



KNOX CITY COUNCIL

MINUTES

Ordinary Meeting of Council

Held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday, 26 June 2017

KNOX CITY COUNCIL

**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD AT THE
CIVIC CENTRE, 511 BURWOOD HIGHWAY, WANTIRNA SOUTH**

ON

MONDAY, 26 JUNE 2017 AT 7.01 P.M.

PRESENT:

| | |
|--|--|
| <i>Cr D Pearce (Mayor & Chairperson)</i> | <i>Taylor Ward</i> |
| <i>Cr J Mortimore (Deputy Mayor)</i> | <i>Chandler Ward</i> |
| <i>Cr P Lockwood</i> | <i>Baird Ward</i> |
| <i>Cr J Taylor</i> | <i>Collier Ward</i> |
| <i>Cr A Gill</i> | <i>Dinsdale Ward</i> |
| <i>Cr J Keogh</i> | <i>Dobson Ward</i> |
| <i>Cr T Holland</i> | <i>Friberg Ward</i> |
| <i>Cr L Cooper</i> | <i>Scott Ward</i> |
| <i>Cr N Seymour (arrived 7.02pm)</i> | <i>Tirhatuan Ward</i> |
| | |
| <i>Mr T Doyle</i> | <i>Chief Executive Officer</i> |
| <i>Dr I Bell</i> | <i>Director – Engineering & Infrastructure</i> |
| | |
| <i>Mr A Kourambas</i> | <i>Director - City Development</i> |
| <i>Ms K Rawlings</i> | <i>Acting Director – Corporate Development</i> |
| | |
| <i>Ms K Parton</i> | <i>Acting Director – Community Services</i> |
| | |
| <i>Ms F Cousins</i> | <i>Manager - Governance & Innovation</i> |

THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A STATEMENT OF COMMITMENT

***“Knox City Council acknowledges we are on the
traditional land of the Wurundjeri and Bunurong people
and pay our respects to elders both past and present.”***

BUSINESS:

Page Nos.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil.

2. DECLARATIONS OF CONFLICT OF INTEREST

Cr. Mortimore

3. CONFIRMATION OF MINUTES

MOVED: CR. COOPER

SECONDED: CR. KEOGH

3.1 *Confirmation of Minutes of Ordinary Meeting of Council held on Monday, 22 May 2017*

CARRIED

MOVED: CR. COOPER

SECONDED: CR. KEOGH

3.2 *Confirmation of Minutes of Strategic Planning Committee Meeting held on Tuesday, 13 June 2017*

CARRIED

4. PETITIONS AND MEMORIALS

4.1 Councillor Mortimore presented a petition with 43 signatories requesting decisive long-term speed reducing measures from Council and Police to stop hooning/speeding on Army Road and Landscape Drive.

The Petition lay on the table.

5. REPORTS BY COUNCILLORS

5.1 *Committees & Delegates*

1.

5.2 *Ward Issues*

4.

6. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE CITY DEVELOPMENT GROUP

- All Wards**
- 6.1 *Report Of Planning Applications Decided Under Delegation (160/1/06)* **7.**
- Scott Ward**
- 6.2 *Development Of An Eight Storey Apartment Building Containing 94 Apartments And Basement Carpark, Use For A Restaurant, Office, Gym And Dispensation Of Loading Bay At 500 Burwood Highway, Wantirna South (Application No. P2015/6731)* **16.**
- Taylor Ward**
- 6.3 *Application For The Development Of The Land For Four (4) Double Storey And Two (2) Single Storey Dwellings At 48 Murray Crescent, Rowville (P/2016/6839)* **67.**
- Taylor Ward**
- 6.4 *Application For The Development Of The Land For Four (4) Double Storey And Two (2) Single Storey Dwellings At 50 Murray Crescent, Rowville (P/2016/6744)* **109.**
- Friberg Ward**
- 6.5 *Application For The Change Of Use To Place Of Worship, Reduction In Car Parking And Alteration Of Access To A Road In A Category 1 Road Zone At 42/756 Burwood Highway, Ferntree Gully (Application No. P/2016/6905)* **145.**
- Chandler Ward**
- 6.6 *Proposed Rezoning Of 1221 Mountain Hwy, The Basin (The Basin Community House) And 1223 Mountain Hwy, The Basin* **167.**
- Chandler, Dobson and Taylor Wards**
- 6.7 *Response To Call-Up Item Requesting A Review Of Dandenong Foothills Planning Policy* **182.**

7. PUBLIC QUESTION TIME

(Following the completion of business relating to Item 6, City Development, the business before the Council Meeting will be deferred to consider questions submitted by the public).

201.

8. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE ENGINEERING & INFRASTRUCTURE GROUP

- | | | |
|-----|---|-------------|
| | All Wards | |
| 8.1 | <i>Status Of The Construction Of Unsealed Roads And The Application Of Contributory Schemes - Special Rates And Charges</i> | 205. |
| | All Wards | |
| 8.2 | <i>Road Management Plan Review 2017</i> | 238. |

9. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE COMMUNITY SERVICES GROUP

- | | | |
|-----|--|-------------|
| | All Wards | |
| 9.1 | <i>Community Development Fund Evaluation Panel Membership</i> | 268. |
| | All Wards | |
| 9.2 | <i>Community Access And Equity Implementation Plan 2017-22</i> | 275. |

10. CONSIDERING AND ORDERING UPON OFFICERS' REPORTS WITHIN THE CORPORATE DEVELOPMENT GROUP

- | | | |
|------|---|-------------|
| | All Wards | |
| 10.1 | <i>Draft Community & Council Plan 2017-2021</i> | 288. |
| | All Wards | |
| 10.2 | <i>Annual Budget 2017-18</i> | 295. |
| | All Wards | |
| 10.3 | <i>Instrument Of Delegation To The Chief Executive Officer</i> | 301. |
| | Scott Ward | |
| 10.4 | <i>Proposed Sale Of 2R Mowbray Drive, Wantirna South – Appointment Of Committee Of Council</i> | 309. |
| | Collier Ward | |
| 10.5 | <i>Proposed Sale Of Council Property – 62 Brentwood Drive, Wantirna (Melway Ref: 63 K8)</i> | 312. |
| | Tirhatuan Ward | |
| 10.6 | <i>Proposed Sale Of Council Property – Part Wellington Road Reserve And Part 889R Wellington Road, Rowville</i> | 320. |
| | All Wards | |
| 10.7 | <i>Incidental Community Grants Program Applications</i> | 333. |

11. ITEMS FOR INFORMATION

| | | | |
|------|----------------------------------|------------------|-------------|
| 11.1 | Works Report (As of 26 May 2017) | All Wards | 338. |
| 11.2 | Assemblies of Councillors | All Wards | 357. |

12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN **367.**

| | | | |
|------|--|----------------------|-------------|
| 12.1 | Notice of Motion No. 66 – Provision of Pedestrian Crossing to Forest Road, The Basin | Chandler Ward | 367. |
| 12.2 | Notice of Motion No. 67 – Wantirna Caravan Park | Collier Ward | 368. |

13. SUPPLEMENTARY ITEMS **370.**

| | | |
|------|--|-------------|
| 13.1 | Amendment C142 – Kingston Links Golf Course | 370. |
| 13.2 | Review Of Mayoral And Councillors Allowance | 442. |
| 13.3 | Submission to the Municipal Association Act Review | 452. |

14. URGENT BUSINESS **475.**

| | | |
|------|-----------------|-------------|
| 14.1 | Urgent Business | 475. |
| 14.2 | Call Up Items | 475. |

15. QUESTIONS WITHOUT NOTICE **476.**

TONY DOYLE
CHIEF EXECUTIVE OFFICER

5. REPORTS BY COUNCILLORS

5.1 Committees & Delegates

5.1.1 COUNCILLOR JAKE KEOGH

Councillor Keogh attended the following Meetings

- Sorry Day Flag Raising Ceremony
- Mayor and Councillor Pop-Up
- Ferntree Gully Football Club
- Wantirna South Early Years Hub “Breaking the Ground” Event
- Recreation and Leisure Liaison Group
- 2017 World Environment Day –Community Planting Event
- Knox One Tree Per Child Planting with Upper Ferntree Gully Primary School
- Audit Committee
- Women’s National Basketball League
- Tour of the Angliss Hospital
- Youth Forum
- Upper Ferntree Gully Junior Football Club Scoreboard Unveiling
- Bayswater Early Years Hub Information Display
- Knox Sport and Leisure Awards
- Leisure Minor Capital Works Grant Scheme
- Knox Historical Society Tour and Morning Tea
- Knox Regional Netball Centre and HV Jones Reserve Public Engagement x 2

5.1.2 COUNCILLOR JACKSON TAYLOR

Councillor Taylor attended the following Meetings

- Community Development Fund Panel Membership Meeting
- Bushland Reserves and Wetlands Tour
- Effective Meetings and Procedures – Municipal Association of Victoria
- Wantirna Reserve
- Knox Community Safety Advisory Committee
- National General Assembly of Local Government
- Knox Sport and Leisure Awards
- Leisure Minor Capital Works Grant

5.1 Committees & Delegates (cont'd)

5.1.3 COUNCILLOR TONY HOLLAND

Councillor Holland attended the following Meetings

- Eastern Regional Libraries Board
- Sorry Day Flag Raising Ceremony
- Ferntree Gully Football Club 125th Anniversary Dinner
- Public Submissions Hearing - Annual Budget and City Plan
- Councillors Good Urban Design Workshop
- Engagement Meeting with HV Jones Reserve User Groups
- Knox Regional Netball Centre and HV Jones Reserve Public Engagement
- National General Assembly of Local Government

5.1.4 COUNCILLOR PETER LOCKWOOD

Councillor Lockwood attended the following Meetings

- Eastern Affordable Housing Alliance
- Eastern Transport Coalition
- Sorry Day Observance
- Wantirna South Early Years Hub “Breaking the Ground” Event
- AICD Cyber Security Forum
- Eastern Transport Coalition Launch
- Wall to Wall Mentoring Program
- “Constance on the Edge” Short Film
- Youth Forum
- National General Assembly of Local Government

5.1.5 COUNCILLOR NICOLE SEYMOUR

Councillor Seymour attended the following Meetings

- Public Submissions Hearing - Annual Budget and City Plan
- Dealing with Conflict of Interest – Victorian Ombudsman
- Councillors Good Urban Design Workshop
- Rotary Club of Bayswater Changeover Dinner
- Knox Community Health and Wellbeing Advisory Committee
- Wall to Wall Mentoring Program
- Knox Sport and Leisure Awards
- Portable Lift Demonstration
- Knox Scouts DA Meeting

5.1 Committees & Delegates (cont'd)

5.1.6 COUNCILLOR JOHN MORTIMORE

Councillor Mortimore attended the following Meetings

- Sorry Day Flag Raising Ceremony
- Municipal Association of Victoria Environment Committee
- Councillors Good Urban Design Workshop
- Knox Community Health and Wellbeing Advisory Committee
- 2017 World Environment Day –Community Planting Event
- Knox Community Safety Advisory Committee
- World Elder Abuse Awareness Day Morning Tea
- Youth Forum
- The Basin Venturer Scouts
- Knox Affordable Housing Advisory Committee
- Knox Historical Society Tour and Morning Tea

5.1.7 COUNCILLOR DARREN PEARCE (MAYOR)

Councillor Pearce attended the following Meetings

- Sorry Day Flag Raising Ceremony
- Mayor and Councillor Pop-Up with Councillor Keogh
- Meeting with Murray Crescent Rowville Residents
- Official Luncheon to Honour the Last Remaining ANZAC Greece and Crete Veterans
- Wantirna South Early Years Hub “Breaking the Ground” Event
- Public Submissions Hearing - Annual Budget and City Plan
- Knox- Bayswater Opportunity Shop 40 Year Celebration
- 2017 World Environment Day –Community Planting Event
- Councillors Good Urban Design Workshop
- Rotary Club of Knox Changeover Dinner
- Audit Committee
- Churchill-Waverley Golf and Bowls Club
- Operations Centre Chief Executive Officer Staff Briefing
- Youth Forum
- Upper Ferntree Gully Junior Football Club Scoreboard Unveiling
- Bayswater Early Years Hub Information Display
- Campania Night Dinner Dance – Knox Italian Community Club
- National General Assembly of Local Government
- Knox Sport and Leisure Awards
- Knox Historical Society Tour and Morning Tea
- Mayor and Councillor Pop-Up with Councillor Gill
- 35 Year Anniversary Mid-Year Dinner Dance - Chinese Association of Victoria

5.2 Ward Issues

5.2.1 COUNCILLOR KEOGH (DOBSON WARD)

- Councillor Keogh noted budget submissions received relating to the inclusion of barbeque facilities at Quarry Road Park. Councillor Keogh agreed that the inclusion of barbeque facilities at the park is an excellent idea and a great addition to the park and hopes Council can include them in the future.
- Councillor Keogh noted his attendance at the community engagement drop-in session at the Knox Regional Netball Centre Forecourt. The session was to assist in the development of a masterplan for the Knox Regional Centre to help establish the future direction for the facility. Councillor Keogh acknowledged the large number of people who attended and the great ideas they contributed. He further encouraged interested parties to participate in the masterplan process by submitting their ideas for the facility.

5.2.2 COUNCILLOR TAYLOR (COLLIER WARD)

- Councillor Taylor noted that road safety is still an important topic for the Knox community with many individuals approaching him to discuss various issues. Councillor Taylor informed his fellow Councillor's that he has received great feedback from Wantirna residence on the State Governments commitment to remedy the dangerous pedestrian crossing at the intersection of Mountain Highway and Boronia Road. Councillor Taylor also passed on his thanks to the Director Engineering and Infrastructure for installing U-turn signs that had been requested by the community.
- Councillor Taylor acknowledged the 2017 Knox Sport and Leisure Awards that were held on 21 June at the Civic Centre. The Awards acknowledge the hard work and dedication of individuals and sporting clubs who contribute to the happiness and wellbeing of the community. Councillor Taylor commended the event and stated it was great to see all the sporting clubs together.

5.2.3 COUNCILLOR LOCKWOOD (BAIRD WARD)

- Councillor Lockwood noted his attendance at the Fair Park Netball Club Pride round and stated it was a fabulous way to celebrate all people. Councillor Lockwood commended the club for hosting the event and Council's Youth Services team for the support they provided. Councillor Lockwood concluded that he was happy to support the club by flying the rainbow flag and encouraged the netball association to get on board so it could become a larger event incorporating more clubs.

5.2 Ward Issues (cont'd)

5.2.4 COUNCILLOR GILL (DINSDALE WARD)

- Councillor Gill noted his attendance at the information display for the future Bayswater Early Years Hub held on 17 June at Blue Hills Children and Family Centre. Councillor Gill acknowledged that many residents came to view the plans for the centre and ask questions about the new facility. Councillor Gill stated that the Council has determined to invest quite a bit of money on the worthwhile facility, which has been warmly received by the community. Councillor Gill continued by noting the attendance of the neighbouring bowls club at the display and raised their request for adequate car parking at the Hub. Councillor Gill concluded by noting the many sustainable design elements that have been included in the Hub.

5.2.5 COUNCILLOR SEYMOUR (TIRHATUAN WARD)

- Councillor Seymour informed her fellow councillors that the past month she has been contacted by numerous members of the community with very individual local issues. However, the two main general ward issues to come from this contact remain development and transport.
- Councillor Seymour informed her fellow councillors of the recent allocation of 120 bed licences to Arrum on Stud Road in Rowville. Councillor Seymour shared the history of the site and previous ownership which involved a three-year battle to construct a scrap metal recycling plant with the previous owners taking the matter to VCAT and the Supreme Court. Council's original permit refusal was upheld each time. Councillor Seymour concluded by stating she was pleased common sense has now prevailed and construction of the aged care facility can now begin.

5.2 Ward Issues (cont'd)

5.2.6 COUNCILLOR MORTIMORE (CHANDLER WARD)

- Councillor Mortimore noted his attendance at the public meeting organised by members of the Knox Environment Society on 3 June at the old Boronia Heights Secondary College site. Councillor Mortimore informed his fellow councillors that the Knox Environment Society is petitioning the State Government to turn the entire site into a park that would include the retention of the remanent bushland. Councillor Mortimore stated that, in his personal view, this use of the site would be a great result for the area however, he believes the petition may be a bit too late.
- Councillor Mortimore foreshadowed a Notice of Motion he will be raising later in the meeting relating to the proposed installation of a pedestrian crossing to Forest Road, The Basin. Councillor Mortimore stated that this area is crying out for a crossing, as anyone who catches the local bus would need to cross this dangerous section of road.
- Councillor Mortimore noted his attendance at his local Scout hall on the 16 June where he was 'scarfed' by the scouts. Councillor Mortimore declared that he would proudly wear the scarf at next year's Australia Day celebrations.

ALL WARDS**6.1 REPORT OF PLANNING APPLICATIONS DECIDED UNDER DELEGATION**

SUMMARY: *Manager – City Planning & Building (Paul Dickie)*

Details of planning applications considered under delegation are referred for information. It is recommended that the items be noted.

RECOMMENDATION

That the planning applications decided under delegation report (between 1 May to 31 May 2017) be noted.

REPORT

Details of planning applications decided under delegation from 1 May to 31 May 2017 are attached. The applications are summarised as follows:

| Application Type | No |
|-------------------------------|------------|
| Building & Works: Residential | 10 |
| Other | 10 |
| Units | 26 |
| Subdivision | 23 |
| Tree Removal/Pruning | 16 |
| Single Dwelling | 5 |
| Signage | 5 |
| Boundary Realignment | 2 |
| Change of Use | 2 |
| Fence | 1 |
| Dependant Person's Unit | 1 |
| TOTAL | 101 |

COUNCIL RESOLUTION

MOVED: CR. GILL

SECONDED: CR. HOLLAND

That the planning applications decided under delegation report (between 1 May to 31 May 2017) be noted.

CARRIED

Knox City Council
Planning Applications Decided by Responsible Officer

1 – 31 May 2017

| Ward | No/Type | Address | Description | Decision |
|-------|-----------|---|--|-------------------------------------|
| Baird | 2016/6864 | 29 Iris Crescent, BORONIA 3155 | Development of the land for three (3) single storey dwellings | 29/05/2017 Notice of Decision |
| Baird | 2016/6727 | 865 Mountain Highway BAYSWATER VIC 3153 | Buildings and works for a warehouse with ancillary office, dispensation of car parking requirement, access to a Category 1 Road. | 1/05/2017 Approved |
| Baird | 2017/6103 | 21 McComb Crescent BAYSWATER VIC 3153 | Construction of a two storey dwelling to the rear of the existing dwelling | 1/05/2017 Notice of Decision |
| Baird | 2017/9053 | 41 Jersey Road BAYSWATER VIC 3153 | Extension of a warehouse for storage of goods. | 4/05/2017 Approved |
| Baird | 2017/6088 | 41 Jersey Road BAYSWATER VIC 3153 | Addition of mezzanine to existing warehouse | 4/05/2017 Approved |
| Baird | 2017/6111 | 21 McMahons Road FERNTREE GULLY VIC 3156 | Two lot subdivision (Approved Unit Site) | 4/05/2017 Approved |
| Baird | 2017/6112 | 83 Burke Road FERNTREE GULLY VIC 3156 | Four lot subdivision (Approved Unit Site) | 4/05/2017 Approved |
| Baird | 2017/6143 | 3 Kenneth Road BAYSWATER VIC 3153 | Three (3) lot subdivision (Approved Unit Site) | 8/05/2017 Approved |
| Baird | 2016/6790 | 19 Stonehaven Avenue BORONIA VIC 3155 | The construction of two (2) double storey dwellings to the rear of the existing dwelling | 16/05/2017 Notice of Decision |
| Baird | 2017/6060 | 1/889-891 Burwood Highway FERNTREE GULLY VIC 3156 | Double sided business identification signage incorporating an electronic sign | 9/05/2017 Approved |
| Baird | 2017/6266 | 38 Paton Crescent BORONIA VIC 3155 | Removal of an Acacia melanoxylon. | 12/05/2017 Approved |
| Baird | 2017/6149 | 5 Edelmaier Street BAYSWATER VIC 3153 | Thirteen (13) lot subdivision (Existing Industrial Buildings) | 24/05/2017 Approved |
| Baird | 2017/6160 | 8 Tulip Crescent BORONIA VIC 3155 | Sixteen (16) lot subdivision (Approved Apartment Building) | 19/05/2017 Approved |

| Ward | No/Type | Address | Description | Decision |
|-------------|----------------|---|--|----------------------------------|
| Baird | 2017/6139 | 54 Burke Road FERNTREE GULLY VIC 3156 | Two (2) lot subdivision (approved unit site) | 17/05/2017 Approved |
| Baird | 2017/6219 | 22 Sykes Avenue FERNTREE GULLY VIC 3156 | Three lot subdivision (Existing Dwellings) | 26/05/2017 Approved |
| Baird | 2016/6386 | 1/202, 204-206 Boronia Road BORONIA VIC 3155 | Development of the land for 22 dwellings (fourteen (14) two storey and eight (8) three storey), vegetation removal and alteration of access to Road Zone Category 1 | 30/05/2017 Refused |
| Baird | 2017/6154 | 14 Zeising Court BORONIA VIC 3155 | Three lot subdivision (Approved Unit Site) | 25/05/2017 Approved |
| Baird | 2017/6164 | 16 Phyllis Avenue BORONIA VIC 3155 | Five lot subdivision (Approved Unit Site) | 19/05/2017 Approved |
| Baird | 2016/6772 | 3 Tormore Road BORONIA VIC 3155 | Development of the land for two (2) three storey and seven (7) two storey dwellings (total nine (9) dwellings) | 19/05/2017 Notice of Decision |
| Baird | 2016/6822 | 251 Boronia Road BORONIA VIC 3155 | Construction of one double storey dwelling to the rear of an existing single storey dwelling and alteration of access to a Category 1 Road | 23/05/2017 Approved |
| Baird | 2016/6902 | 19 Gabrielle Court FERNTREE GULLY VIC 3156 | The construction of a two storey dwelling to the rear of the existing dwelling | 30/05/2017 Notice of Decision |
| Baird | 2017/6134 | 811 Burwood Highway FERNTREE GULLY VIC 3156 | Business identification signage | 26/05/2017 Approved |
| Baird | 2017/6159 | 6 Loretto Avenue FERNTREE GULLY VIC 3156 | Two (2) lot subdivision (Approved Unit Site) | 19/05/2017 Approved |
| Chandler | 2017/9055 | 130 & 134 Albert Avenue, BORONIA | Boundary re-alignment | 9/05/2017 Approved |
| Chandler | 2016/6889 | 47 Old Forest Road THE BASIN VIC 3154 | The construction of a single dwelling and removal of vegetation | 3/05/2017 Approved |
| Chandler | 2017/6138 | 16 Crest Court THE BASIN VIC 3154 | Buildings and works (construction of a verandah/carport) | 2/05/2017 Approved |
| Chandler | 2017/6099 | 20 Bambury Street BORONIA VIC 3155 | Four lot subdivision (Approved Unit Development) | 3/05/2017 Approved |

| Ward | No/Type | Address | Description | Decision |
|----------|-----------|---|---|------------------------------|
| Chandler | 2016/6425 | 20 Elsie Street BORONIA VIC 3155 | Development of the land for six (6) double storey dwellings and pruning two (2) trees | 4/05/2017 Notice of Decision |
| Chandler | 2017/6012 | 39 Toorak Avenue THE BASIN VIC 3154 | Extension of existing timber front deck. | 4/05/2017 Approved |
| Chandler | 2017/6124 | 11 Augusta Road THE BASIN VIC 3154 | Construction of a garage and removal of one tree | 5/05/2017 Approved |
| Chandler | 2017/6113 | 10 Golden Grove THE BASIN VIC 3154 | Extension to existing dwelling | 4/05/2017 Approved |
| Chandler | 2017/9060 | 42 Olive Grove BORONIA VIC 3155 | Buildings and works to construct a Deck and Verandah | 16/05/2017 Approved |
| Chandler | 2017/6068 | 31 Leslie Avenue BORONIA VIC 3155 | Buildings and works associated with one dwelling on a lot | 9/05/2017 Approved |
| Chandler | 2017/6271 | 18 Marie Street BORONIA VIC 3155 | Removal of four trees and the pruning of one Eucalyptus tree | 11/05/2017 Approved |
| Chandler | 2016/6921 | 6-8 Marland Road BORONIA VIC 3155 | Construction of a single storey dwelling to the rear of the existing dwelling and vegetation removal | 9/05/2017 Approved |
| Chandler | 2017/6274 | 15 Montana Avenue BORONIA VIC 3155 | Removal of two palm trees | 10/05/2017 Approved |
| Chandler | 2017/6314 | 14 Crest Court THE BASIN VIC 3154 | Removal of nine (9) trees (five (5) Cupressus sempervirens Stricta & four (4) XCupressocyparis leylandii) | 29/05/2017 Approved |
| Chandler | 2017/9067 | 25 Olive Grove BORONIA VIC 3155 | Removal of one (1) Liriodendron tulipifera | 23/05/2017 Approved |
| Chandler | 2017/9064 | 6 Clover Court BORONIA VIC 3155 | Removal of one (1) Waterhousia floribunda | 22/05/2017 Approved |
| Chandler | 2017/6279 | 16 Kalman Drive BORONIA VIC 3155 | Office and warehouse development | 26/05/2017 Approved |
| Chandler | 2017/9062 | 1/3 Carnarvon Avenue THE BASIN VIC 3154 | Front Fence | 19/05/2017 Refused |
| Chandler | 2017/6297 | 66 Elsie Street BORONIA VIC 3155 | Removal of Hesperocyparis macrocarpa and Araucaria heterophylla | 24/05/2017 Approved |

| Ward | No/Type | Address | Description | Decision |
|----------|-----------|---|--|----------------------------------|
| Chandler | 2017/9068 | 25A Mercia Avenue THE BASIN VIC 3154 | Rebuild and extend existing deck and rebuild existing fence | 30/05/2017 Approved |
| Collier | 2016/6771 | 57 Kingloch Parade WANTIRNA VIC 3152 | Development of the land for one (1) double storey and one (1) single storey dwellings. | 1/05/2017 Notice of Decision |
| Collier | 2017/6203 | 376 Mountain Highway WANTIRNA VIC 3152 | Two (2) lot subdivision (Approved Unit Site) | 26/05/2017 Approved |
| Collier | 2016/6675 | 75 Rachele Drive WANTIRNA VIC 3152 | Development of the land for two double storey dwellings | 22/05/2017 Approved |
| Collier | 2017/6130 | 40 Stud Road BAYSWATER VIC 3153 | Business identification signage | 19/05/2017 Approved |
| Dinsdale | 2016/6910 | 128 Kanooka Road BORONIA VIC 3155 | The construction of a double storey dwelling to the rear of the existing dwelling. | 1/05/2017 Notice of Decision |
| Dinsdale | 2016/6838 | 5 St Andrews Road BAYSWATER VIC 3153 | Development of the land for two (2) new single storey dwellings | 1/05/2017 Approved |
| Dinsdale | 2016/6527 | 50 Lewis Road WANTIRNA SOUTH VIC 3152 | The construction of two (2) double storey dwellings and one (1) single storey dwelling on the land. | 3/05/2017 Notice of Decision |
| Dinsdale | 2017/9051 | 2 & 4 Arbroath Road WANTIRNA SOUTH VIC 3152 | To re align the boundary between two lots | 15/05/2017 Approved |
| Dinsdale | 2017/6276 | 41-51 Elizabeth Street BAYSWATER VIC 3153 | Habitat pruning of 2 Eucalypt trees | 11/05/2017 Approved |
| Dinsdale | 2017/6158 | 17 Victoria Road BAYSWATER VIC 3153 | Two (2) lot subdivision (Approved Unit Site) | 19/05/2017 Approved |
| Dinsdale | 2017/9063 | 2/82 Lewis Road WANTIRNA SOUTH VIC 3152 | Mezzanine floor | 23/05/2017 Approved |
| Dinsdale | 2016/6915 | 27 St Andrews Road BAYSWATER VIC 3153 | The construction of two (2) double storey dwellings | 29/05/2017 Notice of Decision |
| Dinsdale | 2017/6027 | CB284 Bayswater CFA 2A Scoresby Road BAYSWATER VIC 3153 | Use and development of an Emergency Service Facility (Fire Station) and alterations to access to a Road Zone Category 1 and the display of signage | 30/05/2017 Approved |

| Ward | No/Type | Address | Description | Decision |
|----------|-----------|---|---|------------------------|
| Dinsdale | 2017/9066 | 50 Gertonia Avenue BORONIA VIC 3155 | Remove one (1) Eucalyptus cephalocarpa | 23/05/2017 Approved |
| Dobson | 2016/6887 | 15 Blackwood Park Road FERNTREE GULLY VIC 3156 | Development of a single storey dwelling to the rear of existing dwelling, construction of a carport and removal of vegetation | 2/05/2017 Approved |
| Dobson | 2016/6551 | 165 Glenfern Road UPPER FERNTREE GULLY VIC 3156 | Use and development of the land for a single dwelling | 3/05/2017 Approved |
| Dobson | 2017/6081 | 23B Mclver Street FERNTREE GULLY VIC 3156 | Single dwelling and vegetation removal | 2/05/2017 Approved |
| Dobson | 2017/6077 | 1022 Burwood Highway FERNTREE GULLY VIC 3156 | Replacement of existing facade signage with new illuminated signage and supporting structures | 3/05/2017 Approved |
| Dobson | 2017/9054 | 5 Chalmers Grove FERNTREE GULLY VIC 3156 | Removal of one Eucalyptus goniocalyx | 3/05/2017 Approved |
| Dobson | 2017/6114 | 155 Underwood Road FERNTREE GULLY VIC 3156 | Construction of a brick garage | 5/05/2017 Approved |
| Dobson | 2017/6083 | 13 Sherwood Way LYSTERFIELD VIC 3156 | Construction of a gazebo to existing dwelling | 5/05/2017 Approved |
| Dobson | 2017/9057 | 9 Lanyon Court LYSTERFIELD VIC 3156 | Removal of a Silver Birch tree. | 15/05/2017 Approved |
| Dobson | 2017/9056 | 31 Francis Crescent FERNTREE GULLY VIC 3156 | Removal of one Cypress tree | 12/05/2017 Approved |
| Dobson | 2017/6153 | 276 Lysterfield Road LYSTERFIELD VIC 3156 | Use and development of a dependent persons unit | 12/05/2017 Approved |
| Dobson | 2017/9061 | 29 Moore Street FERNTREE GULLY VIC 3156 | Garage | 17/05/2017 Approved |
| Dobson | 2017/9069 | 28A/97 Underwood Road FERNTREE GULLY VIC 3156 | Removal of one (1) tree (Ulmus parvifolia) | 29/05/2017 Approved |
| Dobson | 2017/6306 | 16 Sherwood Way LYSTERFIELD VIC 3156 | Construction of a garage and removal of vegetation | 26/05/2017 Approved |

| Ward | No/Type | Address | Description | Decision |
|---------|-----------|---|---|----------------------------------|
| Friberg | 2016/6442 | 33 Dobson Street FERNTREE GULLY VIC 3156 | Construction of a second single storey dwelling to the rear of the existing dwelling and vegetation removal | 1/05/2017 Approved |
| Friberg | 2016/6656 | 51 Conn Street FERNTREE GULLY VIC 3156 | The construction of four (4) double storey dwellings on the land | 2/05/2017 Approved |
| Friberg | 2017/9052 | 2/35 Anne Road KNOXFIELD VIC 3180 | Remove one (1) Eucalyptus cephalocarpa | 2/05/2017 Approved |
| Friberg | 2017/9058 | 55 Rodney Drive KNOXFIELD VIC 3180 | Two lot subdivision | 16/05/2017 Approved |
| Friberg | 2017/6127 | 1 Conn Street FERNTREE GULLY VIC 3156 | Four (4) lot subdivision (Approved unit site) | 10/05/2017 Approved |
| Friberg | 2017/6199 | 47 Allister Close KNOXFIELD VIC 3180 | Two (2) lot subdivision (Approved Unit Site) | 10/05/2017 Approved |
| Friberg | 2017/6145 | 14 Windermere Drive FERNTREE GULLY VIC 3156 | Two (2) lot subdivision (Approved Unit Site) | 10/05/2017 Approved |
| Friberg | 2017/6165 | 45-47 Conn Street FERNTREE GULLY VIC 3156 | Nine lot subdivision (Approved Unit Site) | 23/05/2017 Approved |
| Friberg | 2016/6904 | 55 Lambourne Avenue ROWVILLE VIC 3178 | The construction of a double storey dwelling to the rear of the existing dwelling | 22/05/2017 Notice of Decision |
| Friberg | 2017/6200 | 2 Holme Road FERNTREE GULLY VIC 3156 | Two (2) lot subdivision (Approved Unit Site) | 23/05/2017 Approved |
| Friberg | 2016/6939 | 4 Norma Crescent South KNOXFIELD VIC 3180 | Development of the land for two (2) double storey and one single storey dwellings | 16/05/2017 Notice of Decision |
| Friberg | 2017/6161 | 22 Clyde Street FERNTREE GULLY VIC 3156 | Three lot subdivision (Approved Unit Site) | 19/05/2017 Approved |
| Scott | 2016/6640 | 51 King Parade KNOXFIELD VIC 3180 | The construction of two (2) double storey dwellings and one (1) single storey dwelling on the land. | 16/05/2017 Notice of Decision |

| Ward | No/Type | Address | Description | Decision |
|-----------|-----------|---|--|----------------------------------|
| Scott | 2017/6198 | Community Centre 2 Old Stud Road WANTIRNA SOUTH VIC 3152 | Construction of verandah to Community Centre | 11/05/2017 Approved |
| Scott | 2017/6175 | 1-11/62 Bunnett Road & 428 Scoresby Road, Ferntree Gully VIC 3156 | 2 Lot Subdivision | 18/05/2017 Approved |
| Scott | 2016/6649 | 87 Kathryn Road KNOXFIELD VIC 3180 | Development of the land for five (5) double storey dwellings | 29/05/2017 Notice of Decision |
| Scott | 2016/6572 | 4 Nortons Lane WANTIRNA SOUTH VIC 3152 | Use and development of a dwelling | 24/05/2017 Notice of Decision |
| Scott | 2017/6045 | 464 Scoresby Road FERNTREE GULLY VIC 3156 | Construction of two (2) double storey dwellings and one (1) single storey dwelling (total of three (3) dwellings) and alteration of access to a Road Zone Category 1. | 23/05/2017 Approved |
| Taylor | 2016/6908 | 5 Le John Street ROWVILLE VIC 3178 | The subdivision of the land into two (2) lots | 18/05/2017 Approved |
| Taylor | 2017/6214 | Sh 16A/1100 Wellington Road ROWVILLE VIC 3178 | Use of the land for the sale and consumption of liquor associated with a food and drink premises. | 25/05/2017 Approved |
| Tirhatuan | 2017/6169 | 115 Henderson Road, ROWVILLE | Building and Works (Two storey office and warehouse extension) | 1/05/2017 Approved |
| Tirhatuan | 2017/6055 | 970 Stud Road, ROWVILLE | The display of a major promotional V-board sign | 1/05/2017 Approved |
| Tirhatuan | 2016/6686 | 42 Avalon Road ROWVILLE VIC 3178 | The construction of two (2) double storey dwellings on the land | 1/05/2017 Approved |
| Tirhatuan | 2017/6244 | 1500 Eastlink SCORESBY VIC 3179 | Buildings and works associated with upgrade to drive-thru facility and electronic signage | 9/05/2017 Approved |
| Tirhatuan | 2015/6953 | 1102-1104 Stud Road ROWVILLE VIC 3178 | The construction of 16 triple storey dwellings and 2 double storey dwellings (total of 18 dwellings) on the land and alteration of access to a road in a Road Zone Category 1 | 15/05/2017 Notice of Decision |

| Ward | No/Type | Address | Description | Decision |
|-----------|-----------|--|--|------------------------|
| Tirhatuan | 2017/6026 | 22 Michele Drive SCORESBY VIC 3179 | Construction of two (2) double storey dwellings | 19/05/2017 Approved |
| Tirhatuan | 2016/6632 | 9 Sunningdale Court ROWVILLE VIC 3178 | 2 Lot subdivision (Approved Unit Site) | 26/05/2017 Approved |
| Tirhatuan | 2017/6289 | 7 Hakea Place ROWVILLE VIC 3178 | Remove two Eucalyptus cephalocarpa and one Eucalyptus spp. | 25/05/2017 Approved |
| Tirhatuan | 2017/6309 | 5 Timbertop Drive ROWVILLE VIC 3178 | Removal of two Eucalyptus trees | 26/05/2017 Approved |
| Tirhatuan | 2017/9065 | 3/1464 Ferntree Gully Road KNOXFIELD VIC 3180 | Installation of a mezzanine floor | 22/05/2017 Approved |
| Tirhatuan | 2017/6270 | 28 Koornang Road SCORESBY VIC 3179 | Alteration and additions to existing factory and car parking reduction | 22/05/2017 Approved |

Total: 101

Official Minutes of Knox City Council

SCOTT WARD

6.2 DEVELOPMENT OF AN EIGHT STOREY APARTMENT BUILDING CONTAINING 94 APARTMENTS AND BASEMENT CARPARK, USE FOR A RESTAURANT, OFFICE, GYM AND DISPENSATION OF LOADING BAY AT 500 BURWOOD HIGHWAY, WANTIRNA SOUTH (Application No. P2015/6731)

1. SUMMARY:

| | |
|------------------------------|--|
| Land: | 500 Burwood Highway, Wantirna South |
| Applicant: | Synergy Knox Pty Ltd |
| Proposed Development: | Development of an eight (8) storey apartment building containing 94 apartments and basement carpark, use for a restaurant, office and gym and dispensation of loading bay |
| Area/Density: | 5,570m ² / 1:59m ² |
| Zoning: | Residential Growth Zone – Schedule 1 |
| Overlays: | No Overlays |
| Local Policy: | Municipal Strategic Statement (MSS) Knox Central Principal Activity Centre (Clause 22.04) Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07) |
| Application Received: | 6 October 2015 |
| Application Amended: | 30 November 2016 |
| Number of Objections: | 88 |
| PCC Meeting: | N/A |

Assessment:

The proposal for an 8 storey apartment building is considered to be consistent with the Residential Growth Zone – Schedule 1, State Planning Policy, the Municipal Strategic Statement and Local Planning Policies.

The provision of car parking is consistent with the car parking requirements of the scheme at Clause 52.06.

It is considered that the proposed development generally satisfies the Knox Central Principal Activity Centre Policy and the Knox Central Urban Design Framework (KCUDF).

On balance it is considered that the proposal is consistent with the Knox Planning Scheme, subject to modifications as discussed.

6.2 500 Burwood Highway, Wantirna South (cont'd)

It is recommended that a Notice of Decision to Grant a Planning Permit should issue, subject to conditions.

2. BACKGROUND

2.1 Call Up

The application is being reported to Council as it has been 'called up' by the Manager of City Planning and Building as the application proposes a building which exceeds the recommended height specified in the Knox Central Urban Design Framework.

2.2 Subject Site and Surrounds

The location of the subject site is shown in Appendix A.

- The subject site is located on the southwest corner of Burwood Highway and Tyner Road. The site extends for approximately 175 metres along Tyner Road, and approximately 33 metres along Burwood Highway.
- The boundary of the Knox Central Principal Activity Centre divides the site, approximately 53 metres from the Burwood Highway frontage.
- The site is currently occupied by the Food Star Restaurant which occupies a small percentage of the front of the site, with a large car park located to the rear of the building occupying a majority of the site. A row of vegetation is located along the southern and western boundaries. Easements are located along the western and southern boundaries, as well as within the front setback, forward of the existing building.
- To the immediate west of the site, south of Burwood Highway, is the Knox Village Retirement Village, residential and commercial properties. To the north of the site, across Burwood Highway, is the Knox City Shopping Centre including the bus interchange, and the Knox City Council offices. To the east of the site across Tyner Road, is St. Andrews College.

2.3 The Proposal

(Refer to attached plans at Appendix B)

The application seeks approval for the development of the land for an eight (8) storey apartment building containing 94 apartments (comprising 22 one-bedroom, 66 two-bedroom and 6 three-bedroom dwellings), basement carpark, restaurant, and gym.

6.2 500 Burwood Highway, Wantirna South (cont'd)

The proposed design is contained within the front half of the site, a separate design and application for townhouses has been submitted on the rear half of the site. Details of this application are as follows:

- The application proposes two basement levels containing 123 car parking spaces, storage, waste collection area, lifts, and bicycle parking. Access is via a double crossover on Tyner Road, at the southern end of the proposed development.
- The ground floor contains a food and drink premise with a floor area of 150m², office of 50m², a gym for residents, and 16 dwellings. Dwellings are a mix of 1 and 2 bedrooms and all are provided with 1 car parking space. Private open space is provided via courtyards with access to living areas. The building is setback between 4 and 10 metres from Burwood Highway, and between 1 and 4 metres from Tyner Road.
- The 1st floor contains 20 dwellings with a mix of 1 and 2 bedroom dwellings, each provided with 1 car parking space. Open space is provided via balconies, located off the living areas. The 1st floor is setback between 4.15 and 10 metres from Burwood Highway, and between 2.1 and 4.2 metres from Tyner Road.
- The 2nd floor is the same as the 1st floor above.
- The 3rd floor contains 17 dwellings with a mix of 1 and 2 bedroom dwellings each provided with 1 car parking space. Open space is provided via balconies, located off the living areas. The 3rd floor is setback a minimum 4.15 metres from Burwood Highway, and between 2.1 and 4.2 metres from Tyner Road.
- The 4th floor contains 12 dwellings with a mix of 1 and 2 bedroom dwellings each provided with 1 car parking space. Open space is provided via balconies, located off living areas. The 4th floor is setback 4.15 metres from Burwood Highway, and between 2.3 and 6.1 metres from Tyner Road.
- The 5th floor contains 6 dwellings each with 2 or 3 bedrooms and are provided with 1 or 2 parking spaces. Open space is provided via balconies, located off the living areas. The 5th floor is setback 6.8 metres from Burwood Highway, and 6 metres from Tyner Road.
- The 6th and 7th floors contain the penthouses. Three 2 storey dwellings contain 3 bedrooms each and are provided with 2 parking spaces each. Open space is provided via balconies located off living areas. The 6th and 7th floors are setback a minimum 17 metres from Burwood Highway, and a 8 metres from Tyner Road.

6.2 500 Burwood Highway, Wantirna South (cont'd)

- The building has a maximum height of 24.4 metres and is finished in a variety of materials including glazing, concrete, zincalume, brick, and wood. All vegetation is proposed to be removed from the site.
- The size of apartments ranges from 50m² to 185m².
- The proposed building is located predominately within the boundaries of the Knox Central Principal Activity Centre and extends approximately 20 metres outside the Activity Centre to the south. The maximum height outside the boundaries of the Activity Centre is 15.7 metres.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of signs on site and notices were sent to adjoining property owners and occupiers. Eighty eight (88) objections including a petition with 74 signatures have been received and are summarised below:

Lack of sunlight to solar panels (overshadowing)

- *The proposed building would overshadow some of the retirement village dwellings in the morning. However, as the building is located to the east of the retirement village, sunlight would not be impacted for the remainder of the day. The sunlight to the retirement village would comply with the ResCode standard.*

Increased traffic and parking problems

- *Council has discussed the provided parking with the applicant and noted that Council would not be supportive of a reduction of car parking on the site. The applicant has agreed to minor changes that would ensure compliance with Clause 52.06 (Car parking) of the Knox Planning Scheme. The changes would be required as a condition of any permit issued.*

Reduced privacy and overlooking

- *The plans provided do not show any screening of windows facing the retirement village. Conditions on any permit issued would ensure that there are no unreasonable views from the proposed building into the retirement village.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Too close to school and retirement village

- *The site is located within the Knox Principal Activity Centre and a mix of uses is expected under both State and Local planning policy. A higher density and mix of uses in Principal Activity Centres is an important element of sustainable design and land use planning.*

Dust and noise from construction

- *A standard construction amenity condition would be included on any permit issued.*

Reduced property values

- *This is not a relevant planning consideration.*

Units not appropriate / Increased density

- *Increased density within an activity centre and the Residential Growth Zone – Schedule 1 is strongly encouraged under State and Local Planning Policy.*

Building too high

- *Under the Knox Central Urban Design Framework, the site is recommended for a height of 5 storeys. It is noted however that for designs of architectural merit, the height of the building can be increased above the recommended height. The proposed design was assessed by Council's urban design consultants who were satisfied that the design was of high architectural merit.*
- *The building would be located on a prominent corner, has been designed with colours and details to increase visual interest, and is recessed at the upper floors, particularly the top 3 levels, so that they would not be visible from the street.*

3.2 Referrals

The application has been referred to VicRoads and internal departments for comment. The following is a summary of relevant advice:

Urban Design

- *The application was referred to Council's Urban Design consultant who provided advice on the proposed building. The advice was taken into consideration and the building redesigned to meet the comments provided. The building is considered to be of high architectural merit.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Traffic Engineer

- *The basement ramps should be 6.1 metres wide.*
- *Visitor parking must be accessible at all times and easily identifiable.*
- *A construction management plan should be provided.*
- *Standard conditions to be placed on any permit issued.*

Drainage Engineer

- *Standard conditions to be included on any permit to issue.*

Arborist

- *The site has a number of mature native trees along the western boundary. The trees were planted and are therefore not protected by Clause 52.17 (Native Vegetation). The trees are in reasonable condition but retention would not allow for any substantial development of the site.*

Assets

- *No objection to the proposal.*

Sustainability Officer

- *The provided sustainable design statement is satisfactory.*

Waste Officer

- *A waste management plan is required as a condition on any permit issued.*

Landscape

- *The application was discussed with Council's Landscape Officer who provided advice on tree planting and spacing within the front and side setbacks. Changes in the design were implemented early in the process to accommodate these setbacks.*

Parks Services

- *No objection to the proposal. One small street tree is required to be removed at cost to the owner.*

VicRoads

- *No objection to the proposal and no conditions required.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

4. DISCUSSION

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

The subject site is located within the Residential Growth Zone – Schedule 1. A permit is required for the construction two or more dwellings on the land pursuant to Clause 32.07-4 of the Residential Growth Zone – Schedule 1. The maximum building height in the Residential Growth Zone – Schedule 1 should not exceed 13.5 metres unless permitted by the Responsible Authority.

- *The proposal is consistent with the purpose of the Residential Growth Zone - Schedule 1 by providing for increased densities and a diversity of housing types in locations offering good access to services.*
- *The component of building located outside the Activity Centre boundary has a maximum height of 15.7 metres for a distance of 12 metres, which is considered to be a minor variation from the Residential Growth Zone – Schedule 1 height of 13.5 metres given the context of the site. The application was received before the implementation of the new height controls, and is considered to be a reasonable variation in height for urban design and architectural merit reasons as discussed in this report. The height of the building within the Activity Centre boundary is up to 24.5 metres. It is also noted that the proposed Knox Central Principal Activity Centre policy allows for variations of maximum height based on architectural merit as discussed throughout this report.*

Given the application was lodged prior to 13 April 2017, the development has been assessed under the High Density Residential Guidelines (2004), see below, and is not assessed against Clause 58.

Under the Residential Growth Zone – Schedule 1, a planning permit is required to use the land for a gym, a food and drink premise or restaurant, and an office.

- *The proposed gym at 37m² is considered too small to have any commercial potential and the applicant has agreed that it should be ancillary to the residential component of the proposal. Therefore it is considered that a permit is not required. A condition on any permit will require the gym be labelled accordingly.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

- *The proposed restaurant has a floor area of 150m² and it was discussed with the applicant that at this size it was unlikely that a restaurant would be capable of operating and that a café would be a more likely use. Therefore a condition on any permit issued will require the restaurant be relabelled as a food and drink premise more alike to a cafe. The site is located on the corner of a prominent intersection and in this location a café style building would not be detrimental the surrounding landowners or businesses. A food and drink premise would be a low scale use, and car and bicycle parking is provided to support the proposal.*
- *The proposed office is small and is considered to be compatible with surrounding land uses and adjoining residential land. Car and bicycle parking is provided on site. The proposed non-residential uses are located on the corner of the proposed building where they will activate the frontage at pedestrian level.*

4.1.2 Overlays

No overlays apply to the land.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework (SPPF)

State policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development.

Clause 11.01 Activity Centres – Encourage activity centres as a focus for high-quality development, activity and living for the whole community; encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

- *The proposal is considered to be a high quality development that provides for additional density and activity on a previously underutilised site, within a principal activity centre.*

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflect the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

6.2 500 Burwood Highway, Wantirna South (cont'd)

Context – Development must take into account the natural, cultural and strategic context of its location.

- *The revised design process undertaken by the applicant has resulted in an evolved design that has considered the strategic context of its location. The site is located on a prominent corner where a building of high architectural merit will contribute to the strategic vision of the Knox Central Principal Activity Centre.*

Safety – New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.

- *The design proposes pedestrian friendly facades that are either activated or visually interesting in place of a section of the existing car park. The increase in density and numerous balconies facing the street would also increase activity and passive surveillance to the area.*

Landmarks, views and vistas – Landmarks, views and vistas should be protected and enhanced or, where appropriate, created by new additions to the built environment.

- *The proposed development will contribute positively to the built environment, creating an identifiable and distinctive element to a prominent corner site.*

Consolidation of sites and empty sites – New development should contribute to the complexity and diversity of the built environment.

- *The proposed development will contribute to the complexity and diversity of the built environment and makes use of a site that is currently underutilised.*

Energy and resource efficiency – All building, subdivision and engineering works should include efficient use of resources and energy efficiency.

- *The proposal increases density within a principal activity centre where there is access to public transport, entertainment and employment. This is an important component of sustainable land use planning, and in addition, the sustainable design concepts used in the building design itself have been noted as satisfactory by Council's Sustainable Design Officer.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Architectural quality – New development should achieve high standards in architecture and urban design.

- *It is considered that the proposal has achieved high standards of architecture and urban design. The application was referred to Council's urban design consultant who considered the design to be of high architectural merit. The building articulates away from the street, and at street level the upper three levels would not be visible. For this reason it was considered appropriate to allow for a building that exceeds the recommended height specified in the Knox Central Urban Design Framework. See Section 4.2.3 below for an assessment of this framework.*

Landscape architecture – Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.

- *Changes were made to the design to accommodate the planting of canopy trees as per advice from Council's landscape officers. The landscaping to Burwood Highway should wrap around to Tyner Road further and a condition on any permit issued would require the submission of a satisfactory landscape plan.*

Clause 15.02 Sustainable Development – Ensure land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

- *Energy efficient devices and practices have been applied through the application of a Sustainable Design Assessment. However, an updated report to reflect changes will be a condition on any permit issued.*

Clause 17.01 Economic Development – Encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

- *The proposal provides an increased density within walking distance of shops and services. In addition, the proposed food and drink premise is likely to provide employment opportunities.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Clause 18.01 Transport – Ensure that access is provided to all available modes of transport.

- *The subject site is located within walking distance of the Knox Bus Interchange, which is accessed by approximately 10 bus routes including a SmartBus, being on the Principal Public Transport Network. There is also the Airport Shuttle which operates via Knox Shopping Centre, taxi ranks and the Principal Bicycle Network along Blind Creek.*

4.2.2 Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Clause 21.04 Urban Design

Ensure all development responds positively to the existing pattern of urban forms and character, the landscape qualities, historic and cultural elements and social dimensions and aspirations of the Knox Community.

- *The proposed design has evolved to accommodate advice from Council in regard to urban design, bush boulevards, and landscape treatments. Council's urban design consultants consider the design to be of high architectural merit. The upper three storeys are articulated away from the boundaries of the site and therefore would not be visible from the street.*

For this reason and the architectural merit of a building located on a prominent corner, it is considered appropriate to exceed the recommended building height for this site.

Clause 21.06 Environment (Objective 10 Sustainability)

Knox aims to foster sustainable design and reduce energy usage in all developments, contribute to a reduction in greenhouse gas emissions, encourage reduced water usage and reduced usage of non-renewable natural resources in residential and non-residential development.

- *Energy efficient devices and practices have been applied through the application of a Sustainable Design Assessment. The proposal provides an increased density within walking distance of shops and services, entertainment, and transport.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Clause 21.07 Economic Development

The vision for the Knox Central Principal Activity Centre is to create a cohesive physically, economically, socially and culturally vibrant centre that will become the pre-eminent centre and focal point of regional activity in Knox. The Precinct will be a modern mixed-use activity centre, with a shift in its role and form brought about by focusing on the highest quality urban design (including Ecologically Sustainable Design principles) and the broadest possible range of activities in a physically, economically, socially and culturally cohesive vital and vibrant place.

- *The proposal provides an increased density within walking distance of shops and services. In addition, the proposed food and drink premise is likely to provide employment opportunities.*

21.07-2 (Objective 9 – Non Residential Uses in Residential Areas)

To allow non-residential uses in residential areas which provide services to the community without significant detriment to residential amenity.

- *The site is located on a declared arterial road within a principal activity centre. The proposed non-residential uses are integrated into the proposed development and will provide an active frontage to the intersection.
Signage would be integrated into the building and the proposed uses are considered to be compatible with the surrounding residential area.*

Clause 22.04 Knox Central Principal Activity Centre

The purpose of Clause 22.04 is to implement the land use and development vision for Knox Central based on the Knox Central Urban Design Framework (KCUDF), achieve a high intensity of activity through the area that creates the critical mass needed to support the widest possible range of higher order uses, achieve high standards in landscape architecture and urban design that contribute positively to the urban environment and improve access to an throughout the activity centre, and improve legibility for all forms of transport including pedestrians.

- *The importance of place has been expressed through high quality urban design, both in the built form and through the possibility of planting to contribute to the bush boulevard.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Encourage built form that is integrated with the surrounding environment, particularly Lewis Park, Blind Creek, and the bush boulevards.

- *The design was modified to allow for the planting of canopy trees within the front setback that would contribute to a bush boulevard along Burwood Highway.*

Encourage built form that creates active pedestrian-friendly streets.

- *The proposal activates frontages that were previously used as car parking, with a proposed food and drink premise, dwellings, and numerous balconies that face Burwood Highway and Tyner Road creating passive surveillance opportunities and a safer environment. Although the building is above the recommended height of 5 stories, the upper floors are recessed and at a pedestrian level in front of the building, would not be visible.*

Encourage built form that respects the character and amenity of existing residential areas where development occurs adjacent to residential areas.

- *The site is located in an area recommended for heights up to 5 stories. The framework allows for variations based on architectural merit and Council's urban design consultant has had input into the design and was satisfied with the proposed outcome. The three upper floors of the proposed design are articulated away from the boundaries so that the building has a lesser impact on surrounding built form. The building contains a number of design elements and building materials to break up the built form and create the appearance of a number of smaller buildings in a row. The site is located within the Knox Central Principal Activity Centre where the character is proposed to change considerably as more activity is established. Several high apartment buildings have already been approved or are under construction along Burwood Highway.*

Facilitate the replacement of areas of ground level car parking and open decked car parks, with activity generating uses such as residential or commercial, while accommodating car parking requirements with underground parking and deck parking concealed by an active front to the street.

- *As noted above the proposal replaces an existing car park with active frontages. All proposed car parking is to be located in the basement where it will not be visible from the street.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Draft Knox Central Structure Plan – Amendment C149

Amendment C149 proposes to implement the proposed Knox Central Structure Plan. Amendment C149 has been exhibited and a Panel Hearing has been convened although it does not form part of the Knox Planning Scheme. It is noted that the concept and built form is generally in accordance with the proposed structure plan.

The policy states that the southern side of Burwood Highway will provide a mixed-use environment providing high density residential development and commercial uses at ground floor. Commercial uses should be complimentary to uses within the commercial core and will activate street frontages. Development will contribute to and active, vibrant pedestrian environment.

The site is located in an area designated for “Mixed Use (predominately residential)”. The built form specifies building heights up to 18 metres.

The heights are not intended to be prescriptive or mandatory, rather they represent a starting point for discussion. Consideration can be given to architectural quality, sensitive interfaces and contribution to the public realm.

- *The proposed development is generally consistent with the proposed built form guidelines in terms of height and form. The site is located on an intersection and is considered to be a feature form building. The proposed height at 24 metres provides a five storey street wall before the upper floors recess away from the street.*
- *The building is predominately residential but provides for mixed use opportunities that would be considered complimentary to the commercial core. The development activates frontages, provides surveillance to the street, and will help in creating a pedestrian friendly environment.*

Clause 22.07 – Development in Residential Areas and Neighbourhood Character: Activity Area – Villa units, townhouses and apartments are encouraged.

The desired future character of this area is to:

- See the most substantial change in housing styles than other areas in Knox.
- Balance the retention of the green and leafy character when viewed from the street, whilst allowing more intensive residential development.
- Provide new residential development that is well designed both architecturally and functionally.

6.2 500 Burwood Highway, Wantirna South (cont'd)

The key (relevant) design objectives are:

Provide a landscaped front yard, including the planting of canopy trees in accordance with the requirements of the applicable zone schedule.

- *Landscaping can be accommodated within the front setback and within side and rear setbacks, in accordance with the schedule to the Residential Growth Zone and the bush boulevard policy along Burwood Highway. A condition would require further landscaping adjacent the proposed office/gym.*

Retain existing canopy trees, wherever possible.

- *No existing vegetation is proposed to be retained. The vegetation is not considered to be in good condition and is not protected under the Clause 52.17.*

Locate carports and garages behind the line of or underneath the dwelling or in the rear yard.

- *Car parking facilities are located in the basement and will not be visible from the street.*

Significantly setback first and second floor levels from the ground floor level.

- *The upper floor levels of the development have been setback to reduce the impacts of the height of the building. The lower levels are broken up with a mix of materials, built form, and colour. The building has been assessed by Council's urban design consultant and was considered to be of high architectural merit.*

Provide wide, upper floor balconies fronting the street and any adjoining public open space to maximise passive surveillance.

- *The proposal activates frontages that were previously used as car parking, with a proposed food and drink premise, dwellings, and numerous balconies that face Burwood Highway and Tyner Road creating passive surveillance opportunities and a safer environment.*

In developments of three or more dwellings, provide a mix of dwelling sizes (number of bedrooms). At least one dwelling should contain a bedroom, kitchen, bath or shower, and a toilet and wash basin at ground floor level.

- *The design proposes 3, 2, and 1 bedroom dwellings. Ground floor dwellings are considered to be accessible.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Applications must also consider:

Sustainable Design

- *A sustainable design assessment was provided and was considered to be satisfactory.*

Architectural Design

- *The upper floor levels of the development have been setback to reduce the impacts of the height of the building.*
- *The lower levels are broken up with a mix of materials, built form, and colour. The building has been assessed by Council's urban design consultant and was considered to be of high architectural merit.*

Housing for Aged Persons and Accessible Design

- *The proposed development considers the need of people with limited mobility as a clear and accessible path from the street to each front door has been provided at the ground floor. The ground floor dwellings are considered to be 'accessible dwellings' although the proposed lifts would ensure most dwellings are accessible to aged persons.*

Guidelines for Higher Density Residential Development (2004)

The guidelines within this document promote well designed high density housing within Activity Centres when considering the context of the site and surrounds, building design and envelope, layout and design and open space and landscape design.

The guidelines are structured around six elements of design consideration, each of which contains design objectives and a corresponding set of design suggestions. An assessment has been made against each of the relevant elements.

Element 1 – Urban Context

Objectives:

- To ensure buildings respond creatively to their existing context and to agreed aspirations for the future development of the area.
- To provide a creative design response that is based on a clear understanding of the urban context and neighbourhood character.

6.2 500 Burwood Highway, Wantirna South (cont'd)

The information submitted with the application includes a design response plan, context plan and written submission identifying the urban context and neighbourhood character of the area and clearly identifying the opportunities and constraints of the site to allow for a creative design response which addresses the planning controls and guidance of the Knox Urban Design Framework.

The site is located within the Knox Principal Activity Centre where significant change is expected and encouraged. Several high apartment style buildings have been approved or are under construction along Burwood Highway.

The three upper floors of the development have been articulated away from the site boundaries to reduce the impact of the building to immediately adjoining properties. The three upper floors would not be visible from the street at pedestrian level.

Advice regarding the planting of canopy trees within the front setback was provided from Council's Landscape Department and the design was modified to accommodate the recommendations. It is therefore considered that the proposal would be able to contribute to the bush boulevard along Burwood Highway.

