



# **KNOX CITY COUNCIL**

# **MINUTES**

Ordinary Meeting of Council

Held at the  
Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 27 August 2018



**KNOX CITY COUNCIL**

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

**ON  
MONDAY 27 AUGUST 2018 AT 7.00 P.M.**

**PRESENT:**

<i>Cr J Mortimore (Mayor)</i>	<i>Chandler Ward</i>
<i>Cr J Keogh (Deputy Mayor)</i>	<i>Dobson 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 T Holland</i>	<i>Friberg Ward</i>
<i>Cr L Cooper</i>	<i>Scott Ward</i>
<i>Cr D Pearce</i>	<i>Taylor Ward</i>
<i>Cr N Seymour</i>	<i>Tirhatuan Ward</i>
<i>Mr I Bell</i>	<i>Acting Chief Executive Officer</i>
<i>Mr M Hanrahan</i>	<i>Acting Director – Engineering &amp; Infrastructure</i>
<i>Ms J Oxley</i>	<i>Director - City Development</i>
<i>Mr M Fromberg</i>	<i>Director – Corporate Services</i>
<i>Ms K Stubbings</i>	<i>Director – Community Services</i>
<i>Mr R McKail</i>	<i>Governance Advisor</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***Nil.***3. CONFIRMATION OF MINUTES****COUNCIL RESOLUTION****MOVED: CR. PEARCE****SECONDED: CR. COOPER**Confirmation of Minutes of Ordinary Meeting of Council  
held on Monday 23 July 2018**CARRIED****4. PETITIONS AND MEMORIALS***Nil.***5. REPORTS BY COUNCILLORS**

- |     |                                   |           |
|-----|-----------------------------------|-----------|
| 5.1 | <i>Committees &amp; Delegates</i> | <b>1.</b> |
| 5.2 | <i>Ward Issues</i>                | <b>3.</b> |

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

- |     |   |            |
|-----|---|------------|
|     | <b><i>All Wards</i></b>   |            |
| 6.1 | <i>Report Of Planning Applications Decided Under Delegation (160/1/06)</i>  | <b>6.</b>  |
|     | <b><i>Dinsdale Ward</i></b>   |            |
| 6.2 | <i>Application for the Use and Development of the Site for a Childcare Centre at 21-23 Edinburgh Rad, Bayswater (Application No. P/2017/6734)</i> | <b>14.</b> |



- |     |  |             |
|-----|--|-------------|
|     | <b>Scott Ward</b>  |             |
| 6.3 | <i>Application for the Development of the Land for Twenty Three (23) Double Storey Dwellings and Ten (10) Single Storey Dwellings (total 33 Dwellings) and Variation to Drainage, Sewerage and Carriageway Easement at 62 Bunnett Road, Ferntree Gully (Application No. P/2017/6626)</i> | <b>54.</b>  |
|     | <b>Chandler Ward</b>   |             |
| 6.4 | <i>Millers Homestead – Amendment C171</i>  | <b>114.</b> |

## **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). **123.**

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

- |     |  |             |
|-----|--|-------------|
|     | <b>All Wards</b>   |             |
| 8.1 | <i>Knox Regional Sports Park – Final Masterplan</i>  | <b>125.</b> |
|     | <b>Dinsdale Ward</b>   |             |
| 8.2 | <i>Three (3) Options for Knox Community Gardens and Vineyard, 254 Scoresby Road, Boronia</i> | <b>155.</b> |
|     | <b>Dobson Ward</b>   |             |
| 8.3 | <i>Government Funding of Dorset Road Extension from Dorset Road to Lysterfield Road</i>      | <b>231.</b> |
|     | <b>All Wards</b>   |             |
| 8.4 | <i>2017/18 Capital Works Program Delivery Report</i>   | <b>248.</b> |

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

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|-----|---|-------------|
|     | <b>All Wards</b>  |             |
| 9.1 | <i>Family Violence and Gender Equity Implementation Plan 2018-2021</i>    | <b>262.</b> |
|     | <b>All Wards</b>  |             |
| 9.2 | <i>2018-19 Leisure Minor Capital Works Grant Scheme</i>                   | <b>304.</b> |
|     | <b>All Wards</b>  |             |
| 9.3 | <i>Early Years Management Framework – Partnerships with Parent Groups</i> | <b>316.</b> |

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

	<b>All Wards</b>	
10.1	Australia Day Awards	<b>363.</b>
	<b>All Wards</b>	
10.2	Minor Grant Program Applications	<b>372.</b>
	<b>Dobson Ward</b>	
10.3	Proposal to Name Quarry Reserve, Ferntree Gully and Recognise Former Mayor and Councillor, Frank Johnson	<b>381.</b>
	<b>Chandler Ward</b>	
10.4	Sale of Council Property – 1221 Mountain Highway, The Basin	<b>387.</b>
	<b>All Wards</b>	
10.5	Knox City Council Attendance at the Australian Local Government Association National Assembly 2018	<b>394.</b>
	<b>All Wards</b>	
10.6	Unaudited 2017-18 Annual Financial Statements and Performance Statement	<b>400.</b>

**11. ITEMS FOR INFORMATION**

	<b>All Wards</b>	
11.1	Assemblies of Councillors	<b>405.</b>

**12. MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN** 414.

12.1	Notice of Motion – No. 83 - Agenda Distribution	<b>414.</b>
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**13. SUPPLEMENTARY ITEMS** 414.

**14. URGENT BUSINESS** 415.

14.1	Urgent Business	<b>415.</b>
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14.2	Call Up Items	<b>415.</b>
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**15. QUESTIONS WITHOUT NOTICE** 415.

IAN BELL  
ACTING CHIEF EXECUTIVE OFFICER

## **5. REPORTS BY COUNCILLORS**

### **5.1 Committees & Delegates**

#### **5.1.1 COUNCILLOR JAKE KEOGH**

Councillor Keogh attended the following Meetings

- Community Christmas Support “Sharing the Joy”
- Youth Advisory Committee
- Gardens for Wildlife Victoria Website Launch
- Recreation and Leisure Liaison Group
- Café Opening at Tabulam and Templer Homes
- Young Leaders Program
- Knox AFL Club Presidents Forum
- Knox Interfaith Network
- Knox Multicultural Committee
- Audit Committee

#### **5.1.2 COUNCILLOR JACKSON TAYLOR**

Councillor Taylor attended the following Meetings

- Youth Advisory Committee
- Health and Wellbeing Committee
- Recreation and Leisure Committee
- Mayoral Reception for Emergency Services
- Arts and Culture Committee
- Mobile Pop-Up Office
- Knox Football Club Women’s Team function
- Knox AFL Club Presidents Forum
- Schultz Reserve Floodlight Project
- Knox Coffee Working Group

#### **5.1.3 COUNCILLOR LISA COOPER**

Councillor Cooper attended the following Meeting

- Good Design Forum
- Early Years Advisory Committee

#### **5.1.4 COUNCILLOR PETER LOCKWOOD**

Councillor Lockwood attended the following Meetings

- How to Make Boronia Safer Meetings with Victoria Police
- Knox Leisureworks
- Homeless Walk around Ringwood Lake
- Wantirna Swinburne Jobs Hub
- Tree Day Ceremony
- Gardens for Wildlife Program
- Knox Young Leaders Presentation Evening

### 5.1.5 COUNCILLOR NICOLE SEYMOUR

Councillor Seymour attended the following Meetings

- Knox Disability Advisory Committee
- Knox AFL Club Presidents Forum
- Scoresby Fire Brigade Annual Dinner

### 5.1.6 COUNCILLOR DARREN PEARCE

Councillor Pearce attended the following Meetings

- Lysterfield Quarry Community Reference Group
- Rowville Community Kitchen
- Mayoral Reception for Emergency Services
- Rowville Rail Forum
- Knox AFL Club Presidents Forum
- ICT Governance Committee
- Strategic Asset and Investment Strategy Briefing
- Good Design forum
- Audit Committee
- Rowville Football Club End of Season Celebration

### 5.1.7 COUNCILLOR JOHN MORTIMORE

Councillor Mortimore attended the following Meetings

- Community Christmas Support “Sharing the Joy”
- Knox Community Safety, Health and Wellbeing Advisory Committee
- Boronia Renewal Project Meeting
- Launch – Boronia Retail Precinct Crime Prevention Project – CCTV System
- Knox Leisureworks – 24/7 Health Club Access Launch
- National Tree Day Community Planting at Colchester Reserve
- Rowville Secondary College
- Homeward Bound Walk for Homelessness
- Opening of Skills and Jobs Centre at Swinburne Hub
- SEMMA 15<sup>th</sup> Annual General Meeting and Network Meeting
- Launch of Gardens for Wildlife Victoria Website
- Metropolitan East MAV Representatives, Mayors and CEOs
- Eastern Alliance for Greenhouse Action Executive Committee Meeting
- Mayoral Reception for Emergency Services
- Masterchef Celebrity Cook Off – Dental Health Week at EACH
- Mayoral Interview with Radio Eastern FM
- Mayoral Reception for Fairhills Japanese Exchange Students
- Adult Learners Week Awards
- Boronia Renewal Project Meeting
- MAV Environment Committee
- MAV Metropolitan Mayor, MAV Representatives and CEO Forum
- Metropolitan Local Government Waste Forum
- Sister City Project

- Knox AFL Club Presidents Forum
- Knox Young Leaders Presentation Night
- Boronia Hawks Chairman's Lunch
- National Science Week
- ICT Governance Committee
- Strategic Asset and Investment Strategy Councillor Briefing
- CEO Staff Briefing
- Good Design Forum
- Eastern Regional Libraries Corporation Board Meeting
- The Basin Scouts ARAP
- VLGA – Fixing Melbourne's Public Transport Forum
- Knox Amplified Cabaret Show
- FFV State Football Facilities Strategy to 2026 Launch

## **5.2 Ward Issues**

### **5.2.1 COUNCILLOR JAKE KEOGH (DOBSON WARD)**

- Councillor Keogh thanked residents for attending the Council meeting tonight in relation to the development on Rathgar Road. Councillor Keogh emphasised that the development was not decided by Council but by a private building surveyor.
- Councillor Keogh advised there has been fantastic feedback in relation to parking in Upper Ferntree Gully with new parking signage to be in place in coming months.
- Councillor Keogh noted that residents are happy with the great work completed on the corner of Dorothy Grove and Athella Court in relation to maintaining the footpath and trees in the area. Councillor Keogh noted it is gratifying to know that this great work is being recognised by the community.

### **5.2.2 COUNCILLOR PETER LOCKWOOD (BAIRD WARD)**

- Councillor Lockwood confirmed his previous advice that he is the endorsed Labor candidate for Bayswater in the upcoming state election which could have the potential to be a conflict of interest. Councillor Lockwood advised he would be vigilant to recognise potential conflicts of interest between his role as a Councillor and candidate at the state election.

**5.2.3 COUNCILLOR NICOLE SEYMOUR (TIRHATUAN WARD)**

- Councillor Seymour advised that VCAT has overturned two Council refusals for townhouse proposals. Councillor Seymour fears that these VCAT decisions will cause the community to wrongly blame Council when in fact these decisions are the cause of state bodies who are not listening to local knowledge.
- Councillor Seymour attended the turning of the sod for Stamford Park Estate. Councillor Seymour commented it was exciting to see the progression in this space. Development of the gardens in the Estate are also underway and are planned for completion in October.

**5.2.4 COUNCILLOR JACKSON TAYLOR (COLLIER WARD)**

- Councillor Taylor discussed the long history Council has of supporting local businesses in the Wantirna Mall area. Councillor Taylor commented that Council must make sure to keep update and renew infrastructure in local trading areas. Councillor Taylor called on everyone not to forget the impact of local businesses in the Mall and asked people to continue to support all local businesses and traders in Wantirna Mall to ensure growth and community support.
- Councillor Taylor advised he has recently had the privilege of attending some Knox Hockey Club games recently. Councillor Taylor has been speaking to the President and Committee who are concerned about their future in relation to the Knox School Agreement which ends in 2021. Councillor Taylor advised that Council are committed to finding them a home. The Hockey Regional Strategy in conjunction with Hockey Victoria will allow for the process of looking for another site to ensure a home for the Knox Hockey Club if the need arises.

**5.2.5 COUNCILLOR DARREN PEARCE (TAYLOR WARD)**

- Councillor Pearce advised that the Lysterfield Quarry recently won a 2018 CCAA Award for Community Leadership. This is a great achievement and the community representatives recognise the award highlights that the Lysterfield Quarry sets the benchmark for community engagement in Victoria. Councillor Pearce commended the Quarry on the award.
- Councillor Pearce attended the Rowville Rail Forum as a resident and the room was at capacity. Objectively, the State Government has promised a Stage 1 and Stage 2 Rail option. The Opposition has promised an overlay in the rail corridor with no commitment to Heavy Rail. The vote of people at the meeting supported the Heavy Rail option from Monash University to Rowville, with a connection to Huntingdale station. The consensus among the public is that they want a Heavy Rail option by 2020, with a project through Federal Government funding by 2027 to accelerate the advocacy for heavy rail to Rowville. Councillor Pearce read out the motion that was

adopted at the meeting and stressed this was not a formal motion of Council, he just wanted to report on the outcome of this meeting.

- Councillor Pearce attended the Rowville Football Club end of season function. They spoke about the Women's Finals competition where there is great promotion. Councillor Pearce advised the Eastern Football League are charging the club \$6000 to host finals and he feels the EFL are gouging local clubs, despite the fact they make little contribution themselves. Councillor Pearce believes the EFL are simply profiteering from hard working local clubs.

#### **5.2.6 COUNCILLOR JOHN MORTIMORE (CHANDLER WARD)**

- Councillor Mortimore attended the EFL Presidents Forum which is a forum of Presidents of all of the EFL football clubs in Knox. Councillor Mortimore noted it was a great meeting with a great sense of rapport and communication among the Presidents who are hoping to make this an Annual event.
- Councillor Mortimore also took a look at a local Japanese exchange program which is a great experience to see within our local community.
- Councillor Mortimore passed on his praise about the Gardens for Wildlife Program which is spreading through the state and hopefully the country and maybe even worldwide.
- Councillor Mortimore attended the Young Leaders Program and noted it was great to see so many intelligent and hard-working young people providing ideas and making contributions to our community.
- Councillor Mortimore attended the recent Science Week where a Victorian senior scientist provided an interesting and great presentation. A dyslexic guest also spoke and brought so much passion, phenomenal energy and enthusiasm.
- Councillor Mortimore also attended the Public Transport Forum in the city where the consensus involved a greater emphasis on the speed of rail travel.
- Councillor Mortimore highlighted the rapid growth of women's sport in this community through recent times. Councillor Mortimore had received a complaint from a resident stating that it was absolutely packed with traffic with people attending a nearby local football ground for a Women's Football Finals match. Councillor Mortimore noted, it is fantastic to see the immense interest in women's sport, particularly women's football

**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 July to 31 July 2018) be noted.

**REPORT**

Details of planning applications decided under delegation from 1 June to 31 July 2018 are attached. The applications are summarised as follows:

<b>Application Type</b>	<b>No</b>
Building & Works: Residential	4
Other	6
Subdivision	20
Units	44
Tree Removal/Pruning	6
Single Dwelling	5
Change of Use	3
Signage	3
Covenant Removal	1
Municipal Operations Centre	1
Telecommunications Facility	1
<b>TOTAL</b>	<b>94</b>

**COUNCIL RESOLUTION**

**MOVED: CR. PEARCE**

**SECONDED: CR. HOLLAND**

That the planning applications decided under delegation report (between 1 July to 31 July 2018) be noted.

**CARRIED**



**Knox City Council**  
**Planning Applications Decided by Responsible Officer**  
**1 July 2018 – 31 July 2018**

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Baird	2017/6796	93 Burke Road FERNTREE GULLY VIC 3156	Development of a single storey dwelling to the rear of the existing dwelling	02/07/2018 Refused
Baird	2018/6116	48 Woodmason Road BORONIA VIC 3155	Development of the land for three (3) double storey dwellings	3/07/2018 Notice of Decision
Baird	2018/6138	40 Moira Avenue FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings	3/07/2018 Approved
Baird	2018/6055	285 Scoresby Road BORONIA VIC 3155	Development of the land for a double storey dwelling to the rear of the existing dwelling	2/07/2018 Notice of Decision
Baird	2018/6066	17-21 Falconer Road BORONIA VIC 3155	Use and buildings and works for a Telstra telecommunications facility comprising of a 25 metre monopole	17/07/2018 Refused
Baird	2017/6568	10 Rankin Road BORONIA VIC 3155	Development of the land for three (3) double storey dwellings	13/07/2018 Refused
Baird	2017/6436	687 Burwood Highway FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings and creation of access to a Category 1 Road	5/07/2018 Approved
Baird	2017/6812	44 Cinerea Avenue FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings	13/07/2018 Approved
Baird	2016/6818	60 Rankin Road BORONIA VIC 3155	Three (3) double storey dwellings to the rear of the existing	31/07/2018 Refused
Baird	2018/6016	1 & 2/4 Stonehaven Avenue BORONIA VIC 3155	Development of the land for four (4) triple storey and two (2) double storey dwellings (Total six dwellings)	30/07/2018 Approved
Baird	2018/6336	18 Brunsdon Street BAYSWATER VIC 3153	Change of Use (Beverage Production) and associated reduction of car parking	19/07/2018 Approved
Baird	2018/9104	7/21 Barry Street BAYSWATER VIC 3153	Mezzanine - Building and works	10/07/2018 Approved
Baird	2018/6157	1-5, 7, 9-11, 13, 15-17 & 19-21 Corporate Boulevard BAYSWATER VIC 3153	Subdivide land, vary restriction, remove easements and consolidate the land	13/07/2018 Approved

<b>Ward</b>	<b>No/Type</b>	<b>Address</b>	<b>Description</b>	<b>Decision</b>
Baird	2017/6472	21 Narcissus Avenue BORONIA VIC 3155	Construction of two (2) double storey dwellings and one (1) single storey dwelling (Total three (3) dwellings)	18/07/2018 Refused
Baird	2018/6031	23 McComb Crescent BAYSWATER VIC 3153	Development of the land for a double storey dwelling to the rear of the existing dwelling	31/07/2018 Notice of Decision
Baird	2017/6295	3 Laurel Avenue BORONIA VIC 3155	Development of the land for five (5) double storey townhouses	31/07/2018 Approved
Baird	2018/6222	3 Cockerell Street FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings	31/07/2018 Notice of Decision
Baird	2018/6413	15 Murene Court BORONIA VIC 3155	Two (2) lot subdivision (Approved unit site)	30/07/2018 Approved
Chandler	2018/6074	5 Bowen Avenue THE BASIN VIC 3154	Building and Works (single dwelling)	3/07/2018 Approved
Chandler	2017/6798	8A Kalman Drive BORONIA VIC 3155	Development of 2 warehouses, a reduction in carparking and a two (2) lot subdivision	31/07/2018 Approved
Chandler	2018/6078	165 Albert Avenue BORONIA VIC 3155	Development of the land for a single storey dwelling to the rear of the existing dwelling and two (2) lot subdivision	18/07/2018 Approved
Chandler	2018/6310	5 Cleve Avenue THE BASIN VIC 3154	Buildings and Works (Dwelling extension and carport addition)	19/07/2018 Approved
Chandler	2018/6168	21 Mercia Avenue THE BASIN VIC 3154	Buildings and Works (Dependent persons unit)	31/07/2018 Approved
Chandler	2018/6224	8 Olive Grove BORONIA VIC 3155	The development of the land for a double storey dwelling and vegetation removal	19/07/2018 Approved
Chandler	2018/9100	72 Olive Grove BORONIA VIC 3155	Construction of a garage	6/07/2018 Approved
Chandler	2017/6789	28 Augusta Road THE BASIN VIC 3154	Two (2) lot subdivision (Boundary realignment) and removal of vegetation	24/07/2018 Approved
Chandler	2016/6859	4-6 Landscape Drive BORONIA VIC 3155	The construction of one (1) double storey dwelling and one (1) single storey dwelling on the land	18/07/2018 Refused
Chandler	2018/6249	17 Flinders Crescent BORONIA VIC 3155	Buildings and Works (Single Dwelling)	31/07/2018 Approved
Collier	2018/6121	18 Templeton Street WANTIRNA VIC 3152	Construction of two double storey dwellings on the land	13/07/2018 Approved
Collier	2017/6817	20 Kingloch Parade WANTIRNA VIC 3152	Development of the land for two (2) double storey dwellings and two lot subdivision	4/07/2018 Approved

Ward	No/Type	Address	Description	Decision
Collier	20108/6251	493 Mountain Highway BAYSWATER VIC 3153	Removal of Restrictive Covenant PS605467C	27/07/2018 Approved
Collier	2018/6304	554 Boronia Road WANTIRNA VIC 3152	Five (5) lot subdivision (Approved unit site)	31/07/2018 Approved
Dinsdale	2017/6162	28 John Street BAYSWATER VIC 3153	The construction of four (4) double storey dwellings on the land	2/07/2018 Refused
Dinsdale	2018/6010	410 Boronia Road WANTIRNA SOUTH VIC 3152	Development of the land for a double storey dwelling to the rear of the existing dwelling and alteration to the access of a Category 1 Road.	6/07/2018 Refused
Dinsdale	2018/9108	13 Kirrawee Avenue WANTIRNA SOUTH VIC 3152	Two (2) lot subdivision (Approved unit site)	17/07/2018
Dinsdale	2018/6234	4 Arbroath Road WANTIRNA SOUTH VIC 3152	Development of the land for three (3) double storey dwellings	6/07/2018 Refused
Dinsdale	2018/6267	66 Parkhurst Drive KNOXFIELD VIC 3180	Change of use (Sale of motor vehicles) and variation to Clause 52.14	27/07/2018 Approved
Dinsdale	2018/6370	50 Coleman Road WANTIRNA SOUTH VIC 3152	Two (2) lot subdivision (Approved unit Site)	31/07/2018 Approved
Dinsdale	2017/6808	9 Bent Court WANTIRNA SOUTH VIC 3152	The construction of three (3) double storey dwellings on the land	20/07/2018 Refused
Dinsdale	2018/6420	16 Suffolk Street WANTIRNA SOUTH VIC 3152	Two (2) lot subdivision (Approved unit site)	30/07/2018 Approved
Dinsdale	2018/6085	1A Princess Street BAYSWATER VIC 3153	The construction of two (2) double storey dwellings on the land	31/07/2018 Notice of Decision
Dinsdale	2017/6766	80 Begonia Avenue BAYSWATER VIC 3153	Development of the land for a double storey dwelling to the rear of the existing dwelling	31/07/2018 Approved
Dinsdale	2017/6602	9 Leonard Street BAYSWATER VIC 3153	Development of the land for a double storey dwelling to the rear of the existing dwelling	6/07/2018 Notice of Decision
Dinsdale	2018/6122	11 Aisbett Avenue WANTIRNA SOUTH VIC 3152	Construction of two (2) double storey dwellings on the land	3/07/2018 Notice of Decision
Dinsdale	2018/6254	8 Coolomon Close WANTIRNA SOUTH VIC 3152	Three (3) lot subdivision (Approved unit Site)	13/07/2018 Approved

