable caused by a tree at the Guide hall and restore power?'

Vin Mackay, Group Manager Leisure and Community Services, responded that he was unaware of the service request until he read Ms Clarkson's question, and agreed to follow up on the matter tomorrow morning and respond.

Questions from the gallery (cont)

Jan Sirianni, asked Council:

'I received a letter from Margaret Abbey dated 5th June 2008 in which she states "Council has at this stage only resolved to undertake the preparation of a Master Plan for the Apollo Parkways precinct and a draft design for a civic centre. It has not determined whether it will proceed with these projects....." Why then is the amount of \$17,850,000 included in the projected budget figures for the 2010-11 year – a figure I presume is to come from the sell off of Apollo Parkways lands?

What savings in expenditure will occur with the re-distribution of ward boundaries?

I would like a written response to my questions even if they are dealt with during the Council Meeting.'

Andrew Port, Group Manager Corporate Services, responded, that the amount of \$17.85m was included in the Strategic Resource Plan which is attached to the Budget for information. This amount was included as it was one of many projects from the Major Projects Plan (adopted by Council in November 2007). This identified a range of projects that could potentially be undertaken by Council over the next ten years, and many of these projects (including the Civic Centre) may or may not proceed, depending upon Council decisions in coming years. As detailed in tonight's report on the Council Plan, it is proposed to delete transactions related to the Civic Centre from the Strategic Resource Plan until Council makes a decision on this issue in due course.

While some savings would occur if Nillumbik's electoral structure changes from 9 to 7 councillors, the State Government has also recently announced increases in Councillor allowances and an entitlement to superannuation. These two changes would roughly offset each other.

Dr Svetlana Ryzhikh, Friends of Apollo Parkways, asked Council:

'If the decision to sell the land in Apollo Parkways hasn't been made yet why does the Budget forecast in 2010-11 includes 17.5 million profit from sale of land?'

Andrew Port, Group Manager Corporate Services, responded that no expenditure or income relating to the Civic Centre is in the 2008-09 Budget. The amount referred to was actually included in the Strategic Resource Plan which is attached to the Budget for information. This amount was included as it was one of many projects from the Major Projects Plan (adopted by Council in November 2007). This identified a range of projects that could potentially be undertaken by Council over the next ten years, and many of these projects (including the Civic Centre) may or may not proceed, depending upon Council decisions in coming years. As detailed in tonight's report on the Council Plan, it is proposed to delete transactions related to the Civic Centre from the Strategic Resource Plan until Council makes a decision on this issue in due course.

Two questions were submitted, but were disallowed by the Mayor under *Local Law 6 – Meeting Procedure Local Law* section 32.1.5

9. Reports of Advisory Committees

9.017/08

Report of the Municipal Emergency Management Planning Advisory Committee meeting held on 17 March 2008. The minutes of the meeting have been circulated separately to Councillors.

Motion

**Cr Bill Penrose
Cr Peter Yates**

That the report be noted.

CARRIED

9.018/08

Report of the Recreation Trails Advisory Committee meeting held on 22 May 2008. The minutes of the meeting have been circulated separately to Councillors. The Committee however, requested the following resolution be brought to the attention of Council.

'The Recreation Trails Advisory Committee endorsed the Eltham Lower Park Draft Implementation Plan in relation to future trail work. The Committee provided the following comments on the proposed trail works:

- Consider shared paths having set speed limits.
- Pedestrian path signed as 'no cyclists' and the cycle path not signed at 'cycles only', but rather as a 'cycle path'.
- Signage should inform users that any 'non-motorised' vehicles are accepted.
- Trails should be sealed rather than crushed rock.
- Disabled access needs to be considered in any new trail development.'

Motion

**Cr Bill Penrose
Cr Bronnie Hattam**

That:

- 1. The Recreation Trails Advisory Committee comments regarding the Eltham Lower Park Draft Implementation Plan be noted**
- 2. A report regarding construction and landscape design standards to be applied to shared trails in Eltham Lower Park be presented to Council.**

Reports of Advisory Committees (cont)

3. That the report be noted

CARRIED

9.019/08

Report of the Living and Learning Nillumbik Advisory Committee meeting held on 28 May 2008. The minutes of the meeting have been circulated separately to Councillors.

Motion

**Cr Helen Coleman
Cr Bo Bendtsen**

That the report be noted.

CARRIED

9.020/08

Report of the Art Acquisition Advisory Committee meeting held on 2 June 2008. The minutes of the meeting have been circulated separately to Councillors.

Motion

**Cr Bronnie Hattam
Cr Michael Young**

That the report be noted.

CARRIED

10. Reports of Special Committees

Planning and Building reports

PB.020/08 Buildings and works to construct a second dwelling and associated native vegetation removal at 8 Parker Road, Hurstbridge

Author: Renae Clark, Statutory Planner

Authorised: Stuart Caldwell, Manager Planning and Building Services

File: P008/00/008P

Summary

The application is for the development of the land for a second dwelling and removal of native vegetation. The application was advertised and a total of fifteen (15) written objections were received.

The main issues raised in the objections relate to the development not being in keeping with the character of the area; excessive vegetation removal; potential issues of overlooking and the number of windows proposed along the eastern elevation; and the use of a bungalow located behind the existing dwelling resulting in three (3) dwellings being present on the site.

The proposal responds adequately to the location objectives of State and local planning policy, which provide support for medium density housing in close proximity to public transport, public open space and community facilities. Subject to some modifications to the submitted landscape plan, the proposal can also respond appropriately to the character objectives as set out in the 'Bush Garden' precinct of the Neighbourhood Character Policy. The application is also consistent with the objectives and standards of Clause 55 (ResCode).

Subject to some modifications to the landscape plan (to accommodate additional vegetative planting), the removal of the existing bungalow on the land which is currently being used as an additional residence to the existing dwelling, the relocation of bedroom windows and a reduction in the area of the deck proposed to the new dwelling (to satisfy ResCode and the building regulations respectively), the proposed development is deemed acceptable, and support for the proposal is warranted.

Motion

**Cr Michael Young
Cr Bill Penrose**

That Council issue a Notice of Decision to Grant a Permit to the land at 8 Parker Road, Hurstbridge, being particularly described as Lot 1 LP 96902, for buildings and works to construct a second dwelling and associated removal of native vegetation, in accordance with the endorsed plan and subject to the following conditions:

Planning and Building reports

PB.020/08 Buildings and works to construct a second dwelling and associated native vegetation removal at 8 Parker Road, Hurstbridge (cont)

1. Before the development commences, three copies of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the advertised plans, but modified to show:
 - a) A reduction in the width of the new deck associated with the existing dwelling so that its setback from the carport associated with the new dwelling is a minimum of 1.8 metres, in order to comply with the building regulations.
 - b) Relocation of the window in bedroom 3 from the eastern elevation to the southern elevation, in order to avoid overlooking into the dwelling on the adjacent property.
 - c) A plan notation showing that the existing bungalow is to be removed.
 - d) The provision of four (4) additional indigenous canopy trees to be planted on the subject site in order to provide an acceptable landscape setting.
 - e) The proposed vegetation removal to be shown consistently on the site plan and the landscape plan (ie the removal of four canopy trees).
 - f) Details of the exact location and measurements of the Tree Protection Zones (TPZ) and associated tree protection fencing for all trees shown on the plans to be retained).
2. The development and tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
3. The tree removal as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
4. The existing bungalow must be demolished or otherwise removed from the subject land within one (1) month of the completion of the development, to the satisfaction of the Responsible Authority.
5. Unless with the prior written consent of the Responsible Authority, before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
6. Only those trees marked "tree to be removed" on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.

Planning and Building reports

PB.020/08 Buildings and works to construct a second dwelling and associated native vegetation removal at 8 Parker Road, Hurstbridge (cont)

7. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
8. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
9. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees marked on the endorsed plans as being retained must have a Tree Protection Zone (TPZ) defined on a plan to the satisfaction of the Responsible Authority. Unless works have already been shown on endorsed plans within the periphery, the zone for each tree shall be marked to extend to at least around the periphery of the foliage canopy to include the drip line of each tree. If works are shown on the endorsed plan within the periphery, then the tree protection zone must be taken in to only the minimum amount necessary to allow the works to be completed. All tree protection fencing required by this permit must be erected in accordance with the approved TPZ.
10. Prior to development commencing (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked “Tree Protection Zone – No Entry” on all sides.
11. Once erected and approved by the Responsible Authority, 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. 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 such as bridging over with timber).
12. The following actions must not be undertaken in any Tree Protection Zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone.
 - b) Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device).

Planning and Building reports

PB.020/08 Buildings and works to construct a second dwelling and associated native vegetation removal at 8 Parker Road, Hurstbridge (cont)

- c) **Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone.**
 - d) **Changes to the soil grade level within the zone.**
- 13. The driveway and turning area must be properly formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plans. All must be drained and constructed in concrete, asphalt or similar surface. All works are to be carried out and maintained to the satisfaction of the Responsible Authority.**
- 14. The development hereby permitted shall be drained by means of an underground pipe drain to the Council's nominated point of discharge. The drainage system within the subject land must be designed to the requirements and satisfaction of the relevant building surveyor.**
 - a) **Stormwater from the driveway must be collected using grated pits centrally located in the driveway, positioned at a maximum spacing of 15 metres and connected to an on-site detention device.**
 - b) **An on-site detention device is to be installed, at no cost to Council, to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority.**
 - c) **The on-site detention device shall be designed by a qualified engineer and be submitted to the Responsible Authority for approval. Construction of the on-site detention device must be carried out under Council supervision, in accordance with the approved plans and to Council's specification.**
- 15. Each dwelling must be provided with a stormwater retention tank. Stormwater from the roof of each dwelling is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The overflow from the tanks must be directed via an underground drain to the detention system. Water in the holding tanks must be used for toilet flushing in both dwellings, property irrigation and vehicle washing. All works are to be carried out to the satisfaction of the Responsible Authority.**
- 16. This permit will expire if one of the following circumstances applies:**
 - a) **The development is not commenced within two years of the date of this permit.**
 - b) **The development is not completed within four years of the date of this permit.**

Planning and Building reports

PB.020/08 Buildings and works to construct a second dwelling and associated native vegetation removal at 8 Parker Road, Hurstbridge (cont)

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES:

The nominated point of discharge is the property inlet pit located in the north-west corner of the development site.

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

Failure to undertake the vegetation removal in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$550 for the land owner and occupant, and \$1,100 for any company which may be undertaking the tree removal works.

The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with permit is checked.

CARRIED

Cr Howard Bulmer left the Chamber at 8.33pm and returned at 8.40pm after the vote on PB.021/08

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham

Author: Anita Fitzpatrick, Senior Statutory Planner

Authorised: Stuart Caldwell, Manager Planning and Building

File: B101/00/083P

Summary

The application is for a two (2) lot subdivision with three (3) double storey dwellings contained on Lot 2 with provision for a single dwelling to be constructed on Lot 1 (ultimately resulting in four dwellings across the site). The application was advertised and eight (8) written objections have been received.

The main issues highlighted relate to lack of certainty of future development on Lot 1, and the development not being in keeping with the neighbourhood character of the area and amenity issues. A consultation meeting was held in March 2008 with the discussion concentrating on future development of Lot 1. It was agreed that a solution would be to create a Section 173 Agreement for Lot 1 and the detailing of a building envelope. The Section 173 Agreement covers issues such as building materials, landscaping, front setbacks, side setbacks, side fencing detail, building height and walls on boundary. In addition, amendments were also made to the proposed dwellings sought under this application including a reduction from a double garage to a single for dwelling 1, the fenced area at the frontage to dwelling 1 deleted in favour of increased landscaping opportunities, and the driveway entry to the site from Bridge Street to be widened to allow additional planting between the side boundary and driveway. The footprint of dwelling 3 has been reduced from the western boundary from 1.2 to 2.5 metres. These changes are represented on the plans submitted to Council on 17 April 2008, which are the plans now being considered under this application.