Element 2 – Building Envelope

Objectives:

- To ensure that the height of new development responds to existing urban context and neighbourhood character objectives of the area.
- To ensure new development is appropriate to the scale of nearby streets, other public spaces, and buildings.
- To protect sunlight access to public spaces.
- To ensure visual impacts to dwellings at the rear are appropriate to the context.
- To ensure building separation supports private amenity and reinforces neighbourhood character.
- To maximise informal or passive surveillance of streets and other public spaces.
- To maximise residential amenity through the provision of views and protection of privacy within the subject site and on neighbouring properties.

6.2 500 Burwood Highway, Wantirna South (cont'd)

- To treat roof spaces and forms as a considered aspect of the overall building design.

The three upper floors of the proposed design are articulated away from the boundaries so that the building has a lesser impact on surrounding built form. However, it is also noted that the site is located within the Knox Central Principal Activity Centre where the character is proposed to change considerably as more activity is established. Several high apartment buildings have already been approved or are under construction along Burwood Highway.

The proposal activates frontages that were previously used as car parking, with a proposed food and drink premise, dwellings, and numerous balconies that face Burwood Highway and Tyner Road creating passive surveillance opportunities and a safer environment.

The proposal is not expected to overshadow public space.

The submitted plans do not clearly show the provision of screening to windows or balconies facing the retirement village. A condition on any permit issued would require that there are no unreasonable views into the retirement village.

Element 3 – Street Pattern and Streetscape Quality

Objectives:

- To ensure car parking does not dominate the streetscape.
- To create street entrances with a strong identity that provides transition from the street to residential interiors.

The development locates car parking within the basement area where it will not dominate views of the site.

The vehicular and pedestrian entrances to the site will be easily identifiable and will provide a good transition from the public realm to the proposed development. The design utilises a mix of colours and architectural form to identify the foyer/entrance at a pedestrian scale.

Element 4 – Circulation and Services

Objectives:

- To provide adequate, safe and efficiently designed parking layouts.

Council's Traffic Engineers identified minor issues with the design of the proposed car park which can be addressed through conditions on any permit issued.

6.2 500 Burwood Highway, Wantirna South (cont'd)

Element 5 – Building Layout and Design

Objectives:

- To provide a range of dwelling sizes and types in higher density residential developments.
- To optimise the layout of buildings in response to occupants' needs as well as, identified external influences and characteristics of the site.
- To ensure that a good standard of natural lighting and ventilation is provided to internal building spaces.
- To promote buildings of high architectural quality and visual interest.

The development provides a mix of 3 bedroom, 2 bedroom, and single bedroom studio apartments with balcony open space areas. There is a variety of dwelling types within the development as well as providing an optional form of living to Knox's typical housing stock.

The built form and external materials provide a development of high architectural quality and visual interest.

The design guidelines suggest that to achieve a high quality of architectural design "materials should be considered as an integral part of the design response". The application achieves a high quality of architectural design through articulation, use of texture and a variety of building materials and colours.

Living areas are provided with access to balconies and natural light. The apartments are not deep, and large windows to the balconies provide adequate light and ventilation. As the balconies would need to be screened, these windows/doors would not be require screening, allowing for better light or the ability to utilise screen doors etc.

Element 6 – Open Space and Landscape Design

Objectives:

- To ensure access to open space for all residents.
- To ensure common or shared spaces are functional and attractive for their intended users.
- To allow solar access to the private and shared open spaces of new high density residential units.
- To integrate the design of shared and private open space into the overall building design and façade composition.

6.2 500 Burwood Highway, Wantirna South (cont'd)

- To provide for greenery within open spaces.

Apartments within the building have access to a balcony integrated into the building design. Balconies are considered useable and are accessible from living areas. Where possible these areas have been located to the east, north, or west and will have solar access during the day. No units have been designed to be south facing only, and the few south facing balconies have solar access from the east and west also.

Opportunities for planting exist within the front setback of Burwood Highway, and a condition on any permit issued will required the retention of three larger existing trees.

4.3 Particular Provisions

Clause 52.06 Car Parking

The purpose of Clause 52.06 is to ensure the provision of an appropriate number of car parking spaces, to support sustainable transport alternatives to the motor car, consolidation of car parking, protect the amenity of the locality and ensure that the design and location of car parking is of a high standard, creates a safe environment and enables easy and efficient use.

- *With some minor changes, agreed to by the applicant the development can satisfy the car parking requirements of the planning scheme. The area shown as a restaurant with a useable floor area of 150m² is unrealistic and it was agreed with the applicant that it be changed to be a food and drink premise, more alike to a small café. The proposed gym is considered ancillary to the apartment building and at 37m² will not be a commercial gym. One unit has been shown with 3 bedrooms and 1 car parking space. It has been agreed that this be reduced to a 2 bedroom dwelling. Subject to these changes, to be included as conditions on any permit issued, the development would comply with the parking requirements.*
- *Given compliance with the above, it is calculated that 123 car parking spaces are required and 123 have been provided within the basement carpark, including 18 visitor parking spaces.*

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

Design Standard 1: Accessways – *Generally complies. Access to the subject site has been assessed by VicRoads and Council's Traffic Engineers and will be subject to conditions regarding the ramp widths.*

6.2 500 Burwood Highway, Wantirna South (cont'd)

Design Standard 2: Car Parking Spaces – *Complies.*

Design Standard 3: Gradients – *Complies.*

Design Standard 4: Mechanical Parking – *N/A*

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Complies.*

Design Standard 7: Landscaping – *Complies, the basement carpark will not reduce landscaping potential on the site.*

Clause 52.07 Unloading and Loading

The purpose of Clause 52.07 is to set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

- *The size of the proposed food and drink premise is not expected to generate any significant commercial traffic or major deliveries. It is considered that a delivery van could temporarily pull over along Tyner Road without any detrimental impacts.*

Clause 52.34 Bicycle Facilities

The purpose of Clause 52.34 is to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

Clause 52.34 specifies that a new use must not commence until the required bicycle facilities has been provided on the land.

For developments of 4 or more storeys, 1 resident bicycle parking space is required per 5 units, and 1 visitor bicycle parking space is required per 10 units.

- *This proposal generates a requirement for a total of 27 bicycle spaces. The applicant has indicated that the bicycle parking required will be provided in the basement, although the number of spaces has not been detailed. Sixteen bicycle parking spaces have been shown near the entry of the building that allows for visitors and customers to conveniently store bikes at the site.*

Shower and changing facilities are to be provided at the following rates: 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter; and 1 change room or direct access to a communal change room to each shower.

6.2 500 Burwood Highway, Wantirna South (cont'd)

- *The details and location of the facilities will be required through a condition on any permit to issue.*

4.4 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the *Planning and Environment Act 1987* set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*
- *The development is not expected to have any significant social or economic effects.*

5. CONCLUSION

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the development is considered appropriate given the following:

- *The proposed development will create a sense of place and destination that will contribute to the economic, social and cultural aspirations of the Knox Central Principal Activity Centre, informed by Clause 21.07 (Economic Development) and Clause 22.04 (Knox Central Principal Activity Centre).*
- *The proposal is consistent with Council's Municipal Strategic Statement, State Planning Policy and Local Planning Policy, including Development in Residential Areas and Neighbourhood Character (Clause 22.07).*
- *The proposal is consistent with the purpose of the General Residential Zone – Schedule 1 and the High Density Residential Guidelines.*
- *The proposal can be consistent with particular provisions including Car Parking (52.06) and Bicycle Facilities (52.34).*

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

6.2 500 Burwood Highway, Wantirna South (cont'd)**RECOMMENDATION**

That Council issue a Notice of Decision to Grant a Planning Permit for the development of an eight (8) storey apartment building containing 94 apartments, basement carpark, use for a food and drink premise and office, and dispensation of loading bay at 500 Burwood Highway, Wantirna South subject to the following conditions:

Amended Plans

1. Prior to the commencement of any buildings or works, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with application but modified to show:
 - 1.1 Dwelling 4.10 to have two bedrooms only
 - 1.2 The restaurant area to be labelled as a food and drink premise.
 - 1.3 The commercial gym to be labelled as a gym for use by residents only.
 - 1.4 The landscaping area in the front setback to Burwood Highway to wrap around the Tyner Road frontage and break up the hard surface area forward of the building.
 - 1.5 Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances.
 - 1.6 South facing habitable room windows and balconies within 9 metres of the property to the west shall be screened with obscure glass to a minimum height of 1.7 metres above finished floor levels.
 - 1.7 Details of change rooms and showers, and location of at least 27 bicycle parking spaces.
 - 1.8 West facing habitable room windows and balconies to be screened with obscure glass to a minimum height of 1.7 metres above finished floor levels.
 - 1.9 Basement ramps to be 6.1 metres wide or otherwise to the satisfaction of the Responsible Authority.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

- 1.10 The location of metre boxes and gas and water metres, or fire services to be shown on the plans. They must be appropriately located and screened if visible.
- 1.11 Drainage plans in accordance with Condition 2 of this Permit and any necessary modifications.
- 1.12 Landscape plans in accordance with Condition 4 of this Permit and any necessary modifications.
- 1.13 A Sustainable Design Assessment in accordance with Condition 12.
- 1.14 A Construction Management Plan in accordance with 21.
- 1.15 A Waste Management Plan in accordance with Condition 24.

To the satisfaction of the Responsible Authority.

Drainage

2. Prior to commencement of any buildings or works, three copies of drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage is to be in accordance with these plans. The plans must show the following:
 - 2.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 2.2 The internal drains of the dwellings to be independent of each other.
 - 2.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - 2.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.
 - 2.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - 2.6 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

3. Stormwater runoff from all buildings and hardstand surfaces shall be properly collected and discharged in a complete and effective system of drains within the property and shall not cause or create a nuisance to abutting properties.

Landscaping

4. Prior to the commencement of any buildings or works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Appendix 2 of Council's Landscape Guidelines for Planning Permits).
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary.
 - 4.4 Details of the surface finishes of pathways and driveways.
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 4.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
 - 4.8 All vegetation to be removed.
 - 4.9 The planting of 7 large feature shrubs with a mature height of 4 to 5 metres within the front setbacks of dwellings and the office/gym facing Tyner Road.
 - 4.10 Six large canopy tree forward of the waste storage area.
 - 4.11 The planting of 10 small canopy trees in the rear yards along the western site boundary.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

4.12 Nature strip canopy tree planting of a number and species determined by Council's Park Department.

4.13 Trees and shrubs are to be chosen from Plant List 1 or 2 of Council's Landscape Guidelines for Planning Permits. Canopy trees must be a minimum two metres tall when planted.

To the satisfaction of the Responsible Authority.

5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

7. All development must be in accordance with the endorsed plans.
8. The layout of buildings and works as shown on the endorsed plans, must not be altered without the prior written consent of the Responsible Authority. This does not apply to:
 - 8.1 An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm aboveground level and a maximum building height of three metres above ground level; or
 - 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

Where the total floor area of decks, pergolas and verandahs, for each dwelling does not exceed 16m².

9. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
10. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
11. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

Sustainable Design Assessment

12. Prior to the commencement of any buildings or works, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must outline the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater

quality, waste management and material selection, to the satisfaction of the Responsible Authority.

13. Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.

Car Parking & Accessways

14. Before the dwellings are occupied, driveways and car parking areas must be:

- 14.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and

- 14.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and

- 14.3 Treated with an all-weather seal or some other durable surface; and

- 14.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

15. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

16. Visitor spaces are to be accessible to visitors at all times and are to be line marked/paved and signed.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

Fencing

17. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
18. Prior to the occupancy of the development all fencing shall be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

19. Upon commencement and until conclusion of the development, the developer shall ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 19.1 The appearance of building, works or materials on the land
 - 19.2 Parking of motor vehicles
 - 19.3 Transporting of materials or goods to or from the site
 - 19.4 Hours of operation
 - 19.5 Stockpiling of top soil or fill materials
 - 19.6 Air borne dust emanating from the site
 - 19.7 Noise
 - 19.8 Rubbish and litter
 - 19.9 Sediment runoff
 - 19.10 Vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

20. Stormwater runoff from all buildings and hard standing surfaces shall be properly collected and discharged in a complete and effective system of drains within the property and shall not cause or create a nuisance to abutting properties.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

Construction Management Plan

21. Prior to the commencement of construction or any works on the site (including demolition and material removal) the applicant must submit for approval to the responsible authority a Construction Management Plan to the Responsible authority. The plan must be to the satisfaction of the responsible authority and must address, but not be limited to the following:
- 21.1 containment of dust, dirt and mud within the site and method and frequency of clean-up procedures in the event of build-up of matter outside of the site;
 - 21.2 onsite facilities for washing construction vehicles;
 - 21.3 parking arrangements for construction workers;
 - 21.4 delivery and unloading points and expected frequency;
 - 21.5 a liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
 - 21.6 an outline of requests to occupy public footpaths or roads, or anticipated disruption to local services;
 - 21.7 a plan outlining the stages the development will be constructed/completed with demonstration how the pedestrian access between Bunnett Roads will be available to the public during construction at all times.
- To the satisfaction of the Responsible Authority.
22. Construction activity at the site is to accord with this approved Construction Management Plan.

Street Tree Removal

23. Prior to the commencement of any buildings and works approved under this permit, all costs associated with the removal of the street tree/s (amenity value, tree and stump removal and planting and maintaining a new tree) must be paid to Council by the owner/developer. The removal and replacement of the street tree/s must be undertaken by Council.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

Waste Management Plan

24. Before the development commences, a waste collection and management plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken by a private contractor, to the satisfaction of the Responsible Authority. Council will not collect waste from the proposed development.

Permit Expiry

25. This permit will expire if one of the following circumstances applies:
- 25.1 The development is not started within two years of the date of this permit.
- 25.2 The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on request), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

- Applicant is to direct all stormwater discharge from property to a point nominated by VicRoads as this will represent the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Road Opening Permit shall be required for any works within or affecting the road reserve.
- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- In accordance with Council policy, an 8.5% public open space contribution may apply in the event of the subdivision of the land.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- All letterboxes shall face towards the street frontage and if located adjacent to the driveway the letterboxes and any associated structures shall not be greater than 900mm in height.

6.2 500 Burwood Highway, Wantirna South (cont'd) Recommendation (cont'd)

- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

COUNCIL RESOLUTION

MOVED: CR. KEOGH

SECONDED: CR. PEARCE

That the recommendation be adopted.

PROCEDURAL MOTION

MOVED: CR. MORTIMORE

SECONDED: CR. TAYLOR

That Councillor Seymour be permitted an extension of time under Clause 47 of the Meeting Procedure and Use of Common Seal Local Law 2008.

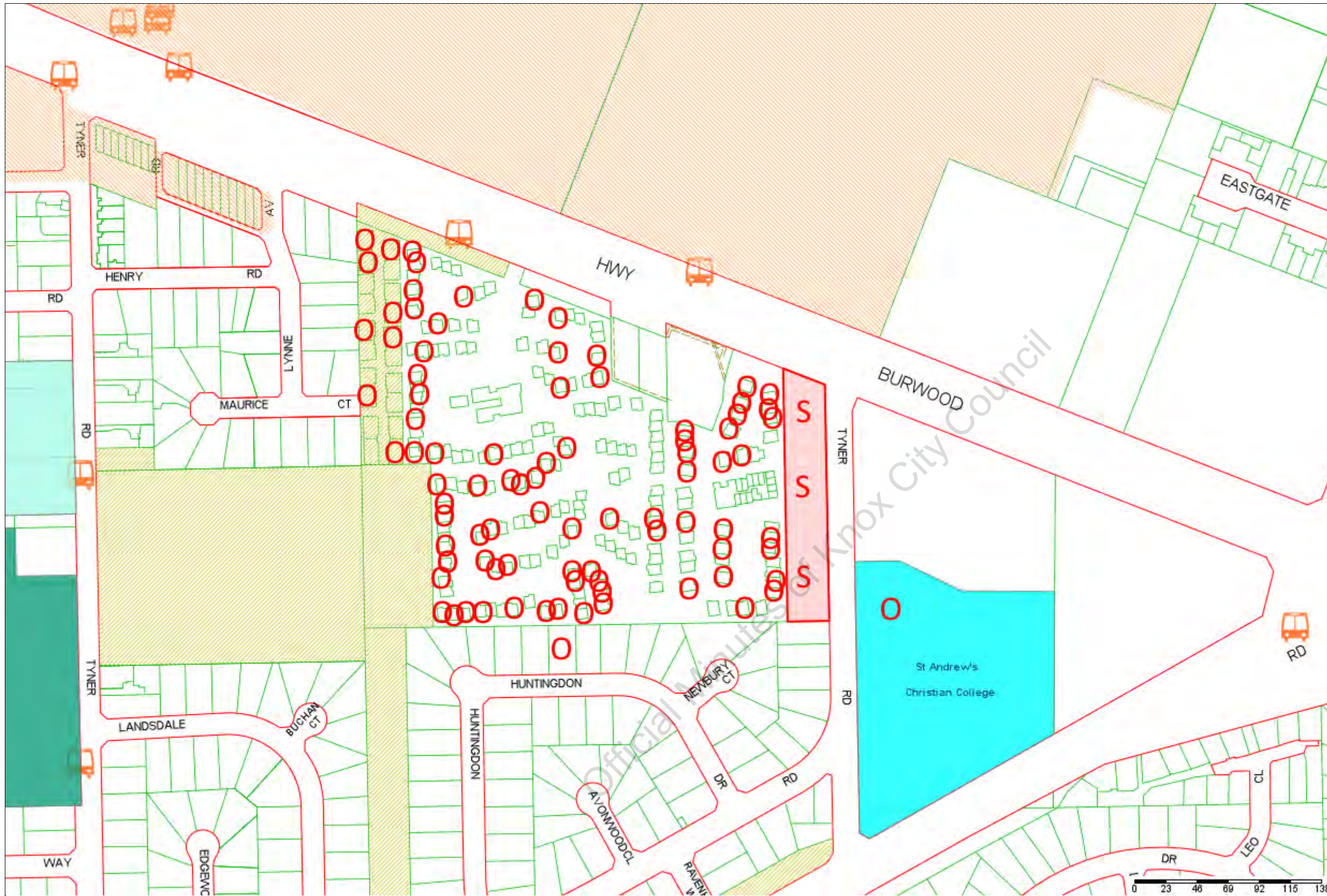
CARRIED

A Division was called by Cr. Cooper

**For the motion: Councillor Keogh, Councillor Taylor
Councillor Holland, Councillor Pearce,
Councillor Lockwood, Councillor Gill,
Councillor Mortimore**

Against the motion: Councillor Cooper, Councillor Seymour

THE SUBSTANTIVE MOTION WAS PUT AND CARRIED 7:2



Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|---|
| Property - Address | 500 Burwood Highway, WANTIRNA SOUTH |
| Application Number | P/2015/6731 |
| Description | The construction of an eight (8) storey apartment building containing ninety four (94) apartments, basement, restaurant, office, and gym. |
| Wardname | Scott |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

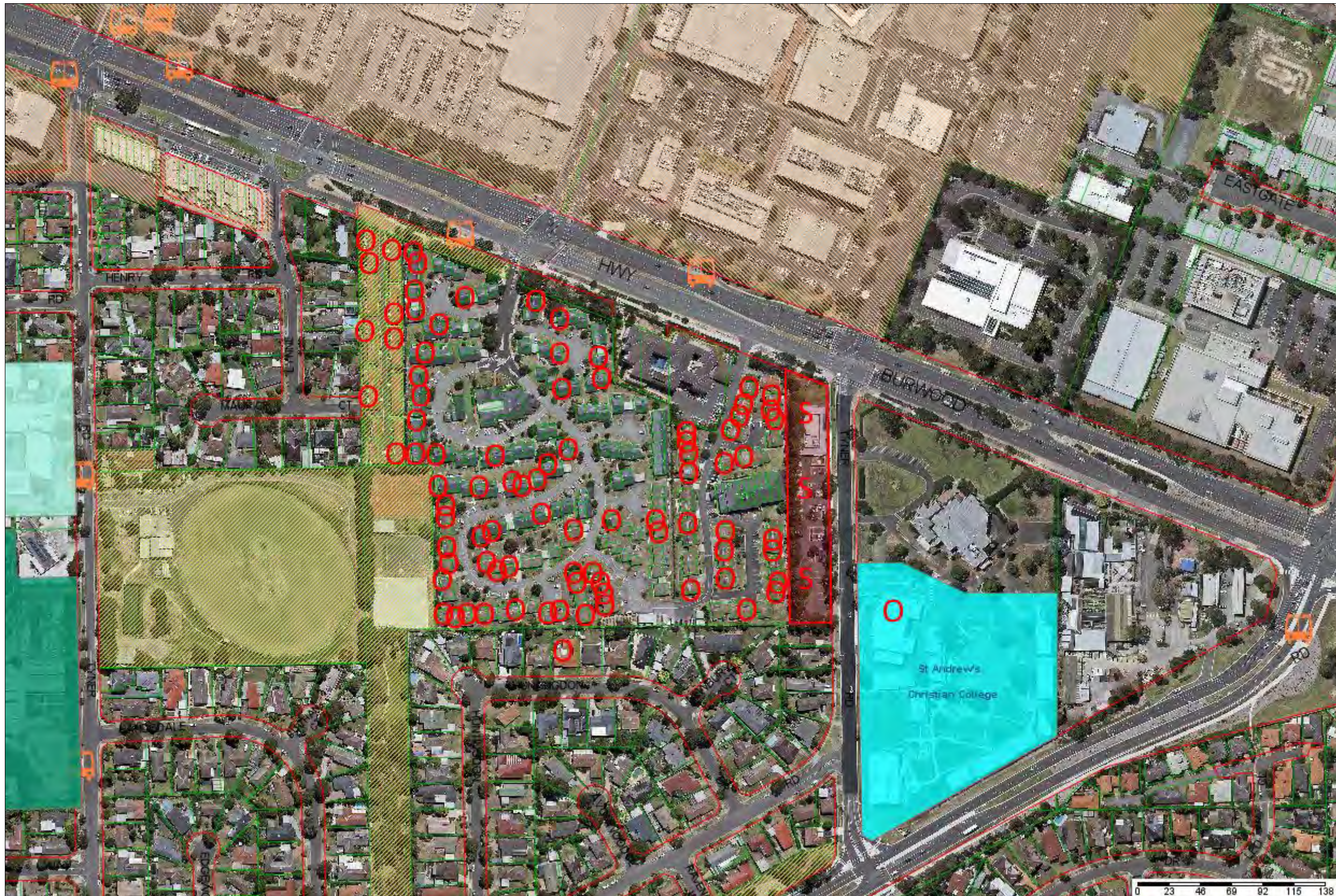


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DISCLAIMER:

Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Knox City Council
REPORT APPENDIX: A

Property -
Address 500 Burwood Highway, WANTIRNA SOUTH

Application Number P/2015/6731
Description The construction of an eight (8) storey apartment building containing ninety four (94) apartments, basement, restaurant, office, and gym.

Wardname Scott

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition



Scale: 1:3000

DISCLAIMER:
Roads and Title Boundaries - State of Victoria, Knox City Council
Planning Scheme Information - DPCD, Knox City Council
Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
Melbourne Water Drainage Information - Melbourne Water

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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.

DRAWING SCHEDULE

| | | |
|-------|--|-------|
| TPA01 | SITE PLAN AND AREA ANALYSIS | 1:400 |
| TPA02 | BASEMENT LEVEL B2 FLOOR PLAN | 1:200 |
| TPA03 | BASEMENT LEVEL B1 FLOOR PLAN | 1:200 |
| TPA04 | GROUND FLOOR PLAN | 1:200 |
| TPA05 | FIRST FLOOR PLAN | 1:200 |
| TPA06 | SECOND FLOOR PLAN | 1:200 |
| TPA07 | THIRD FLOOR PLAN | 1:200 |
| TPA08 | FOURTH FLOOR PLAN | 1:200 |
| TPA09 | FIFTH FLOOR PLAN, PENTHOUSE LEVEL 1 | 1:200 |
| TPA10 | PENTHOUSE LEVEL 2, ROOF PLAN | 1:200 |
| TPA11 | AREA ANALYSIS | |
| TPA12 | ELEVATIONS COLOURS MATERIALS AND FINISHES SCHEDULE | 1:200 |
| TPA13 | DETAILED SITE ANALYSIS - NEIGHBOURHOOD AND SITE DESCRIPTION | 1:400 |
| TPA14 | DETAILED SITE ANALYSIS - DESIGN RESPONSE | 1:400 |
| TPA15 | DETAILED SHADOW ANALYSIS - 9:00AM, 10AM, SEPTEMBER 22 | 1:200 |
| TPA16 | DETAILED SHADOW ANALYSIS - 11:00AM, 12NOON, SEPTEMBER 22 | 1:200 |
| TPA17 | DETAILED SHADOW ANALYSIS - 3PM, SEPTEMBER 22 | 1:200 |

Knox City Council
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 30 NOV 2016
 PLANNING DEPARTMENT



500 BURWOOD HIGHWAY WANTIRNA SOUTH

LEVEL 1 / 173 UPPER HEIDELBERG ROAD
 IVANHOE
 3079
PETRIDIS
 ARCHITECTS
 PH: (03) 9 499 8826
 EMAIL: office@petridisarchitects.com.au

PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
 DRAWING TITLE:
 SITE PLAN AND AREA ANALYSIS
 TPA01 - 1 OF 17
 JOB NO. 15 - 101
 DATE: 29TH NOVEMBER 2016
 SCALE: 1: 400
 DRAWN BY: RL
 RESPONSE TO COUNCIL
 ALL LEVELS ARE TO
 AUSTRALIAN HEIGHT DATUM



ARCARE
AGED CARE RESIDENTIAL
DEVELOPMENT



ESD SUMMARY

| | |
|-----------------------------------|---|
| Energy | <p>Apartments</p> <ul style="list-style-type: none"> Average combined energy rating assessment to be minimum 6.0 stars efficiency. Heating and cooling units in apartments to meet minimum requirements of MEPS EER 3.33 Energy efficient electrical appliances to be within one point of the highest available energy rating such as: airconditioning, dishwashers and fridges part of building works. Energy efficient water heaters to be used, gas instantaneous, minimum 5 stars. 5kW solar panels to supply power for common areas and carpark. Lighting per apartments not to exceed 5W/m2 Energy efficient LED downlights and/or compact fluorescent lighting type. Micalighting products or approved equivalent. <p>Carpark and circulations spaces</p> <ul style="list-style-type: none"> Lighting and airconditioning to comply with BCA Section J energy efficiency minimum requirements. Lighting not to exceed 6W/m2 for carpark and 6W/m2 for circulation spaces. Motion detectors to be used for common areas for lighting. |
| Material Fabric | <ul style="list-style-type: none"> Overall glazing to be double-glazed type. Insulation to be in accordance to minimum requirements: R2.0 for external walls. R4.0 for ceilings exposed to direct sunlight. Glazing will be generally shaded by balconies. |
| Water | <ul style="list-style-type: none"> Toilets to be minimum 4 Star WELS rating. Basins taps to be minimum 5 Star WELS rating. Shower flow not to exceed 6.0 l/min. Rain water tank, min 16,000 litres to be connected to toilets on ground and first floor. Dishwashers part of the building works to be within one star from the Highest rating is preferred. |
| Transport | <p>Allow minimum 20 secure bicycle storage spaces. 17 for occupants + 3 for visitors.</p> |
| Waste Management | <p>Commitment to recycle at least 50% of construction waste.</p> |
| Indoor Environment Quality | <ul style="list-style-type: none"> Insulation between apartments walls to reduce noise intrusion. Commitment to use low VOC materials on paints and adhesives. All kitchens to have a dedicated extraction fan to extract fumes out of kitchen. Glazing to be laminated glazed type to minimise external noise intrusion. Corridor areas to be naturally ventilated. |

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BASEMENT LEVEL B2 FLOOR PLAN

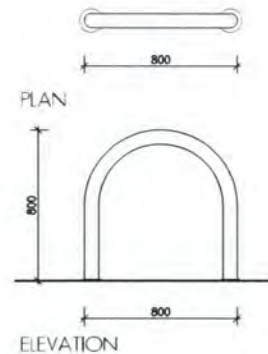
SCALE 1:200



500 BURWOOD HIGHWAY WANTIRNA SOUTH

CARPARK BICYCLE PARKING DETAILS, 28NO. OFF

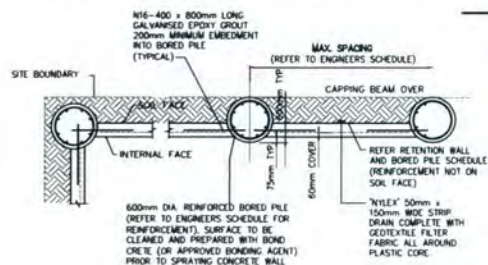
SCALE 1:20



WASTE MANAGEMENT

WASTE STORAGE AREA

- SIGNAGE AND USAGE LABELS FOR THE GARAGE AND RECYCLING BINS WILL BE PROVIDED BY THE OPERATOR.
- THE BIN STORE SHALL BE SECURE AND VERMIN PROOF.
- THE BIN STORE SHALL BE VENTILATED IN ACCORDANCE WITH AUSTRALIAN STANDARD AS 1668.2.
- THE BIN WASH AREA COMPROMISING OF A TAP AND FLOOR DRAIN WITH TRAP AND SEWER CONNECTION WILL BE LOCATED WITHIN THE BIN STORE FOR WASHING OF BINS.
- THE BUILDING MANAGER SHALL KEEP THE BIN STORE AND COLLECTION AREAS CLEAN, KEEP BIN LIDS CLOSED AND WASH BINS REGULARLY.
- THE BODY CORPORATE OF THE PROPOSED DEVELOPMENT SHALL SOURCE AND ENTER INTO THE SERVICE AGREEMENTS FOR PRIVATE WASTE COLLECTION SERVICES. THE BODY CORPORATE WILL BE RESPONSIBLE FOR ALL PAYMENTS AND COSTS ASSOCIATED WITH THE WASTE COLLECTION SERVICE PROVIDED BY PRIVATE COLLECTION CONTRACTORS.



WALL TYPE 1 (SHOTCRETE) PLAN DETAIL

SCALE 1:50

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BASEMENT LEVEL B1 FLOOR PLAN

SCALE 1:200

500 BURWOOD HIGHWAY WANTIRNA SOUTH

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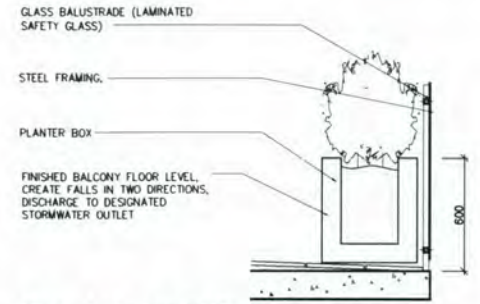


PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
 DRAWING TITLE:
 BASEMENT LEVEL B1 FLOOR PLAN
 TPA03 - 30F17
 JOB NO. 15 - 101
 DATE: 29TH NOVEMBER 2016
 SCALE: 1:200
 DRAWN BY: RL
 RESPONSE TO COUNCIL
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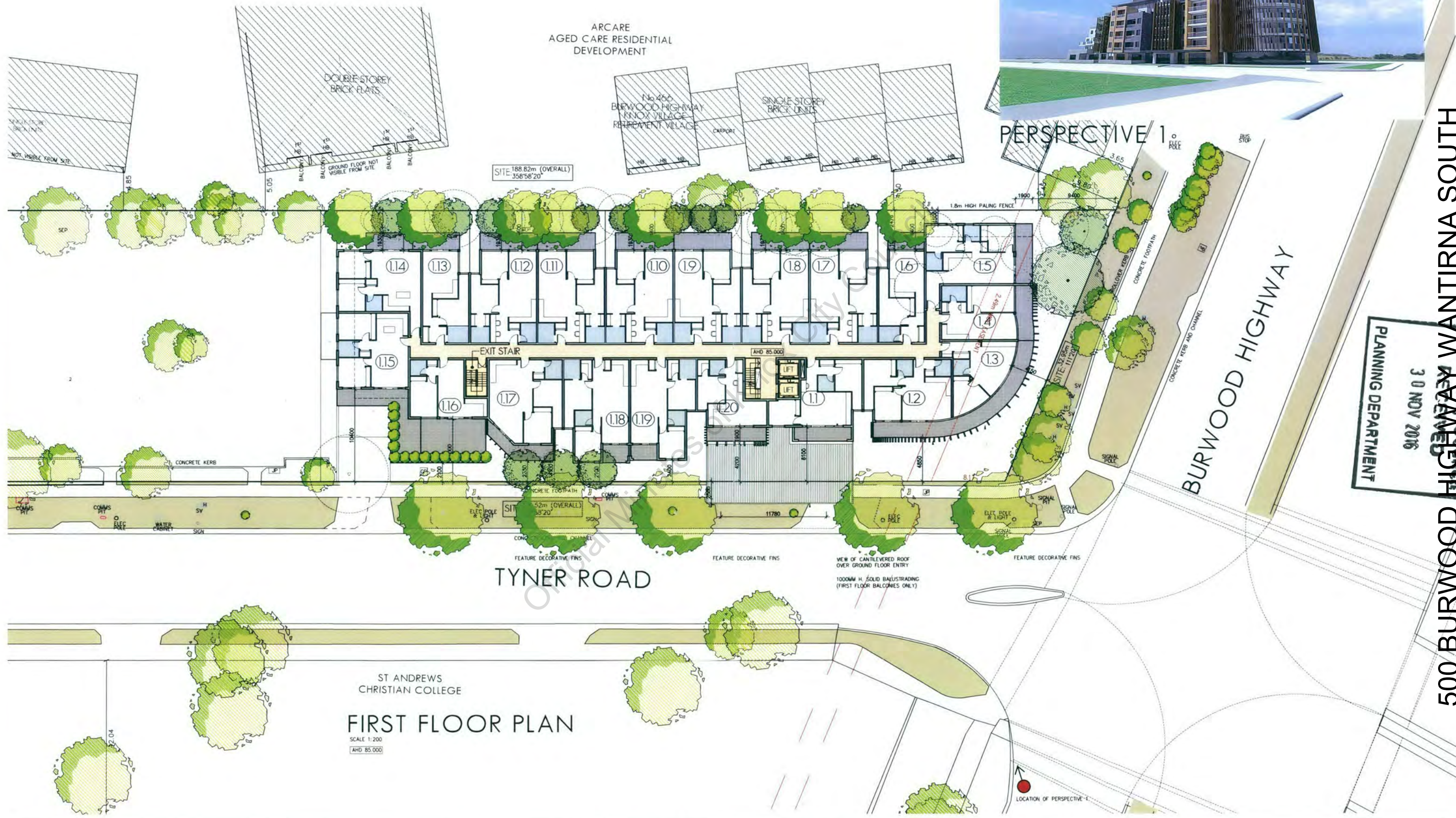
**PLANTER BOX
DETAIL**
SCALE 1:20

ST ANDREWS
CHRISTIAN COLLEGE
GROUND FLOOR PLAN
SCALE 1:200
AHD 82,000

500 BURWOOD HIGHWAY WANTIRNA SOUTH



PERSPECTIVE 1



TYNER ROAD

BURWOOD HIGHWAY

ST ANDREWS CHRISTIAN COLLEGE
FIRST FLOOR PLAN
SCALE 1:200
AHD 85.000

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30 NOV 2016

500 BURWOOD HIGHWAY WANTIRNA SOUTH

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PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
DRAWING TITLE:
FIRST FLOOR PLAN
TPA05 - 50F17
JOB NO. 15 - 101
DATE: 29TH NOVEMBER 2016
SCALE: 1: 200
DRAWN BY: R.L
RESPONSE TO COUNCIL
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PERSPECTIVE 2

ST ANDREWS CHRISTIAN COLLEGE
SECOND FLOOR PLAN
SCALE 1:200
AHD 88.000

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500 BURWOOD HIGHWAY WANTIRNA SOUTH





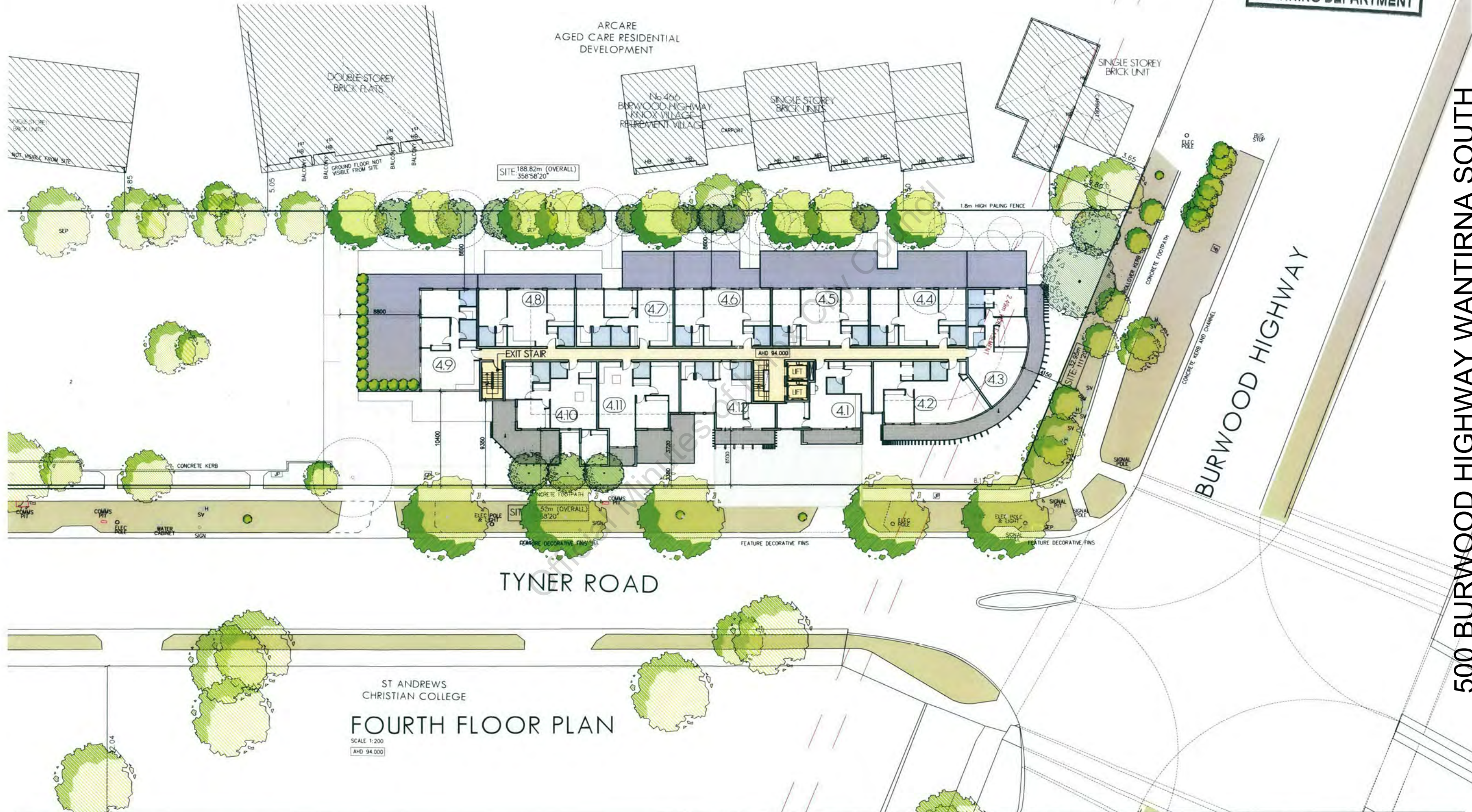
ST ANDREWS CHRISTIAN COLLEGE
THIRD FLOOR PLAN
SCALE 1:200
AHD 91.000

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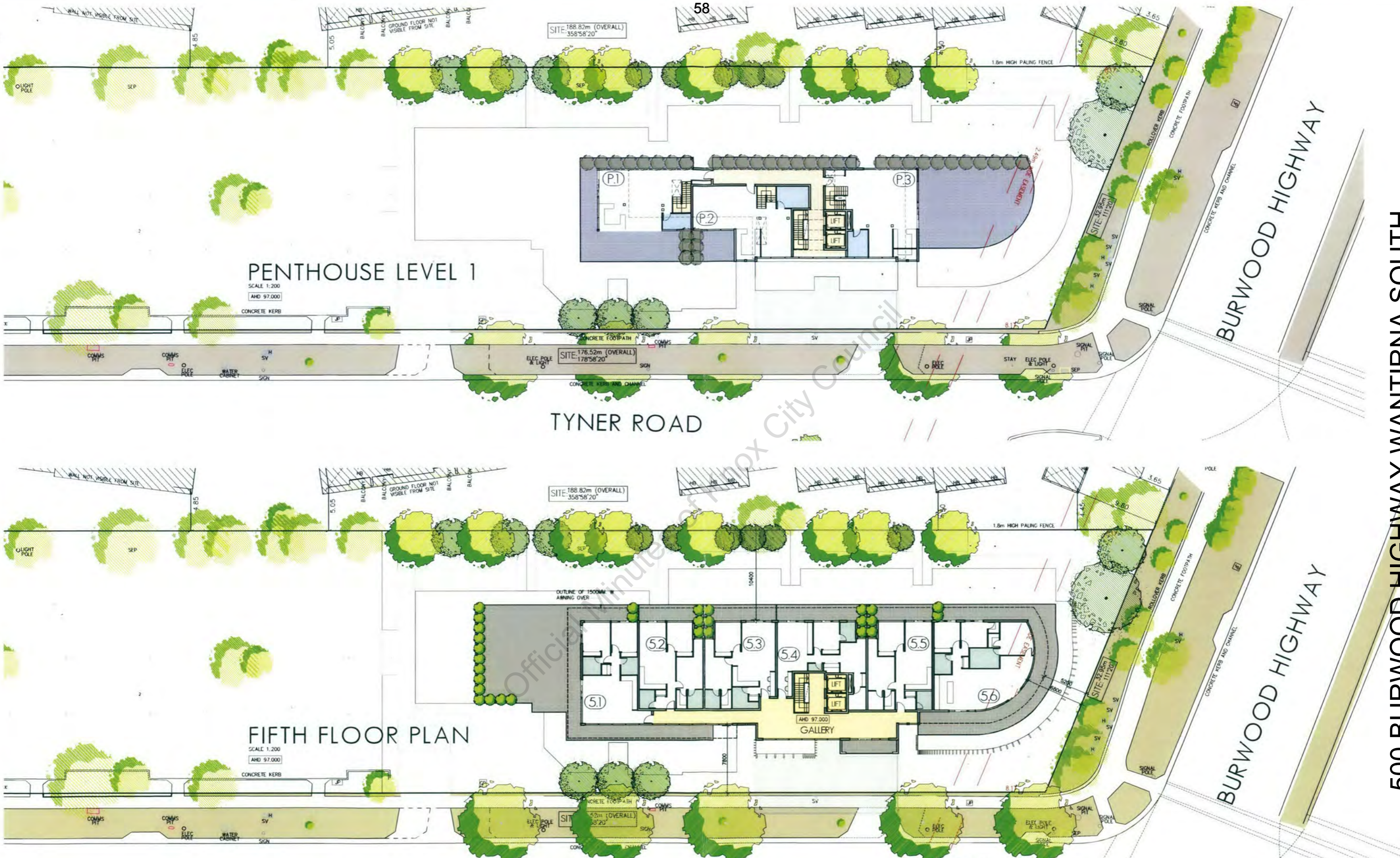
500 BURWOOD HIGHWAY WANTIRNA SOUTH

ST ANDREWS
CHRISTIAN COLLEGE
FOURTH FLOOR PLAN
SCALE 1:200
AHD 94.000

LEVEL 1 / 173 UPPER HEIDELBERG ROAD
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PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
DRAWING TITLE:
FOURTH FLOOR PLAN
TPA08 - 80F 17
JOB NO. 15 - 101
DATE: 29TH NOVEMBER 2016
SCALE: 1:200
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PENTHOUSE LEVEL 1

SCALE 1:200
AHD 97.000

CONCRETE KERB

TYNER ROAD

FIFTH FLOOR PLAN

SCALE 1:200
AHD 97.000

CONCRETE KERB

TYNER ROAD

BURWOOD HIGHWAY

BURWOOD HIGHWAY

500 BURWOOD HIGHWAY WANTIRNA SOUTH

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PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
DRAWING TITLE:
FIFTH FLOOR PLAN, PENTHOUSE LEVEL 1
TPA09 - 90F 17
JOB NO. 15 - 101
DATE: 29TH NOVEMBER 2016
SCALE: 1:200
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ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM





ROOF PLAN
SCALE 1:200

PENTHOUSE LEVEL 2
SCALE 1:200

TYNER ROAD

TYNER ROAD

BURWOOD HIGHWAY

BURWOOD HIGHWAY

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PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
DRAWING TITLE:
PENTHOUSE LEVEL 2, ROOF PLAN
TPA10 - 10 OF 17
JOB NO. 15 - 101
DATE: 29TH NOVEMBER 2016
SCALE: 1:200
DRAWN BY: RL
RESPONSE TO COUNCIL
ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM



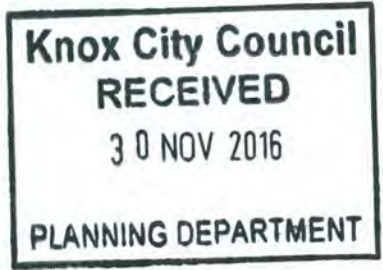
GENERAL AREA ANALYSIS

| | |
|--|-------------------------------|
| Site Area | 2516.0 m ² overall |
| No. Of Proposed Apartments | 94no. apartments |
| Overall Building Area (includes balconies and carport) | 8167.5 m ² |
| Site Building Footprint | 2001.6 m ² |
| Impervious Paving Area | 2001.6 m ² |
| Permeable Area | 454.4 m ² |

DETAILED AREA ANALYSIS

| Unit No. | Floor | Description | Area | Pos. | Unit No. | Floor | Description | Area | Pos. | Unit No. | Floor | Description | Area | Pos. | Unit No. | Floor | Description | Area | Pos. |
|---------------|--------------------|---|---------------------|--------------------|---------------|--------------------|--|--------------------|--------------------|---------------|--------------------|---|--------------------|--|--------------|-------------------|--|---|--|
| Office | GROUND FLOOR LEVEL | | 54.0M ² | | Apartment 112 | FIRST FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 77.6M ² | 13.0M ² | Apartment 32 | THIRD FLOOR LEVEL | 2 BEDROOM, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 80.1M ² | 18.0M ² | Apartment 53 | FIFTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 82.5M ² | 17.8M ² |
| Gym | GROUND FLOOR LEVEL | | 37.5M ² | | Apartment 113 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 53.5M ² | 10.4M ² | Apartment 33 | THIRD FLOOR LEVEL | 2 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 75.1M ² | 20.2M ² | Apartment 54 | FIFTH FLOOR LEVEL | 3 BEDROOMS, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 77.7M ² | 21.7M ² |
| Restaurant | GROUND FLOOR LEVEL | | 201.1M ² | | Apartment 114 | FIRST FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 70.5M ² | 10.4M ² | Apartment 34 | THIRD FLOOR LEVEL | 2 BEDROOM, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 76.2M ² | 10.4M ² | Apartment 55 | FIFTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 76.6M ² | 16.4M ² |
| Apartment G1 | GROUND FLOOR LEVEL | 1 BEDROOM, STUDY, 1 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 57.7M ² | 34.1M ² | Apartment 115 | FIRST FLOOR LEVEL | 2 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 70.1M ² | 34.9M ² | Apartment 35 | THIRD FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 54.4M ² | 8.2M ² | Apartment 56 | FIFTH FLOOR LEVEL | 3 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 2 CAR SPACES | 113.1M ² | 89.4M ² |
| Apartment G2 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 70.7M ² | 38.1M ² | Apartment 116 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 49.3M ² | 37.3M ² | Apartment 36 | THIRD FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 13.0M ² | Apartment P1 | PENTHOUSE LEVEL | 3 BEDROOMS, STUDY, 3 BATHROOMS, L'DRY, BALCONY, 2 CAR SPACES | 84.6M ² + 83.9M ² = 168.5M ² | 77.0M ² + 44.1M ² = 121.1M ² |
| Apartment G3 | GROUND FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 70.7M ² | 50.7M ² | Apartment 117 | FIRST FLOOR LEVEL | 2 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 80.2M ² | 15.3M ² | Apartment 37 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 13.0M ² | Apartment P2 | PENTHOUSE LEVEL | 3 BEDROOMS, STUDY, 4 BATHROOMS, L'DRY, BALCONY, 2 CAR SPACES | 90.3M ² + 83.6M ² = 173.9M ² | 17.8M ² |
| Apartment G4 | GROUND FLOOR LEVEL | 1 BEDROOMS, 1 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 54.7M ² | 33.0M ² | Apartment 118 | FIRST FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 77.3M ² | 6.1M ² | Apartment 38 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 78.2M ² | 13.0M ² | Apartment P3 | PENTHOUSE LEVEL | 3 BEDROOMS, STUDY, 5 BATHROOMS, L'DRY, BALCONY, 2 CAR SPACES | 98.7M ² + 84.7M ² = 183.4M ² | 136.0M ² + 16.9M ² = 152.9M ² |
| Apartment G5 | GROUND FLOOR LEVEL | 1 BEDROOMS, 1 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 44.7M ² | 59.5M ² | Apartment 119 | FIRST FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 74.1M ² | 5.2M ² | Apartment 39 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 76.1M ² | 13.0M ² | | | | | |
| Apartment G6 | GROUND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 55.9M ² | 16.1M ² | Apartment 120 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 48.6M ² | 10.7M ² | Apartment 310 | THIRD FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 69.3M ² | 21.5M ² | | | | | |
| Apartment G7 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 65.9M ² | 22.5M ² | Apartment 21 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 63.0M ² | 10.7M ² | Apartment 311 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 69.4M ² | 8.8M ² | | | | | |
| Apartment G8 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 75.3M ² | 22.5M ² | Apartment 22 | SECOND FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 70.1M ² | 18.0M ² | Apartment 312 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 72.7M ² | 20.8M ² | | | | | |
| Apartment G9 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 78.3M ² | 22.5M ² | Apartment 23 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACES | 49.8M ² | 20.3M ² | Apartment 313 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 72.8M ² | 14.5M ² | | | | | |
| Apartment G10 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 78.3M ² | 22.5M ² | Apartment 24 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACES | 53.6M ² | 8.5M ² | Apartment 314 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 83.0M ² | 13.1M ² | | | | | |
| Apartment G11 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 78.3M ² | 22.5M ² | Apartment 25 | SECOND FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 74.5M ² | 12.9M ² | Apartment 315 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 79.6M ² | 6.1M ² | | | | | |
| Apartment G12 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 77.6M ² | 23.0M ² | Apartment 26 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 54.4M ² | 8.2M ² | Apartment 316 | THIRD FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 74.1M ² | 5.2M ² | | | | | |
| Apartment G13 | GROUND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 53.5M ² | 20.7M ² | Apartment 27 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 78.3M ² | 15.0M ² | Apartment 317 | THIRD FLOOR LEVEL | 1 BEDROOM, STUDY, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 48.6M ² | 10.7M ² | | | | | |
| Apartment G14 | GROUND FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 70.4M ² | 21.6M ² | Apartment 28 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 78.3M ² | 15.0M ² | Apartment 41 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 63.0M ² | 10.7M ² | | | | | |
| Apartment G15 | GROUND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, COURTYARD, 1 CAR SPACE | 54.8M ² | 9.5M ² | Apartment 29 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 78.3M ² | 15.0M ² | Apartment 42 | FOURTH FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 81.1M ² | 18.0M ² | | | | | |
| Apartment G16 | GROUND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, COURTYARD, 1 CAR SPACE | 69.9M ² | 8.3M ² | Apartment 210 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 78.3M ² | 13.0M ² | Apartment 43 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 75.8M ² | 28.7M ² | | | | | |
| Apartment 11 | FIRST FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 63.0M ² | 10.7M ² | Apartment 211 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 78.3M ² | 15.0M ² | Apartment 44 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 72.1M ² | 36.4M ² | | | | | |
| Apartment 12 | FIRST FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 70.1M ² | 18.0M ² | Apartment 212 | SECOND FLOOR LEVEL | 2 BEDROOMS, STUDY, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 77.6M ² | 15.0M ² | Apartment 45 | FOURTH FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 72.1M ² | 53.5M ² | | | | | |
| Apartment 13 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 49.8M ² | 20.3M ² | Apartment 213 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 53.5M ² | 10.4M ² | Apartment 46 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 72.1M ² | 34.9M ² | | | | | |
| Apartment 14 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 53.6M ² | 8.5M ² | Apartment 214 | SECOND FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 70.5M ² | 10.4M ² | Apartment 47 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 72.1M ² | 23.4M ² + 4.7M ² | | | | | |
| Apartment 15 | FIRST FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 74.5M ² | 12.9M ² | Apartment 215 | SECOND FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 70.1M ² | 34.9M ² | Apartment 48 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 72.0M ² | 17.5M ² | | | | | |
| Apartment 16 | FIRST FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 54.4M ² | 8.2M ² | Apartment 216 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 49.3M ² | 37.3M ² | Apartment 49 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 72.0M ² | 99.4M ² | | | | | |
| Apartment 17 | FIRST FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 13.0M ² | Apartment 217 | SECOND FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACES | 80.2M ² | 15.3M ² | Apartment 410 | FOURTH FLOOR LEVEL | 5 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 90.3M ² | 31.9M ² | | | | | |
| Apartment 18 | FIRST FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 15.0M ² | Apartment 218 | SECOND FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 77.3M ² | 6.1M ² | Apartment 411 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 74.4M ² | 6.1M ² + 28.1M ² | | | | | |
| Apartment 19 | FIRST FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 15.0M ² | Apartment 219 | SECOND FLOOR LEVEL | 2 BEDROOM, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 74.1M ² | 5.2M ² | Apartment 412 | FOURTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 64.9M ² | 10.7M ² | | | | | |
| Apartment 110 | FIRST FLOOR LEVEL | 2 BEDROOMS, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 15.0M ² | Apartment 220 | SECOND FLOOR LEVEL | 1 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 48.6M ² | 10.7M ² | Apartment 51 | FIFTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 2 CAR SPACES | 85.2M ² | 190.7M ² | | | | | |
| Apartment 111 | FIRST FLOOR LEVEL | 2 BEDROOMS, STUDY, L'DRY, BALCONY, 1 CAR SPACE | 78.3M ² | 15.0M ² | Apartment 31 | THIRD FLOOR LEVEL | 2 BEDROOM, 1 BATHROOM, L'DRY, BALCONY, 1 CAR SPACE | 63.0M ² | 10.7M ² | Apartment 52 | FIFTH FLOOR LEVEL | 2 BEDROOMS, 2 BATHROOMS, L'DRY, BALCONY, 1 CAR SPACES | 77.0M ² | 16.5M ² | | | | | |

500 BURWOOD HIGHWAY WANTIRNA SOUTH

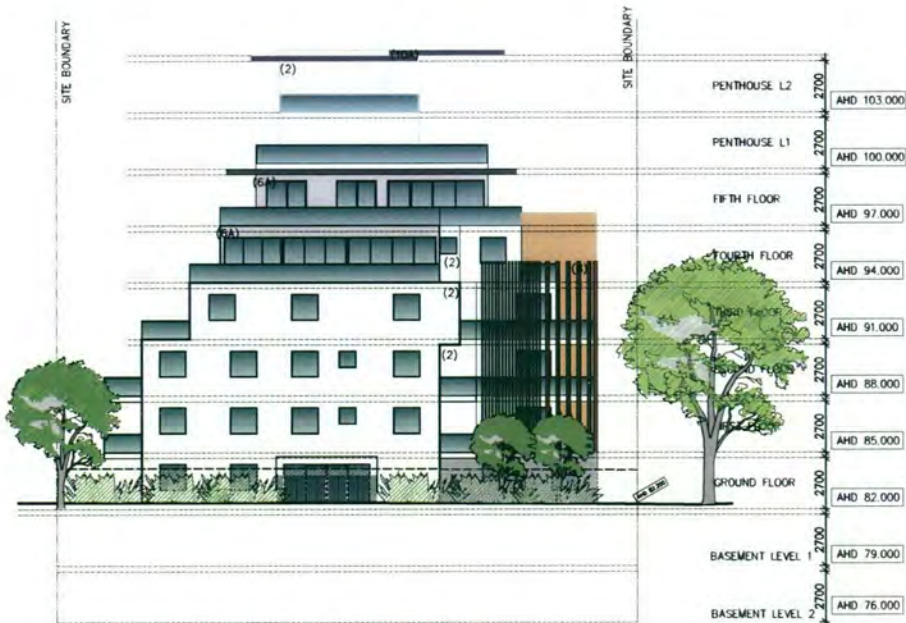




NORTH ELEVATION
(IE FACING BURWOOD HIGHWAY)
SCALE 1:200



WEST ELEVATION
SCALE 1:200



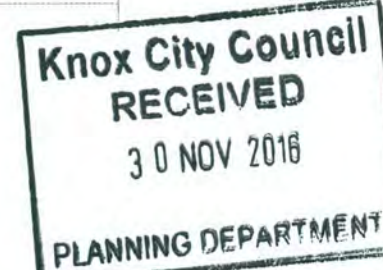
SOUTH ELEVATION
SCALE 1:200



EAST ELEVATION
(IE FACING TYNAR ROAD)
SCALE 1:200

COLOURS AND MATERIALS SCHEDULE

- | | | | |
|---|--|---|---|
| <p>ROOF</p> <p>(1) ZINCALUME STEEL</p> | <p>(4) WALL TYPE III: FAIRVIEW ALUMINIUM CLADDING, GOLD METALLIC 4150</p> | <p>WINDOWS</p> <p>(2) ALUMINIUM FRAME, POWDERCOAT FINISH, COLORBOND COLOUR "SURFMIST"</p> <p>FINS</p> <p>(8) ARCH CLAD ALUMINIUM CLADDING, "MOCHA OAK"</p> <p>GUTTER/DOWNPIPPES</p> <p>(9) SHEET STEEL, COLOURBOND COLOUR "SURFMIST"</p> | <p>AWNING</p> <p>(10) ARCH CLAD ALUMINIUM CLADDING, MOCHA OAK (10A) DULUX COLOUR "MAXIMUS" BALUSTRADE</p> <p>(11) AXIOM GROUP, PANORAMA FRAMELESS GLASS BALUSTRADE, FACE FIXED WITH STAND-OFF HANDRAIL</p> <p>FENCE</p> <p>(12) TIMBER PALINGS, 1800H, MERBAU OR APPROVED EQUIVALENT BY OWNER</p> |
| <p>WALLS</p> <p>(2) WALL TYPE I: SMOOTH CEMENT RENDER DULUX COLOUR "VIVID WHITE"</p> <p>(3) WALL TYPE II: FAIRVIEW ALUMINIUM CLADDING BRONZE METALLIC 9300</p> | <p>(5) WALL TYPE IV: AUSTRAL BRICKS, MELBOURNE SERIES "HAWTHORN"</p> <p>(6) WALL TYPE V: AUSTRAL BRICKS, BOWRAL RANGE "BOWRAL BLUE"</p> <p>(6A) WALL TYPE VI: SMOOTH CEMENT RENDER DULUX COLOUR "SNOWY MOUNTAIN"</p> | | |



500 BURWOOD HIGHWAY WANTIRNA SOUTH





SUBJECT SITE

- MASSIVE SITE AREA: 5568.0 m²
- COMFORTABLE SITE FALLS FROM SOUTH-WEST TO NORTH-WEST (1200MM SLOPE OVER 188.82m APPROX LENGTH)
- WIDE STREET FRONTAGE, APPROX 209.47m OVERALL LENGTH
- SIGNIFICANT NORTHERN EXPOSURE: 32.95m ALONG FRONT
- SUPERIOR LOCATION IN RISING MIDDLE SUBURBAN PRECINCT
- SUBJECT SITE IS "RIPE" FOR RE-DEVELOPMENT



NEIGHBOURHOOD AND SITE DESCRIPTION

Knox City Council
RECEIVED
30 NOV 2016
PLANNING DEPARTMENT

PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH

DRAWING TITLE:
DETAILED SITE ANALYSIS - NEIGHBOURHOOD AND SITE DESCRIPTION
TPA 13 - 13 OF 17
JOB NO. 15 - 101

DATE: 29TH NOVEMBER 2016
SCALE: 1:400

DRAWN BY: RL
RESPONSE TO COUNCIL

ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM



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EMAIL: office@petridisarchitects.com.au

500 BURWOOD HIGHWAY WANTIRNA SOUTH

- A** 5 NO. NEW ESTABLISHED TREES TO BE PROPOSED WITHIN WIDE NATURE STRIP OF TYNER ROAD. ESTABLISHED SCREEN PLANTING PROPOSED ALONG WESTERN AND SOUTHERN BOUNDARIES
- B** EXISTING ON-STREET CARPARKING NUMBERS TO BE RETAINED AS IS
- C** COMFORTABLE REAR YARDS AND BALCONIES PROVIDED: GOOD AREAS, GOOD PROPORTIONS, GREAT ALL ROUND EXPOSURE. (INCL. MIDDAY SUN)
- D** MAIN LIVING AREAS ARE LOCATED TO THE FRONTS AND REAR OF THE FLOOR PLANS. THEY TAKE ADVANTAGE OF THE LARGE BALCONIES AND COURTYARDS PROPOSED AND THE SIGNIFICANT SOLAR EXPOSURE AVAILABLE TO THESE YARDS.
- E** GOOD SURVEILLANCE OF BURWOOD HIGHWAY AND TYNER ROAD AVAILABLE FROM APARTMENTS
- F** DESIGN OF INTERIORS OF NEW APARTMENTS INFLUENCED BY REAR PRIVATE OPEN SPACES. MAIN SITTING AREAS HAVE PHYSICAL AND VISUAL ACCESS TO THESE BALCONIES AND COURTYARDS.
- G** DESIGN OF INTERIOR OF NEW DWELLINGS UNDERTAKEN IN MODERN CONTEMPORARY MANNER; PLENTY OF LIGHT AND OPEN SPACE, FEW WALLS AND FEW VISIBLE DOORS.
- H** 127no. CARSPACES AVAILABLE IN SECURE BASEMENT LEVEL CARPARKS; ALL CARS TO LEAVE SITE IN A FORWARD DIRECTION. RESIDENTS AND SHOP WORKERS ARE ABLE TO ACCESS INDIVIDUAL APARTMENTS AND SHOPS DIRECTLY FROM THE CARPARK. SIGNIFICANT BICYCLE PARKING AVAILABLE FOR RESIDENTS AND VISITORS. (16NO. OFF)
- I** CLOTHES DRYERS CONCEALED IN LAUNDRIES, AWAY FROM PUBLIC VIEW.
- J** LAYOUT OF DESIGN, ORIENTATION OF SUN, RELATIONSHIP OF DEVELOPMENT SITE WITH ADJOINING PROPERTIES MAINTENANCE OF MODIST BUILDING HEIGHTS AND PROVISION OF COMFORTABLE SETBACKS FROM ADJOINING BOUNDARIES TO LIMIT OVERSHADOWING AND OVERLOOKING OF ADJOINING PROPERTIES
- K** OVERLOOKING OF ADJOINING PROPERTIES MINIMISED THROUGH USE OF PRIVACY SCREENS AND FROSTED GLASS AND HIGHLIGHT GLAZING, AND EXACT LOCATION OF WINDOWS
- L** EXISTING CROSSOVER ON TYNER ROAD TO BE RELOCATED. CONCRETE FOOTPATH TO BE REINSTATED

PREVAILING WINDS
BAD WEATHER

ARCARE
AGED CARE RESIDENTIAL
DEVELOPMENT

BALANCE OF SUBJECT SITE
STAGE 2: PROPOSED MEDIUM DENSITY
RESIDENTIAL DEVELOPMENT
(SUBJECT TO SEPARATE PLANNING APPLICATION)

SUBJECT SITE
500 BURWOOD HIGHWAY
STAGE 1: MULTI-LEVEL APARTMENT
DEVELOPMENT

ST ANDREWS
CHRISTIAN COLLEGE

NORTHERN
EXPOSURE FRONT
OF SITE

KNOX CITY
SHOPPING CENTRE

KNOX CITY COUNCIL

500 BURWOOD HIGHWAY WANTIRNA SOUTH

DESIGN RESPONSE

HOW PROPOSAL RESPECTS, ACKNOWLEDGES AND ADDS TO THE EMERGING NEIGHBOURHOOD CHARACTER:

- DWELLINGS HAVE DISTINCT STYLE AND "FEEL" FROM FRONT: AN ARTICULATED MODERN APPEARANCE, VERY MUCH IN KEEPING WITH A NEWLY EMERGING APARTMENT AESTHETIC.
- APARTMENTS ARE PHYSICALLY ATTACHED BUT HAVE INDIVIDUAL CHARACTER AND IDENTITY

GENERAL NOTES

DENSITY IS APPROPRIATE AND RESPONDS TO SITE LOCATION IN AN ESTABLISHED RESIDENTIAL PRECINCT: ALL INFRASTRUCTURE AVAILABLE; PROXIMITY TO PUBLIC TRANSPORT, PARKS, SCHOOLS, SHOPS ETC

EXISTING AND PROPOSED ESTABLISHED LANDSCAPING WILL INTEGRATE DEVELOPMENT FURTHER INTO NEIGHBOURHOOD.