Ward	No/Type	Address	Description	Decision
Dinsdale	2018/6119	29 Coolibah Crescent BAYSWATER VIC 3153	The construction of two (2) double storey dwellings	18/07/2018 Approved
Dinsdale	2017/6640	23 Elm Street BAYSWATER VIC 3153	Development of the land for two (2) double storey dwellings and removal of two trees (Corymbia citriodora and Eucalyptus tricarpa)	13/07/2018 Notice of Decision
Dinsdale	2018/6149	5 Peck Street BAYSWATER VIC 3153	Development for the land for two (2) double storey dwellings	31/07/2018 Notice of Decision
Dobson	2018/6169	32 Olivebank Road FERNTREE GULLY VIC 3156	The construction of one (1) double storey dwelling	19/07/2018 Approved
Dobson	2018/6106	6 Nathan Street FERNTREE GULLY VIC 3156	Development of the land for a double storey dwelling at rear of existing dwelling and vegetation removal	12/07/2018 Notice of Decision
Dobson	2018/6060	28 Rathgar Road LYSTERFIELD VIC 3156	Six (6) lot subdivision (Approved unit site)	13/07/2018 Approved
Dobson	2018/6392	9 Glenfern Road FERNTREE GULLY VIC 3156	Mitigation pruning of two (2) Eucalyptus botryoides and one (1) Eucalyptus rubida	13/07/2018 Approved
Dobson	2018/6314	46 Forest Road FERNTREE GULLY VIC 3156	Display Business Identification Signage	19/07/2018 Approved
Dobson	2018/6360	30 Warrabel Road FERNTREE GULLY VIC 3156	Removal of one (1) Eucalyptus nicholii and pruning of one (1) Eucalyptus nicholii	11/07/2018 Approved
Dobson	2018/9103	3/129 Underwood Road FERNTREE GULLY VIC 3156	Remove one (1) Corymbia maculate	13/07/2018 Approved
Dobson	2018/6283	4/10 Nathan Street FERNTREE GULLY VIC 3156	Development of the land for a single dwelling	20/07/2018 Approved
Dobson	2018/6220	44 Sherwood Way LYSTERFIELD VIC 3156	Development of the land for a single dwelling	27/07/2018 Approved
Dobson	2018/9111	3 Little Opie Street FERNTREE GULLY VIC 3156	Removal of one Eucalyptus ovata	31/07/2018 Approved
Friberg	2018/6024	8 Seattle Court KNOXFIELD VIC 3180	Development of the land for two (2) double storey dwellings	18/07/2018 Notice of Decision
Friberg	2018/6156	31 Ashton Road FERNTREE GULLY VIC 3156	Development of a double storey dwelling to the rear of the existing dwelling	3/07/2018 Approved

Ward	No/Type	Address	Description	Decision
Friberg	2017/6726	61 Fernlea Avenue ROWVILLE VIC 3178	Development of the land for three (3) double storey dwellings and 3 lot subdivision	3/07/2018 Notice of Decision
Friberg	2018/6333	9 Ophelia Street FERNTREE GULLY VIC 3156	Two (2) lot subdivision (Approved unit site)	17/07/2018 Approved
Friberg	2017/6518	48 Rickards Avenue KNOXFIELD VIC 3180	Construction of two (2) double storey dwellings and one (1) single storey dwelling at 48 Rickards Avenue Knoxfield and associated realignment of boundary with 7 Laura Road, Knoxfield.	3/07/2018 Refused
Friberg	2018/6299	26 Narong Crescent KNOXFIELD VIC 3180	Three (3) lot subdivision (Approved unit site)	31/07/2018 Approved
Friberg	2017/6786	134 Murrindal Drive ROWVILLE VIC 3178	Development of the land for a double storey dwelling to the rear of the existing dwelling	31/07/2018 Approved
Friberg	2018/6117	35 Kathryn Road KNOXFIELD VIC 3180	The development of two (2) double storey dwellings on the land	13/07/2018 Notice of Decision
Friberg	2018/6278	51 Conn Street FERNTREE GULLY VIC 3156	Four (4) lot subdivision (Approved unit site)	30/07/2018 Approved
Friberg	2017/6821	203 Windermere Drive FERNTREE GULLY VIC 3156	The construction of two (2) double storey dwellings on the land	31/07/2018 Notice of Decision
Friberg	2017/6740	40 Silverton Drive FERNTREE GULLY VIC 3156	The development of two (2) two storey dwellings	31/07/2018 Notice of Decision
Friberg	2018/6252	872 Burwood Highway FERNTREE GULLY VIC 3156	Installation of a major promotion electronic sky sign	5/07/2018 Refused
Scott	2018/6071	372 Scoresby Road FERNTREE GULLY VIC 3156	Development of the land for three (3) dwellings (two (2) double storey and one (1) single dwelling) and alteration and access to a road zone Category 1	3/07/2018 Approved
Scott	2018/6316	54 Bunnett Road KNOXFIELD VIC 3180	Three (3) lot subdivision (Approved unit site)	17/07/2018 Approved
Scott	2018/6095	9 Lynne Avenue WANTIRNA SOUTH VIC 3152	Development of the land for two (2) double storey dwellings	11/07/2018 Notice of Decision
Scott	2018/6277	9 Cherrytree Rise KNOXFIELD VIC 3180	Three (3) lot subdivision (Approved unit site)	18/07/2018 Approved

Ward	No/Type	Address	Description	Decision
Scott	2018/6384	13 Hewson Court WANTIRNA SOUTH VIC 3152	Two (2) lot subdivision (Approved unit site)	19/07/2018 Approved
Scott	2017/6773	1166 High Street Road WANTIRNA SOUTH VIC 3152	Use and develop the land for a Fresh Produce Market, alterations to existing building (modifications to existing cold storage facility), reduction in car parking requirement, and alteration of access to a Category 1 Road (including associated removal of native vegetation for the extension of High Street turning lane).	30/07/2018 Notice of Decision
Scott	2018/6250	Waverley Christian School 1248 High Street Road WANTIRNA SOUTH VIC 3152	Additions to existing school administration building	16/07/2018 Approved
Scott	2018/6215	1-3 Lynne Avenue & 456-458 Burwood Highway WANTIRNA SOUTH VIC 3152	Ninety-four lot subdivision (Approved apartment building)	27/07/2018 Approved
Taylor	2018/6195	Lot 1 Brae Road LYSTERFIELD VIC 3156	Buildings and Works (3 Shipping Containers)	3/07/2018 Approved
Taylor	2018/9109	51 Major Crescent LYSTERFIELD VIC 3156	Removal of one (1) Eucalyptus cephalocarpa (Silver leaf Stringybark)	23/07/2018 Approved
Taylor	2017/6343	79 Goulburn Drive ROWVILLE VIC 3178	Development of the land for a double storey dwelling to the rear of the existing dwelling and creation of access to a road in a Road Zone Category 1	13/07/2018 Approved
Taylor	2018/6318	1 Reeve Place ROWVILLE VIC 3178	Two (2) lot subdivision (Approved unit site)	17/07/2018 Approved
Taylor	2018/6425	5 Tarwin Court ROWVILLE VIC 3178	Two (2) lot subdivision (Approved unit site)	30/07/2018 Approved
Tirhatuan	2018/6133	28 Enterprise Drive ROWVILLE VIC 3178	The development of the land for 13 warehouses and reduction in car parking	3/07/2018 Approved
Tirhatuan	2017/6738	118 Bridgewater Way ROWVILLE VIC 3178	Development of the land for a double storey dwelling to the rear of the existing dwelling	6/07/2018 Refused
Tirhatuan	2018/6113	43 Stamford Crescent ROWVILLE VIC 3178	Development of the land for three (3) two storey dwellings	3/07/2018 Approved

Ward	No/Type	Address	Description	Decision
Tirhatuan	2018/6372	10 Rupicola Court ROWVILLE VIC 3178	Remove one (1) Eucalyptus gonicalyx and prune one (1) Eucalyptus gonicalyx, one (1) Eucalyptus cephalocarpa and five (5) Eucalyptus radiata	11/07/2018 Approved
Tirhatuan	2017/6810	16 Beverley Street SCORESBY VIC 3179	Development of a double storey dwelling to the rear of the existing dwelling	3/07/2018 Approved
Tirhatuan	2018/6325	14 Henderson Road KNOXFIELD VIC 3180	Development of the land for a Municipal Operations Centre	6/07/2018 Approved
Tirhatuan	2018/6419	18 Gerda Street SCORESBY VIC 3179	Two (2) lot subdivision (Approved unit site)	30/07/2018 Approved
Tirhatuan	2018/6013	7 Seebeck Road ROWVILLE VIC 3178	Development of the land for two (2) double storey dwellings to the rear of the existing dwelling	31/07/2018 Refused
Tirhatuan	2018/6176	718 Stud Road SCORESBY VIC 3179	Two (2) lot subdivision (Approved unit site)	13/07/2018 Approved
Tirhatuan	2018/6322	880 Wellington Road ROWVILLE VIC 3178	Buildings and works for ground mounted solar panels and removal of native vegetation	3/07/2018 Approved
Tirhatuan	2018/6302	1464 Ferntree Gully Road KNOXFIELD VIC 3180	Business identification signage, including internally illuminated signage and an electronic sign	18/07/2018 Approved

**Total: 94**

**DINSDALE WARD****6.2 APPLICATION FOR THE USE AND DEVELOPMENT OF THE SITE FOR A CHILDCARE CENTRE AT 21-23 EDINBURGH ROAD, BAYSWATER (Application No. P/2017/6734)****1. SUMMARY:**

<b>Land:</b>	21-23 Edinburgh Road, Bayswater
<b>Applicant:</b>	Apex Town Planning
<b>Proposed Development:</b>	Use and Development of the site for a childcare centre
<b>Existing Land Use:</b>	Dwelling
<b>Area:</b>	1839.4sqm
<b>Zoning:</b>	General Residential Zone – Schedule 2
<b>Overlays:</b>	Nil
<b>Local Policy:</b>	Municipal Strategic Statement (MSS) Non-residential uses in residential areas Policy Development in Residential Areas and Neighbourhood Character
<b>Application Received:</b>	27 November 2017
<b>Number of Objections:</b>	34
<b>PCC Meeting:</b>	Not applicable

**Assessment:**

*It is considered that the proposed use and development will not provide for an appropriate balance between the need for community services in the Bayswater area and the amenity of adjoining residents.*

*The proposal fails to comply with the purpose of the General Residential Zone – Schedule 2 as well as Clause 22.03 (Non-residential uses in residential areas) of the Knox Planning Scheme.*

*On balance it is considered that the proposal does not respond reasonably to State and Local Planning Policies. It is recommended that a Refusal to Grant a Planning Permit be issued.*

**2. Background****2.1 Call up**

This application is being reported to Council as it has been called up by Cr Gill.

**2.2 Subject Site and Surrounds**

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

- The subject site is a double allotment located on the southwest corner of The Haven and Edinburgh Road, Bayswater. The site is regular in shape with a frontage to Edinburgh Road of 33.52m, 54.88m to The Haven and a total area of 1839.4sqm. The site has a slope of 5m from the western boundary to the east and accommodates a single storey brick dwelling with tiled roof;



a brick garage is also located on the northern boundary. Vegetation is scattered throughout the site, majority of which is not significant. The only tree of significance is a Casuarina in the southeast corner of the land.

- Covenant D428724 applies to the land. This Covenant relates to the external walls being of brick, brick veneer, stone or masonry with no more 25% of the total area of external walls being timber. The proposal does not contravene this covenant.
- The subject site is located within an established residential area with predominantly single storey dwellings with open, landscaped front and rear yards. 11 The Haven has planning approval for the construction of fourteen dwellings (seven two storey and seven single storey dwellings). A reserve and scout hall is located on the northern side of The Haven opposite the subject site, the Temple Society church and aged care facility is located to the north and Bayswater South Primary School further to the north-west.

### 2.3 The Proposal

(Refer to attached plans at Appendix B)

It is proposed to remove the existing dwelling from the site and use and develop the site for a childcare centre. Details of the proposal are as follows:

- All existing buildings will be removed (planning permit not required for demolition).
- The proposal will include a two storey childcare centre with a basement parking area. The centre will have a modern and contemporary look and reach a maximum height of 6.75 metres.
- The centre is proposed to accommodate a total of 109 children.
- The centre will be provided with a basement car park of 25 spaces with a bin storage area and a turning bay, accessed via The Haven. A lift and staircase will be provided to the ground floor. Pedestrian access to this level (and the entry) is also available from The Haven.
- The ground floor will contain the administration area, kitchen, laundry and 5 children's rooms with toilets and store areas. There will be 3 separate play areas provided. One to the north will be at natural ground level, one to the west will be partially located below ground level, above the basement parking area. And the final play area will be located to the frontage (east) and will be elevated, including above the entry to the car park area.
- The first floor contains a sixth children's room, elevated deck area, and a staff lunch room.
- The application proposes a maximum 4.5m excavation to accommodate the basement and south-west section of the building. A maximum 2.0 metres fill is also proposed to level out the site and provide for elevated play areas towards the frontage of the site.
- The use is proposed to operate from 6.30am until 7.00pm Monday to Fridays.
- Site coverage is 57.2% and permeability is 38%.

### **3. CONSULTATION**

#### **3.1 Advertising**

The application was advertised by way of two (2) signs on the site and notices were sent to adjoining property owners and occupiers. In total thirty-four (34) objections were received and are summarised below.

##### Traffic / Parking

- The application has been referred to Council's Traffic Engineers who has not raised concerns with the number of car parking spaces provided onsite or the ability for the road to accommodate the traffic generated by the proposed use.
- It is considered however; that the amenity impacts of the increased traffic will be incompatible with the surrounding uses and amenity of the area.
- Council's Traffic Engineers have raised concern with sight distances for vehicles exiting the site which may create traffic issues.
- The application does not provide information on where the children pick up/drop-off will be accommodated. There is limited discussion in the traffic report which only relates to the timing of pick up/drop offs and no dedicated areas are indicated on the plans; this has the potential to impact on traffic within the area.

##### Location of vehicle entry

- Council's Traffic Engineers have raised concern with sight distance of motorists exiting the driveway being restricted. This could be addressed through conditions of any permit issued however; it will have significant impact on the ability to landscape the frontage of the site.

##### Inappropriate location for type of use

- The use of the site for a childcare centre is considered inappropriate. See Clause 22.03 (Non-residential uses in residential areas) assessment at Section 4.2.2 of this report.

##### Scale of use / number of children

- Council's Traffic Engineers have recommended the childcare centre be restricted to 109 children onsite at any one time and half the car parking provided onsite to be set aside for staff. This could be addressed through conditions of any permit issued.
- The proposed built form is considered inconsistent with scale of development found in the area, see Clause 22.03 (Non-residential uses in residential areas) and Clause 22.07 (Development in residential areas and neighbourhood character) assessment at Section 4.2.2 of this report.

##### Neighbourhood Character

- The proposed design, scale and appearance of the childcare centre does not reflect the residential character and streetscape of the area. See Clause

22.03 (Non-residential uses in residential areas) and Clause 22.07 (Development in residential areas and neighbourhood character) assessment at Section 4.2.2 of this report.

#### Noise (deliveries)

- There is limited information provided about deliveries to the site however; it is assumed this will be carried out during operating hours. These matters can generally be resolved through conditions of any permit issued.

#### Waste collection

- There is limited information regarding the provision of waste disposal infrastructure, facilities & space; as well as how bins will be emptied (onsite or at kerbside). These matters can generally be resolved through conditions of any permit issued.

#### Pedestrian safety

- Council's Traffic Engineers have raised concern with sight distance of motorists exiting the driveway being restricted and it is acknowledged a number of children and elderly persons frequent the area; so this matter would need to be rectified should a permit be issued.

#### Decreased property values

- This is not a relevant planning consideration.

### 3.2 Referrals

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

#### City Futures

- *City Futures does not support the proposal due to concerns about its impacts on the locality, in particular those relating to noise and traffic generation.*
- *While childcare is an essential service needed by the community, the scale and intensity of the proposed use and development in this instance is considered to be inappropriate for its location.*
- *Clause 22.03-3 of the Scheme requires non-residential uses in residential areas to front a road zone or a connector street. The proposed vehicular access is from The Haven, which is not a connector street and is not in a road zone. Clause 22.03 specifies that non-compliance with this policy criterion will only be supported where the use is small scale and where its catchment will benefit local residents. The proposed childcare centre for 109 children is not considered to be of a small scale.*

#### Traffic Engineer

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

- *No more than 109 children under the care of the centre are to be onsite at any one time.*
- *At least 12 staff parking spaces must be provided within the site and allocated with parking signs and pavement marking.*
- *All vehicles must enter and exit the site in a forward direction.*
- *The vehicular crossover must be 6.1m wide and the driveway must be 6.1m wide for the first 7m within the site to enable two vehicles to pass.*
- *The sight distance of motorists exiting the driveway is restricted. Due to the road bend on The Haven near the intersection, the exiting motorist will have difficulty viewing oncoming traffic from the intersection of The Haven and Edinburgh Road. The applicant must amend the plan to improve sight distance. A 6m x 6m splay on the north east corner of the property must be kept clear with only low vegetation to improve visibility.*
- *The gradients must comply with Knox Planning Scheme Clause 52.06-9 Design Standard 3: Gradients.*

*Officer Comment: These matters could be addressed through conditions of any permit issued however; the need to provide for a 6m x 6m splay area on the north-east corner of the site will limit the ability to provide for canopy planting to help maintain the landscape character of the area, as required by Clause 22.03 (Non-residential uses in residential areas) of the Knox Planning Scheme.*

#### Drainage Engineer

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

#### Landscape

- *Standard conditions to be included on any permit issued.*
- *The Landscape plans must show the provision of at least 14 additional indigenous or native canopy trees and 13 additional large feature shrubs with a mature height of 4-5metres chosen from Plant List 1 or 2 of Council's Landscape Plan Guidelines for Planning Permits; including 3 large canopy trees and 3 medium canopy trees in the front setback on Edinburgh Road.*

#### Parks

- *Trees 1 & 2 are within 3m to the proposed cross-over and cannot remain within this design. Trees can be removed at cost to the applicant.*
- *Trees 3 & 4 can be retained within this design. TPZ fencing will be required.*

*Officer Comment: This can be addressed through conditions of any permit issued.*

Arborist

- *The majority of the tree vegetation within the development site is unkempt and in poor condition and is comprised of species including Ligustrum lucidum, Prunus sp, Malus sp, Pittosporum tenuifolium and Acacia mearnsii. As a result the trees are assessed as low retention value and no Vegetation Protection Overlay pertains to the property that triggers a permit for removal.*
- *There is one (1) Casuarina cunninghamiana (DBH 50cm, 9m x 5m) adjacent to the southern boundary fence line toward the frontage facing Edinburgh road which is regarded as high retention value and not impacted by any building envelopes. Considerations should be made to incorporate this tree into the landscape plans.*
- *Should this tree be retained, basic tree protection measure should apply.*

ESD

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

Health

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

Building

- *No issues raised.*

Waste

- *Raised some concern in relation to the lack of detail regarding the provision of waste disposal infrastructure, facilities & space. Also question how the bins will be emptied, ie within the site or at kerbside (the former is preferable).*

*Officer Comment: These matters could be addressed through conditions of any permit issued.*

Assets

- *Proposed crossing to be constructed to match width of proposed internal driveway.*
- *Rock retaining wall to be reinstated to accommodate altered crossing and suit new opening.*
- *Both redundant crossings to be removed and kerb and naturestrip reinstated to Council standard.*

*Officer Comment: These matters can be addressed through conditions of any permit issued.*

## **4. DISCUSSION**

### **4.1 Zoning and Overlays**

#### **4.1.1 Zone**

##### General Residential Zone – Schedule 2

The site is zoned General Residential Zone – Schedule 2 of the Knox Planning Scheme. The purpose of which is to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households, encourage residential development that respects the neighbourhood character and to allow educational, recreational, religious, community and a limited range of other non-uses to serve local community needs in appropriate locations.

- *Pursuant to Clause 32.08-1 a planning permit is required for the use and development of a childcare centre.*

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

Whether the use or development is compatible with residential use:

- *The proposed use and development is not considered to be compatible with existing residential uses in the area; it will have a detrimental impact on adjoining residential land use through increased traffic, noise and a scale of built form.*

Whether the use generally serves local community needs:

- *It is acknowledged the proposed use could service local community needs by providing for additional childcare centre services in Bayswater however; the Planning Scheme does not support the proposed location. See Section 4.2.2 assessment against Clause 22.03 (Non-residential uses in residential areas).*

The scale and intensity of the use and development:

- *The childcare centre is intended to accommodate 109 children.*
- *The traffic impact from the proposal is considered to be excessive for this location and incompatible with the surrounding uses and amenity.*
- *The submitted traffic report suggests that the peak period volume on The Haven will be increased from 230 vehicles per day (vpd) to approximately 1,100vpd as a result of this development. Similar impacts are forecast for Wilhema Avenue and Edinburgh Road. It is also not clear if the traffic report has considered the additional traffic from the approved 14 dwelling development on 11 The Haven. It seems that the methodology used for future traffic projection is only to add the traffic generated from the childcare centre to the existing traffic counts. If that is the case then the report does not provide an accurate forecast.*

- *Regardless of the above, Clause 22.03-3 of the Scheme requires non-residential uses in residential areas to front a road zone or a connector street (roads with a capacity of minimum 3,000vpd). The proposed vehicular access is from The Haven, which is not a connector street or in a road zone. Clause 22.03 specifies that non-compliance with this policy criterion will only be supported where the use is small scale and where its catchment will benefit local residents. The proposed childcare centre for 109 children is not considered to be of a small scale.*

The design, height, setback and appearance of the proposed buildings and works:

- *The proposed built form is considered to be inconsistent with the immediate area in relation to height, siting and massing.*
- *Adjoining land is generally characterised by single dwellings with open, landscaped front and rear yards. Proposed hardstand surfaces will accommodate 60% of the site which is inconsistent with the open garden character of adjoining properties.*
- *Significant earthworks are proposed to accommodate the development including 4.5m of excavation and 2 metres of fill; plans note play areas 'flattened' to allow on ground play spaces. A 2.0m high acoustic fence is also proposed towards the Edinburgh Road frontage which will detract from the character of the area.*
- *Insufficient landscaping opportunities exist onsite to help integrate the use / development into the area, with limited landscaping also proposed within 'play areas'. This will be further reduced by fencing associated with play areas and the need to provide for low level landscaping to ensure appropriate sight distances when exiting the development.*

The proposed landscaping:

- *As noted above, insufficient landscaping opportunities exist to help integrate the use / development into the area and any landscaping outcome would be inconsistent with the area.*
- *Limited opportunities are available within The Haven frontage to provide for canopy trees due to raised play areas and associated fencing within 1.65m of the street frontage, provision of basement level entry to the site and the need to provide for low level landscaping in the northeast corner of the site to ensure vehicle and pedestrian safety.*
- *The applicant proposes to remove the majority of vegetation from the site. While it is acknowledged the majority of this vegetation has a low retention value and is not protected by vegetation controls, further consideration should have been given to retention of the Casuarina located in the southeast corner of the site as this has a high retention value and contributes to the landscape character of the area.*

The provision of car and bicycle parking and associated accessways:

- *Sufficient car parking spaces have been provided in accordance with Clause 52.06 (Car Parking). However; Council's Traffic Engineers have noted vehicles will have poor sight lines when exiting the site and landscaping will need to be kept to a minimal height near the northeast corner of the site.*
- *There is also insufficient information regarding pick up / drop off areas, which has the potential to impact on car parking and vehicle movement.*
- *Pursuant to Clause 52.34 (Bicycle facilities), the proposed use does not trigger the need for provision of bicycle parking.*

Proposed loading and refuse collection facilities:

- *This has not been addressed. Should a permit be issued, this will need to be addressed through a condition permit.*

The safety, efficiency and amenity effects to traffic to be generated by the proposal:

- *As previously noted, Council's Traffic Engineers have noted there is a potential point of conflict between vehicles exiting the site from the rear car parking area and those entering The Haven, as well as pedestrian safety.*

#### **4.1.2 Overlays**

The subject site is not affected by any Overlays.

## **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.

- *The design of the development does not reflect the built form, scale and massing found in the wider area.*



- *Due to the scale of the proposal including a number of raised areas, the built form will be visible from a number of vantage points in the wider area.*

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

- *A satisfactory Sustainable Design Assessment (SDA) has been submitted with the application. A condition of any permit issued should require the development to be constructed in accordance with the approved SDA.*

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.