In further consultation with Council officers, the applicants have agreed to modify the materials of the development to introduce earthier tones (bagged render, timber pergola to frontage, reclaimed bricks) and reduce the height of dwelling 3 by a further 300mm to ensure its sits lower than the front two dwellings (these changes are to be addressed via conditions on any permit issued).

The proposal responds in a satisfactory manner to the requirements of the standards and objectives of Clause 55 (ResCode), and is consistent with the expectations of the policies contained within the State and Local Planning Policy, including the 'Eltham Central' precinct of the Neighbourhood Character Policy. The proposal also meets the objectives of the Residential 1 Zone in that it provides for a mix of housing at an increased density close to the Eltham Major Activity Centre. With the subject site being within such close proximity to this activity centre, the location of the subject site also meets the objectives of the Medium Density Housing Policy.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

Committee Recommendation

That Council issue a Notice of Decision to Grant a Planning Permit to the land at 83 Bridge Street, Eltham, being particularly described as Lot 1 on Title Plan 513316Y PSH Nillumbik, for a two lot subdivision and development of Lot 2 with three (3) double storey dwellings, subject to the following conditions:

1. Prior to the commencement of the development and subdivision hereby permitted, three copies of amended plans (based on development plans Scheiber & Co P/L Architects, Sheet 3 and 5 of 8 TPB – 14 April 2008, and sheets 9, 10 and 11 TP – 14 April 2008) 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.
 - a) The water tank to dwelling 1 to be relocated to the rear of the unit and within the fenceline to hide it from general view
 - b) Dwelling 3 to be excavated by approximately 300mm further into the natural ground level to reduce the overall height of this dwelling.
 - c) The garage doors to the dwelling development to feature a timber grain finish rather than the proposed Colorbond, 'Woodland Grey' material.
 - d) The rendered finish for the dwellings to be a bagged effect with colours chosen from the Grimes colour palette.
 - e) The brick plinth base around the dwellings is to be modified to be reclaimed bricks.
 - f) The garage to dwelling 1 to feature a stone finish around its façade.
 - g) The front elevation of dwelling 1 to be altered to include a timber pergola feature in lieu of the rendered front façade feature.
 - h) The horizontal windows of the front elevation of dwelling 1 replaced with vertical windows.
 - i) The south facing balcony of dwelling 1 to be a timber finish in lieu of rendered finish.
 - j) The introduction of brushed fencing to the perimeter boundary lines and to enclose the area of private open space to dwelling 1 to a maximum height of 1.8 metres.
 - k) The driveway is to be asphalt (finished in red-brown colour) with brick paved edging.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- l) An amended landscape plan which details the following:
 - I. Species to be either indigenous or native in origin with no exotic species shown.
 - II. Increased planting along the east common boundary by reducing the areas of hard paved surfaces within the rear yards (private open space areas) to assist with the softening of the built form of the unit development.
 - III. The increased provision of landscaping along the west elevation of unit 1 in lieu of the location of the proposed water tank.
- m) The proposed building envelope for Lot 1 to be altered to accommodate a three metres wide easement along the eastern boundary. The drainage easement shall be created in favour of Nillumbik Shire Council. The easement is to protect the external drainage system as described in condition 11 of this permit. The building envelope and associated cross-section plans may need to be altered to eliminate the requirement for an undercroft / semi basement car park along the eastern boundary.
- n) The proposed subdivision plan (plan 9, amended 14 April 2008) to show the retention of Tree No.36 a *Eucalyptus leucoxylon* spp. *Megalocarpa* (Yellow Gum), Tree No.30 a *Eucalyptus camaldulensis* (River Red Gum) and Tree No.29 a *Eucalyptus camaldulensis* (River Red Gum) on Lot 1. The plan shall detail the tree number and species and specify that they are to be retained.
- o) The provision of a crossover and driveway envelope to Lot 1 to be shown in the north-east corner of the site and of a sufficient distance away from Tree No.30.

When approved, the plans shall be endorsed to form part of the planning permit.

- 2. Prior to the certification of the subdivision hereby permitted, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*.
 - a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.
 - b) The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.
 - c) The Agreement will relate to Lot 1 only and must provide for:

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- I. Except with the prior written consent of Council, all buildings and works must be contained within the building (ground and upper floor) and driveway envelope as shown on the Endorsed Plan.
- II. Except with the prior written consent of Council, the driveway width shall be a maximum of 3 metres wide constructed with a mix of granitic or permeable materials.
- III. Rear open space to be a minimum of 60 square metres.
- IV. Except with the prior written consent of Council, trees specified for retention on the Endorsed Plans (trees 29, 30 and 36) shall not be allowed to be removed, destroyed, felled, uprooted, ringbarked or otherwise damaged except with the prior written consent of Council or unless the vegetation is dead (as determined by a qualified arborist).
- V. Prior to the commencement of a dwelling (including any excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees identified for retention must have a Tree Protection Zone (TPZ) defined. The zone for each tree shall be marked to extend to at least around the periphery of the foliage canopy to include the drip line of each tree. All tree protection fencing required by this Agreement must be erected in accordance with the approved TPZ.
- VI. Prior to development commencing (including any excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides.
- VII. The following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone.
 - b) Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device).
 - c) Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone.
 - d) Changes to the soil grade level within the zone.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- VIII. Except with the prior written consent of Council, the building style is such that the first floor envelope should read as an attic style. The roof profile is to contain maximum 35 degrees. This allows for a maximum building height of 8.5 metres.
 - IX. Except with the prior written consent of Council, two additional canopy trees, with a minimum height of 8 metres must be planted prior to the occupation of the dwelling.
 - X. Except with the prior written consent of Council, the dwelling shall be constructed of brick with heavy render lime wash or mud brick at ground level with mud brick, rendered finish or timber at upper floor level. The dwelling shall be finished in muted tones. The roof materials shall be Colorbond and window and door frames to be timber.
 - XI. Except with the prior written consent of Council, all boundary fencing shall be brush style fencing.
- 3. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.
 - 4. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.
 - 5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.
 - 6. Unless with the prior written consent of the Responsible Authority, before the occupation of the unit development, the landscaping works shown on the endorsed landscape plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.
 - 7. Only those trees marked "tree to be removed" on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.
 - 8. Vehicular access and egress to the development site and the second allotment from the roadway must be by way of a vehicle crossings constructed to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel and nature strip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a works and road opening permit.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

9. The vehicle driveway to Lot 1 must be properly formed and constructed to such levels to ensure that it can be utilized at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.
10. Driveways and vehicle turning areas must be properly formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plan(s). All must be drained and constructed in concrete, asphalt or similar surface. All works are to be carried out and maintained to the satisfaction of the Responsible Authority.
11. The development hereby permitted shall not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of storm water.
 - a) The development site must be drained by means of an underground pipe drain to Council's nominated point of discharge. The drainage system within the development site must be designed to the requirement and satisfaction of the relevant building surveyor.
 - b) Stormwater from the driveway must be collected using centrally located grating pits positioned at a maximum spacing of 20 metres and connected to an on-site detention device.
 - c) An on-site detention device is to be installed to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The permit holder is required to construct, at no cost to Council, drainage works between the subject site and the Council's nominated point of discharge.
 - d) The on-site detention device and external drain shall be designed by a qualified engineer and submitted to the Responsible Authority for approval. Construction of the on-site detention device and the external drainage system must be carried out under Council supervision, in accordance with the approved plans and Council's specification.
 - e) Each unit must be provided with a stormwater holding tank. Roof stormwater from each unit is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The overflow from the tank shall be directed, via an underground drain, to the on-site detention device. Water in the holding tanks must be used for toilet flushing, property irrigation and vehicle washing in each unit.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authorities in accordance with Section 8 of that Act.
15. This permit will expire if one of the following circumstances applies:
 - a) The development for lot 2 is not commenced within two years of the date of this permit.
 - b) The development for lot 2 is not completed within four years of the date of this permit.
 - c) The plan of subdivision for is not certified within two years from the date of this permit.
 - d) The subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES:

The nominated point of discharge is the Council underground drain located in York Street adjacent to the development site.

Motion

**Cr Michael Young
Cr Greg Johnson**

That Council issue a Notice of Decision to Grant a Planning Permit to the land at 83 Bridge Street, Eltham, being particularly described as Lot 1 on Title Plan 513316Y PSH Nillumbik, for a two lot subdivision and development of Lot 2 with three (3) double storey dwellings, subject to the following conditions:

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

1. Prior to the commencement of the development and subdivision hereby permitted, three copies of amended plans (based on development plans Scheiber & Co P/L Architects, Sheet 3 and 5 of 8 TPB – 14 April 2008, and sheets 9, 10 and 11 TP – 14 April 2008) 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.
 - a) The water tank to dwelling 1 to be relocated to the rear of the unit and within the fenceline to hide it from general view
 - b) Dwelling 3 to be excavated by approximately 300mm further into the natural ground level to reduce the overall height of this dwelling.
 - c) The garage doors to the dwelling development to feature a timber grain finish rather than the proposed Colorbond, 'Woodland Grey' material.
 - d) The rendered finish for the dwellings to be a bagged effect with colours chosen from the Grimes colour palette.
 - e) The brick plinth base around the dwellings is to be modified to be reclaimed bricks.
 - f) The garage to dwelling 1 to feature a stone finish around its façade.
 - g) The front elevation of dwelling 1 to be altered to include a timber pergola feature in lieu of the rendered front façade feature.
 - h) The horizontal windows of the front elevation of dwelling 1 replaced with vertical windows.
 - i) The south facing balcony of dwelling 1 to be a timber finish in lieu of rendered finish.
 - j) The introduction of brushed fencing to the perimeter boundary lines and to enclose the area of private open space to dwelling 1 to a maximum height of 1.8 metres.
 - k) The driveway is to be asphalt (finished in red-brown colour) with brick paved edging.
 - l) An amended landscape plan which details the following:
 - I. Species to be either indigenous or native in origin with no exotic species shown.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- II. Increased planting along the east common boundary by reducing the areas of hard paved surfaces within the rear yards (private open space areas) to assist with the softening of the built form of the unit development.
- III. The increased provision of landscaping along the west elevation of unit 1 in lieu of the location of the proposed water tank.
- m) The proposed building envelope for Lot 1 to be altered to accommodate a three metres wide easement along the eastern boundary. The drainage easement shall be created in favour of Nillumbik Shire Council. The easement is to protect the external drainage system as described in condition 11 of this permit. The building envelope and associated cross-section plans may need to be altered to eliminate the requirement for an undercroft / semi basement car park along the eastern boundary.
- n) The proposed subdivision plan (plan 9, amended 14 April 2008) to show the retention of Tree No.36 a *Eucalyptus leucoxylon* spp. *Megalocarpa* (Yellow Gum), Tree No.30 a *Eucalyptus camaldulensis* (River Red Gum) and Tree No.29 a *Eucalyptus camaldulensis* (River Red Gum) on Lot 1. The plan shall detail the tree number and species and specify that they are to be retained.
- o) The provision of a crossover and driveway envelope to Lot 1 to be shown in the north-east corner of the site and of a sufficient distance away from Tree No.30.
- p) The front two metres of the ground floor building envelope in order to increase the overall setback of the envelope to 11 metres, so that its front setback is consistent with the front setback of the adjoining dwelling to the east.

When approved, the plans shall be endorsed to form part of the planning permit.

- 2. Prior to the certification of the subdivision hereby permitted, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the *Planning and Environment Act 1987*.
 - a) Application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the same Act prior to the commencement of the development.
 - b) The owner must pay all costs (including Council's costs) associated with the preparation, execution, registration and (if later sought) cancellation of the Section 173 Agreement.