MATERIALS AND EXTERNAL FINISHES

- (1) CEMENT RENDER FINISH,
- (2) ALUMINIUM WINDOWS
- (3) FLAT STEEL ROOF, ALL RESPONDING TO MATERIALS COMMONLY FOUND IN THE WANTIRNA SOUTH LOCALITY

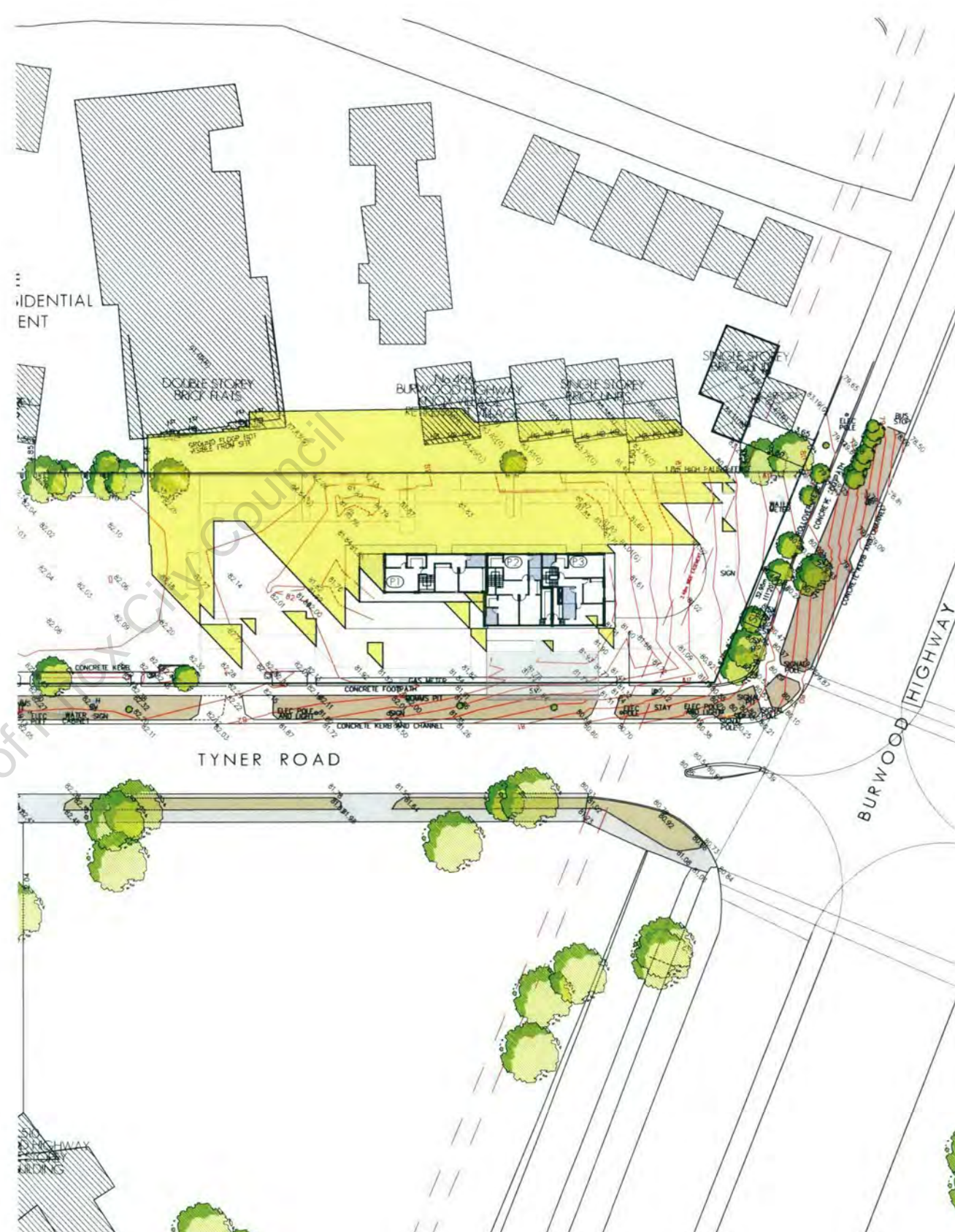
BUILDING FORM IS ARTICULATED, BUILDING IS BROKEN UP AS A SERIES OF IDENTIFIABLE, CO-ORDINATED FORMS.

DESIGN RESPONSE





SEPTEMBER 22 - 9AM



SEPTEMBER 22 - 10AM

Knox City Council
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 30 NOV 2016
500 BURWOOD HIGHWAY WANTIRNA SOUTH
 PLANNING DEPARTMENT

PETRIDIS
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PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH

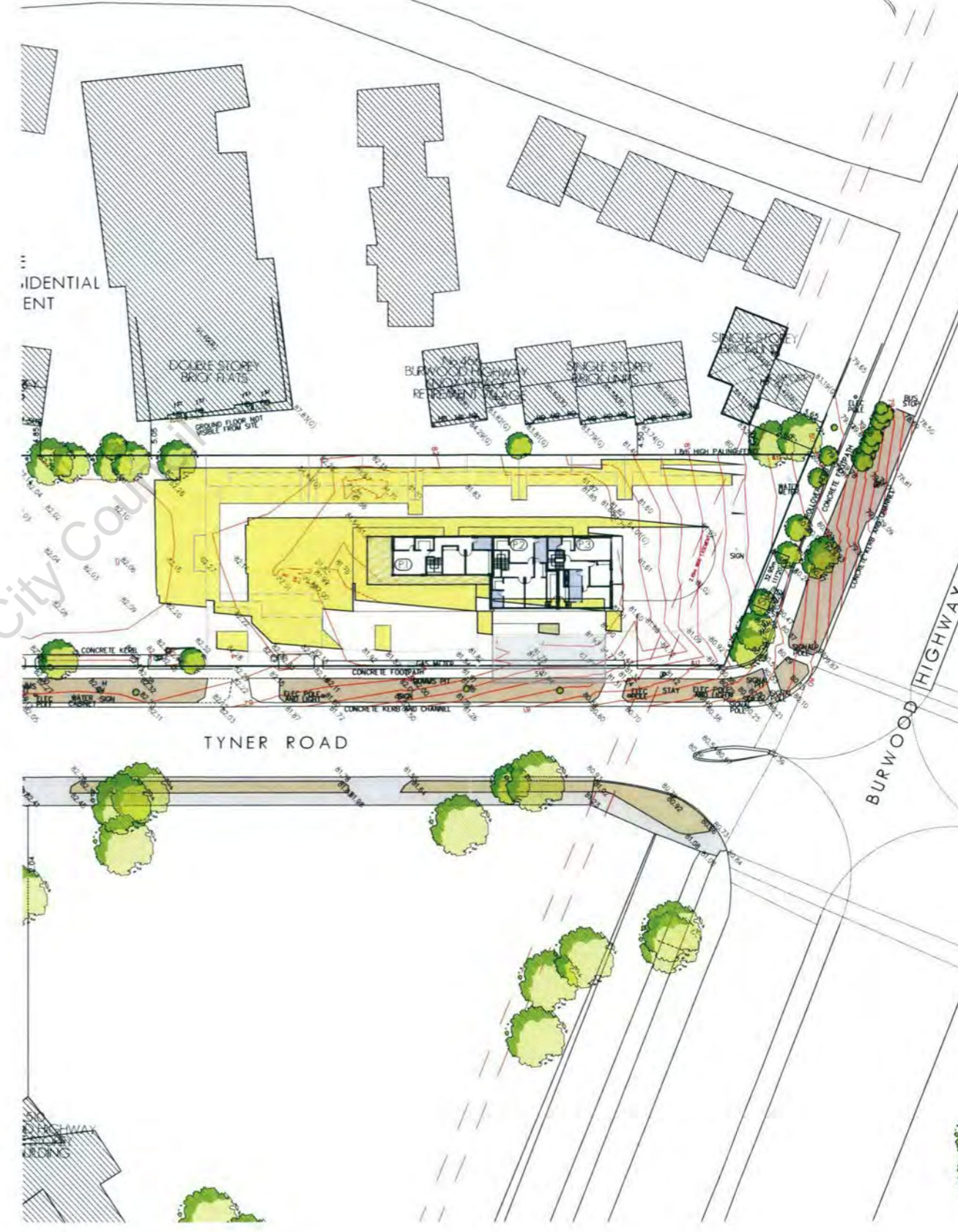
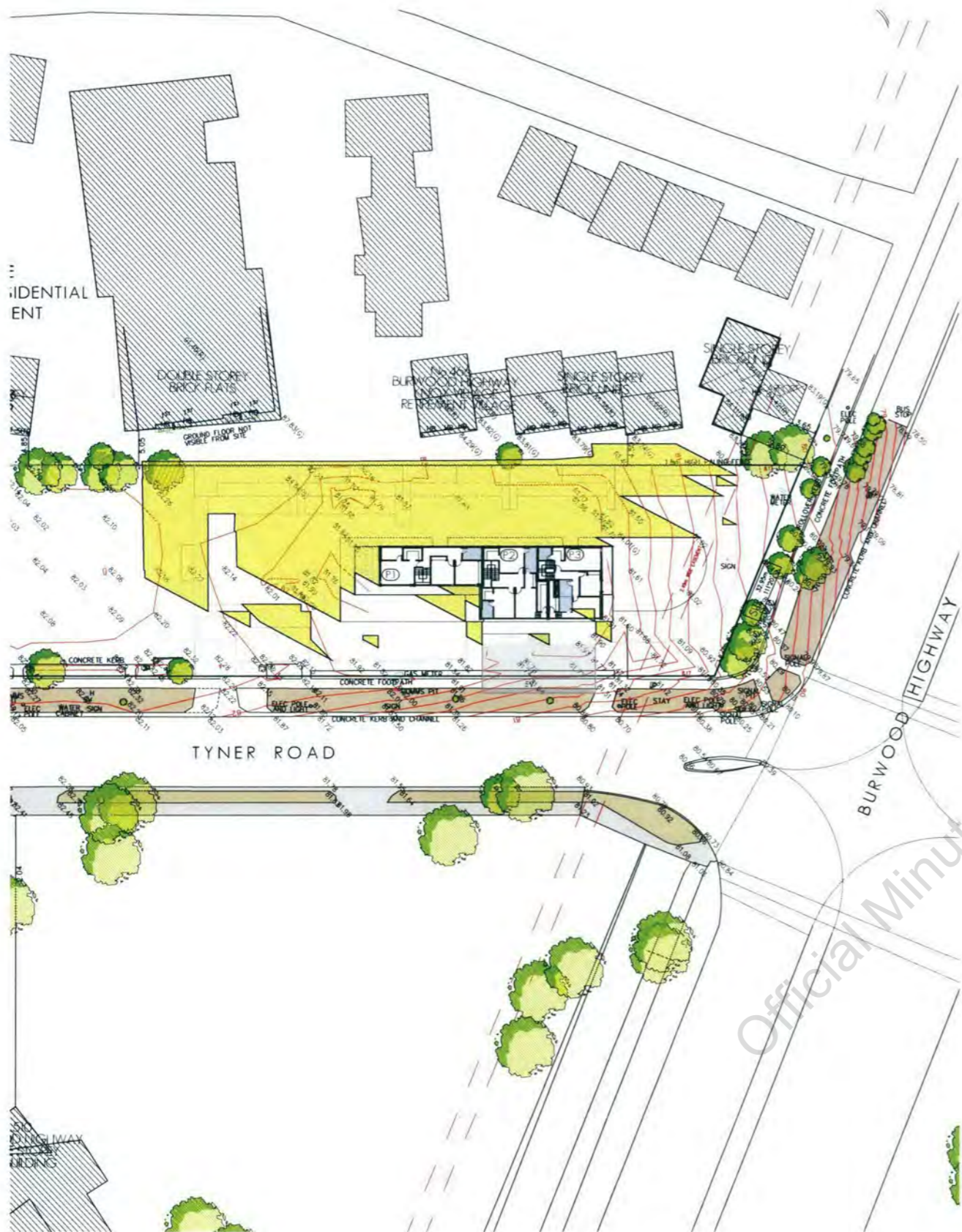
DRAWING TITLE:
 DETAILED SHADOW ANALYSIS - SEPTEMBER 22 - 9AM, 10AM
 TPAIS - 15 OF 17
 JOB NO. 15 - 101

DATE: 29TH NOVEMBER 2016
 SCALE: 1:400

DRAWN BY: RL
 RESPONSE TO COUNCIL

ALL LEVELS ARE TO
 AUSTRALIAN HEIGHT DATUM





500 BURWOOD HIGHWAY WANTIRNA SOUTH

SEPTEMBER 22 - 11AM

SEPTEMBER 22 - 12 NOON

Knox City Council
RECEIVED
 30 NOV 2016
PLANNING DEPARTMENT

PETRIDIS ARCHITECTS
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 IVANHOE 3079
 PH: (03) 9 499 8826
 EMAIL: office@petridisarchitects.com.au

PLANNING APPLICATION FOR PROPOSED APARTMENT DEVELOPMENT
500 BURWOOD HIGHWAY, WANTIRNA SOUTH
 DRAWING TITLE:
 DETAILED SHADOW ANALYSIS - SEPTEMBER 22 - 11AM, 12 NOON
 TPA16 - 16 OF 17
 JOB NO. 15 - 101
 DATE: 29TH NOVEMBER 2016
 SCALE: 1: 400
 DRAWN BY: RL
 RESPONSE TO COUNCIL
 ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM





Knox City Council
RECEIVED
 30 NOV 2016
 PLANNING DEPARTMENT

SEPTEMBER 22 - 3PM

500 BURWOOD HIGHWAY WANTIRNA SOUTH



COUNCILLOR HOLLAND VACATED THE CHAMBER AT 7.35PM DURING DISCUSSION ON ITEM 6.3

COUNCILLOR HOLLAND RETURNED TO THE CHAMBER AT 7.37PM PRIOR TO THE VOTE ON ITEM 6.3

TAYLOR WARD

6.3 APPLICATION FOR THE DEVELOPMENT OF THE LAND FOR FOUR (4) DOUBLE STOREY AND TWO (2) SINGLE STOREY DWELLINGS AT 48 MURRAY CRESCENT, ROWVILLE (P/2016/6839)

1. SUMMARY:

| | |
|------------------------------|---|
| Land: | 48 Murray Crescent, Rowville |
| Applicant: | Tomic Prostor Building Design Consultancy |
| Proposed Development: | Development of the land for four (4) double storey and two (2) single storey dwellings |
| Existing Land Use: | Single Dwelling |
| Area/Density: | 2000sqm/1:333sqm |
| Zoning: | General Residential Zone – Schedule 2 |
| Overlays: | Nil |
| Local Policy: | Municipal Strategic Statement (MSS) Development in Residential Areas and Neighbourhood Character Policy |
| Application Received: | 22 November 2016 |
| Number of Objections: | 35 |
| PCC Meeting: | 20 April 2017 |

Assessment:

It is considered that the proposal provides an appropriate balance between the need for additional housing within an established residential area and the amenity of occupants and adjoining residents.

The proposal generally complies with the Municipal Strategic Statement (MSS), the Development in Residential Areas and Neighbourhood Character Policy and ResCode.

The proposal complies with the General Residential Zone - Schedule 2. On balance it is considered that the proposal responds well to State and Local Planning Policies, subject to modifications. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

6.3 48 Murray Crescent, Rowville (cont'd)

2. BACKGROUND

2.1 Subject Site and Surrounds

The location of the subject site is shown in Appendix A.

- The subject site is located on the southern side of Murray Crescent, in Rowville.
- The site is regular in shape with a street frontage of 29.76 metres.
- The site currently contains a single storey brick dwelling with associated outbuildings.
- Access to the site is via two single width crossovers, located along the eastern and western side of the site.
- The site is vegetated along the side and rear boundaries with smaller trees and shrubs located within the front setback.
- The land is surrounded by residential properties, developed generally with large dwellings on large lots.

2.2 The Proposal

(Refer to attached plans at Appendix B)

It is proposed to construct six (6) dwellings on the land. Four (4) dwellings will be double storey, and two (2) dwellings will be single storey.

Details on the proposal are as follows:

- Dwellings 1 and 6 front Murray Crescent and will be setback a minimum 8.5 metres from the front boundary.
- Dwellings 1, 2, 5 and 6 are to be double storey with a maximum height of 7.25 metres. Dwellings 3 and 4 (located to the rear) are to be single storey in height.
- Dwelling 1 and Dwelling 6 contain four (4) bedrooms, while Dwellings 2, 3, 4 and 5 contain three (3) bedrooms.
- A proposed 4 metre wide crossover, centrally located, provides shared access to Dwellings 1, 2, 3, 4 and 5 while a separate crossover along the eastern boundary provides access to Dwelling 6.

6.3 48 Murray Crescent, Rowville (cont'd)

- Dwellings 1, 2, 5 and 6 are provided with a double garage, while Dwellings 3 and 4 are provided with a single garage and a tandem car parking space. A visitor parking space is located to the west of the shared driveway between Dwellings 1 and 2.
- Private open space has been provided at ground level for each dwelling, with a minimum area of 80 square metres.
- The dwellings are to be constructed with face brickwork at ground level, rendered light weight cladding to first floors and pitched tiled roofs.
- Existing boundary fencing is nominated to be retained.
- All existing vegetation is shown to be removed.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of a sign on the site and notices sent to adjoining property owners and occupiers. Thirty-five (35) objections to the application were received, and are summarised below:

Neighbourhood character

- *Council's Development in Residential Areas and Neighbourhood Character Policy identifies the subject site within a Knox Neighbourhood Area, where areas will continue to be low-scale, characterised by detached houses, dual occupancies and some villa unit developments on lots greater than 1000sqm. These areas will also continue to retain their green and leafy identify through retention of front and back yards and the establishment of a garden setting, including canopy trees. The proposal would provide for a villa unit development on a block, with front, side and rear garden areas in the form of private open space, that can accommodate the planting of canopy trees to establish a garden setting. It is considered that the proposal is consistent with Council's preferred future character for the Knox Neighbourhood area. An assessment against this Policy and the design guidelines is at Section 4.2.2 of this Report.*

Integration with low density zone

- *Whilst it is acknowledged that the site borders (to the rear) a low density zone. It is noted however that the development has been reduced to single storey at the rear to better integrate with surrounding development.*

6.3 48 Murray Crescent, Rowville (cont'd)

The proposal has been assessed against Clause 22.07, Neighbourhood Character. An assessment against this Policy is at Section 4.2.2 of this Report.

Development is inconsistent with the Housing Policy

- *The Local Housing Clause of the Municipal Strategic Statement (MSS, Clause 21.05) recognises that the population of Knox will grow by 12,000 persons and 15,000 households to 2030. The Housing Policy directs the provision of a diversity of housing types and forms; housing that meets the needs of all groups within the community; and accessible housing that is well designed and responsive to the local character and environment. An assessment against the MSS is at Section 4.2.2 of this Report*

Relocation of crossover

- *The proposal has been refer to Councils Traffic and Assets departments for comment. No concerns have been raised in response to the proposed locations of the crossovers on the site. In addition, access objectives and standards required by ResCode Standard B14 have been achieved.*

Bulk and massing of buildings

- *The first floors of the dwellings have been setback from ground floor areas, particularly adjacent to sensitive residential interfaces consistent with Council's Development in Residential Areas and Neighbourhood Character Policy. In addition, setbacks to boundaries exceed the minimum required by ResCode Standard B17 and wall lengths are not excessive, adjacent to sensitive residential interfaces. As such, it is not considered that the proposal will result in adverse amenity impacts through visual bulk, to adjoining residential properties.*

Loss of vegetation and trees and impact on fauna

- *The proposal seeks to remove all existing vegetation from the subject site. Council Arborist did not object to the proposed vegetation removal. It is noted that the site is not a designated area of biological significance.*
- *A condition of any permit issued will require a landscape plan in accordance with Councils Landscape Guidelines for Planning Permits. This will ensure adequate planting occurs within the front, side and rear open space areas of the proposed development.*

6.3 48 Murray Crescent, Rowville (cont'd)

Overdevelopment

- *The proposed development achieves the requirements of the Knox Planning Scheme, including Council's Development in Residential Areas and Neighbourhood Character Policy, ResCode, the Schedule to the General Residential 2 Zone and car parking. As such, it is not considered an overdevelopment of the land. Refer to Section 4 of this report.*

Overlooking and reduction on privacy for adjoining neighbours

- *The proposal has generally been designed to avoid overlooking, however some overlooking may occur from the proposed development. A condition of any permit to issue will require full compliance with Standard B22. Refer to Section 4.4 of this report.*

Overshadowing

- *ResCode Standard B21 requires an assessment of overshadowing to ensure any overshadowing does not result in adverse amenity impacts. This is determined on shadows between 9am and 3pm on the Equinox (22 September). The proposed overshadowing complies with ResCode Standard B21.*

Increase in traffic/parking congestion and inadequate parking

- *Council's Traffic Engineers have not raised any concerns with the capacity of the street or surrounding street network to absorb the additional traffic that would be generated by the proposed development.*
- *Car parking is provided in accordance with the ratio required by Clause 52.06. Two (2) car parking spaces are provided for each proposed dwelling and one (1) visitor parking space has been provided.*

Safety for pedestrians and traffic

- *Council's Traffic Engineers have not raised any concerns in relation to pedestrian or traffic safety that would be generated by the proposed development.*

Limited public transport

- *Although the site is not directly serviced by public transport, there are bus routes within reasonable proximity of the site. Refer to Section 4.2.1 of this report.*

6.3 48 Murray Crescent, Rowville (cont'd)

Precedent for more medium and high density development

- *An application must be considered on its own merits with consideration of the site context and requirements in the Planning Scheme at the time.*

Previous VCAT decision in the area

- *An application is considered on its own merits and in accordance with the requirements in the Planning Scheme at the time.*

Amenity impacts (including noise)/ Inconvenience of construction

- *The site is located within an established residential area where associated noise is a common feature of urban areas. The development will not result in an unreasonable increase in residential noise. Standard construction amenity conditions will be placed on any permit issued.*

Increase in crime

- *There is no evidence that the proposal will lead to an increase in crime.*

The proposal will impact on the lifestyle of the area

- *The area will remain a residential area.*

Impact on views

- *There is no right to a view in the Planning Scheme. This is not a valid planning consideration.*

Impact/devaluation on property values

- *This is not a valid planning concern.*

Waste management (including hard waste)

- *The application was referred to Council's Waste Management Department who did not object to the proposed development. A condition of approval will require the submission of a Waste Management Plan to the satisfaction of the Responsible Authority.*

Impact on infrastructure

- *No concerns have been raised with the capacity of the stormwater system by Council's Drainage Engineers, provided a condition is included on any permit to issue that requires stormwater to be detained on site to peak pre-development flows.*

6.3 48 Murray Crescent, Rowville (cont'd)

Access for emergency services

- *The application has been referred to Council's Traffic Department who have not raised any issues relating to access for emergency services.*

3.2 Planning Consultative Committee Meeting

A Planning Consultative Committee (PCC) Meeting was held at the Civic Centre on 20 April 2017. Fifteen (15) people signed the attendance sheet at the meeting. Objectors expressed the following concerns with the proposal:

- Traffic and safety.
- Parking Congestion.
- Insufficient infrastructure.
- Neighbourhood character.
- Impact to lifestyle.

There were no negotiated outcomes at the conclusion of the meeting.

3.3 Referrals

The application has been referred to internal departments for comment. The following is a summary of relevant advice:

Traffic Engineer

- *A 5m wide and 7m long passing area to be provided in the common driveway.*
- *Standard conditions to be included on any permit issued.*

Drainage Engineer

- *Standard conditions to be included on any permit to issue.*

Assets

- *Crossovers to be reconstructed to Council standards and match width of proposed driveways.*

6.3 48 Murray Crescent, Rowville (cont'd)

- *Redundant crossing to be removed and kerb and naturestrip reinstated to Council Standards.*

Landscape

- *The raingardens located in the private open space areas to be deleted.*
- *Standard conditions to be included on any permit to issue.*

Parks

- *Street tree 1 has a low retention value and can be removed at no cost to the applicant.*
- *Street tree 2 will not be impacted the development, tree protection fencing to be installed around the tree.*

Waste

- *Standard conditions to be included on any permit to issue.*

Sustainability

- *Standard conditions to be included on any permit to issue.*

Arborist

- *None of the trees proposed for removal require a planning permit.*
- *The trees on site are mostly exotic species and are not significant.*

4. DISCUSSION

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

General Residential 2 Zone

The land is zoned General Residential Zone – Schedule 2. A permit is required for the construction two or more dwellings on the land pursuant to Clause 32.08-4 of the General Residential Zone – Schedule 2.

6.3 48 Murray Crescent, Rowville (cont'd)

Schedule 2 to the General Residential Zone varies the ResCode requirements for Standard B13 (Landscaping) which requires a minimum of one canopy tree per 175 square metres of the site area including a minimum of one canopy tree within each area of secluded private open space and one canopy tree within the front setback per 5 metres of width of the site. Each tree should be required to be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.

- *It is considered that the proposed development can accommodate the required canopy tree planting; subject to conditions on any permit to issue.*

Schedule 2 to the General Residential Zone also varies the ResCode requirements for Standard B28 (Private Open Space) which requires the provision of private open space consisting of a minimum area of 80 square metres including one part of secluded private open space at the side or rear of the dwelling with a minimum area of 60 square metres with a minimum dimension of 5 metres with convenient access from a living room.

- *Complies. All Dwellings are provided with over 60 square metres of secluded private open space with a minimum dimension of 5 metres and exceed the 80 square metres requirement of private open space*

Schedule 2 to the General Residential Zone also varies the ResCode requirements for Standard B32 (Front fence height) which requires a front fence height of 2m to a street in a Road Zone Category 1 and 1.2m to other streets.

- *Complies, the proposed front fence is to be 1.2m high.*

Dwellings or residential buildings must not exceed a height of 9 metres (dependant on slope).

- *Complies. The maximum building height on site is to be 7.25 metres.*

4.1.2 Overlays

No overlays apply to the land.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework

6.3 48 Murray Crescent, Rowville (cont'd)

State policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development.

Key Policies:

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflect the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

- *The design of the development will make a positive contribution to the surrounding area, with built form considered to be appropriate in form and scale. The development incorporates important neighbourhood character features such as pitched roofs, brick finishes and car parking located behind or on the side of the proposed dwellings. Upper levels are reasonably articulated and are smaller than the ground level to reduce building bulk and mass.*

Clause 15.02 Sustainable Development – Ensure land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

- *The proposal contributes to the consolidation of urban development through the provision of increased density within an existing residential area.*
- *Should a permit be issued, the development is required to be constructed in accordance with an approved Sustainable Design Assessment.*

Clause 16 Housing – Encourage the development of well-designed medium-density housing that respects the neighbourhood character; improves housing choice; makes better use of existing infrastructure; and, improves energy efficiency of housing. Locate new housing in or close to activity centres and employment corridors and at other strategic development sites that offer good access to services and transport.

- *Neighbourhood character - This is discussed in a later section of the report (Section 4.2.2).*

6.3 48 Murray Crescent, Rowville (cont'd)

- Housing choice – *The development provides for dwellings with smaller open space areas than typical for the area.*
- Existing infrastructure – *The site is located within a fully serviced and established area.*
- Energy efficiency – *This has been discussed above under Clause 15.02.*
- Location – *While the site is not located within an Activity Centre, it has access to a number of urban services within an established area. Subject to modifications, the subject site is capable of accommodating the proposed dwellings whilst making a positive contribution to the character of the area. Refer to the assessment against Council's Neighbourhood Character Policy at Section 4.2.2 below.*

Clause 18 Transport – Ensure that access is provided to all available modes of transport.

- *Bus route 691 is available along Eildon Parade to the north-east of the subject site.*
- *The site is located within 330m of the following bus stop:*
 - *The 691 bus route provides a service between Waverley Gardens and Boronia via Stud Park and Ferntree Gully. This service operates between 6:01am and 9:22pm Monday to Friday; between 7:30am and 6:59pm on Saturdays; and between 8:47am to 7:26pm Sundays, at various intervals.*

4.2.2 Local Planning Policy Framework

Clause 21.01 Municipal Strategic Statement (MSS) – encourages planning and development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development and influencing the urban form so that Knox itself becomes more sustainable.

All development therefore is encouraged to incorporate Ecologically Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles to ensure that a sustainable urban environment is ultimately achieved with a strong use of existing infrastructure and to reduce dependence on private vehicle travel.

6.3 48 Murray Crescent, Rowville (cont'd)

- *The site is located in an established urban area reasonably close to urban services and open space areas, where existing infrastructure is readily available.*
- *The development is designed to be respectful of the preferred neighbourhood character for the area, and provides sufficient setbacks. It responds appropriately to the constraints of the site and interfaces with the wider area. The proposal will also contribute to the landscape character of the area with new landscaping opportunities.*
- *Living areas of the dwellings are open in nature and will receive adequate solar access, including the SPOS of the dwellings. The proposal will also not be detrimental to the energy efficiency of the adjoining sites.*

Clause 21.04 Urban Design – Municipal Strategic Statement (MSS) To ensure that all development responds positively to the existing patterns of urban form and character, the landscape qualities, historic and cultural elements and social aspirations of the Knox community.

- *While the land is not in an Activity Centre, the proposal respects the preferred neighbourhood character and is consistent with the requirements of the MSS.*
- *An assessment against Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07) is below. The development complies with the open space requirements and provides opportunities for meaningful landscaping.*
- *As highlighted above, the site is located in an established urban area reasonably close to urban services and open space areas.*

Clause 21.05 – Housing This clause implements the *Knox Housing Strategy 2015*. In managing Knox's current and future housing needs, Council supports a scaled approach to residential development. This scaled approach recognises that some parts of the City will need to accommodate change, due to population growth and the community's changing household needs. Development in residential areas will need to respond positively to the desired future character of Knox. The strong landscape character is the unifying element of the neighbourhood character of Knox.

6.3 48 Murray Crescent, Rowville (cont'd)

The subject site is located within a 'Knox Neighbourhood' area, which has a sense of spaciousness within the public and private realm. These areas will continue to be low-scale neighbourhoods, characterised by detached dwellings with large backyards which contribute to the area's green and leafy character.

Objective 1 for Housing Objectives and Strategies is to support residential development in accordance with the Knox Housing Strategy 2013, which identifies a scale approach to residential development. The strategy is to direct housing growth toward Local Living and Activity Areas.

- *The site is not located in an Activity Centre. However, the site is sufficiently large to accommodate six (6) dwellings while achieving the open space and landscaping outcomes sought for the Knox Neighbourhood Character Area.*

Objective 2 is to support a diversity of housing choice in appropriate locations. Strategies include encouraging a diversity of housing styles, types, forms and sizes to cater for the changing needs of the community.

- *The development would provide residents with alternative forms of housing styles and sizes.*

Objective 3 is to ensure the quality of housing design in Knox is improved to better respond to neighbourhood identity and to create a stronger sense of place. Strategies include ensuring that residential development enhances the City's "green and leafy" image, support development that makes a positive contribution to the preferred future character of the area and that is innovative, environmentally sustainable, accessible and site responsive.

- *Each dwelling is provided with areas of private open space, consistent with the Schedule to the General Residential 2 Zone, that will allow for canopy tree planting.*

Objective 4 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

- *The site is not located in an area of biological significance.*

6.3 48 Murray Crescent, Rowville (cont'd)

Objective 5 is to ensure that residential development better responds to the community's current and future needs, and allows people to 'age-in-place' by supporting the provision of a diverse range of housing including smaller scale dwellings.

- *The development provides for dwellings with smaller private open space areas than typical for the surrounding area. Dwellings 1, 3, 4, 5 and 6 have services and a bedroom at ground level to improve accessibility for residents with reduced mobility.*

Clause 22.07 – Development in Residential Areas and Neighbourhood Character: Knox Neighbourhood Area

The desired future character of this area is to:

- Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.
- Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.

The key design objectives are:

To retain and enhance the streetscape by the planting of appropriate trees on private land.

- *The setbacks and open space areas within the proposed design provide opportunities to plant new canopy trees. A landscape plan will be required as a condition on any permit to issue.*

To avoid dominance of buildings from the street.

- *The development has proposed a setback varying between 8.5m to 9m along Murray Crescent. The setbacks allows for adequate canopy tree provisions to ensure buildings do not dominate the street frontage.*

To avoid the loss of front and rear garden space.

- *The proposed dwellings are generally setback from the side and rear boundaries, which will ensure adequate areas for canopy tree planting within the front, side and rear of the development.*

6.3 48 Murray Crescent, Rowville (cont'd)

To avoid the dominance of car storage facilities from the street.

- *Car parking facilities are located to the side or rear of the dwellings and will not dominate the streetscape.*

To retain large backyards for landscaping and open space.

- *The dwellings are provided with a minimum of 80sqm of open space, the setbacks and open space areas will accommodate new canopy tree planting.*

To ensure buildings reflect the prevailing scale of buildings in the street.

- *Dwellings are not excessive in scale or bulk. Upper floor areas are recessed to better integrate with the surrounds.*

4.3 Particular Provisions

Clause 52.06 – Car Parking

Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 outlines the requisite amount of parking to be provided as follows:

To each dwelling at a ratio of one car space to each one or two bedroom dwelling and two spaces for each dwelling with three or more bedrooms (with studies or studios that are separate rooms counted as bedrooms). One visitor space is required to be provided for every 5 dwellings.

- *Each dwelling has been provided with two car parking spaces. Dwellings 1, 2, 5 and 6 are provided with a double garage, while Dwellings 3 and 4 are provided with a single garage and a tandem car parking space.*
- *One (1) visitor parking space is located to the west of the shared driveway between Dwellings 1 and 2.*

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

6.3 48 Murray Crescent, Rowville (cont'd)

Design Standard 1: Access ways – *Complies.*

Design Standard 2: Car Parking Spaces – *Complies.*

Design Standard 3: Gradients – *Complies.*

Design Standard 4: Mechanical Parking – *N/A.*

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Complies.*

Design Standard 7: Landscaping – *Complies.*

4.4 Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (ResCode)

Neighbourhood Character and Infrastructure

Neighbourhood Character – *Complies, refer to Section 4.2.2 above.*

Residential Policy – *Complies, refer to Section 4.2.2 above.*

Infrastructure – *Complies.*

Site Layout and Building Massing

Street Setback – *Complies with objective, variation to standard.*

The bedroom one windows of Dwelling 1 and Dwelling 6 are setback 8.5m from the front boundary. The remainder of the development is setback 9m in accordance with the standard.

The minor encroachment of 0.5m will help articulate the built form of the development and will not be a dominant feature of the streetscape. The existing dwelling to the east of the site is setback 8.3m from Murray Crescent, which ensures the development respect the existing character of the area and is not out of proportion.

Building Height – *Complies, maximum building height is 7.25 metres.*

Site Cover/Permeability – *Complies.*

Energy Efficiency – *Generally complies. A condition of approval will require the submission of a satisfactory Sustainable Design Assessment.*

Open Space – *Complies.*

6.3 48 Murray Crescent, Rowville (cont'd)

Safety – Complies. Entrances to the dwellings are not obscured or isolated from the internal access way.

Landscaping – Complies, a condition on any permit issued will require that appropriate landscape plans are submitted to the satisfaction of the Responsible Authority.

Access – Complies.

Parking Location – Generally complies. A condition of approval will require all habitable room windows located along the shared driveway to be double-glazed to protect future residents from potential vehicle noise.

Amenity Impacts

Side and rear setbacks – Complies.

Walls on boundaries – Complies. All walls on boundaries do not exceed the garage height or length specified in Standard B18.

Daylight to existing windows/north facing windows – Complies.

Overshadowing open space – Complies.

Overlooking – Can comply. There is opportunity for overlooking from Dwelling 2 and Dwelling 5 north facing upper floor foyer windows. A condition of any permit issued will require the windows to be screened.

Additionally a condition of any permit issued will require all windows shown to be screened to be screened with external louvers to be replaced with fixed obscured (non-openable) above finished floor levels. Film will not be accepted and the windows can be openable above 1.7 metres.

Internal views – Generally complies. A condition of approval will require that internal fencing to minimum height of 1.8m be provided to separate the private open space areas between Dwellings.

Noise Impacts – Complies.

On-Site Amenity and Facilities

Accessibility – Complies.

Daylight to new windows – Complies.

Private Open Space – Complies.

6.3 48 Murray Crescent, Rowville (cont'd)

Solar access – *Complies.*

Storage – *Complies.*

Detailed Design

Design Detail – *Complies.*

Site Services – *Complies.*

Front fence – *Complies.*

4.5 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the *Planning and Environment Act 1987* set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*

5. CONCLUSION

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the development is appropriate given the following:

- *The development is consistent with the objectives and policies of the Knox Neighbourhood Area. The proposal can comply with the General Residential Zone - Schedule 2 and is generally compliant with ResCode subject to conditions on any permit to issue.*
- *The proposed dwellings are generally consistent with Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07 of the Knox Planning Scheme) in that the design has ensured the retention of front and rear yard open space, first floors are reasonably setback from ground floor areas and the dwellings incorporate materials consistent with the area. In addition to this, all dwellings are provided with usable areas of private open space and appropriate internal amenity.*
- *The development is consistent with State and Local Planning Policy Framework (including the Municipal Strategic Statement).*

6.3 48 Murray Crescent, Rowville (cont'd)

- *The development is generally compliant with Clause 52.06 (Car Parking) and Clause 55 (ResCode) subject to changes that will be conditioned on any permit to issue.*

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

RECOMMENDATION

That Council issue a Notice of Decision to grant a Planning Permit for the development of the land for four (4) double storey and two (2) single storey dwellings at 48 Murray Crescent Rowville, subject to the following conditions:

Amended Plans

1. Prior to the commencement of any buildings or works, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 A 5m wide and 7m long passing area to be provided along the shared driveway.
 - 1.2 Crossovers to be reconstructed to Council standards and match width of proposed driveways.
 - 1.3 Raingardens located in private open spaces areas of all Dwellings to be removed.
 - 1.4 Visitor car parking space and the tandem car parking spaces for Dwelling 3 and Dwelling 4 to be clearly delineated.
 - 1.5 All habitable room windows located along the shared driveway to be provided with double-glazed windows.
 - 1.6 Dwelling 2 and Dwelling 5 north facing upper floor foyer windows to be screened with fixed obscured (non-openable) glazing or have window sill heights to at least 1.7 metres above finished floor levels. Adhesive film will not be accepted and the windows can be openable above 1.7 metres.
 - 1.7 All windows shown to be screened to be screened with external louvers to be replaced with fixed obscured (non-openable) glazing to at least 1.7 metres above finished floor levels. Adhesive film will not be accepted and the windows can be openable above 1.7 metres.

6.3 48 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

- 1.8 Annotation stating that letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- 1.9 Internal fencing to be provided to separate private open space areas between Dwellings and have a minimum height of 1.8m.
- 1.10 Demonstration that the approved development will not act as an obstruction to overland flow during peak rainfall events as required by Condition 2.5 of this permit.
- 1.11 Drainage plans in accordance with Condition 2.
- 1.12 Landscape plans in accordance with Condition 3.
- 1.13 Sustainable Design Assessment in accordance with Condition 11.
- 1.14 Waste Management Plan in accordance with Condition 13.
- 1.15 Tree Protection fencing in accordance with Conditions 14-22.

To the satisfaction of the Responsible Authority.

Drainage

2. Prior to commencement of any buildings or works, three copies of drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage is to be in accordance with these plans. The plans must show the following:
 - 2.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 2.2 The internal drains of the dwellings to be independent of each other.
 - 2.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
 - 2.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.

6.3 48 Murray Crescent, Rowville (cont'd) Recommendation (cont'd)

- 2.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
- 2.6 All levels to be to AHD (Australian Height Datum).
To the satisfaction of the Responsible Authority.

Landscaping

- 3. Prior to the commencement of any buildings or works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 3.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 3.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Appendix 2 of Council's Landscape Guidelines for Planning Permits).
 - 3.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary.
 - 3.4 Details of the surface finishes of pathways and driveways.
 - 3.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - 3.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 3.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
 - 3.8 The Landscape plans must show the provision of at least 13 additional indigenous or native canopy trees, 5 additional large feature shrubs with a mature height of 4-5 metres and at least 30 additional medium-large shrubs chosen from Appendix 4 or 5 of Council's Landscape Guidelines for Planning Permits. These canopy trees must be a minimum 1.5metres tall when planted and are to be in the following areas:
 - 3.8.1 1 large indigenous canopy tree and 1 medium canopy tree in the front setback of Unit 1
 - 3.8.2 1 large indigenous canopy tree and 1 medium canopy tree in the front setback of Unit 6
 - 3.8.3 1 medium canopy tree and 1 large feature shrub with a mature height of 4-5 metres in the P.O.S of Unit 1

6.3 48 Murray Crescent, Rowville (cont'd)
Recommendation (cont'd)

- 3.8.4 1 medium canopy tree and 1 large feature shrub with a mature height of 4-5 metres in the P.O.S of Unit 2
- 3.8.5 1 medium canopy tree and 1 small canopy tree in the P.O.S of Unit 3
- 3.8.6 1 medium canopy tree and 1 small canopy tree in the P.O.S of Unit 4
- 3.8.7 1 medium canopy tree and 1 large feature shrub with a mature height of 4-5 metres in the P.O.S of Unit 5
- 3.8.8 1 medium canopy tree and 1 small canopy tree in the P.O.S of Unit 6
- 3.8.9 1 large feature shrub with a mature height of 4-5 metres located in the driveway landscaping adjacent to the Unit 6 kitchen
- 3.8.10 1 large feature shrub with a mature height of 4-5 metres located in the driveway landscaping adjacent to the Unit 2 living room

To the satisfaction of the Responsible Authority.

- 4. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

- 6. All development must be in accordance with the endorsed plans.
- 7. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
- 8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 9. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
- 10. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

6.3 48 Murray Crescent, Rowville (cont'd) Recommendation (cont'd)

Sustainable Design Assessment

11. Prior to the commencement of any buildings or works, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must outline

the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

12. Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.

Waste Management Plan

13. Before the development commences, a waste collection and management plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken to the satisfaction of the Responsible Authority.

Tree Protection

14. All works, including excavation, within the critical root zone areas of the street tree to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
15. Prior to any works commencing on the site, the street tree to the east must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.
16. The fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.4 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
17. The fence and signage is to be maintained throughout the construction period and removed at the completion of all works.

6.3 48 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

18. No temporary removal of the fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
19. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
20. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority.
 - 20.1 Construction activities.
 - 20.2 Dumping and/or storage of materials, goods and/or soil.
 - 20.3 Trenching or excavation.
 - 20.4 Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.
21. Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.

Car Parking & Accessways

22. Before the dwellings are occupied, driveways and car parking areas must be:
 - 22.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - 22.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - 22.3 Treated with an all-weather seal or some other durable surface; and
 - 22.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

23. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

6.3 48 Murray Crescent, Rowville (cont'd) **Recommendation (cont'd)**

Fencing

24. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
25. Prior to the occupancy of the development all fencing shall be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

26. Upon commencement and until conclusion of the development, the developer shall ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 26.1 the appearance of building, works or materials on the land
 - 26.2 parking of motor vehicles
 - 26.3 transporting of materials or goods to or from the site
 - 26.4 hours of operation
 - 26.5 stockpiling of top soil or fill materials
 - 26.6 air borne dust emanating from the site
 - 26.7 noise
 - 26.8 rubbish and litter
 - 26.9 sediment runoff
 - 26.10 vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

27. Stormwater runoff from all buildings and hardstanding surfaces shall be properly collected and discharged in a complete and effective system of drains within the property and shall not cause or create a nuisance to abutting properties.

Permit Expiry

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

6.3 48 Murray Crescent, Rowville (cont'd) Recommendation (cont'd)

28.1 The development is not started within two years of the date of this permit.

28.2 The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 14.9L/s to the existing Council drainage system for a 5 year ARI event.
- Applicant is to direct all stormwater to the north-west of the property as this represents the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.

6.3 48 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- In accordance with Council policy, an 8.5% public open space contribution may apply in the event of the subdivision of the land.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- A minimum of 80% of all new vegetation (both canopy trees and understorey) should be indigenous species.
- The street tree to the west of the proposed crossover can be removed. For details regarding the cost and/or the timing of the removal and replacement of the street tree/s, please contact Council's Active Open Space Team on (03) 9298 8425.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.

6.3 48 Murray Crescent, Rowville (cont'd) Recommendation (cont'd)

- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

COUNCIL RESOLUTION

MOVED: CR. PEARCE

SECONDED: CR. SEYMOUR

That Council:

Issue a Notice of Refusal to grant a Planning Permit for four (4) double storey and two (2) single storey dwellings at 48 Murray Crescent, Rowville on the following grounds:

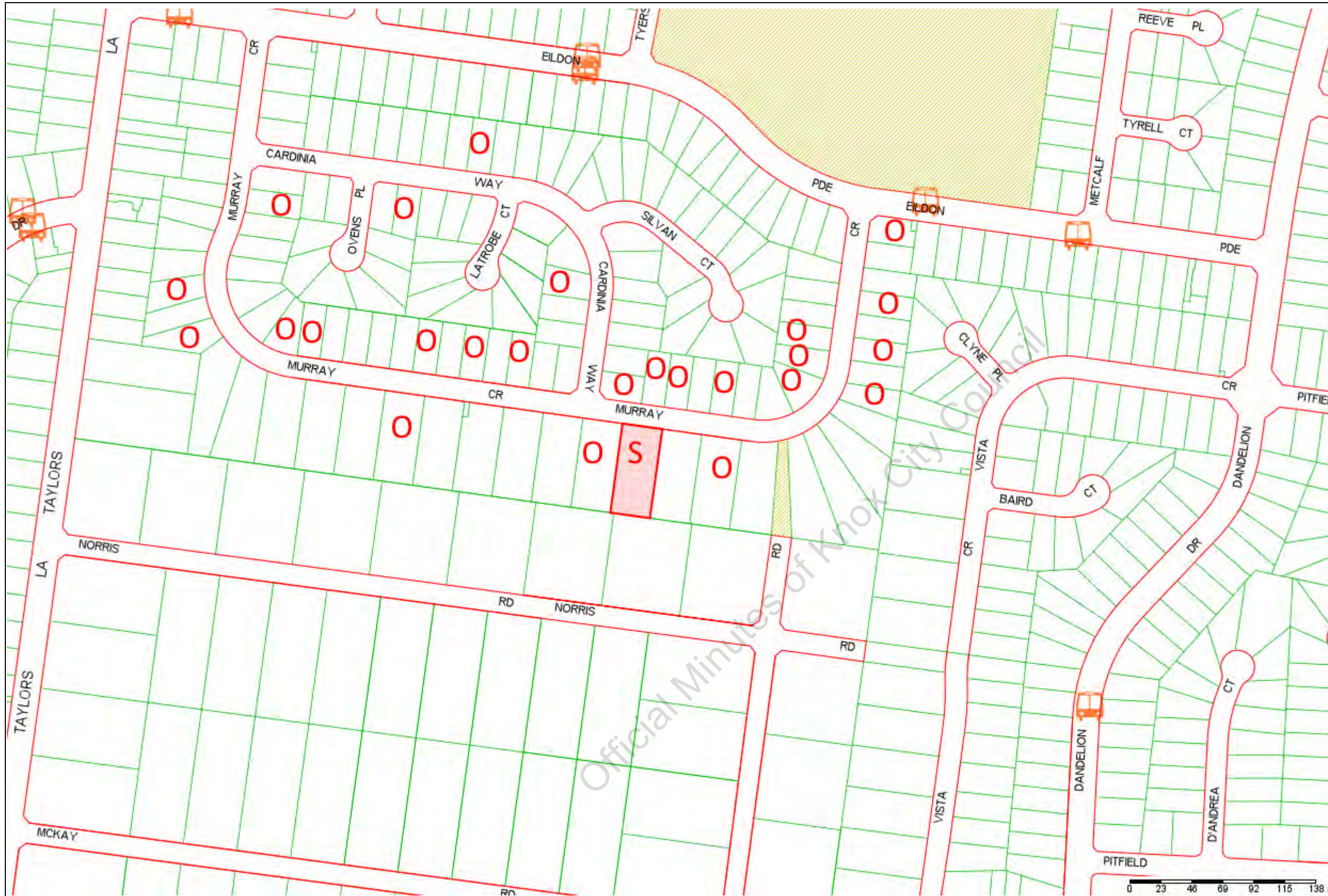
- 1. The proposal fails to satisfy relevant State and Local Planning Policy Framework strategies and objectives, as it is not considered to be respectful of the preferred neighbourhood character. The design response does not adequately respect the adjoining context having particular regard (but not limited to) the built form of the dwellings.**
- 2. The proposal fails to satisfy relevant Local Planning Policy Framework objectives and strategies, particularly Clause 15 (Built Environment and Heritage), Clause 21.04 (Urban Design), Clause 21.05 (Housing) and Clause 22.07 (Development in Residential Areas and Neighbourhood Character) of the Knox Planning Scheme.**
- 3. The proposal fails to satisfy Clause 21.05-2 Housing Objectives and Strategies - Objective 1, to support residential development in accordance with the *Knox Housing Strategy 2015*, which identifies a scaled approach to residential development.**
- 4. The design outcome is not considered to be respectful of the existing or preferred neighbourhood character, due to scale and siting of buildings, impact on vegetation, and resultant impact on the amenity of adjoining residential properties.**
- 5. The proposal fails to comply with Design Standard 1 - Accessway and Car Parking Spaces of Clause 52.06 (Car Parking) of the Knox Planning Scheme.**

**6.3 48 Murray Crescent, Rowville (cont'd)
Recommendation (cont'd)**

6. The proposed developed will act as an obstruction to overland flow path during peak rainfall events.
7. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - Clause 55.02-1 - Neighbourhood Character
 - Clause 55.02-2 – Residential Policy
 - Clause 55.03-8 – Landscaping
 - Clause 55.03-10 –Parking location
 - Clause 55.04-7 - Internal views
 - Clause 55.04-6 – Overlooking

and therefore represents an overdevelopment of the site. The design fails to respond appropriately to its opportunities and constraints resulting in unreasonable impact on the character of the area

CARRIED



Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|---|
| Property - Address | 48 Murray Crescent, ROWVILLE |
| Application Number | P/2016/6839 |
| Description | Development of the land for four (4) double storey and two (2) single storey dwellings. |
| Wardname | Taylor |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

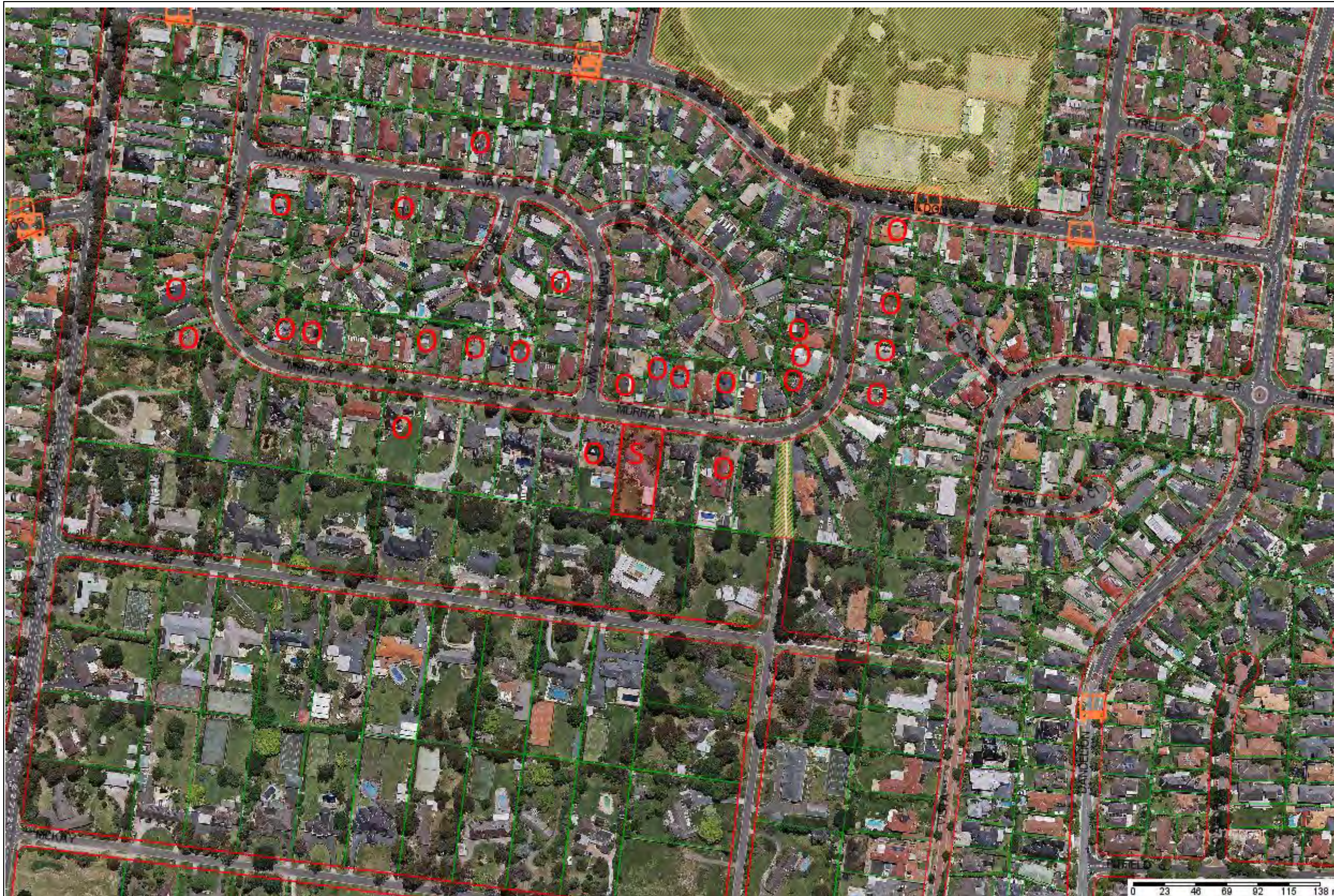


Scale: 1:3000

DISCLAIMER:

Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
3. This print contains information from Vicmap Property (Copyright State of Victoria). The State of Victoria does not warrant the accuracy or completeness of information in this product. Any person using or relying on this information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.
4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|---|
| Property - Address | 48 Murray Crescent, ROWVILLE |
| Application Number | P/2016/6839 |
| Description | Development of the land for four (4) double storey and two (2) single storey dwellings. |
| Wardname | Taylor |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