- *While it is acknowledged the proposed use could contribute to the economic growth and development of the area; the proposed use is considered inappropriate in this location. A more suitable location would be closer to an activity centre and on a main or collector road.*
- *The scale of the proposal will also result in a number of land use conflicts by way of increased traffic and parking, lack of drop off / pick up area onsite and noise.*

Clause 17.02-1S 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.

- *As previously mentioned, while it is considered that the proposal could support the role of wider Bayswater, the scale of the development is not appropriate within the site's context.*
- *It is considered that the development will not provide for net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of community facilities.*

Clause 18 Transport – To create a safe and sustainable transport system by integrating land use and transport.

- *The site is located approximately of 500 metres walk from bus stops on Boronia and Scoresby Roads and as such, is not considered to be easily accessible by public transport.*

#### 4.2.2 Local Planning Policy Framework

Clause 21.01 Municipal Strategic Statement (MSS).- The City of Knox currently plays an important role in the economic prosperity of Melbourne's south-east with a strong business base and reputation as a high employment generator. Council's Municipal Strategic Statement aims to facilitate and maintain local employment by maintaining and increasing employment opportunities in the municipality. It also seeks to ensure sufficient land is set aside for industrial and production uses and consolidate retail activities into the nominated Activity Centres.

The MSS encourages non-residential uses in residential areas where it is in the vicinity of an activity centre or institutional uses take place. The establishment of non-residential uses in residential areas must not cause adverse amenity impacts on the surrounding areas.

- *The proposed use is considered to be in an inappropriate location due to the site's context. The proposed childcare centre is not located on a main or collector road or on the periphery of an Activity Centre or major facility as encouraged by Clause 22.03 (Non-residential uses in residential area) of the Knox Planning Scheme.*

#### Clause 22.03 Non-residential uses in residential areas

The objectives of this policy are to encourage non-residential uses in appropriate locations.

It is policy that:

The design, scale and appearance of non-residential premises reflects the residential character and streetscape of the area:

- *The proposed built form is considered to be inconsistent with the immediate area in relation to height, siting and massing.*
- *Adjoining land is generally characterised by single dwellings with open, landscaped front and rear yards and hardstand surfaces of approximately 35 - 45%. Proposed hardstand surfaces will accommodate 60% of the site which is inconsistent with the open garden character of adjoining properties.*
- *Insufficient landscaping opportunities exist onsite to help integrate the use / development into the area, with limited landscaping also proposed within 'play areas'. This will be further reduced by the need to provide for low level landscaping to ensure appropriate sight distances when exiting the development.*

Non-residential uses locate:

- On sites with frontages to a road zone or a connector street (i.e. roads carrying a minimum of 3,000 vehicles per day).
- On the periphery of activity centres or major facilities such as hospitals;
- Adjacent to other non-residential uses, provided the cumulative impact on the non-residential uses will not create a defacto commercial precinct.

- On or close to public transport routes.

Non-compliance with the above policy criteria will only be supported where the use is small scale and where its catchment will benefit local residents:

- *The subject site is not located on a main or connector street or the periphery of an activity centre or major facilities such hospitals. While it is acknowledged there will may be some benefit to local residents, the proposal is not considered to be small scale and compatible with the area.*
- *The only non-residential use within the immediate area is the scout hall and reserve to the north; with the remainder of uses being residential in nature including the aged care facility to the northeast.*
- *The subject site is located approximately of 500 metres walk from bus stops on Boronia and Scoresby Roads and as such, is not considered to be easily accessible by public transport.*
- *The proposed use is considered inappropriate in this location. A more appropriate location would be closer to an activity centre or facilities and on a main or collector road.*

The non-residential use:

- Will not unreasonably impact on traffic flow of adjacent streets.
- Will not be hazardous to local pedestrian traffic.
- Will not unreasonably reduce car parking available for local residents in the area through generating additional on–street parking demand
- *It is considered that the traffic impact from the proposal is incompatible with the surrounding uses and amenity of the area.*
- *There is concern with sight distances for vehicles exiting the site which may create traffic issues, this has the potential to impact on local vehicle and pedestrian safety.*
- *No drop off / pick up area has been shown on plans or detailed in the applicants submission, this has the potential to further impact traffic flow and / or availability of on-street parking.*
- *Council's Traffic Engineers have recommended half of the car parking spaces provided onsite be allocated for staff use. If this is not implemented, the availability of on-street parking will be significantly impacted upon.*

Uses intending to open late hours are located near other compatible late night uses:

- *The use is proposed to operate from 6.30am until 7.00pm Monday to Fridays. It is noted that the peak times will be later in the morning and mid/late afternoon and spread out over a period of time (unlike schools there is no start or finish time). The proposed hours are*

*considered consistent with other childcare centres and reasonable in the site's context; as opposed to the scale of the proposed use.*

Development is similar in character, scale, setback and height to development in the surrounding neighbourhood:

- *The height and design will not reflect built form found in the area and insufficient space has been made available to maintain the landscape character of the area.*
- *A Casuarina in the southeast corner of the site is proposed to be removed; this tree contributes to the landscape character of the area.*
- *While it is acknowledged buildings are setback a reasonable distance from their respective streets, significant earthworks are proposed throughout the site including elevated play areas and associated fencing protruding into these frontages, detracting from the streetscape and the ability to landscape these areas.*

Development responds appropriately to the character of the local neighbourhood through its use of materials, colours and landscaping:

- *As discussed throughout this report, the height and design of the development will not reflect built form found in the area and insufficient space has been made available to maintain the landscape character of the area.*
- *The need to 'flatten' the site and provide for elevated play areas and fences associated with these areas will protrude into front setbacks, which limits the ability to provide meaningful planting within this frontage setback.*

Redevelopment of existing non-residential uses is sensitive to the character and amenity of the local neighbourhood:

- *As previously discussed, it is considered that the traffic generated by the proposal will have a significant impact on the residential amenity of the area.*

Expansion of existing non-residential activities be permitted, provided amenity is improved or not further detrimentally affected:

- *It is considered that the proposed use will be of further detriment to residential amenity of the area. The traffic report submitted with the application does not take into consideration vehicles movements generated by the approved development at 11 The Haven or drop off / pick areas.*

Development is designed to minimise intrusion on residential amenity, specifically overlooking, overshadowing and excessive noise:

- *There are concerns about the noise impact of the proposed use, in particular from the outdoor play areas, on the adjoining properties.*

- *The acoustic report submitted with the application notes that the total period of outdoor play will be under 2 hours per day and that only half of the children (55 children) will be playing outdoors at any given time. This seems unreasonable considering the outdoor activity needs of 109 children which will be cared for on the site.*
- *If outdoor activity was to exceed activities mentioned above, it is assumed noise attenuation measures proposed for the site would need to be increased. It is considered that increasing the height of the proposed noise barriers beyond the proposed 1.9m and 2m cannot be supported due to their amenity and overshadowing impacts on the neighbouring lots to the west and south of this site.*

Lighting adjacent to residential sites is baffled to avoid direct lighting overspill onto residential sites:

- *Conditions and notes of any permit issued can address this.*

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

This policy applies to development on residentially zoned land shown in Figure 1 - Housing Map at Clause 21.06 (Housing). It relates more specifically to residential development however; does not exempt the need for consideration for non-residential uses.

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 (relevant) design objectives are:

Design buildings to accommodate landscaping including canopy trees in front and rear gardens.

- *The proposal fails to provide for sufficient open space and landscaping areas consistent with development in the area. Limited opportunities are available within The Haven frontage to provide for canopy trees due to elevated play areas and fencing within 1.65m of the street frontage, provision of basement level entry to the site and the need to provide for low level landscaping in the northeast corner of the site to ensure vehicle and pedestrian safety.*

Retain existing canopy trees and understorey planting, wherever possible.

- *The majority of vegetation onsite does not warrant retention however; a Casuarina located in the southeast of the site has proposed to be removed. This tree has a high retention value and contributes to the streetscape, further consideration should be given to its retention.*

Provide single crossovers for driveways.

- *A double crossover is proposed however; this is necessary to provide relevant passing areas into the basement car park.*

Minimise the amount of paving in front yards and driveways.

- *Adjoining land is generally characterised by single dwellings with open, landscaped front and rear yards. Proposed hardstand surfaces will accommodate 60% of the site which is inconsistent with the open garden character of adjoining properties.*

Design new buildings to incorporate pitched, hipped or gabled roof forms.

- *The proposal incorporates a mixture of angled and flat roof forms to reduce the overall height of the development. The roof form is inconsistent with other development in the area.*

Significantly setback first floor levels from the ground floor level.

- *First floor level is significantly setback from the ground floor level.*

Provide no, low or transparent front fencing.

- *No front fencing forms part of this application however; elevated play areas and fencing associated with play areas will protrude into frontage setbacks. Decking and fencing associated with the play area adjacent to The Haven will be setback 1.65m from the street frontage, limiting the ability to provide for meaningful landscaping, including canopy planting, in this setback.*

Applications must also consider:

#### Accessible Design

- *A lift has been proposed to gain access from the basement carpark into the building and a ramp proposed at the entry to the building. A condition of any permit issued should ensure this complies with relevant accessibility requirements.*

#### Sustainable Design

- *A satisfactory SDA has been submitted with the application. Conditions of any permit issued should require the development to be constructed in accordance with the approved SDA.*

#### Architectural Design

- *As discussed throughout this report, the proposed design response is considered inconsistent with surrounding development.*

### 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:

The provision of 0.22 car parking spaces to each child.

- *Complies. No more than 109 children under the care of the centre are to be onsite at any one time.*
- *Council's Traffic Engineers have recommended that at least 12 staff parking spaces must be provided within the site and allocated with parking signs and pavement marking.*

Clause 52.06-9 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 – *Can comply. Condition of any permit issued must require the vehicular crossover to be 6.1m wide and the driveway must be 6.1m wide for the first 7m within the site to enable two vehicles to pass.*

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

Design Standard 3: Gradients – *Can comply. A condition of any permit issued must require the gradients to comply with Knox Planning Scheme Clause 52.06-9 Design Standard 3: Gradients.*

Design Standard 4: Mechanical Parking – *Not applicable.*

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Can comply. As previously discussed, the sight distance of motorists exiting the driveway is restricted. Due to the road bend on The Haven near the intersection, the exiting motorist will have difficulty viewing oncoming traffic from the intersection of The Haven and Edinburgh Road. The applicant must amend the plan to improve sight distance. A 6m x 6m splay on the north east corner of the property must be kept clear with only low vegetation to improve visibility.*

Design Standard 7: Landscaping – *Can comply. As noted above, landscaping will need to be kept to a low level for improved visibility.*

#### **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 71.02-3 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 inappropriate given the following:

- *The use and development is inconsistent with State Policy, Clause 21.07 (Economic Development), and Clause 22.03 (Non-residential uses in residential areas).*
- *The proposal fails to comply with the purpose and decision guidelines of the General Residential Zone – Schedule 2.*
- *The proposed use is considered to be incompatible with existing residential uses in the area and would be better located closer to an activity centre and on a main or collector road.*
- *The use and development fails to provide for an appropriate balance between policies that encourage greater community facilities and the amenity of adjoining properties.*

#### **6. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

#### **7. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Paul Dickie, Manager City Planning and Building – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Michelle Willis, Principal Planner – In providing this advice as the Author, I have no disclosable interests in this report.

#### **RECOMMENDATION**

That Council issue a Refusal to Grant a Planning Permit for the use and development of the site for a childcare centre at 21-23 Edinburgh Road, Bayswater based on the following grounds:



1. The proposal fails to meet the objectives of Clause 21.01 (Municipal Strategic Statement) and Clause 21.07 – Economic Development of the Knox Planning Scheme.
2. The proposed use and development is inconsistent with Clause 22.03 (Non-residential uses in residential areas) for the following reasons:
  - a) It is not located on the periphery of an activity centre or major facilities such as hospitals;
  - b) It is not located on a site with frontages to a road zone or a connector street;
  - c) It is not located adjacent to other non-residential uses;
  - d) It is not located on or near public transport routes; and
  - e) It is not considered to be small scale.
3. The proposal will have an unreasonable amenity impact on adjoining residential land uses.
4. The proposed development is inconsistent with the preferred character of the area specified in Clause 22.07 (Development in residential areas and neighbourhood character).
5. The proposal is inconsistent with the purpose and decision guidelines specified in Clause 32.08 (General Residential Zone) of the Knox Planning Scheme.
6. The proposal fails to comply with Clause 52.06-8 (Design standards for car parking) as it does not provide for safe and convenient access to and from the development.
7. Insufficient landscaping opportunities have been provided onsite to help integrate the development into the area, particularly to The Haven street frontage.
8. The proposal does not provide for an appropriate balance between the need for additional community facilities in the area, the amenity of occupants and adjoining residents, and planting of new canopy vegetation.

### **COUNCIL RESOLUTION**

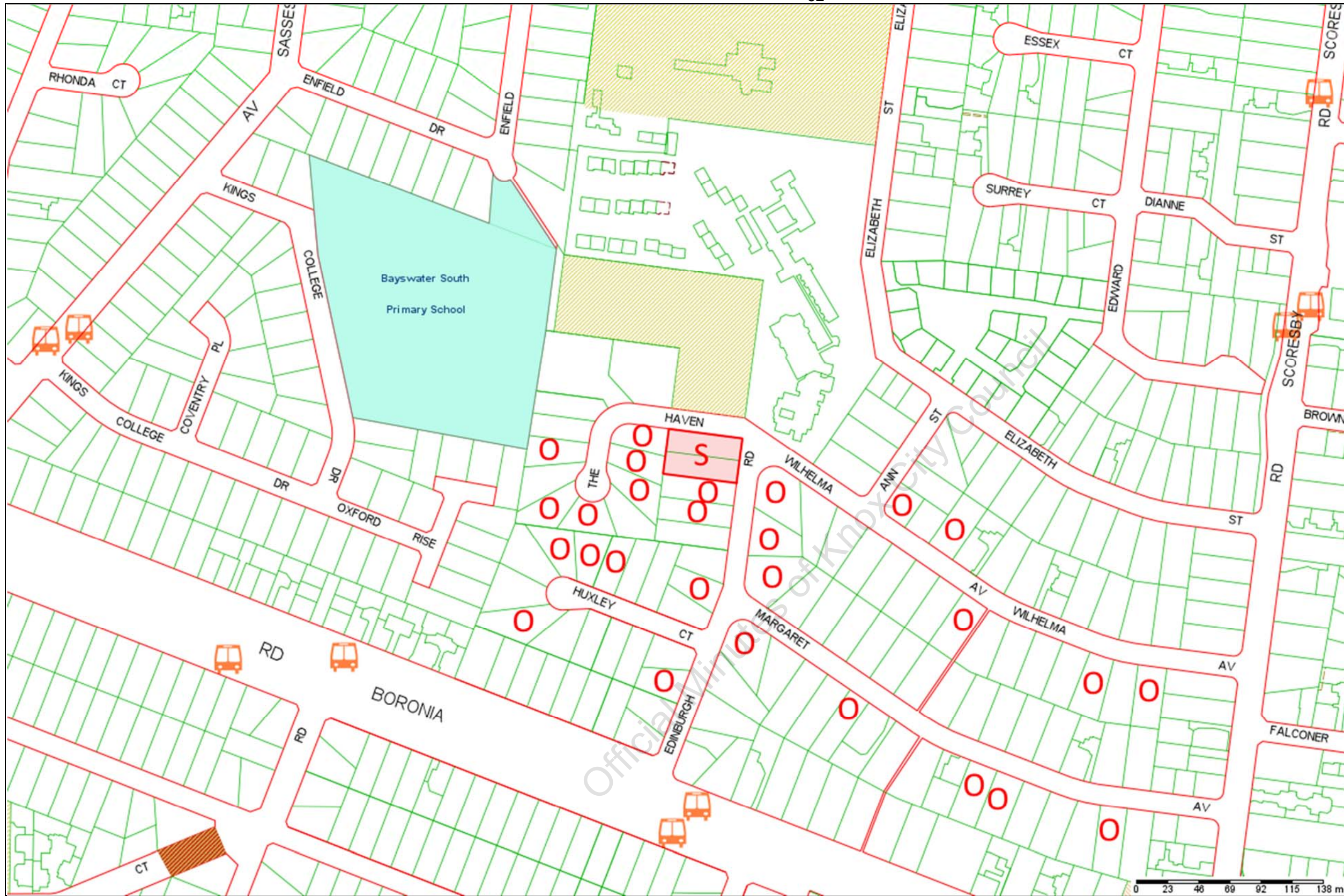
**MOVED: CR. GILL**

**SECONDED: CR. KEOGH**

**That the recommendation be adopted.**

**CARRIED**





**Knox City Council**  
REPORT APPENDIX A

<b>Address</b>	23 Edinburgh Road, BAYSWATER
<b>Application Number</b>	P/2017/6734
<b>Description</b>	Use and development of the site for a childcare centre
<b>Wardname</b>	Dinsdale

**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.





**Knox City Council**  
REPORT APPENDIX A

<b>Address</b>	23 Edinburgh Road, BAYSWATER
<b>Application Number</b>	P/2017/6734
<b>Description</b>	Use and development of the site for a childcare centre
<b>Wardname</b>	Dinsdale

**LEGEND:**

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

N  
Scale: 1:3000

**DISCLAIMER:**  
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# 21-23 EDINBURGH ROAD

## BAYSWATER

### PROPOSED CHILDCARE CENTRE



3D VIEW ENTRY FROM THE HAVEN



3D VIEW FROM CORNER OF EDINBURGH ROAD AND THE HAVEN TO NEW DRIVE & CROSS OVER



3D VIEW FROM LEVEL 01 PLAY AREA



3D VIEW FROM EDINBURGH ROAD FRONTAGE



3D VIEW FROM SOUTH WEST CORNER

3D IMPRESSIONS FOR REFERENCE

DRAWING REGISTER		
Sheet Number	Sheet Name	Current Revision
TP.01.01	COVER PAGE & DRAWING REGISTER	TP.F
TP.01.02	NEIGHBOURHOOD CHARACTER PLAN	TP.F
TP.01.03	DESIGN RESPONSE	TP.F
TP.02.01	BASEMENT FLOOR PLAN	TP.F
TP.02.02	PROPOSED GROUND FLOOR PLAN	TP.F
TP.02.03	PROPOSED FIRST FLOOR PLAN	TP.F
TP.02.04	LANDSUREVEY REFERENCE ONLY NTS	TP.F
TP.04.01	PROPOSED ELEVATIONS	TP.F
TP.04.02	PROPOSED ELEVATIONS	TP.F
TP.05.01	SECTIONS 01	TP.F
TP.05.02	SECTIONS 02	TP.F
TP.05.03	SECTIONS 03	TP.F
TP.05.04	SECTIONS 04	TP.F
TP.05.05	SECTIONS 05	TP.F
TP.05.06	SECTIONS 06	TP.F
TP.05.07	SECTIONS 07	TP.F
TP.05.08	GROSS FLOOR AREAS	TP.F
TP.06.01	9 AM SHADOWS 22nd SEPT	TP.F
TP.06.02	12 PM SHADOWS 22nd SEPT	TP.F
TP.06.03	3 PM SHADOWS 22nd SEPT	TP.F

EXTERNAL FINISHES SCHEDULE		
DRAWING REF.	DESCRIPTION	IMAGE
0001	LIGHT CREAM STANDARD SIZE BRICKWORK AS PER DRAWINGS -COLOUR AUSTRAL INDUSTRICAL PRALINE SUPPLIER AUSTRAL BRICKS	
0002	RED STANDARD SIZE BRICKWORK AS PER DRAWINGS -COLOUR AUSTRAL INDUSTRICAL RICH SUPPLIER AUSTRAL BRICKS	
0003	METAL WORK ELEMENTS THROUGHOUT -ALUMINIUM DOORS AND WINDOWS, ROOF, PLUMBING, FLASHINGS & SIMILAR -COLOUR DALKR MONUMENT	
0004	WHITE FEATURE VERTICAL TIMBER SLATS BOARD LOOK NOM. 140 WIDE (TRC) AS PER DRAWINGS -COLOUR WHITE	
0005	GREEN FEATURE VERTICAL TIMBER SLATS BOARD LOOK NOM. 140 WIDE (TRC) AS PER DRAWINGS -COLOUR DALKR DISC JOCKEY	

EXTERNAL FINISHES SCHEDULE			
TYPE	M2	%	
001_EXT_BRICK_PRALINE_250MM	241.7	51%	
001_EXT_BRICK_RUBY_RED_250MM	128.42	27%	
001_EXT_TIMBER_VERTICAL_DISC_JOCKEY_150MM	39.04	8%	
001_EXT_TIMBER_VERTICAL_WHITE_150MM	64.37	14%	



TYPICAL SLEEPER RETAINING WALL (VIEWED TO INSIDE - WEST BOUNDARY)  
MAX. HEIGHT ABOVE GROUND LEVEL: 1.4M  
1/ GALVANISED C CHANNEL PILE TO ENGINEER'S DETAILS, EMBEDMENT, SPACING AND SIZE AS REQUIRED.  
2/ TIMBER SLEEPERS IN CHANNELS, SIZING & GRADE TO ENGINEER'S DETAILS, ENSURE MATERIAL SUITABLE FOR USE IN CHILDCARE APPLICATION.  
NOTE BOUNDARY RETAINING WALL SETBACK MIN. 500MM

1 TYPICAL RETAINING WALL

No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.C	CHANGE RAMP LOCATION	07.05.2018
TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018



PROPOSED CHILDCARE CENTRE

21-23 EDINBURGH ROAD, BAYSWATER

Scale: @ A1  
Date: MARCH 2017  
Project number: 1707

TP.01.01 REV: TP.F  
COVER PAGE & DRAWING REGISTER

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21-23 EDINBURGH ROAD BAYSWATER APPENDIX B

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No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.C	CHANGE RAMP LOCATION	07.05.2018
TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

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PROPOSED  
CHILDCARE  
CENTRE

21-23 EDINBURGH ROAD,  
BAYSWATER



Scale: 1 : 250@ A1  
Date: MARCH 2017  
Project number: 1707

TP.01.02 REV: TP.F  
NEIGHBOURHOOD  
CHARACTER PLAN





**LEGEND**

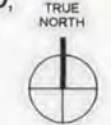
- EXISTING SITE TREES
- EXISTING SITE AND NEIGHBOURHOOD PLANTING
- EXISTING TREE TO BE REMOVED

No.	Description	Date
TP.A	TP ISSUE	SEP 17
TP.C	CHANGE RAMP LOCATION	07.05.2018
TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

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**PROPOSED  
 CHILDCARE  
 CENTRE**

**21-23 EDINBURGH ROAD,  
 BAYSWATER**



Scale: As indicated @ A1  
 Date: MARCH 2017  
 Project number: 1707  
 TP.01.03 REV: TP.F  
**DESIGN RESPONSE**