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- c) The Agreement will relate to Lot 1 only and must provide for:
- I. Except with the prior written consent of Council, all buildings and works must be contained within the building (ground and upper floor) and driveway envelope as shown on the Endorsed Plan.
 - II. Except with the prior written consent of Council, the driveway width shall be a maximum of 3 metres wide constructed with a mix of granitic or permeable materials.
 - III. Rear open space to be a minimum of 60 square metres.
 - IV. Except with the prior written consent of Council, trees specified for retention on the Endorsed Plans (trees 29, 30 and 36) shall not be allowed to be removed, destroyed, felled, uprooted, ringbarked or otherwise damaged except with the prior written consent of Council or unless the vegetation is dead (as determined by a qualified arborist).
 - V. Prior to the commencement of a dwelling (including any excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the trees identified for retention must have a Tree Protection Zone (TPZ) defined. The zone for each tree shall be marked to extend to at least around the periphery of the foliage canopy to include the drip line of each tree. All tree protection fencing required by this Agreement must be erected in accordance with the approved TPZ.
 - VI. Prior to development commencing (including any excavations, tree removal, delivery of building/construction materials and/or temporary buildings), the tree protection fencing must be erected to the satisfaction of the Responsible Authority in accordance with the approved tree protection zone(s). The fencing must be erected to form a visual and physical barrier, be a minimum height of 1.5 metres above ground level, and include signage clearly marked "Tree Protection Zone – No Entry" on all sides.
 - VII. The following actions must not be undertaken in any tree protection zone as identified on the endorsed plan, to the satisfaction of the Responsible Authority:
 - a) Materials or equipment stored within the zone.
 - b) Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device).

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- c) **Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone.**
 - d) **Changes to the soil grade level within the zone.**
 - VIII. Except with the prior written consent of Council, the building style is such that the first floor envelope should read as an attic style. The roof profile is to contain maximum 35 degrees. This allows for a maximum building height of 8.5 metres.**
 - IX. Except with the prior written consent of Council, two additional canopy trees, with a minimum height of 8 metres must be planted prior to the occupation of the dwelling.**
 - X. Except with the prior written consent of Council, the dwelling shall be constructed of brick with heavy render lime wash or mud brick at ground level with mud brick, rendered finish or timber at upper floor level. The dwelling shall be finished in muted tones. The roof materials shall be Colorbond and window and door frames to be timber.**
 - XI. Except with the prior written consent of Council, all boundary fencing shall be brush style fencing.**
- 3. The development as shown on the endorsed plans must not be altered unless with the prior written consent of the Responsible Authority.**
 - 4. The nature and colour of building materials employed in the construction of the buildings and works hereby permitted shall be harmonious with the environment, to the satisfaction of the Responsible Authority.**
 - 5. The materials to be used in the construction of the buildings and works hereby permitted shall be of non-reflective type, to the satisfaction of the Responsible Authority.**
 - 6. Unless with the prior written consent of the Responsible Authority, before the occupation of the unit development, the landscaping works shown on the endorsed landscape plan must be carried out, completed and maintained to the satisfaction of the Responsible Authority.**
 - 7. Only those trees marked “tree to be removed” on the endorsed plans are permitted to be removed or destroyed, to the satisfaction of the Responsible Authority.**

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- 8. Vehicular access and egress to the development site and the second allotment from the roadway must be by way of a vehicle crossings constructed to the requirements of the Nillumbik Shire Council, to suit the proposed driveway and the vehicles that will use the crossing. The Responsible Authority must approve the location, design and construction of the crossings. Any existing unused crossing must be removed and replaced with kerb and channel and nature strip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a works and road opening permit.**
- 9. The vehicle driveway to Lot 1 must be properly formed and constructed to such levels to ensure that it can be utilized at all times. The driveway must be drained, constructed in concrete, asphalt or similar surface and maintained in a continuously useable condition. All works are to be carried out to the satisfaction of the Responsible Authority.**
- 10. Driveways and vehicle turning areas must be properly formed to such levels to ensure they can be utilised at all times and in accordance with the endorsed plan(s). All must be drained and constructed in concrete, asphalt or similar surface. All works are to be carried out and maintained to the satisfaction of the Responsible Authority.**
- 11. The development hereby permitted shall not cause any nuisance or loss of amenity in any adjacent or nearby land by reason of the discharge of storm water.**
 - a) The development site must be drained by means of an underground pipe drain to Council's nominated point of discharge. The drainage system within the development site must be designed to the requirement and satisfaction of the relevant building surveyor.**
 - b) Stormwater from the driveway must be collected using centrally located grating pits positioned at a maximum spacing of 20 metres and connected to an on-site detention device.**
 - c) An on-site detention device is to be installed to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The permit holder is required to construct, at no cost to Council, drainage works between the subject site and the Council's nominated point of discharge.**
 - d) The on-site detention device and external drain shall be designed by a qualified engineer and submitted to the Responsible Authority for approval. Construction of the on-site detention device and the external drainage system must be carried out under Council supervision, in accordance with the approved plans and Council's specification.**

Planning and Building reports

PB.021/08 Two lot subdivision and development of Lot 2 with three double storey dwellings, and removal of three substantial trees at 83 Bridge Street, Eltham (cont)

- e) Each unit must be provided with a stormwater holding tank. Roof stormwater from each unit is to be directed to a holding tank with sufficient storage capacity in relation to the roof area. The overflow from the tank shall be directed, via an underground drain, to the on-site detention device. Water in the holding tanks must be used for toilet flushing, property irrigation and vehicle washing in each unit.
- 12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
 - 13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
 - 14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authorities in accordance with Section 8 of that Act.
 - 15. This permit will expire if one of the following circumstances applies:
 - a) The development for lot 2 is not commenced within two years of the date of this permit.
 - b) The development for lot 2 is not completed within four years of the date of this permit.
 - c) The plan of subdivision for is not certified within two years from the date of this permit.
 - d) The subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

NOTES:

The nominated point of discharge is the Council underground drain located in York Street adjacent to the development site.

CARRIED

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham

Author: Michael Dafnomilis, Senior Statutory Planner

Authorised: Stuart Caldwell, Manager Planning and Building Services

File: S096/00/040P

Summary

This application was originally reported to both the Planning and Building Committee Meeting and Ordinary Council Meeting in December 2007. The item was deferred pending further discussion between the applicant, objectors and Council officers with a view of the applicant amending the proposal to address the concerns and issues raised by objectors and Council officers.

The application in its original form was for subdivision of the land into seven (7) lots and associated vegetation removal. The application was advertised and a total of seventeen (17) written objections were received. The main issues of the objections were that the proposal is not in keeping with the neighbourhood character of the area; the proposal requires excessive vegetation removal; loss of privacy to adjoining properties; and increase in noise and traffic issues.

Since this item was last reported, the applicant has formally substituted amended plans (and submitted documentation supporting the amended proposal) which involves subdivision of the land into six (6) lots, instead of seven (7).

The applicant had already sought review at the Victorian Civil and Administrative Tribunal (VCAT) under Section 79 of the Planning and Environment Act 1987 in relation to Council's failure to determine the application within the prescribed 60 days. Whilst this application cannot be determined, Council must still form a position that it will take in relation to the application before VCAT, based on the amended plans and documentation now submitted.

It is recognised that the land is suitable for some form of subdivision given that the subject site totals 3.434 hectares, its low-density residential zoning, and the existing pattern of subdivision within the surrounding area. The amended proposal responds more favourably to the Significant Landscape Overlay (Schedule 2) and the 'Semi-Bush' precinct of the Neighbourhood Character Policy due to the reduction in number and size of building envelopes, and subsequent reduction in the requisite removal of vegetation. Subject to the imposition of stringent controls proposed under a Section 173 Agreement and provision of suitable replacement planting, the landscape objectives of the Planning Scheme can be achieved.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

Although offset planting in accordance with the Native Vegetation Management Framework (Net Gain) is now proposed to be accommodated on-site, the mechanism proposed to secure and manage this vegetation conservation is not acceptable. The proposed easement arrangement cannot be legally or administratively achieved, rather a Section 173 Agreement would be the appropriate legal mechanism. Furthermore, there is a concern regarding the incompatibility of the future residential land use on the land with the objectives and requirements of the proposed 'conservation reserve' from an ecological perspective. This incompatibility has been previously identified by VCAT concerning land in urban zones, and is demonstrated in this application through the proposed access track within the 'conservation area', the location of proposed effluent disposal area for each lot in close proximity to the proposed 'conservation reserve' and the subsequent potential to compromise the conservation and management of the offset vegetation required under the Native Vegetation Management Framework. As such, it is recommended that the calculated offsets be undertaken off-site, at a location to be determined prior to the certification of the plan of subdivision. This is an accepted practice under the Native Vegetation Management Framework which can be addressed by way of a condition.

Motion

**Cr Peter Yates
Cr Bill Penrose**

That Council advise VCAT, the applicant and objectors that if a review had not been sought, it would have issued a Notice of Decision to Grant a Planning Permit to the land at 40 Sweeneys Lane, Eltham, being particularly described as Lot 2 on PS 16923 Parish of Nillumbik, for the subdivision of land into six (6) lots and associated native vegetation removal, in accordance with the endorsed plans and subject to the following conditions:

- 1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 amended plans submitted on 24 April 2008, but modified to show:**
 - a) Modification to the building envelope and/or driveway access of Lot 4 to provide a more conventional vehicle storage arrangement for the future dwelling. This may include a freestanding carport/garage structure.**
 - b) A Landscape Plan to include replacement planting for the whole site at a ratio of two trees for every native tree removed. The species must be indigenous plantings selected from the Council document *Live Local Plant Local*.**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- c) **Tree Protection Zones (TPZ) to be shown on the plans. Where practical, tree communities or groups of trees should be protected to exclude access by vehicles/equipment.**
- 2. The layout and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the written consent of the Responsible Authority.**
- 3. Prior to the Certification of the Plan of Subdivision:**
 - a) **The owner must prepare and enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The Agreement is to be registered on the title for all lots within the subdivision. The permit holder must pay all costs associated with the Agreement including the Responsible Authority's legal costs in reviewing the Agreement. The Agreement shall require that:**
 - I. All dwellings must be contained within the designated building envelope.**
 - II. All appurtenances to dwellings must be contained within the designated building envelope, unless with the prior written consent of the Responsible Authority.**
 - III. Vehicle access to each lot must be via the access point and driveway as defined on the plans endorsed under this permit (no discretion to vary this requirement).**
 - IV. No trees shown on the endorsed plans to Planning Permit 501/2006/14P as listed for retention shall be removed or lopped unless with the prior written consent from the Responsible Authority.**
 - V. All fencing within the subdivision must be of post-and-wire construction.**
 - VI. Each lot must have no front fencing other than retaining walls constructed as part of the subdivision works, unless otherwise agreed, to the satisfaction of the Responsible Authority.**
 - VII. Prior to the commencement of any buildings and works, including demolition and tree removal on any individual lot:**
 - All vegetation to be retained on that allotment must be temporarily fenced off and must remain in place until the completion of the buildings and works on that allotment.**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- The fences shall be erected around the trees to be retained as shown on the endorsed plans to Planning Permit 501/2006/14P.
 - The fences shall be constructed of temporary cyclone fencing and set up to the satisfaction of the Responsible Authority. Within these fences there shall not be, except with the written consent of the Responsible Authority any:
 - Soil disturbance by compaction, excavation, or filling;
 - Stockpiling of construction debris;
 - Clearance of any vegetation; or
 - Changes to soil levels and existing grades.
- VIII. A sign shall be affixed to the tree protection fencing and along the reserves (advising contractors) and shall contain the following message:
- “These trees and vegetation are required to be retained and protected in accordance with the Planning and Environment Act 1987 and, more specifically, Planning Permit 501/2006/14P. Severe penalties apply for any breach of the Act and the Permit”.
- IX. Any minor tree roots encountered during the construction of any buildings and works on any lot must be carefully hand trimmed and treated with appropriate root initiation substances to ensure root regeneration to the satisfaction of a qualified arborist.
- X. The endorsed Landscape Plan must be implemented and maintained by the individual owners of the allotments, unless with the prior written consent of the Responsible Authority.
- XI. Stormwater from the development on each allotment must be retained and absorbed onsite to ensure predevelopment runoff only. A stormwater absorption envelope must be provided on each allotment for this purpose.
- XII. Dwellings for each lot, must be provided with a storm water holding tank of 4500 litres minimum capacity to collect roof water. The overflow from the tank shall be directed to absorption trenches terminating in one cubic metre (1m³) absorption pit. The length of the absorption trenches must be calculated in relation to the volume capacity of the storage tank.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

Water in the tanks shall be used for toilet flushing, property irrigation and vehicle washing.