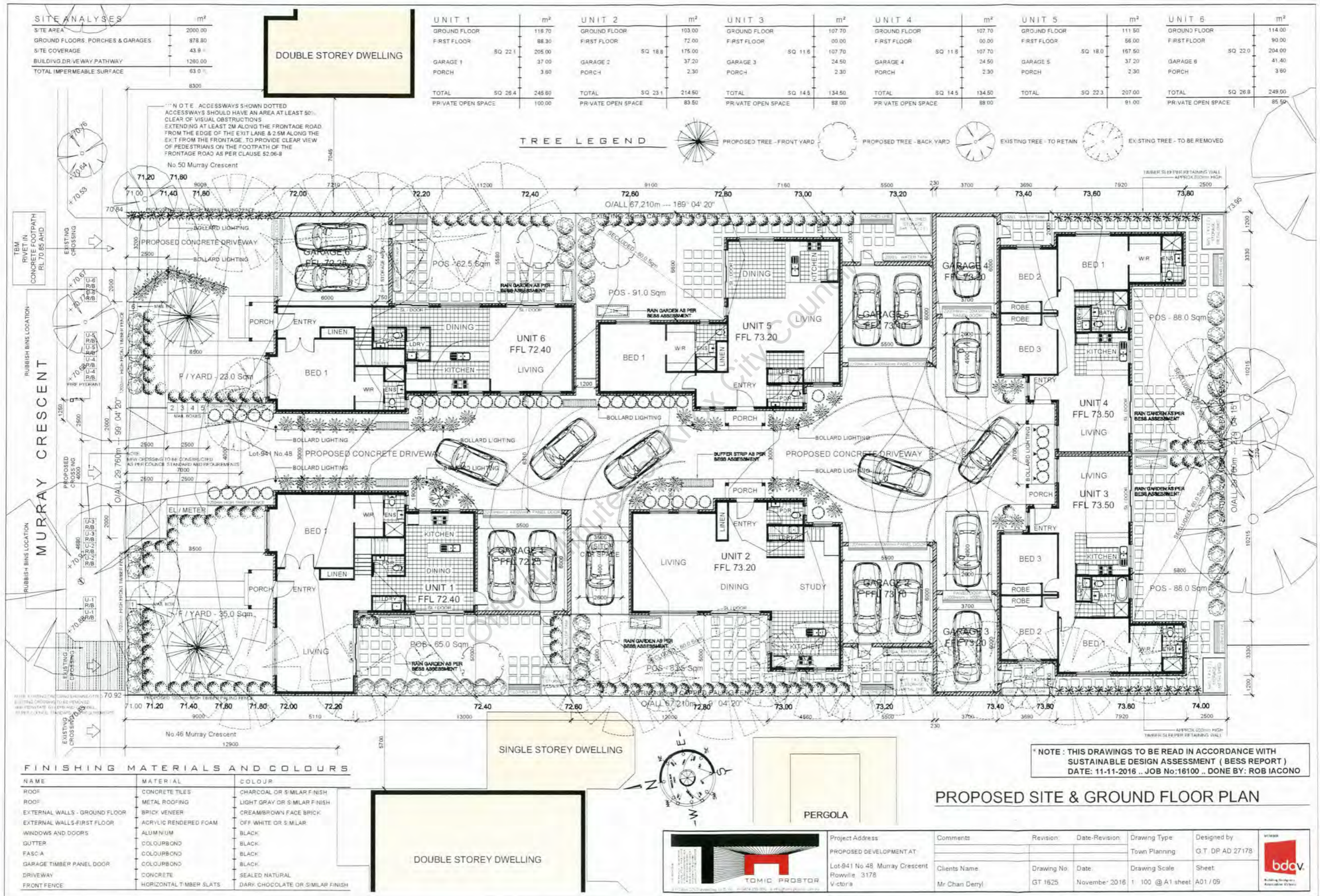


Scale: 1:3000

DISCLAIMER:

Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DPCD, Knox City Council
 Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



SITE ANALYSES

| | |
|----------------------------------|---------|
| SITE AREA | 2000.00 |
| GROUND FLOORS, PORCHES & GARAGES | 878.80 |
| SITE COVERAGE | 43.9% |
| BUILDING DRIVEWAY PATHWAY | 1260.00 |
| TOTAL IMPERMEABLE SURFACE | 63.0% |

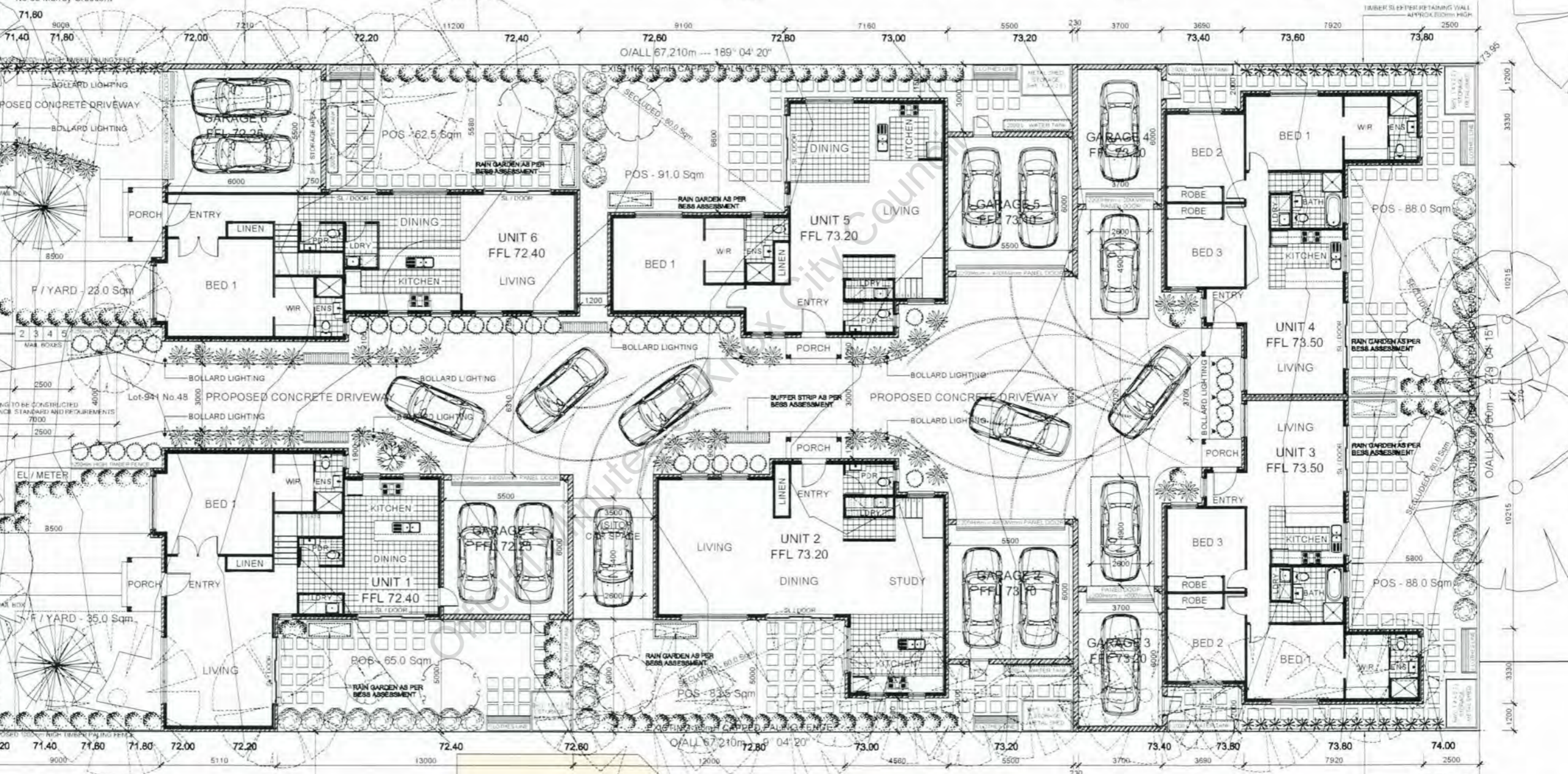
| UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² |
|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|
| UNIT 1 | 205.00 | UNIT 2 | 175.00 | UNIT 3 | 107.70 | UNIT 4 | 107.70 | UNIT 5 | 167.50 | UNIT 6 | 204.00 |
| GROUND FLOOR | 118.70 | GROUND FLOOR | 103.00 | GROUND FLOOR | 107.70 | GROUND FLOOR | 107.70 | GROUND FLOOR | 111.50 | GROUND FLOOR | 114.00 |
| FIRST FLOOR | 88.30 | FIRST FLOOR | 72.00 | FIRST FLOOR | 00.00 | FIRST FLOOR | 00.00 | FIRST FLOOR | 56.00 | FIRST FLOOR | 90.00 |
| GARAGE 1 | 37.00 | GARAGE 2 | 37.20 | GARAGE 3 | 24.50 | GARAGE 4 | 24.50 | GARAGE 5 | 37.20 | GARAGE 6 | 41.40 |
| PORCH | 3.80 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 3.60 |
| TOTAL | 245.80 | TOTAL | 214.50 | TOTAL | 134.50 | TOTAL | 134.50 | TOTAL | 207.00 | TOTAL | 248.00 |
| PRIVATE OPEN SPACE | 100.00 | PRIVATE OPEN SPACE | 83.50 | PRIVATE OPEN SPACE | 88.00 | PRIVATE OPEN SPACE | 88.00 | PRIVATE OPEN SPACE | 91.00 | PRIVATE OPEN SPACE | 85.50 |

TREE LEGEND



NOTE: ACCESSWAYS SHOWN DOTTED ACCESSWAYS SHOULD HAVE AN AREA AT LEAST 50% CLEAR OF VISUAL OBSTRUCTIONS EXTENDING AT LEAST 2M ALONG THE FRONTAGE ROAD FROM THE EDGE OF THE EXIT LANE & 2.5M ALONG THE EXIT FROM THE FRONTAGE. TO PROVIDE CLEAR VIEW OF PEDESTRIANS ON THE FOOTPATH OF THE FRONTAGE ROAD AS PER CLAUSE 52.06.8

No 50 Murray Crescent



FINISHING MATERIALS AND COLOURS

| NAME | MATERIAL | COLOUR |
|-------------------------------|-------------------------|----------------------------------|
| ROOF | CONCRETE TILES | CHARCOAL OR SIMILAR FINISH |
| ROOF | METAL ROOFING | LIGHT GRAY OR SIMILAR FINISH |
| EXTERNAL WALLS - GROUND FLOOR | BRICK VENEER | CREAM/BROWN FACE BRICK |
| EXTERNAL WALLS-FIRST FLOOR | ACRYLIC RENDERED FOAM | OFF WHITE OR SIMILAR |
| WINDOWS AND DOORS | ALUMINIUM | BLACK |
| GUTTER | COLOURBOND | BLACK |
| FASCIA | COLOURBOND | BLACK |
| GARAGE TIMBER PANEL DOOR | COLOURBOND | BLACK |
| DRIVEWAY | CONCRETE | SEALED NATURAL |
| FRONT FENCE | HORIZONTAL TIMBER SLATS | DARK CHOCOLATE OR SIMILAR FINISH |

NOTE: THIS DRAWINGS TO BE READ IN ACCORDANCE WITH SUSTAINABLE DESIGN ASSESSMENT (BESS REPORT) DATE: 11-11-2016 .. JOB No:16100 .. DONE BY: ROB IACONO

PROPOSED SITE & GROUND FLOOR PLAN



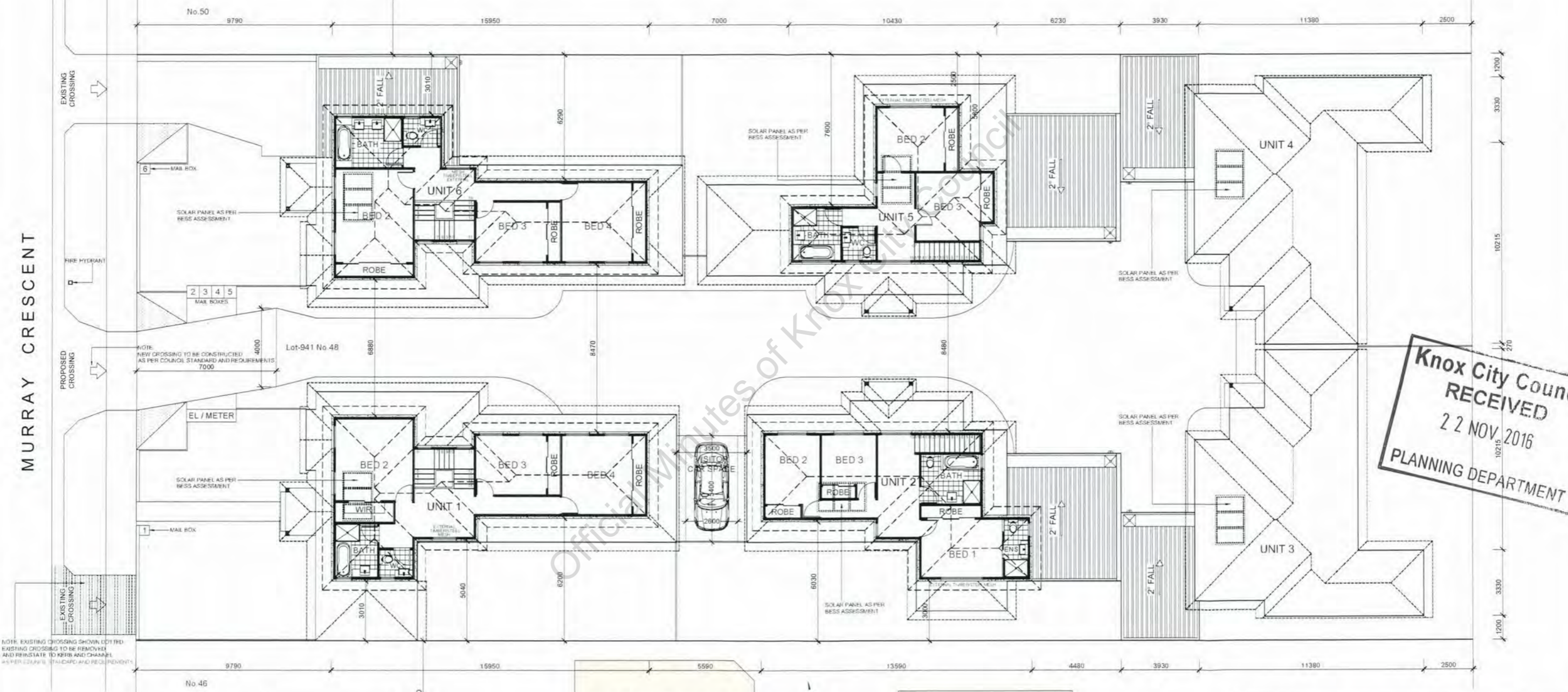
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|--|---------------|-------------|---------------|------------------|------------------|
| Project Address | Comments | Revision | Date-Revision | Drawing Type | Designed by |
| PROPOSED DEVELOPMENT AT | | | | Town Planning | G.T. DP AD 27178 |
| Lot-941 No 48 Murray Crescent Rowville 3178 Victoria | Clients Name | Drawing No. | Date | Drawing Scale | Sheet |
| | Mr Chan Deryl | GT 1625 | November 2016 | 1:100 @ A1 sheet | A01 / 09 |

48 MURRAY CRESCENT ROWVILLE APPENDIX B

| SITE ANALYSES | m ² |
|----------------------------------|----------------|
| SITE AREA | 2000.00 |
| GROUND FLOORS, PORCHES & GARAGES | 878.80 |
| SITE COVERAGE | 43.9% |
| BUILDING DRIVEWAY PATHWAY | 1280.00 |
| TOTAL IMPERMEABLE SURFACE | 83.0% |

| UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² | UNIT | m ² |
|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|--------------------|----------------|
| UNIT 1 | | UNIT 2 | | UNIT 3 | | UNIT 4 | | UNIT 5 | | UNIT 6 | |
| GROUND FLOOR | 116.70 | GROUND FLOOR | 103.00 | GROUND FLOOR | 107.70 | GROUND FLOOR | 107.70 | GROUND FLOOR | 111.50 | GROUND FLOOR | 114.00 |
| FIRST FLOOR | 88.30 | FIRST FLOOR | 72.00 | FIRST FLOOR | 00.00 | FIRST FLOOR | 00.00 | FIRST FLOOR | 56.00 | FIRST FLOOR | 90.00 |
| SQ 22.1 | 205.00 | SQ 18.8 | 175.00 | SQ 11.6 | 107.70 | SQ 11.6 | 107.70 | SQ 18.0 | 167.50 | SQ 22.0 | 204.00 |
| GARAGE 1 | 37.00 | GARAGE 2 | 37.20 | GARAGE 3 | 24.50 | GARAGE 4 | 24.50 | GARAGE 5 | 37.20 | GARAGE 6 | 41.40 |
| PORCH | 3.80 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 2.30 | PORCH | 3.60 |
| TOTAL | SQ 26.4 | TOTAL | SQ 23.1 | TOTAL | SQ 14.5 | TOTAL | SQ 14.5 | TOTAL | SQ 22.3 | TOTAL | SQ 26.8 |
| PRIVATE OPEN SPACE | 100.00 | PRIVATE OPEN SPACE | 83.50 | PRIVATE OPEN SPACE | 88.00 | PRIVATE OPEN SPACE | 88.00 | PRIVATE OPEN SPACE | 81.00 | PRIVATE OPEN SPACE | 95.50 |

MURRAY CRESCENT



**Knox City Council
RECEIVED
22 NOV 2016
PLANNING DEPARTMENT**

| FINISHING MATERIALS AND COLOURS | | |
|---------------------------------|-------------------------|----------------------------------|
| NAME | MATERIAL | COLOUR |
| ROOF | CONCRETE TILES | CHARCOAL OR SIMILAR FINISH |
| ROOF | METAL ROOFING | LIGHT GRAY OR SIMILAR FINISH |
| EXTERNAL WALLS - GROUND FLOOR | BRICK VENEER | CREAMBROWN FACE BRICK |
| EXTERNAL WALLS - FIRST FLOOR | ACRYLIC RENDERED FOAM | OFF WHITE OR SIMILAR |
| WINDOWS AND DOORS | ALUMINIUM | BLACK |
| GUTTER | COLOURBOND | BLACK |
| FASCIA | COLOURBOND | BLACK |
| GARAGE TIMBER PANEL DOOR | COLOURBOND | BLACK |
| DRIVEWAY | CONCRETE | SEALED NATURAL |
| FRONT FENCE | HORIZONTAL TIMBER SLATS | DARK CHOCOLATE OR SIMILAR FINISH |

NOTE: THIS DRAWINGS TO BE READ IN ACCORDANCE WITH SUSTAINABLE DESIGN ASSESSMENT (BESS REPORT)
DATE: 11-11-2016 .. JOB No:16100 .. DONE BY: ROB IACONO

PROPOSED SITE & FIRST FLOOR PLAN



| | | | | | |
|--|--------------------------------|------------------------|------------------------|------------------------------------|----------------------------------|
| Project Address: PROPOSED DEVELOPMENT AT: Lot-941 No 48 Murray Crescent Rowville 3178 Victoria | Comments: | Revision: | Date-Revision: | Drawing Type: Town Planning | Designed by: G.T. DP AD 27178 |
| | Clients Name: Mr Chan Deryl | Drawing No. GT 1625 | Date: November 2016 | Drawing Scale: 1:100 @ A1 sheet | Sheet: A02 / 09 |

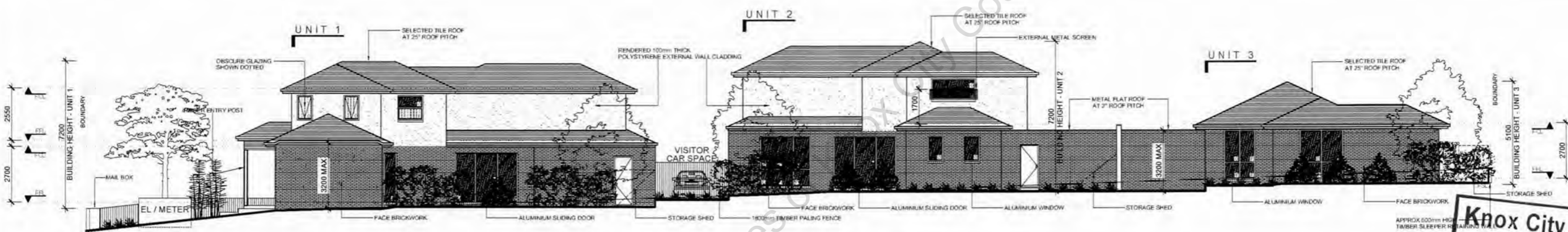
48 MURRAY CRESCENT ROWVILLE APPENDIX B

LEGEND

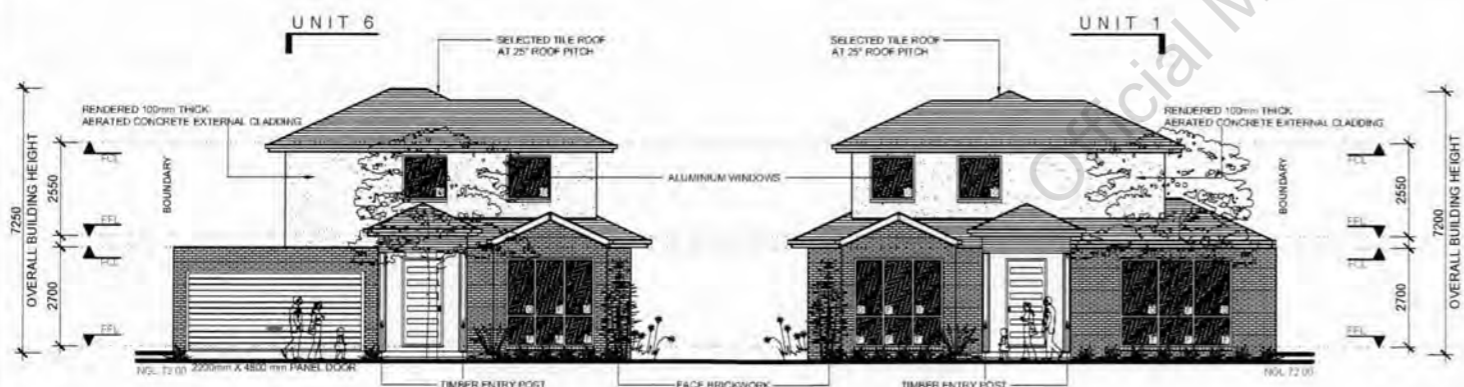
- FFL FINISH FLOOR LEVEL
- FSL FINISH SURFACE LEVEL
- FCL FINISH CEILING LEVEL
- NGL NATURAL GROUND LEVEL



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION




SOUTH ELEVATION

**Knox City Council
RECEIVED
22 NOV 2016
PLANNING DEPARTMENT**

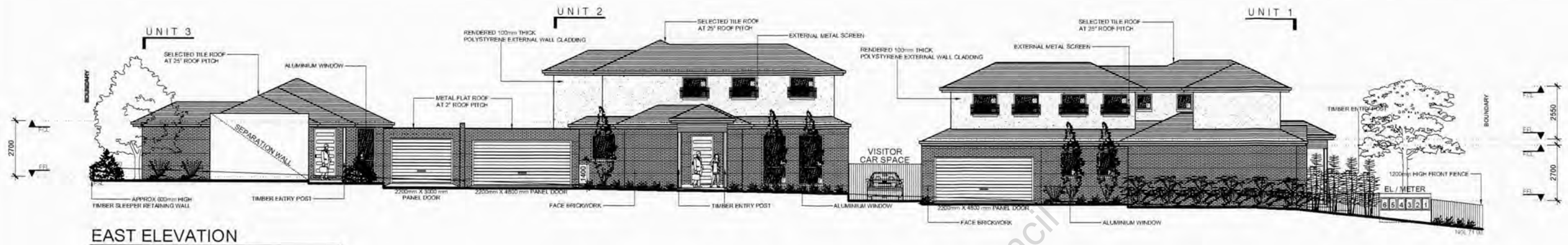
*** NOTE : THIS DRAWINGS TO BE READ IN ACCORDANCE WITH SUSTAINABLE DESIGN ASSESSMENT (BESS REPORT)
DATE: 11-11-2016 .. JOB No:16100 .. DONE BY: ROB IACONO**



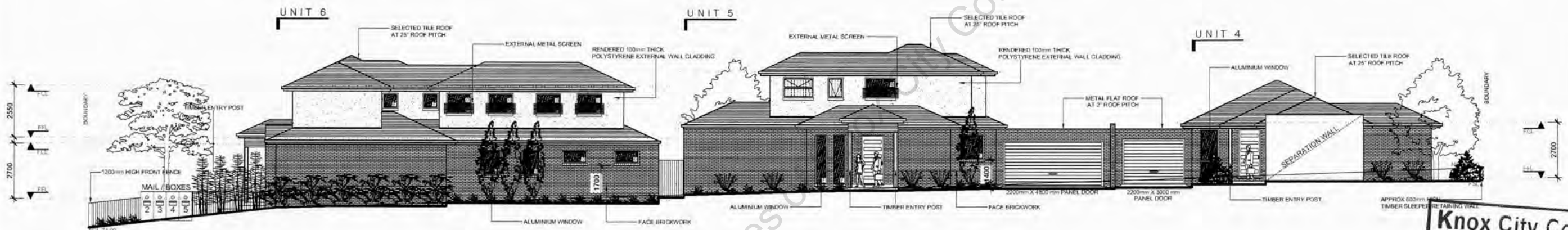
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|---|-----------------------------|------------------------------------|---|---|--|---|
| Project Address: PROPOSED DEVELOPMENT AT: Lot-941 No 48, Murray Crescent Rowville 3178 Victoria | Comments: Mr Chan Deryll | Revision: Drawing No GT 1625 | Date-Revision: Date November 2016 | Drawing Type: Town Planning Drawing Scale 1 / 100 @ A1 sheet | Designed by: G.T. DP AD 27178 Sheet: A03 / 09 |  |
|---|-----------------------------|------------------------------------|---|---|--|---|

LEGEND

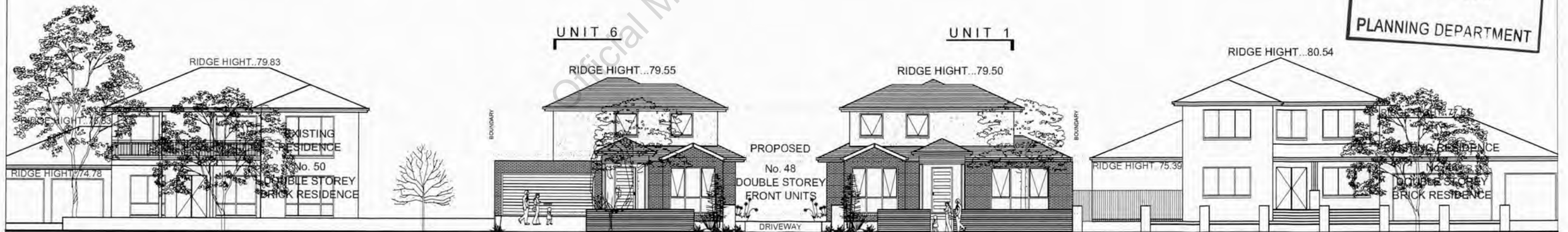
- FFL FINISH FLOOR LEVEL
- FCL FINISH CEILING LEVEL
- FSL FINISH SURFACE LEVEL
- NGL NATURAL GROUND LEVEL



EAST ELEVATION



WEST ELEVATION



STREETSCAPE ELEVATION

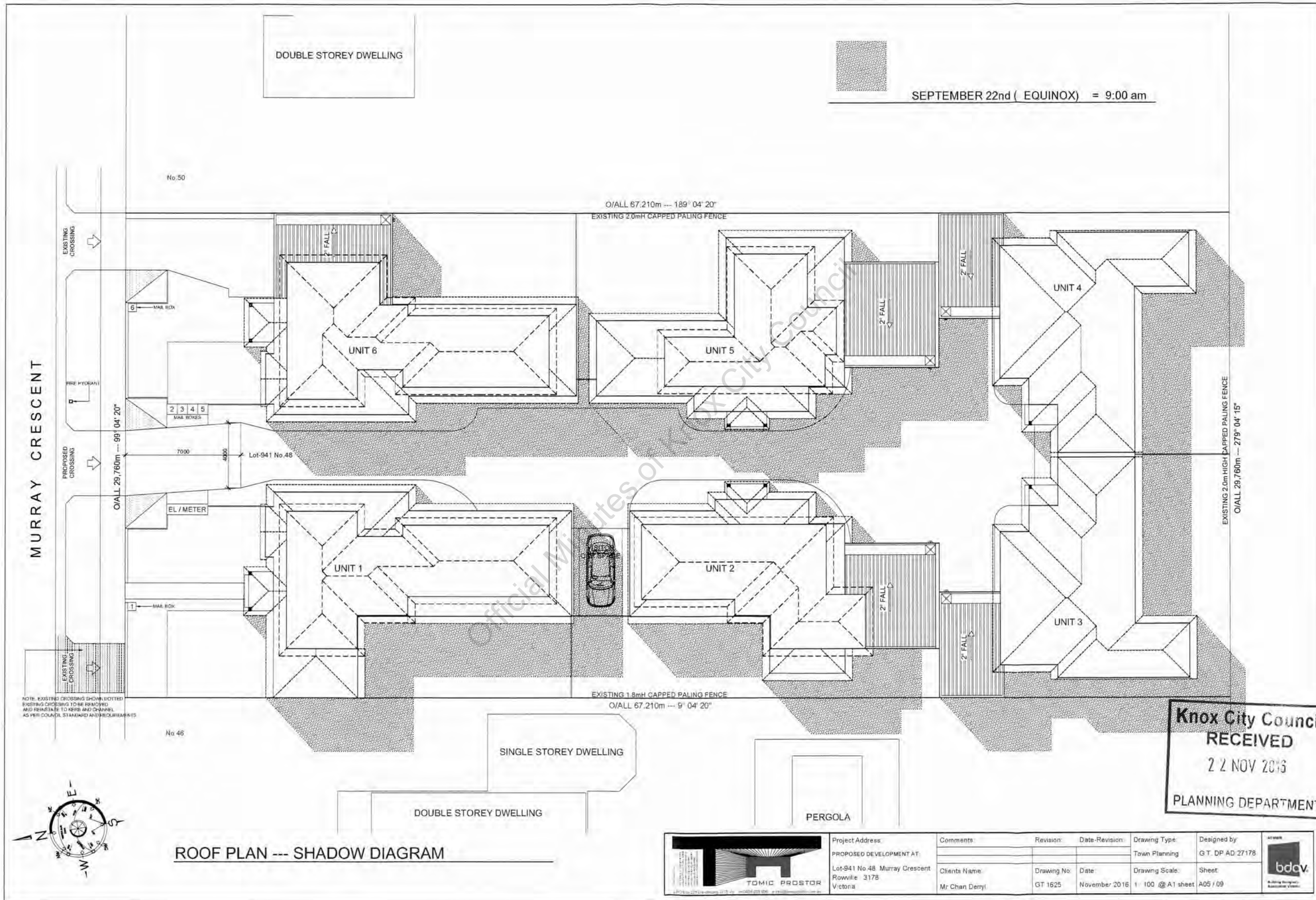
**Knox City Council
RECEIVED
22 NOV 2016
PLANNING DEPARTMENT**

*** NOTE : THIS DRAWINGS TO BE READ IN ACCORDANCE WITH SUSTAINABLE DESIGN ASSESSMENT (BESS REPORT)
DATE: 11-11-2016 .. JOB No:16100 .. DONE BY: ROB IACONO**



Project Address:
PROPOSED DEVELOPMENT AT
Lot-941 No.48 Murray Crescent
Rowville 3178
Victoria

| | | | | |
|----------------|-------------|----------------|--------------------|------------------|
| Comments: | Revision: | Date-Revision: | Drawing Type: | Designed by: |
| Client's Name: | Drawing No: | Date: | Town Planning | G.T. DP AD 27178 |
| Mr Chan Derryl | GT 1625 | November 2016 | Drawing Scale: | Sheet: |
| | | | 1 : 100 @ A1 sheet | A04 / 09 |



SEPTEMBER 22nd (EQUINOX) = 9:00 am

MURRAY CRESCENT

ROOF PLAN --- SHADOW DIAGRAM

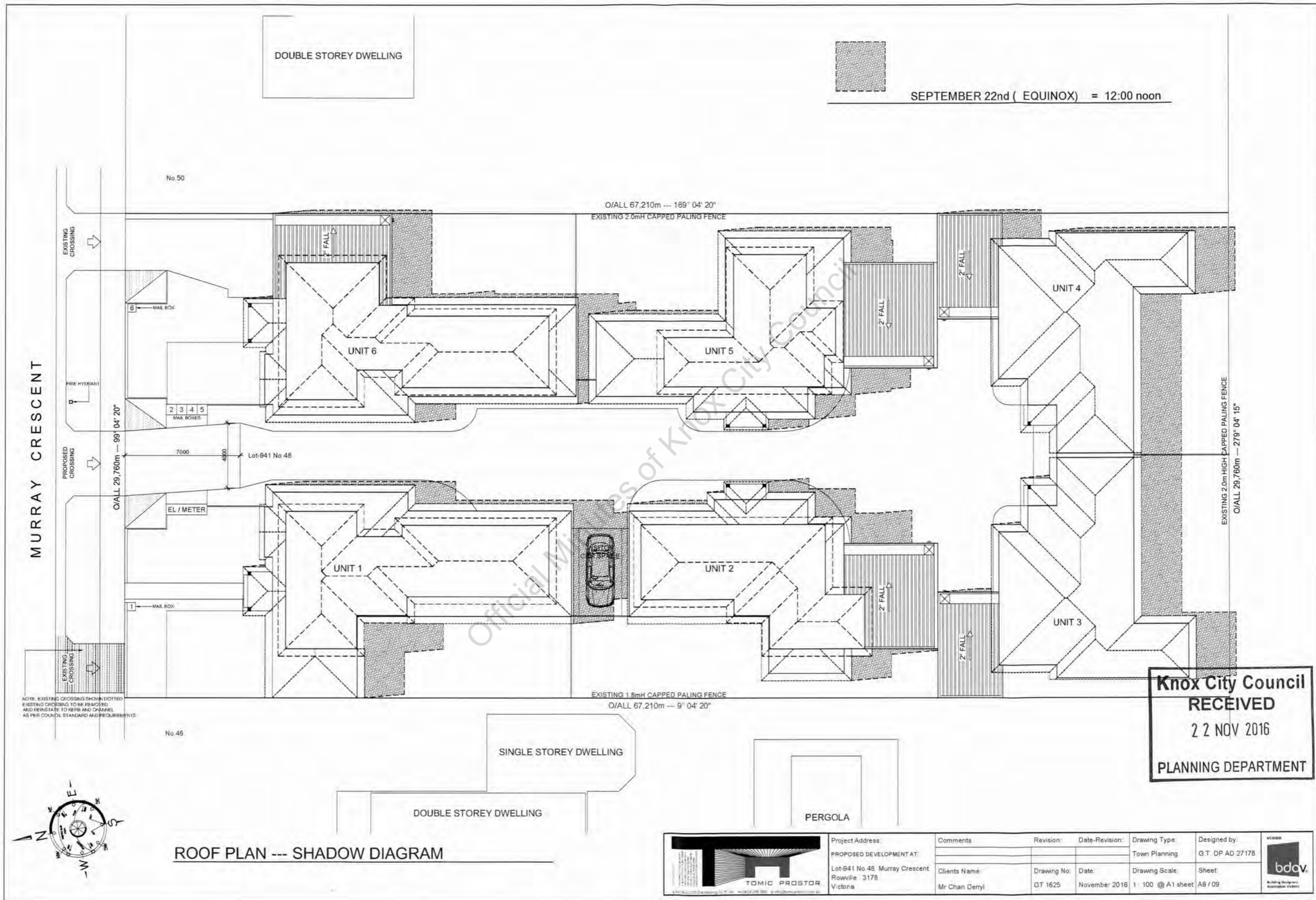
Knox City Council
RECEIVED
 22 NOV 2016
 PLANNING DEPARTMENT

NOTE: EXISTING CROSSING SHOWN DOTTED
 EXISTING CROSSING TO BE REMOVED
 AND REINSTATE TO KERB AND CHANNEL
 AS PER COUNCIL STANDARD AND REQUIREMENTS



| | | | | | |
|---|------------------------|-----------------------|-------------------------------------|--------------------------------|---------------------------------|
| Project Address PROPOSED DEVELOPMENT AT: Lot-941 No 48 Murray Crescent Rowville 3178 Victoria | Comments | Revision: | Date-Revision: | Drawing Type: Town Planning | Designed by G.T. DP AD 27178 |
| Client's Name Mr Chan Deryl | Drawing No. GT 1525 | Date November 2016 | Drawing Scale: 1: 100 @ A1 sheet | Sheet A05 / 09 | |

48 MURRAY CRESCENT ROWVILLE APPENDIX B



SEPTEMBER 22nd (EQUINOX) = 12:00 noon

MURRAY CRESCENT

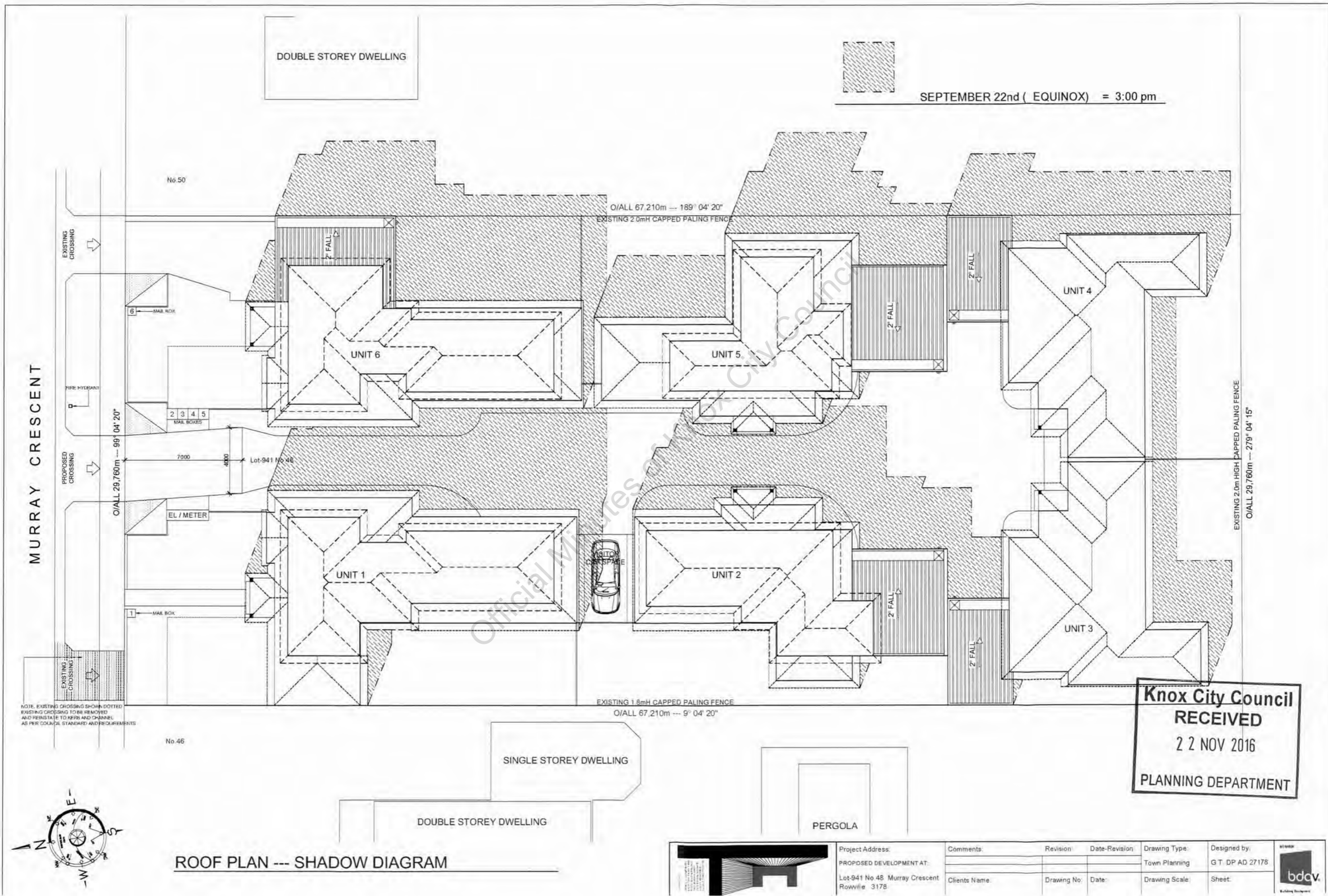
ROOF PLAN --- SHADOW DIAGRAM



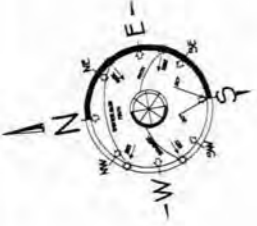
Knox City Council
RECEIVED
 22 NOV 2016
 PLANNING DEPARTMENT

| | | | | | | |
|--|--|---------------|---------------|------------------|----------------|------------------|
| | Project Address: | Comments | Revision: | Date-Revision: | Drawing Type: | Designed by: |
| | PROPOSED DEVELOPMENT AT: | | | | Town Planning | G.T. DP AD 27178 |
| | Lot-941 No 48 Murray Crescent Rowville 3178 Victoria | Clients Name: | Drawing No: | Date: | Drawing Scale: | Sheet: |
| | Mr Chan Deryl | GT 1625 | November 2016 | 1:100 @ A1 sheet | A6 / 09 | |

48 MURRAY CRESCENT ROWVILLE APPENDIX B



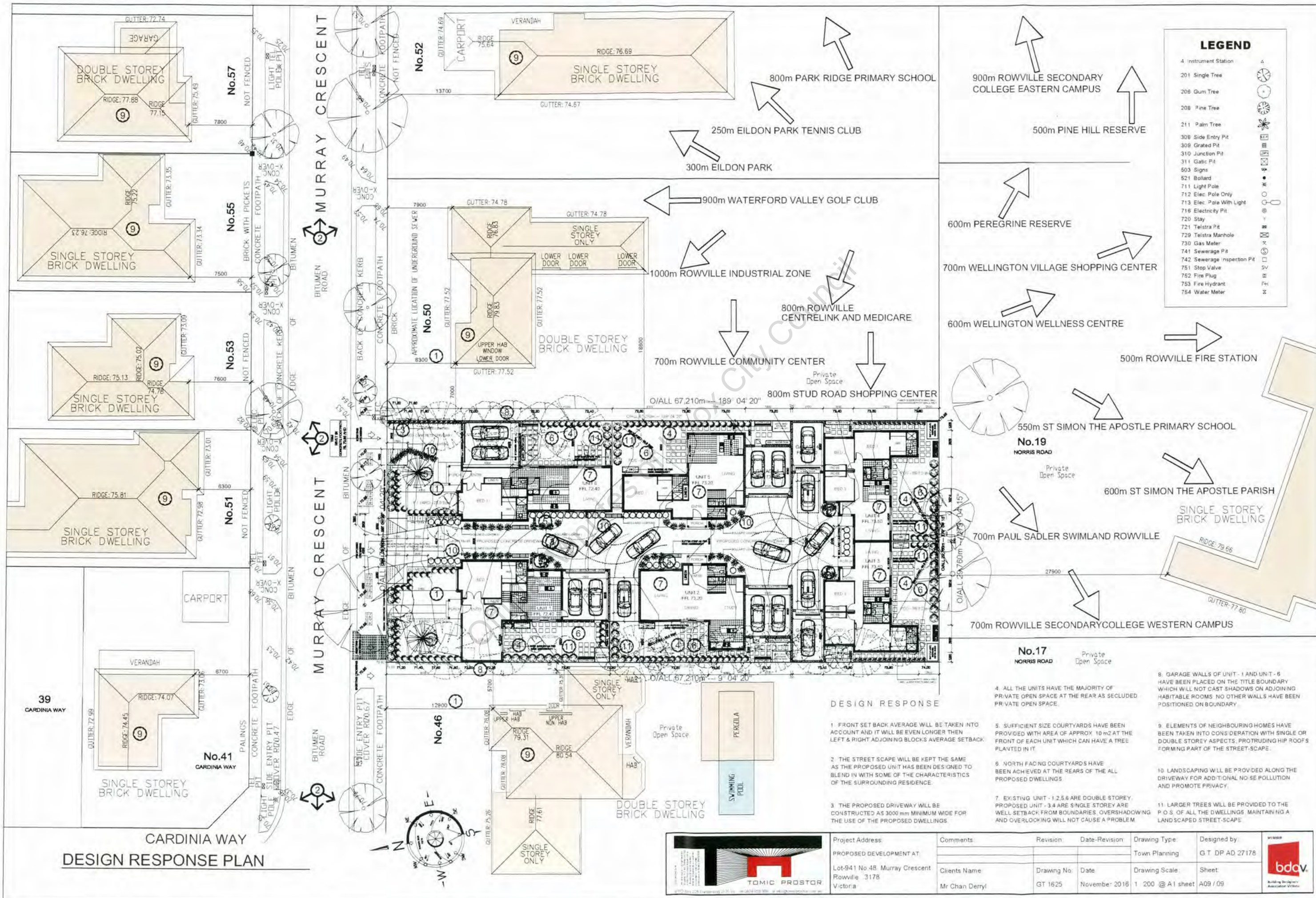
ROOF PLAN --- SHADOW DIAGRAM



| | | | | | | |
|--|--|---------------|-------------|----------------|----------------|------------------|
| | Project Address: | Comments: | Revision: | Date-Revision: | Drawing Type: | Designed by: |
| | PROPOSED DEVELOPMENT AT: | | | | Town Planning | G.T. DP AD 27178 |
| | Lot-941 No 48 Murray Crescent Rowville 3178 | Clients Name: | Drawing No: | Date: | Drawing Scale: | Sheet: |
| | | | | | | |

48 MURRAY CRESCENT ROWVILLE APPENDIX B





LEGEND

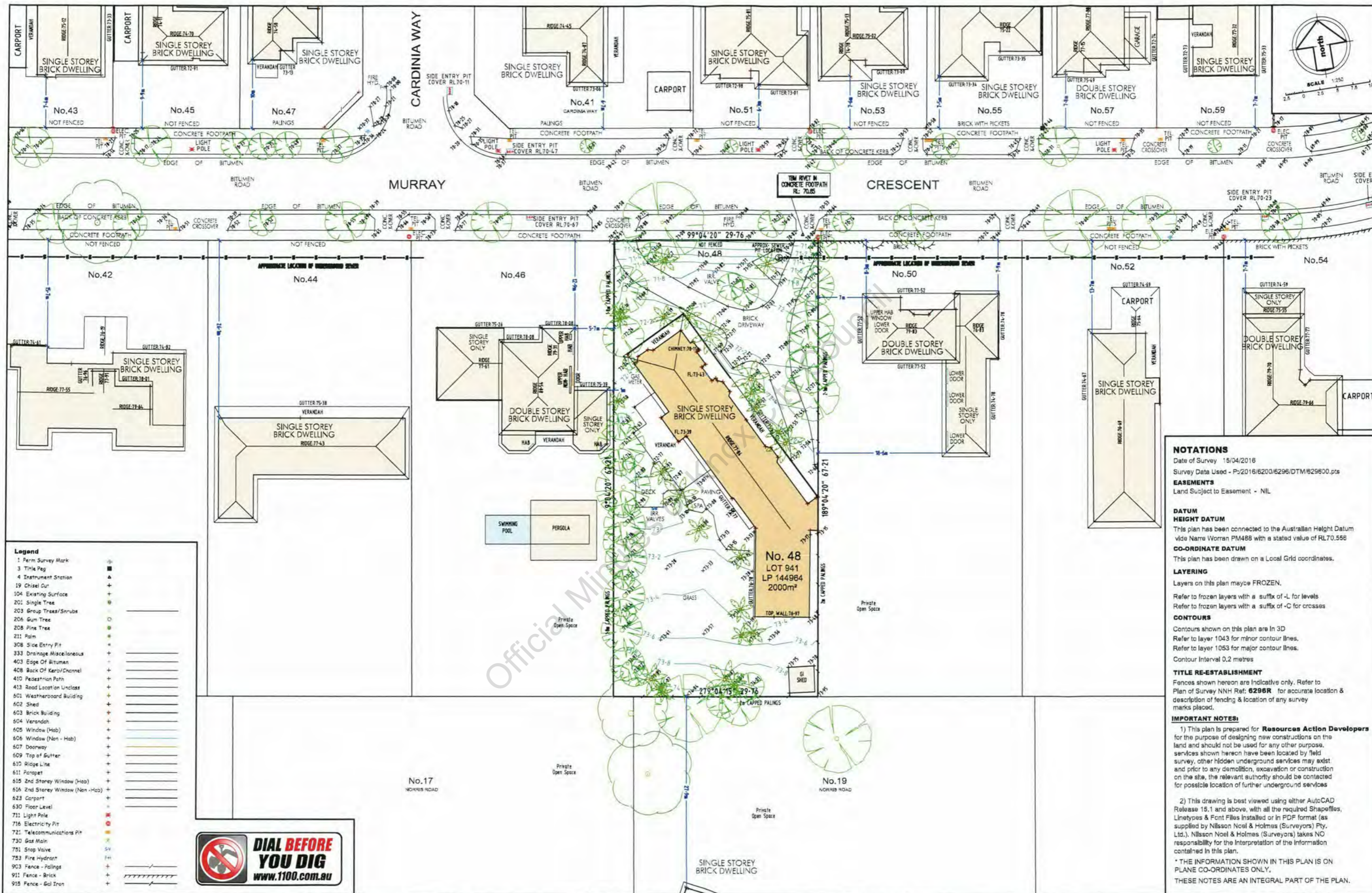
- 4 Instrument Station
- 201 Single Tree
- 206 Gum Tree
- 208 Pine Tree
- 211 Palm Tree
- 308 Side Entry Pit
- 309 Grated Pit
- 310 Junction Pit
- 311 Gate Pit
- 503 Signs
- 521 Bollard
- 711 Light Pole
- 712 Elec. Pole Only
- 713 Elec. Pole With Light
- 716 Electricity Pit
- 720 Stay
- 721 Telstra Pit
- 729 Telstra Manhole
- 730 Gas Meter
- 741 Sewerage Pit
- 742 Sewerage Inspection Pit
- 751 Stop Valve
- 753 Fire Hydrant
- 754 Water Meter

DESIGN RESPONSE

1. FRONT SET BACK AVERAGE WILL BE TAKEN INTO ACCOUNT AND IT WILL BE EVEN LONGER THEN LEFT & RIGHT ADJOINING BLOCKS AVERAGE SETBACK.
2. THE STREET SCAPE WILL BE KEPT THE SAME AS THE PROPOSED UNIT HAS BEEN DESIGNED TO BLEND IN WITH SOME OF THE CHARACTERISTICS OF THE SURROUNDING RESIDENCE.
3. THE PROPOSED DRIVEWAY WILL BE CONSTRUCTED AS 3000mm MINIMUM WIDE FOR THE USE OF THE PROPOSED DWELLINGS.
4. ALL THE UNITS HAVE THE MAJORITY OF PRIVATE OPEN SPACE AT THE REAR AS SECLUDED PRIVATE OPEN SPACE.
5. SUFFICIENT SIZE COURTYARDS HAVE BEEN PROVIDED WITH AREA OF APPROX 10 m² AT THE FRONT OF EACH UNIT WHICH CAN HAVE A TREE PLANTED IN IT.
6. NORTH FACING COURTYARDS HAVE BEEN ACHIEVED AT THE REARS OF THE ALL PROPOSED DWELLINGS.
7. EXISTING UNIT - 1,2,5,6 ARE DOUBLE STOREY, PROPOSED UNIT - 3,4 ARE SINGLE STOREY ARE WELL SETBACK FROM BOUNDARIES. OVERSHADOWING AND OVERLOOKING WILL NOT CAUSE A PROBLEM.
8. GARAGE WALLS OF UNIT - 1 AND UNIT - 6 HAVE BEEN PLACED ON THE TITLE BOUNDARY WHICH WILL NOT CAST SHADOWS ON ADJOINING HABITABLE ROOMS. NO OTHER WALLS HAVE BEEN POSITIONED ON BOUNDARY.
9. ELEMENTS OF NEIGHBOURING HOMES HAVE BEEN TAKEN INTO CONSIDERATION WITH SINGLE OR DOUBLE STOREY ASPECTS. PROTRUDING HIP ROOFS FORMING PART OF THE STREET-SCAPE.
10. LANDSCAPING WILL BE PROVIDED ALONG THE DRIVEWAY FOR ADDITIONAL NOISE POLLUTION AND PROMOTE PRIVACY.
11. LARGER TREES WILL BE PROVIDED TO THE P.O.S. OF ALL THE DWELLINGS, MAINTAINING A LANDSCAPED STREET-SCAPE.

| | | | | | |
|--|------------------------|------------------------|------------------------------------|--------------------------------|----------------------------------|
| Project Address: PROPOSED DEVELOPMENT AT: Lot-941 No 48 Murray Crescent Rowville 3178 Victoria | Comments | Revision | Date-Revision | Drawing Type: Town Planning | Designed by: G.T. DP AD 27178 |
| Client's Name: Mr Chan Deryl | Drawing No: GT 1625 | Date: November 2016 | Drawing Scale: 1:200 @ A1 sheet | Sheet: A09 / 09 | |

48 MURRAY CRESCENT ROWVILLE APPENDIX B



Legend

| | |
|----------------------------------|---|
| 1 Perm Survey Mark | + |
| 3 Title Peg | ▲ |
| 4 Instrument Station | + |
| 19 Chisel Out | + |
| 104 Existing Surface | + |
| 201 Single Tree | ○ |
| 203 Group Trees/Shrubs | ○ |
| 206 Gum Tree | ○ |
| 208 Pine Tree | ○ |
| 211 Palm | + |
| 308 Side Entry Pit | + |
| 333 Drainage Miscellaneous | + |
| 403 Edge Of Bitumen | + |
| 408 Back Of Kerb/Channel | + |
| 410 Pedestrian Path | + |
| 413 Road Location Unclass | + |
| 601 Weatherboard Building | + |
| 602 Shed | + |
| 603 Brick Building | + |
| 604 Verandah | + |
| 605 Window (Hab) | + |
| 606 Window (Non - Hab) | + |
| 607 Doorway | + |
| 609 Top of Gutter | + |
| 610 Ridge Line | + |
| 611 Poropet | + |
| 615 2nd Storey Window (Hab) | + |
| 616 2nd Storey Window (Non -Hab) | + |
| 623 Carport | + |
| 630 Floor Level | + |
| 711 Light Pole | + |
| 716 Electricity Pit | + |
| 721 Telecommunications Pit | + |
| 730 Gas Main | + |
| 791 Stop Valve | + |
| 793 Fire Hydrant | + |
| 903 Fence - Palings | + |
| 911 Fence - Brick | + |
| 915 Fence - Gal Iron | + |



NOTATIONS
 Date of Survey 15/04/2016
 Survey Data Used - P:\2016\6200\6296\DTM\629600.pcs
EASEMENTS
 Land Subject to Easement - NIL

DATUM
HEIGHT DATUM
 This plan has been connected to the Australian Height Datum vido Narre Worran PM488 with a stated value of RL70.558
CO-ORDINATE DATUM
 This plan has been drawn on a Local Grid coordinates.

LAYERING
 Layers on this plan mayce FROZEN.
 Refer to frozen layers with a suffix of -L for levels
 Refer to frozen layers with a suffix of -C for crosses

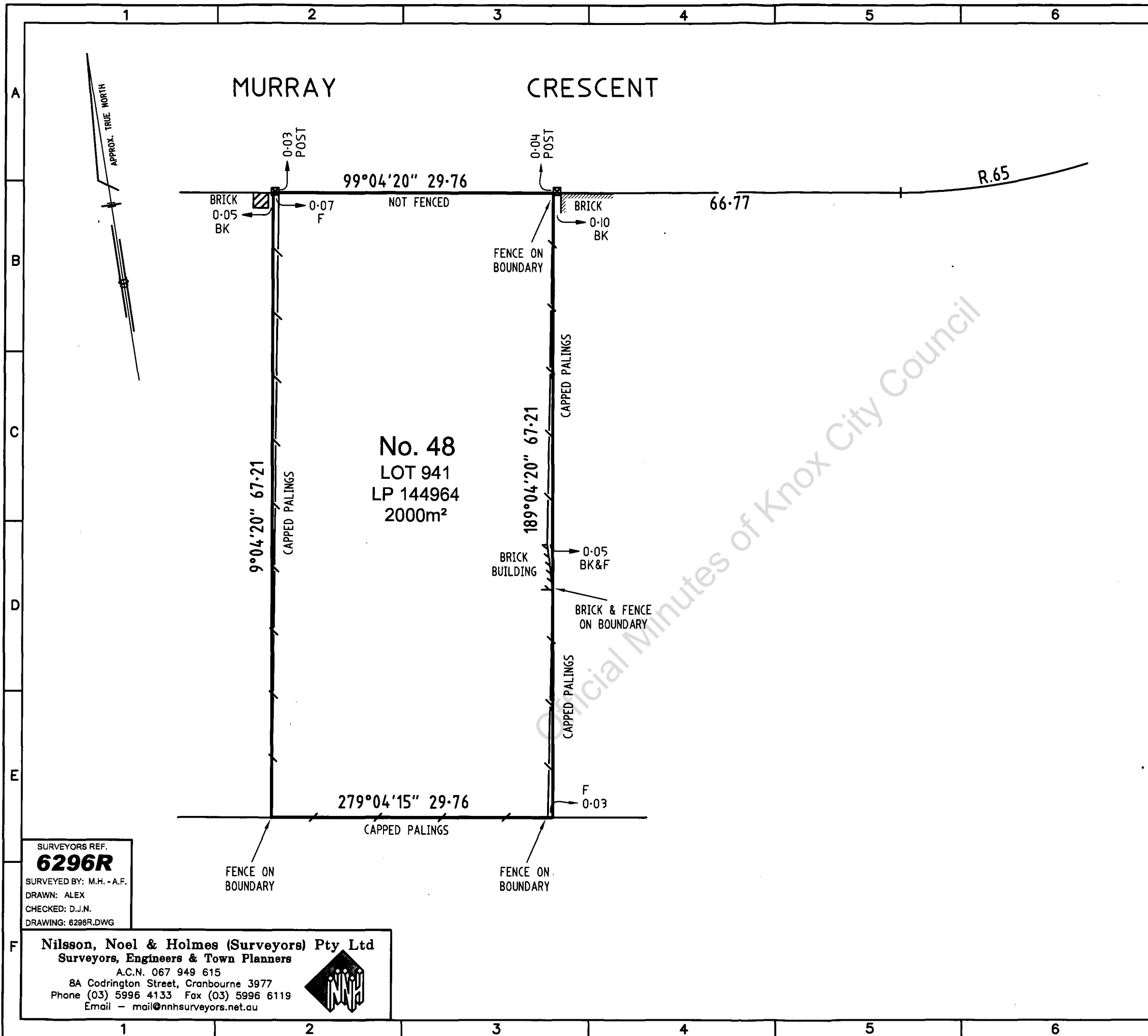
CONTOURS
 Contours shown on this plan are In 3D
 Refer to layer 1043 for minor contour lines.
 Refer to layer 1053 for major contour lines.
 Contour Interval 0.2 metres

TITLE RE-ESTABLISHMENT
 Fences shown hereon are Indicative only. Refer to Plan of Survey NNH Ref: **6296R** for accurate location & description of fencing & location of any survey marks placed.