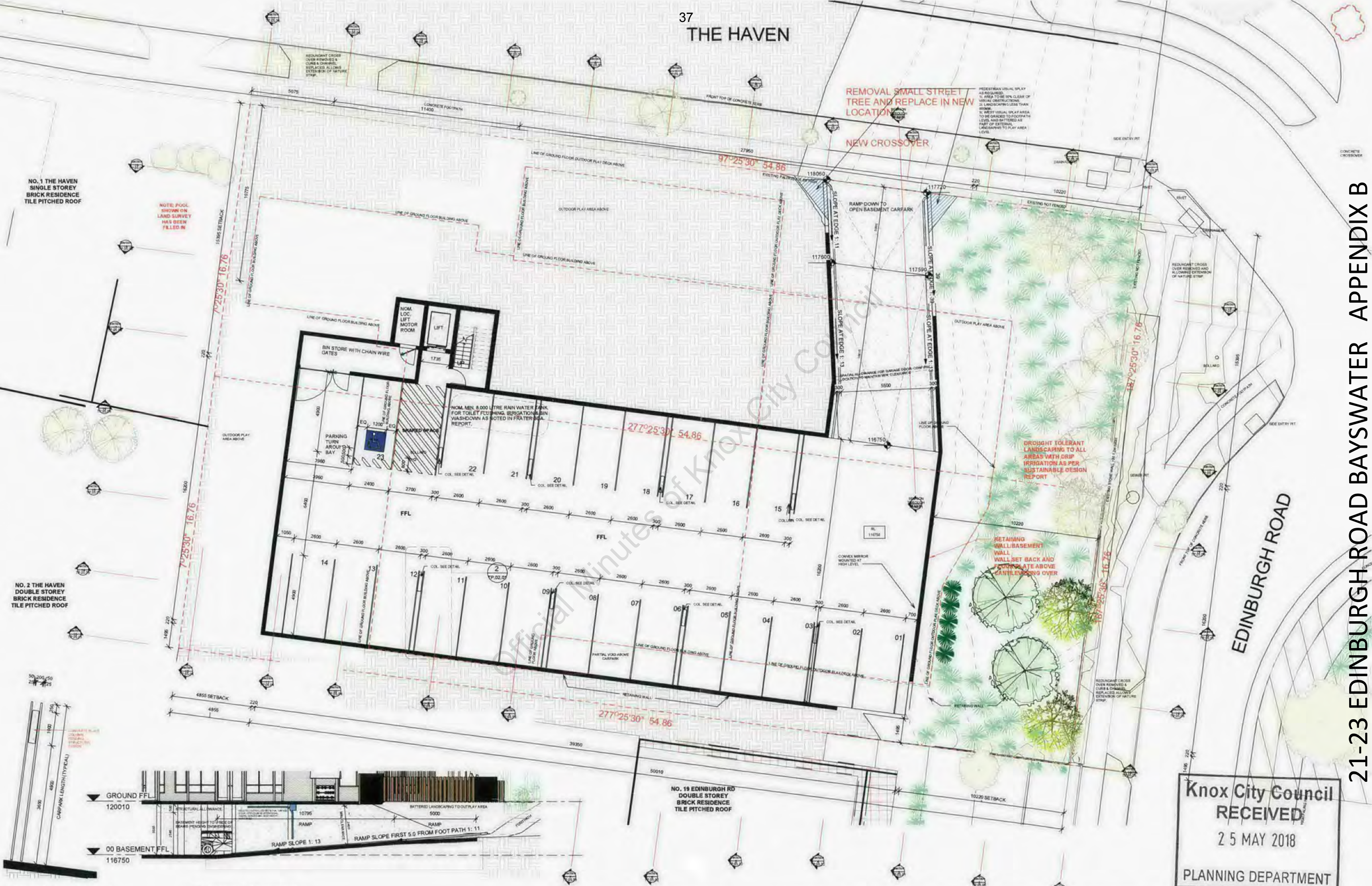
**DEVELOPMENT SUMMARY**

SITE AREA	1839.4m <sup>2</sup>
BUILDING SITE COVERAGE (AT GROUND FLOOR INCLUDING UNDERCROFT CARPARK LID/ HARDSTAND)	1052m <sup>2</sup> 57.2%
GROUND FLOOR BUILDING AREA ONLY	548m <sup>2</sup> 29.8%
OTHER HARD PAVED AREAS (DRIVEWAY & ENTRY PATH)	4%
PERMEABILITY	38%
GARDEN AREA	43%

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**21-23 EDINBURGH ROAD BAYSWATER APPENDIX B**





NO. 1 THE HAVEN  
SINGLE STOREY  
BRICK RESIDENCE  
TILE PITCHED ROOF

NO. 2 THE HAVEN  
DOUBLE STOREY  
BRICK RESIDENCE  
TILE PITCHED ROOF

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21-23 EDINBURGH ROAD BAYSWATER APPENDIX B

2 BASEMENT COLUMN LAYOUT

No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.C	CHANGE RAMP LOCATION	07.05.2018
TP.D	COMMENTS APEX 08.05.2018	08.05.2018
TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

3 SECTION THROUGH RAMP

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PROPOSED  
CHILD CARE  
CENTRE

21-23 EDINBURGH ROAD,  
BAYSWATER

Scale: As indicated @ A1 TP.02.01 REV: TP.F  
Date: MARCH 2017 BASEMENT FLOOR PLAN  
Project number: 1707





THE HAVEN



ROOM SCHEDULE KID'S ROOMS						
ROOM NO.	Name	AREA	KIDS PER ROOM	AREA/KIDS	ROOM AGE	LOCATION
INDOOR	CHILDREN'S ROOM 01	32.78 m <sup>2</sup>	16	2.05 m <sup>2</sup>	24-36 MONTHS	GROUND FFL
INDOOR	CHILDREN'S ROOM 02	52.85 m <sup>2</sup>	16	3.30 m <sup>2</sup>	24-36 MONTHS	GROUND FFL
INDOOR	CHILDREN'S ROOM 03	56.44 m <sup>2</sup>	12	4.70 m <sup>2</sup>	24-36 MONTHS	GROUND FFL
INDOOR	CHILDREN'S ROOM 04	73.12 m <sup>2</sup>	22	3.32 m <sup>2</sup>	OVER 36 MONTHS	GROUND FFL
INDOOR	CHILDREN'S ROOM 05	72.91 m <sup>2</sup>	21	3.47 m <sup>2</sup>	OVER 36 MONTHS	GROUND FFL
INDOOR	CHILDREN'S ROOM 06	73.88 m <sup>2</sup>	22	3.36 m <sup>2</sup>	OVER 36 MONTHS	FIRST FFL
		109	8.5			

ROOM SCHEDULE EXTERNAL PLAY					
ROOM NO.	Name	AREA	KIDS PER ROOM	AREA/KIDS	LOCATION
OUTDOOR	OUTDOOR PLAY	157.19 m <sup>2</sup>	22	7.16 m <sup>2</sup>	FIRST FFL
OUTDOOR	OUTDOOR PLAY	312.56 m <sup>2</sup>	43	7.27 m <sup>2</sup>	GROUND FFL
OUTDOOR	OUTDOOR PLAY	226.93 m <sup>2</sup>	32	7.07 m <sup>2</sup>	GROUND FFL
OUTDOOR	OUTDOOR PLAY	87.96 m <sup>2</sup>	12	7.33 m <sup>2</sup>	GROUND FFL
		109			

No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.B	UPDATE KIDS SCHEDULE	02.05.2018
TP.C	CHANGE RAMP LOCATION	07.05.2018
TP.D	COMMENTS APEX 08.05.2018	08.05.2018
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TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

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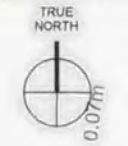
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**PROPOSED**  
**CHILD CARE**  
**CENTRE**

**21-23 EDINBURGH ROAD,**  
**BAYSWATER**

Scale: 1:100@A1  
 Date: MARCH 2017  
 Project number: 1707

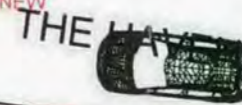
TP.02.02 REV: TP.F  
**PROPOSED GROUND**  
**FLOOR PLAN**



**21-23 EDINBURGH ROAD BAYSWATER APPENDIX B**



REMOVAL SMALL STREET TREE AND REPLACE IN NEW LOCATION (IF REQ.)



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No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.B	UPDATE KIDS SCHEDULE	02.05.2018
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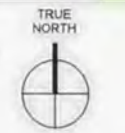
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**PROPOSED  
CHILD CARE  
CENTRE**

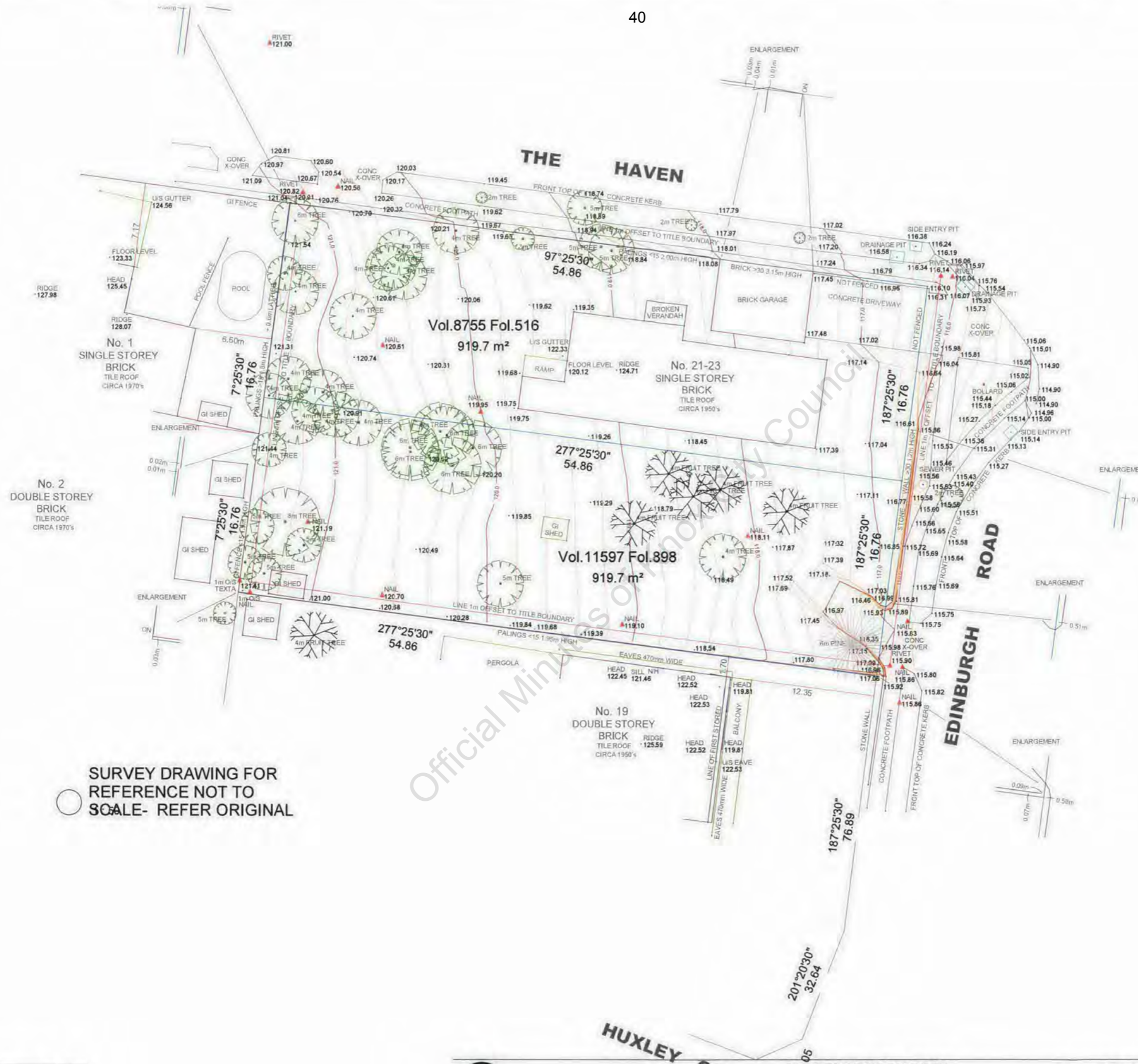
**21-23 EDINBURGH ROAD,  
BAYSWATER**

Scale: 1:100 @ A1  
Date: MARCH 2017  
Project number: 1707

**TP.02.03 REV: TP.F  
PROPOSED FIRST FLOOR  
PLAN**







○ SURVEY DRAWING FOR REFERENCE NOT TO SCALE- REFER ORIGINAL

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No.	Description	Date
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

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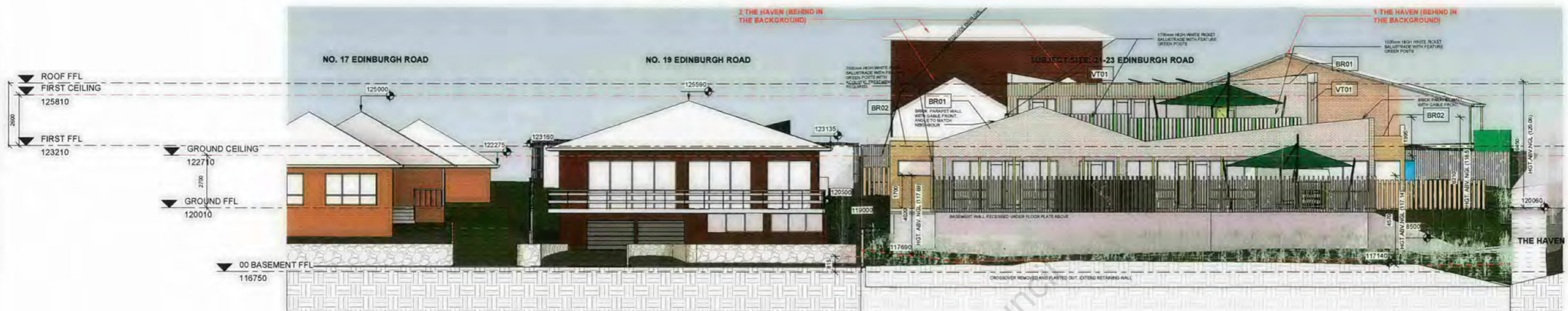
**PROPOSED**  
**CHILD CARE**  
**CENTRE**  
 21-23 EDINBURGH ROAD,  
 BAYSWATER

Scale: 1 : 50@ A1  
 Date: MARCH 2017  
 Project number: 1707

TP.02.04 REV: TP.F  
 LANDSUREVEY  
 REFERENCE ONLY NTS

21-23 EDINBURGH ROAD BAYSWATER APPENDIX B





2 EAST  
1 : 100

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1 NORTH  
1 : 100

21-23 EDINBURGH ROAD BAYSWATER APPENDIX B

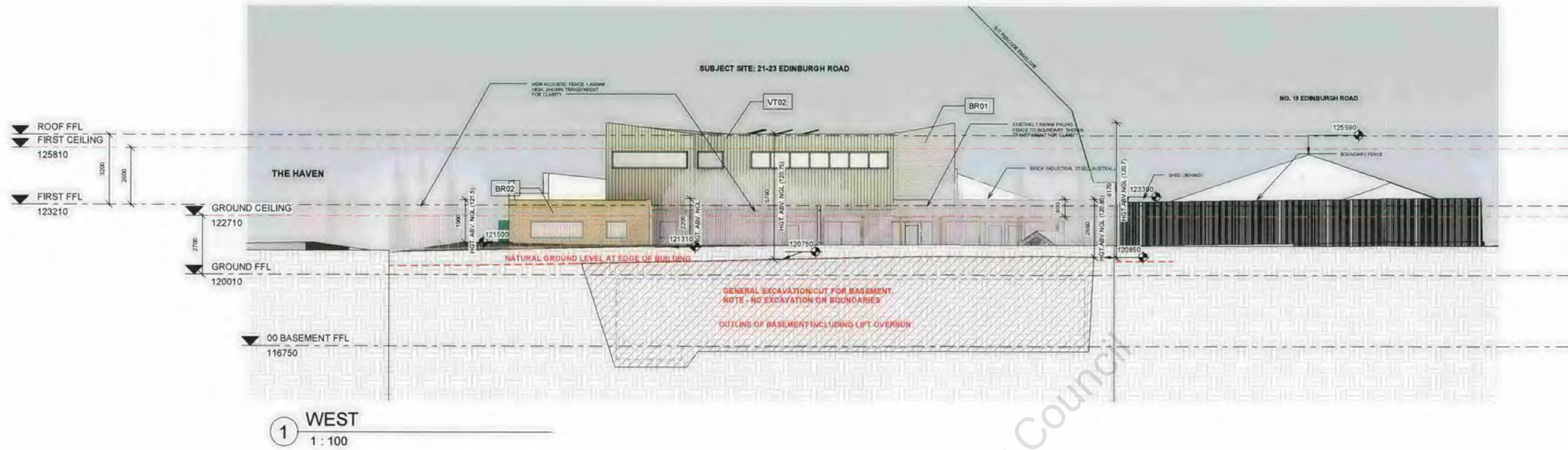
No.	Description	Date
TP.A	TP ISSUE	SEP'17
TP.C	CHANGE RAMP LOCATION	07.05.2018
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21-23 EDINBURGH ROAD,  
BAYSWATER  
**PROPOSED  
CHILD CARE  
CENTRE**

Scale: 1 : 100 @ A1  
Date: MARCH 2017  
Project number: 1707  
TP.04.01 REV: TP.F  
**PROPOSED ELEVATIONS**





**Knox City Council**  
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TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018



**PROPOSED  
CHILDCARE  
CENTRE**

**21-23 EDINBURGH ROAD,  
BAYSWATER**

Scale: 1 : 100@ A1  
Date: MARCH 2017  
Project number: 1707  
TP.04.02 REV: TP.F  
**PROPOSED ELEVATIONS**

**21-23 EDINBURGH ROAD BAYSWATER APPENDIX B**





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PROPOSED  
CHILDCARE  
CENTRE  
21-23 EDINBURGH ROAD,  
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SECTIONS 01

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TP.E	TRAFFIC AND APEX COMMENTS	09.05.2018
TP.F	FINAL REVISIONS FOR TP RETURN	24.05.2018

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21-23 EDINBURGH ROAD,  
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PROPOSED  
CHILD CARE  
CENTRE

Scale: 1 : 100 @ A1  
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Project number: 1707  
TP.05.02 REV: TP.F  
SECTIONS 02

21-23 EDINBURGH ROAD BAYSWATER APPENDIX B





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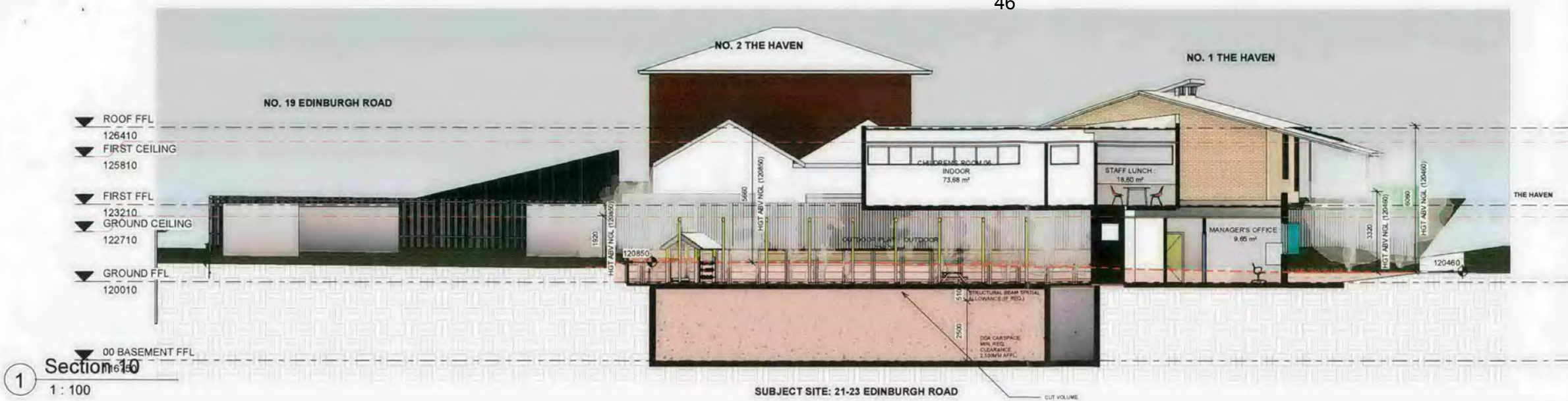


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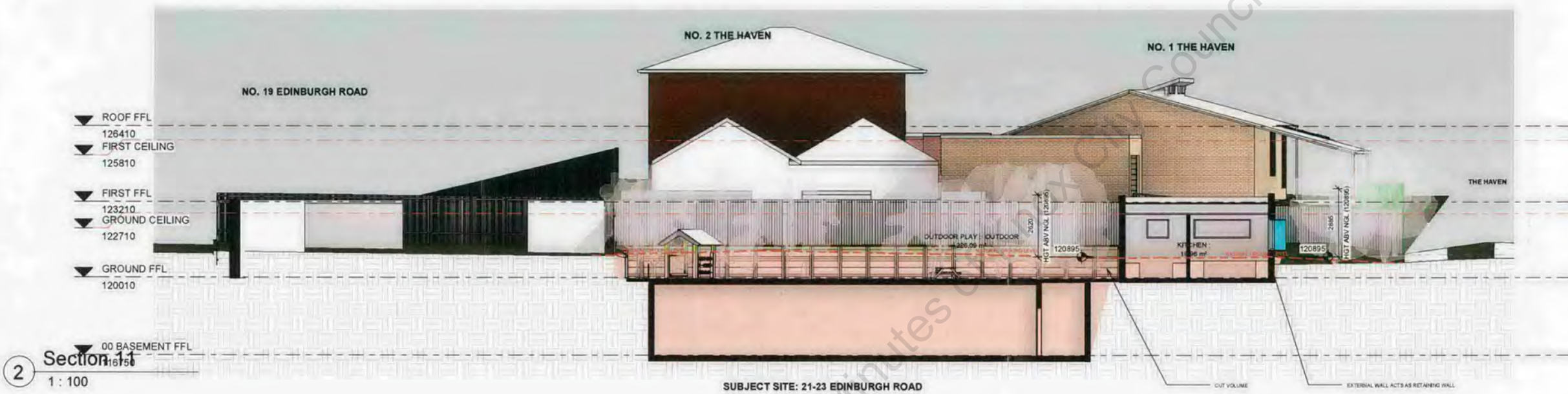
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Date: MARCH 2017  
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SECTIONS 03

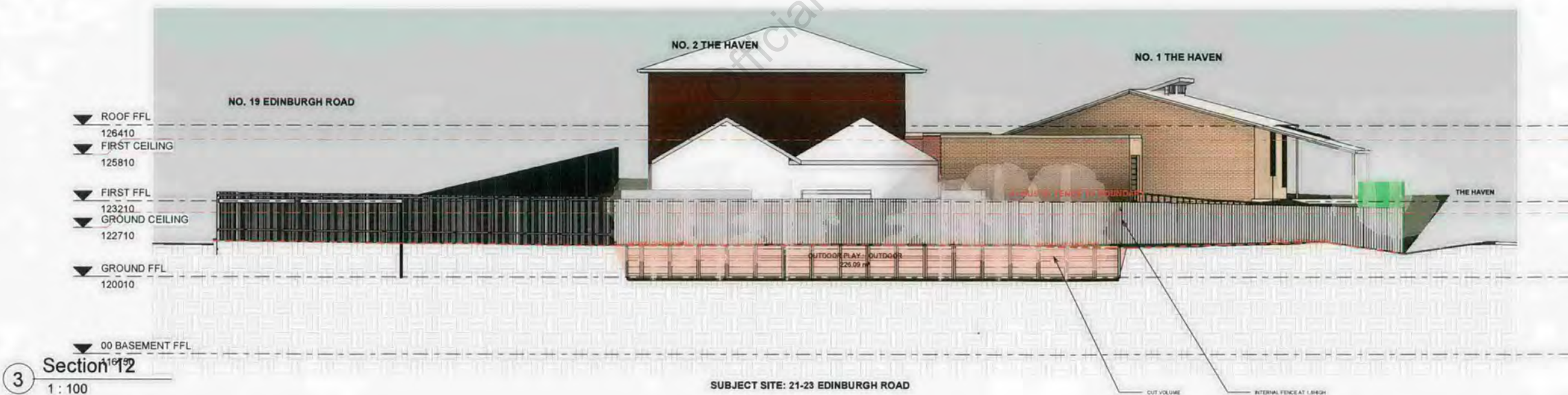




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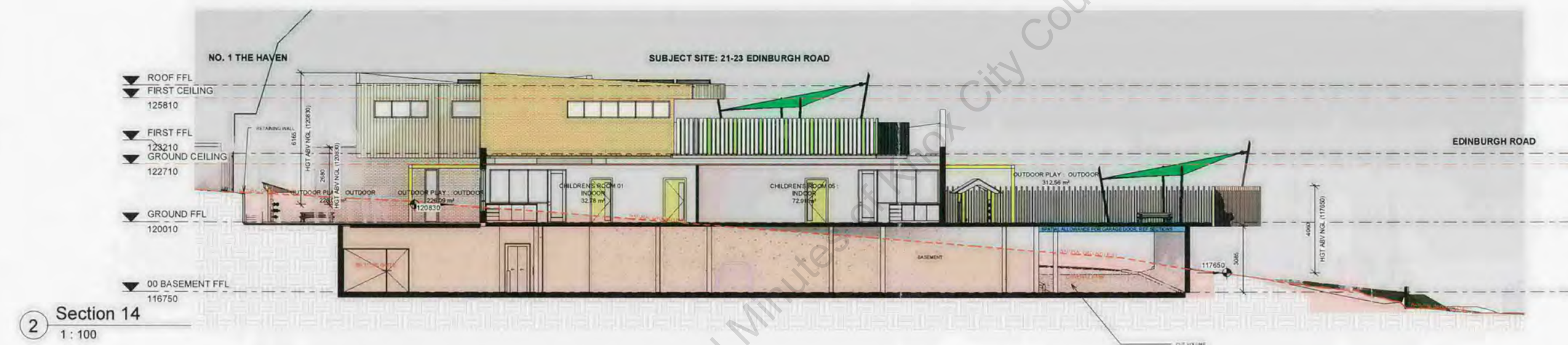
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CENTRE**  
21-23 EDINBURGH ROAD,  
BAYSWATER