- XIII. A Land Capability Assessment (LCA) be submitted with the planning application for each future dwelling on each lot. The LCA must be to the satisfaction of the Responsible Authority and will assist in establishing the appropriate wastewater treatment system and location for each lot.
- XIV. If sewer connection to any lot is achievable prior to the construction of a dwelling on any lot, this must be pursued in favour of wastewater treated on the lot. This is to be determined at the time of the planning permit for the future dwelling on the lot, and at the discretion of Council's Public Health Unit.
- b) Landscaping plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
- i) Proposed informal street tree planting along the private road.
 - ii) Indigenous plantings selected from the Council document *Live Local Plant Local*, and in consultation with Council's Landscape Architect.
 - iii) Specifications regarding the planting method, timing of planting, and replacement planting.
- c) A Construction Management Plan 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 plan must include the following:
- i) Details of vehicle and machinery access to the site and techniques to be implemented to remove the approved trees or vegetation, construction of driveway and access areas, and locations for the storage of machinery and equipment on the site. These works and the operation/storage of machinery and equipment may only occur within the nominated areas on the site which must have been approved by a qualified arborist. These areas are to be clearly identified on the site.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- ii) Areas are to be defined around trees and other vegetation to be retained (Tree Protection Zones) and shown graphically on the plan, in which there is to be no clearing of understorey vegetation, compaction of soil, or storage of equipment, machinery and building materials, soil etc. These areas must be bounded by clearly recognisable protective barriers to the satisfaction of the Responsible Authority. The Tree Protection Zones must be located no closer than 5 metres from any proposed buildings and works.
 - iii) Details of on-site management of construction including measures to control noise and dust emissions, proposed access arrangements, times of construction and contact details for the designated site manager.
 - iv) It being specified that no material or machinery associated with the development work is to be stored outside the boundaries of the land, including on the nature strip of the frontage of the land.
- d) A site stormwater management plan in accordance with the requirements of condition 6 of this permit.
4. Prior to any subdivisional works commencing (including any tree removal), Tree Protection Fencing (TPF) as shown in the endorsed plan must be erected around all existing trees to be retained to form an appropriate Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority and with the following features:
- i) Each TPF shall be constructed of suitably robust construction, such approved by the Responsible Authority and erected to a height of 1.5m around the TPZ.
 - ii) A sign shall be affixed to the fencing surrounding each tree for retention and shall contain the following message – “This tree is required to be retained and protected in accordance with the Planning Permit. Severe penalties apply for any breach of these requirements.”
 - iii) Fences shall only be shifted during construction works on the site with the consent of the Responsible Authority.
 - iv) TPZ’s are to be installed prior to the commencement of any demolition or construction works and shall not be removed until such works have been fully completed.
 - v) Areas within the TPZ must not be used for machinery, storage, equipment, materials and activity.
5. Prior to the issue of the Statement of Compliance for the subdivision:

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- a) **The Offset Management Plan required by the relevant Section 173 Agreement must be approved by the Department of Sustainability and Environment and be to the satisfaction of the Responsible Authority. The offsets must be located off-site, and not on the land of the approved subdivision.**
 - b) **The owner of the subject land must enter into agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. This agreement must provide for:**
 - i) **The preparation of Offset Management Plan to be submitted to and approved by the Responsible Authority to form part of this permit. The preparation and registration of the agreement must be paid for by the land owner and the plan must be in accordance with the calculated offsets under the Native Vegetation Management Framework and include the following (all to the satisfaction of the Responsible Authority):**
 - **The Offset Plan must show appropriate offsets to be undertaken.**
 - **The works identified to be carried out within the Flora and Fauna Assessment and Net Gain Investigation.**
 - **Methods of achieving restoration of ecological values and management of remnant areas within the subject land.**
 - **Methods of permanent protection for the offsets on the subject land.**
 - **Persons responsible for implementing and monitoring the Offset Management Plan.**
 - **The timeframes for implementing and monitoring the Offset Management Plan.**
 - c) **Details of all trenching and underground servicing must be provided as part of a servicing plan. Services must be provided outside the tree protection zones, unless appropriate alternative methods are identified by a qualified arborist to the satisfaction of the Responsible Authority.**
- 6. Prior to the issue of the Statement of Compliance for the subdivision, all on-site landscaping works required by the subdivision works shall be completed, unless otherwise agreed, to the satisfaction of the Responsible Authority. The landscaping must be maintained thereafter for a period of twelve (12) months, to the satisfaction of the Responsible Authority.**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

7. A site storm water management plan must be submitted to Melbourne Water and the Responsible Authority. Upon the advice and approval from Melbourne Water, the plan will be endorsed by the Responsible Authority and will form part of this permit. The plan must be reviewed annually and submitted to the Responsible Authority for endorsement until such time as the Responsible Authority considers that no further reviews are necessary. The development must at all times be conducted in accordance with the endorsed plans.

The site stormwater management plan must include:

- The extent of disturbed area and the proposed method of revegetation;
 - The location of proposed permanent stormwater treatment structures to be used prior to discharge to receiving environments;
 - The location of all cut off drains, temporary sediment ponds and other structures to collect sediment during the construction phase until development is 95% complete;
 - Areas for the storage of sand, gravel and other materials, with cut off drains and sediment ponds to reduce sediment run off;
 - The ways in which soil erosion, disturbance and sedimentation are to be minimised;
 - The ways in which water flows across the site are to be managed;
 - Proposed wash down procedures;
 - Proposed monitoring and maintenance systems.
8. No trees apart from those shown on the endorsed plans as trees to be removed may be felled, destroyed, or lopped, without the prior written consent of the Responsible Authority.
9. Disturbed surfaces on the land resulting from the works authorised or required by the subdivisional works shall be revegetated with indigenous species and stabilised, to the satisfaction of the Responsible Authority.
10. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains or Melbourne Water's drains or watercourses. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority. The maintenance and servicing of the pollution or litter traps are to be carried out to the satisfaction of the Responsible Authority.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

11. The holder of this permit must ensure that wherever the approved engineering plans for roadworks, drainage, or filling exceeding 300mm compacted depth (at finished surface level) within that portion of any lot created by the subdivision likely to be used for buildings, the existence of such filling contained in the approved engineering plans for roadworks and drainage regarding filling on any residential lot must be referred to (where applicable) when completing a Statement pursuant to Section 32 of the *Transfer of Land Act*.
12. The private road as shown on the endorsed plans must be constructed and drained to the satisfaction of the Responsible Authority.
13. Stormwater from the private road must be directed to an on-site detention device. The on-site detention device is to be installed to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The permit holder is required to construct, at no cost to Council, drainage works between the subject site and the Council's nominated point of discharge.

The on-site detention device and external drain shall be designed by a qualified engineer and submitted to the Responsible Authority for approval. Construction of the on-site detention device and the external drainage system must be carried out under Council supervision, in accordance with the approved plans and Council's specification.

14. The following are requirements of DSE:
 - a) Prior to the certification of subdivision, the Proposed Subdivision Plan (Proposal 20070713, 20/06/07 Version 1) is approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit.
 - b) All trees indicated for removal under the endorsed plan must be clearly marked on the site.
 - c) An Offset Management Plan is developed and implemented to the satisfaction of the Responsible Authority. The Offset Plan should include, but not be limited to:
 - Details of the offset requirements
 - Measures to achieve the offset requirements
 - Method of security of the offsets in perpetuity
 - A schedule of works including detailed actions (e.g. revegetation, weed control, rabbit control), who is responsible for the action, timing and measure of success (e.g. survival rates).

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- d) **Implementation of the Offset Management Plan must be within one year of the removal of native vegetation.**
- e) **The boundaries of all vegetation to be removed on each lot must be temporarily fenced prior to and during construction with star pickets and ring lock fencing or similar material (not parawebbing) to ensure construction vehicles, earth moving equipment etc do not damage the surrounding retained vegetation. The fence must remain erected until the completion of works.**
- f) **No parking of vehicles or stockpiling of materials is to occur in areas of retained native vegetation. Areas must be designated for those purposes and clearly signed.**
- g) **Works within the root zones of trees to be retained must be supervised by a qualified and experienced arborist. Any further tree losses as a result of these works must be offset to the satisfaction of the Responsible Authority.**

15. The following are requirements of the CFA:

- a) **The subdivision as shown on the endorsed plans must not be altered without the consent of the CFA.**
- b) **Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.**
- c) **The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.**
- d) **Hydrants must be identified as specified in "Identification of Street Hydrants for Firefighting purposes" available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).**
- e) **Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.**
- f) **The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

16. The following are requirements of Telstra:

- a) That the Plan of Subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

17. The following are requirements of Yarra Valley Water:

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

NOTE: Yarra Valley Water will withdraw this condition when we receive a letter from Council stating that the lot/s are capable of adequately treating and retaining domestic wastewater within the boundaries of each lot. Please note that the provisions of State Environment Protection Policy (SEPP 40), Waters of Victoria apply.

18. The following are requirements of SP AusNet:

The applicant must:

- a) Enter in to an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with SPI Electricity for rearrangement of the points of power supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity.
- d) Provide easements satisfactory to SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
- e) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- f) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and execute leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
 - g) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
 - h) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner to comply with the Electricity Safety Act 1998.
 - i) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the network assets to be safely connected to the distribution network.
19. This permit will expire if either of the following circumstances applies:
- (a) The plan of subdivision is not certified within two years of the issue date of this permit; or
 - (b) The subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing prior to expiry of the permit or within three months afterwards.

NOTES:

The nominated point of discharge is the natural gully located in Sweeneys Lane adjacent to the north east corner of the development site.

For Council to service the subdivision, a waste collection area must be provided within the Sweeneys Lane road reserve as part of this approval. Construction plans and the location of the waste collection area must be approved by the Responsible Authority.

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

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

Failure to undertake the vegetation removal in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$550 for the land owner and occupant, and \$1100 for any company which may be undertaking the tree removal works.

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 may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with permit is checked.

Amendment

Cr Michael Young
Cr Helen Coleman

That Council advise VCAT, the applicant and objectors that if a review had not been sought, it would have issued a Notice of Decision to Grant a Planning Permit to the land at 40 Sweeneys Lane, Eltham, being particularly described as Lot 2 on PS 16923 Parish of Nillumbik, for the subdivision of land into six (6) lots and associated native vegetation removal, in accordance with the endorsed plans and subject to the following conditions, with 5(a) as follows

- a) The Offset Management Plan required by the relevant Section 173 Agreement must be approved by the Department of Sustainability and Environment and be to the satisfaction of the Responsible Authority.