IMPORTANT NOTES:
 1) This plan is prepared for **Resources Action Developers** for the purpose of designing new constructions on the land and should not be used for any other purpose. services shown hereon have been located by field survey, other hidden underground services may axist and prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services
 2) This drawing is best viewed using either AutoCAD Release 15.1 and above, with all the required Shapellies, Linetypes & Font Files installed or in PDF format (as supplied by Nilsson Noel & Holmes (Surveyors) Pty. Ltd.). Nilsson Noel & Holmes (Surveyors) takes NO responsibility for the Interpretation of the Information contained in this plan.
 * THE INFORMATION SHOWN IN THIS PLAN IS ON PLANE CO-ORDINATES ONLY.
 THESE NOTES ARE AN INTEGRAL PART OF THE PLAN.

| | | | | | | | |
|-------|-------|-------------|--------------------------|--------------------|---|--|---------------------------------------|
| Date: | Rev.: | Amendments: | SURVEYED BY: M.H. - A.F. | DATUM: AHD | Nilsson, Noel & Holmes (Surveyors) Pty Ltd Surveyors, Engineers & Town Planners A.C.N. 067 949 615 8A Codrington Street, Cranbourne 3977 Phone (03) 5996 4133 Fax (03) 5996 6119 Email - mail@nnhsurveyors.net.au | Derryl Chan 48 Murray Crescent, Rowville | N.N.H. REF. NO. 6296 |
| | | | DRAWN: A.F. | DATE: 26/04/2016 | | | SHEET 1 of 1 |
| | | | CHECKED: D.J.N. | SCALE: AS SHOWN | | | REV - |
| | | | APPROVED BY: D.J.N. | MELWAY REF.: 82 B1 | | | P:\2016\6200\6296\DRAWINGS\6296FL.DWG |
| | | | | | PLAN OF EXISTING SITE FEATURES & LEVELS SURVEY | DRAWING NO. 6296FL | A1 |

48 MURRAY CRESCENT ROWVILLE APPENDIX B



| | |
|---|---|
| NOTATIONS | |
| <p>NOTES: THE LOCATION OF OCCUPATION IS NOT NECESSARILY SHOWN TO SCALE.</p> | |
| <p>ENCUMBRANCES: NIL</p> | |
| CERTIFICATION BY SURVEYOR | |
| <p>I, STANLEY GEORGE JEFFREYS of 8A CODRINGTON STREET, CRANBOURNE certify that this plan has been prepared from a survey made under my direction and supervision, in accordance with the Surveying Act 2004 and completed on 15/04/2016 that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy accords with that required for LEVEL land as defined in regulation 7(2) of the Surveying (Cadastral Surveys) Regulations 2005.</p> | |
| Date 26/04/2016 | Licensed Surveyor, Surveying Act 2004 |
| <p>TO BE COMPLETED WHERE APPLICABLE THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARK NO.S:</p> | |
| <p>IN PROCLAIMED SURVEY AREA NO.:</p> | |
| <p>THE LAND IN THE SURVEY IS SHOWN ENCLOSED BY CONTINUOUS THICK LINES</p> | |
| <p>LAST PLAN REF: LP 144964</p> | |
| PLAN OF SURVEY | |
| <p>COUNTY OF MORNINGTON PARISH OF NARREE WORRAN PART OF CROWN ALLOTMENT B SECTION 12 & PART OF CROWN ALLOTMENT A SECTION 11</p> | |
| SHEET 1 OF 1 SHEETS | |
| S | |
| <p>SCALE 4 0 4 8 12 16 LENGTHS ARE IN METRES</p> | <p>ORIGINAL SCALE SHEET 1:400 SIZE A3</p> |

SURVEYORS REF.
6296R
SURVEYED BY: M.H. - A.F.
DRAWN: ALEX
CHECKED: D.J.N.
DRAWING: 6296R.DWG

Nilsson, Noel & Holmes (Surveyors) Pty Ltd
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48 MURRAY CRESCENT ROWVILLE APPENDIX B

TAYLOR WARD**6.4 APPLICATION FOR THE DEVELOPMENT OF THE LAND FOR FOUR (4) DOUBLE STOREY AND TWO (2) SINGLE STOREY DWELLINGS AT 50 MURRAY CRESCENT, ROWVILLE (P/2016/6744)****1. SUMMARY:**

| | |
|------------------------------|--|
| Land: | 50 Murray Crescent, Rowville |
| Applicant: | ARG Planning |
| Proposed Development: | Development of the land for four (4) double storey and two (2) single storey dwellings |
| Existing Land Use: | Single Dwelling |
| Area/Density: | 1990sqm/1:332sqm |
| Zoning: | General Residential Zone – Schedule 2 |
| Overlays: | Nil |
| Local Policy: | Municipal Strategic Statement (MSS) Development in Residential Areas and Neighbourhood Character Policy |
| Application Received: | 12 October 2016 |
| Number of Objections: | 33 |
| PCC Meeting: | 20 April 2017 |

Assessment:

It is considered that the proposal provides an appropriate balance between the need for additional housing within an established residential area and the amenity of occupants and adjoining residents.

The proposal generally complies with the Municipal Strategic Statement (MSS), the Development in Residential Areas and Neighbourhood Character Policy and ResCode.

The proposal complies with the General Residential Zone - Schedule 2. On balance it is considered that the proposal responds well to State and Local Planning Policies, subject to modifications. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

6.4 50 Murray Crescent, Rowville (cont'd)

2. BACKGROUND

2.1 Subject Site and Surrounds

The location of the subject site is shown in Appendix A.

- The subject site is located on the southern side of Murray Crescent, in Rowville.
- The site is regular in shape with a street frontage of 29.67 metres.
- The site currently contains a single dwelling with associated outbuildings.
- Access to the site is via a single crossover, located along the eastern side of the site.
- The site is sparsely vegetated along the side and rear boundaries with smaller trees and shrubs located within the front setback.
- The land is surrounded by residential properties, developed generally with large dwellings on large lots.

2.2 The Proposal

(Refer to attached plans at Appendix B)

It is proposed to construct six (6) dwellings on the land. Four (4) dwellings will be double storey, and two (2) dwellings will be single storey.

Details on the proposal are as follows:

- Dwellings 1 and 6 front Murray Crescent and will be setback a minimum 9 metres from the front boundary.
- Dwellings 1, 2, 5 and 6 are to be double storey with a maximum height of 7.8 metres. Dwellings 3 and 4 (located to the rear) are to be single storey in height.
- Dwelling 1, 2, 4, 5, and Dwelling 6 contain four (4) bedrooms, while Dwelling 3 contains three (3) bedrooms.
- A proposed driveway and crossover, centrally located, provides shared access to all Dwellings.

6.4 50 Murray Crescent, Rowville (cont'd)

- All dwellings are provided with a double garage. A visitor parking space is located to the west of the shared driveway between Dwellings 1 and 2.
- Private open space has been provided at ground level for each dwelling, with a minimum area of 80 square metres.
- The dwellings are to be constructed with face brickwork at ground level, rendered first floors and pitched tiled roofs.
- Existing boundary fencing is nominated to be retained.
- All existing vegetation is shown to be removed.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of a sign on the site and notices sent to adjoining property owners and occupiers. Thirty-three (33) objections to the application were received, and are summarised below:

Neighbourhood character

- *Council's Development in Residential Areas and Neighbourhood Character Policy identifies the subject site within a Knox Neighbourhood Area, where areas will continue to be low-scale, characterised by detached houses, dual occupancies and some villa unit developments on lots greater than 1000sqm. These areas will also continue to retain their green and leafy identify through retention of front and back yards and the establishment of a garden setting, including canopy trees. The proposal would provide for a villa unit development on a block, with front, side and rear garden areas in the form of private open space, that can accommodate the planting of canopy trees to establish a garden setting. It is considered that the proposal is consistent with Council's preferred future character for the Knox Neighbourhood area. An assessment against this Policy and the design guidelines is at Section 4.2.2 of this Report.*

Integration with low density zone

- *Whilst it is acknowledged that the site borders (to the rear) a low density zone. It is noted however that the development has been reduced to single storey at the rear to better integrate with surrounding development The proposal has been assessed against Clause 22.07, Neighbourhood Character. An assessment against this Policy is at Section 4.2.2 of this Report.*

6.4 50 Murray Crescent, Rowville (cont'd)

Development is inconsistent with the Housing Policy

- *The Local Housing Clause of the Municipal Strategic Statement (Clause 21.05) recognises that the population of Knox will grow by 12,000 persons and 15,000 households to 2030. The Housing Policy directs the provision of a diversity of housing types and forms; housing that meets the needs of all groups within the community; and accessible housing that is well designed and responsive to the local character and environment. An assessment against the MSS is at Section 4.2.2 of this Report.*

Relocation of crossover

- *The proposal has been referred to Councils Traffic and Assets departments for comment. No concerns have been raised in response to the proposed location of the crossover on the site. A condition on any permit issued would require the crossover to match the proposed driveway width.*

Bulk and massing of buildings

- *The first floors of the dwellings have been setback from ground floor areas, particularly adjacent to sensitive residential interfaces consistent with Council's Development in Residential Areas and Neighbourhood Character Policy. In addition, setbacks to boundaries exceed the minimum required by ResCode Standard B17 and there are no walls on boundaries. The units at the rear of the site are a single storey to reduce the impact on the development on lower density surrounds. As such, it is not considered that the proposal will result in adverse amenity impacts through visual bulk, to adjoining residential properties.*

Loss of vegetation and trees and impact on fauna

- *The proposal seeks to remove all existing vegetation from the subject site. Council's Arborist did not object to the proposed vegetation removal. It is noted the site is not a designated area of biological significance. The vegetation on site was not considered to be significant.*
- *A condition of any permit issued will require a landscape plan in accordance with Councils Landscape Guidelines for Planning Permits. This will ensure adequate planting occurs within the front, side and rear open space areas of the proposed development.*

6.4 50 Murray Crescent, Rowville (cont'd)

Overdevelopment

- *The proposed development achieves the requirements of the Knox Planning Scheme, including Council's Development in Residential Areas and Neighbourhood Character Policy, ResCode, the Schedule to the General Residential 2 Zone and car parking. As such, it is not considered an overdevelopment of the land. Refer to Section 4 of this report.*

Overlooking and reduction on privacy for adjoining neighbours

- *The proposal has generally been designed to avoid overlooking and complies with the overlooking requirements of Standard B22 of ResCode.*

Overshadowing

- *ResCode Standard B21 requires an assessment of overshadowing to ensure any overshadowing does not result in adverse amenity impacts. This is determined on shadows between 9am and 3pm on the Equinox (22 September). The proposed overshadowing complies with ResCode Standard B21.*

Increase in traffic/parking congestion and inadequate parking

- *Council's Traffic Engineers have not raised any concerns with the capacity of the street or surrounding street network to absorb the additional traffic that would be generated by the proposed development.*
- *Car parking is provided in accordance with the ratio required by Clause 52.06. Two (2) car parking spaces are provided for each proposed dwelling and one (1) visitor parking space has been provided.*

Safety for pedestrians and traffic

- *Council's Traffic Engineers have not raised any concerns in relation to pedestrian or traffic safety that would be generated by the proposed development.*

Limited public transport

- *Although the site is not directly serviced by public transport, there are bus routes within reasonable proximity of the site. The design does not propose a significant increase in density and is still considered to be low scale.*

6.4 50 Murray Crescent, Rowville (cont'd)

Precedent for more medium and high density development

- *An application must be considered on its own merits with consideration of the site context and requirements in the Planning Scheme at the time.*

Previous VCAT decision in the area

- *An application is considered on its own merits and in accordance with the requirements in the Planning Scheme at the time.*

Amenity impacts (including noise)/ Inconvenience of construction

- *The site is located within an established residential area where associated noise is a common feature of urban areas. The development will not result in an unreasonable increase in residential noise. Standard construction amenity conditions ensure that unreasonable impacts can be addressed if necessary.*

Increase in crime

- *There is no evidence that the proposal will lead to an increase in crime.*

The proposal will impact on the lifestyle of the area

- *The area will remain a residential area.*

Impact on views

- *There is no right to a view in the Planning Scheme. This is not a valid planning consideration.*

Impact/devaluation on property values

- *This is not a valid planning consideration.*

Waste management (including hard waste)

- *The application was referred to Council's Waste Management Department who did not object to the proposed development. A condition of approval will require the submission of a Waste Management Plan to the satisfaction of the Responsible Authority.*

Impact on infrastructure

- *No concerns have been raised with the capacity of the stormwater system by Council's Drainage Engineers, provided a condition is included on any permit to issue that requires stormwater to be detained on site to peak pre-development flows.*

6.4 50 Murray Crescent, Rowville (cont'd)

Access for emergency services

- *The application has been referred to Council's Traffic Department who have not raised any issues relating to access for emergency services.*

3.2 Planning Consultative Committee Meeting

A Planning Consultative Committee (PCC) Meeting was held at the Civic Centre on 20 April 2017. Ten (10) people signed the attendance sheet at the meeting. One resident spoke in support of the development. Objectors expressed the following concerns with the proposal:

- Traffic and safety.
- Parking Congestion.
- Insufficient infrastructure.
- Neighbourhood character.
- Impact to lifestyle.

There were no negotiated outcomes at the conclusion of the meeting.

3.3 Referrals

The application has been referred to internal departments for comment. The following is a summary of relevant advice:

Traffic Engineer

- *Standard conditions to be included on any permit issued.*

Drainage Engineer

- *Standard conditions to be included on any permit to issue.*

Assets

- *Crossovers to be reconstructed to Council standards and match width of proposed driveways.*
- *Redundant crossing to be removed and kerb and naturestrip reinstated to Council Standards.*

6.4 50 Murray Crescent, Rowville (cont'd)

Landscape

- *Standard conditions to be included on any permit to issue.*

Parks

- *The street tree proposed to be removed can be removed at cost to the applicant.*

Waste

- *Satisfied Council can service the site.*

Sustainability

- *Standard conditions to be included on any permit to issue.*

Arborist

- *None of the trees proposed for removal require a planning permit.*
- *The trees on site are mostly exotic species and are no significant.*

4. DISCUSSION

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

General Residential 2 Zone

The land is zoned General Residential Zone – Schedule 2. A permit is required for the construction two or more dwellings on the land pursuant to Clause 32.08-4 of the General Residential Zone – Schedule 2.

Schedule 2 to the General Residential Zone varies the ResCode requirements for Standard B13 (Landscaping) which requires a minimum of one canopy tree per 175 square metres of the site area including a minimum of one canopy tree within each area of secluded private open space and one canopy tree within the front setback per 5 metres of width of the site. Each tree should be required to be surrounded by 20 square metres of permeable surface with a minimum radius of 3 metres. Up to 50 per cent of the permeable surface may be shared with another tree.

6.4 50 Murray Crescent, Rowville (cont'd)

- *It is considered that the proposed development can accommodate the required canopy tree planting; subject to conditions on any permit to issue.*

Schedule 2 to the General Residential Zone also varies the ResCode requirements for Standard B28 (Private Open Space) which requires the provision of private open space consisting of a minimum area of 80 square metres including one part of secluded private open space at the side or rear of the dwelling with a minimum area of 60 square metres with a minimum dimension of 5 metres with convenient access from a living room.

- *Complies. All Dwellings are provided with over 60 square metres of secluded private open space with a minimum dimension of 5 metres and exceed the 80 square metres requirement of private open space.*

Schedule 2 to the General Residential Zone also varies the ResCode requirements for Standard B32 (Front fence height) which requires a front fence height of 2m to a street in a Road Zone Category 1 and 1.2m to other streets.

- *Complies, no front fence is proposed.*

Dwellings or residential buildings must not exceed a height of 9 metres (dependant on slope).

- *Complies. The maximum building height on site is to be 7.8 metres.*

4.1.2 Overlays

No overlays apply to the land.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework

State policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development.

Key Policies:

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflect the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

6.4 50 Murray Crescent, Rowville (cont'd)

- *The design of the development will make a positive contribution to the surrounding area, with built form considered to be appropriate in form and scale. The development incorporates important neighbourhood character features such as pitched roofs, brick finishes and car parking located behind or on the side of the proposed dwellings. Upper levels are reasonably articulated and are smaller than the ground level to reduce building bulk and mass.*

Clause 15.02 Sustainable Development – Ensure land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

- *The proposal contributes to the consolidation of urban development through the provision of increased density within an existing residential area.*
- *Should a permit be issued, the development is required to be constructed in accordance with the approved Sustainable Design Assessment.*

Clause 16 Housing – Encourage the development of well-designed medium-density housing that respects the neighbourhood character; improves housing choice; makes better use of existing infrastructure; and, improves energy efficiency of housing. Locate new housing in or close to activity centres and employment corridors and at other strategic development sites that offer good access to services and transport.

- *Neighbourhood character - This is discussed in a later section of the report (Section 4.2.2).*
- *Housing choice – The development provides for dwellings with smaller open space areas than typical for the area contributing to housing choice.*
- *Existing infrastructure – The site is located within a fully serviced and established area.*
- *Energy efficiency – This has been discussed above under Clause 15.02.*

6.4 50 Murray Crescent, Rowville (cont'd)

- Location – *While the site is not located within an Activity Centre, it has access to a number of urban services within an established area. Subject to modifications, the subject site is capable of accommodating the proposed dwellings whilst making a positive contribution to the character of the area. Refer to the assessment against Council's Neighbourhood Character Policy at Section 4.2.2 below.*

Clause 18 Transport – Ensure that access is provided to all available modes of transport.

- *Bus route 691 is available along Eildon Parade to the north-east of the subject site.*
- *The site is located within 330m of the following bus stop:*
 - *The 691 bus route provides a service between Waverley Gardens and Boronia via Stud Park and Ferntree Gully. This service operates between 6:01am and 9:22pm Monday to Friday; between 7:30am and 6:59pm on Saturdays; and between 8:47am to 7:26pm Sundays, at various intervals.*

4.2.2 Local Planning Policy Framework

Clause 21.01 Municipal Strategic Statement (MSS) – encourages planning and development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development and influencing the urban form so that Knox itself becomes more sustainable.

All development therefore is encouraged to incorporate Ecologically Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles to ensure that a sustainable urban environment is ultimately achieved with a strong use of existing infrastructure and to reduce dependence on private vehicle travel.

- *The site is located in an established urban area reasonably close to urban services and open space areas, where existing infrastructure is readily available.*
- *The development is designed to be respectful of the preferred neighbourhood character for the area, and provides sufficient setbacks. It responds appropriately to the constraints of the site and interfaces with the wider area. The proposal will also contribute to the landscape character of the area with new landscaping opportunities.*

6.4 50 Murray Crescent, Rowville (cont'd)

- *Living areas of the dwellings are open in nature and will receive adequate solar access, including the SPOS of the dwellings. The proposal will also not be detrimental to the energy efficiency of the adjoining sites.*

Clause 21.04 Urban Design – Municipal Strategic Statement (MSS) To ensure that all development responds positively to the existing patterns of urban form and character, the landscape qualities, historic and cultural elements and social aspirations of the Knox community.

- *While the land is not in an Activity Centre, the proposal respects the preferred neighbourhood character and is consistent with the requirements of the MSS.*
- *An assessment against Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07) is below. The development complies with the open space requirements and provides opportunities for meaningful landscaping.*
- *As highlighted above, the site is located in an established urban area reasonably close to urban services and open space areas.*

Clause 21.05 – Housing This clause implements the *Knox Housing Strategy 2015*. In managing Knox's current and future housing needs, Council supports a scaled approach to residential development. This scaled approach recognises that some parts of the City will need to accommodate change, due to population growth and the community's changing household needs. Development in residential areas will need to respond positively to the desired future character of Knox. The strong landscape character is the unifying element of the neighbourhood character of Knox.

The subject site is located within a 'Knox Neighbourhood' area, which has a sense of spaciousness within the public and private realm. These areas will continue to be low-scale neighbourhoods, characterised by detached dwellings with large backyards which contribute to the area's green and leafy character.

Objective 1 for Housing Objectives and Strategies is to support residential development in accordance with the Knox Housing Strategy 2013, which identifies a scale approach to residential development. The strategy is to direct housing growth toward Local Living and Activity Areas.

6.4 50 Murray Crescent, Rowville (cont'd)

- *The site is not located in an Activity Centre. However, the site is sufficiently large to accommodate six (6) dwellings while achieving the open space and landscaping outcomes sought for the Knox Neighbourhood Character Area.*

Objective 2 is to support a diversity of housing choice in appropriate locations. Strategies include encouraging a diversity of housing styles, types, forms and sizes to cater for the changing needs of the community.

- *The development would provide residents with alternative forms of housing styles and sizes.*

Objective 3 is to ensure the quality of housing design in Knox is improved to better respond to neighbourhood identity and to create a stronger sense of place. Strategies include ensuring that residential development enhances the City's "green and leafy" image, support development that makes a positive contribution to the preferred future character of the area and that is innovative, environmentally sustainable, accessible and site responsive.

- *Each dwelling is provided with areas of private open space, consistent with the Schedule to the General Residential 2 Zone, that will allow for canopy tree planting.*

Objective 4 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

- *The site is not located in an area of biological significance.*

Objective 5 is to ensure that residential development better responds to the community's current and future needs, and allows people to 'age-in-place' by supporting the provision of a diverse range of housing including smaller scale dwellings.

- *The development provides for dwellings with smaller private open space areas than typical for the surrounding area. All dwellings have services and a bedroom at ground level to improve accessibility for residents with reduced mobility.*

6.4 50 Murray Crescent, Rowville (cont'd)

Clause 22.07 – Development in Residential Areas and Neighbourhood Character: Knox Neighbourhood Area

The desired future character of this area is to:

- Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.
- Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.

The key design objectives are:

To retain and enhance the streetscape by the planting of appropriate trees on private land.

- *The setbacks and open space areas within the proposed design provide opportunities to plant new canopy trees. A landscape plan will be required as a condition on any permit to issue.*

To avoid dominance of buildings from the street.

- *The development has proposed a setback of 9m along Murray Crescent. The setback allows for adequate canopy tree provisions to ensure buildings do not dominate the street frontage.*

To avoid the loss of front and rear garden space.

- *The proposed dwellings are generally setback from the side and rear boundaries, which will ensure adequate areas for canopy tree planting within the front, side and rear of the development.*

To avoid the dominance of car storage facilities from the street.

- *Car parking facilities are located to the side or rear of the dwellings and will not dominate the streetscape.*

To retain large backyards for landscaping and open space.

- *The dwellings are provided with a minimum of 80sqm of open space, the setbacks and open space areas will accommodate new canopy tree planting.*

To ensure buildings reflect the prevailing scale of buildings in the street.

6.4 50 Murray Crescent, Rowville (cont'd)

- *Dwellings are not excessive in scale or bulk. Upper floor areas are recessed to better integrate with the surrounds.*

4.3 Particular Provisions

Clause 52.06 – Car Parking

Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

Clause 52.06-5 outlines the requisite amount of parking to be provided as follows:

To each dwelling at a ratio of one car space to each one or two bedroom dwelling and two spaces for each dwelling with three or more bedrooms (with studies or studios that are separate rooms counted as bedrooms). One visitor space should be provided per 5 dwellings.

- *Each dwelling has been provided with two car parking spaces in the form of a double garage.*
- *One (1) visitor parking space is located between dwellings 2 and 3.*

Clause 52.06-8 details the design standards for car parking. The provision of car parking should meet the design requirements of this Clause. An assessment of the design standards, including any areas of non-compliance are considered below:

Design Standard 1: Access ways – *Generally complies. The crossover needs to match the proposed driveway width.*

Design Standard 2: Car Parking Spaces – *Complies.*

Design Standard 3: Gradients – *Complies.*

Design Standard 4: Mechanical Parking – *N/A.*

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Complies.*

Design Standard 7: Landscaping – *Complies.*

6.4 50 Murray Crescent, Rowville (cont'd)

4.4 Clause 55 – Two or More Dwellings on a Lot and Residential Buildings (ResCode)

Neighbourhood Character and Infrastructure

Neighbourhood Character – *Complies, refer to Section 4.2.2 above.*

Residential Policy – *Complies, refer to Section 4.2.2 above.*

Infrastructure – *Complies.*

Site Layout and Building Massing

Street Setback – *Complies.*

Building Height – *Complies, maximum building height is 7.8 metres.*

Site Cover/Permeability – *Complies.*

Energy Efficiency – *Generally complies. A condition of approval will require the submission of a satisfactory Sustainable Design Assessment.*

Open Space – *Complies.*

Safety – *Complies. Entrances to the dwellings are not obscured or isolated from the internal access way.*

Landscaping – *Complies, a condition on any permit issued will require that appropriate landscape plans are submitted to the satisfaction of the Responsible Authority.*

Access – *Complies.*

Parking Location – *Generally complies. A condition of approval will require all habitable room windows located along the shared driveway to be double-glazed to protect future residence from potential vehicle noise.*

Amenity Impacts

Side and rear setbacks – *Complies.*

Walls on boundaries – *Complies. All walls on boundaries do not exceed the garage height or length specified in Standard B18.*

Daylight to existing windows/north facing windows – *Complies.*

Overshadowing open space – *Complies.*

6.4 50 Murray Crescent, Rowville (cont'd)

Overlooking – *Generally complies. A condition on any permit issued will require windows shown with external screens to be screened with fixed obscure glass to a minimum height of 1.7 metres.*

Internal views – *Generally Complies. Upper floor internal views have been screened. There is no overlooking between the living areas of dwellings on the ground floor.*

Noise Impacts – *Complies.*

On-Site Amenity and Facilities

Accessibility – *Complies.*

Daylight to new windows – *Complies.*

Private Open Space – *Complies.*

Solar access – *Complies.*

Storage – *Complies.*

Detailed Design

Design Detail – *Complies.*

Site Services – *Complies.*

Front fence – *Complies.*

4.5 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the *Planning and Environment Act 1987* set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*

5. CONCLUSION

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the development is appropriate given the following:

6.4 50 Murray Crescent, Rowville (cont'd)

- *The development is consistent with the objectives and policies of the Knox Neighbourhood Area. The proposal can comply with the General Residential Zone - Schedule 2 and is generally compliant with ResCode subject to conditions on any permit to issue.*
- *The proposed dwellings are generally consistent with Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07 of the Knox Planning Scheme) in that the design has ensured the retention of front and rear yard open space, first floors are reasonably setback from ground floor areas, and the dwellings incorporate materials consistent with the area. In addition to this, all dwellings are provided with usable areas of private open space and appropriate internal amenity.*
- *The development is consistent with State and Local Planning Policy Framework (including the Municipal Strategic Statement).*
- *The development is generally compliant with Clause 52.06 (Car Parking) and Clause 55 (ResCode) subject to changes that will be conditioned on any permit to issue.*

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

RECOMMENDATION

That Council issue a Notice of Decision to grant a Planning Permit for the development of the land for four (4) double storey and two (2) single storey dwellings at 50 Murray Crescent Rowville, subject to the following conditions:

Amended Plans

1. Prior to the commencement of any buildings or works, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 The crossover to match the proposed driveway width.
 - 1.2 The visitor car parking space to be clearly delineated.
 - 1.3 All habitable room windows within 1 metre of the shared driveway to be provided with double-glazed windows.

6.4 50 Murray Crescent, Rowville (cont'd)**Recommendation (cont'd)**

- 1.4 All windows shown to be screened to be screened with external louvers to be replaced with fixed obscured (non-openable) glazing to at least 1.7 metres above finished floor levels. Film will not be accepted and the windows can be openable above 1.7 metres.
- 1.5 Annotation stating that letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- 1.6 Internal fencing to be provided to separate private open space areas between Dwellings and have a minimum height of 1.8m.
- 1.7 Drainage plans in accordance with Condition 2.
- 1.8 Landscape plans in accordance with Condition 3.
- 1.9 Sustainable Design Assessment in accordance with Condition 11.

To the satisfaction of the Responsible Authority.

Drainage

2. Prior to commencement of any buildings or works, three copies of drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage is to be in accordance with these plans. The plans must show the following:
 - 2.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 2.2 The internal drains of the dwellings to be independent of each other.
 - 2.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no
 - 2.4 net increase in stormwater discharge from the proposed development.
 - 2.5 The on-site detention system to be installed in a suitable location for easy access and maintenance.
 - 2.6 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
 - 2.7 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

6.4 50 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

Landscaping

3. Prior to the commencement of any buildings or works, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 3.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 3.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Appendix 2 of Council's Landscape Guidelines for Planning Permits).
 - 3.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary.
 - 3.4 Details of the surface finishes of pathways and driveways.
 - 3.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
 - 3.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
 - 3.7 Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).
 - 3.8 The Landscape plans must show the provision of at least 17 additional indigenous or native canopy trees, 5 additional large feature shrubs with a mature height of 4-5 metres and at least 25 additional medium-large shrubs chosen from Appendix 4 or 5 of Council's Landscape Guidelines for Planning Permits. These canopy trees must be a minimum 1.5metres tall when planted.
To the satisfaction of the Responsible Authority.
4. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

6.4 50 Murray Crescent, Rowville (cont'd)**Recommendation (cont'd)**

General

6. All development must be in accordance with the endorsed plans.
7. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. Prior to the occupation of the dwellings the development is to be completed in accordance with the endorsed plan/s to the satisfaction of the Responsible Authority.
10. All walls on the boundaries of adjoining properties must be cleaned and finished to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

Prior to the commencement of any buildings or works, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must outline the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.

11. Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.

Waste Management Plan

12. Before the development commences, a waste collection and management plan must be submitted to and approved by the Responsible Authority, demonstrating how waste collection will be undertaken on site, including the operation of the garbage and recyclables storage area. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation, and must be undertaken to the satisfaction of the Responsible Authority.

6.4 50 Murray Crescent, Rowville (cont'd)**Recommendation (cont'd)**

Car Parking & Accessways

13. Before the dwellings are occupied, driveways and car parking areas must be:
 - 13.1 Fully constructed to the minimum standard of 100mm reinforced concrete and available for use in accordance with the plans submitted to and approved by the Responsible Authority; and
 - 13.2 Formed to such levels and drained so that they can be used in accordance with the approved plan; and
 - 13.3 Treated with an all-weather seal or some other durable surface; and
 - 13.4 Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

14. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

Fencing

15. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
16. Prior to the occupancy of the development all fencing shall be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

17. Upon commencement and until conclusion of the development, the developer shall ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 17.1 the appearance of building, works or materials on the land
 - 17.2 parking of motor vehicles
 - 17.3 transporting of materials or goods to or from the site
 - 17.4 hours of operation
 - 17.5 stockpiling of top soil or fill materials
 - 17.6 air borne dust emanating from the site
 - 17.7 noise
 - 17.8 rubbish and litter

6.4 50 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

17.9 sediment runoff

17.10 vibration

Should the development cause undue detriment to the amenity of the area then immediate remedial measures must be undertaken to address the issue as directed by, and to the satisfaction of, the Responsible Authority.

Stormwater

18. Stormwater runoff from all buildings and hardstanding surfaces shall be properly collected and discharged in a complete and effective system of drains within the property and shall not cause or create a nuisance to abutting properties.

Permit Expiry

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

19.1 The development is not started within two years of the date of this permit.

19.2 The development is not completed within four years of the date of this permit.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired.

NOTES

Drainage Notes (to be read in conjunction with the above drainage conditions):

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- The total Permissible Site Discharge for the property including all dwellings is 13.9L/s to the existing Council drainage system for a 5 year ARI event.

6.4 50 Murray Crescent, Rowville (cont'd)

Recommendation (cont'd)

- Applicant is to direct all stormwater to the north-east of the property as this represents the Legal Point of Discharge (LPD) for the property. Applicant is to verify this on site. Connect all stormwater discharge from the site to the LPD via an Onsite Detention (OSD) system. The internal drains for the dwellings are to be independent of each other.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development, e.g. water storage tanks, swale drains, etc.

Other Notes:

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- In accordance with Council policy, an 8.5% public open space contribution may apply in the event of the subdivision of the land.
- To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- A minimum of 80% of all new vegetation (both canopy trees and understorey) should be indigenous species.
- The street tree to the west of the proposed crossover can be removed. For details regarding the cost and/or the timing of the removal and replacement of the street tree/s, please contact Council's Active Open Space Team on (03) 9298 8425.

6.4 50 Murray Crescent, Rowville (cont'd)**Recommendation (cont'd)**

- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.

COUNCIL RESOLUTION

MOVED: CR. PEARCE
SECONDED: CR. SEYMOUR

That Council:

Issue a Notice of Refusal to Grant a Planning Permit for four (4) double storey and two (2) single storey dwellings at 50 Murray Crescent, Rowville on the following grounds:

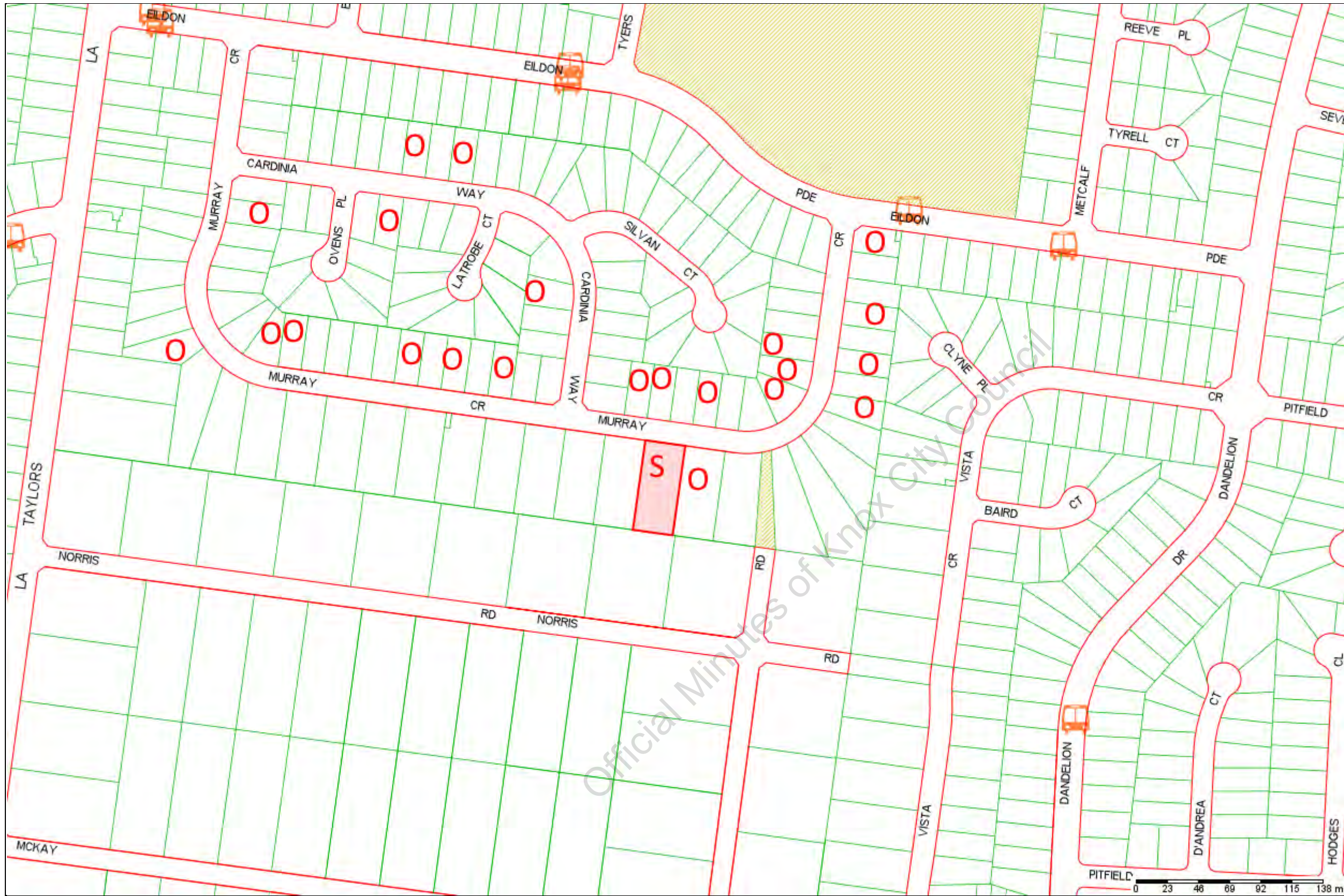
- 1. The proposal fails to satisfy relevant State and Local Planning Policy Framework strategies and objectives, as it is not considered to be respectful of the preferred neighbourhood character. The design response does not adequately respect the adjoining context having particular regard (but not limited to) the built form of the dwellings.**
- 2. The proposal fails to satisfy relevant Local Planning Policy Framework objectives and strategies, particularly Clause 15 (Built Environment and Heritage), Clause 21.04 (Urban Design), Clause 21.05 (Housing) and Clause 22.07 (Development in Residential Areas and Neighbourhood Character) of the Knox Planning Scheme.**

6.4 50 Murray Crescent, Rowville (cont'd)**Resolution (cont'd)**

3. The proposal fails to satisfy Clause 21.05-2 Housing Objectives and Strategies - Objective 1, to support residential development in accordance with the *Knox Housing Strategy 2015*, which identifies a scaled approach to residential development.
4. The design outcome is not considered to be respectful of the existing or preferred neighbourhood character, due to scale and siting of buildings, impact on vegetation, and resultant impact on the amenity of adjoining residential properties.
5. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - Clause 55.02-1 - Neighbourhood Character
 - Clause 55.02-2 – Residential Policy

and therefore represents an overdevelopment of the site. The design fails to respond appropriately to its opportunities and constraints resulting in unreasonable impact on the character of the area.

CARRIED



Knox City Council
REPORT APPENDIX: A

| | |
|-------------------------------|--|
| Property - Application | |
| Address | 50 Murray Crescent, ROWVILLE |
| Application Number | P/2016/6744 |
| Description | Construction of four (4) double storey and two (2) single dwellings. Total of six (6) dwellings. |
| Wardname | Taylor |

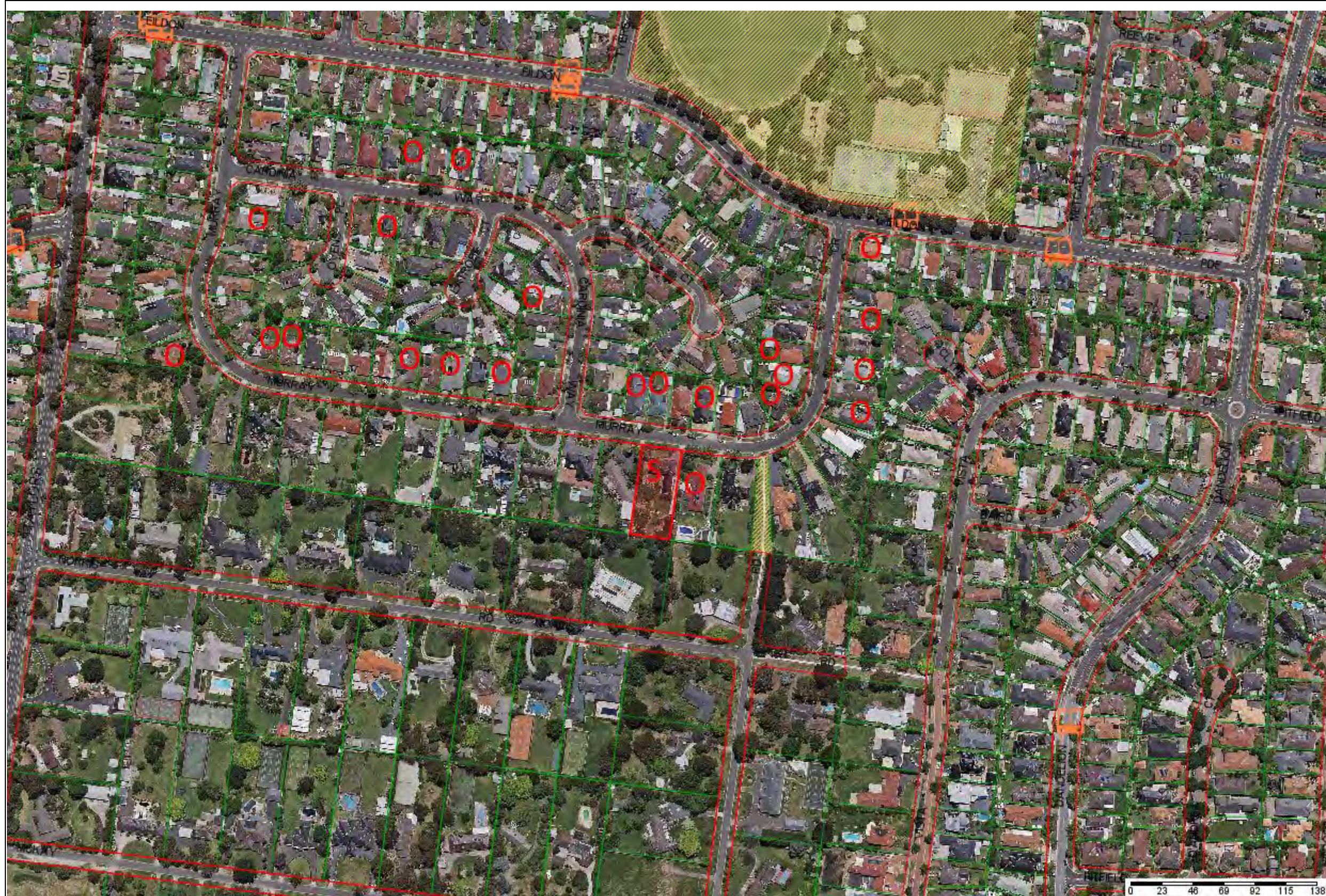
LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

N
Scale: 1:3000

DISCLAIMER:
Roads and Title Boundaries - State of Victoria, Knox City Council
Planning Scheme Information - DPCD, Knox City Council
Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
3. This print contains information from Vicmap Property (Copyright State of Victoria). The State of Victoria does not warrant the accuracy or completeness of information in this product. Any person using or relying on this information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.
4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|--|
| Property - Address | 50 Murray Crescent, ROWVILLE |
| Application Number | P/2016/6744 |
| Description | Construction of four (4) double storey and two (2) single dwellings. Total of six (6) dwellings. |
| Wardname | Taylor |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition



Scale: 1:3000

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TOTAL SITE AREA = 2000.17M²

LOCAL AMENITY ANALYSIS



Knox City Council RECEIVED
12 OCT 2016
PLANNING DEPARTMENT

SITE CHARACTERISTICS

- A - SITE FALLS APPROX. 300mm FROM SOUTH TO NORTH EAST
- B - ADJACENT PRIVATE OPEN SPACE
- C - SOLAR ACCESS TO ADJOINING WINDOWS
- D - DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE
- E - EXISTING FRONT SETBACKS TO BOTH ADJOINING PROPERTIES
- F - EXISTING DUAL OCCUPANCY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
- G - EXISTING MEDIUM DENSITY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE

LEGEND

| HATCHING | DESCRIPTION | SYMBOL | DESCRIPTION |
|----------------|------------------------------|--------------|---------------------------|
| [Green Hatch] | SITE BUILDINGS | [Grey Hatch] | ADJOINING BUILDINGS |
| [Yellow Hatch] | DRAINAGE & SEWERAGE EASEMENT | [Triangle] | TM |
| [Dashed Line] | TITLE | [Triangle] | ELECTRICITY POLE |
| [Dotted Line] | FENCE | [Square] | ELECTRICITY PIT |
| [Solid Line] | EAVE | [Circle] | SINGLE TREE |
| [Dashed Line] | OVERHEAD WIRES | [Circle] | GAS METER |
| [Dotted Line] | SETBACKS | [Square] | WATER METER |
| [Dotted Line] | CONCRETE KERB | [Square] | TELECOMMUNICATIONS PIT |
| [Dotted Line] | AND CHANNEL | [Square] | WINDOW |
| [Dotted Line] | GARDEN BED | [Square] | 2ND SECOND STOREY WINDOW |
| [Dotted Line] | TOP OF BANK | [Square] | NOT HABITABLE ROOM WINDOW |

| # | DATE | DESCRIPTION | CHECK |
|---|------|-------------|-------|
| | | | |
| | | | |

IT IS THE OWNER/BUILDERS RESPONSIBILITY TO READ THESE ARCHITECTURAL DOCUMENTS IN CONJUNCTION WITH THE RELEVANT ENGINEERING DOCUMENTS, ENERGY REPORTS, SOIL TEST, PROPERTY INFORMATION STATEMENT, POINT OF DISCHARGE POINT, PLANNING PERMIT AND ANY OTHER RELEVANT DOCUMENTS. DRAWINGS ARE TO BE READ, NOT SCALED. WRITTEN DIMENSIONS TAKE PRECEDENCE. OWNER/BUILDER ARE TO CHECK AND VERIFY ALL SITE LEVELS, CUTS AND OPERATIONS ON SITE PRIOR TO COMMENCING ANY WORKS, INCLUDING ORDERING OF MATERIALS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE RELEVANT BUILDING DESIGNER PRIOR TO ANY FURTHER WORK COMMENCING. NO ASSUMPTIONS ARE TO BE MADE UNDER ANY CIRCUMSTANCES.

NOT FOR CONSTRUCTION



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PROJECT TYPE/ADDRESS
SIX DWELLING DEVELOPMENT
50 MURRAY CRESCENT
ROWVILLE VICTORIA
CLIENT
ASTACORP PTY LTD

DRAWING TITLE
NEIGHBOURHOOD & SITE DESCRIPTION
PLAN
DRAWING DATE
SEPT 2016
DRAWING STATUS
TP
PROJECT NUMBER
AD16-041
DRAWING SCALE
1:400
DRAWING NUMBER
A01
REVISION

50 MURRAY CRESCENT ROWVILLE APPENDIX B



TOTAL SITE AREA = 2000.17M²

| 6 DWELLING DEVELOPMENT 50 MURRAY CRESCENT ROWVILLE | |
|---|---------------------------------|
| DEVELOPMENT SUMMARY: | |
| SITE AREA: | 2000.00 M ² |
| SITE COVERAGE: | 857.10 M ² (42.8%) |
| PERMEABILITY: | 828.50 M ² (46.1%) |
| NO. CAR SPACES: | 12 |
| PAVED DRIVEWAY AREA: | 224.43 M ² |
| DWELLING 1 SUMMARY: | |
| GROUND AREA: | 167.43 M ² |
| FIRST AREA: | 64.35 M ² |
| TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) |
| DWELLING 2 SUMMARY: | |
| GROUND AREA: | 130.36 M ² |
| FIRST AREA: | 67.63 M ² |
| TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) |
| DWELLING 3 SUMMARY: | |
| GROUND AREA: | 150.76 M ² |
| FIRST AREA: | 65.47 M ² |
| TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) |
| DWELLING 4 SUMMARY: | |
| GROUND AREA: | 150.76 M ² |
| FIRST AREA: | 65.47 M ² |
| TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) |
| DWELLING 5 SUMMARY: | |
| GROUND AREA: | 130.36 M ² |
| FIRST AREA: | 67.63 M ² |
| TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) |
| DWELLING 6 SUMMARY: | |
| GROUND AREA: | 167.43 M ² |
| FIRST AREA: | 64.35 M ² |
| TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) |

**Knox City Council
RECEIVED
12 OCT 2016
PLANNING DEPARTMENT**

- SITE CHARACTERISTICS**
- A - SITE FALLS APPROX. 300mm FROM SOUTH TO NORTH EAST
 - B - ADJACENT PRIVATE OPEN SPACE
 - C - SOLAR ACCESS TO ADJOINING WINDOWS
 - D - DIRECTION OF MAIN VEHICULAR & PEDESTRIAN TRAFFIC ACCESS TO THE SITE
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 - F - EXISTING DUAL OCCUPANCY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE
 - G - EXISTING MEDIUM DENSITY DEVELOPMENTS WITHIN CLOSE PROXIMITY TO THE SITE

LEGEND

| HATCHING | DESCRIPTION |
|----------------|------------------------------|
| [Green Hatch] | SITE BUILDINGS |
| [Grey Hatch] | ADJOINING BUILDINGS |
| [Yellow Hatch] | DRAINAGE & SEWERAGE EASEMENT |

| LINE/TYPE | DESCRIPTION | SYMBOL | DESCRIPTION |
|-----------|----------------|--------|---------------------------|
| --- | TITLE | ▲ | TBM |
| --- | FENCE | ⚡ | ELECTRICITY POLE |
| --- | EAVE | ⚡ | ELECTRICITY PIT |
| --- | OVERHEAD WIRES | 🌳 | SINGLE TREE |
| --- | SETBACKS | ⊕ | GAS METER |
| --- | CONCRETE KERB | ⊕ | WATER METER |
| --- | AND CHANNEL | ⊕ | TELECOMMUNICATIONS PIT |
| --- | GARDEN BED | W | WINDOW |
| --- | TOP OF BANK | 2W | SECOND STOREY WINDOW |
| --- | | NH | NOT HABITABLE ROOM WINDOW |

| # | DATE | DESCRIPTION | CHECK |
|---|------|-------------|-------|
| | | | |

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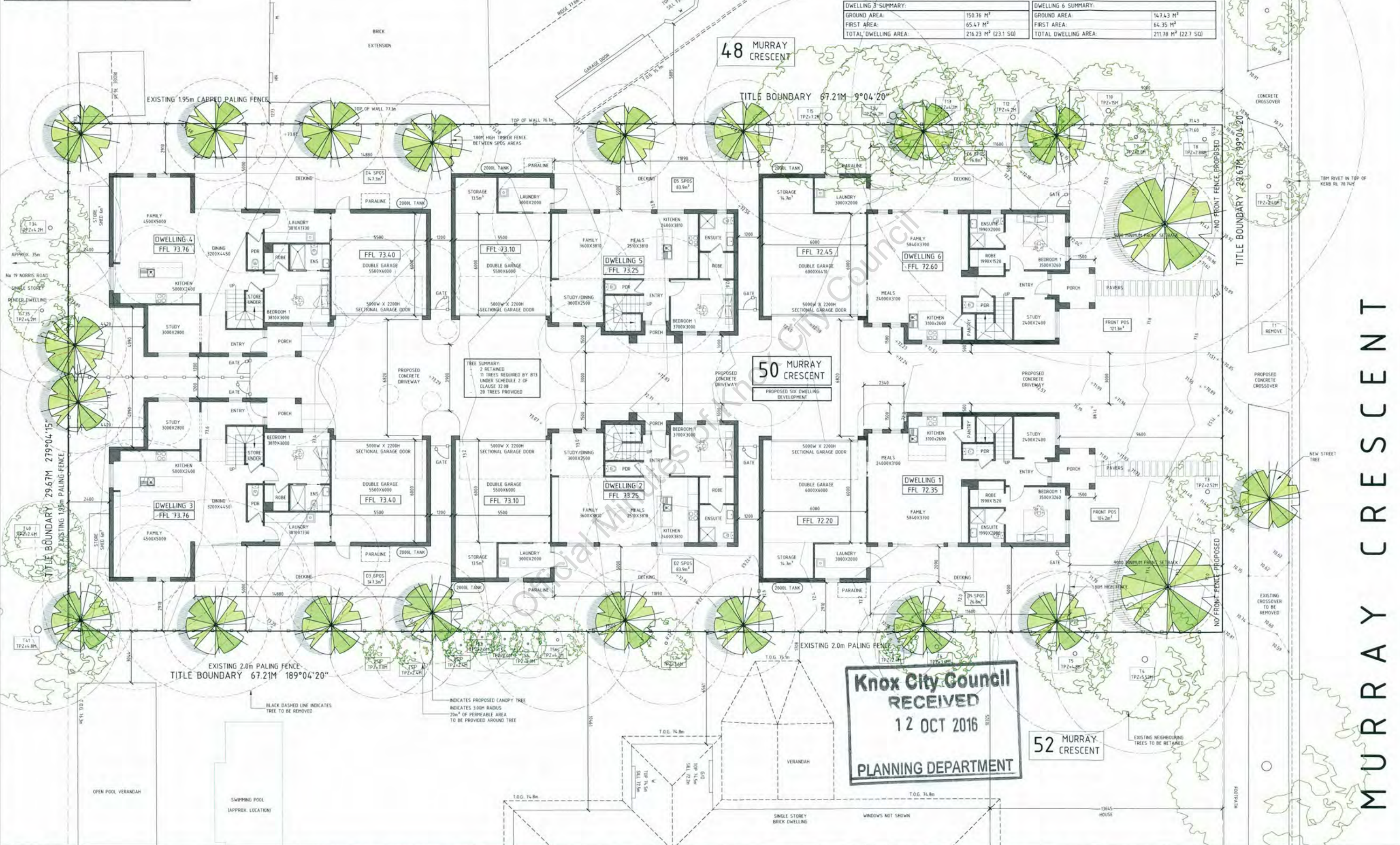
PROJECT TYPE/ADDRESS
SIX DWELLING DEVELOPMENT
50 MURRAY CRESCENT
ROWVILLE VICTORIA
CLIENT
ASTACORP PTY LTD

| DRAWING TITLE DESIGN RESPONSE PLAN | | |
|---------------------------------------|----------------------------|-----------------------|
| DRAWING DATE SEPT 2016 | PROJECT NUMBER AD16-041 | DRAWING NUMBER A02 |
| DRAWING STATUS TP | DRAWING SCALE 1:400 | @A1 REVISION |

50 MURRAY CRESCENT ROWVILLE APPENDIX B

| 6 DWELLING DEVELOPMENT 50 MURRAY CRESCENT ROWVILLE | |
|---|-------------------------------|
| DEVELOPMENT SUMMARY: | |
| SITE AREA: | 2000.00 M ² |
| SITE COVERAGE: | 857.10 M ² (42.8%) |
| PERMEABILITY: | 828.50 M ² (46.1%) |
| NO. CAR SPACES: | 12 |
| PAVED DRIVEWAY AREA: | 224.43 M ² |

| DWELLING 1 SUMMARY: | | DWELLING 4 SUMMARY: | |
|----------------------|---------------------------------|----------------------|---------------------------------|
| GROUND AREA: | 147.43 M ² | GROUND AREA: | 150.76 M ² |
| FIRST AREA: | 64.35 M ² | FIRST AREA: | 65.47 M ² |
| TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) | TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) |
| DWELLING 2 SUMMARY: | | DWELLING 5 SUMMARY: | |
| GROUND AREA: | 130.36 M ² | GROUND AREA: | 130.36 M ² |
| FIRST AREA: | 67.63 M ² | FIRST AREA: | 67.63 M ² |
| TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) | TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) |
| DWELLING 3 SUMMARY: | | DWELLING 6 SUMMARY: | |
| GROUND AREA: | 150.76 M ² | GROUND AREA: | 147.43 M ² |
| FIRST AREA: | 65.47 M ² | FIRST AREA: | 64.35 M ² |
| TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) | TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) |



50 MURRAY CRESCENT ROWVILLE APPENDIX B

MURRAY CRESCENT

| # | DATE | DESCRIPTION | CHECK |
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DRAWING TITLE
GROUND FLOOR PLAN

DRAWING DATE
SEPT 2016

DRAWING STATUS
TP

PROJECT NUMBER
A016-041

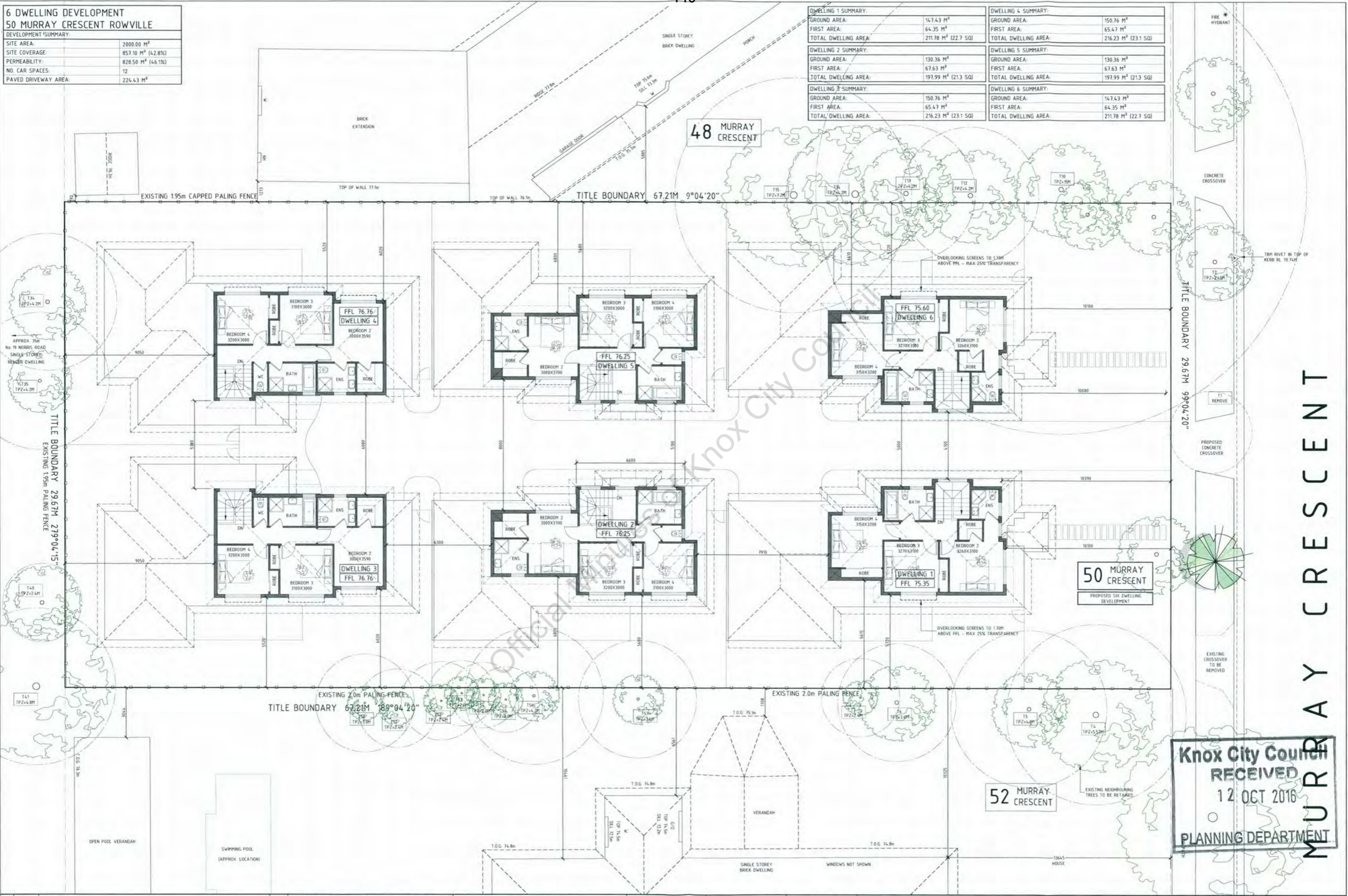
DRAWING NUMBER
A03

DRAWING SCALE
1:100

REVISION
@A1

| 6 DWELLING DEVELOPMENT 50 MURRAY CRESCENT ROWVILLE | |
|---|-------------------------------|
| DEVELOPMENT SUMMARY: | |
| SITE AREA: | 2000.00 M ² |
| SITE COVERAGE: | 857.10 M ² (42.8%) |
| PERMEABILITY: | 828.50 M ² (46.1%) |
| NO. CAR SPACES: | 12 |
| PAVED DRIVEWAY AREA: | 224.43 M ² |

| DWELLING 1 SUMMARY: | |
|----------------------|---------------------------------|
| GROUND AREA: | 147.43 M ² |
| FIRST AREA: | 64.35 M ² |
| TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) |
| DWELLING 2 SUMMARY: | |
| GROUND AREA: | 130.36 M ² |
| FIRST AREA: | 67.63 M ² |
| TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) |
| DWELLING 3 SUMMARY: | |
| GROUND AREA: | 150.76 M ² |
| FIRST AREA: | 65.47 M ² |
| TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) |
| DWELLING 4 SUMMARY: | |
| GROUND AREA: | 150.76 M ² |
| FIRST AREA: | 65.47 M ² |
| TOTAL DWELLING AREA: | 216.23 M ² (23.1 SQ) |
| DWELLING 5 SUMMARY: | |
| GROUND AREA: | 130.36 M ² |
| FIRST AREA: | 67.63 M ² |
| TOTAL DWELLING AREA: | 197.99 M ² (21.3 SQ) |
| DWELLING 6 SUMMARY: | |
| GROUND AREA: | 147.43 M ² |
| FIRST AREA: | 64.35 M ² |
| TOTAL DWELLING AREA: | 211.78 M ² (22.7 SQ) |