Scale: 1 : 100@A1  
Date: MARCH 2017  
Project number: 1707  
TP.05.04 REV: TP.F  
SECTIONS 04





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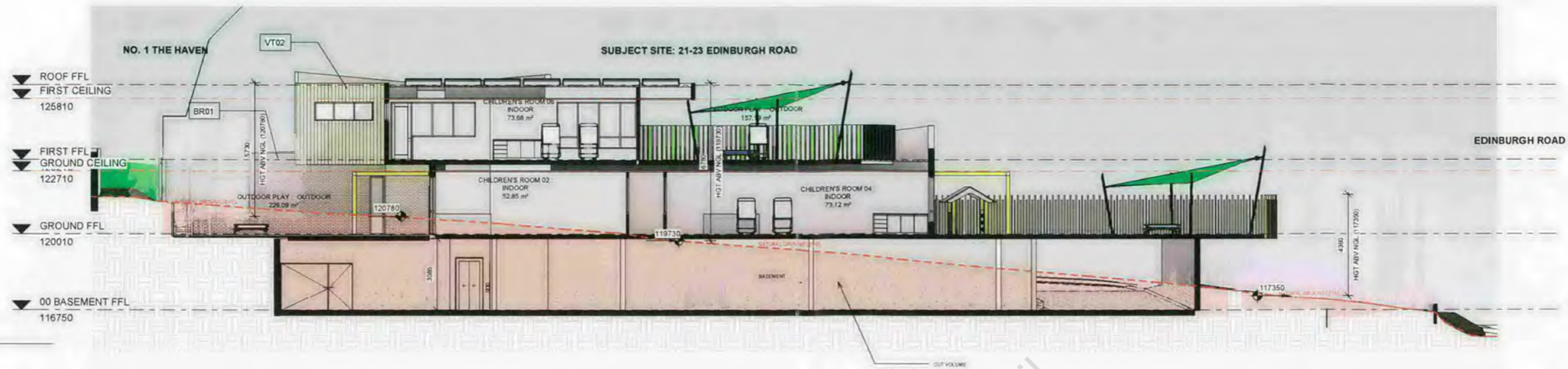
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Project number: 1707

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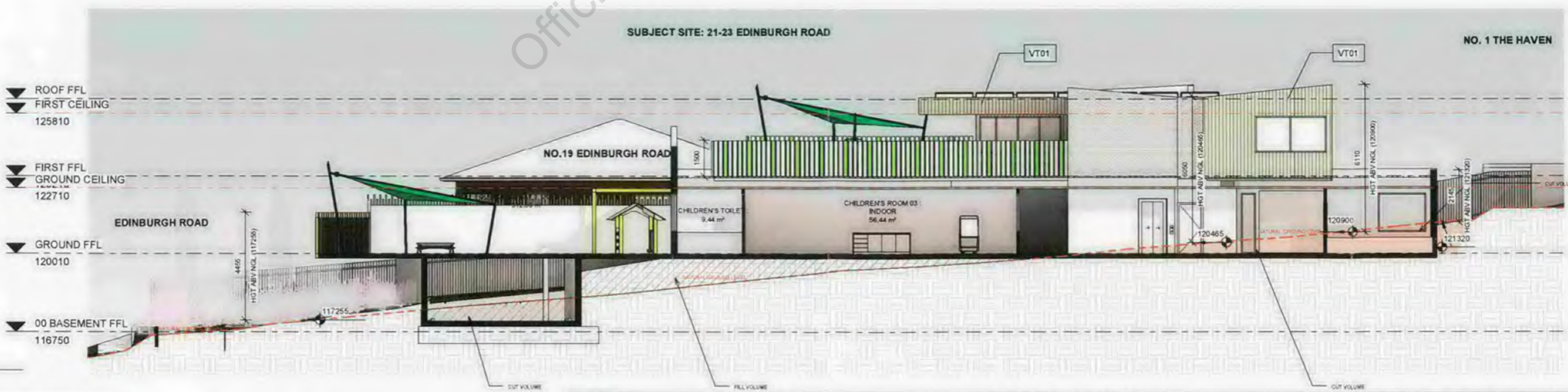




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PROPOSED  
CHILDCARE  
CENTRE

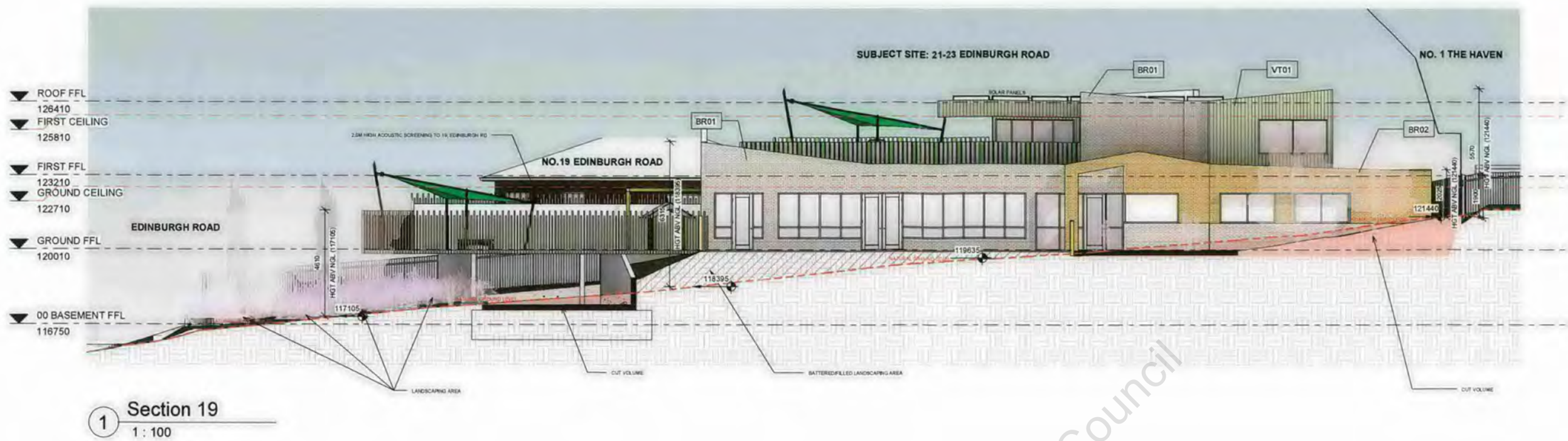
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PROPOSED  
 CHILDCARE  
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Scale: 1:100@A1  
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 SECTIONS 07





50



1 BASEMENT GROSS FLOOR AREA  
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2 GROUND LEVEL GROSS FLOOR AREA  
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3 LEVEL 01 GROSS FLOOR AREA  
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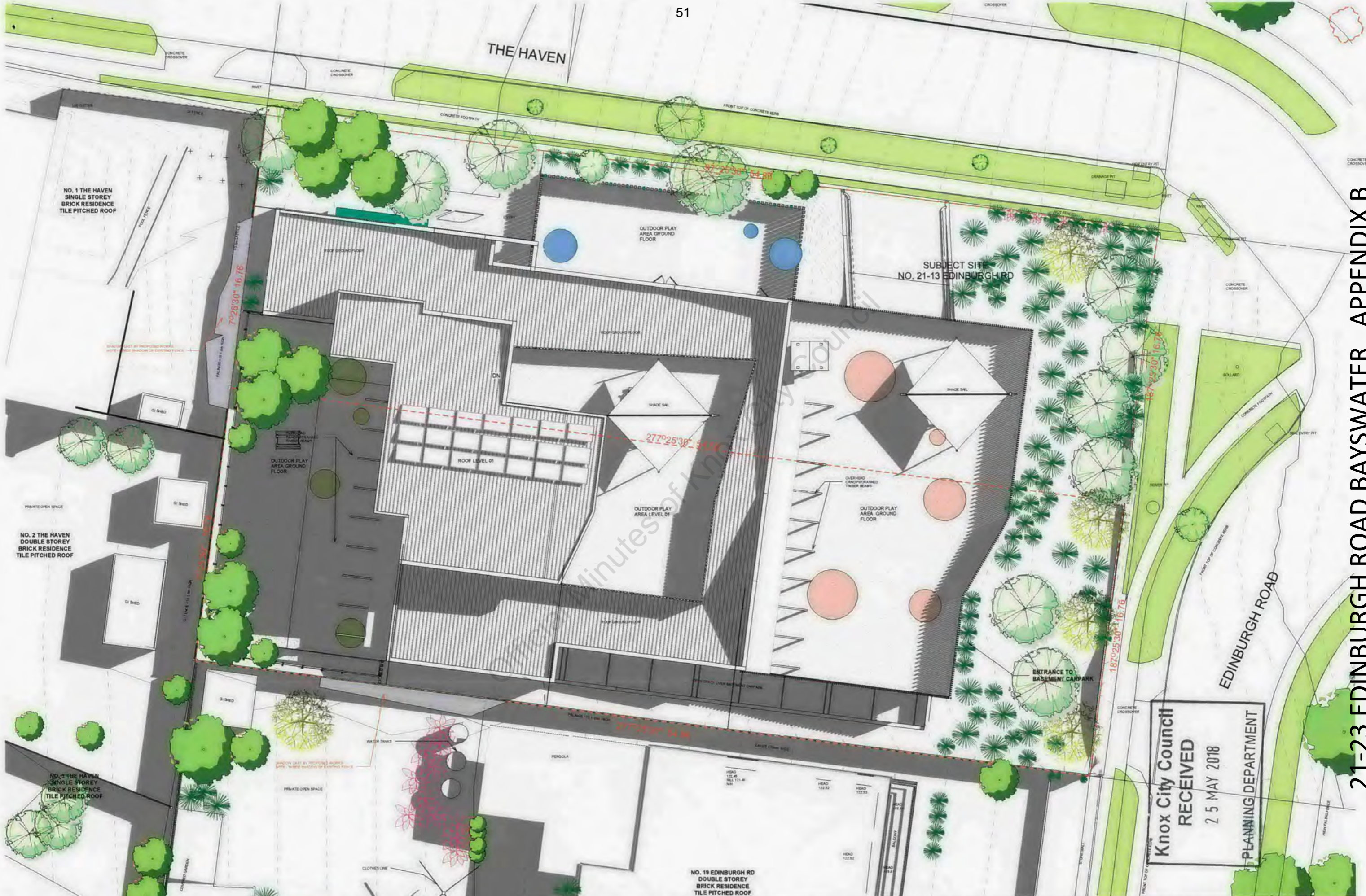
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CENTRE

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Date: MARCH 2017  
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GROSS FLOOR AREAS





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CENTRE

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BAYSWATER

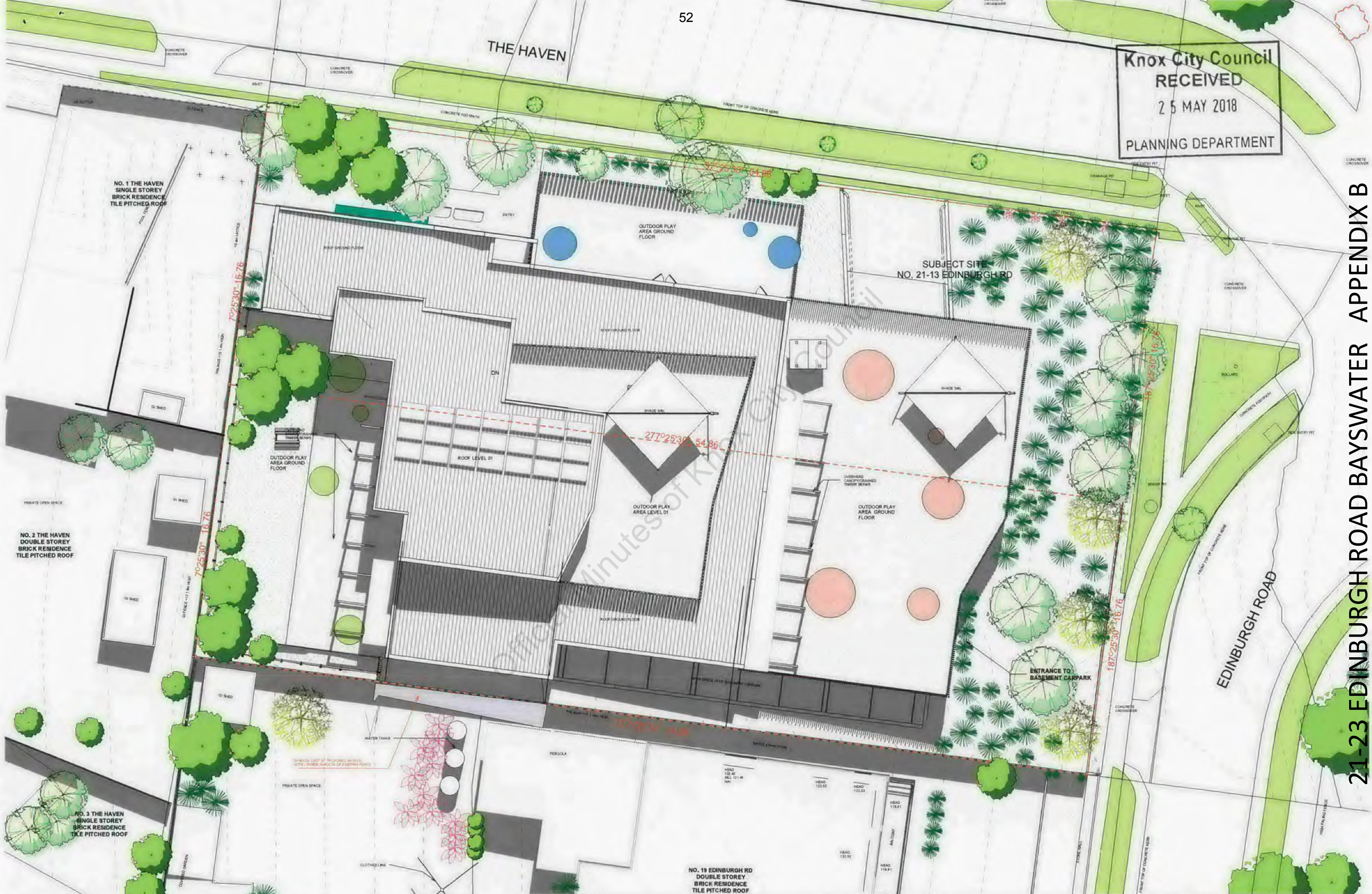


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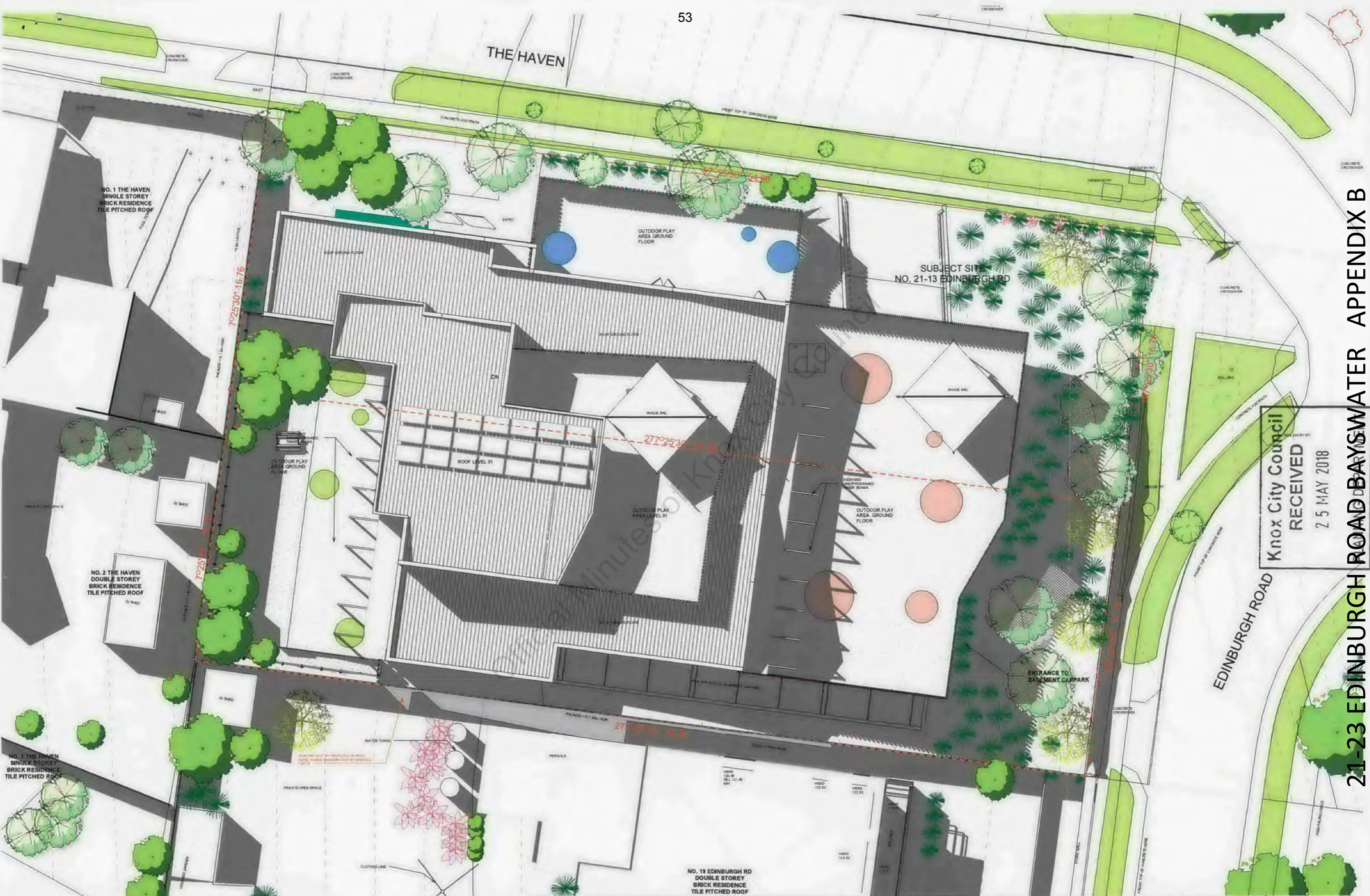
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Date: MARCH 2017  
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12 PM SHADOWS 22nd SEPT





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**PROPOSED  
CHILDCARE  
CENTRE**

21-23 EDINBURGH ROAD,  
BAYSWATER

TRUE  
NORTH

Scale: 1: 100@ A1  
Date: MARCH 2017  
Project number: 1707

TP.06.03 REV: TP.F  
3 PM SHADOWS 22nd SEPT



**SCOTT WARD**

**6.3 APPLICATION FOR THE DEVELOPMENT OF THE LAND FOR TWENTY THREE (23) DOUBLE STOREY DWELLINGS AND TEN (10) SINGLE STOREY DWELLINGS (TOTAL 33 DWELLINGS) AND VARIATION TO DRAINAGE, SEWERAGE AND CARRIAGEWAY EASEMENT AT 62 BUNNETT ROAD, FERNTREE GULLY (Application No. P/2017/6626)**

**1. SUMMARY:**

<b>Land:</b>	62 Bunnett Road, Ferntree Gully
<b>Applicant:</b>	Taylor's Development Strategists
<b>Proposed Development:</b>	The development of the land for twenty three (23) double storey dwellings and ten (10) single storey dwellings (total 33 dwellings) and variation to drainage, sewerage and carriageway easement
<b>Existing Land Use:</b>	Existing residential development
<b>Area/Density:</b>	1.04 hectares / 1:304m <sup>2</sup>
<b>Zoning:</b>	General Residential Zone – Schedule 2
<b>Overlays:</b>	Nil
<b>Local Policy:</b>	Municipal Strategic Statement (MSS) Development in Residential Areas and Neighbourhood Character Policy Environmentally Sustainable Development
<b>Application Received:</b>	12 October 2017
<b>Number of Objections:</b>	83
<b>PCC Meeting:</b>	20 March 2018

*The original application proposed the development of 32 double storey dwellings and four single storey dwellings (total 36 dwellings) on the land. The application was considered by Council on 23 April 2018, where it was determined to refuse the application. The applicant subsequently lodged an appeal at VCAT against Council's refusal of the application.*

*A Compulsory Conference was heard at VCAT on 6 August 2018. At the conference, the applicant presented 'without prejudice' amended plans which addressed many of the concerns raised by Council and the objectors. It was agreed that a Planning Permit could be issued, subject to Council's approval.*

*It is considered that subject to the changes as submitted at the VCAT compulsory conference, the proposal to develop the land for twenty three (23) double storey dwellings and ten (10) single storey dwellings (total 33 dwellings) and variation to drainage, sewerage and carriageway easement provides an appropriate balance between the need for additional housing within a fully serviced area and the amenity of occupants and adjoining residents.*

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



*On balance it is considered that the revised proposal responds well to the Planning Policy Framework and Local Planning Policies, subject to modifications. It is recommended that Council adopt the agreement reached between the parties present at the VCAT compulsory conference that a planning permit be issued, subject to conditions.*

## **2. BACKGROUND**

### **2.1 Subject Site and Surrounds**

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

- The subject site is a large single allotment located on the west side of Scoresby Road, known as 62 Bunnett Road, Ferntree Gully. The subject site is irregular in shape and has an approximate 4.5m slope from the north to south.
- The east side of the site contains an existing aged care facility accessed from Scoresby Road. The west side of the site is occupied by 11 single storey dwellings with associated car parking and landscaping. For the purposes of this application, the site is referred to as the residential component which is separate to the aged care facility.
- The site area of the residential component is 10,459m<sup>2</sup>. The site is accessed via Bunnett Road to the north and west however no vehicular through access is provided. Pedestrian access between the two Bunnett Road entrances exists which is protected by a carriageway, drainage and sewerage easement. No further easements exist on the site.
- No covenants are registered on the copy of title.
- No significant existing vegetation exists on the site.
- The subject site and surrounds are located within an established residential area, predominately single storey, with some double storey dwellings and landscaped setbacks. Knox Park Primary School is located approximately 290m to the west of the subject site.

### **2.2 The Proposal (Assessed by Council – 23 April 2018)**

(Refer to attached plans at Appendix B)

- Existing single storey dwellings will be removed (planning permit not required for demolition)
- The construction of 32 double storey dwellings and four (4) single storey dwellings.
- The development will comprise: 5 x 2-bedroom dwellings, 23 x 3-bedroom dwellings and 8 x 4-bedroom dwellings.
- Vehicle access to the site is maintained via the Bunnett Road frontages, with no through access provided.