LOST

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

<p>Substantive Motion</p>

That Council advise VCAT, the applicant and objectors that if a review had not been sought, it would have issued a Notice of Decision to Grant a Planning Permit to the land at 40 Sweeneys Lane, Eltham, being particularly described as Lot 2 on PS 16923 Parish of Nillumbik, for the subdivision of land into six (6) lots and associated native vegetation removal, in accordance with the endorsed plans and subject to the following conditions:

1. Before the plan of subdivision is certified under the Subdivision Act 1988, 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 amended plans submitted on 24 April 2008, but modified to show:
 - a) Modification to the building envelope and/or driveway access of Lot 4 to provide a more conventional vehicle storage arrangement for the future dwelling. This may include a freestanding carport/garage structure.
 - b) A Landscape Plan to include replacement planting for the whole site at a ratio of two trees for every native tree removed. The species must be indigenous plantings selected from the Council document *Live Local Plant Local*.
 - c) Tree Protection Zones (TPZ) to be shown on the plans. Where practical, tree communities or groups of trees should be protected to exclude access by vehicles/equipment.
2. The layout and location of the lots as shown on the endorsed plan of subdivision shall not be altered or modified without the written consent of the Responsible Authority.
3. Prior to the Certification of the Plan of Subdivision:
 - a) The owner must prepare and enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987. The Agreement is to be registered on the title for all lots within the subdivision. The permit holder must pay all costs associated with the Agreement including the Responsible Authority's legal costs in reviewing the Agreement. The Agreement shall require that:
 - i. All dwellings must be contained within the designated building envelope.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- II. All appurtenances to dwellings must be contained within the designated building envelope, unless with the prior written consent of the Responsible Authority.
- III. Vehicle access to each lot must be via the access point and driveway as defined on the plans endorsed under this permit (no discretion to vary this requirement).
- IV. No trees shown on the endorsed plans to Planning Permit 501/2006/14P as listed for retention shall be removed or lopped unless with the prior written consent from the Responsible Authority.
- V. All fencing within the subdivision must be of post-and-wire construction.
- VI. Each lot must have no front fencing other than retaining walls constructed as part of the subdivision works, unless otherwise agreed, to the satisfaction of the Responsible Authority.
- VII. Prior to the commencement of any buildings and works, including demolition and tree removal on any individual lot:
 - All vegetation to be retained on that allotment must be temporarily fenced off and must remain in place until the completion of the buildings and works on that allotment.
 - The fences shall be erected around the trees to be retained as shown on the endorsed plans to Planning Permit 501/2006/14P.
 - The fences shall be constructed of temporary cyclone fencing and set up to the satisfaction of the Responsible Authority. Within these fences there shall not be, except with the written consent of the Responsible Authority any:
 - Soil disturbance by compaction, excavation, or filling;
 - Stockpiling of construction debris;
 - Clearance of any vegetation; or
 - Changes to soil levels and existing grades.
- VIII. A sign shall be affixed to the tree protection fencing and along the reserves (advising contractors) and shall contain the following message:

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

“These trees and vegetation are required to be retained and protected in accordance with the Planning and Environment Act 1987 and, more specifically, Planning Permit 501/2006/14P. Severe penalties apply for any breach of the Act and the Permit”.

- IX. Any minor tree roots encountered during the construction of any buildings and works on any lot must be carefully hand trimmed and treated with appropriate root initiation substances to ensure root regeneration to the satisfaction of a qualified arborist.**
 - X. The endorsed Landscape Plan must be implemented and maintained by the individual owners of the allotments, unless with the prior written consent of the Responsible Authority.**
 - XI. Stormwater from the development on each allotment must be retained and absorbed onsite to ensure predevelopment runoff only. A stormwater absorption envelope must be provided on each allotment for this purpose.**
 - XII. Dwellings for each lot, must be provided with a storm water holding tank of 4500 litres minimum capacity to collect roof water. The overflow from the tank shall be directed to absorption trenches terminating in one cubic metre (1m³) absorption pit. The length of the absorption trenches must be calculated in relation to the volume capacity of the storage tank.**

Water in the tanks shall be used for toilet flushing, property irrigation and vehicle washing.
 - XIII. A Land Capability Assessment (LCA) be submitted with the planning application for each future dwelling on each lot. The LCA must be to the satisfaction of the Responsible Authority and will assist in establishing the appropriate wastewater treatment system and location for each lot.**
 - XIV. If sewer connection to any lot is achievable prior to the construction of a dwelling on any lot, this must be pursued in favour of wastewater treated on the lot. This is to be determined at the time of the planning permit for the future dwelling on the lot, and at the discretion of Council’s Public Health Unit.**
- b) Landscaping plans to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- i) Proposed informal street tree planting along the private road.
 - ii) Indigenous plantings selected from the Council document *Live Local Plant Local*, and in consultation with Council's Landscape Architect.
 - iii) Specifications regarding the planting method, timing of planting, and replacement planting.
- c) A Construction Management Plan 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 plan must include the following:
- i) Details of vehicle and machinery access to the site and techniques to be implemented to remove the approved trees or vegetation, construction of driveway and access areas, and locations for the storage of machinery and equipment on the site. These works and the operation/storage of machinery and equipment may only occur within the nominated areas on the site which must have been approved by a qualified arborist. These areas are to be clearly identified on the site.
 - ii) Areas are to be defined around trees and other vegetation to be retained (Tree Protection Zones) and shown graphically on the plan, in which there is to be no clearing of understorey vegetation, compaction of soil, or storage of equipment, machinery and building materials, soil etc. These areas must be bounded by clearly recognisable protective barriers to the satisfaction of the Responsible Authority. The Tree Protection Zones must be located no closer than 5 metres from any proposed buildings and works.
 - iii) Details of on-site management of construction including measures to control noise and dust emissions, proposed access arrangements, times of construction and contact details for the designated site manager.
 - iv) It being specified that no material or machinery associated with the development work is to be stored outside the boundaries of the land, including on the nature strip of the frontage of the land.
- d) A site stormwater management plan in accordance with the requirements of condition 6 of this permit.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

4. Prior to any subdivisional works commencing (including any tree removal), Tree Protection Fencing (TPF) as shown in the endorsed plan must be erected around all existing trees to be retained to form an appropriate Tree Protection Zone (TPZ) to the satisfaction of the Responsible Authority and with the following features:
 - i) Each TPF shall be constructed of suitably robust construction, such approved by the Responsible Authority and erected to a height of 1.5m around the TPZ.
 - ii) A sign shall be affixed to the fencing surrounding each tree for retention and shall contain the following message – “This tree is required to be retained and protected in accordance with the Planning Permit. Severe penalties apply for any breach of these requirements.”
 - iii) Fences shall only be shifted during construction works on the site with the consent of the Responsible Authority.
 - iv) TPZ’s are to be installed prior to the commencement of any demolition or construction works and shall not be removed until such works have been fully completed.
 - v) Areas within the TPZ must not be used for machinery, storage, equipment, materials and activity.

5. Prior to the issue of the Statement of Compliance for the subdivision:
 - a) The Offset Management Plan required by the relevant Section 173 Agreement must be approved by the Department of Sustainability and Environment and be to the satisfaction of the Responsible Authority. The offsets must be located off-site, and not on the land of the approved subdivision.
 - b) The owner of the subject land must enter into agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. This agreement must provide for:
 - i) The preparation of Offset Management Plan to be submitted to and approved by the Responsible Authority to form part of this permit. The preparation and registration of the agreement must be paid for by the land owner and the plan must be in accordance with the calculated offsets under the Native Vegetation Management Framework and include the following (all to the satisfaction of the Responsible Authority):

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- The Offset Plan must show appropriate offsets to be undertaken.
 - The works identified to be carried out within the Flora and Fauna Assessment and Net Gain Investigation.
 - Methods of achieving restoration of ecological values and management of remnant areas within the subject land.
 - Methods of permanent protection for the offsets on the subject land.
 - Persons responsible for implementing and monitoring the Offset Management Plan.
 - The timeframes for implementing and monitoring the Offset Management Plan.
- c) Details of all trenching and underground servicing must be provided as part of a servicing plan. Services must be provided outside the tree protection zones, unless appropriate alternative methods are identified by a qualified arborist to the satisfaction of the Responsible Authority.
6. Prior to the issue of the Statement of Compliance for the subdivision, all on-site landscaping works required by the subdivision works shall be completed, unless otherwise agreed, to the satisfaction of the Responsible Authority. The landscaping must be maintained thereafter for a period of twelve (12) months, to the satisfaction of the Responsible Authority.
7. A site storm water management plan must be submitted to Melbourne Water and the Responsible Authority. Upon the advice and approval from Melbourne Water, the plan will be endorsed by the Responsible Authority and will form part of this permit. The plan must be reviewed annually and submitted to the Responsible Authority for endorsement until such time as the Responsible Authority considers that no further reviews are necessary. The development must at all times be conducted in accordance with the endorsed plans.

The site stormwater management plan must include:

- The extent of disturbed area and the proposed method of revegetation;
- The location of proposed permanent stormwater treatment structures to be used prior to discharge to receiving environments;
- The location of all cut off drains, temporary sediment ponds and other structures to collect sediment during the construction phase until development is 95% complete;

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PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- Areas for the storage of sand, gravel and other materials, with cut off drains and sediment ponds to reduce sediment run off;
 - The ways in which soil erosion, disturbance and sedimentation are to be minimised;
 - The ways in which water flows across the site are to be managed;
 - Proposed wash down procedures;
 - Proposed monitoring and maintenance systems.
8. No trees apart from those shown on the endorsed plans as trees to be removed may be felled, destroyed, or lopped, without the prior written consent of the Responsible Authority.
 9. Disturbed surfaces on the land resulting from the works authorised or required by the subdivisional works shall be revegetated with indigenous species and stabilised, to the satisfaction of the Responsible Authority.
 10. No polluted, effluent and/or sediment laden runoff from the development site is to be discharged directly or indirectly into Council's drains or Melbourne Water's drains or watercourses. In this regard, pollution or litter traps must be installed on site and serviced accordingly, all to the satisfaction of the Responsible Authority. The maintenance and servicing of the pollution or litter traps are to be carried out to the satisfaction of the Responsible Authority.
 11. The holder of this permit must ensure that wherever the approved engineering plans for roadworks, drainage, or filling exceeding 300mm compacted depth (at finished surface level) within that portion of any lot created by the subdivision likely to be used for buildings, the existence of such filling contained in the approved engineering plans for roadworks and drainage regarding filling on any residential lot must be referred to (where applicable) when completing a Statement pursuant to Section 32 of the *Transfer of Land Act*.
 12. The private road as shown on the endorsed plans must be constructed and drained to the satisfaction of the Responsible Authority.
 13. Stormwater from the private road must be directed to an on-site detention device. The on-site detention device is to be installed to restrict the property discharge to a flow equivalent to the pre-development design flow rate as approved by the Responsible Authority. The permit holder is required to construct, at no cost to Council, drainage works between the subject site and the Council's nominated point of discharge.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

The on-site detention device and external drain shall be designed by a qualified engineer and submitted to the Responsible Authority for approval. Construction of the on-site detention device and the external drainage system must be carried out under Council supervision, in accordance with the approved plans and Council's specification.

14. The following are requirements of DSE:

- a) **Prior to the certification of subdivision, the Proposed Subdivision Plan (Proposal 20070713, 20/06/07 Version 1) is approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit.**
- b) **All trees indicated for removal under the endorsed plan must be clearly marked on the site.**
- c) **An Offset Management Plan is developed and implemented to the satisfaction of the Responsible Authority. The Offset Plan should include, but not be limited to:**
 - **Details of the offset requirements**
 - **Measures to achieve the offset requirements**
 - **Method of security of the offsets in perpetuity**
 - **A schedule of works including detailed actions (e.g. revegetation, weed control, rabbit control), who is responsible for the action, timing and measure of success (e.g. survival rates).**
- d) **Implementation of the Offset Management Plan must be within one year of the removal of native vegetation.**
- e) **The boundaries of all vegetation to be removed on each lot must be temporarily fenced prior to and during construction with star pickets and ring lock fencing or similar material (not parawebbing) to ensure construction vehicles, earth moving equipment etc do not damage the surrounding retained vegetation. The fence must remain erected until the completion of works.**
- f) **No parking of vehicles or stockpiling of materials is to occur in areas of retained native vegetation. Areas must be designated for those purposes and clearly signed.**

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- g) Works within the root zones of trees to be retained must be supervised by a qualified and experienced arborist. Any further tree losses as a result of these works must be offset to the satisfaction of the Responsible Authority.