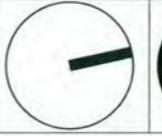
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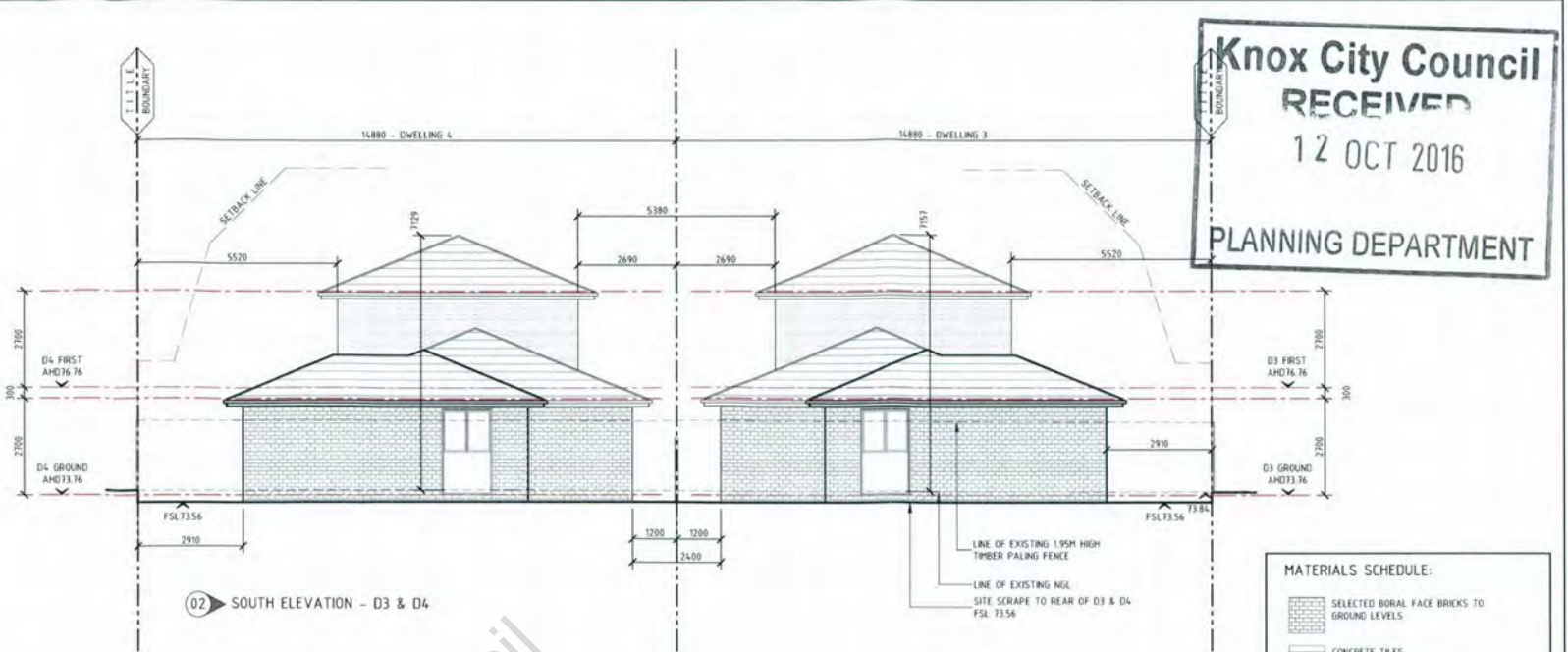
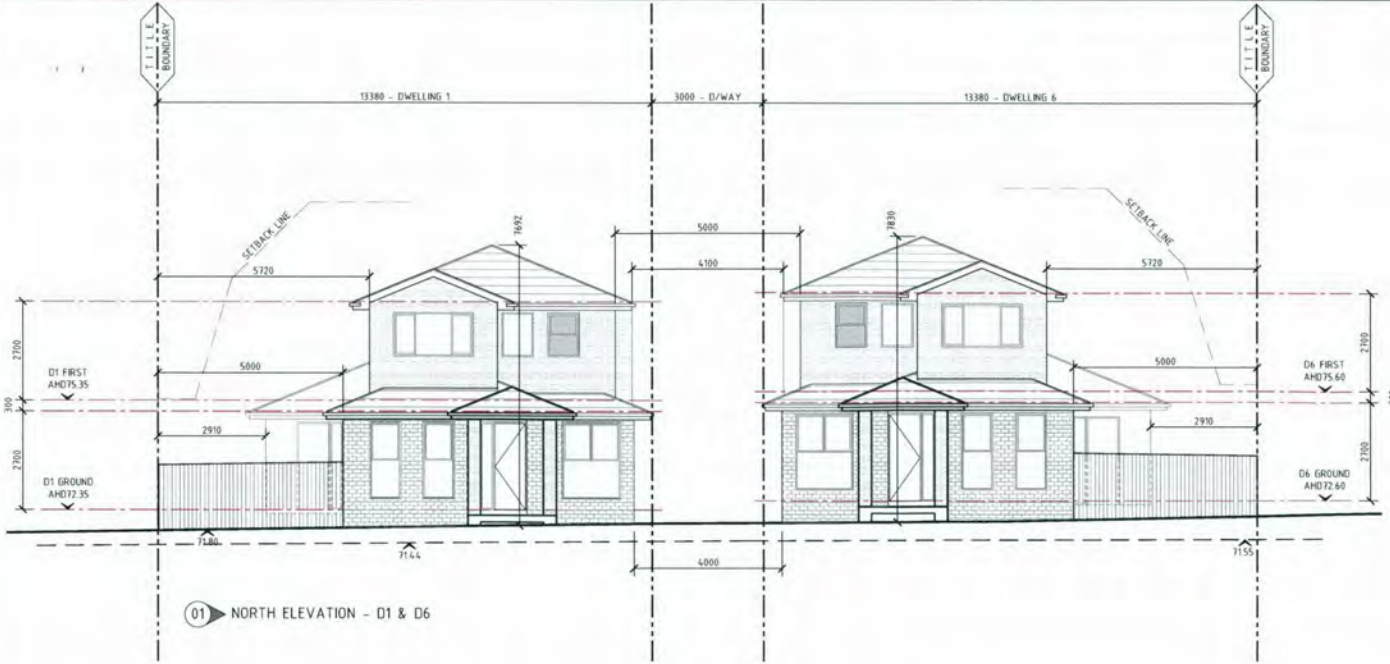


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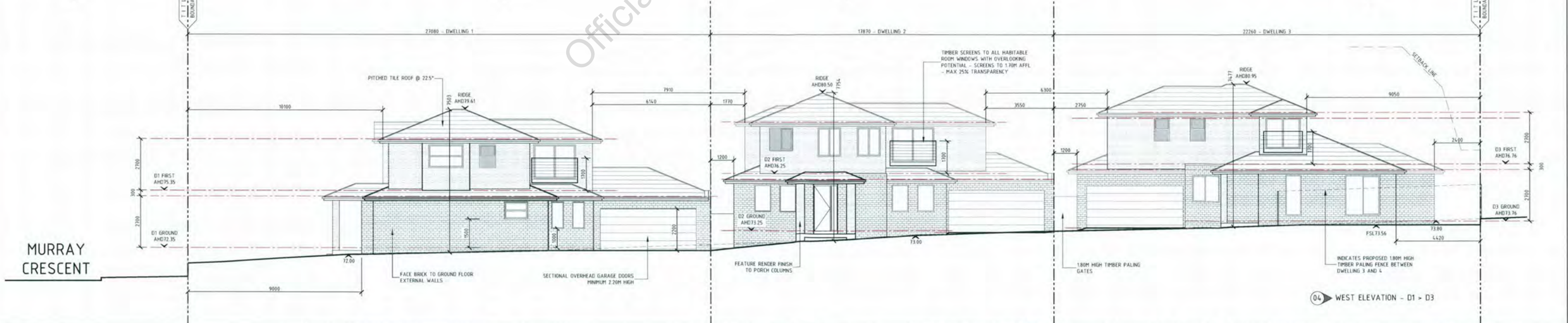
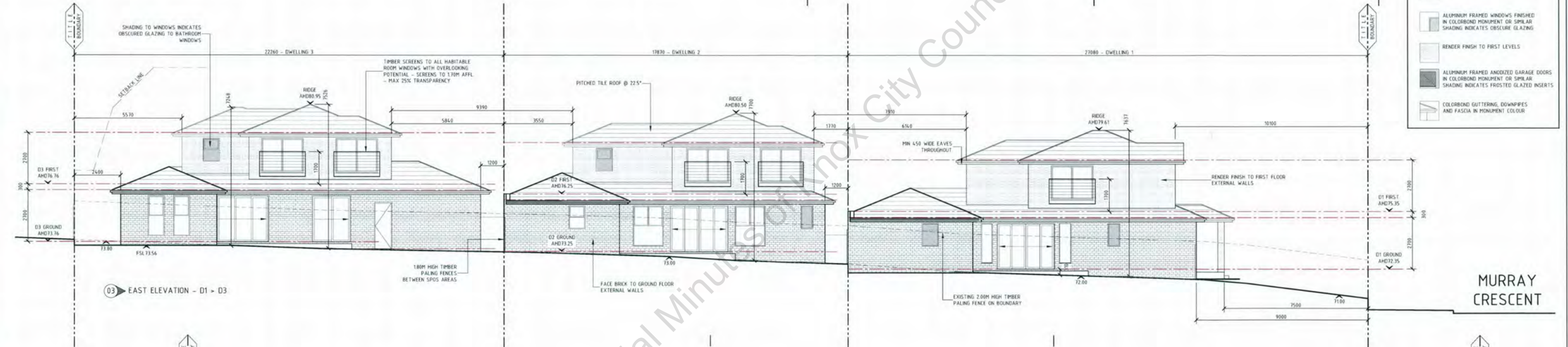
PROJECT TYPE/ADDRESS
 SIX DWELLING DEVELOPMENT
 50 MURRAY CRESCENT
 ROWVILLE VICTORIA
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| | |
|----------------|------------------|
| DRAWING TITLE | FIRST FLOOR PLAN |
| DRAWING DATE | SEPT 2016 |
| PROJECT NUMBER | AD16-041 |
| DRAWING STATUS | TP |
| DRAWING SCALE | 1:100 |
| DRAWING NUMBER | A04 |
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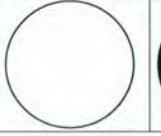
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 - CONCRETE TILES SELECTED COLOUR
 - ALUMINIUM FRAMED WINDOWS FINISHED IN COLORBOND MONUMENT OR SIMILAR SHADING INDICATES OBSCURE GLAZING
 - RENDER FINISH TO FIRST LEVELS
 - ALUMINIUM FRAMED ANODIZED GARAGE DOORS IN COLORBOND MONUMENT OR SIMILAR SHADING INDICATES FROSTED GLAZED INSERTS
 - COLORBOND GUTTERING, DOWNPIPES AND FASCIA IN MONUMENT COLOUR



| # | DATE | DESCRIPTION | CHKD |
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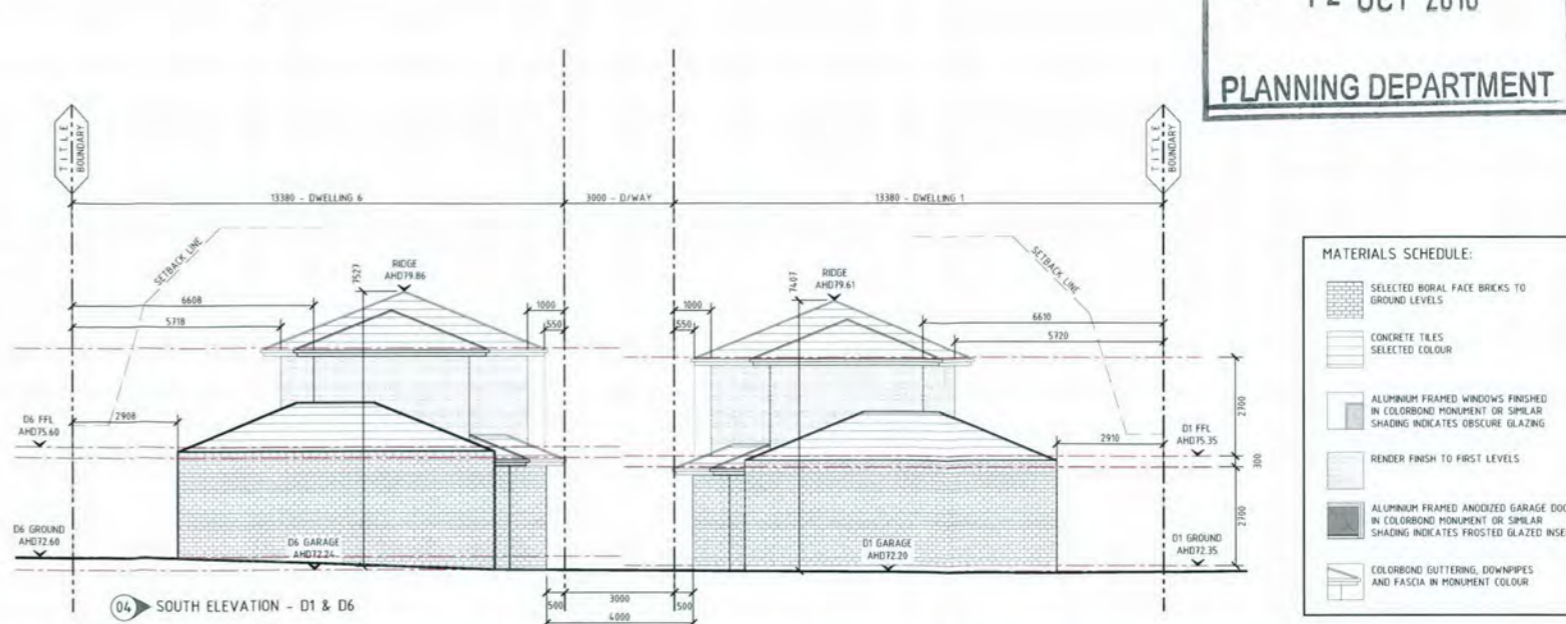
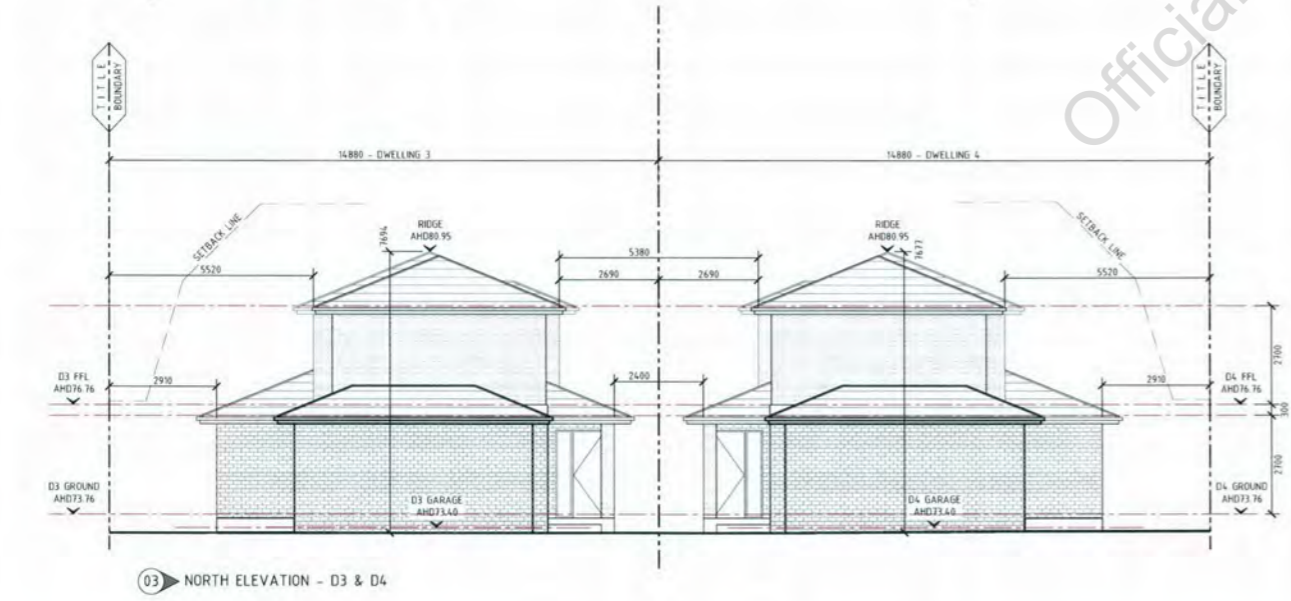


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DRAWING TITLE
ELEVATIONS (SHEET 1 OF 3)
DRAWING DATE
SEPT 2016
DRAWING STATUS
TP
PROJECT NUMBER
AD16-041
DRAWING SCALE
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DRAWING NUMBER
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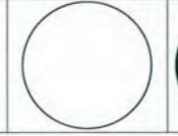
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- CONCRETE TILES SELECTED COLOUR
- ALUMINIUM FRAMED WINDOWS FINISHED IN COLORBOND MONUMENT OR SPILAR SHADING INDICATES OBSCURE GLAZING
- RENDER FINISH TO FIRST LEVELS
- ALUMINIUM FRAMED ANODIZED GARAGE DOORS IN COLORBOND MONUMENT OR SPILAR SHADING INDICATES FROSTED GLAZED INSERTS
- COLORBOND GUTTERING, DOWNPIPES AND FASCIA IN MONUMENT COLOUR

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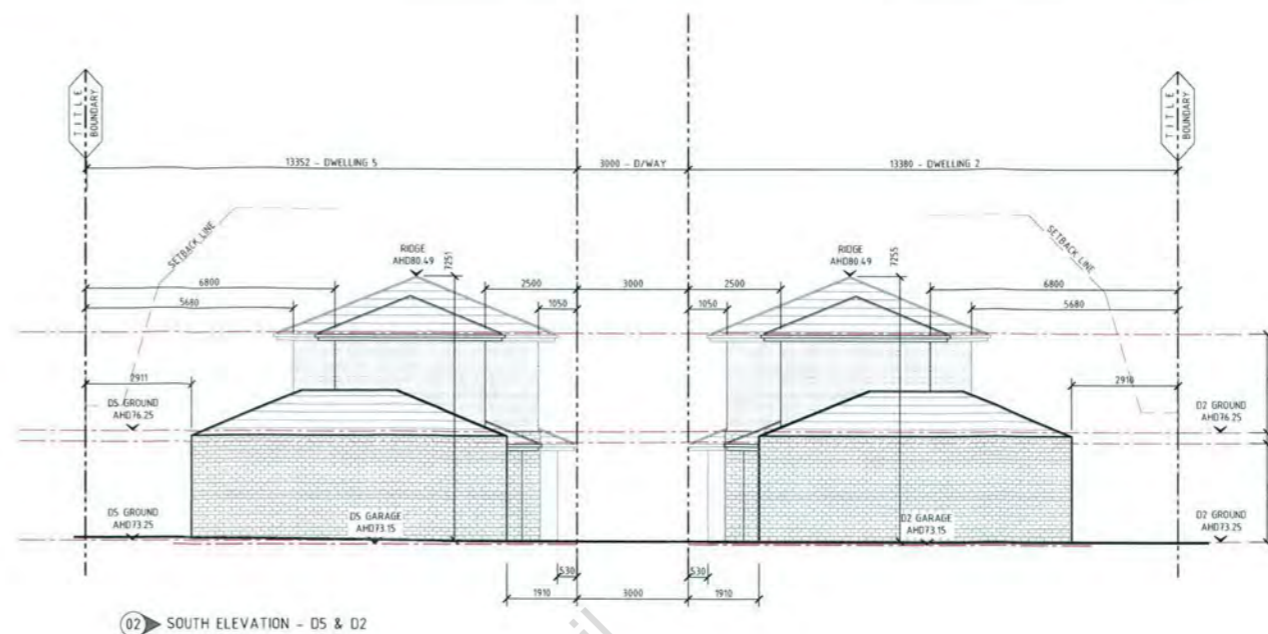
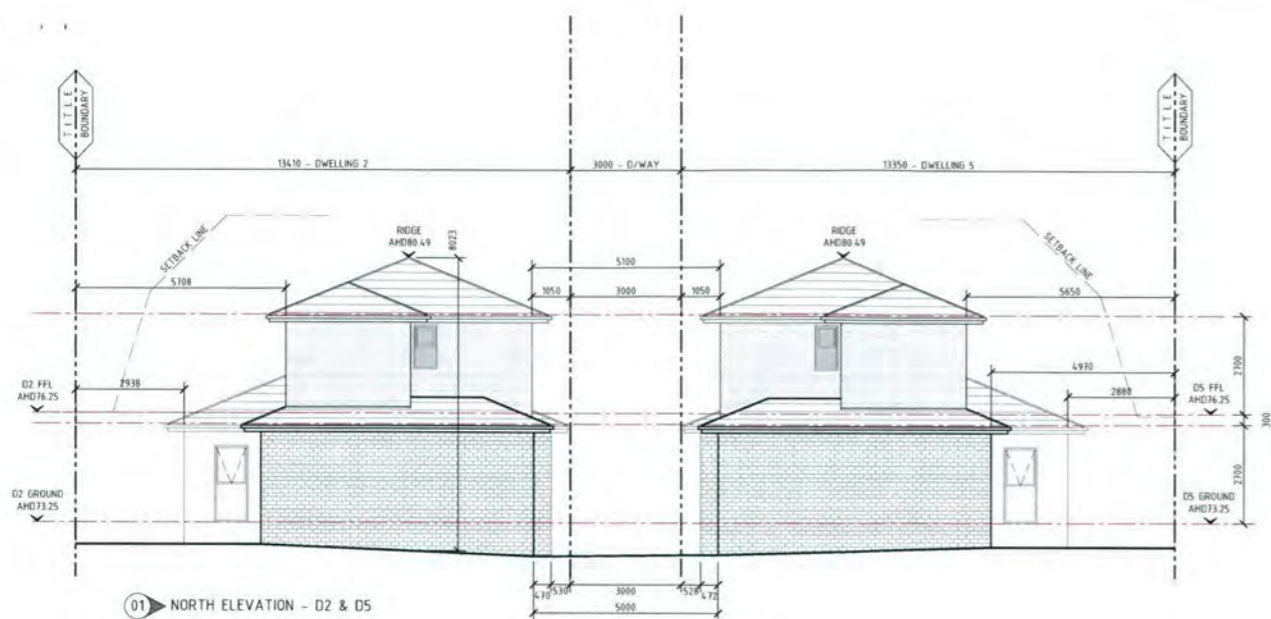
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| DRAWING DATE | PROJECT NUMBER | DRAWING NUMBER |
| SEPT 2016 | AD16-041 | A06 |
| DRAWING STATUS | DRAWING SCALE | |
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- CONCRETE TILES SELECTED COLOUR
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- COLORBOND GUTTERING, DOWNPIPES AND FASCIA IN MONUMENT COLOUR

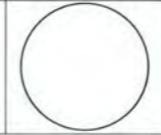


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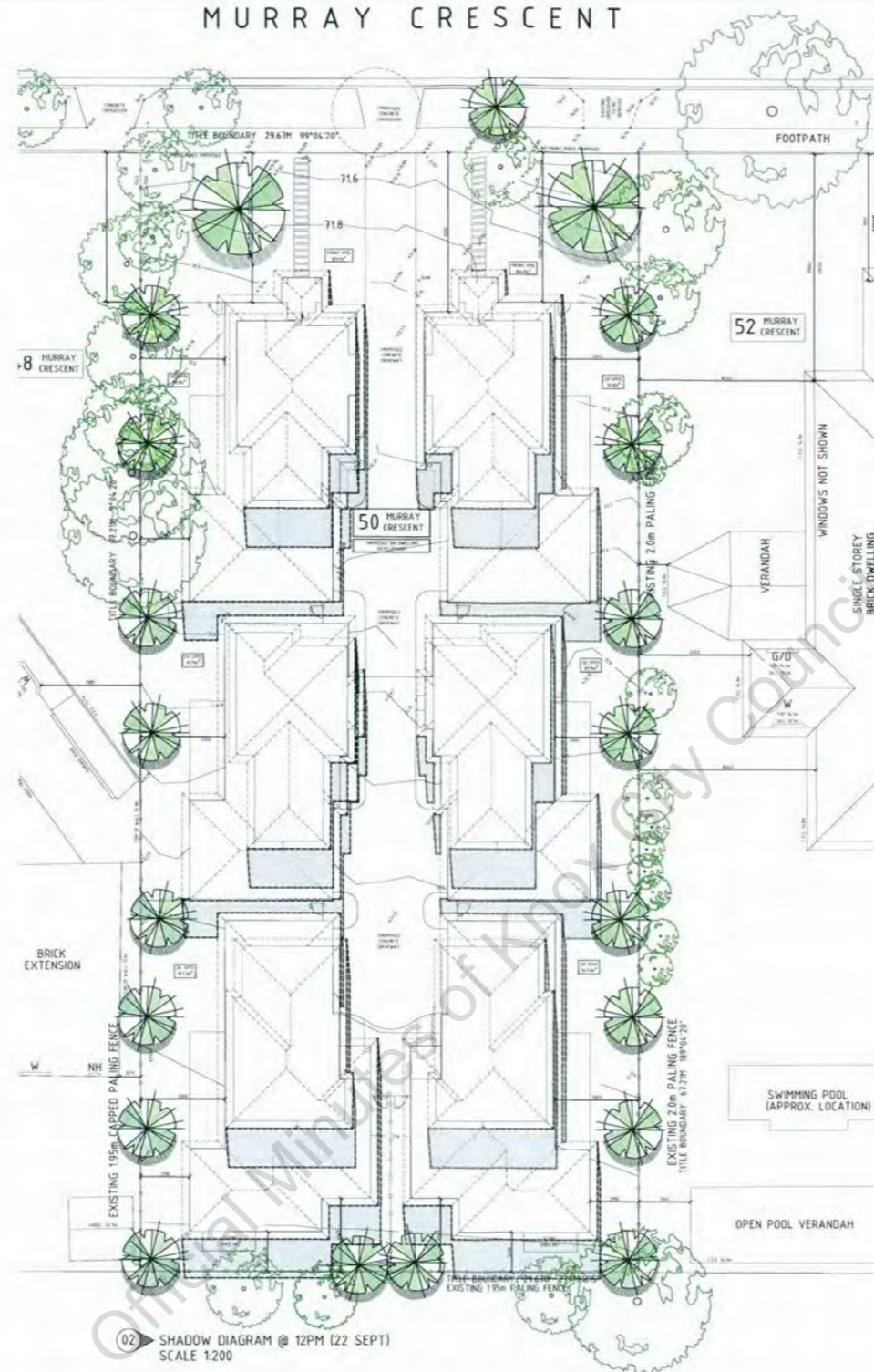
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| ELEVATIONS (SHEET 3 OF 3) | | |
| DRAWING DATE | PROJECT NUMBER | DRAWING NUMBER |
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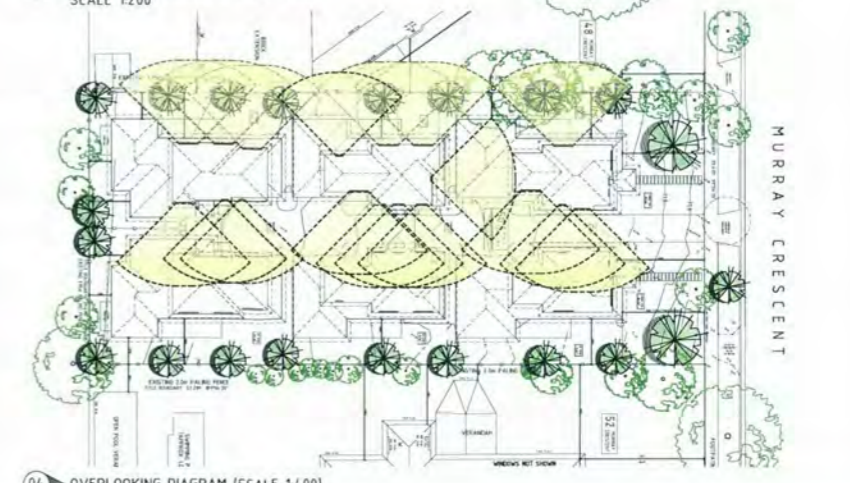
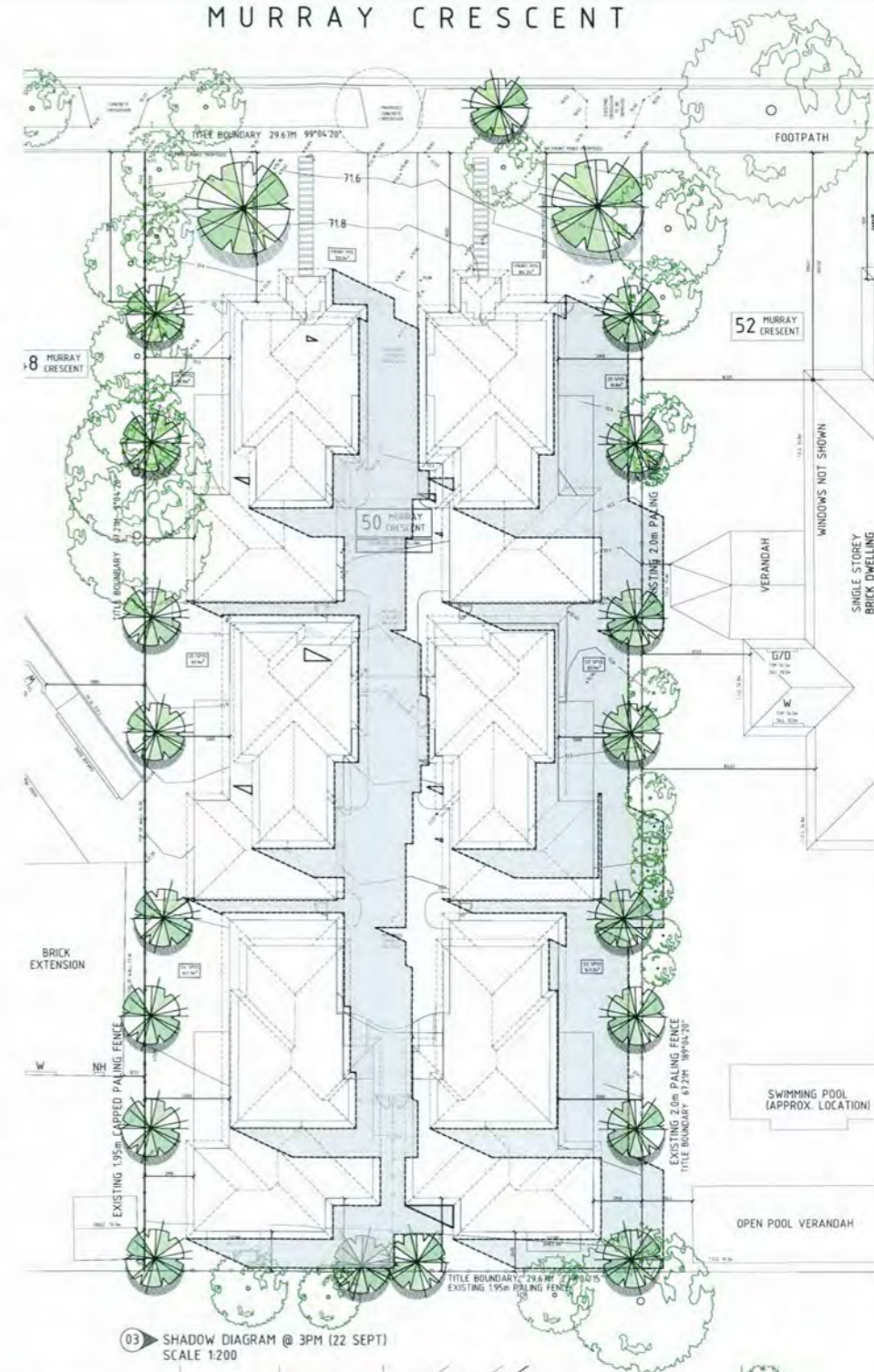
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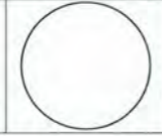


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DRAWING TITLE
SHADOW & OVERLOOKING DIAGRAMS
STREETSCAPE
DRAWING DATE
SEPT 2016
DRAWING STATUS
TP
PROJECT NUMBER
AD16-041
DRAWING SCALE
1:200
DRAWING NUMBER
A08
@A1 REVISION

50 MURRAY CRESCENT ROWVILLE APPENDIX B

FRIBERG WARD**6.5 APPLICATION FOR THE CHANGE OF USE TO PLACE OF WORSHIP, REDUCTION IN CAR PARKING AND ALTERATION OF ACCESS TO A ROAD IN A CATEGORY 1 ROAD ZONE AT 42/756 BURWOOD HIGHWAY, FERNTREE GULLY (Application No. P/2016/6905)****1. SUMMARY:**

| | |
|------------------------------|--|
| Land: | 42/756 Burwood Highway, Ferntree Gully |
| Applicant: | The Promise Church |
| Proposed Development: | Change of use to place of worship, reduction in car parking and alteration of access to a road in a Category 1 Road Zone |
| Existing Land Use: | Commercial |
| Area: | 532m ² |
| Zoning: | Commercial 2 Zone |
| Overlays: | Nil |
| Local Policy: | Municipal Strategic Statement (MSS) |
| Application Received: | 16 December 2016 |
| Application Amended: | 7 April 2017 |
| Number of Objections: | 26 |
| PCC Meeting: | 21 March 2017 |

Assessment:

It is considered that the intensity of the proposal is inconsistent with the outcomes sought by the Knox Planning Scheme.

The proposal is inconsistent with the Municipal Strategic Statement (MSS). The proposal is also non-compliant with Car Parking requirements of the Knox Planning Scheme.

The proposal is broadly consistent with the purpose of the Commercial 2 Zone. On balance it is considered that the proposal does not respond well to State and Local Planning Policies. It is recommended that a Notice of Decision to Refuse to Grant a Planning Permit be issued.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

2. BACKGROUND

2.1 Call up

This application is being reported to Council as it has been called up by Councillor Holland.

2.2 Subject Site and Surrounds

The location of the subject site is shown in Appendix A.

- The subject site is located on the southern side of Burwood Highway and is an existing warehouse within an established commercial estate known as Twin Towers Estate.
- The Estate comprise a total of 46 units and common property. Unit 42 is located along the western side of the development.
- The subject site, has as an overall leasable area of approximately 532m² comprising of an office, showroom, amenity and kitchen area, mezzanine and a warehouse.
- The site is provided with a total of six car spaces.
- Adjoining the Twin Towers Estate to the south and east is land used for commercial and industrial purposes. To the west and north across Burwood Highway is land used for residential purposes.
- Mountain Gate Shopping Centre is located approximately 400m to the southeast of the site.

2.3 The Proposal

(Refer to attached details at Appendix B)

The application proposes to change the use of the site to a place of worship as well as a reduction in the car parking requirements and alteration of access to a Category 1 Road. Specifically it proposes:

- The place of worship is to operate on Sundays between 10:00am to 3:00pm.
- The maximum number of attendees at any one time is proposed to be forty (40).
- A church office will operate on site on weekdays.
- A car parking reduction of six (6) car parking spaces is sought.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

3. CONSULTATION

3.1 Advertising

The application was advertised by way of a sign on the site and notices sent to adjoining property owners and occupiers. Twenty-six (26) objections to the application were received, and are summarised below:

Inadequate/unrealistic car parking

- *The proposal to reduce the car parking requirement is considered to be inappropriate and would adversely impact the surrounding tenancies. Council's Traffic Engineers have raised concerns with the capacity of the estate, service lane and on street parking to absorb the additional traffic that would be generated by the proposed use.*
- *The withdrawal of written agreements via the advertising process has reduced potential car parking spaces within the estate and increased the rate of on-street parking on an unsealed service road without kerb and channel. An assessment against Clause 52.06 (Car Parking) is below at Section 4.3 of this Report.*

Pedestrian safety

- *It has been acknowledged that no footpaths or pathways are present within the estate to allow pedestrians to safely access the site by foot. An assessment against 52.06 (Car Parking) is below at Section 4.3 of this Report.*

Additional patrons accumulated over time

- *The proposal is for a maximum of 40 patrons at any one time. A condition of any permit issued would limit patron numbers.*

Use operating outside specified timeframes

- *The proposed service is to operate on Sundays between 10:00am to 3:00pm. The church office will operate on site on weekdays. A condition of any permit issued would reinforce the operating hours of the Sunday service. Should the use operate outside specified times Council's Planning Investigation Officers will deal with the matter.*

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

Amenity impacts on existing weekend businesses

- *The proposed use has potential to affect the existing tenancies that are open and operate during the weekends. The proposal is assessed against its potential amenity impact on the surrounding community, estate and existing uses. Refer to Section 4.1.1 of this Report.*

Inappropriate use in an industrial area

- *An application must be considered on its own merits with consideration of the site context and requirements in the Planning Scheme at the time.*

Implications for the future lease/sale of adjoining properties

- *This is not a valid planning consideration.*

Owners' Corporation Public Liability Insurance/ Public Liability Insurance

- *This is not a valid planning consideration.*

3.2 Planning Consultative Committee Meeting

A Planning Consultative Committee (PCC) Meeting was held at the Civic Centre on 21 March 2017. Fifteen (15) people signed the attendance sheet at the meeting. Objectors expressed the following main concerns with the proposal:

- Traffic and safety.
- Parking Congestion.
- Impact on existing uses.

There were no negotiated outcomes at the conclusion of the meeting.

3.3 Referrals

The application has been referred to VicRoads and Council's Traffic department for comment. The following is a summary of relevant advice:

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

Traffic Engineer

- *On street car parking is restricted as the on street parking is on an unsealed service road without a kerb and channel.*
- *Due to the lack of onsite parking, the application for 40 patrons is not supported.*

VicRoads

- *No objection*

4. DISCUSSION

This section considers the proposed development in light of the provisions of the Knox Planning Scheme including State and Local Planning Policies, any other relevant policies and objectives.

4.1 Zoning and Overlays

4.1.1 Zone

Commercial 2 Zone

The land is zoned Commercial 2 Zone. The purpose of the Commercial 2 Zone is to encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services which does not affect the safety and amenity of local communities.

A permit is required for the use of the land for a place of worship pursuant to Clause 34.02-1 of the Commercial 2 Zone.

Pursuant to Clause 34.02-2 a use must not detrimentally affect the amenity of the neighbourhood, including through the transport of materials, goods or commodities to or from the land, appearance of any building, works or materials and the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The effect that existing uses may have on the proposed use.
- The drainage of the land
- The availability of and connection to services.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.
- If an industry or warehouse, the effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
 - *It is considered that the proposed Place of Worship would be broadly consistent with the intent of the Commercial 2 Zone.*
 - *However, the proposed intensity of the development would far exceed the capacity of the site and would unreasonably impact on the operation of the estate, the on-street car parking network and would affect the amenity of local communities and existing uses within the estate. Car parking within the estate is privately owned and only six car parking spaces are provided to the subject site. There are no visitor car parking spaces within the estate, which will direct all surplus car parking on to the service road and surrounding road network.*
 - *The demand for on-street car parking generated by the proposed use would detrimentally affect the businesses in the immediate estate. There are 46 units within the estate which need access to the site via the service road and their customers/visitors equally share and rely on the on-street car parking.*
 - *In addition, on-street car parking is further restricted as the on-street parking is on an unsealed service road without a kerb and channel. There are no footpaths along the service road or within the estate that will ensure safe pedestrian access to the site. Pedestrians are expected to walk a minimum 100 metres to access the site avoiding traffic and heavy vehicles that are generated within by estate. As such, the proposal is inconsistent with the Zone.*

4.1.2 Overlays

No overlays apply to the land.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

4.2 Policy Consideration

4.2.1 State Planning Policy Framework (SPPF)

State policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development.

Key Policies:

Clause 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflect the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and promotes attractiveness of towns and cities within broader strategic contexts.

- *No external changes are proposed to the building.*

Clause 17 – Economic Development – Provide for a strong innovative economy, where all sectors of the economy are critical to economic prosperity. Planning is to contribute to the economic wellbeing of communities and the State as a whole by supporting and fostering economic growth and development by providing land, facilitating decisions, and resolving land use conflicts.

Clause 17.01-1 Business - To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 17.02 Industry - Ensure availability of land for industry. Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development, encourage industrial uses that meet appropriate standards of safety and amenity, locate within activity centres and avoid approving non-industrial uses which will prejudice the availability of land for future industrial requirements in identified industrial areas.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

- *The SPPF requires Council to integrate the range of policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development. The proposed use of the site should provide for a complementary use that supports and activates the surrounding commercial and residential land uses.*
- *However, the proposed intensity of the development would far exceed the capacity of the site and would unreasonably impact on the operation of the service road, the on-street car parking network, would affect the amenity of local communities within the estate and limit future capacity for change. The demand for on-street car parking generated by the proposed use would detrimentally affect the businesses in the estate and create pedestrian safety issues. As such, the proposal is inconsistent with the SPPF.*

Clause 18 Transport – Ensure that access is provided to all available modes of transport.

- *Bus route 732 is available along Burwood Highway. There is a bus stop located to the front of the subject site.*
- *Bus route 732 has a direct service between Box Hill to Upper Ferntree Gully via Vermont South, Knox City and Mountain Gate. This service operates between 6:40am and 9:16pm Monday to Friday; between 8:01am and 9:48pm on Saturdays; and between 9:07am to 9:45pm Sundays, at various intervals.*

4.2.2 Local Planning Policy Framework

Clause 21.07 – MSS - Economic Development – Within Knox, substantial tracts of business and industrial land are considered to be underutilised. Greenfield sites are limited so the focus of local policy is to better utilise the land located within existing established industrial areas. The support and retention of existing industrial uses and employment growth of these businesses is sought to be encouraged. This policy also includes a number of objectives in relation to development and use which are:

- Maintain and enhance a high standard of visual amenity in industrial, business and restricted retail sales areas.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

- Encourage industrial development that provides for perimeters along declared arterial road frontages defined by prestige facilities and well-planted setbacks.
- To ensure a hierarchy of viable, accessible activity centres with a greater range of complementary activities for domestic, business, leisure and social life with improved public transport services.
 1. *The proposed place of worship of the site should provide for a complementary use that supports and activates the surrounding commercial and residential land uses.*
- *However, the proposed intensity of the development would far exceed the capacity of the site and would unreasonably impact on the operation of the estate, the on-street car parking network would affect the amenity of local communities and existing uses within the estate. Car parking within the estate is privately owned and only six car parking spaces are provided to the subject site. There are no visitor car parking spaces within the estate, which will direct all surplus car parking on to the service road and surrounding road network.*
- *The demand for on-street car parking generated by the proposed use would detrimentally affect the businesses in the immediate estate as on-street car parking is also relied on by the existing tenancies within the estate.*
- *In addition, on-street car parking is further restricted as the on-street parking is on an unsealed service road without a kerb and channel. There are no footpaths along the service road or within the estate that will ensure safe pedestrian access to the site. Pedestrians are expected to walk a minimum 100 metres to access the site avoiding traffic and heavy vehicles that are generated by the estate. As such, the proposal is inconsistent with Council's MSS.*

4.3 Particular Provisions

Clause 52.06 – Car Parking

Prior to a new use commencing or a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved under Clause 52.06-3 to the satisfaction of the responsible authority.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

Clause 52.06-5 outlines the requisite amount of parking to be provided. A place of Assembly has a ratio of 0.3 spaces to each patron permitted.

- *The proposal seeks approval for 40 patrons and pursuant to the table at Clause 52.06-5 twelve (12) car parking spaces are required for the proposed use.*

Pursuant to Clause 52.06-3 a permit is required to reduce the number of car parking spaces. Clause 52.06-6 sets out the decision guidelines, including (as relevant):

- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity centre.
- Any car parking deficiency associated with the existing use of the land.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.
- *The proposal seeks a reduction of six (6) car parking spaces. The reduction for half of the required car parking spaces is considered inadequate.*
- *It is considered that the intensity of the use and reduction of car parking sought would create a shortfall of parking in the immediate area that would adversely affect the economic viability of the immediately surrounding commercial area. Car parking within the estate is privately owned and only six car parking spaces are provided to the subject site. There are no visitor car parking spaces within the estate, which will direct all remaining car parking on to the service road and surrounding road network.*

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

The demand for on-street car parking generated by the proposed use would detrimentally affect the businesses in the immediate estate. There are 46 units within the estate which need access to the site via the service road and their customers/visitors equally share and rely on availability of the on-street car parking.

- *Council's Traffic Engineers have raised concerns in relation to pedestrian and vehicle safety associated within the on-street car parking. The on-street parking is on an unsealed service road without a kerb and channel. There are no footpaths along the service road or within the estate that will ensure safe pedestrian access to the site. Pedestrians are expected to walk a minimum 100 metres to access the site avoiding traffic and heavy vehicles that are generated by the existing uses in the estate. The car parking reduction and associated traffic generation would compromise the safe and convenient operation of the service road and existing estate.*
- *Whilst it is acknowledged that the applicant has attempted to obtain car parking agreements with adjoining proprietries within the estate, the agreements were withdrawn during public notice. The applicant has not provided sufficient information to satisfy Council that the parking reduction sought and traffic generation would not compromise the safe and convenient operation of the existing tenancies within the estate and the surrounding service road and parking.*

Clause 52.29 Land Adjacent to a Road Zone Category 1 - The purpose of Clause 52.29 is to ensure appropriate access to identified roads and requires that the responsible authority given consideration to;

- State and Local Planning Policy Framework's as relevant,
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.'

A permit is required to alter access to a road in a Road Zone, Category 1. The proposed use will alter the intensity on the site, generating additional vehicles. An application to alter a road in a Category 1 Road Zone must be referred to the Roads Corporation under Section 55 of the Act.

- *The application has been referred to VicRoads for comment under Section 55 of the Planning and Environment Act. VicRoads did not object to the proposal or provide any conditions to be placed on any permit issued.*

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)

4.4 General Decision Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the *Planning and Environment Act 1987* set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

- *The decision guidelines of Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) have been appropriately considered.*

5. CONCLUSION

Clause 10.04 of the Knox Planning Scheme requires Council to balance relative policy objectives when making decisions to ensure resulting development is sustainable and achieves a net community gain. In this context, the development is not appropriate given the following:

- *The proposal is inconsistent with the relevant policies contained in the State and Local Planning Policy Framework (including the Municipal Strategic Statement) of the Knox Planning Scheme.*
- *The proposal would cause unreasonable detriment to the surrounding area and would significantly compromise the safe and convenient operation of the surrounding uses.*
- *The proposal to reduce the number of car parking spaces is inconsistent with Clause 52.06 and the reduction will adversely affect the amenity of the locality. The proposal does not provide sufficient car parking on the land and does not comply with requirements of Clause 52.06 of the Knox Planning Scheme.*
- *The intensity of the proposal and reduction in car parking would compromise the future use of surrounding land for business and industrial purposes.*

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)**RECOMMENDATION**

That Council issue a Notice to Refuse to grant a Planning Permit for the use of the land for a place of worship, reduction in car parking and alteration of access to a road in a category 1 road zone at 42/756 Burwood Highway, Ferntree Gully, subject to the following grounds of refusal:

1. The proposal is inconsistent with the relevant policies contained in the State and Local Planning Policy Framework (including the Municipal Strategic Statement) of the Knox Planning Scheme.
2. The proposal would cause unreasonable detriment to the surrounding area and would significantly compromise the safe and convenient operation of the existing uses.
3. The proposal to reduce the number of car parking spaces is inconsistent with Clause 52.06 and the reduction will adversely affect the amenity of the locality. The proposal does not provide sufficient car parking on the land and does not comply with requirements of Clause 52.06 of the Knox Planning Scheme.
4. The intensity of the proposal and reduction in car parking would compromise the future use of surrounding land for business and industrial purposes.

COUNCIL RESOLUTION

MOVED: CR. HOLLAND

SECONDED: CR. KEOGH

That Council:

Issue a Notice of Decision to grant a Planning Permit for the change of use to place of worship, reduction in car parking and alteration of access to a road in a category 1 road zone at 42/756 Burwood Highway, Ferntree Gully on the following grounds:

Use

1. **All activities associated with the use must be restricted to only inside the facility.**
2. **A maximum of 40 patrons to be on the premises during the hours of 10:00am – 3:00pm on Sundays and a maximum of 20 patrons at all other times (*including staff*).**

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)**Resolution (cont'd)****General**

3. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
4. The use must be in accordance with the endorsed plans.

General amenity

5. At the request of the Responsible Authority, the operator will within 30 days supply an assessment of the noise emitted from the site by a qualified acoustic consultant with readings taken at times specified by the responsible authority. The assessment will document compliance with relevant noise control criteria at nearby residential premises.

All costs associated with such an assessment are to be borne by the operator of the premises.

6. In the event that any unreasonable detriment as determined by the Responsible Authority is caused to the amenity of the area as a result of noise emanating from the activities within the site hereby permitted, noise amelioration measures must be undertaken to address this amenity issues to the satisfaction of the Responsible Authority.
7. The use must be managed so that the amenity of the area is not detrimentally affected through the:
 - 7.1 Transport of materials, goods or commodities to or from the land;
 - 7.2 Appearance of any building, works, or materials;
 - 7.3 Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - 7.4 Presence of vermin.

To the satisfaction of the Responsible Authority

6.5 42/756 Burwood Highway, Ferntree Gully (cont'd)**Resolution (cont'd)****Car Parking & Accessways**

8. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.

Signage

9. No advertising signs, flags, buntings or similar devices must be displayed on the site without the prior written consent of the Responsible Authority, unless otherwise permitted by the Knox Planning Scheme.

Permit expiry

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

- 10.1 The use is not started within two years of the date of this permit.

- 10.2 The use is discontinued for a period of two years.

Pursuant to Section 69 of the Planning & Environment Act 1987, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within 12 months after the permit expires and the development started lawfully before the permit expired

CARRIED



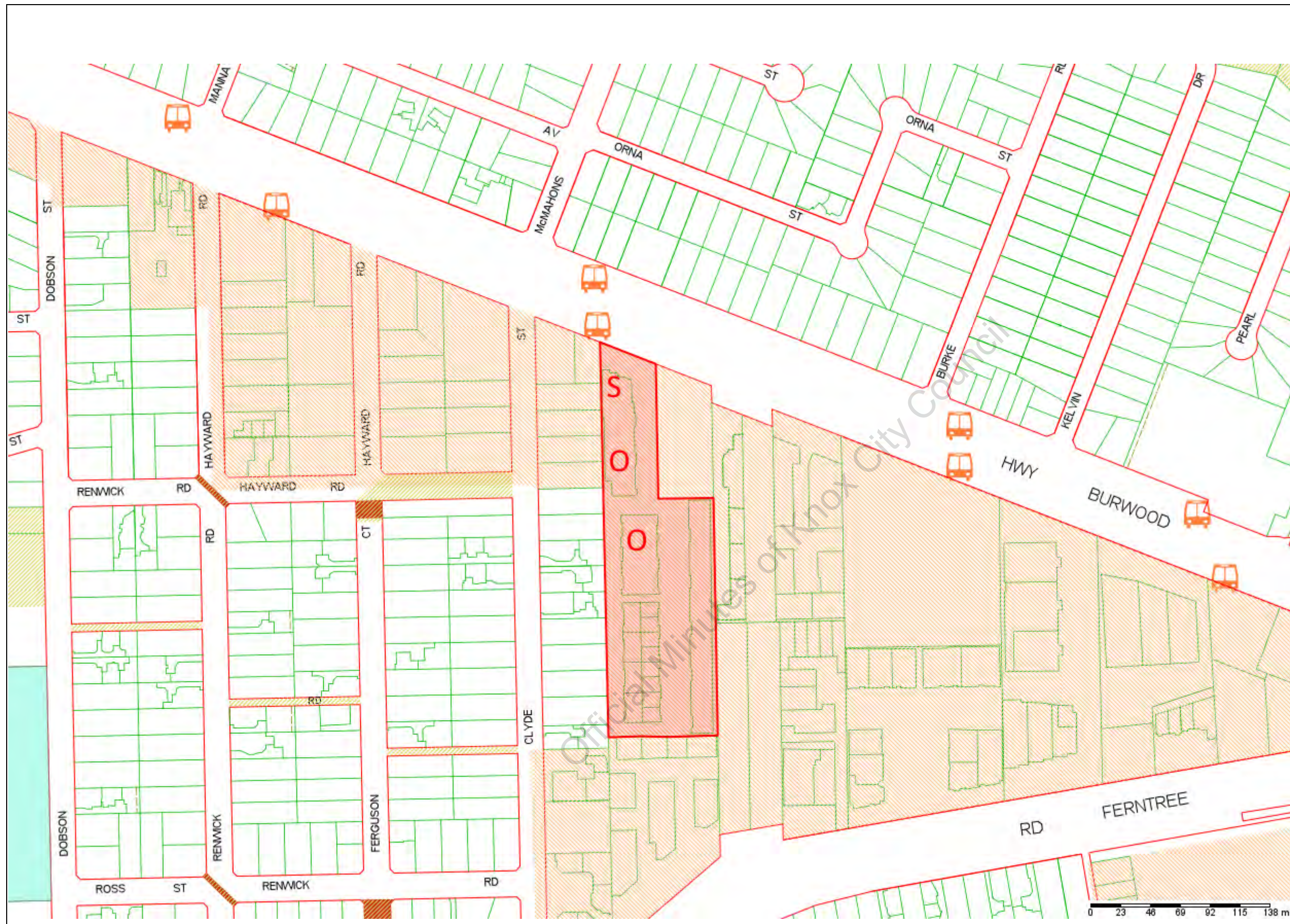
Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|---|
| Location | |
| Property - Address | 42/756 Burwood Highway, FERNTREE GULLY |
| Application Number | P/2016/6905 |
| Description | Change of use (place of worship), reduction in car parking and alteration of access to a road in a Category 1 Road Zone. |
| Wardname | Friberg |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
- Primary Schools
- Secondary Schools
- P-12 School
- Bus Stops
- Objector
- Unit Development
- Subject Property
- Petition

Scale: **1:3000**



DISCLAIMER:
Roads and Title Boundaries - State of Victoria, Knox City Council
Planning Scheme Information - DPCD, Knox City Council
Aerial Photography - AAM (Flown January 2013 – unless otherwise stated)
Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



Knox City Council
REPORT APPENDIX: A

| | |
|---------------------------|---|
| Location | |
| Property - Address | 42/756 Burwood Highway, FERNTREE GULLY |
| Application Number | P/2016/6905 |
| Description | Change of use (place of worship), reduction in car parking and alteration of access to a road in a Category 1 Road Zone. |
| Wardname | Friberg |

LEGEND:

- Title Boundary
- Road Boundaries
- City Boundary
- Bus Route
- Reserves
- Commercial Areas
- Tertiary Schools
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- Secondary Schools
- P-12 School
- Bus Stops
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Scale: 1:3000

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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.

15th December, 2016

To planning department,

Proposed Use of Commercial Property as place of worship on Sunday

Property Address:

Address: 42/756 Burwood Highway, Ferntree Gully 3156.

Zoned: Commercial 2

Kindly be informed that we would like to apply for a change of use for the said property to be used for our Sunday Meetings. Currently this property is being used as an office/retail showroom and also warehouse for optical lens and devices. We plan to use the venue as an office during weekdays and on Sunday we plan to use it for our church meetings.

The proposed time/number of people:

Sunday 10am – 3.00pm

Number of attendees : 40

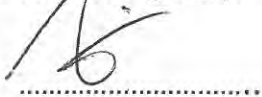
Car Parking arrangement:

There are in total around 200 carparks in the commercial park. At present we have 6 allotted carpark spaces and we have in addition written consents for the use of 33 more carparks spaces from 7 other properties. We are in the process of getting consents from more properties for the use of their carparks on Sunday.

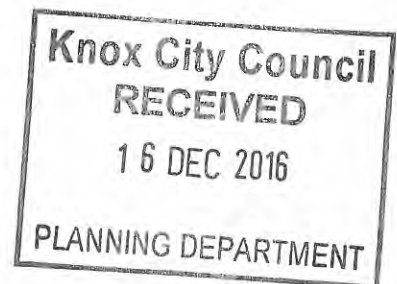
Traffic Consultant:

Attached, please find Car Parking Assessment Report from ML Traffic Engineers Pty Ltd.

Warm Regards,



Tom 0433156017



ABN 95 837 842 544
PO Box 82, Sandown Village, Victoria 3171, Australia

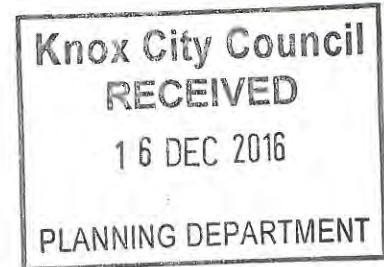
42/756 BURWOOD HWY FERNTREE GULLY



A1614772V Car Parking Assessment 1

14th December 2016

Knox City Council
511 Burwood Highway
Wantirna South VIC 3152



Dear Sir / Madam,

Proposed Car Parking Waiver Assessment – Proposed Place of Worship at Unit 42, 756 Burwood Highway, Ferntree Gully

We have been commissioned the Promise Church to undertake a car parking waiver assessment associated with the change of use from a business park unit that was used as a showroom, office and warehouse to a place of worship at Unit 42, 756 Burwood Highway, Ferntree Gully. The following comments apply:

- The property has a leasable area of 532m², comprising 45m² of office, 45m² of showroom, 142m² of amenity and kitchen areas, 143m² of mezzanine storage and 157m² of warehouse. There are 6 allocated on-site parking spaces within the common body corporate managed hard stand areas.
- The proposed use will have up to 40 people at any one time on Sunday between 10am and 3pm. At other times, the site will be minimally occupied with administration staff.
- The site subject to a parking overlay.
- Clause 52.06 of the Knox Planning Scheme requires 0.3 space per patron. With a maximum occupancy of 40 people on a Sunday between 10am and 3pm, the site will generate a parking requirement of 12 spaces.
- Given that there are 6 allocated parking spaces on-site, a short-fall of 6 spaces applies on a Sunday between 10am and 3pm. During weekdays, 6 allocated spaces will cover the parking requirement of administration staff.
- The applicant has sought consent from Units 1, 9, 10, 14, 26, 41, and 44 to use their allocated parking spaces on Sunday between 10am and 3pm. This provides a pool of 33 spaces in addition to 6 spaces that are associated with Unit 42.
- Parking utilisation surveys on a Sunday between 10am and 3pm show the availability of 38 spaces, comprising 6 spaces that are associated with Unit 42, and 32 spaces that are associated with Units 1, 9, 10, 14, 26, 41 and 44.
- The parking requirement of 12 spaces on a Sunday between 10am and 3pm can be accommodated within agreed body corporate spaces on-site, i.e. spaces associated with Unit 42 (subject tenancy) and Units 1, 9, 10, 14, 26, 41 and 44 (for which consent has been provided for use during the designated time).

Suite 5.04 Level 5, 365 Little Collins Street, Melbourne VIC 3000

Telephone: 03 9016 9865
melbourne@mltraffic.com.au

Facsimile: 1300 739 523
www.mltraffic.com.au

ML Traffic Engineers Pty Ltd
ABN 69 148 048 257

42/756 BURWOOD HWY FERNTREE GULLY

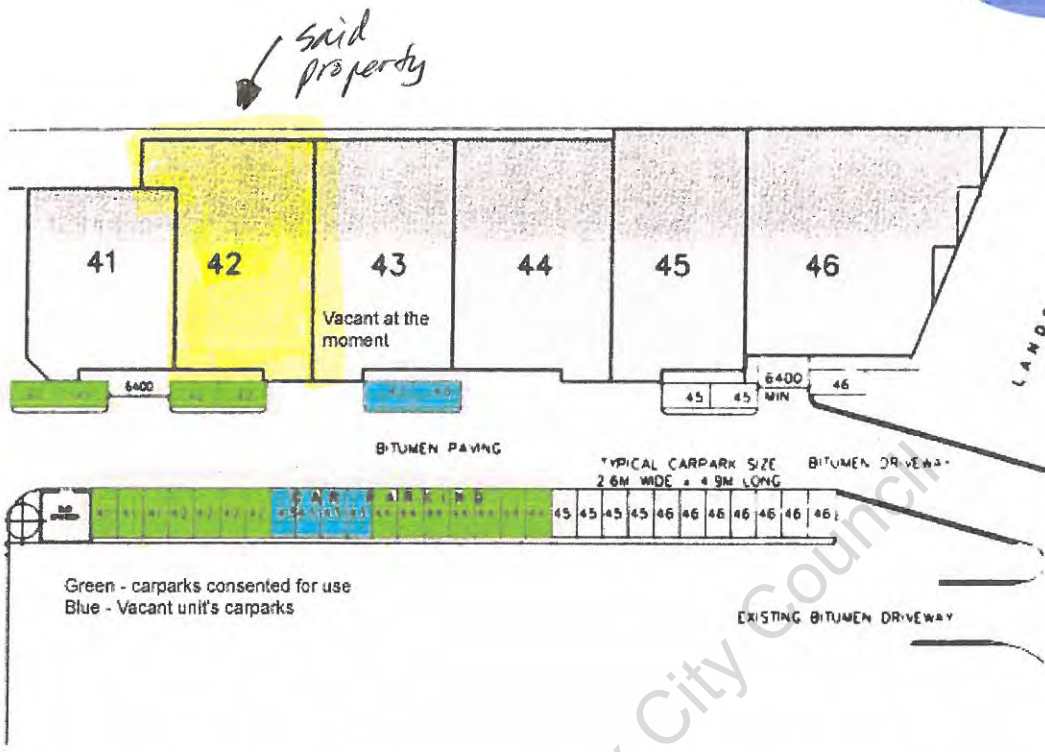


Figure 1: Parking Areas associated with Units 41, 42 (Subject Tenancy) and 44



Figure 2: Parking Areas associated with Units 1 and 41

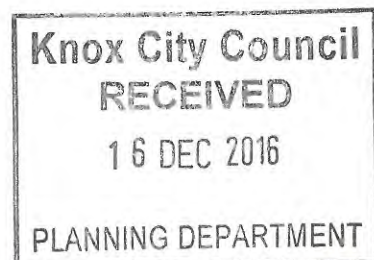
Knox City Council
 RECEIVED
 16 DEC 2016
 PLANNING DEPARTMENT



Figure 3: Parking Areas associated with Units 9, 10, 14 and 26

| Location | Supply | Parking Occupancy | | | |
|--------------------------------|-----------|-------------------|-----------|-----------|-----------|
| | | Sun | Sun | Sun | Sun |
| | | 4-Nov-16 | 4-Nov-16 | 4-Nov-16 | 4-Nov-16 |
| | | 10am | 11.30am | 1pm | 2.30pm |
| Spaces allocated to Unit 1 | 4 | 1 | 0 | 0 | 0 |
| Spaces allocated to Unit 9 | 4 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 10 | 4 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 14 | 4 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 26 | 4 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 41 | 6 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 42 | 6 | 0 | 0 | 0 | 0 |
| Spaces allocated to Unit 44 | 7 | 0 | 0 | 0 | 0 |
| Number of Parked Cars | 39 | 1 | 0 | 0 | 0 |
| Number of Vacant Spaces | | 38 | 39 | 39 | 39 |

Table 2: Parking Supply and Utilisation Survey





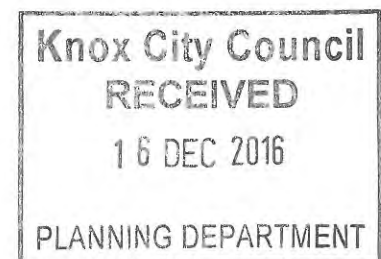
If you have any questions regarding the contents of this report, please do not hesitate to ring me on 0413 205 325, or email me at mlee@mltraffic.com.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'ML' or 'Michael Lee'.