- Pedestrian access through the site will be maintained; however it is proposed to reduce the width of the drainage, sewerage and carriageway easement.
- Site coverage is 36% and permeability is 43%.

### **2.3 Assessment of the Application**

On 23 April 2018, the application was refused by Council for the following reasons:

1. The proposal fails to satisfy the strategic intent of Council's Housing Policy (Clause 21.06) and Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07) of the Knox Planning Scheme.
2. The proposal does not provide a good balance between single storey and double storey built form throughout the development, and as a result, dwelling diversity is poor.
3. The design outcome is not considered to be respectful of the existing or preferred neighbourhood character, due to scale and siting of buildings and resultant impact on the amenity of adjoining residential properties.
4. The proposal fails to appropriately address the previous VCAT decision dated 9 August 2017 for the site. In particular, the design and siting of buildings, the dwelling yield, and the provision of landscaping on site has not been substantially improved to allow the proposal to contribute to the green leafy character of Knox.
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
6. The location of double storey dwellings on the periphery of the site will create adverse amenity impacts when viewed from the habitable room windows and private open space areas of existing dwellings surrounding the site.

### **2.4 VCAT – Compulsory Conference**

Following on from Council's decision, the applicant lodged an appeal with VCAT against Council's refusal.

On 6 August 2018, a compulsory conference was held at VCAT. This is standard VCAT process for all appeals on the Major Case List. The purpose of the conference was to allow the parties to the hearing to hear each other's issues/opinions with the proposal, and to see whether there was any room for a negotiated outcome. Parties to the conference were Council, the permit applicant and three (3) objectors to the original application. One (1) of the objectors present was also a spokesperson for 49 residents who objected to the original application but did not register as a party to the VCAT process.

The applicant provided a set of amended plans which aimed to address the concerns of Council and the objector's.

(Refer to attached plans at Appendix C)

The main changes to the plans were:

- Reduction in the yield of dwellings from 36 dwellings to 33 dwellings (23 double storey dwellings and 10 single storey dwellings).
- The introduction of six (6) additional single storey dwellings at key locations, bringing the total of single storey dwellings to 10.
- The addition of three (3) visitor car parking spaces.

Conditions were drafted to be included in any permit issued, and are located in the recommendation section of this report. These conditions, including the 'without prejudice' amended proposal were agreed to by all parties present at the compulsory conference.

Given the number of objections to the original application, this application is being reported back to Council following the compulsory conference. Therefore the remainder of this report will assess the amended proposal as agreed by the parties to the VCAT compulsory conference.

If Council does not support the amended plans and proposed conditions as agreed by all the parties at the VCAT compulsory conference, then the matter will revert back to a merits appeal on the original proposal (unless the applicant amends the application at a later date) and the 'without prejudice' plans assessed under this council report will have no status at the hearing.

### **3. CONSULTATION**

#### **3.1 Advertising**

The original application was advertised by way of three (3) signs on the site and notices were sent to adjoining property owners and occupiers. A total of 83 objections were received and the main issues related to neighbourhood character, car parking, waste management and landscaping.

#### **3.2 Planning Consultative Committee Meeting**

A Planning Consultative Committee (PCC) Meeting was held at the Civic Centre on 20 March 2018. The meeting was attended by 33 objectors and the objections listed above were discussed.

At the conclusion of the PCC meeting, it was agreed that conditions of any permit to issue would address the issues concerning the letterboxes, internal lighting and the Lilydale toppings for the central path. All other issues remained unresolved.

### 3.3 Referrals

The original application was referred to external authorities and internal departments for advice. The original referral responses are outlined in the Council Report dated 23 April 2018. The original referral responses remain applicable as the amended plans are an improved design compared to the previous plans considered by Council.

## 4. DISCUSSION

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

### 4.1 Zoning and Overlays

#### 4.1.1 Zone

The site is located within the General Residential Zone – Schedule 2. A permit is required for the construction of two or more dwellings on a lot.

- *The proposal is consistent with the purpose of the General Residential Zone by providing for diversity in housing types that respects the neighbourhood character of the area.*

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.

- *The site can accommodate 93 canopy trees, which exceeds the minimum landscaping requirements for Standard B13.*

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 80m<sup>2</sup> of private open space, including 60m<sup>2</sup> of secluded private open space with a minimum dimension of 5m.*

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 development will not exceed 9m in height.*

#### **4.1.2 Overlays**

The site is not affected by any overlays.

### **4.2 Policy Consideration**

#### **4.2.1 Planning Policy Framework (SPPF)**

Planning 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 15 Built Environment and Heritage – Encourages high quality architecture and urban design outcomes that reflects 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 (including a reduction of three dwellings) will make a positive contribution to the surrounding area, with built form considered to be appropriate in form and scale.*
- *The amended plans now propose 10 single storey dwellings at prominent locations within the development, to minimise the visual bulk of the development when viewed from surrounding properties.*

Clause 15.02 Energy and Resource Efficiency – Ensure that land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

- *A satisfactory Sustainable Design Assessment was provided with the original application.*

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 now provides 23 double storey dwellings and 10 single storey dwellings with a mix of two, three and four bedrooms, providing a range of housing choices.*
- Existing infrastructure – *The site is located within a fully serviced 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. 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.

- *The site is located within a 368m walk of bus stops on the 753 and 755 bus routes along Scoresby Road.*
  - *The 753 bus route has a direct service between Glen Waverley and Bayswater. This service operates between 6:23am and 9:18pm Monday to Friday; between 7:51am and 9:30pm on Saturdays; and between 8:51am to 9:30pm Sundays, at various intervals.*
  - *The 755 bus route has a direct service between Bayswater and Knox Shopping Centre. This service operates between 6:03am and 8:54pm Monday to Friday; between 7:47am to 8:52pm Saturdays; and 8:55am to 8:54pm Sundays, at various internals.*

#### **4.2.2 Local Planning Policy Framework**

##### Municipal Strategic Statement (MSS)

Council's MSS encourages 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.

With specific reference to the aging population in Knox, the MSS contains the following statement:

"The Knox community is diversifying and ageing. Knox's dominant household type remains families with children, with the number of children (and their parents) forecast to increase over the next 20 years. However, the number of people at post-retirement age is growing quickly and forecast to double between 2011 and 2031. This will see an increase in

the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years. With an increase in population and demographic diversity, the City of Knox will continue to play an important role in housing provision and diversity.”

- *The proposal is considered to be consistent with the MSS. The design response respects the low scale single and double storey nature of surrounding development, whilst allowing appropriate landscaping setbacks and building articulation to ensure the development transitions to the adjoining properties.*

Clause 21.05 Built Environment and Heritage – Development should address needs of changing household structures, creating high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox. It is important to achieve environmentally sustainable development that contributes to a more liveable and sustainable Knox, including efficient use of urban water runoff and the quality of stormwater entering waterways.

Housing liveability and amenity for occupants should be improved by supporting indoor environment quality (such as access to daylight and ventilation).

- *The proposal provides an appropriate balance between the need for providing housing, and the amenity of area and future occupiers of the site. The increase in single storey built form and generous setbacks and areas for landscaping will result in a good quality urban design outcome.*

Clause 21.06 – Housing: The Housing theme implements the Knox Housing Strategy 2015. In managing the City of 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 the local area and take account of the particular built form and natural environmental elements that make up the neighbourhood 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 2015, which identifies a scaled 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 a larger number of 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 will provide residents with alternative forms of housing styles and sizes.*

Objective 3 is to provide residential development that allows people to 'age-in-place'. Strategies include supporting smaller scale dwellings that cater for older people, supporting new residential aged care facilities, except in Bush Suburban areas within the Dandenong Foothills or in a Site of Biological Significance, and supporting the diversification of existing aged care facilities to provide a range of housing and care levels on-site.

- *As noted above, the development will provide residents with alternative forms of housing styles and sizes. The development will now provide 10 single storey dwellings, contributing to the range of housing and allow people to age in place.*

Objective 4 is to support high quality housing design that responds to the City's green and leafy character, local character and creates a strong sense of place.

- *It is considered that the height, setbacks, and landscaping across the development appropriately respect the existing and preferred character of the area.*

Objective 5 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.*

#### Clause 22.04 – Environmentally Sustainable Development:

This new policy introduced into Knox Planning Scheme under Amendment C150 requires applicants to address Environmentally Sustainable Development (ESD) principles including energy performance, water resources, indoor environmental quality, stormwater, waste management, transport and urban ecology, by applying these principles within the proposed development.

- *The Sustainable Design Assessment submitted with the application was satisfactory.*

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

Council's Development in Residential Areas and Neighbourhood Character Policy identifies the subject site within a Knox Neighbourhood



Area, where areas will continue to contribute to the protection and enhancement of Knox's distinctive environmental and biological values, and continue to be low-scale neighbourhood where significant indigenous and native vegetation is retained and complemented.

The key (relevant) design objectives are:

Design buildings to accommodate landscaping including canopy trees in front and rear gardens.

- *The proposal includes appropriate setbacks and large private open space areas to provide for canopy tree planting.*

Retain existing canopy trees and understorey planting, wherever possible.

- *The proposed development ensures ample opportunities for meaningful landscaping throughout the site and will include the provision of canopy trees that will contribute to the long term amenity of the area.*

Provide a landscaped front and rear yard and plant indigenous canopy trees in accordance with the requirements of the applicable zone schedule.

- *As noted above, the site can accommodate 93 canopy trees which exceeds the requirements of the zone schedule.*

In developments of three or more dwellings, ensure that the rear dwelling is single storey in height.

- *It is considered that the intent of this design objective is applicable to developments of three or more dwellings in a tandem layout. The subject site is a large allotment which does not have a designated 'rear'. Nevertheless the development now proposes 10 single storey dwellings at key locations within the site.*

Provide single crossovers for driveways.

- *The development is accessed via the existing crossovers into the site.*

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

- *The configuration of the lot means dwellings do not front the external road network and therefore garages do not present to the external road network.*
- *Garages are recessed behind the line of the dwellings to minimise dominance within the development.*

Minimise the amount of paving in front yards and driveways.

- *Dwellings are provided with landscaping at the front to soften the built form and driveway areas. The extent of driveways has been minimised where possible.*

Design new buildings to incorporate pitched, hipped or gabled roof forms.

- *All dwellings incorporate a pitched roof.*

Significantly setback first floor levels from the ground floor level.

- *It is acknowledged that a number of the dwellings located centrally within the development do not have upper levels that are significantly setback from the ground floor level. However, the development has been designed to respond to adjoining properties with upper levels sufficiently setback from the side and rear boundaries to offset amenity impacts to neighbouring properties. As noted above, the proposal now incorporates four 10 single storey dwellings at key locations within the development.*

Provide no, low or transparent front fencing

- *No front fencing is proposed.*

Applications must also consider:

Accessible Design

- *The proposal caters for the needs of people with limited mobility as a clear and accessible path from the street to each front door has been provided. Further, there are dwellings with bedrooms, kitchen, dining/living and bathrooms at ground level.*
- *A satisfactory accessibility report was submitted with the application.*

Sustainable Design

- *The development incorporates passive solar design with north facing living areas and private open space areas.*
- *The Sustainable Design Assessment submitted with the application was satisfactory.*

Architectural Design

- *The design and scale of the proposal is generally consistent with the housing types encouraged in the Knox Neighbourhood Area.*
- *The development provides an appropriate degree of visual interest and articulation to present an appropriate scale to adjoining sites.*
- *Large blank walls and facades have been avoided through the incorporation of varied building materials and finishes. The upper*

*levels have been reduced in size and the separation between the dwellings has been provided.*

#### Housing for Aged Persons

- *The development has not been specifically designed as a form of housing for aged persons, however the development now incorporates 10 single storey dwellings and one (1) of the double storey dwellings is provided with a bedroom, kitchen, dining/living and bathroom on the ground floor level (Dwelling 6). This equates to exactly one in three of the dwellings being accessible.*

### 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 to each dwelling and any applicable visitor parking at a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) and one visitor space to every five dwellings for developments of five or more dwellings.

A permit may be granted to reduce or to waive the number of car spaces required by the table.

- *The proposal satisfies the car parking provision as each dwelling two (2) bedroom dwelling is provided with a single garage and the remaining dwellings which contain three (3) or four (4) bedrooms are provided with double garages.*
- *The development now also provides a total of nine (9) visitor car parking spaces which exceeds the minimum required under the Scheme.*

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 – *Complies.*

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

Design Standard 3: Gradients – *Complies.*

Design Standard 4: Mechanical Parking – *Not applicable.*

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Complies.*

Design Standard 7: Landscaping – *Complies.*

Clause 52.02 Easements, Restrictions and Reserves - To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.

A permit is required to create, vary or remove an easement or restriction.

- *It is proposed to vary the drainage, sewerage and carriageway easement to cater for the proposed development, whilst retaining appropriate pedestrian and service access. A condition of any permit to issue will require the modified easement to be shown on the plans.*
- *The application was referred to Melbourne Water and South East Water under Section 55 of the Act. Melbourne Water and South East Water did not objection to the proposal, subject to conditions which will be included in any permit issued.*
- *The application was also referred to Council's Drainage, Traffic and Property Management departments who did not object to the proposal.*
- *Therefore, the variation to the easement is considered satisfactory.*

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

##### Neighbourhood Character and Infrastructure

Neighbourhood Character – *The development complies with Neighbourhood Character, refer to Section 4.2.2 above.*

Residential Policy – *Complies, refer to Section 4.2 above.*

Dwelling Diversity – *Complies. The development now provides 23 double storey dwellings and 10 single storey dwellings with a mix of two, three and four bedrooms, providing a range of housing choices.*

Integration with the Street – *Complies.*

##### Site Layout and Building Massing

Street Setback – *Complies, the site does not have direct road frontage.*

Building Height – *Complies.*

Site Cover/Permeability – *Complies.*

Energy Efficiency – *Complies.*

Open Space – *Not applicable.*

Safety – *Complies.*

Landscaping – *Complies, a condition of any permit to issue will require landscape plans to the satisfaction of the Responsible Authority.*

Access – *Complies.*

Parking Location – *Complies.*

Amenity Impacts

Side and rear setbacks – *Complies.*

Walls on boundaries – *Complies.*

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

North-facing windows – *Complies.*

Overshadowing open space – *Complies.*

Overlooking – *Can comply, subject to conditions of any permit to issue.*

Internal views – *Complies.*

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.*

Common Property – *Complies.*

Site Services – *Complies.*

Front fence – *Complies, no front fence is proposed.*

**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 71.02-3 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 proposal is considered appropriate given the following:

- *The development is consistent with the Planning Policy Framework, including Clause 21.05 (Built Environment and Heritage), Clause 21.06 (Housing), Clause 22.04 (Environmentally Sustainable Development), and Clause 22.07 (Development in Residential Areas and Neighbourhood Character Policy) of the Knox Planning Scheme.*
- *The proposal complies with the General Residential Zone - Schedule 2.*

- *The development is compliant with ResCode (Clause 55 of the Knox Planning Scheme).*
- *The development provides an appropriate balance between the need for additional housing within an established residential area while ensuring the amenity of occupants and adjoining residents is not compromised.*
- *The proposal satisfies the concerns raised by VCAT as it provides an acceptable landscaping and built form outcome that responds to the context of the site.*
- *The objectors who were present at the Compulsory Conference held on 6 August 2018 are satisfied with the amended proposal.*
- *It is considered that the proposal will contribute to the green and leafy character of Knox, with the provision of 93 canopy trees across the site.*

## **6. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

## **7. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – Paul Dickie, Manager City Planning and Building – In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Nancy Neil, Principal Planner – In providing this advice as the Author, I have no disclosable interests in this report.

## **RECOMMENDATION**

That Council adopt the agreement reached between all parties present at the VCAT Compulsory Conference dated 6 August 2018, that a Planning Permit be issued for the development of the land for twenty three (23) double storey dwellings and ten (10) single storey dwellings (total 33 dwellings) and variation to drainage, sewerage and carriageway easement, subject to the following conditions:

### **Amended Development Plans**

1. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the without prejudice plans considered by Council on the 27 August 2018 (Revision Q) but modified to show:

- 1.1 The location of letterboxes shown in accordance with Australia Post requirements.
- 1.2 The modified easement shown on the plans.
- 1.3 Low height or bollard type lighting to be installed along access ways and footpaths in accordance with the Australian Standards (AS1158).
- 1.4 A notation on the Upper Floor Plan (TP-102) and Elevation Plans (TP-201, TP202, and TP-203) stating that the windows to be screened will have fixed obscure glazing (non-openable) to a height of 1.7m above finished floor level. The window may be clear and openable above 1.7m. Adhesive film must not be used.
- 1.5 Modifications to prevent ground floor overlooking from Dwelling 16 (west elevation) and Dwellings 1-8 (north elevation) to comply with Standard B22 of ResCode. This can include free-standing screens, screening to decks etc.
- 1.6 Side and rear boundary fencing to be no less than 2.0m high from the finish ground level (not including height of retaining wall).
- 1.7 The elevation plans (TP-201, TP-202, and TP-203) to be updated to reflect the Upper Floor Plan, in terms of screening and sill heights.
- 1.8 Delete reference of water tanks from Development and Landscape plans.
- 1.9 Tree Protection Fencing and Tree Protection Zones to be drawn on the Development, Drainage and Landscape Plans.
- 1.10 All levels to be to AHD (Australian Height Datum).
- 1.11 Any changes required to comply with CFA Conditions 41-42.
- 1.12 Any recommendations of the waste management plan.
- 1.13 Details of screening to the bin storage areas.
- 1.14 Flip dwellings 23 and 25 to be generally in accordance with the plans submitted with the application.
- 1.15 Dwelling 33 to become a single storey dwelling.
- 1.16 Dwelling 30 to become a single storey dwelling.
- 1.17 Dwelling 1 to be a single storey dwelling setback no less than 5m from the northern boundary and no less than 3m from the southern boundary.
- 1.18 Dwelling 4 to be single storey and setback no less than 5m from the northern boundary.
- 1.19 Dwellings 7 and 8 to become a single storey dwelling and be setback no less than 5m from the northern boundary.

- 1.20 Dwelling 15 can be replaced with two double storey dwellings.
- 1.21 An additional visitor car space to the north of visitor space 1.
- 1.22 An additional visitor car space located between dwellings 30 and 31 and between Dwelling 33 and 36 with a permeable paving finish.

To the satisfaction of the Responsible Authority.

#### Other Plans

2. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
  - 2.1 Drainage plans in accordance with Condition 3.
  - 2.2 Landscape plans in accordance with Condition 4.
  - 2.3 Waste Management Plan in accordance with Condition 13.
  - 2.4 Construction Management Plan in accordance with Condition 26.

To the satisfaction of the Responsible Authority.

#### Drainage Plans

3. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
  - 3.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
  - 3.2 The internal drains of the dwellings to be independent of each other.
  - 3.3 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.
  - 3.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.
  - 3.5 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.
  - 3.6 Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
  - 3.7 Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.



3.8 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

#### Landscaping

4. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. 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 Council's 'Landscape Plan Guidelines').
  - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
  - 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 The Landscape plans must show the provision of at least 93 additional indigenous or native canopy trees and 15 additional large feature shrubs with a mature height of 4-5metres chosen from Plant List 1 or 2 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5metres tall when planted and are to be in the following areas:
    - 4.8.1 21 canopy trees located across the common area including 8 large canopy trees and 13 small-medium canopy trees;
    - 4.8.2 2 canopy trees located in each of the S.P.O.S. of each dwelling including 1 large canopy tree in the S.P.O.S of D1, D8, D21, D30, D34 and D36. The remaining trees to be a mix of small and medium canopy trees;

4.8.3 5 large feature shrubs with a mature height of 4-5metres located along the driveway adjacent to dwellings D5 and D6;

4.8.4 5 large feature shrubs with a mature height of 4-5metres located along the driveway adjacent to dwelling D23; and

4.8.5 5 large feature shrubs with a mature height of 4-5metres located along the driveway adjacent to dwelling D31.

4.9 Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.

4.10 Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.

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 written consent of the Responsible Authority.

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.

#### Sustainable Design Assessment

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, in accordance with Council's Waste Management in MUDs Policy and Procedure. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation to the satisfaction of the Responsible Authority. The waste collection and management plan must address the following matters:

- 13.1 The size and location of bin collection areas.
- 13.2 How hard rubbish will be stored and collected from within the review site.
- 13.3 Frequency of collections.

#### Tree Protection (adjoining vegetation)

14. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land and adjoining properties 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, all trees and vegetation to be retained including other critical root zones 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.
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.
24. Car parking areas must not be used for storage.
25. 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.

#### Construction Management Plan

26. Prior to the issue of a Building Permit under the Building Act 1993 for the development, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
- 26.1 A detailed schedule of works including a full project timing;
  - 26.2 A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks

- delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction;
- 26.3 The location for the parking of all construction vehicles and construction worker vehicles during construction;
- 26.4 A fully detailed plan indicating where construction hoardings would be located;
- 26.5 A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
- 26.6 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 the site;
- 26.7 Site security;
- 26.8 Public safety measures;
- 26.9 Construction times, noise and vibration controls;
- 26.10 Restoration of any Council assets removed and/or damaged during construction;
- 26.11 Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
- 26.12 Remediation of any damage to road and other infrastructure (limited to an area reasonably proximate to the site);
- 26.13 An emergency contact that is available for 24 hours a day.
- 26.14 All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
27. During the construction, the following must occur to the satisfaction of the Responsible Authority:
- 27.1 Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;
- 27.2 Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;
- 27.3 Vehicle borne material must not accumulate on the roads abutting the site;
- 27.4 The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;

- 27.5 All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
- 27.6 All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines).

#### Fencing

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

#### Amenity During Construction

- 30. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
  - 30.1 the appearance of building, works or materials on the land;
  - 30.2 parking of motor vehicles;
  - 30.3 transporting of materials or goods to or from the site;
  - 30.4 hours of operation;
  - 30.5 stockpiling of top soil or fill materials;
  - 30.6 air borne dust emanating from the site;
  - 30.7 noise;
  - 30.8 rubbish and litter;
  - 30.9 sediment runoff;
  - 30.10 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

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

#### External Materials

32. The external materials of the development hereby permitted (including the roof) must be non-reflective and finished in subdued tones and/or colours to the satisfaction of the Responsible Authority.

#### Variation of Easement

33. A plan of Variation of Easement must be prepared and submitted to the Relevant Authority for approval.
34. The plan of Variation of Easement must be submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of the Act.
35. Prior to the occupation of the development, the variation of easement must be completed.

#### Melbourne Water

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

#### South East Water

38. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
39. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
40. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the *Subdivision Act 1988*.

#### CFA Conditions

##### 41. Reticulated Water Supply

- 41.1 Operable hydrants, above or below ground must be provided to satisfaction of CFA.
- 41.2 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelope, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 41.3 Hydrants must be identified as specifies in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).

#### 42. Roads

- 42.1 Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- 42.2 Must provide a minimum trafficable width of 7.3m if parking unrestricted, or 5.4m if parking prohibited on one side of the road or 3.5m if parking prohibited on both sides of road. Be clear of encroachments 4 metres vertically, to the satisfaction of the Responsible Authority.

#### Permit Expiry

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

- 43.1 The development is not started within two years of the date of this permit.
- 43.2 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.