15. The following are requirements of the CFA:

- a) The subdivision as shown on the endorsed plans must not be altered without the consent of the CFA.
- b) Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.
- c) The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- d) Hydrants must be identified as specified in "Identification of Street Hydrants for Firefighting purposes" available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).
- e) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- f) The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

16. The following are requirements of Telstra:

- a) That the Plan of Subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

17. The following are requirements of Yarra Valley Water:

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

NOTE: Yarra Valley Water will withdraw this condition when we receive a letter from Council stating that the lot/s are capable of adequately treating and retaining domestic wastewater within the boundaries of each lot. Please note that the provisions of State Environment Protection Policy (SEPP 40), Waters of Victoria apply.

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

18. The following are requirements of SP AusNet:

The applicant must:

- a) Enter in to an agreement with SPI Electricity Pty Ltd for supply of electricity to each lot on the endorsed plan.
- b) Enter into agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
- c) Enter into an agreement with SPI Electricity for rearrangement of the points of power supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity.
- d) Provide easements satisfactory to SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
- e) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
- f) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and execute leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- g) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- h) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner to comply with the Electricity Safety Act 1998.
- i) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the network assets to be safely connected to the distribution network.

19. This permit will expire if either of the following circumstances applies:

Planning and Building reports

PB.022/08 Subdivision of the land into six lots and associated native vegetation removal at 40 Sweeneys Lane, Eltham (cont)

- (a) The plan of subdivision is not certified within two years of the issue date of this permit; or
- (b) The subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the permit if a request is made in writing prior to expiry of the permit or within three months afterwards.

NOTES:

The nominated point of discharge is the natural gully located in Sweeneys Lane adjacent to the north east corner of the development site.

For Council to service the subdivision, a waste collection area must be provided within the Sweeneys Lane road reserve as part of this approval. Construction plans and the location of the waste collection area must be approved by the Responsible Authority.

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

Failure to undertake the vegetation removal in accordance with the conditions of this permit will result in the issuing of Planning Infringement Notices to the land owner, occupant (if this a different person), and the person or company undertaking the tree removal works. The minimum penalty on the Planning Infringement Notice for land owners and occupants will be \$550 for the land owner and occupant, and \$1100 for any company which may be undertaking the tree removal works.

The removal of vegetation is often found by Council to generate concern amongst other community members who may not be aware that a permit has been obtained. Council therefore strongly recommends that the permit holder advise any nearby neighbours of their intention to remove the vegetation and that they have obtained permission to do so before they proceed to remove the vegetation. Failure to do so may result in Council officers being obliged to visit the land, and also potentially delay the vegetation removal process while compliance with permit is checked.

CARRIED

Policy and Services reports

PS.012/08 Eltham Lower Park Masterplan – Draft Implementation Plan

Author: Darren Bennett, Manager Leisure Services

Authorised: Vin McKay, Group Manager Leisure and Community Services

File: 80/38/063

Summary

In 2006, Nillumbik Shire Council recommenced a masterplanning project for Eltham Lower Park in collaboration with key stakeholders and the local community.

The aim of the Masterplan is to provide a strategic direction for the future development of the Park, by establishing a priority works plan that is achievable and balances the needs of permanent tenants and casual visitors, as well as passive and active recreational and environmental issues.

At the Ordinary Meeting of Council on 18 March 2008, Council resolved to:

1. Adopt the revised draft Eltham Lower Park Masterplan.
2. Note that some recommendations within the revised Masterplan have been altered based on the feedback received from submission writers.
3. Thank the steering committee, key stakeholders and local community for their ongoing input and support to this project.
4. Provide a copy of the final Masterplan to all key stakeholders.
5. Request officer prepare an implementation plan for the Eltham Lower Park Masterplan.
6. Receive a further report in June 2008 to consider the implementation plan for the Eltham Lower Park Masterplan.

Officers have since thanked the steering committee, key stakeholders and local community for their input into the project, sent copies of the adopted Masterplan to all key stakeholders and posted the adopted Masterplan on Council's website.

Officers have now prepared the draft Implementation Plan (refer **Attachment 1**). Priorities for action have been identified based on high priorities (1-3 years), medium priorities (4-6 years) and low priorities (7-10 years).

This report outlines the process to date in relation to preparation of the draft Implementation Plan, including distribution and discussion with key stakeholders and notes. Council will receive submissions from key stakeholders in relation to the draft plan at the Policy and Services meeting to identify any changes that may be required to the draft Implementation Plan prior to the plan's adoption.

Policy and Services reports

PS.012/08 Eltham Lower Park Masterplan – Draft Implementation Plan (cont)

Motion

Cr Bill Penrose
Cr Greg Johnson

That Council:

1. Note submissions made in relation the Eltham Lower Park Masterplan Implementation Plan.
2. Thank the submitters for their presentations.
3. Receive a further report at the June Ordinary meeting of Council.

CARRIED

11. Officers' reports**11.053/08 Civic Centre Project – Proposed public consultation of Draft Masterplan for Apollo Parkways Precinct and Draft Civic Centre Concept Design**

Author: Neville Slade, Manager, Major Projects and Business Services**Authorised: Stuart Caldwell, Acting Group Manager, Environment and Planning Services****File: 80/18/004****Summary**

In September 2007, Council resolved to undertake detailed planning for a new Civic Centre in Eltham, and for a Masterplan for the Civic Drive precinct. The objective of this work was to prepare draft plans for both sites, and also to ascertain whether a relocation of the Civic Centre could be undertaken without increasing rates.

During that process, Council has worked with the community to prepare both plans. Community Reference Groups were established for both sites, and these groups have been actively involved in preparation of the plans by Council and the consultancy teams engaged for the projects. Opportunities have also been provided for other members of the community to participate in the planning processes, with two community workshops being held for each site respectively.

The outcome of this work is now presented to Council. A unique and exciting design has been developed for a new Civic Centre in Eltham, which at preliminary assessment, is expected to achieve a 6 Star energy rating, being world's best practice environmental standard at an estimated cost of \$16.9m.

A draft Masterplan for the Apollo Parkways Precinct including the Civic Drive site is also presented to Council. A number of options were considered by the Reference Group during the process. The preferred option before Council is less intensive than some options put to the Reference Group. It provides 10,238 square metres or 16.6% of the developable parcel as public open space, retains many of the existing canopy trees, provides for 176 dwellings and includes a diverse range of housing styles. The estimated revenue from the sale of the developed lots is \$14.7m.

After allowing for adjustments for other associated costs and revenue, as detailed in this report, the balance of funds needed to implement this project without impacting on rates would be from a loan of \$2.9m. This debt could be serviced from two sources. Firstly, savings on energy costs from the new Civic Centre would be used to repay \$1.9m. Secondly, the land to be sold at Civic Drive would become rateable when sold, and a portion of this new rate revenue would be used to repay \$1.0m. This only represents the proportion of rate revenue that arises from the land becoming rateable, and does not use any of the additional rate revenue arising from the subsequent subdivision and development of the land for housing, which would be required to provide services.

11. Officers' reports

11.053/08 Civic Centre Project – Proposed public consultation of Draft Masterplan for Apollo Parkways Precinct and Draft Civic Centre Concept Design (cont)

Some concerns have been raised particularly by residents in Apollo Parkways in relation to:

- The previous decision of Council not to pursue a redevelopment of the current building.
- Proposing development of part of the Civic Drive site as detached housing on 600m² – 700m² lots.

This report briefly reviews these issues and concludes that this would deliver a less desirable outcome in terms of environmental, urban design, open space and financial considerations than proceeding as Council determined in September 2007.

This report recommends that both draft plans and the associated financial package now be released for public comment during July 2008 prior to a further report being considered by Council in August 2008.

Motion

**Cr Greg Johnson
Cr Michael Young**

That Council:

- 1. Note the processes that have occurred on this matter since September 2007.**
- 2. Receive and note the draft concept design for a Civic Centre in Eltham and the draft Masterplan for the Civic Drive precinct.**
- 3. Acknowledge the contributions of the members of the Reference Groups that were appointed to work with Council on the draft plans.**
- 4. Resolve to place both draft plans and the associated financial details on display for public comment until 24 July 2008, and consider public submissions at Council's Policy and Services Committee meeting on 12 August 2008.**

CARRIED

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges

Author: Helen Sui, Manager Finance

Authorised: Andrew Port, Group Manager Corporate Services

File: 20/25/001

This report formally enables the adoption of the budget for the 2008-09 financial year and declaration of rates and charges.

The budget provides an overall increase in rates and charges of 6.00%. The draft budget was exhibited, and the submissions received were considered by Council on 17 June 2008. No changes are proposed to the Budget following consideration of the submissions.

Motion

Cr Peter Yates
Cr Bill Penrose

That:

1. Council, having considered submissions received, adopt the Proposed Budget (Attachment 1 to report 11.043/08 to the Ordinary Meeting of Council held 27 May 2008) as the Adopted Budget for the 2008-09 financial year.
2. The Chief Executive Officer be authorised to give public notice of the decision to adopt the Budget, to submit a copy of the adopted budget to the Minister no later than 31 August 2008, and to advise the submitters of the decision to adopt the Budget.
3. The amount intended to be raised be as follows:
 - a) An amount of \$36,551,395 (or such greater amount as is lawfully levied as a consequence of this Recommendation being adopted) be declared as the amount which Council intends to raise by general rates, municipal charge and annual service charge (described later in this Recommendation). The amount declared is calculated as follows:

General Rates	\$29,027,579
Municipal Charge	\$ 1,730,653
Annual Service Charge	\$ 5,793,163
4. General Rates
 - a) That general rates be declared in respect of the 2008-09 Financial Year.
 - b) It be further declared that the general rates be raised by the application of differential rates.

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges (cont)

c) A differential rate be respectively declared for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each differential rate so declared.

i) Farm Land

Any land which is 'farm land' within the meaning of section (2)1 of the *Valuation of Land Act 1960*.

ii) Commercial/Industrial Land

Any land which is used primarily for commercial or industrial purposes.

iii) Vacant Land – Residential 1 and Township Zones

Any land located in the Planning Zones of Residential 1 and Township on which no habitable dwelling is erected.

iv) Vacant Land – Other

Any land not defined as Vacant Land-Residential 1 or Township Zones on which no habitable dwelling is erected.

v) Other Land

Any land which is not :

- Farm Land
- Commercial/Industrial Land
- Vacant Land – Residential 1 and Township Zones
- Vacant Land – Other

d) The quantum of rates payable in respect of each rateable land will be determined by multiplying the Capital Improved Value of such land (categorised by the characteristics described in paragraph 4(c) of this Recommendation) by the relevant percentages indicated in the following table:

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges (cont)

Category	Rate in Dollar
Farm Land	0.002263 (or 0.2263 cents in the dollar of Capital Improved Value)
Commercial/Industrial Land	0.002916 (or 0.2916 cents in the dollar of Capital Improved Value)
Vacant Land – Residential 1 and Township Zones	0.005028 (or 0.5028 cents in the dollar of Capital Improved Value)
Vacant Land – Other	0.002514 (or 0.2514 cents in the dollar of Capital Improved Value)
Other Land	0.002514 (or 0.2514 cents in the dollar of Capital Improved Value)

- e) It be recorded that Council considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions, and that the:
 - i) respective objectives, uses and levels of each differential rate be those specified in Schedule A (see Attachment 1).
 - ii) respective types or classes of land which are subject to each differential rate be those defined in part 4 (c) of this Recommendation.
- f) It be confirmed that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.
- g) In accordance with section 4(4) of the *Cultural and Recreational Lands Act 1963*, the amount of rates payable in respect of each of the rateable lands to which that Act applies be determined by multiplying the Capital Improved Value of that rateable land by 0.000969 (or 0.0969 cents in the dollar of Capital Improved Value).