Michael Lee, BEng (Monash, 1989)
Principal

Official Minutes of Knox City Council



COUNCILLOR HOLLAND VACATED THE CHAMBER AT 7.47PM DURING DISCUSSION ON ITEM 6.6**COUNCILLOR HOLLAND RETURNED TO THE CHAMBER AT 7.49PM PRIOR TO THE VOTE ON ITEM 6.6****CHANDLER WARD****6.6 PROPOSED REZONING OF 1221 MOUNTAIN HWY, THE BASIN (THE BASIN COMMUNITY HOUSE) AND 1223 MOUNTAIN HWY, THE BASIN**

SUMMARY: *Senior Strategic Planner (Jayna Liew)
Coordinator - Property Management (Angela Mitchell)*

The purpose of this report is to seek Council approval to commence the rezoning of 1221 Mountain Hwy, The Basin to facilitate its disposal. It is proposed that the current tenant at this property, The Basin Community House, will be relocated within The Basin Primary School grounds.

Council has identified the property at 1221 Mountain Hwy, The Basin as being surplus to Council's requirements, in accordance with Council's Sale of Land and Buildings Policy, and proposes the rezoning of the property from a Public Use Zone to a Neighbourhood Residential Zone (refer Appendix A).

The sale process will commence once Ministerial approval for the rezoning is granted.

This report also proposes the rezoning to Neighbourhood Residential Zone of the neighbouring property at 1223 Mountain Hwy, The Basin which is erroneously zoned for Public Use despite being used as residential land (refer Appendix A).

RECOMMENDATION

That Council:

1. Declares 1221 Mountain Highway, The Basin surplus to Council's requirements.
2. Seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C161, as shown in Appendix B to this report.
3. Subject to receiving authorisation from the Minister for Planning, place Amendment C161 on public exhibition for a period of at least one month.
4. Adopts Amendment C161 (as shown in Appendix B) and submits the Amendment to the Minister for Planning for approval, should no submissions be received which cannot be resolved by officers.

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

Recommendation (cont'd)

5. Authorise the Director – City Development to make any minor changes to Amendment C161 provided these are consistent with the intent of the Amendment as shown in Appendix B.
6. Receives a further report outlining the process for the sale of 1221 Mountain Highway, The Basin following Ministerial approval of Amendment C161.

1. INTRODUCTION

The property at 1221 Mountain Highway, The Basin is owned by Council and is currently zoned Public Use Zone 6 - Local Government (PUZ6). The property contains a single storey building occupied by The Basin Community House. The property is contained in Certificate of Title Volume 7733 Folio 098 part of Crown Allotment 72, Parish of Scoresby, County of Mornington.

The property at 1221 Mountain Highway, The Basin is considered surplus to Council's requirements in accordance with Council's Sale of Land and Buildings Policy and is proposed to be rezoned from Public Use Zone to Neighbourhood Residential Zone – Schedule 1 (NRZ1), consistent with the surrounding neighbourhood.

In addition, a zoning anomaly has been identified at the neighbouring property, 1223 Mountain Highway, The Basin (Lot 1 LP 74305). Despite being used as a residential dwelling, the property is located in a Public Use Zone. As this privately-owned property is inconsistent with intent of the Public Use Zone – Schedule 6 for Local Government Purposes, it is considered appropriate to rezone this land to NRZ1.

2. DISCUSSION

2.1 1221 Mountain Highway, The Basin

One of Council's core responsibilities is to manage its assets in order to optimise their value to the community. Part of this responsibility involves evaluating any unused or redundant assets and releasing the funds tied up in these assets in order to acquire, develop or improve other assets.

The current tenant of 1221 Mountain Highway, The Basin, The Basin Community House, is intending to relocate to a new community facility at the adjacent site within The Basin Primary School, as part of the State Government plans to redevelop the school.

A review of Council's land holdings identified 1221 Mountain Highway, The Basin as surplus, in accordance with Council's Sale of Land and Buildings Policy (refer Appendix C).

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

Council's Sale of Land and Buildings Policy outlines the process in considering any proposed sale of Council land. Specifically, prior to the sale of any property, it is to be appropriately zoned in order that the ultimate use of the land is determined by the zone and the highest possible sale price is achieved.

A report will be presented to Council following the rezoning process to progress the sale of this asset.

2.2 Rezoning of Public Use Zone land

To facilitate the future sale of the property, and to reflect that it is no longer intended for public use and Council ownership, it is recommended that 1221 Mountain Highway, The Basin be rezoned to NRZ1, consistent with the surrounding neighbourhood.

The neighbouring property at 1223 Mountain Highway, The Basin is similarly recommended for rezoning from a Public Use Zone to NRZ1 to be consistent with the zoning of properties to the immediate east and south of the property.

NRZ1 has been applied to areas identified as Bush Suburban in the Knox Housing Strategy 2015, with an eight metre maximum height limit and a purpose to "manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristic of limited and low scale residential development to protect the environmental and biological qualities that make these areas distinct."

2.3 Application of Overlays

Both properties are currently affected by an Environmental Significance Overlay – Schedule 3 (ESO3), which is proposed to be retained.

Both properties are also affected by a Significant Landscape Overlay – Schedule 4 (SLO4) which relates to 'The Basin Rural Landscape', described in the SLO4 as a 'pastoral landscape of rolling green hills'. It is considered that the landscape and development characteristics of both properties are more similar to the residential neighbourhood to the south and east instead of the open fields to the north. As such, it is proposed to apply the Design and Development Overlay - Schedule 2 (DDO2) and Significant Landscape Overlay - Schedule 3 (SLO3), which relate to the 'Dandenong Foothills: Lower Slope and Valley Area'.

Notably, the DDO2 will apply a minimum subdivision area of 500m². As 1221 Mountain Highway, The Basin has an area of 989m², and 1223 Mountain Highway, The Basin has an area of 737m², imposition of the DDO2 will effectively restrict future subdivision of both properties. The DDO2 is considered appropriate considering that planning controls on these properties will be consistent with the surrounding, similar residential neighbourhood.

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

2.4 Consistency with State Planning Policy

The proposed amendment also supports the following policies of the State Planning Policy:

- 11.02 Urban growth by ensuring a supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.
- 11.05-2 Distinctive areas of state significance by protecting and enhancing the valued attributes of the distinctive areas of the Yarra Valley and Dandenong Ranges.
- 11.06-2 Housing choice - providing housing choice close to jobs and services.
- 11.06-5 Neighbourhoods by assisting to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.
- 12.01-1 Protection of biodiversity – the application of the ESO3 and SLO3 will assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
- 12.04-2 Landscapes by protecting landscapes and significant open spaces that contribute to character, identity and sustainable environment of the Dandenong Foothills.
- 16.01 Residential development by promoting a housing market that meets community needs and locating new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.
- 19.02-4 Distribution of social and cultural infrastructure by providing fairer distribution of and access to social and cultural infrastructure, in the form of a new The Basin Community House being provided within the grounds of The Basin Primary School.

The amendment is consistent with and supports the direction of Knox's Local Planning Policy Framework, and specifically the following aspects of the Municipal Strategic Statement:

- 21.05 Housing by supporting a diversity of housing choice in appropriate locations. The rezoning of the subject land to the neighbourhood residential zone will protect the environmental and biological qualities that make this bush suburban area distinct.

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

- 21.08 Infrastructure by ensuring that social infrastructure is accessible and meets the existing and future needs of the community. Sale of surplus facilities supports the financial viability of Council to continue delivering valuable infrastructure.
- 22.01 Dandenong Foothills by applying the DDO2 and SLO3 to more accurately reflect the development and landscape of the properties in question, and to support the protection of the Dandenong Foothills: Lower Slope and Valley landscape.

2.5 Proposed Sale of land

This report proposes that, following the rezoning of the land at 1221 Mountain Highway, The Basin, Council consider a future report outlining the proposed sale of 1221 Mountain Highway, The Basin consistent with the Sale of Land and Buildings Policy and statutory requirements.

3. CONSULTATION

Council will undertake public consultation on the Planning Scheme Amendment to fulfil its statutory obligations under the Planning & Environment Act 1987.

Key elements of the proposed exhibition process include amendment notices to be sent to adjoining owners and occupiers and specific State Government departments and authorities. Notices will also be published in the Government Gazette and Knox Leader.

Subsequent sale of land processes will include a further public consultation process as per Section 189 of the Local Government Act.

4. ENVIRONMENTAL/AMENITY ISSUES

Application of the SLO3 and DDO2 is a logical extension of the controls that apply to the adjoining established residential area, and will continue to protect the Dandenong Foothills landscape.

Amenity issues such as impacts on neighbouring properties and landscaping will be considered as part of any future planning permit applications.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The proposed Planning Scheme Amendment can be managed within existing Council budget.

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

The identification of 1221 Mountain Highway, The Basin as surplus to Council's needs is in accordance with the Sale of Land and Buildings Policy. Rezoning and the proposed future sale of the property will support Council's responsible financial management practice. A further report outlining the financial considerations of any future sale of this property will be prepared at the conclusion of the rezoning process.

The proposed changes to planning controls for 1223 Mountain Highway rectify anomalies and are not expected to have any financial implications for Council or the property owner. It is noted that any proposal to develop the property will be challenging if the existing PUZ6 is retained over the property.

6. SOCIAL IMPLICATIONS

The services provided at 1221 Mountain Highway by The Basin Community House will be relocated to the adjacent property.

Rezoning and future consideration of sale of 1221 Mountain Highway will support Council in its broader service delivery obligations. As assessed in Appendix C, the property is considered surplus to Council's requirements, in particular due to its lack of parking facilities for alternative community uses.

The proposed changes to planning controls for 1223 Mountain Highway rectify anomalies and are not expected to have any social implications.

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

The proposed rezoning of this property is consistent with and will implement the following objectives and strategies of City Plan 2013-17, as outlined below:

- Theme 2: Prosperous, Advancing Economy
 - 2.2 Improve local opportunities for people to live, work, learn and play in Knox.
 - 2.2.5 Support opportunities, partnerships and collaborative efforts towards increasing 'local living' in Knox.
- Theme 3: Vibrant and Sustainable Built and Natural Environments
 - 3.1 The changing needs of a diverse community are supported through planned growth and change in housing and infrastructure that respects both built form and natural systems, and resource availability.
 - 3.1.1 A diversity of housing choice is provided in appropriate locations.

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)

- Theme 5: Democratic and Engaged Communities

5.3 Ensure Council is well governed and demonstrates effective leadership.

- 5.3.1 Maintain accountable and transparent governance practices, and Council's sound stewardship of the community's finances and assets.

8. CONCLUSION

The rezoning and any future sale of 1221 Mountain Highway, The Basin presents an opportunity to convert an asset that will no longer be used to deliver community outcomes. The operations of The Basin Community House will be administered from the building to be constructed on the abutting school site.

Changes to planning controls for 1221 Mountain Highway are appropriate given that they are consistent with the surrounding residential neighbourhood.

Changes to planning controls for the adjacent property at 1223 Mountain Highway are appropriate to rectify zoning errors as the residential property should not be located within a Public Use zone.

It is recommended that Council determine 1221 Mountain Highway, The Basin as surplus. It is also recommended that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C161 and, upon this being approved, a further report be presented to commence the sale of this property.

9. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

COUNCIL RESOLUTION

MOVED: CR. MORTIMORE

SECONDED: CR. LOCKWOOD

That Council:

- 1. Declares 1221 Mountain Highway, The Basin surplus to Council's requirements.**
- 2. Seeks authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C161, as shown in Appendix B to this report.**
- 3. Subject to receiving authorisation from the Minister for Planning, place Amendment C161 on public exhibition for a period of at least one month.**

6.6 Proposed Rezoning of 1221 Mountain Hwy, The Basin (The Basin Community House) and 1223 Mountain Hwy, The Basin (cont'd)**Resolution (cont'd)**

4. Adopts Amendment C161 (as shown in Appendix B) and submits the Amendment to the Minister for Planning for approval, should no submissions be received which cannot be resolved by officers.
5. Authorise the Director – City Development to make any minor changes to Amendment C161 provided these are consistent with the intent of the Amendment as shown in Appendix B.
6. Receives a further report outlining the process for the sale of 1221 Mountain Highway, The Basin following Ministerial approval of Amendment C161.

CARRIED

APPENDIX A – Subject sites



Official Minutes

APPENDIX B – Proposed Amendment C161 Documentation*Planning and Environment Act 1987***KNOX PLANNING SCHEME****AMENDMENT C161****EXPLANATORY REPORT****Who is the planning authority?**

This amendment has been prepared by the Knox City Council which is the planning authority for this amendment.

The Amendment has been made at the request of the Knox City Council.

Land affected by the Amendment

The Amendment applies to land at 1221 (Volume 7733 Folio 098 part of Crown Allotment 72, Parish of Scoresby, County of Mornington) and 1223 (Lot 1 LP74305) Mountain Highway, The Basin.

What the amendment does

The Amendment rezones two parcels of land to in order to reflect the surplus nature of a Council facility and to facilitate the future sale of public land, and to correct a historical zoning anomaly respectively.

Specifically, the amendment:

- Rezones the land at 1221 and 1223 Mountain Highway, The Basin from a Public Use Zone Schedule 6 (PUZ6) to a Neighbourhood Residential Zone - Schedule 1 (NRZ1).
- Replace Schedule 4 to the Significant Landscape Overlay (SLO4) with Schedule 3 to the Significant Landscape Overlay (SLO3) for the land at 1221 and 1223 Mountain Highway, The Basin.
- Apply Schedule 2 to Design and Development Overlay (DDO2) to the land at 1221 and 1223 Mountain Highway, The Basin.

Strategic assessment of the Amendment**Why is the Amendment required?**

The land at 1221 Mountain Highway, The Basin, on which The Basin Community House is situated, has been declared surplus to Council's requirements.

Council's *Sale of Land and Buildings Policy* provides that, prior to the sale of any property it is to be appropriately zoned to achieve the ultimate use of the land, as determined by the purpose of that zone. Accordingly, in order to dispose of the land, the zoning must be changed from the PUZ6 as the public use zones can only be applied to public land.

The land at 1223 Mountain Highway, The Basin is in private ownership, and zoned PUZ6, which is inconsistent with the zone's intent for Local Government Purposes.

It is therefore considered appropriate to rezone both parcels of land to be consistent with the zoning of adjoining residential land being the NRZ1, DDO2 and SLO3.

It is proposed to retain the Environmental Significance Overlay Schedule 3 (ESO3) that currently applies to the subject land.

How does the Amendment implement the objectives of planning in Victoria?

The amendment implements the objectives of planning in Victoria by ensuring that the Knox Planning Scheme is able to facilitate appropriate development and use in accordance with Section 4(1) of the Planning and Environment Act 1987.

How does the Amendment address any environmental, social and economic effects?

The reapplication of the SLO Schedules, from Schedule 4 - The Basin Rural Landscape to Schedule 3 - Dandenong Foothills: Lower Slope and Valley Area will better reflect and support the environmental and landscape objectives for this significant area. The application of the SLO3 is a logical extension of the controls that apply to the adjoining established residential area.

The proposed rezoning of 1223 Mountain Highway, The Basin to a residential zone is appropriate as it reflects the surplus nature of this Council land.

Does the Amendment address relevant bushfire risk?

The subject land is not located in within the Bushfire Management Overlay (BMO). The application of the Neighbourhood Residential Zone is appropriate given the surrounding residential densities and bushfire requirements.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment complies with the Ministerial Direction on the Form and Content of Planning Scheme under section 7(5) of the Act.

The Amendment is consistent with Minister's Direction No.9 – Metropolitan Strategy (as amended 30 May 2014) pursuant to Section 12 of the Planning and Environment Act 1987 – that requires planning authorities to have regard to the Metropolitan Planning Strategy (Plan Melbourne: Metropolitan Planning Strategy).

It is considered that the amendment is consistent with and support policies 2.3.4, 5.3.1 and 5.3.3 by providing for the rezoning and sale of Council owned land to facilitate delivery of other community initiatives.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The State Planning Policy Framework (SPPF) seeks to ensure the objectives of planning in Victoria, as set out in the Planning and Environment Act 1987, are fostered through appropriate planning policies and practices that integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

The amendment supports the following strategies by providing new residential zoned land and opportunities for new community infrastructure in the existing The Basin neighbourhood:

11.02 Urban growth- by ensuring a supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

11.05-2 Distinctive areas of state significance by protecting and enhancing the valued attributes of the distinctive areas of the Yarra Valley and Dandenong Ranges.

11.06-2 Housing choice by providing housing choice close to jobs and services.

11.06-5 Neighbourhoods by assisting to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.

12.01-1 Protection of biodiversity – the application of the ESO3 and SLO3 will assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.

12.04-2 Landscapes by protecting landscapes and significant open spaces that contribute to character, identity and sustainable environment of the Dandenong Foothills.

16.01 Residential development by promoting a housing market that meets community needs and locating new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport.

19.02-4 Distribution of social and cultural infrastructure by provide fairer distribution of and access to of social and cultural infrastructure, in the form of a new The Basin Community House.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with and supports the direction of Knox's Local Planning Policy Framework, and specifically the following aspects of the Municipal Strategic Statement.

21.05 Housing by supporting a diversity of housing choice in appropriate locations.

The rezoning of the subject land to the neighbourhood residential zone will protect the environmental and biological qualities that make this bush suburban area distinct.

21.08 Infrastructure by ensuring that social infrastructure is accessible and meets the existing and future needs of the community.

The sale of the rezoned land will facilitate a new community facility in the form of The Basin Community Hub.

22.01 Dandenong Foothills the application of the SLO3 will ensure that the landscape characteristics of the Foothills will be protected.

Does the Amendment make proper use of the Victoria Planning Provisions?

The application of the NRZ1 is appropriate given that the land is proposed to be sold into new ownership and is consistent with the surrounding residential area, and as public use zones can only be applied to public land.

How does the Amendment address the views of any relevant agency?

The views of the relevant agencies will be formally sought as part of the exhibition of the amendment.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system. The subject land is well located; adjacent to the Basin Primary School and on the PPTN.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The rezoning of the land will not have significant impact on the resources and administration cost of Knox Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following place:

Council's Customer Service Building and Planning counter at the Knox Council Civic Centre, 511 Burwood Highway, Wantirna South, on weekdays (excluding Tuesdays) from 8:30am to 5:00pm and on Tuesdays from 8:30am to 8:00pm.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

[The following sections of the Explanatory Report are only applicable to exhibited amendments and should be removed at the adoption stage]

Submissions

Any person who may be affected by the Amendment [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by **[insert submissions due date]**.

A submission must be sent to: **[insert Council's address]**

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**]

Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C161

INSTRUCTION SHEET

The planning authority for this amendment is the Knox City Council

The Knox Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 4 attached maps

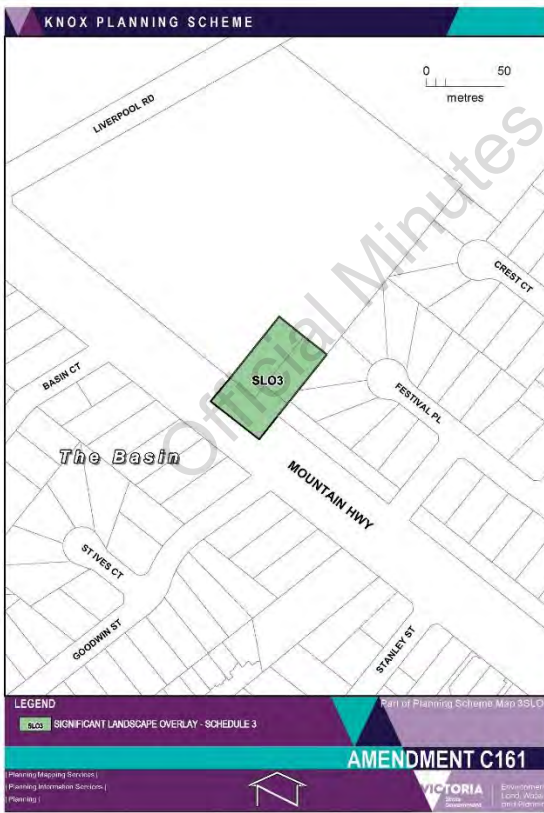
Zoning Maps

1. Amend Planning Scheme Map No 3 in the manner shown on the attached map marked "Knox Planning Scheme, Planning Scheme, Amendment C161"

Overlay Maps

2. Amend Planning Scheme Map No 3DDO in the manner shown on the attached map marked "Knox Planning Scheme, Planning Scheme, Amendment C161".
3. Amend Planning Scheme Map No 3SLO in the manner shown on the 2 attached maps marked "Knox Planning Scheme, Planning Scheme, Amendment C161".

End of document



APPENDIX C – Assessment of 1221 Mountain Highway, The Basin, against Criteria for Sale of Land and Buildings (Sale of Land and Buildings Policy, 2014)

In accordance with Council's Policy on the Sale of Land and Buildings, consideration will be given to the following criteria in order to ensure that the proposed disposal of this property is in the community's best interests prior to resolving to proceed with the public consultation process:

Environmental

| | |
|--------------------|---|
| Principle: | Council will sell surplus land where retention will not enhance or protect its environmental value. |
| Assessment: | 1221 Mountain Highway is located within the Dandenong Ranges Buffer area of biological significance, however, the site itself is not specifically identified. Council's Landscape Services has inspected the site and considers that application of Environmental Significance (ESO) and Significant Landscape overlays (SLO) are appropriate. |

Physical Works

| | |
|--------------------|---|
| Principle: | Council will sell surplus land where it is not required in the foreseeable future for the development of new assets or the improvements of existing assets. |
| Assessment: | The business undertaken at this property will be relocated to a new facility being constructed at The Basin Primary School site. The land is considered to have insufficient parking for alternative community or commercial uses, and would require renovations to suit these purposes. Consequently, residential use is considered the most appropriate use of the site. |

Recreation

| | |
|--------------------|--|
| Principle: | Council will sell surplus land where it is not required in the foreseeable future for recreational purposes. |
| Assessment: | 1221 Mountain Highway has not been identified in the Knox Open Space Plan. |

Land Use Planning

| | |
|--------------------|---|
| Principle: | Council will sell surplus land where there are not compelling land use planning grounds for retention. |
| Assessment: | There are no compelling land use planning grounds for the retention by Council of 1221 Mountain Highway, The Basin. |

Social

| | |
|--------------------|---|
| Principle: | Council will sell surplus land where alternative social uses have not been identified. |
| Assessment: | The Knox Affordable Housing Action Plan 2015-2020 (KAHAP) outlines the roles of Council in increasing the supply of affordable and social housing in Knox as a planner, provider, partner and advocate. However, an assessment against Council's affordable and social housing policy indicates that this site is not suitable for the provision of social or affordable housing due to its distance from activity centres, as well as its limited development potential due to its proposed Neighbourhood Residential zoning. |

CHANDLER, DOBSON AND TAYLOR WARDS**6.7 RESPONSE TO CALL-UP ITEM REQUESTING A REVIEW OF DANDENONG FOOTHILLS PLANNING POLICY**

SUMMARY: *Senior Strategic Planner (Claire Anderson)*

This report responds to a call-up item from Council requesting a report outlining the process, timing and resources required to review current planning policy and the suite of planning controls that guide development in the Dandenong Foothills.

It outlines three options: no review; a review of subdivision controls in targeted areas; or a wholesale review of the entire Foothills policy and all controls.

The report recommends that Council does not review Dandenong Foothills policy and planning controls on the basis that: the current policies and controls are effectively protecting the landscape and environmental values (this has been acknowledged by the two previous independent reviews of the Knox Planning Scheme) and a review is not identified in the current City Plan 2013-2017 or the draft Community and Council Plan 2017-21.

RECOMMENDATION

That Council:

1. Note the three options for reviewing the current planning policy and suite of planning controls that guide development in the Dandenong Foothills as outlined in this report.
2. Endorse Option 1, which recommends not reviewing the Foothills policy and controls for the reasons outlined in this report.

1. INTRODUCTION

On 13 December 2016 Council resolved the following call-up item: *“That a report be provided to the March 2017 Ordinary Meeting of Council outlining the process, timing and resources required to review the foothills policy.”* A report was prepared for Council to consider at a confidential Issues Briefing on 20 March 2017.

This report outlines the process, timing and resources required for three broad options available to Council.

As a part of undertaking the work required for this Call Up Item, officers have had regard to Council’s Call Up Items at Council Meetings Policy, and in particular, Item 6.5 which states:

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

'Where preparing a report responding to a Call Up Item which will require more than 3 person days or \$5,000 in costs, then the matter which is subject to the Call Up Item should be referred by Council to the next budget considerations with a supporting business case for consideration along with other competing priorities.'

2. DISCUSSION

2.1 Significance of the 'Dandenong Foothills'

The 'Dandenong Foothills' (the Foothills) includes part or all of the suburbs of Boronia, The Basin, Ferntree Gully, Upper Ferntree Gully, Rowville, Lysterfield and Sassafras (Appendix A – Map of the Dandenong Foothills). Some of these areas are rural and located outside the Urban Growth Boundary. Other areas are mainly residential, interspersed with the "villages" (commercial and retail activity centres) of Alchester Village, The Basin, Ferntree Gully and Upper Ferntree Gully, and the mixed use strip along Burwood Highway between Glenfern Road and Upper Ferntree Gully Village.

The Foothills are highly valued by local residents and beyond. The Dandenong Ranges and its Foothills form a backdrop to views across the eastern suburbs of Melbourne, including long-range views from the Melbourne CBD and other high views across the metropolitan area. The important characteristics of the hills from these views are their heavily vegetated, apparently natural environment. The Lysterfield Valley is classified by the National Trust as an "attractive pastoral landscape", forming a key gateway to the Dandenongs and provides an important buffer between urban and rural areas. The Foothills is also the most environmentally significant area of the City, with the majority of the area being a designated "Site of Biological Significance" of State and/or regional significance (Appendix B – Areas of Environmental and Landscape Significance in the City of Knox). The Foothills play an important role as an ecological buffer zone between the national parks to the east and south, and suburbia to the west. The Foothills also contain the highest value water catchments in the City. Some areas are susceptible to flooding.

Large areas of the Foothills are also highly susceptible to bushfires (Appendix C – Areas of Highest Bushfire Risk in the City of Knox).

While the area is broadly known as "the Foothills", it includes five "key landscape areas", each with their own special landscape values (Appendix D – Dandenong Foothills Key Landscape Areas). These range from the heavily vegetated hillsides of The Basin, Ferntree Gully and Upper Ferntree Gully, to the open pastoral landscape of Lysterfield's rural areas.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

2.2 Current suite of planning policies and controls

The long-standing policy approach for the Dandenong Foothills recognises that its environmental and landscape significance outweighs the need for urban consolidation in these areas.

In the “scaled approach” to future residential development in Knox articulated in the *Knox Housing Strategy 2015*, all of the Foothills policy area (excluding Neighbourhood Activity Centres) is designated as “Bush Suburban,” the area earmarked for the least amount of change.

The package of controls that apply to the different areas within the Foothills are the most comprehensive and stringent in the City; designed to reflect the significance and sensitive nature of much of this area. They include a mix of mandatory and performance-based built form and vegetation protection controls. The requirements are embedded in:

- Dandenong Foothills local planning policy: explains the significance of the Foothills in the local, regional and state context, and the objectives of policy to protect the Foothills, including by limiting further subdivision (Appendix E).
- Bushfire Management Overlay (BMO): to identify areas where bushfire hazard presents a risk to human life and property.
- Design and Development Overlays (DDOs): primarily to control built form; includes minimum subdivision sizes, maximum site coverage, permeability requirements, maximum building height.
- Environmental Significance Overlays (ESOs): to protect and enhance vegetation and wildlife habits with biological significance.
- Significant Landscape Overlays (SLOs): to protect and enhance vegetation for its landscape value.
- Vegetation Protection Overlays (VPOs): primarily to protect individual trees.

2.3 Options for reviewing Dandenong Foothills policy and planning controls

The discussion below outlines the process, timing and resources required for three broad options available to Council. These were discussed with Councillors in some detail at a Confidential Issues Briefing.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

Option 1 – No review

This option is for the current Foothills policy and planning controls to remain on the basis that:

- The Dandenong Foothills as a whole are a significant metropolitan and State asset as outlined in Section 2.1 above. The State Planning Policy Framework identifies the Dandenong Ranges as a “*significant environment and landscape*”, “*environmentally sensitive area...with significant recreational value*” that must be protected (Clause 12.04).
- The long-standing suite of planning policies and controls have been extremely effective in protecting the landscape and environmental values of the Foothills. Both the 2010 and 2014 Planning Scheme Reviews noted this success:

“Overall, the Knox Planning Scheme delivers the ‘leafy green’ image sought by Council’s corporate directions for land use and development. Its greatest successes are to protect the Dandenong Foothills...the controls fit the policy context like a glove fits a hand, providing certainty and stability in what had been [prior to 2006, when the majority of the current controls were introduced] a volatile area.”

- A review would likely benefit few properties at a significant cost to Council (discussed in Options 2 and 3 below). There is no budget currently allocated for a review.
- A review of Foothills policy is not identified in the current *City Plan 2013-17* or the work currently being undertaken for the draft *Community and Council Plan 2017-2021*.
- There is adequate future capacity of land in Knox to meet future demand for population and household growth. There is an estimated additional 36,362 dwelling capacity (theoretical ultimate capacity based on the Housing Strategy, Structure Plans and Strategic Sites), including the potential for an additional 1800 lots in the Foothills, to provide for an estimated demand of 12,625 new households for the whole municipality to 2036. Housing stock in Knox currently consists of mainly detached dwellings, which reflects the predominant household type of families with children. Retention of a large proportion of detached dwellings will continue to be important to meet the housing needs of this household type. This group will continue to be the predominant household type in Knox. There are many opportunities in other areas of the City for smaller housing types, including dual occupancies, villa units, townhouses and apartments, to be built close to services and infrastructure in “Local Living” and “Activity Areas” to meet the growing demand for couple-only and one-person households.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

- Two submitters to Amendment C150 (implementation of the 2014 Knox Planning Scheme Review, including a new Municipal Strategic Statement) requested that greater subdivision potential be allowed in the Foothills. The Planning Panel that considered the Amendment concluded: *“It is not appropriate or justified to reduce the minimum subdivision lot size in the Dandenong Foothills through the Amendment.”*

In summary:

| | |
|-----------|-----------------------------|
| Process | No further action required. |
| Timing | N/A |
| Resources | \$0 |

This is the recommended option.

Option 2 – Review subdivision controls in targeted areas only

Option 2 could involve a review of the current planning controls (particularly subdivision controls) to enable some additional development. For example, subdivision controls could be relaxed in targeted areas within an easy walking distance of Foothills activity centres (Alchester Village, The Basin, Ferntree Gully and Upper Ferntree Gully). This option would facilitate more housing choices in areas where most subdivision potential is limited.

This type of review assumes that the underlying policy for the Foothills is generally appropriate and effective, but that small changes to planning controls could provide different development outcomes in some areas.

Assuming that (for example) areas within approximately 400 metres easy walking distance of a commercial zone of the four centres are reviewed, early analysis has found that less than 200 properties could have additional development potential.

The estimated cost of this option is \$430,000 over two years. This includes analysis and technical work (such as 3D terrain modelling and analysis of lot sizes), and the planning scheme amendment required to implement the changes to planning controls in the Knox Planning Scheme.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

In summary:

| | |
|-----------|---|
| Process | Medium complexity |
| Timing | Approximately two years |
| Resources | Approximately \$430,000 (\$240,000 for Project Manager over two years + \$190,000 for technical work and planning scheme amendment) |

This is not recommended.

Option 3 – Wholesale review of entire Foothills policy and all controls

Option 3 would involve re-examining the fundamental priorities in the underlying policy position on which the current suite of planning controls is based. It would review several technical studies (including the 2003 *Knox Urban Design Framework* and landscape assessment, spatial analysis with 3D terrain modelling and lot sizes, and update of parts of the *Sites of Biological Significance Study*).

Assuming that the entire Foothills were reviewed under this option, early analysis has found that 11,800 properties could be affected. This option would raise significant levels of community concern about the potential for significant change to the character of Foothills areas.

The estimated cost of this option is \$740,000 over three years. This includes significant analysis of impacts and reviews of technical work, requiring a substantial budget for expert consultants. It also includes resourcing a highly complex planning scheme amendment process that could introduce a completely new set of planning controls, and generate a large number of public submissions.

In summary:

| | |
|-----------|---|
| Process | Very high complexity |
| Timing | Approximately three years |
| Resources | Approximately \$740,000 (\$360,000 for Project Manager over three years + \$380,000 for technical work and planning scheme amendment) |

This is not recommended.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

3. CONSULTATION

Community consultation is a legislative requirement of the planning scheme amendment process.

Any review of the Foothills proposing to facilitate more development in some areas is likely to generate significant community feedback given:

- the importance of the Dandenong Foothills to landowners and the broader Foothills and Knox communities;
- expectations of no or little change given Council's long-standing policy approach;
- direct impact on landowners, and the broader Foothills and Knox communities;
- potential for significant change to the neighbourhood character of Foothills areas;
- the risk of community/landowner angst given that some areas may be able to be further developed and not others.

Option 3 would generate the most community interest; while Option 2 would likely have less interest given that a targeted approach affects fewer properties directly.

Given the expected amount of community interest and impact, if Option 2 or 3 were pursued, a comprehensive community engagement program would be required.

4. ENVIRONMENTAL/AMENITY ISSUES

Allowing additional development in some or all areas of the Foothills would have significant impacts on its landscape and environmental values. The level of impact would be greatest for Option 3.

Similarly, there would be some local amenity impacts (such as an increase in traffic) on landowners and occupiers.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)

5. FINANCIAL & ECONOMIC IMPLICATIONS

There is no budget currently allocated for a review of Dandenong Foothills policy.

A summary of costs is shown below:

| Option | Cost |
|-----------------------------|--|
| Option 1 – no review | \$0 |
| Option 2 – targeted review | Approximately \$430,000 over two years |
| Option 3 – wholesale review | Approximately \$740,000 over three years |

6. SOCIAL IMPLICATIONS

Enabling more development would likely provide some more housing choice in the Foothills.

The impacts of a significant change to the Foothills' character in some or all areas would likely impact on the lifestyle of Foothills' residents.

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

Area of focus 1.4 - Strengthen and protect local character and landscape value in Knox.

- Action 1.4.1 - Implement and monitor the effectiveness of the Knox Housing Strategy.

Area of focus 3.1 - Facilitate and advocate housing diversity and choice in appropriate locations to achieve accessible, sustainable and more affordable housing options.

- Action 3.1.5 - Ensure the ongoing review of Council's Planning Scheme is aligned with and responsive to the Integrated City Strategy outcomes as they relate to land use and development.

Area of focus 3.4 - Ensure rural and urban areas are planned for, and their landscape character and amenity are protected, by understanding the value of agricultural land and providing policy guidance.

- Action 3.4.1 - Complete a strategic review of rural and green wedge land to allow Council to better understand the productivity and economy of agricultural land, conservation and protection of landscape character and amenity, and provide strategic justification for any necessary changes to the Knox Planning Scheme.

6.7 Response to Call-Up Item Requesting a Review of Dandenong Foothills Planning Policy (cont'd)**8. CONCLUSION**

This report responds to a call-up item from Council requesting a report outlining the process, timing and resources required to review current planning policy and the suite of planning controls that guide development in the Dandenong Foothills.

It provides three options including: no review; a review of subdivision controls in targeted areas only; or a wholesale review of the entire Foothills policy and all controls.

The report recommends that Council does not review Dandenong Foothills policy and planning controls on the basis that: the current policies and controls are effectively protecting the landscape and environmental values and a review is not identified in the current *City Plan 2013-2017* or the draft Community and Council Plan currently underway.

9. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

COUNCIL RESOLUTION

MOVED: CR. KEOGH

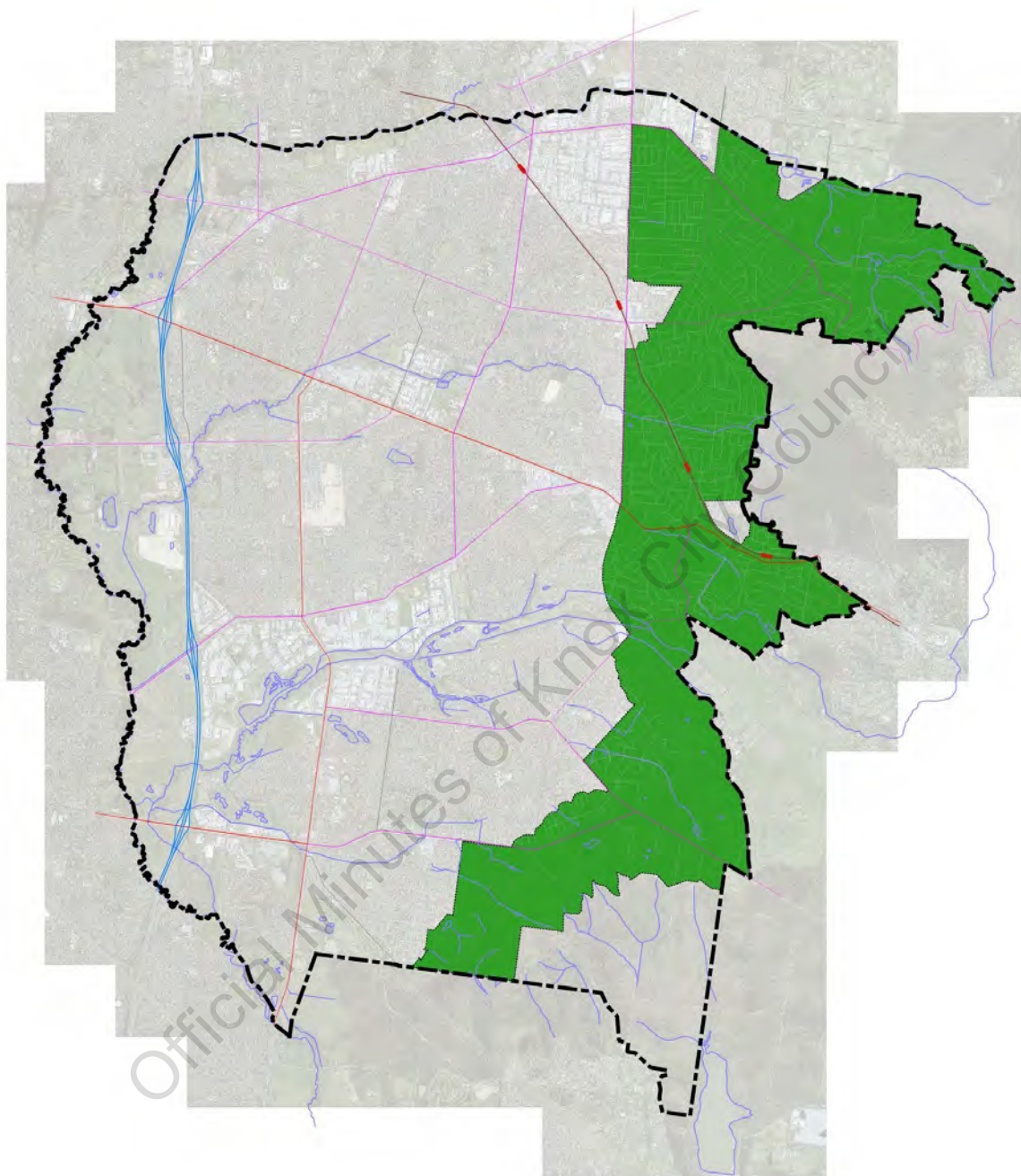
SECONDED: CR. MORTIMORE

That Council:

1. **Note the three options for reviewing the current planning policy and suite of planning controls that guide development in the Dandenong Foothills as outlined in this report.**
2. **Endorse Option 1, which recommends not reviewing the Foothills policy and controls for the reasons outlined in this report.**

CARRIED

APPENDIX A – Map of the Dandenong Foothills



Dandenong Foothills policy area

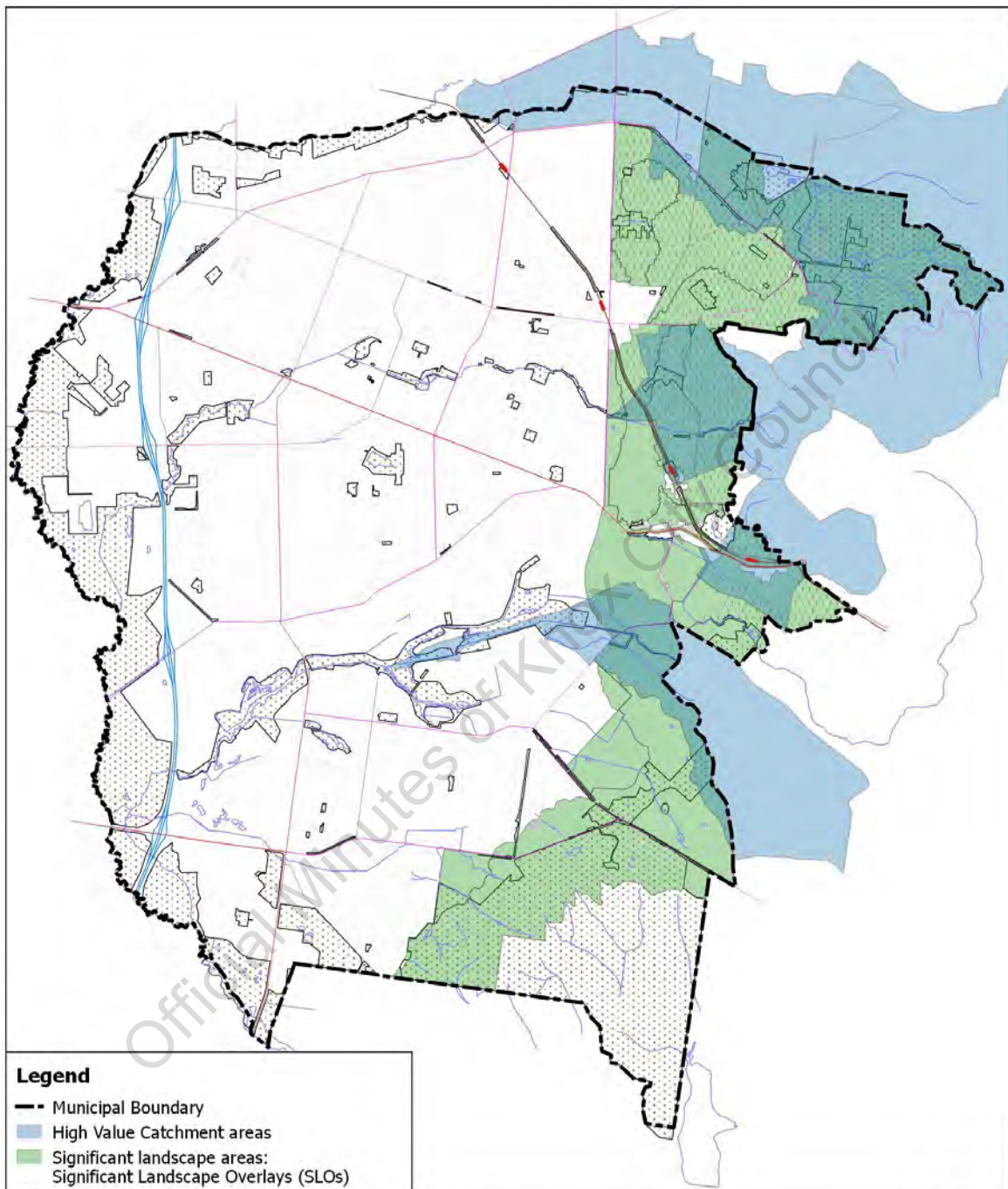


Disclaimer:
 Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DELWP, Knox City Council
 Aerial Photography - AAM (Flown January 2013 - unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

1. Whilst every endeavour has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on the information.
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4. Drainage and flood extent information has been provided to Council on a yearly basis by Melbourne Water for indicative purposes only. Where the latest Melbourne Water drainage and flood extent mapping is critical, please contact Melbourne Water.



APPENDIX B – Areas of Environmental and Landscape Significance



Legend

- Municipal Boundary
- High Value Catchment areas
- Significant landscape areas:
Significant Landscape Overlays (SLOs)
- Vegetation with high biological significance:
Environmental Significance Overlay 2 (ESO2)
- Vegetation with high biological significance:
Environmental Significance Overlay 3 (ESO3)
- Dandenong Ranges Buffer

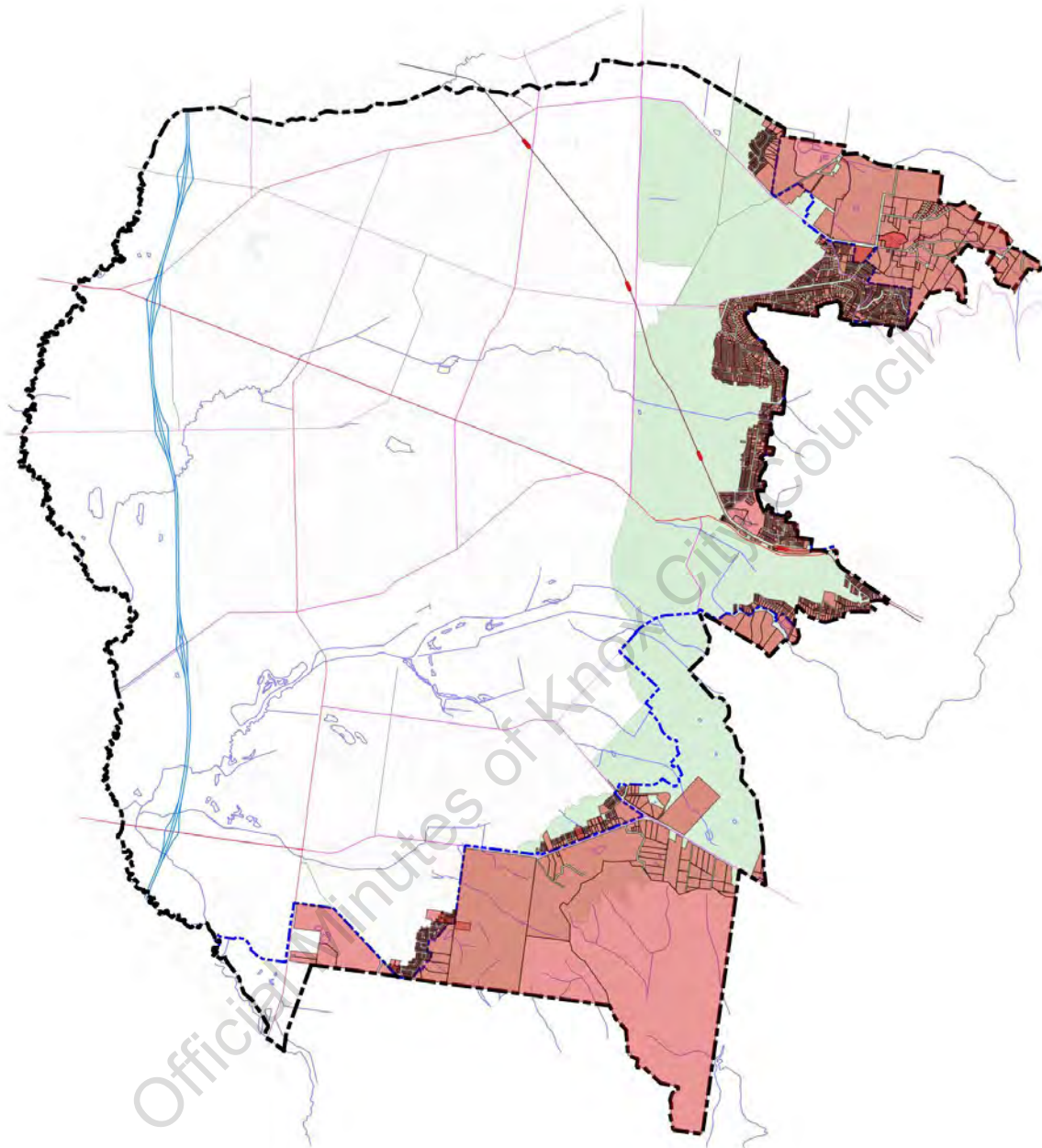
Areas of Environmental and Landscape Significance in the City



Disclaimer:
Roads and Title Boundaries - State of Victoria, Knox City Council
Planning Scheme Information - DELWP, Knox City Council
Aerial Photography - AAM (flown January 2013) - unless otherwise stated
Melbourne Water Drainage Information - Melbourne Water

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APPENDIX C – Areas of Highest Bushfire Risk



Areas of highest bushfire risk in the City of Knox

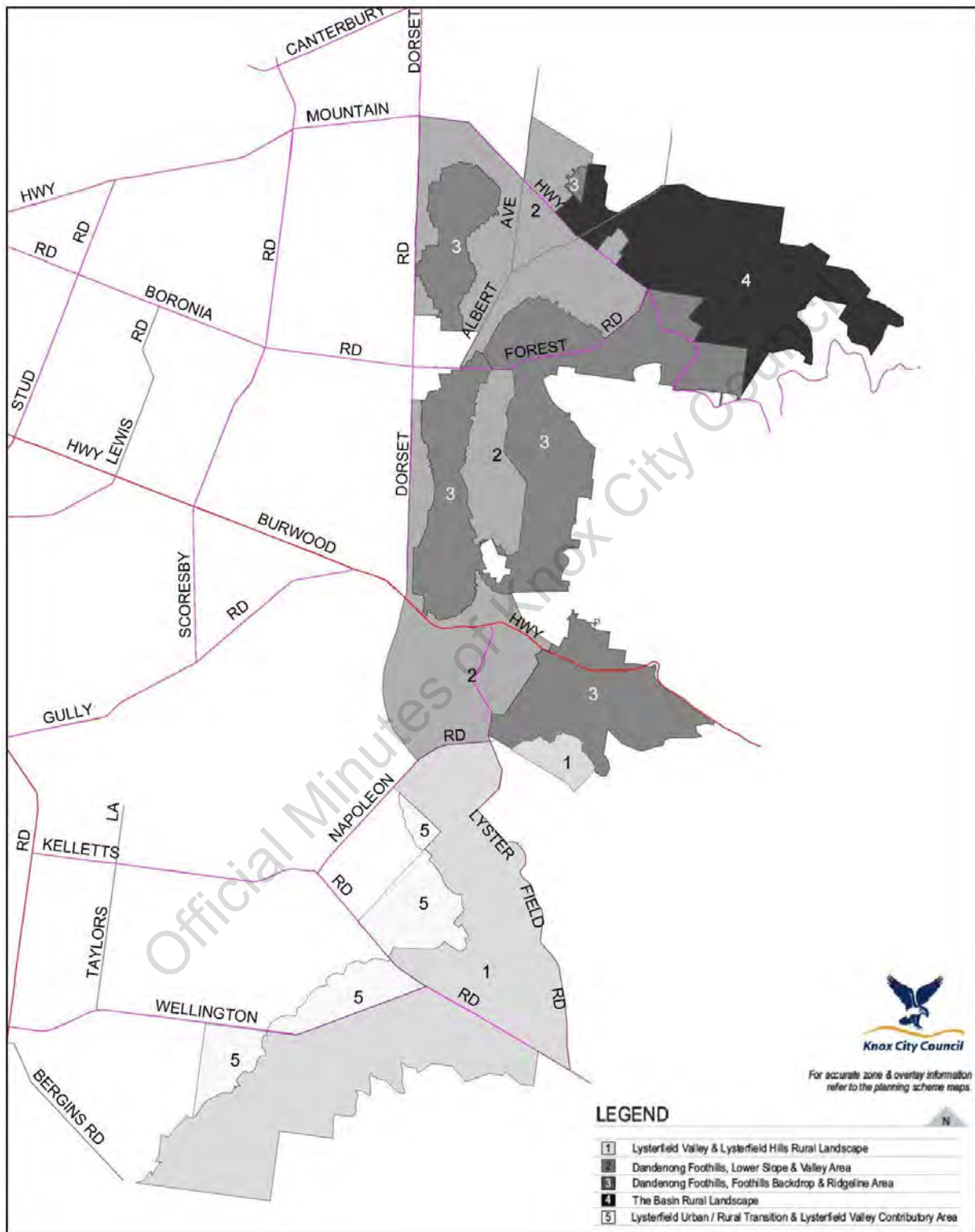
| Legend | |
|---------------------------------------|---------------------------------|
| ■ | Areas of highest bushfire risk |
| ■ | Dandenong Foothills policy area |
| --- | Urban Growth Boundary |

Disclaimer:
 Roads and Title Boundaries - State of Victoria, Knox City Council
 Planning Scheme Information - DELWP, Knox City Council
 Aerial Photography - AAM (Flown January 2013 - unless otherwise stated)
 Melbourne Water Drainage Information - Melbourne Water

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APPENDIX D – Dandenong Foothills Key Landscape Areas
 PLAN TO CLAUSE 22.01



22.01 DANDENONG FOOTHILLS

17/11/2016
C137

This policy applies to the area shown on the plan forming part of this clause.

22.01-1 Policy basis

13/11/2014
C129

The Dandenong Foothills includes the treed slopes and rural areas of Lysterfield Valley, the rural landscapes of The Basin, and parts of the suburbs of Boronia, Sassafra, Ferntree Gully (excluding the Ferntree Gully Village Neighbourhood Activity Centre), Upper Ferntree Gully, Rowville and Lysterfield.

This policy:

- Applies the *Melbourne 2030* objectives of Policy 2.4 to local circumstances.
- Applies the MSS objectives in Clauses 21.01 “Municipal Profile”, 21.03 “Vision and Strategic Land Use Framework”, 21.04 “Urban Design”, 21.05 “Housing”, 21.06 “Environment” and 21.07 “Economic Development”.
- Applies the findings of the Dandenong Foothills Urban and Landscape Review 2006, Knox Urban Design Framework 2020 (2003) and City of Knox Neighbourhood Character Study 1999 to ensure that new buildings, works and landscaping protect and enhance the metropolitan landscape significance of the Dandenong Foothills and Lysterfield Valley.
- Provides design guidance to implement the Knox Urban Design Framework 2020 (2003), Dandenong Foothills Urban and Landscape Review 2006 and City of Knox Neighbourhood Character Study 1999.

Melbourne 2030 recognises the environmental and landscape qualities of land in the vicinity of the Dandenong Ranges as having high environmental and social values of metropolitan significance.

The *Knox Urban Design Framework 2020* identified the Dandenong Ranges and its foothills as forming a backdrop to views across the eastern suburbs of Melbourne, including long range views from central city office buildings and other high points throughout the metropolitan area such as Northcote Hill and the Calder Highway. The important characteristics of the hills from these views are their heavily vegetated, apparently natural environment. These views are at risk from intensive residential redevelopment, poorly sited, designed and finished buildings and works, and removal of vegetation.

The interface between urban development and the Dandenong Ranges and national parks in Lysterfield are particularly susceptible to bushfire events. Within these areas, protection of human life and vegetation that has high significance to the landscape, may limit development potential.

Lysterfield Valley is classified by the National Trust as an “attractive pastoral landscape” and has been identified in *Melbourne 2030* as forming part of the Southern Ranges green wedge. Lysterfield Valley forms a key gateway to the Dandenongs and provides an important buffer between urban and rural areas.

This policy addresses five key landscape areas that make up the Dandenong Foothills area. These are the:

- Lysterfield Valley and Lysterfield Hills Rural Landscape
- Dandenong Foothills: Lower Slope and Valley Area
- Dandenong Foothills: Foothills Backdrop and Ridgeline Area
- The Basin Rural Landscape

- Lysterfield Urban/Rural Transition and Lysterfield Valley Contributory Area

22.01-228/03/2013
C110**Objectives**

The objectives of this policy are to:

- Protect and enhance the metropolitan landscape significance of the Dandenong Foothills and maintain uninterrupted view lines from within the municipality and vantage points in metropolitan Melbourne by ensuring that all buildings and works are sensitively designed and sited to sit below the dominant tree canopy height.
- Promote the maintenance and improvement of the continuous closed tree canopy by allowing enough open space within new development for the retention of existing canopy vegetation and growth of new canopy vegetation.
- Maintain the low density residential character of the landscape areas by ensuring that preferred subdivision patterns and lot sizes are retained.
- Protect the rural environments of The Basin and the Lysterfield Valley and Lysterfield Hills.
- Ensure that new buildings, works and landscaping in The Basin and the Lysterfield Valley and Lysterfield Hills protect the physical and visual amenity of the open pastoral setting.
- Limit further subdivision and rezoning of land for urban purposes where there is a high risk of bushfire.

22.01-317/11/2016
C137**Policy**

It is policy that:

Site analysis and design response

- Applications for buildings and works be accompanied by:
 - A site analysis.
 - A design response.

Site analysis

The site analysis may include a detailed site plan, photographs or other techniques and should accurately describe, as appropriate:

- The built form, scale, design and use of surrounding development.
- Solar access to the site and surrounding properties.
- Identified areas of environmental significance.
- Open space.
- Views to and from the site.
- Location of significant trees and vegetation.
- Drainage.
- Street frontage features such as poles, street trees and kerb crossovers.
- Any contaminated soils and filled areas, where known.
- Any other notable features or characteristics of the site

Design response

The design response should explain how the proposed design:

- Derives from and responds to the site analysis.
- Meets the objectives and requirements of this policy.
- Responds to any neighbourhood character features for the area identified in the Neighbourhood Character policy at Clause 22.07.

The design response should include correctly proportioned street elevations or photographs showing the development in the context of surrounding buildings and landscape.

Lysterfield Valley and Lysterfield Hills Rural Landscape

- Buildings and works be designed and sited to ensure that the rural landscape character is maintained and enhanced.
- Rural uses be maintained and encouraged.
- Indigenous trees and understorey vegetation be retained and protected.
- A minimum of 80% of all new vegetation (both canopy trees and understorey) be indigenous.

Dandenong Foothills: Lower Slope and Valley Area

- The design and siting of buildings, works and landscaping minimises the threat associated with bushfire.
- The design and siting of buildings, works and landscaping protects and enhances the visual dominance of vegetation, including canopy trees and native understorey plants to ensure that:
 - There is a continuous vegetation canopy across residential lots and roads.
 - Development blends with vegetation on the hillsides to maintain and enhance the appearance of the area as an extension of the Dandenong Ranges National Park.
 - Development does not rise above the tree canopy height to maintain the significant landscape character of the area and near and distant view lines.
- Indigenous trees and understorey vegetation be retained and protected.
- A minimum of 80% of all new vegetation (both canopy trees and understorey) be indigenous.
- Building height does not exceed 7.5 metres (with the exception of land within The Basin Neighbourhood Activity Centre and Alchester Village Neighbourhood Activity Centre).

Dandenong Foothills: Foothills Backdrop and Ridgeline Area

- The design and siting of buildings, works and landscaping minimises the threat associated with bushfire.
- The design and siting of buildings, works and landscaping protects and enhances the visual dominance of vegetation, including canopy trees and native understorey plants, to ensure that:
 - There is a continuous vegetation canopy across residential lots and roads.