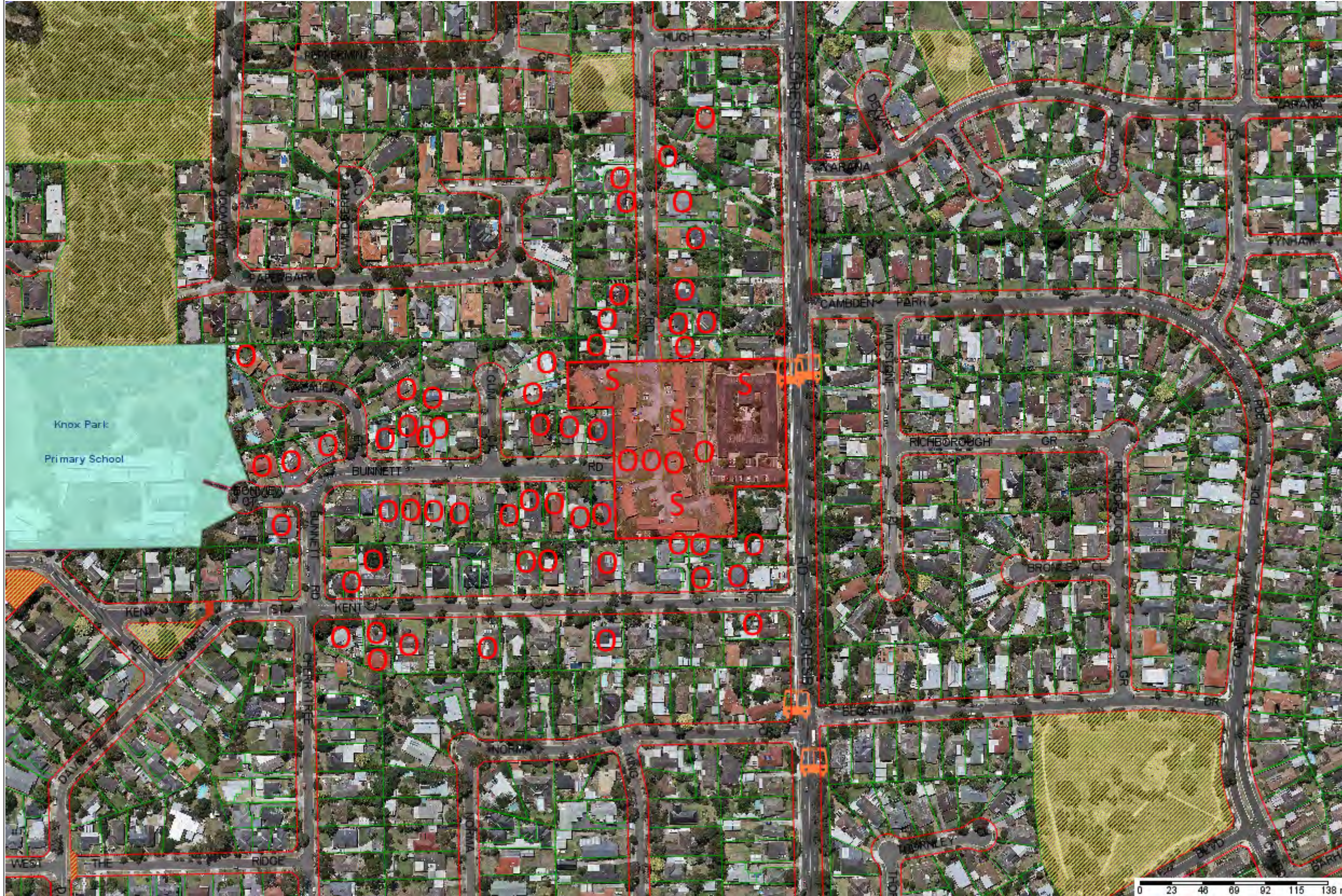
#### **COUNCIL RESOLUTION**

**MOVED: CR. COOPER**  
**SECONDED: CR. PEARCE**

**That the recommendation be adopted.**

**CARRIED**





<b>Property - Address</b>	62 Bunnett Road, FERNTREE GULLY
<b>Application Number</b>	P/2017/6626
<b>Description</b>	Development of the land for 32 double storey dwellings and four (4) single storey dwellings (Total 36 dwellings) and variation to drainage, sewerage and carriageway easement
<b>Wardname</b>	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

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

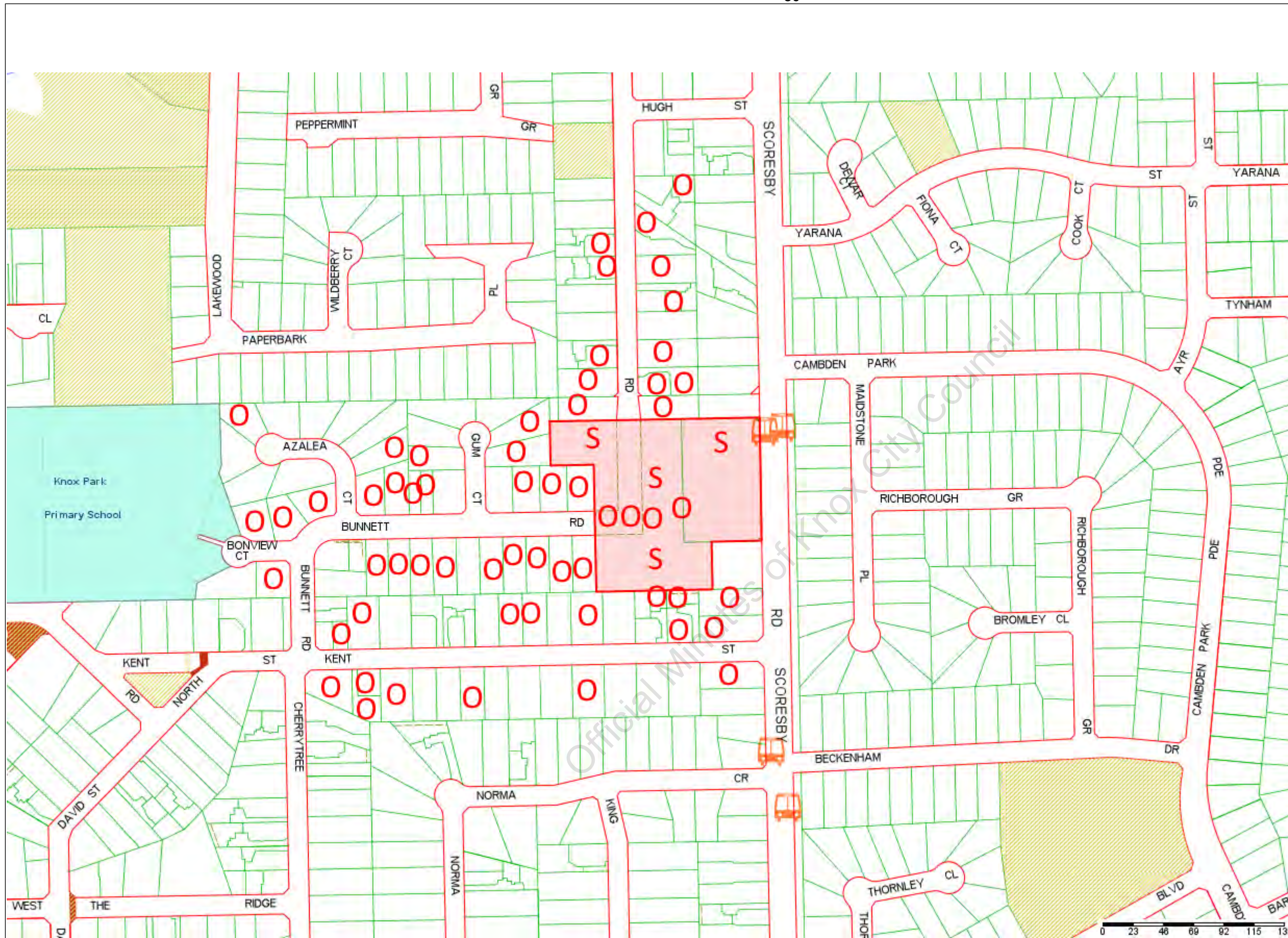
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Scale: 1:3000



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**62 BUNNETT ROAD, FERNTREE GULLY RD, 3156**  
**PROPOSED RESIDENTIAL MEDIUM DENSITY DEVELOPMENT**  
 for Happytex Pty Ltd

**ARCHITECTURE**  
**DRAWING REGISTER**

TP-000	TITLE SHEET
TP-001	SITE ANALYSIS
TP-002	DESIGN RESPONSE
TP-003	DEVELOPMENT SUMMARY
TP-101	GROUND FLOOR PLAN
TP-102	FIRST FLOOR PLAN
TP-110	DWELLING TYPES - FLOOR PLAN
TP-121	FENCING PLAN
TP-131	CUT AND FILL PLAN
TP-141	GARDEN PLAN
TP-201	OVERALL ELEVATIONS
TP-202	OVERALL ELEVATIONS
TP-203	OVERALL ELEVATIONS
TP-301	DWELLING TYPE A, A1
TP-302	DWELLING TYPE B, B1
TP-303	DWELLING TYPE B3, B5
TP-304	DWELLING TYPE B4, D
TP-305	DWELLING TYPE F, H
TP-306	DWELLING TYPE K, J
TP-307	DWELLING TYPE L
TP-401	SECTIONS 1,2,3,4
TP-402	SECTIONS 5,6,7
TP-501	PERSPECTIVE VIEW FROM SOUTH WEST
TP-502	PERSPECTIVE VIEW FROM NORTH EAST
TP-503	PERSPECTIVE VIEW FROM BUNNETT ROAD
TP-601	SHADOW DIAGRAMS
TP-602	SHADOW DIAGRAMS
TP-603	SHADOW DIAGRAMS

ADDRESS: 62BUNNETT ROAD, FERNTREEGULLY - VIC. POST CODE 3156  
 LOT / PLAN: LOT ...

CURRENT ISSUE: D  
 DATE: 19 / 12 / 2017

ISSUE "B" - INITIAL ISSUE:

1- FIRST ISSUE  
 2- SECOND ISSUE  
 3- THIRD ISSUE  
 4- FOURTH ISSUE

Official Minutes of Knox City Council

**Knox City Council**  
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SITE ANALYSIS

1. THE SITE COMPRISES THE ENTIRETY OF 62 BUNNETT ROAD.
2. THE SITE ACCESSED VIA BUNNETT ROAD WHICH RUNS THROUGH THE SITE IN DOGLEG FORMATION - ENTERING FROM THE NORTH AND FROM THE EAST. BUNNETT ROAD BECOMES DISCONNECTED WITHIN THE SITE AND CANNOT BE FOLLOWED ALL THE WAY THROUGH.
3. 11 BRICK, SINGLE STOREY DWELLINGS IN SEMI-DETACHED FORMATION ARE LOCATED THROUGHOUT THE SITE. THESE BUILDINGS ARE NOT CONSIDERED TO HAVE ANY SIGNIFICANT ARCHITECTURAL QUALITIES AND ARE PROPOSED TO BE DEMOLISHED.
4. THE MAJORITY OF THE SITE IS RECTANGULAR IN SHAPE WITH THE EXCEPTION OF TWO SMALLER AREAS WHICH PROTRUDE FROM THE NORTH-EAST AND SOUTH WEST CORNERS OF THE SITE.
5. THE TOTAL AREA OF THE SITE IS 10.510 S.Q.M.
6. TOPOGRAPHY: THE SITE HAS A DOWNWARD GRADE FROM ITS NORTH TO SOUTH BOUNDARIES OF APPROXIMATELY 3.8 METRES. THERE IS A LESS PRONOUNCED GRADE DOWNWARD FROM ITS WEST TO EAST BOUNDARIES OF APPROXIMATELY 0.5 METRES.
7. THERE IS NO RELATIVE DIFFERENCE IN LEVEL BETWEEN THE SITE AND ADJOINING PROPERTIES.
8. THERE IS NO KNOWN CONTAMINATION OR FILL ON THE SITE.
9. THE SITE IS ZONED GENERAL RESIDENTIAL 2 (GRZ2).
10. THE GENERAL CHARACTER OF THE AREA LEADING INTO THE SITE VIA BUNNETT ROAD IS THAT OF LOW DENSITY RESIDENTIAL.
11. THE STREETScape IS DOMINATED BY NATIVE AND NON-NATIVE TREES ALONG THE NATURE STRIPS WITH LOW LYING RESIDENTIAL GARDENS, BEHIND.
12. THERE ARE NO SIGNIFICANT NATURAL FEATURES TO THE IMMEDIATE VICINITY OF THE SITE WITH THE EXCEPTION OF THE NEARBY SCORESBY ROAD, WHICH IS A 4 LANE ARTERIAL ROAD, AND A NEIGHBOURING RETIREMENT VILLAGE (ESTIA HEALTH KNOXFIELD) AT 428 SCORESBY ROAD, WHICH IS AN EXPANSIVE SINGLE STOREY BRICK BUILDING.
13. DEVELOPMENT WITHIN THE NEIGHBOURHOOD IS GENERALLY DOMINATED BY SINGLES STOREY BRICK BUILDING.
14. THE SITE IS SURROUNDED BY:
  - TO THE NORTH: Nos 60 & 47 BUNNETT RD - BOTH SINGLE STOREY RESIDENTIAL DWELLINGS
  - TO THE SOUTH: Nos 2, 4, & 6 KENT STREET - ALL SINGLES STOREY RESIDENTIAL DWELLINGS
  - TO THE EAST: No 428 SCORESBY ROAD - EASTIA HEALTH KNOXFIELD RETIREMENT VILLAGE No 430 SCORESBY ROAD - A SINGLE STOREY DWELLING
  - TO THE WEST: Nos 65, 68 & 70 BUNNETT ROAD - ALL RESIDENTIAL DWELLINGS No 5, 6 & 7 GUM COURT - ALL RESIDENTIAL DWELLINGS
15. DWELLINGS IN THE IMMEDIATE AREA GENERALLY HAVE NO FRONT FENCES WITH THE EXCEPTION OF THOSE ALONG SCORESBY ROAD WHICH GENERALLY HAVE HIGH WOODEN FENCES OF APPROXIMATELY 1.8 METRES.
16. DWELLINGS IN THE SURROUNDING AREAS ARE CONSISTENTLY SET-BACK FROM THE STREETS BEHIND FRONT YARDS.

NOTE: AERIAL PHOTOGRAPH OBTAINED FROM NEARMAPS & DATED 2016 02 05

**N**

BURWOOD HIGHWAY  
850 M

FAIRHILLS HIGH SCHOOL  
1.2 KMS

RETAIL DISTRICT CORNER OF  
BURWOOD HIGHWAY  
850 M

**S**

FERNTREE GULLY ROAD  
1.6 KMS

KNOX PARK  
1.6 KMS

WINDERME RESERVE  
2.4 KMS

GILBERT PARK  
1.9 KMS

RETAIL DISTRICT CORNER OF  
FERNTREE GULLY RD  
1.6 KMS

**E**

SCORESBY ROAD  
400 M

SCORESBY BUS STATION  
800 M

FERNTREE GULLY TRAIN STATION  
5.1 KM

MOUNTAIN GATE SHOPPING CENTRE  
2.8 KM

KENT PARK PRIMARY SCHOOL  
1.5 KM

**W**

KNOX PARK PRIMARY SCHOOL  
300 M

**NW**

HIGH STREET ROAD  
1.8 KMS

RD EGAN-LEE RESERVE  
550 M

KNOX CITY SHOPPING CENTRE  
2.1 KMS

HEAD START EARLY LEARNING CENTRE KNOXFIELD  
700 M

**SE**

KENT PARK  
1.0 KM

**NE**

SCORESBY BUS STATION  
400 M

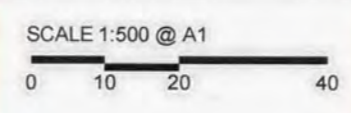
BORONIA ACTIVITY CENTRE  
4.8 KMS

BORONIA TRAIN STATION  
4.6 KM

COLD WINTER WINDS & PREVAILING SUMMER WINDS



1 TP-001 SITE ANALYSIS SCALE - 1:500 @ A1



JOB NO: 20793/AD DRAW: WMA / MMA / LHE

DATE: 19/09/2017 CHECKED: TAR

62 BUNNETT ROAD PROPOSED MED. DENSITY DEVELOPMENT TP-001

FERNTREE GULLY, 3156 SITE ANALYSIS

REVISION: A - 03.10.2017

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SITE LAYOUT

1. THE SHAPE OF THE SITE AND ITS ORIENTATION HAS DICTATED THE SITE LAYOUT FOR THE DEVELOPMENT.
2. THE DEVELOPMENT CONSISTS OF 6 DETACHED AND 30 SEMI-DETACHED SINGLE STOREY AND TWO STOREY DWELLINGS. THE DWELLINGS FACE A NETWORK OF SMALL TREE LINED STREETS FLOWING FROM BUNNETT ROAD WHICH CUTS THROUGH THE SITE.
3. A LINEAR PARK AT THE CENTRE OF THE SITE BREAKS DOWN THE DEVELOPMENT INTO TWO SMALLER SECTIONS - ONE SECTION WITH VEHICLE ACCESS FROM THE EXISTING BUNNETT ROAD ENTRY AT THE NORTH OF THE SITE AND THE OTHER ACCESSED FROM THE EXISTING BUNNETT ROAD ENTRY TO THE WEST OF THE SITE. THIS BREAKDOWN OF DEVELOPMENT REDUCES VEHICLE TRAFFIC MOVEMENT AND HELPS CREATE A SAFER AND MORE PEDESTRIAN ORIENTATED REALM. BOTH SECTIONS OF THE DEVELOPMENT CAN BE TRAVERSED BY PEDESTRIANS VIA A PATH RUNNING THROUGH THE PARK.
4. THE NORTH AND WEST BUNNETT ROAD ENTRIES TO THE SITE ARE TO BE INTEGRATED WITH ADJACENT NATURE STRIPS, FOOTPATHS AND KERBING. FOOTPATHS LEADING INTO THE SITE ARE CONNECTED TO THE CENTRAL LINEAR PARK AND ARE INTENDED TO MAXIMISE PEDESTRIAN ACCESS AND CIRCULATION.
5. STREETSCAPES, THE LINEAR PARK AND OTHER PUBLIC SPACE WILL BE APPROPRIATELY LANDSCAPED TO PROVIDE A PRACTICABLE, SAFE AND ATTRACTIVE ENVIRONMENT FOR THE RESIDENTS
6. BUNNETT ROAD WITHIN THE SITE IS TO BE MODIFIED TO INCLUDE A TOTAL OF 7 VISITOR CAR PARKING SPACES - 3 AT THE WESTERN ENTRY TO THE DEVELOPMENT AND 4 AT THE NORTHERN ENTRY.
7. COMMUNAL BIN COLLECTION POINTS HAVE BEEN ALLOCATED TO NORTH AND WEST ENTRY POINTS OF BUNNETT ROAD AND THE INTERNAL ROADS HAVE BEEN DESIGNED TAKING CONSIDERATION FOR THE WASTE COLLECTION TRUCKS MANUEVERABILITY AND SMOOTH TURNING COMPLYING WITH STANDARDS
8. CUT AND FILL HAVE BEEN REDUCED TO THE MINIMUM THROUGH THE WHOLE PROJECT MAINTAINING THE EXISTING SITE AND NEIGHBOURHOOD LEVELS. DIMINISHING FLOODING RISKS AND RUNNING WATER FLOWING SMOOTHLY TOWARDS THE MIDDLE OF THE ROADS, LINEAR PARK AND LANDSCAPE AREAS

DWELLINGS

9. THE DEVELOPMENT'S DWELLINGS VARY IN SIZE TO PROVIDE FOR VARIETY IN HOUSEHOLD SIZES. THE OVERALL DEVELOPMENT INCLUDES 13 DWELLING TYPES WITH 3 SINGLE STOREY DWELLINGS, AND 33 DOUBLE STOREY DWELLINGS COMPRISING 6 X 2 BEDROOM DWELLINGS, 23 X THREE BEDROOM HOUSES, AND 8 X 4 BEDROOM HOUSES.
10. S.P.O.S.: EACH TOWNHOUSE SITS WITHIN AN ENCLOSED YARD, PROVIDING A MINIMUM OF 80 SQM OF PRIVATE OPEN SPACE.
11. EACH DWELLING INCLUDES LIVING SPACE WITH LARGE WINDOWS AND GLAZED DOORS LOOKING OUTWARD TO TERRACED AND/OR LAWN AREAS ALLOWING FOR GOOD SOLAR ACCESS AND CROSS VENTILATION.

12. AS MUCH AS POSSIBLE WINDOWS OVERLOOK STREET AREAS TO MAXIMISE SURVEILLANCE AND STREET ACTIVATION
13. ALL THE DWELLINGS ARE COMPLYING WITH CAR PARKING REQUIREMENTS PROVIDING TWO CAR PARK SPACES FOR THE MAJORITY OF THE DWELLINGS AND ALSO SINGLE CAR PARK SPACE FOR THE TWO BEDROOM DWELLINGS WITH SUFFICIENT DRIVEWAY PARKING SPACE
14. THE PROPOSED ARCHITECTURAL STYLE OF THE DEVELOPMENT IS CONTEMPORARY, WHILE ITS PITCHED ROOF AND DOMESTIC USE OF MATERIALS AND FINISHES ARE COMPATIBLE WITH THE SURROUNDING SUBURBAN-RESIDENTIAL BUILDING FORMS AND ARE INTENDED TO ENHANCE THE NEIGHBOURHOOD SETTING
15. THE SIGNIFICANT AMOUNT OF TREES AND LANDSCAPED VEGETATION WITHIN THE DEVELOPMENT ARE ALSO INTENDED TO MELD INTO THE SURROUNDING STREETSCAPES OF SUBURBAN GARDENS AND TREES
16. THE DETACHED AND SEMI-DETACHED LAYOUT OF THE DWELLINGS, THE VARIETY IN HEIGHT WITH SINGLE AND DOUBLE STOREY DWELLINGS REDUCE THE BULK OF THE DEVELOPMENT'S STREETSCAPES AND ATTEMPT TO DELIVER A SUSTAINABLE MEDIUM DENSITY HOUSING MODEL WHILE REFLECTING THE AREAS OVERALL LOW DENSITY AN SUBURBAN CHARACTER
17. THE USE OF DIFFERENT MATERIALS AND FINISHES ON THE ELEVATIONS FURTHER BREAKDOWN THE OVERALL BULK AND SCALE OF DEVELOPMENT AND HELP FURTHER REFLECT THE RESIDENTIAL CHARACTER OF THE SURROUNDING NEIGHBOURHOOD
18. THE PRIVACY AND AMENITY OF DWELLINGS ADJACENT TO THE DEVELOPMENT IS RESPECTED. THERE IS NO OVERLOOKING OF DWELLINGS ADJACENT TO THE DEVELOPMENT OR BETWEEN INDIVIDUAL TOWNHOUSES WITHIN THE DEVELOPMENT
19. ALL DWELLINGS ARE SETBACK FROM THE DEVELOPMENT'S SITE BOUNDARY BY A MINIMUM OF 5 METRES FROM THEIR REAR WALLS AND MOST OF THEM ARE SETBACK A MINIMUM OF TWO METRES FROM THEIR SIDE WALLS
20. THERE IS NO SIGNIFICANT ADDITIONAL SHADOWING OF PRIVATE OPEN SPACE ADJACENT TO THE DEVELOPMENT SITE
21. WITHIN THE DEVELOPMENT, EXTERIOR WALLS OF ALL DWELLINGS ARE OFFSET FROM NEIGHBOURING DWELLINGS AND FIRST FLOOR IS SETBACK FROM THE GROUND FLOOR ALLOWING FOR GOOD SOLAR ACCESS WHILE ALSO BREAKING DOWN THE MASS OF THE SECOND FLOOR OF EACH DWELLING AS SEEN FROM THE STREET LEVEL
22. ALL SECOND FLOOR WINDOWS WITHIN EACH DWELLING OVERLOOK THE STREET OR PRIVATE YARD AREA, WITH THE EXCEPTION OF BATHROOM WINDOWS WHICH ARE OBSCURE GLAZED AND/OR RESTRICTED TO BEING HIGHLIGHT WINDOWS 1700 AFL
23. IT IS CONSIDERED THAT THE DEVELOPMENT WILL MAKE A POSITIVE CONTRIBUTION TO THE NEIGHBOURHOOD