5. Municipal Charge

- a) A Municipal Charge of \$79.00 per assessment be declared in respect of the 2008-09 financial year.

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges (cont)

6. Annual Service Charge

- a) An annual service charge be declared in respect of 2008-09 financial year.
- b) The annual service charge be declared for the collection and disposal of residential refuse and other waste.
- c) The annual service charge declared is:

Option 1 \$288.75 per service and includes the following three bins:

- 120 litre organic waste bin
- 240 litre recyclables bin
- 120 litre 'other' waste bin

Option 2 \$263.20 per service and includes the following three bins:

- 120 litre organic waste bin
- 240 litre recyclables bin
- 80 litre 'other' waste bin

Option 3 \$404.00 per service and includes the following four bins:

- 120 litre organic waste bin
- 240 litre recyclables bin
- 2 x 120 litre 'other' waste bins

Elderly persons units (designated properties only) \$76.75

- d) For each rateable land or non-rateable land in respect of which an annual service charge may be levied, the levy will apply, irrespective of whether the owner or occupier of the land avails himself, herself or itself of the service.
- e) The annual service charge shall not apply to properties classified as Vacant Land – Residential 1 and Township Zones, Vacant Land - Other or Commercial/Industrial Land.

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges
(cont)

7. Rebates

- a) It be recorded that subject to paragraph 4(c) of this Recommendation, Council may grant a rebate to each owner (or, where applicable, occupier) of land which:
 - i) is not less than 30 hectares in area.
 - ii) has been granted Farm Land classification under Section 2(1) of the Valuation of Land Act 1960.
- b) The rebate be granted to:
 - i) assist the proper development of the municipal district.
 - ii) preserve places within the municipal district which are of environmental interest.
 - iii) restore or maintain places of environmental importance within the municipal district.
 - iv) more generally achieve the objective outlined in the Sustainable Agricultural Rebate Policy adopted by Council on 17 April 2001 as amended from time to time.
- c) The grant of the Rebate be:
 - i) subject to the criteria detailed in the Sustainable Agricultural Rebate Policy.
 - ii) a discount of 20 per cent to the farm land rate.

8. Payment

- a) In accordance with section 167 of the *Local Government Act 1989*, as amended, Council determines that rates and charges may be paid by either:
 - i) a lump sum payable on or before 15 February 2009.
 - ii) four equal quarterly instalments due on:
 - 30 September 2008
 - 30 November 2008
 - 28 February 2009
 - 31 May 2009

11. Officers' reports

11.054/08 Adoption of 2008-09 Budget and declaration of Rates and Charges (cont)

9. Consequential further actions:

- a) The Group Manager Corporate Services be authorised to levy and recover the general rates, municipal charge and annual service charge in accordance with the *Local Government Act 1989* and *Local Government (Amendment) Act 1994*.
- b) That, pursuant to section 172(1) of the *Local Government Act 1989*, Council require the payment of interest on any amounts of rates and charges which have not been paid by the date specified under section 167 of the said Act for their payment.

CARRIED

Cr Helen Coleman left the chamber at 10.36pm following the vote on 11.054/08 and returned at 10.38pm before the vote on 11.055/08

Cr Michael Young left the Chamber at 10.36pm following the vote on 11.054/08 and returned at 10.47pm before the vote on 11.057/08.

11. Officers' reports

11.055/08 Council Plan review 2008

Author: Natalie Campion, Governance and Development Officer

Authorised: Andrew Port, Group Manager Corporate Services

File: 25/10/001

Summary

This report formally enables the adoption of the Council Plan.

The Nillumbik Shire Council Plan is Council's primary direction setting document that outlines Council's vision, values, strategic objectives, strategies and performance indicators for a four year period.

Council has a legislative requirement to review the Plan annually and consider whether any adjustments are required to the goals, strategic objectives, strategies or performance indicators.

The Council Plan was reviewed and although the goals and strategic objectives remained the same, some minor changes have been made to the strategies and strategic indicators.

The adjustments to the Plan were exhibited for public comment on 28 May 2008 for a period of two weeks. Four written submissions were received from the community within this period. One further late submission was received. **Attachment 1** provides further detail of the issues raised in these submissions, which were considered at the Special Meeting of Council on 17 June 2008.

The proposed Council Plan (**Attachment 2**) includes additional amendments to three strategies following the public submissions received. This also includes other sections of the Plan that have now been updated including the Mayor's message.

The Strategic Resources Plan forms part of the Council Plan. It is proposed to make one adjustment to the Strategic Resources Plan arising from the submission process, as detailed in this report, to remove transactions associated with the Civic Centre and the Civic Drive site.

Motion

Cr Bronnie Hattam
Cr Greg Johnson

That Council:

1. **Having considered all submissions from the community relating to the proposed adjustments to the Council Plan, adopts the reviewed Nillumbik Council Plan 2007-2011 (Attachment 1) which incorporates the proposed changes as outlined in Section 4.2 of this report.**

11. Officers' reports

11.055/08 Council Plan review 2008 (cont)

2. Forward the reviewed Nillumbik Council Plan 2007-2011 to the Department of Planning and Community Development.

CARRIED

11. Officers' reports

11.056/08 Community Group Support Grants

Author: Ben Pollard, Coordinator Community Planning

Authorised: Vin McKay, Group Manager Leisure and Community Services

File: 20/35/026

Summary

This report is to advise Council of the recommendations for the distribution of funds under the Community Group Support Grants for the month June 2008.

Since July 2007 and including the three applications in this report, Council has recommended a total amount of \$25,910 to be distributed to 23 community groups for this particular grants program. This report is the sixth and final report to Council for the 2007-08 financial year in which there are three applications recommended for funding (refer **Attachment 1**).

The North East Ranges Permaculture Group is seeking \$1,900 to purchase a covered stall and materials for information stalls at markets and festivals across the shire.

The Cerebral Palsy Support Network is seeking \$800 for materials and printing costs to maintain communication with their members.

The Darrabi garden is located within Fergusons Paddock; the Darrabi Garden group is seeking \$600 to purchase signs and materials for the garden.

Attachments 2 and 3 provide a listing of community groups previously funded and the selection criteria for the grant program.

Motion

Cr Greg Johnson
Cr Bill Penrose

That Council:

- 1. Approve the recommended funding for Community Group Support Grants as outlined in Attachment 1 to this report.**
- 2. Thank the three groups for their application and advise them of the outcome.**

CARRIED

Cr Bronnie Hattam left the chamber at 10.45pm following the vote on 11.056/08 and returned at 10.49pm before the vote on 11.057/08.

Cr Peter Yates left the chamber at 10.46pm following the vote on 11.056/08 and returned at 10.50pm before the vote on 11.057/08.

11. Officers' reports

11.057/08 Eltham Lower Park Masterplan – Draft Implementation Plan

Author: Darren Bennett, Manager Leisure Services

Authorised: Vin McKay, Group Manager Leisure and Community Services

File: 80/38/063

Summary

In 2006, the Nillumbik Shire Council recommenced a mastering planning project for Eltham Lower Park in collaboration with key stakeholders and the local community.

The aim of the Masterplan is to provide a strategic direction for the future development of the Park by establishing a priority works plan that is achievable and balances the needs of permanent tenants and casual visitors as well as passive and active recreational and environmental issues.

At the Ordinary Meeting of Council on 18 March 2008, Council resolved to adopt the revised draft Eltham Lower Park Masterplan, thank the steering committee, key stakeholders and local community for their ongoing input and support to the project and requested officers prepare a draft Implementation Plan for the Eltham Lower Park Masterplan.

This report outlines the process in relation to preparation of the draft Implementation Plan, including distribution and discussion with key stakeholders.

Council received submissions from key stakeholders in relation to the draft plan at the Policy and Services Committee meeting held on the 10 June 2008.

Submissions from key stakeholders. Including park user group's representatives largely endorsed the Implementation Plan.

Officers have now revised the draft Implementation Plan having regard for the submissions considered on the 10 June 2008 (refer **Attachment 2**) and the following changes are proposed. Within General Improvements, action 1.6 now includes the preparations of a high level landscape plan for the overall park which identifies canopy tree renewal areas. Within the Equestrian Area section, action 3.2 and 3.3 now includes a notation explaining the Proposed Partner Contribution is subject to change dependent upon the outcome of lease and license negotiations with the equestrian clubs. Within the Informal Activity Areas, action 4.6 now includes reference to staging any renewal planting over a number of years. Within the Traffic Management and Car Parking section, action 8.2 now includes reference to access for car parking and unloading requirement for DVR members in the area adjacent to the DVR and vehicle access to the conservation area, action 8.3 now includes reference to bus drop off zones which will be close to the miniature railway and bus parking will be provided in the Lenister Farm car park area. Action 8.4 deletes reference to bus drop off in this area.

The draft Implementation Plan establishes a priority works plan that is achievable and balances the needs of permanent tenants and casual visitors as well as passive and active recreational and environmental issues.

11. Officers' reports

11.057/08 Eltham Lower Park Masterplan – Draft Implementation Plan (cont)

Motion

Cr Helen Coleman
Cr Bronnie Hattam

That Council:

1. **Adopt the revised Eltham Lower Park Masterplan – Draft Implementation Plan and note changes have been made consistent with section 4.6 of this report.**
2. **Thank the key stakeholders for their ongoing input and support for this project.**
3. **Provide a copy of the final Masterplan to all key stakeholders.**
4. **Receive a further report to consider the proposed revised plans for the Pines Picnic area.**

CARRIED

11. Officers' reports

11.058/08 Proposed Rotary Club of Diamond Creek weekly market

Author: Darren Bennett, Manager Leisure Services

Authorised: Vin McKay, Group Manager Leisure and Community Services

File: 70/15/004

Summary

Recently the Rotary Club of Diamond Creek (RCDC) approached officers regarding the potential use of the former Diamond Valley Horse and Pony Club site (see **Attachment 1**) for a weekly Sunday Market.

Preliminary investigations with stakeholders suggest this proposal will facilitate the enhancement of this site in line with Council's strategic directions as outlined in Diamond Creek Major Activity Centre – Structure Plan and Leisure Facilities Plan (Diamond Creek twenty20), provide an event that will attract visitors to Diamond Creek and create opportunities for community groups to raise funds at the market.

This report outlines the preliminary consultation process which has been undertaken to date, identifies a number of logistical issues that will require further investigation and recommends Council endorse the proposal and allow the RCDC to undertake detailed planning to progress the proposal.

Motion

Cr Bo Bendtsen
Cr Peter Yates

That Council:

1. **Provide 'in principle' support for the proposal and instruct officers to negotiate a License agreement with the Rotary Club of Diamond Creek to conduct a weekly market on the site subject to the following conditions:**
 - a) **Proposed infrastructure to support the market must be approved by Council and complement Council's long term strategic direction for the site as outlined in Diamond Creek twenty20.**
 - b) **The Rotary Club of Diamond Creek prepare a detailed traffic management plan that identifies traffic flow and car parking for the event to the satisfaction of Council.**
 - c) **Any capital work costs to accommodate the market to be provided by the Rotary Club of Diamond Creek.**
 - d) **The market must be a Waste Wise event.**

CARRIED

Cr Bo Bendtsen left the chamber at 11.02pm after the vote on 11.058/08 and returned at 11.05pm before the vote on 11.059/08.

11. Officers' reports

11.059/08 Eltham Library Upgrade Study

Author: Adrian Cully, Manager Social and Cultural Development

Authorised: Vin McKay, Group Manager Leisure and Community Services

File: 80/26/001

Summary

This report seeks Council approval to submit a funding application to the Department of Planning and Community Development's Living Libraries Program to undertake works at the Eltham Library complex.