- Development blends with vegetation on the hillsides to maintain and enhance the appearance of the area as an extension of the Dandenong Ranges National Park.
 - There is effective screening of development and use of suitable colours and materials to maintain distant views and the appearance of a heavily vegetated natural hillside.
 - Development does not rise above the tree canopy height to maintain the significant landscape character of the area and near and distant view lines.
 - The significant landscape character of the area is protected and enhanced by retaining existing vegetation and planting indigenous canopy and understorey vegetation.
 - Buildings and works located on sites at high points and along ridges are designed, finished and sited so that they are not highly visible from the valley area below.
- Indigenous trees and understorey vegetation be retained and protected.
 - A minimum of 80% of all new vegetation (both canopy trees and understorey) be indigenous.
 - Building height does not exceed 7.5 metres (with the exception of land within The Basin Neighbourhood Activity Centre and Alchester Village Neighbourhood Activity Centre).

The Basin Rural Landscape

- Land to the east and south of the Urban Growth Boundary be maintained for rural uses.
- Development and subdivision be limited to maintain land for rural uses and protect identified rural landscape qualities.
- Buildings and works be designed and sited to ensure that the rural landscape qualities are maintained and enhanced.
- The subdivision of land and the construction of buildings and works minimise the threat associated with bushfire.
- Indigenous trees and understorey vegetation be retained and protected.

Lysterfield Urban/Rural Transition and Lysterfield Valley Contributory Area

- Roads be aligned to provide an edge to the urban area and provide public access to reserves, parkland and views.
- Streets connect with adjoining development and provide informal street treatments incorporating indigenous vegetation and rollover kerbing.
- Building height does not exceed 7.5 metres
- The subdivision of land and the construction of buildings and works minimise the threat associated with bushfire.
- Indigenous trees and understorey vegetation be retained and protected.

Reference documents

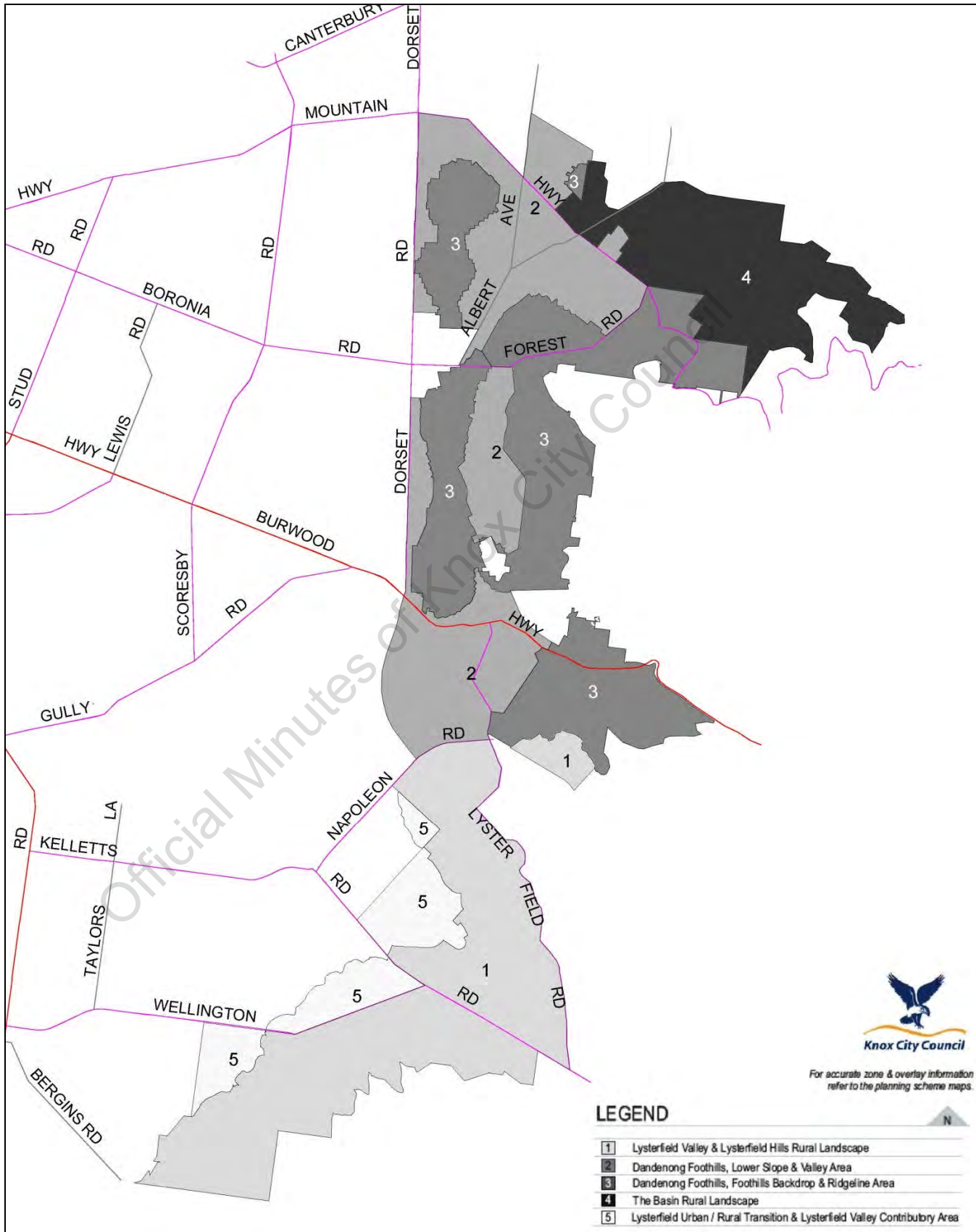
National Trust Register No. 355 - Lysterfield Valley and Yarra Ranges Landscape
Melbourne 2030 - Planning for Sustainable Growth, State Government of Victoria, 2002
Knox Urban Design Framework 2020, Planisphere for Knox City Council, 2003

Dandenong Foothills Urban and Landscape Review, Hansen Partnership Pty. Ltd. for Knox City Council, March 2006

City of Knox Neighbourhood Character Study, Mike Scott and Associates for Knox City Council, 1999

Official Minutes of Knox City Council

PLAN TO CLAUSE 22.01



COUNCILLOR TAYLOR VACATED THE CHAMBER AT 7.51PM DURING PUBLIC QUESTION TIME

COUNCILLOR TAYLOR RETURNED TO THE CHAMBER AT 7.54PM DURING PUBLIC QUESTION TIME

COUNCILLOR LOCKWOOD VACATED THE CHAMBER AT 8.02PM DURING PUBLIC QUESTION TIME

COUNCILLOR LOCKWOOD RETURNED TO THE CHAMBER AT 8.05PM DURING PUBLIC QUESTION TIME

7. PUBLIC QUESTION TIME

Following the completion of business relating to Item 6, City Development, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 7.51pm

The following questions were raised with Council:

| | |
|-------------------|--|
| Question 1 | If, as stated in the letter sent to me, no questions are allowed until all planning applications are determined, then what is the point of having a questions time? |
| Answer | The Mayor, Councillor Darren Pearce, responded that public question time has always traditionally occurred after the planning matters have been heard. Further, questions asked do not have to relate to planning matters it was just in this instance the question related to one of the planning applications. |
| Question 2 | Have any councillors visited/will visit the Knox Retirement Village to ascertain what effect this proposed development may have on the residents of the Village. |
| Answer | The Mayor, Councillor Darren Pearce, noted that he could not answer on behalf of his fellow Councillors however; he would extend an invitation to all Councillors to visit the site. |

| | |
|-------------------|--|
| Question 3 | Why are the buildings so high, this area is supposed to be a green street – buildings on Stud Road look like slums with washing hanging out on open areas. |
| Answer | The Director City Development, Mr Angelo Kourambas, responded that there is a strategic plan for the city that is required to meeting the housing needs into the future. The Knox Housing Strategy sets out Council's plan for managing residential development to respond to the current and future housing needs of the Knox community. The Strategy aims to balance the changing needs of our current and future residents with the important aspects of Knox that should be retained and enhanced. Further, the development in question is situated in the Knox Central Activity Centre. Mr Kourambas concluded that by encouraging dense development in the activity centres the neighbourhood areas of the municipality are protected. |
| Question 4 | According to page 329 of the agenda, \$473,153 has been allocated to the Upper Ferntree Gully Activity Centre but currently on hold. Could the Council please provide comment on when this project is now budgeted to commence (assuming an indexed amount is being brought into future budgets) and why it was deemed necessary to place this important community asset on hold? |
| Answer | The Director City Development, Mr Angelo Kourambas, responded that it is his understanding that the project has been deferred for a period of twelve months and that the Council will reconsider it next budget cycle. Mr Kourambas stated that the main reason for the deferral was the current status of the new structure plan for the area; which is going through the final amendment process now. |

| | |
|-------------------|---|
| Question 5 | <p>The question of the future of the Boronia Basketball Stadium has recently been brought to the attention of the local community through an article in the Knox Leader which also highlights the concerns of the council for the facility as it has been built in a low-lying, apparently flood prone, area as evidenced by the adjacent retarding basin.</p> <p>With the area surrounding Boronia having undergone rapid densification in its commercial and residential areas it appears likely that there has been a potentially significant increase in non-porous surfaces such as roofs, concrete paths, paved areas and asphalt roadways which have the likely impact of increasing rainwater run-off into the surrounding drainage systems and potentially to the local low-point at the retarding basin area.</p> <p>As part of the development approvals process in the area has Knox City Council been conducting regular revisions of its flood and drainage modelling of the area AND has this modelling identified potential impacts to the drainage system of the area, inclusive of changes to potential and likely flood impacts?</p> |
| Answer | <p>The Director Engineering and Infrastructure, Dr Ian Bell, responded that this is an exercise currently being undertaken by Council. The flood mapping exercise is in its second year and aims to determine what happens when an area receives a significant rainfall event. The findings of the exercise will then inform a planning scheme amendment. Dr Ian Bell continued that the current requirements for developments are that they can make no greater impact on the drainage of the site. This often means that the development will have retention tanks built into the storm water on site.</p> |
| Question 6 | <p>Thank you to Council for the purchase of "Quinns Land" Ferntree Gully. How will the community be involved in this project?</p> |
| Answer | <p>The Acting Director Community Services, Ms Kathy Parton, responded that Council has not yet determined the type of community engagement or formal process for determining the future of the site. Ms Parton stated that it will probably be similar to other sites which involved research and engagement with the community.</p> |

| | |
|-------------------|---|
| Question 7 | What is Knox Council policy regarding running a business from a private address? An elderly lady in Boronia has noticed a lot of machinery noise coming from the next door property. She has previously complained to Council and was informed that the neighbour was conducting home renovations and that it should last approximately two weeks. The elderly lady has said her human rights have been breached. |
| Answer | The Director City Development, Mr Angelo Kourambas, responded that he has previously discussed this matter with the questioner. Mr Kourambas continued that State Government planning provisions permit the running of a business from a private resident if they meet certain requirements. Further, in this instance the owner of the neighbouring property is doing internal alterations to their property, which they are within their rights to do. Mr Kourambas stated he can look further into this issue and respond at a later date. |
| Question 8 | Is it Knox Council policy to intimidate Knox pet owners who have overlooked to pay their pet registrations? |
| Answer | The Mayor, Cr Darren Pearce, responded that as this matter is currently before the courts it would not be appropriate for Council to comment at this time. |

Question Time concluded at 8.09pm

ALL WARDS**8.1 STATUS OF THE CONSTRUCTION OF UNSEALED ROADS AND THE APPLICATION OF CONTRIBUTORY SCHEMES - SPECIAL RATES AND CHARGES**

SUMMARY: *Coordinator – Project Delivery (Hans Pelgrim)*

Council, at its meeting 24 April 2017, called for a report to be prepared for the June 2017 Council meeting on Council’s approach to the construction of unsealed roads through the application of the Contributory Schemes - Special Rates and Charges Policy. This report is in response to the Call Up Item.

RECOMMENDATION

That Council:

1. receives and notes this Call Up report;
2. monitors the trial currently being initiated by Yarra Ranges; and
3. consider the initiation of a trial program as a part of the 2018/19 financial year.

1. INTRODUCTION

This report is presented following a Call Up item (Item 13.2) raised at the April 2017 Council meeting as follows:

“That a report is prepared for the June 2017 Council Meeting on Council’s approach to the construction of un-made roads through the application of the Contributory Schemes Special Rates and Charges Policy, considering:

- *the strategic benefits/intent of the Policy;*
- *the current annual cost to Council associated with maintaining un-made roads;*
- *the challenges and current estimated costs associated with the construction of un-made roads in Knox;*
- *the previous position of affected residents and their support or otherwise for the construction of un-made roads; and*
- *the approach followed by other Councils in the construction of un-made roads.”*

This matter has been investigated which includes an overview of Council’s current position and an assessment of the approach by three other Councils.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

2. DISCUSSION

The Local Government Act gives Council the power to levy special rates and charges to cover the cost of infrastructure improvement works.

Essentially, a potential scheme would be presented to Council where considerable landowner support can be demonstrated, before referring the project for consideration in Council's Capital Works Program.

Section 163B of the Local Government Act requires that Council cannot proceed with a scheme where objections are received from owners representing a majority of rateable properties related to the scheme.

In September, 2008, the Contributory Schemes – Special Rates and Charges Policy (the Policy) was endorsed by Council, following the establishment of Ministerial Guidelines for the implementation of such schemes and amendments to the Local Government Act.

Since that time, the Policy has had a number of reviews, which has considered minor drainage installations (endorsed by Council, September 2011) and footpaths identified in Council's Five-Year Capital Works Program (endorsed by Council, July 2016) (See Appendix A – Current Policy).

Whilst Council receives a number of enquiries in relation to the construction of unmade roads, it is clear that whilst many may desire the road, very few are prepared to contribute to the cost. Further, whilst some residents may desire a fully constructed road, the feedback received from some residents is that they prefer the rural nature of these roads and the surrounding environment.

In a typical subdivision, the cost of the road-based infrastructure (kerb, channel, drainage, vehicle crossings and road surface) is incorporated in the purchase price of the block of land.

To this end, Council's Policy position is that the residents on these un-made roads – as key beneficiaries – will need to contribute to this infrastructure.

2.1 Strategic Benefits/Intent of the Policy

The intent of the Policy is to provide a fair and equitable process that achieves Council's direction and complies with the requirements of the Local Government Act/Ministerial Guidelines for the construction of infrastructure improvements such as unsealed roads.

The Policy provides a formal mechanism for apportionment and recovery of costs to benefitting property owners and encourages the take-up of schemes by offering a Council contribution of 10% (minimum) of costs as a financial incentive.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

Prior to this policy position there was no funding incentive provided to property owners and they were expected to pay for all scheme costs apportioned to benefitting properties.

Since the Policy was presented to Council in 2008, a number of residents have shown interest in the construction of Cornish Road, Lysterfield through a potential Special Rates and Charges Scheme.

However, subsequent resident surveys have not confirmed majority support (less than the required 60%, as per Policy) which resulted in the scheme not being pursued any further.

While there has been several enquiries for the sealing of various unsealed roads, there has not been sufficient commitment shown by property owners to pursue a potential scheme, once it has been explained how these roads are to be funded.

2.2 Current Annual Maintenance Cost to Council for Un-Made Roads

The annual maintenance costs expended on Council's 19.9 kms of unsealed roads over the past five (5) years are summarised as follows:

| | |
|---------|-----------------------------|
| 2012-13 | \$230,000 |
| 2013-14 | \$247,000 |
| 2014-15 | \$251,000 |
| 2015-16 | \$269,000 |
| 2016-17 | \$276,000 (Budget Provided) |

The maintenance budget includes the following activities - grading, supply of crushed rock, filling potholes, dust suppression and clearing table-drains.

2.3 Challenges and current costs associated with construction of unsealed roads

The main challenges associated with the construction of unsealed roads are:

- (1) the cost to formally construct unsealed roads to current Council standards;
- (2) the reluctance of benefitting property owners to accept responsibility for their apportionment of the construction costs; and
- (3) the potential that, abutting residents prefer the rural nature of an unsealed road.

A relatively high cost of construction for the remaining unsealed roads within the Municipality exists, which is generally due to the effects of difficult and steep terrain associated with a number of unsealed roads, lack of formal drainage and the need to adopt current construction standards to enable Council to undertake ongoing maintenance responsibilities.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

Also, each unsealed road tends to have its own unique challenges that adds complexity to the site.

Consequently, no scheme has been implemented under Council's Contributory Schemes – Special Rates and Charges Policy for over 15 years.

2.4 Previous position of affected residents

There is a general reluctance from landowners, abutting the remaining unsealed roads, to contribute to the construction of unsealed roads.

Some are only in favour if Council fully funds the works while others prefer the rural nature of an unsealed road.

2.5 Current Knox City Council Approach

The current Policy provides a mechanism for the recovery of costs from benefitting persons when applied to infrastructure improvements of previously unconstructed, sub-standard or non-existent assets such as roads, footpaths, kerb and channel, drainage and/or off-street car parking.

Council's current approach to upgrading assets under its Contributory Schemes – Special Rates and Charges Policy can best be summarised as follows:

- A 60% minimum level of support is required from benefitting owners to the scheme proposal before the proposal is further investigated in detail.
- The Policy excludes footpaths which are prioritised by virtue of Council strategic programs and which are subsequently presented for Council's consideration in the Five Year CWP budget, and thus are fully funded by Council.
- The Policy excludes minor drainage improvement projects for works which are under \$50,000 and which are prioritised by virtue of Council strategic programs and which are subsequently presented for Council's consideration in the Five Year CWP budget, and thus are fully funded by Council.
- Council will contribute 10% of the total cost of the scheme, to provide a financial incentive for resident 'take-up' of the scheme.
- Council will make allowance in accepting costs for a percentage of works which are regarded as Community Benefit and also accept costs, in accordance with the Policy, for non-rateable land.
- The remaining costs of the scheme are distributed to benefitting property owners, in accordance with provisions of the Policy.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

2.6 Approach of Adjoining Councils

The approach of three (3) nearby Councils to upgrading assets under its Contributory Schemes – Special Rates and Charges Policy are summarised as follows:

2.6.1 Yarra Ranges

- A significant majority, in the order of 70%, of benefitting property owners supporting the proposed scheme is required before a scheme can proceed.
- Council will contribute a minimum 20% of the total cost of the scheme as a subsidy in order to provide an incentive for resident take-up of the scheme. This contribution may increase depending on the circumstances related to “Community Benefit”.
- Consideration of a ceiling amount applied to apportioned costs for rural type roads where properties may be quite large and roads are quite long with the cost above the ceiling amount being contributed by Council as a further subsidy.
- Currently, the Shire is trialling a sealing (short-term) treatment on a number of rural roads with a view to providing a sealed road, while maintaining a rural amenity at a reasonable cost.

2.6.2 City of Casey

- Support from a majority of contributing property owners is required before the scheme can proceed. Council may however choose to proceed without majority support in recognition of the benefit to abutting properties and the broader community and Council is contributing two-thirds of the cost.
- Council must abandon the Scheme if the majority of property owners object and if Council is raising over two-thirds of the costs of the works through the scheme.
- Schemes for the construction of Local Residential Street Schemes are fully funded by property owners.
- Roads with broader community benefit are co-funded by Council and property owners as follows:
 - (1) Secondary Arterial Roads - 75% Council & 25% property owners; and
 - (2) Roads other than arterial roads – 50% Council & 50% property owners.
- Property owner’s contribution is capped at \$11,016 (as at 1 July 2016) against each lot.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

2.6.3 Mornington Shire Council

- A strong demonstration of support from a majority of contributing property owners is required before the scheme can proceed.

However, Council may choose to proceed without majority support in recognition of the benefit to abutting properties and the broader community for compelling reasons relating to issues of safety, health or amenity, and Council is contributing two-thirds of the cost.

- Council may resolve to proceed with investigating a proposed special charge scheme if 60% of survey respondents are supportive.
- Council may contribute to the project costs of schemes as categorized below, with all potential Council contribution being subject to funding being available through the Capital Works Program:
 - 100% - for infrastructure projects that provide the greatest community benefit.
 - 50% Council contribution – for infrastructure that generally provides equivalent benefits for both the broader community and local properties.
 - 35% Council contribution – for infrastructure that has some broader community benefit but predominantly provides a benefit to properties within the scheme.
 - 0% Council contribution - for infrastructure that has little or no broader community benefit. These projects will only proceed if there is overwhelming support, and may not proceed if objections are received in respect of a majority of rateable properties.

3. CONSULTATION

The original Policy was the subject of a consultation process and reflects the requirements of the Local Government Act.

It is recommended that no further consultation should occur at this time, unless substantial changes to the Policy are proposed.

4. ENVIRONMENTAL/AMENITY ISSUES

While there are minor environmental issues identified with this Policy (eg. dust reduction on unsealed roads, erosion, silt run-off to storm-water drainage), improved amenity is usually the main factor for undertaking asset improvements such as constructing previously unsealed roads.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

However, Council may wish to consider alternative construction standards for unsealed roads which are more mindful of the financial considerations and which may be more cognisant of existing physical and terrain restraints. This will still require some form of cost recovery from property owners but may provide an alternative to formal construction standards.

Council should be aware that, for any alternative construction proposals, it may be regarded as a temporary construction due to its reduced standard of construction and shorter life-expectancy.

Such a scheme, if implemented, could commit property owners to a further, future cost.

Temporary construction standards could be researched to consider what options are available; what impact these options may have; what costs would be to Council/benefitting owners; and, ongoing maintenance responsibilities.

5. FINANCIAL & ECONOMIC IMPLICATIONS

As part of undertaking the work required for this Call Up Item, officers have had regard to Council's Call Up Items at Council Meeting Policy, and in particular, Item 6.5 which states:

“Where preparing a report responding to a Call Up Item which will require more than 3 person days or \$5,000 in costs, then the matter which is subject to the Call Up Item should be referred by Council to the next budget considerations with a supporting business case for consideration along with competing priorities.”

Financial implications to Council are currently inconsequential as there has not been a Special Rates and Charges Scheme implemented for a number of years.

There has been no budget imposition on Council's Capital Works Program (CWP) thus enabling Council to direct its CWP budget allocation elsewhere.

Should Council alter its approach to unsealed roads, requiring an amendment to its Contributory Schemes – Special Rates and Charges Policy or an amendment to its construction standards then, as a consequence, Council may experience an increase in property owner interest to the sealing of unsealed roads and potential requests for funding works.

It is noted that there are 54 local unmade roads identified in Knox – for an estimated total construction cost of \$13.7m. These estimates were prepared several years ago and would have increased since that time.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

The estimate of cost for a Special Rates and Charges Scheme are based on the full construction of the roads to Council standards, including pavement, rollover kerb and channel and full drainage. Following construction of the road, full responsibility for road maintenance transfers to Council and diverts any further requests for resident contribution.

Council's Long-Term Financial Forecast has projected approximately \$5m for new and upgrade works per annum, for the next 2-3 years. There is no provision currently for the construction of un-made roads.

It is anticipated that Council would not be in a position financially to provide infrastructure on behalf of residents living on unsealed roads. Such a cost would be prohibitive and would create an inconsistency in terms of the funding of road-based infrastructure. In effect, the general ratepayers would be subsidising the residents who live on these unmade roads.

Spread across the expected life of the road, the annual lifecycle costs of a sealed road (maintenance, renewal, depreciation) would be comparable to the maintenance cost of an unsealed road. This is in the order of \$14,000 - \$15,000 per annum.

The key issue from an economic perspective however is the initial capital funding requirements given that the cost of road construction is currently in the order of \$770,000 per kilometre. Further, Council needs to consider a range of competing priorities in regard to the allocation of its available capital funding.

6. SOCIAL IMPLICATIONS

The principle of benefitting landowners paying for improvements to infrastructure that were not fully developed or installed at the time of subdivision, is a key element of the current Policy.

The Policy provides a fair and equitable method of apportioning costs to the benefitting landowners, should they wish to upgrade their facilities.

7. RELEVANCE TO CITY PLAN 2013-17 (INCORPORATING THE COUNCIL PLAN)

This report is relevant to Council's Strategic Objective of Dynamic Services & Facilities, directed towards continually reviewing and improving the quality and effectiveness of Council's service provision.

8.1 Status of the Construction of Unsealed Roads and the Application of Contributory Schemes - Special Rates and Charges (cont'd)

8. CONCLUSION

The implementation of Special Rates & Charges Schemes has been unsuccessful in recent years and only cursory interest has been shown for construction/sealing of the unsealed roads across the municipality.

It is suspected that this is due to the high cost of construction (and consequently relatively high cost apportioned to property owners) and for some residents who prefer to maintain the rural nature of their street.

As noted, the Shire of Yarra Ranges are currently trialling a short term sealing treatment with the objective of providing a sealed road at a lesser cost than full construction. Council will be monitoring the results of this trial program.

Based on the results of this trial, Council may wish to consider initiating its trial program for the implementation of temporary schemes as a means to encouraging the sealing of unsealed roads and maintaining the rural nature of these roads at a lesser cost. The results of any trial program may result in change in Council's approach, with a subsequent Policy amendment.

9. CONFIDENTIALITY

There are no issues of Confidentiality associated with this report.

COUNCIL RESOLUTION

MOVED: CR. KEOGH

SECONDED: CR. MORTIMORE

That Council:

- 1. receives and notes this Call Up report;**
- 2. monitors the trial currently being initiated by Yarra Ranges;
and**
- 3. consider the initiation of a trial program as a part of the
2018/19 financial year.**

CARRIED

APPENDIX A

KNOX POLICY



CONTRIBUTORY SCHEMES

SPECIAL RATES AND CHARGES

| | | | |
|----------------|--------------|----------------------|--------------------------------|
| Policy Number: | 2008/03 | Directorate: | Engineering & Infrastructure |
| Authority: | Council | Responsible Officer: | Manager – Engineering Services |
| Policy Type: | Council | Version Number: | 4 |
| Approval Date: | 12 July 2016 | Sunset/Review Date: | 12 July 2020 |

1. PURPOSE

The purpose of the policy is to set out the principles of a Special Rates and Charges Scheme (Contributory Scheme) to fund infrastructure works.

2. BACKGROUND

In September 2004, Local Government Victoria established Ministerial Guidelines for the Implementation of Special Rates and Charges in response to amendments to the Local Government Act in 2003 to ensure fairness and equity when implementing Special Rates and Charges under Section 163 of the Local Government Act 1989.

This Policy is intended as a procedural guide for the creation and implementation of all Contributory Schemes, which accords with the Ministerial Guidelines.

Specific guidelines for determining Special and Community Benefits and thus the apportionment of cost referred to as the Maximum Total Levy are included as appendices to this report. Appendix 1 provides apportionment guidelines and methodology in respect of schemes for:

- Road Construction
- Footpath Construction
- Kerb and Channel Construction
- Drainage Construction
- Off street Car Parking

Schemes can be used for any project or related project listed above. An operational guidelines and flowchart is shown in Appendix 2.

3. SCOPE

This policy will apply to the development of all Special Rates and Charges Schemes.

4. REFERENCES

- Local Government Act 1989 and amendments
- Ministerial Guidelines 2004

5. DEFINITIONS

The terms used in this policy are defined in the Local Government Act 1989 and the Ministerial Guidelines.

6. COUNCIL POLICY

6.1 SCHEME INITIATION

The special rate or charge process may be initiated by Council, members of the public, residents within the area, Council Officers or as a result of requests` from officers of Statutory Authorities with services in the area or providing service to the area.

6.1.1 Preliminary Consultation and Report

Except for the case where the process has been initiated by a petition containing the signatures of a two thirds majority of potential contributors, the relevant Director shall circulate a questionnaire to identify the potential contributors and their level of support for a scheme.

Note: At the Council meeting held on 26 June 2007, Council resolved that a 60% minimum level of support from contributing properties be a base requirement for a road construction scheme to be prepared and before committing Council funds in the Capital Works Program.

Council may consider proceeding with a particular scheme based on compelling reasons relating to issues of safety, health or amenity.

Having allowed fourteen (14) days for reply, the Responsible Officer shall prepare a preliminary report to the subsequent Council Meeting which may include the following:

- background information detailing the reason for canvassing potential contributors;
- a statistical analysis of results of responses and an assessment of their substance;
- the circumstances which may exist whereby the considerations of safety or other matters override all other considerations;
- the outcome of public consultation;
- an expansion of the preliminary report taking into account the following matters where relevant:
 - the function of the infrastructure;
 - safety and amenity;
 - technical matters such as design speeds for local roads, impact on drainage and road networks;
 - environmental impact including removal or protection of native vegetation; and
 - cost to the community regarding options, including no action, i.e. cost to maintain the existing facility.
- Council contribution to the scheme;
- recommendation of any committee which may have been formed to participate with development of the functional and conceptual issues;
- recommendation to either abandon, amend or adopt the proposed scheme and/or proceed with detail design of the preferred option; and
- recommendation that affected owners/occupiers and any party which has registered its interest in the scheme in writing with Council be advised of Council's decision.

6.1.2 Five Year Capital Works Program

Following a resolution by Council to proceed with the scheme, a preliminary estimate should be referred to the Five year Capital Works program. When funding becomes available for the project, the scheme may continue.

6.2 DETAILED SCHEME PREPARATION

Following the Council resolution to proceed with the Scheme, the final design, estimates and apportionments shall be prepared. The officer responsible for the detailed preparation of the Scheme shall maintain a high level of consultation with parties to be affected by the proposal.

6.3 STATUTORY REQUIREMENTS FOR SCHEME ADOPTION

6.3.1 Declaration of Special Rate or Charge

- A proposed declaration must include a description of the works or services to be provided, the total cost of the works or services and the total amount of the special rates and charges to be levied. (This is in addition to information already required).
- When Council gives public notice of a proposed special rate or charge it must, within three working days, send a copy of the public notice to each person who will be required to pay the rate or charge.
- Before declaring a Scheme, Council must determine the “total amount” of the special rates and charges to be levied. The total amount may not exceed the maximum total amount calculated by the formula $R \times C = S$; where R is the benefit ratio, C is the total cost of the works or service and S is the total maximum amount.
- If Council proposes to levy a total amount that exceeds two thirds of the total cost, the affected ratepayers have a right to object and if the Council receives objections from a majority of those ratepayers within 28 days of the public notice it may not declare the scheme. (This is in addition to the existing Section 223 consultation process).
- If Council proposes to alter a declared special rate or charge in a way that will require an additional person(s) to pay, or that will involve a material increase in the amount that a person has to pay, it must give public notice of the proposal. The Public Notice in Section 163 (1B) must: Outline the proposed declaration, show date on which it is proposed to make a declaration and allow inspection for at least 28 days after the notice and consider public submissions, in accordance with Section 223 of the Act.
- Council’s responsible officer shall report to Council with the details of the scheme, including calculation of Maximum Total Levy and the maximum amount that Council will levy as outlined in the Ministerial Guidelines dated 23 September 2004 shown in Appendix 3.
- Council or a committee of Council (established by Council) must consider any written submission made in respect of the scheme (S.223).

Also included in this report will be a Notice of Motion including:

- the period the Special Rate or Charge remains in force;
- the purpose of the Special Rate or Charge;
- a specification of the wards, groups, users or areas for which the Special Rate or Charge is declared;

- a specification of the criteria which forms the basis of the Special Rate or Charge. For local street construction this will be the ownership of properties that abut or are adjacent to the project and/or derive benefit from improved access and amenity;
- a specification of the manner in which the Special Rate or Charge will be assessed and levied. In general, apportionment should be carried out using the traditional methods well established through Administrative Appeals Tribunal precedent;
- an estimate of owners' liabilities. This estimate shall include ancillary costs such as survey, design, supervision and administration. Ancillary costs may be estimated using the Association of Consulting Engineers Australia (ACEA) Principle Consultant rates;
- the impact of the Council's liability to the contribution in the event of over expenditure;
- period of maintenance required for the works (if works are relevant to the rate or charge);
- incentives to be given to ratepayers as detailed in the policy;
- planning policies and specific objectives (if any) as referred in Section 185 of the Local Government Act 1989;
- the manner of payment of the Special Rate or Charge and the detail of the financing provisions to be accommodated by Council in regard to the scheme;
- that a Public Notice will be given of the declaration;
- that submissions made in accordance with Section 223 Local Government Act 1989 will be considered by Council; and
- a requirement for Council to establish a committee to consider any written submission made and hear people, in respect of the scheme (S223).

The Responsible Officer for the scheme in his report to Council will have regard to the Council policy which applies at the time in respect to the level of interest to be charged on the principal and any penalty interest which may apply to overdue repayment instalments.

6.3.2 Advice to Affected Persons

Should Council resolve to declare a Special Rate or Charge, a letter advising of this decision shall be sent to all persons required to pay and occupiers. This letter shall include the information to be contained in the Public Notice, including advice that submissions may be lodged by any interested party.

6.3.3 Public Notice

Following the declaration of the Special Rate or Charge a notice shall be published in a newspaper generally circulating in the area setting out the declaration and stating that submissions will be considered in accordance with Section 223 Local Government Act 1989.

The Responsible Officer shall ensure that copies of the advertisement are retained on file as confirmation that the notice was given.

6.3.4 Consideration of Submissions

Written submissions received by Council within the time prescribed in the public notice will be considered by a committee nominated by the Council. Personal appearances to support written submissions will be encouraged.

However, submitters must state their desire to appear before the Committee in their written submission. This committee will then make a recommendation to full Council for a final decision.

6.3.5 Council Resolution following Submissions

Following consideration of the committee's recommendation Council may resolve to:

- abandon the scheme by not giving effect to the declaration to levy the Special Rate or Charge or;
- prepare a new Special Rate or Charge Scheme due to the need to significantly modify the original scheme, therefore requiring the process to be recommenced or;
- proceed with or without minor variation to the original declaration.

NOTE: Any variation in the amount of the proposed rate or charge which exceeds more than 10% of the amount specified in the original notice will require the scheme to be returned to Council for consideration of a new declaration.

All persons making submissions and all parties affected by the scheme shall be advised of Council's resolution.

In the circumstance that no submissions are lodged, Council may resolve to confirm, modify or abandon its original scheme.

6.3.6 Levy of Special Rate or Charge

Council levies the Special Rate or Charge by sending a notice to all those liable to pay. This notice shall be in accordance with sub-sections 163(1A) and (1B) and (1C) of the Local Government Act 1989 and shall contain prescribed information detailed in Regulation 163(3).

6.3.7 Appeal

Following the levying of the Special Rate or Charge aggrieved persons may appeal to the Victorian Civil and Administrative Tribunal (VCAT) within one month after the date of issue of a notice to the person of the Special Rate or Special Charge or combination thereof. Section 185 of the Local Government Act sets down the criteria for an appeal and provides the following grounds:

- i. the works and projects or the period of maintenance for the purposes of which the Special Rate or Special Charge was imposed are not or will not provide a special benefit to that person; or
- ii. the basis of distribution of the rate or charge amongst those persons who are liable to pay it is unreasonable; or
- iii. if the planning scheme for the area contains any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of any land are inconsistent with those policies or objectives; or
- iv. if the planning scheme for the area does not contain any relevant policies or specific objectives, the works and projects proposed for the construction of a road or for the drainage of the land are unnecessary, unreasonable, excessive, insufficient, unsuitable or costly, having regard to the locality or environment and to the probable use of the road or drainage of land.

Following notification from the VCAT of appeals lodged, contact may be made with appellants in order to carry out negotiations prior to the hearing. Failing this the Responsible Officer will prepare Council's case for the VCAT hearing.

NOTE: An aggrieved person may in addition, or alternatively, appeal within 60 days to the County Court. Notice must be given to Council in the prescribed form for this to occur. (S. 184 L.G.A.). Grounds of appeal can be non-rateable land, assessment calculated incorrectly or the person considers that they are not liable to be rated.

6.3.8 Council Options Following VCAT Decision

Where VCAT upholds the scheme entirely or varies it with respect to the applicants, Council must proceed with the scheme as determined by VCAT.

Council can then:

- issue notices requiring payment within fourteen (14) days (S.167 (3)); or
- resolve to declare a variation to the scheme with all liable owners to be notified of the variation advice (S.166 (1) (b) and (2)); or

Where VCAT quashes a scheme, Council could only proceed to declare a scheme for the same street if the new scheme differs significantly from the quashed one and in particular in no way is inconsistent with VCAT's reasons for quashing the scheme as determined by VCAT.

Council may then:

- resolve the discontinuance of the declaration and provide all liable owners with discontinuance advice (S.164(2)); and
- significantly differ the scheme and proceed.

- NOTE:**
- (i) The issue of notice requiring payment (S.167 (3)) would follow Council's resolution to declare a variation and notification of variation.
 - (ii) Once a discontinuance notice has been sent out no further action is required.
 - (iii) The person who is liable to pay the Special Rate or Charge may apply to Council for permission to pay by a lump sum as determined between that person and Council S167 (4).

6.4 SCHEME IMPLEMENTATION AND FINALISATION

6.4.1 Implementation Process

The Responsible Officer shall ensure that the tasks necessary to implement the scheme are carried out. Schemes which involve provision of services or Capital Works for the provision of infrastructure shall be competitively tendered in accordance with the procedure set down in the Council's Contract Administration Policy.

If the Tendered Price for the Contract works component of the Scheme exceeds the estimated cost by 10% or more, the proposal shall be referred to Council for reconsideration and a resolution sought to either abandon the scheme or accept the Tendered Price and proceed with the work.

6.4.1.1 Notice of Demand for Payment

Following the decision of Council to proceed with the Scheme and its implementation through the Public Tender Process, a Notice of Demand for Payment will be served on all contributors indicating all the relevant scheme details and the charge or rate based on the accepted tender price.

The notice shall clearly indicate that this demand for payment is based on the tendered price for the contract work forming part of the estimated scheme total cost and may be subject to variation of up to a maximum of 10% of the amount stated.

Should demand for payment exceed the maximum variation of 10% of the amount stated, then the amount in excess shall be funded by Council.

6.4.2 Reconciliation and Report to Council

6.4.2.1 Special Charge Schemes

Schemes shall be finalised and reconciled within two months of finalisation of the works.

The responsible officer shall report to Council advising that the works are completed and costs finalised. The report will include final apportionment of costs and details where variations from original estimates affect final apportionments costs.

NOTE: In any case where the Special Rate or Charge is varied by any amount, notice is required to be given to all affected parties pursuant to Section 166(2) of the Local Government Act 1989.

7. RELATED DOCUMENTS

The policy document is related to the Local Government Act 1989.

APPENDICES

APPENDIX 1 Apportionment Principles

APPENDIX 2 Summary of Procedure for Implementation of a
Special Charge for Road Schemes
Flowchart of Procedure

APPENDIX 3 Special Rates and Charges
Calculation of Maximum Levy – Ministerial Guidelines 2004

Official Minutes of Knox City Council

APPENDIX 1

SPECIAL RATES AND CHARGES POLICY

APPORTIONMENT PRINCIPLES

Officers responsible for the detailed development of cost apportionment for contributory schemes should have regard to this policy and the following principles:

1.0 BENEFIT RATIO

The calculation of the maximum total levy for a scheme shall comply with the Ministerial Guideline applying to Section 163(2C) of the Local Government Act 1989 as promulgated in the Victoria Government Gazette G39 23 September 2004. In most cases this will yield the limiting amount for levying by way of a special charge scheme. However to ensure consistency with past practice the following guidelines shall also be regarded in determining the Benefit Ratio.

2.0 METHOD OF APPORTIONMENT

The general method of apportionment in residential areas is based on 80% for access benefit and 20% amenity benefit using the effective frontage guidelines set out in City of Knox Plan 225-A1.

3.0 FOOTPATH AND BICYCLE PATH PROJECTS

The construction of imperviously sealed paths, with the exception of those in Council reserves and projects prioritised within the Capital Works Program, Program 4006 – New Footpath Construction Program, are to be undertaken by Special Charge Scheme with full cost of vehicle crossings and footpath thickenings chargeable to owners. The maintenance of the constructed asset will be Council responsibility.

Contributions by adjoining owners to be based on fairness, equity and in the absence of special circumstance on the following guidelines:

3.1 Residential Area - Access Roads

Subject to Council paying for non-rateable land proportion. Then:

- Extent of scheme - abutting and opposite residences.
- Owners pay costs as derived.
- Individual charges based on Special Benefit derived from the calculation of maximum total levy and for through traffic that provides “Community Benefit”.

Allow one Benefit Unit per residential Unit as determined by the Planning Scheme provision for the area (i.e. minimum Lot size for a residential unit).

Where a larger lot exists and more than one residential unit can be developed then an additional Benefit Unit should be charged for each additional potential development unit.

3.2 Residential Area - Residential Collector Road

Subject to Council paying for non-rateable land proportion. Then:

- Residences included in scheme where path is proposed.
- Owners charged 2/3 of scheme cost. (Subject to variation when using Maximum Levy calculation).
- Council pays 1/3 of cost.
- Benefit Unit based on residential unit and apportionment as above prescribed under Section 2.1.

3.3 Link Roads

- Due to the need to ultimately have paths on both sides, then abutting residents only will be included in the scheme. Owners charged on benefit unit basis of 1/3 scheme cost.
- Due to function of path to serve broader needs of the community, Council to meet 2/3 of cost of construction i.e. owners liable for 1/3 cost of footpath.

3.4 Arterial Road

- Due to function of path to serve broader needs of the community Council to meet 100% of cost of construction. Owners charged nil cost.

3.5 Recreational Paths

3.5.1 Path located in Council Reserve.

- Full cost to Council.

3.5.2 Shared Pedestrian/Cycle Paths

Owners of abutting and, where applicable, opposite residences are required to contribute to the normal 1.4 metre width path as prescribed for the various types of situations above. The extra width for cycle use, whether shared or segregated, being paid for by Council.

3.6 Paths in Commercial and Industrial Areas

Where an existing or proposed development requires construction of a footpath, the Council contribution shall not exceed 50% of the cost of the works unless special circumstances exist.

4.0 DRAINAGE CONSTRUCTION SCHEMES

Council's policy is aimed at making drainage schemes equitable and creating an incentive by offering the following:

- Council will contribute 10% of the total cost of works as a subsidy.

For all property drainage schemes apportionment shall be undertaken on the following basis:

- All properties which benefit from the construction of the drain by being able to connect to the drain or receive protection by the drain shall be included in the scheme.
- The determination of benefit to be derived from the construction of such drains shall be at the discretion of Council with the liability being assessed on the general basis that properties contributing to the drain and being protected by it will be treated equally on an area basis.

Special Rates and Charges Schemes shall not be applied in the provision of public drains where the works:

- are considered minor;
- can be delivered for an estimated cost of \$50,000 or less;
- will improve amenity, safety and health;
- will mitigate local flooding;
- can be delivered with minimal consultation;
- are unencumbered by other infrastructure needs (ie. the scheme does not require road construction, kerb and channel or other works);
- satisfies a missing link in the drainage network; and
- is uncomplicated to deliver.

5.0 ROAD CONSTRUCTION SCHEMES

5.1 Policy for Unsealed Roads Program

Council's policy is aimed at making road schemes equitable and creating an incentive by offering the following:

- i Council will make an allowance for through traffic and pay the percentage of works as a "Community Benefit".

- ii Council will also pay the proportional cost share of the non-rateable component.
- iii Council will contribute 10% of the total cost of works as a subsidy.

Full cost of vehicle crossings and footpath thickenings to be met by owners.

Council maintains constructed asset.

5.2 Access Roads

Cost to owners based on using guidelines in Appendix 3 part H and I for Benefit Ratio and Calculation of Maximum Benefit and apportioned on the basis of Benefit Unit and/or Frontage. (Refer to Council Plan No. 225-A1 when frontage is to be considered).

The actual cost to owners is based on a calculation of Maximum Levy which now exempts non-rateable property. An allowance for through traffic component with a community benefit is to be used as shown in Appendix 3.

5.3 Collector Roads

Cost to owners using through traffic volumes as community benefit and based on the attached Benefit Ratio and Calculation of Maximum Levy and cost as for residential streets and exempting non-rateable land.

5.4 Arterial Roads

Full cost of Road Pavement to Road Authority (i.e. Council or VicRoads).

Half cost of kerb and channel to owner; half cost to Road Authority.

6.0 OFF STREET CAR PARKING SCHEME (RATE OR CHARGE)

6.1 Retail

The cost to be recovered shall be apportioned to those properties which will derive a benefit. Have regard to existing and potential shop size, type, proximity and any provision or contribution towards spaces provided.

6.2 Commercial

Costs to be apportioned to beneficiaries on the basis of leasable floor space and proximity and any previous contributions or provisions.

7.0 COUNCIL CONTRIBUTIONS

General principles to follow:

A Council contribution should occur where there is an identifiable benefit received from a project to persons other than those landowners determined as being liable for the Special Rate or Charge (e.g. a street being constructed that is used as a through road to serve other streets). This is generally known as “Community Benefit” as defined and used in Appendix 3.

A Council contribution may occur on behalf of a non contributing Government Authority which has a property within the boundary of a Scheme. (Section 221(3) states that Crown land cannot be included in a Special Rate or Charge). Council will pay the proportional costs of the non-rateable land.

A Council contribution will occur where there exists Council owned property within the boundary of a Scheme. The extent of contribution should be based upon the existing or potential equivalent benefit received compared to other properties included in the Scheme.

A Council contribution should occur for replacement, modification or reinstatement of any existing infrastructure affected by a proposed project.

A Council contribution should occur for works included in a project that are for the main benefit of the wider community or landowners outside the designated area of a proposed Special Charge Scheme.

An increased Council contribution may occur for locations:

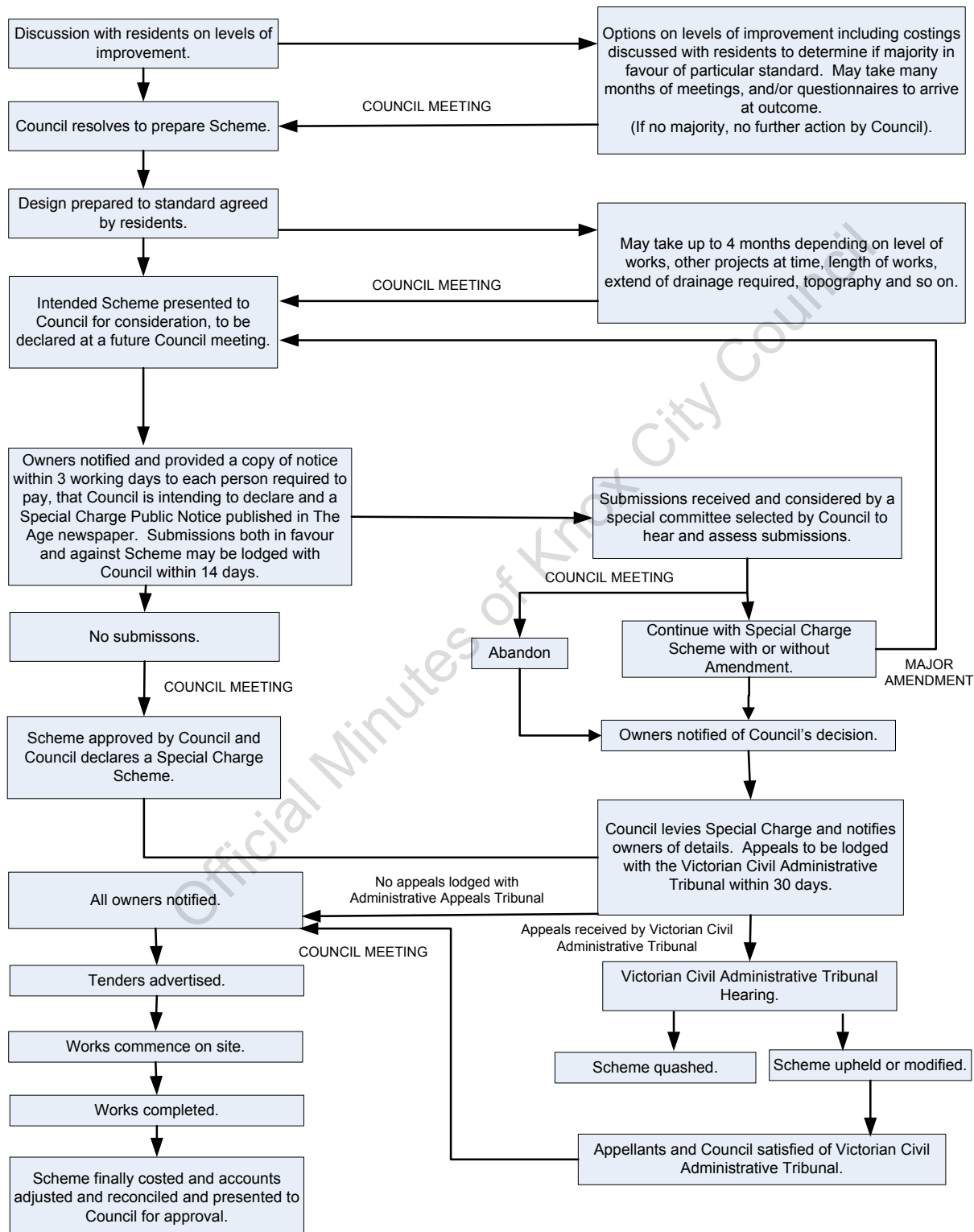
- where severe slope and terrain require more significant works than for general locations;
- where user or community safety is of concern;
- where significant risk management issues to Council exist;
- where excessive maintenance costs of the existing conditions are being incurred by Council.

APPENDIX 2**SUMMARY OF PROCEDURE FOR IMPLEMENTATION OF A SPECIAL CHARGE SCHEME FOR ROAD CONSTRUCTION**

1. A report is prepared and presented to Council requesting Council resolve to approve the preparation of a Scheme as a result of a request and consultation with landowners.
2. Survey, design plans and scheme prepared in accordance with landowners. (This step may take several months depending on the length of the street, the extent of drainage required, topography etc.)
3. A report is prepared and presented to Council to consider the Intended Scheme.
Council may either:
 - approve the intended scheme and agree to proceed and declare at a future meeting; or
 - decide not to proceed with the intended scheme.
- 4(a) If Council resolves to proceed, liable landowners shall be notified and a public notice published. Submissions, both in favour and against the scheme, may be lodged with the Council within 14 days.
- 4(b) When Council gives public notice of a proposed special rate or charge it must, within three working days, send a copy of the public notice to each person who will be required to pay the rate or charge.
5. A person who has made a submission may apply to Council to speak in support of their submission before the Council. A committee of the Council must consider any written submission which is received by the Council within 14 days after the publication of the public notice.
- 6(a) A report is prepared and presented to Council, to declare and adopt the Special Charge, with or without modification or may decide to abandon the scheme.
- 6(b) If the Council resolves to proceed, notice is served on landowners stating details of scheme, charge liable and advising that persons aggrieved by Council's decision may (within 30 days) apply to the Planning division of the Victorian Civil Administrative Tribunal for a review of the decision.
7. If no submissions are received by the Victorian Civil Administrative Tribunal, Council proceeds to administer the scheme.

8. If Submissions are received by the Victorian Civil Administrative Tribunal, a date shall be set by the Tribunal to consider the submissions.
9. Tribunal conducts the hearing and advises those who made submissions and Council of its decision. A time delay up to four months can be experienced while waiting for a hearing time to be set and a decision to be handed down.
10. A report is presented to Council to finalise the scheme details and determine the scheme will proceed or otherwise.
11. All landowners liable are advised of whether the scheme has been approved or abandoned.
12. If the scheme is approved, the works are tendered out to obtain the most competitive price.
13. Council considers tenders received and resolves to award the contract for the scheme.
14. Works commence.
15. Payment will generally be aligned with your payment of municipal rates, as described in the notice sent to landowners and will be based on the estimated cost of works
16. Following completion of works, actual costs are calculated and become the final amount payable by landowners. If the actual cost is less than the estimated cost, a refund is forwarded to those landowners whose payment has been received in full. If the actual cost is greater than the estimated cost, landowners are advised and become liable for the additional cost, (up to 10% above the estimated cost of works). Where instalments are being paid by a landowner, these are adjusted as appropriate.

Knox City Council
TYPICAL PROCEDURE FOR IMPLEMENTATION OF A SPECIAL CHARGE FOR ROAD AND/OR UNDERGROUND DRAINAGE IMPROVEMENTS



APPENDIX 3*Local Government Act 1989 – Section 163(2C)***Special Rates and Special Charges: Calculating Maximum Total Levy****Ministerial Guideline***(Published in the Government Gazette on 23 September 2004)***INTRODUCTION**

1. This Guideline is made under section 163(2C) of the Local Government Act 1989 (the Act). It relates to the application of sections 163(2), 163(2A) and 163(2B) of the Act. It specifically addresses the calculation of the maximum total amount that may be levied as a special rate or special charge (referred to as the “*maximum total levy*”).
2. Some terminology used in this Guideline should be noted:
 - a. “*Scheme*” refers to a special rate or special charge scheme.
 - b. “*Works or services*” refers to the functions or powers being exercised by the council for which it is proposed to levy a special rate or charge.
 - c. “*Property*” refers to property in the form of land.
3. The calculation of the *maximum total levy* requires the following:
 - a. Calculation of the “total cost” of the works or services,
 - b. Calculation of the “benefit ratio”, which depends on reasonable estimates of:
 - “*Total special benefits*” to properties included in the scheme,
 - “*Total special benefits*” to properties not included in the scheme (if any), and
 - “*Total community benefits*” (if any).

STEPS IN CALCULATION

4. The following steps apply to the calculation of the maximum total levy.
 - A. DEFINE PURPOSE
 - B. ENSURE COHERENCE.
 - C. CALCULATE TOTAL COST
 - D. IDENTIFY SPECIAL BENEFICIARIES
 - E. DETERMINE PROPERTIES TO INCLUDE
 - F. ESTIMATE TOTAL SPECIAL BENEFITS
 - G. ESTIMATE COMMUNITY BENEFITS
 - H. CALCULATE THE “BENEFIT RATIO”
 - I. CALCULATE THE MAXIMUM TOTAL LEVY

A. Define Purpose

5. The purpose, or purposes, of the proposed works or services should be clearly defined at the outset. The purpose should describe the reasons why the proposed works or services are proposed.
6. The description of the purpose would normally take account of the following:
 - a. Reasons why the works or services are considered necessary or appropriate, noting any relevant background information.
 - b. Who has proposed that the works or services be undertaken and including the following information;
 - If the works or services have been proposed by the council, the relevant council policy or resolution.
 - If the works or services were requested by a person or people other than the council, an indication of whether those people are proposed to be included in the scheme and what reasons they have given for requesting the works or services.
7. A scheme may serve multiple purposes and can be proposed by multiple parties.

B. Ensure Coherence

8. For the purposes of calculating the maximum total levy, and therefore total cost and benefit ratio, the works or services for which the special rate or charge is proposed should have a natural coherence.
9. Proposed works or services can be considered to have a natural coherence if:
 - a. They will be physically or logically connected, or
 - b. They will provide special benefits, of a related nature, to a common, or overlapping, group of properties.

C. Calculate total cost

10. The “*total cost*” is the aggregate cost of defraying expenses related to providing the works or services and establishing the scheme.
11. The following should apply to the calculation of the “total cost”:
 - a. Costs included in the *total cost* must be for purposes in section 163(1) of the Act.
 - b. Costs included in the *total cost* may only be for expenses listed in section 163(6) of the Act.

- c. Costs included in the *total cost* should be based on actual expenses that have been incurred, or reasonable estimates of expenses expected to be incurred. (For example, any interest should be based on estimated actual interest costs rather than on prescribed penalty interest rates).
- d. Costs included in the *total cost* may relate to known activities but not to activities that are purely speculative or hypothetical in nature. (For example, provision for incidental costs related to the proposed works might be included but not costs related to possible legal proceedings that may or may not occur).

D. Identify special beneficiaries

12. The council should identify, as far as possible, which properties will receive a special benefit from the proposed works or services. A “*special benefit*” is considered to be provided to a property if the proposed works or services will provide a benefit that is additional to or greater than the benefit to other properties.
13. It is important to note that, while special benefits are considered to accrue to properties, the actual measurable benefits are provided to the owners and/or occupiers of the properties (see also paragraph 23.a).
14. Special benefits should be benefits that are either tangible benefits to the owners or occupiers of the properties that are not remote, or they should be clear benefits to those owners or occupiers that were identified in the defined purpose of the works or services (paragraph 5). Types of benefits included as special benefits generally include services provided for the properties, identifiable improvements in physical or environmental amenity, improved access, improved safety or economic benefits.
15. A special benefit may be considered to exist if it would reasonably be expected to benefit the owners or occupiers of the property. It is not necessary for the benefit to be actually used by the particular owners or occupiers of a specified property at a particular time in order for a special benefit to be attributed to the property.

E. Determine properties to include

16. Having identified which properties will receive *special benefits*, the council must decide which properties to include in the scheme. The properties included in the scheme will be those that are required to pay the special rate or charge.
17. If a property will receive a *special benefit* but is not included in the scheme, the calculation of the benefit ratio will result in the council paying the share of costs related to the special benefits for those properties.

18. The council is not required to levy a special rate or charge on any or every property that will receive a *special benefit*. A property with a special benefit may be excluded from the scheme for any of the following reasons:
- a. the council is unable to levy a special rate or charge on the property,
 - b. the owner of the property has already contributed to the costs of the works through a development levy,
 - c. the council considers that there are particular advantages for the municipality in excluding the property from the scheme,
 - d. the council considers that the special benefits for the property are marginal and would not warrant including the property in the scheme, or
 - e. any other reason that the council considers appropriate.

F. Estimate total special benefits

19. Total special benefits can be defined to include two parts, as follows:

$$TSB = TSB (in) + TSB (out)$$

- *TSB* is the estimated total special benefit for all properties that have been identified to receive a special benefit.
 - *TSB(in)* is the estimated total special benefit for those properties that the council proposes to include in the scheme.
 - *TSB(out)* is the estimated total special benefit for those properties with an identified special benefit that the council does not propose to include in the scheme.
20. In estimating the total special benefits for properties that will be included in the scheme, particular attention should be paid to:
- a. The identified purpose of the proposed works or services.
 - b. Specific benefits relevant to the type of works or services proposed.
21. There is no single or prescribed method for estimating total special benefits. However, whatever method is used, it is essential that the comparative weightings attributed to different types of benefits are reasonable and are applied consistently by a council. It is also essential that consistent weightings are used between those properties that are included in the scheme and those that are not included.
22. It is particularly important to note that, while it may sometimes be useful to estimate special benefits on a property by property basis, this is not always necessary. The calculation of the benefit ratio only requires aggregate estimates of total special benefits for properties included in the scheme and for properties excluded from the scheme.

23. The following matters should be noted in calculating “total special benefits”
- a. While changes in property values are considered to be an indication that a special benefit exists, this is generally derived from benefits provided to the owners or occupiers of the property. To avoid double counting, changes in property values should not normally be included in the calculation of total special benefits.
 - b. Where the services or works proposed under a scheme include benefits to people who are servicing or accessing properties that are identified as having special benefits, the benefits to those people may be included as special benefits to the properties rather than as community benefits.

G. Estimate total community benefit

24. Before calculating the benefit ratio, a council must consider if the proposed works or services will provide “*community benefits*”. Not all schemes have community benefits.
25. *Community benefits* are considered to exist where the works or services will provide tangible and direct benefits to people in the broader community. These will generally derive from the provision of facilities or services that are generally available to people, other than owners or occupiers of properties with special benefits.
26. Where there is a use or amenity value to people in the broader community that is a clear, tangible and direct, the council should attribute a community benefit. The council should also attribute a community benefit where it identified in the defined purpose of the works or services (paragraph 5).
27. Councils should use a method of estimating community benefits that is reasonable and consistent in comparison to the estimates of special benefits. In making these estimates, care should be taken to avoid double counting. If a benefit is identified as a special benefit it should not also be counted as a community benefit.

H. Calculating the benefit ratio

28. The benefit ratio is calculated as follows:

$$\frac{TSB(in)}{TSB(in)+TSB(out)+TCB} = R$$

- ***TSB(in)*** is the estimated total special benefit for those properties that the council proposes to include in the scheme
- ***TSB(out)*** is the estimated total special benefit for those properties with an identified special benefit that the council does not propose to include in the scheme.
- ***TCB*** is the estimated total community benefit,
- ***R*** is the benefit ratio.

I. Calculating the Maximum Total Levy

29. Having calculated the total cost and the benefit ratio, the council is required to calculate the maximum total levy, in accordance with section 163(2A) of the Act.

$$R \times C = S$$

- **R** is the benefit ratio
- **C** is the total cost
- **S** is the maximum total levy.

30. A council may not levy a special rate or charge to recover an amount that exceeds the maximum total levy. However, a council may decide to levy a lower amount.

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