The proposed works consist of an upgrade and extension to the children's area and an internal redesign to facilitate the introduction of more computers and an informal reading area. The works also include the installation of an automatic book return and sorter system.

The proposal is a result of an Upgrade Study on the Eltham Library conducted by award winning architect, Greg Burgess, who designed the building in the early 90's.

Motion

Cr Greg Johnson
Cr Bronnie Hattam

That Council:

- 1. Authorise officers to submit a funding application to the Department of Planning and Community Development's Living Libraries Program to undertake upgrade works to the Eltham Library in accordance with the attachments to this report.**
- 2. Should the application be successful, refer the matching contribution of up to \$500,000 to estimates through the 2009-10 Capital Works budget.**

CARRIED

11. Officers' reports

11.060/08 Genetically modified crops

Author: Margaret Abbey, Group Manager Environment and Planning Services

Authorised: Bill Forrest, Chief Executive Officer

File: 50/10/046

Summary

Council at its May 2008 Ordinary Meeting (Item 7.005/08) received a petition containing 29 signatures requesting that Council take every possible action to help ensure that genetically manipulated crops are not grown in the municipality and that Council declare the municipality a GM-Free zone.

Advice has been received from the Victorian Farmers Federation (VFF), the Municipal Association of Victoria (MAV) and the Minister for Agriculture.

The VFF advises that its membership has overwhelmingly supported having the choice to grow GM crops, whilst the MAV has advised of its request for the State Government to create a register of GM crop trials and commercial releases.

This report recommends that Council note the information it has received and advise the petition organiser.

Officer Recommendation

That Council:

1. Note the information received from the Victorian Farmers Federation, the Municipal Association of Victoria and the Minister for Agriculture concerning genetically modified crops.
2. Advise the petition organiser.

Motion

Cr Greg Johnson
Cr Michael Young

That Council:

1. **Note the information received from the Victorian Farmers Federation, the Municipal Association of Victoria and the Minister for Agriculture concerning genetically modified crops.**
2. **Advise the petition organiser.**
3. **Seek further information from the Australian Conservation Foundation.**

CARRIED

11. Officers' reports

11.061/08 Logging in water catchments

Author: Margaret Abbey, Group Manager Environment and Planning Services

Authorised: Bill Forrest, Chief Executive Officer

File: 75/45/014

Summary

Council has previously received a presentation from the Melbourne Water Catchment Network advocating for the State Government to adopt a policy to 'significantly improve water yields and reduce catchment fire risk by stopping all logging in the Melbourne water catchments immediately.' Council has also been encouraged to adopt a local statement of not supporting logging within the catchments.

As a result of the presentation, Council at its Ordinary Meeting on 22 April 2008 (Item 13.002/08) resolved to receive a report on the impact of clearfell logging on Melbourne's water catchments.

Advice has been received from the Municipal Association of Victoria's Environmental Advisory Group, other Councils and the State Government on this matter.

Given that the State Government has established an investigation into the harvesting of timber in State forests supplying water to Melbourne, this report recommends that Council note the actions being undertaken and receive a further report once final recommendations have been made to the State government.

Officer Recommendation

That Council note this report and request a further report once the recommendations of the Sustainability Assessment have been submitted to the State Government.

Motion

Cr Bronnie Hattam
Cr Greg Johnson

That Council:

- 1. Oppose logging in Melbourne Water catchments on the basis that;**
 - a) Logging has dramatic and detrimental effect on water yield in catchments.**
 - b) Young re-growth trees need more water thus releasing less water into catchments.**
 - c) Logging reduces stream flow and yields to water catchments.**
 - d) It takes 150 years for water yields to return to their pre-logged status.**

11. Officers' reports

11.061/08 Logging in water catchments (cont)

- e) It is poor water policy to continue to log our water catchments
 - f) Logging in water catchments adversely affects water quality through increasing sediment, as does road construction through logging coupes.
 - g) Melbourne water catchments contain significant biodiversity.
 - h) There is widespread concern about this issue, reflected in similar resolutions from the following municipalities: Yarra Ranges, Bayside, Moreland, Port Phillip, Whitehorse, Yarra, Knox, Kingston, Melbourne, Maroondah.
2. To write to the Premier, the Water Minister and local members of Parliament informing them of this view.
3. That a copy of this resolution be forwarded to the Mayor and Councillors of the Shire of Yarra Ranges.

CARRIED

11. Officers' reports

11.062/08 Brinkotter Road Special Charge Scheme, Eltham

Author: Patrick Wood, Engineer

Authorised: Conal Creedon, Group Manager Infrastructure Services

File: B/104

Summary

Council received form letters signed by property owners in Brinkotter Road, Research, requesting that Council investigate road sealing.

Questionnaires were then sent to all property owners in Brinkotter Road on 11 April 2008, to establish the level of support to construct the road.

The level of support established for a Special Charge Scheme for Brinkotter Road is 45 per cent. This represents support from 9 of the 20 property owners, with 1 non-response.

Given that the level of support is below 60 per cent it is recommended that Council abandon the scheme and place a three year moratorium on any further investigations for road construction in Brinkotter Road.

Motion

Cr Bill Penrose
Cr Bronnie Hattam

That Council:

1. **Abandon further investigations into a Special Charge Scheme for Brinkotter Road.**
2. **Place a three year moratorium on any further investigations into a Special Charge Scheme for Brinkotter Road.**
3. **Notify affected property owners accordingly.**

CARRIED

11. Officers' reports

11.063/08 Clarke Avenue and Park Avenue special charge scheme, Wattle Glen – questionnaire results

Author: Gwilym Craig, Engineer

Authorised: Conal Creedon, Group Manager Infrastructure Services

File: C/064, P/004

Summary

Council has received form letters signed by property owners in Clarke Avenue and Park Avenue, Wattle Glen requesting that Council investigate road sealing.

Questionnaires were then sent to all property owners in Clarke Avenue and Park Avenue on 19 December 2007 to establish the level of support to construct the road.

The level of support established for a Special Charge Scheme for Clarke Avenue and Park Avenue is below 60 per cent. This represents support from 9 of the 44 property owners.

Given that the level of support is below 60 per cent it is recommended that Council abandon the Scheme and place further investigations for road construction in Clarke Avenue and Park Avenue on a three year moratorium.

Motion

**Cr Bill Penrose
Cr Howard Bulmer**

That Council:

- 1. Abandon further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue, Wattle Glen.**
- 2. Place any further investigations into a Special Charge Scheme for Clarke Avenue and Park Avenue on a three year moratorium.**
- 3. Notify affected property owners accordingly.**

CARRIED

11. Officers' reports

11.064/08 Planning and Building monthly report

Author: Jeremy Livingston, Acting Manager Planning and Building Services
Chad Griffiths, Coordinator Strategic Planning

Authorised: Stuart Caldwell, Acting Group Manager Environment and Planning Services

File: 45/25/007

Summary

This report provides a status update on applications lodged and determined as well as updates on appeals, planning scheme amendments and matters determined under delegation for May.

Motion

Cr Michael Young
Cr Bronnie Hattam

That the report be noted.

CARRIED

11. Officers' reports

11.065/08 Council reports outstanding

Author: Naomi Ellis, Governance Officer

Authorised: Andrew Port, Group Manager Corporate Services

File: 15/15/006

Summary

This report provides a current listing of Council reports outstanding as at 24 June 2008.

Motion

Cr Bill Penrose

Cr Peter Yates

That the reports identified in Table 1 be noted.

CARRIED

12. Sealing schedule

13. Notices of motion

13.003/08

Cr Michael Young advised of his intention to move the following:

Motion

**Cr Michael Young
Cr Howard Bulmer**

That Council undertake the following actions in relation to Eltham Town Square and Commercial Place:

- 1. A small working group be formed comprising representation from councillors, officers, the Eltham Chamber of Commerce and the community. The group's role would primarily be to engage and help with the direction of the detailed design of both the landscaping and the built form of the square, broadly consistent with the Michael Smith and Associates Report, March 2008.**
- 2. Employ an appropriate architect, landscape designer and urban planner to develop detailed drawings including an easily readable 'artist impression' of the proposed improvements to the town square. It should be noted that the original designers of the square should, at a minimum, be consulted with a view to furthering the existing building and design detail and themes.**
- 3. Give notice of it's intention to close the access through the Eltham town square to traffic for a period of no less than six months, commencing within one month of the opening of the circulatory road.**
- 4. Advise those affected by this proposal by advertising in the local newspaper, erecting a sign on site, writing to all businesses and owners fronting town square and emergency services.**
- 5. An appropriate location and configuration be devised and constructed in order to facilitate the necessary movements of delivery vehicles for the servicing of the nearby businesses.**
- 6. Investigate and consult with the Chamber of Commerce and if appropriate, make allowance for short term parking provision in the undercroft parking of the Safeway carpark.**
- 7. Work is to be completed and operational on or within one month of the opening of the circulatory road.**
- 8. Signage be installed on a temporary basis so as to clearly direct traffic to the appropriate parking areas, as well as to the appropriate use of the circulatory road for the majority of north/south movements.**

Notices of motion (cont)

9. The design and investigative work required to facilitate the widening of the west side footpath of commercial place between Prior Street and Luck Street be included in this scope of work. The streetscape and pedestrian improvements are to be designed in line with the existing treatments of commercial place between Arthur Street and Prior Street.
10. Endorse the alterations necessary to facilitate the use of the \$400,000 allocation from the 2007-08 budget (sourced from borrowings). A portion of this money is to be made available for this initial work. Council allocate:
 - (a) \$30,000 for the initial capital works.
 - (b) \$40,000 for work described in Part 2 and 9 of this resolution, nominally \$10,000 for the readable artists impression, \$15,000 for architect landscape designer and urban planner (and traffic engineer if required) and \$15,000 for design and investigative work in Commercial Place.
11. Consider the options and opportunities of the various financial models that are available in regard to the possible Café/Wine Bar/Retail components of the town square. All the financial models to be presented back to Council will exclude costs associated with the redevelopment of public areas from the calculation of rental return for the commercial buildings.
12. The resultant plans and artists impressions be prominently displayed in the town square by the first day of November 2008 and that feedback on Council's intention to construct the proposed improvements be invited and considered.
13. The design of the redevelopment not include provision of new car parking spaces, on the basis that likely demand generated will be able to be accommodated within existing parking facilities in the Eltham Activity Centre as indicated in the report of Mike Smith and Associates, March 2008.
14. The road status and related changes necessary are undertaken at the earliest opportunity.
15. That the concept plans referred to in Part 12 be further reviewed by Councillors prior to prominent public display.

Notices of motion (cont)

Motion

Cr Greg Johnson
Cr Bill Penrose

That Council suspend standing orders for 15 minutes to facilitate further discussion.

CARRIED

Cr Howard Bulmer left the chamber at 11.40pm and returned at 11.46pm

Motion

Cr Bill Penrose
Cr Peter Yates

That Council resume standing orders.

CARRIED

Original Motion put and CARRIED

13.004/08

Cr Greg Johnson advised of his intention to move the following:

Motion

Cr Greg Johnson
Cr Bill Penrose

In relation to the Council resolution dated 28 August 2007, item no. PS.034/07:

That Council officers be directed to investigate the method and cost of introducing parking fees by pre-paid permits only, not ticket machines, on the basis that permits be issued by Council to traders and employees of traders only in the Eltham Central Business District and that a report be presented to Council on this matter in July 2008.

CARRIED

14. Delegates' reports

Nil

15. Supplementary and urgent business

Nil

16. Confidential reports

Motion

**Cr Bill Penrose
Cr Michael Young**

That the meeting be closed to consider confidential report items pursuant to section 89(2) of the *Local Government Act 1989* and the public be permitted to remain in the gallery.

CARRIED