1 GENERAL MASTER PLAN  
TP-002 SCALE - 1:500 @ A1

WINDOW LEGEND

WINDOWS	
	CLEAR GLAZING
	OBSCURE GLAZING
	FIXED OBSCURE GLAZING To minimum 1700mm above FFL
	FIX GLAZING
	HIGHLIGHT WINDOW

EXTERNAL FINISHES LEGEND

GROUND SURFACES	
	DRIVEWAY
	NON PERMEABLE PAVING
	GRASS - PRIVATE AREAS
	GRASS - COMMON AREAS
	LILYDALE TOPPING
	PROPOSE RETAINING WALL & FENCE
	PROPOSED PERMEABLE DECKING WITH PERGOLA

VEGETATION LEGEND

PLANTS	
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED
	TPZ - OPTIMUM RADIAL CLEARANCE DISTANCE
	TPZr - REDUCED RADIAL CLEARANCE DISTANCE (10%)

AMENITIES LEGEND

	BINS
	CLOTHES LINE
	MAIL BOX
	STORAGE
	WATER TANK

LEGEND

TW	TOP OF WINDOW/DOOR
S	SILL
H.W	HABITABLE WINDOW

HATCH LEGEND

	CONCRETE
	WINDOW
	DOOR
	BITUMEN
	ADJOINING PROPERTIES
	POOL

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AMENITIES LEGEND	
	BINS
	CLOTHES LINE
	MAIL BOX
	STORAGE
	WATER TANK

WINDOW LEGEND	
	CLEAR GLAZING
	OBSCURE GLAZING
	FIXED OBSCURE GLAZING To minimum 1700mm above FFL
	FIX GLAZING
	HIGHLIGHT WINDOW

EXTERNAL FINISHES LEGEND	
<b>GROUND SURFACES</b>	
	DRIVEWAY
	NON PERMEABLE PAVING
	GRASS - PRIVATE AREAS
	GRASS - COMMON AREAS
	LILYDALE TOPPING
	PROPOSE RETAINING WALL & FENCE
	PROPOSED PERMEABLE DECKING WITH PERGOLA

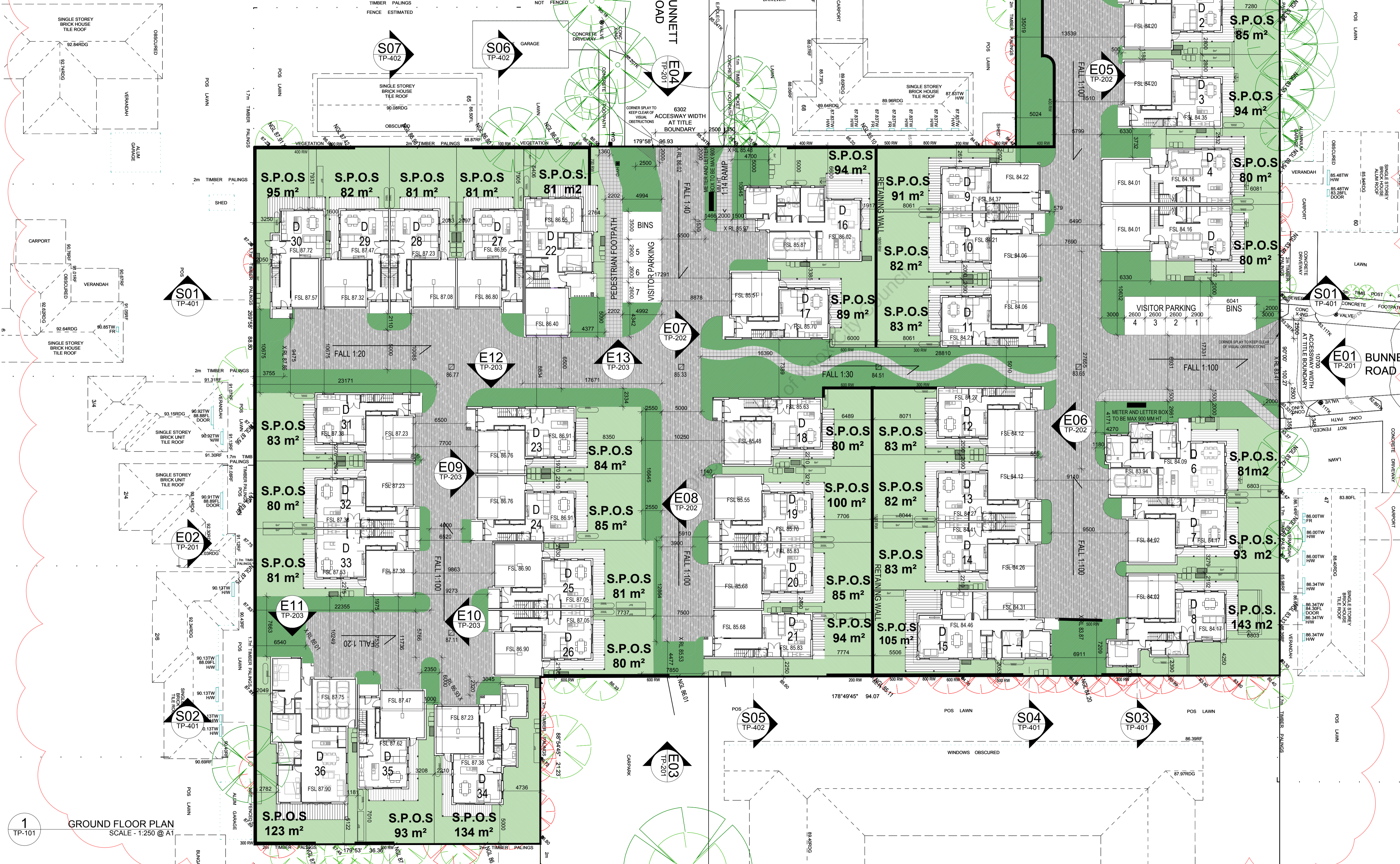
VEGETATION LEGEND	
<b>PLANTS</b>	
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED

MARKERS LEGEND	
	SECTION MARKER
	ELEVATION MARKER

NOTE:  
REFER TO LANDSCAPE PLANS FOR ALL  
INTERNAL FOOTPATHS, PATHS TO  
ENTRIES AND LANDSCAPE DETAILS

LEGEND	
TW	TOP OF WINDOW/DOOR
S	SILL
H.W	HABITABLE WINDOW

HATCH LEGEND	
	CONCRETE
	WINDOW
	DOOR
	BITUMEN
	ADJOINING PROPERTIES
	POOL







**WINDOW LEGEND**

**WINDOWS**

- CLEAR GLAZING
- OBSCURE GLAZING
- FIXED OBSCURE GLAZING  
To minimum 1700mm above FFL
- FIX GLAZING
- HIGHLIGHT WINDOW

**EXTERNAL FINISHES LEGEND**

**GROUND SURFACES**

- DRIVEWAY
- NON PERMEABLE PAVING
- GRASS - PRIVATE AREAS
- GRASS - COMMON AREAS
- LILYDALE TOPPING
- PROPOSE RETAINING WALL & FENCE
- PROPOSED PERMEABLE DECKING WITH PERGOLA

**VEGETATION LEGEND**

**PLANTS**

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED

**MARKERS LEGEND**

- S07 TP-402 SECTION MARKER
- E07 TP-402 ELEVATION MARKER

NOTE:  
ALL ALFRESCO AREAS TO BE OPEN TO THE SKY (PERGOLA)

**LEGEND**

- TW TOP OF WINDOW/DOOR
- S SILL
- H.W HABITABLE WINDOW

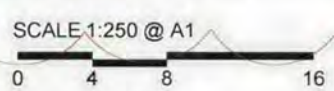
**HATCH LEGEND**

- CONCRETE
- WINDOW
- DOOR
- BITUMEN
- ADJOINING PROPERTIES
- POOL

1 TP-102  
FIRST FLOOR PLAN  
SCALE - 1:250 @ A1

**TAYLORS**  
Urban Development | Built Environments | Infrastructure  
T: 61 3 9501 2800 | E: info@taylors.com.au | W: taylors.com.au  
Taylor Development Strategists - ABN 60 126 948 523

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JOB NO: 20793/AD  
DATE: 19/09/2017  
DRAWN: WMA / MMA / LHE  
CHECKED: TAR

62 BUNNETT ROAD PROPOSED MED. DENSITY DEVELOPMENT TP-102  
FERNTREE GULLY, 3156 FIRST FLOOR PLAN  
REVISION: D - 19.12.2017 - RFI

APPENDIX B 62 BUNNETT ROAD FERNTREE GULLY





1 GROUND FLOOR PLAN SCALE - 1:250 @ A1

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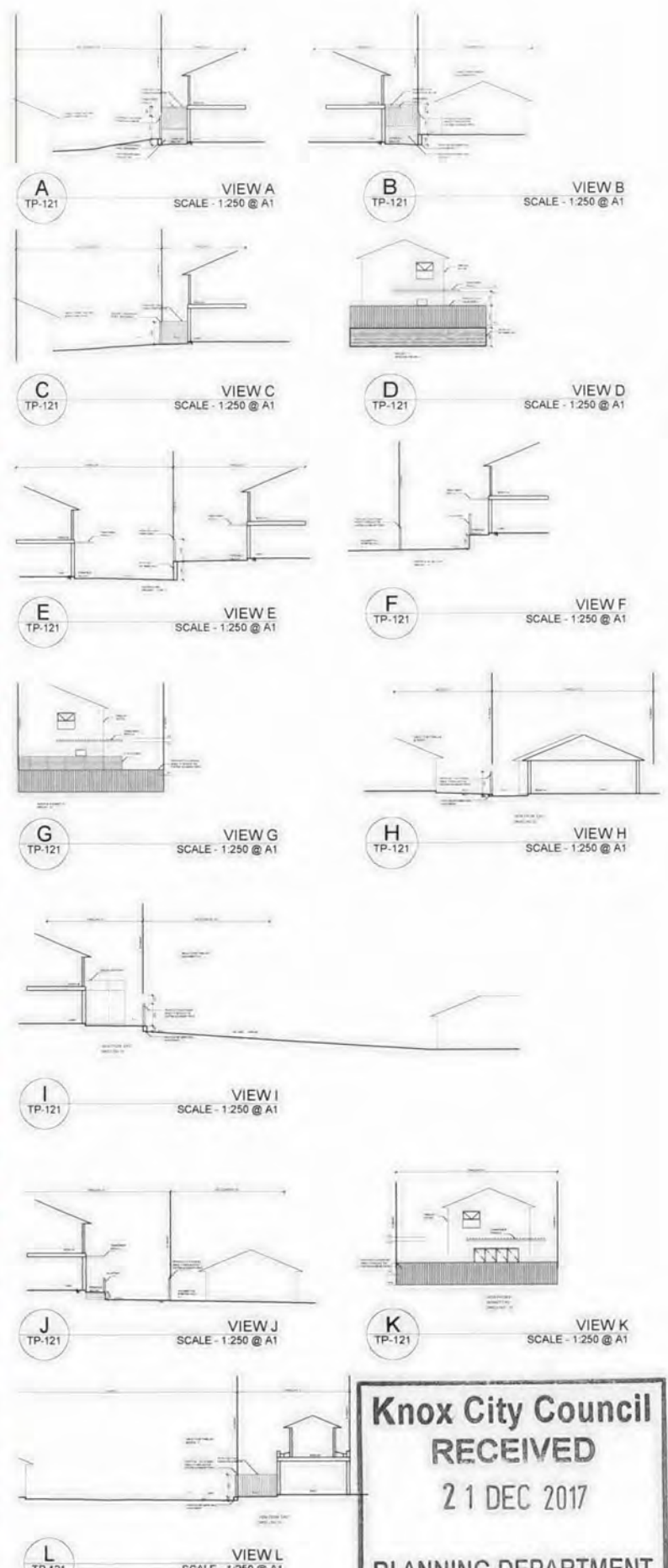
**VEGETATION LEGEND**

**PLANTS**

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED

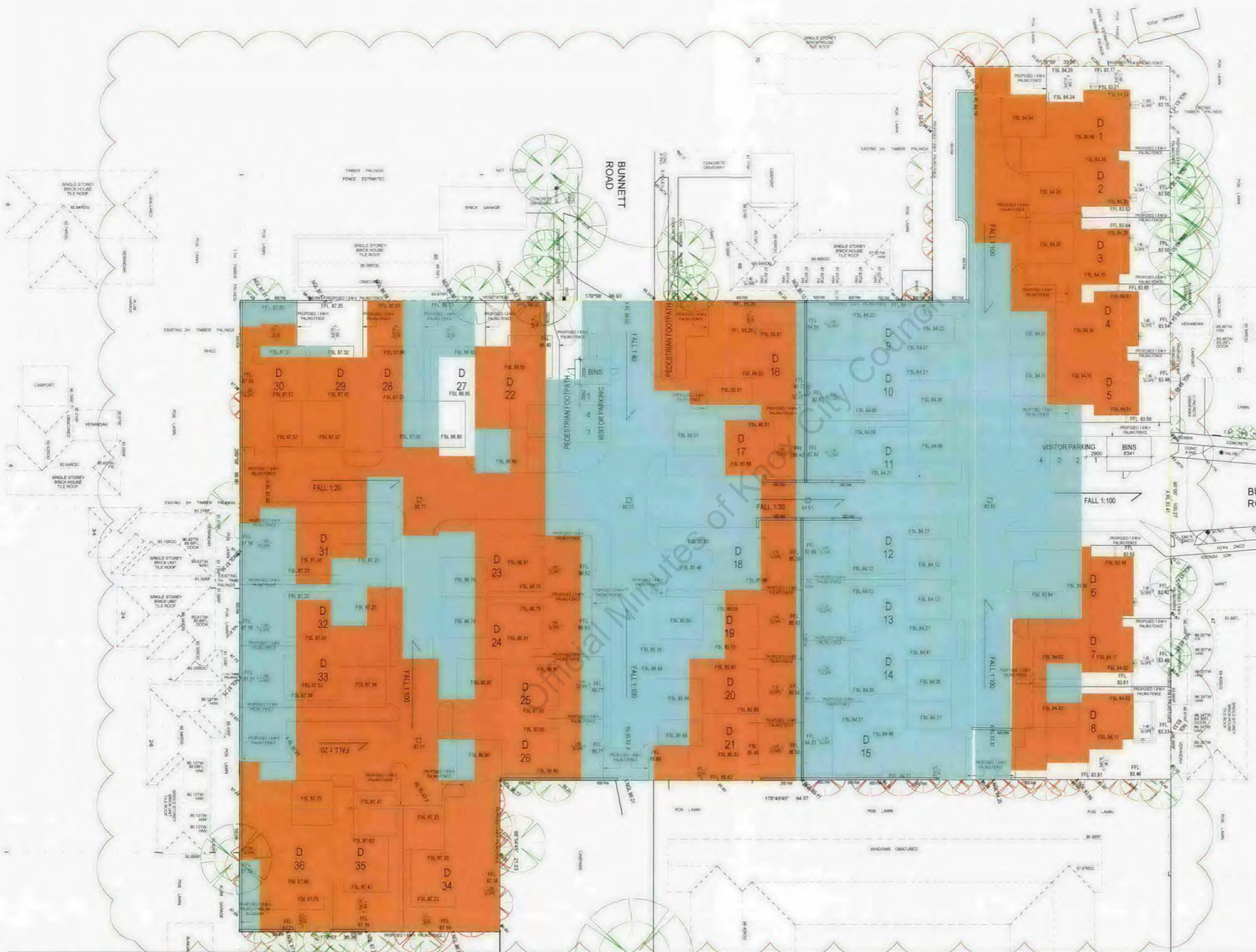
NOTE:  
REFER TO LANDSCAPE PLANS FOR ALL  
INTERNAL FOOTPATHS, PATHS TO  
ENTRIES AND LANDSCAPE DETAILS

REFER TO CUT AND FILL PLAN FOR  
RETAINING WALLS HEIGHTS



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CUT AND FILL LEGEND	
<span style="background-color: #ADD8E6; border: 1px solid black; width: 20px; height: 10px;"></span>	CUT VOLUME 1765.4 M <sup>3</sup> (APPROX)
<span style="background-color: #FF8C00; border: 1px solid black; width: 20px; height: 10px;"></span>	FILL VOLUME 1310.4 M <sup>3</sup> (APPROX)
<span style="border-bottom: 1px solid black; width: 20px; display: inline-block;"></span>	400 RW RETAINING WALL (NO. INDICATES HT.)

**Knox City Council**  
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 21 DEC 2017  
**PLANNING DEPARTMENT**

**TAYLORS**  
 Urban Development | Built Environments | Infrastructure  
 T: 61 3 9501 2800 | E: info@taylors.com.au | W: taylors.com.au  
 Taylors Development Strategists - ABN 80 128 948 523

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SCALE 1:250 @ A1  
 0 4 8 16

JOB NO: 20793/AD  
 DATE: 19/09/2017  
 DRAWN: WMA / MMA / LHE  
 CHECKED: TAR

**62 BUNNETT ROAD | PROPOSED MED. DENSITY DEVELOPMENT | TP-131**  
**FERNTREE GULLY, 3156 | CUT AND FILL PLAN**

REVISION:  
 C - 19.12.2017

**APPENDIX B 62 BUNNETT ROAD FERNTREE GULLY**





**GARDEN AREA CALCULATION**

DWELLING 1	138 SQM
DWELLING 2	85 SQM
DWELLING 3	94 SQM
DWELLING 4	80 SQM
DWELLING 5	80 SQM
DWELLING 6	81 SQM
DWELLING 7	93 SQM
DWELLING 8	143 SQM
DWELLING 9	91 SQM
DWELLING 10	82 SQM
DWELLING 11	83 SQM
DWELLING 12	83 SQM
DWELLING 13	82 SQM
DWELLING 14	83 SQM
DWELLING 15	105 SQM
DWELLING 16	94 SQM
DWELLING 17	89 SQM
DWELLING 18	80 SQM
DWELLING 19	100 SQM
DWELLING 20	85 SQM
DWELLING 21	94 SQM
DWELLING 22	81 SQM
DWELLING 23	84 SQM
DWELLING 24	85 SQM
DWELLING 25	81 SQM
DWELLING 26	80 SQM
DWELLING 27	81 SQM
DWELLING 28	81 SQM
DWELLING 29	82 SQM
DWELLING 30	95 SQM
DWELLING 31	83 SQM
DWELLING 32	80 SQM
DWELLING 33	81 SQM
DWELLING 34	134 SQM
DWELLING 35	93 SQM
DWELLING 36	123 SQM
PUBLIC AREA	1266 SQM
TOTAL AREA	4555 SQM
	43%

**GARDEN AREA LEGEND**

**GROUND SURFACES**

- DRIVEWAY
- NON PERMEABLE PAVING - COMMON AREAS
- GRASS - PRIVATE AREAS
- GRASS - COMMON AREAS
- GRASS - LESS THAN 1 m<sup>2</sup> NOT INCLUDED IN GARDEN AREA
- PERMEABLE DECKING WITH PERGOLA (AS GARDEN AREA)
- DWELLING FOOTPRINT

**VEGETATION LEGEND**

**PLANTS**

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO BE RETAINED

NOTE:  
-ALL ALFRESCO AREAS TO BE OPEN TO THE SKY (PERGOLAS) WITH PERMEABLE DECKING  
-ALFRESCO AREAS ARE INCLUDED WITHIN THE GARDEN AREA CALCULATIONS

NOTE:  
-REFER TO LANDSCAPE PLANS FOR LANDSCAPE AND FOOTPATHS DETAILS

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E05 ELEVATION 08  
202 SCALE 1:200



E06 ELEVATION 09  
202 SCALE 1:200



E07 ELEVATION 10  
202 SCALE 1:200



E08 ELEVATION 11  
202 SCALE 1:200

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E09 ELEVATION 12  
203 SCALE 1:200



E10 ELEVATION 13  
203 SCALE 1:200



E11 ELEVATION 14  
203 SCALE 1:200



E12 ELEVATION 15  
203 SCALE 1:200



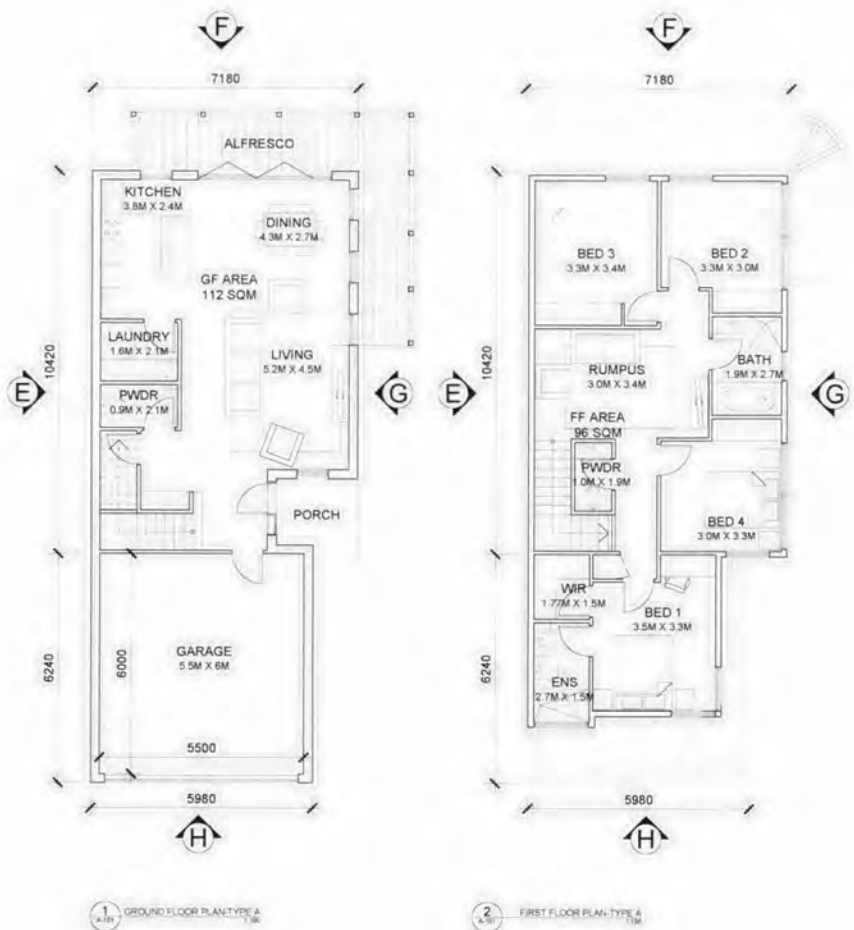
E13 ELEVATION 16  
203 SCALE 1:200

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APPENDIX B 62 BUNNETT ROAD FERTREE GULLY





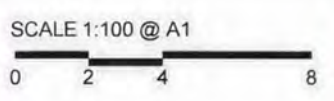
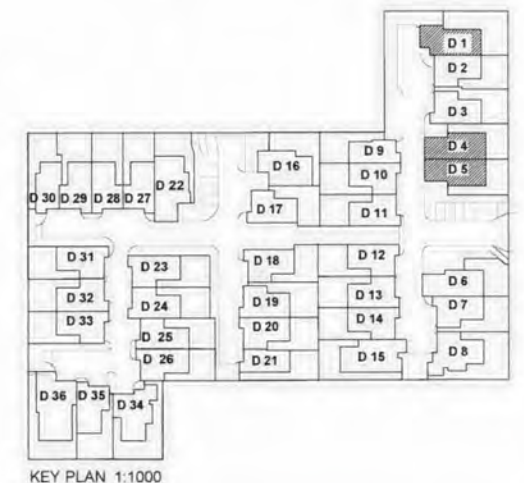
**MATERIALS LEGEND**

**EXTERNAL CLADDING**

- TILED ROOF
- BRICK - GREY OR SIMILAR
- BRICK - RED OR SIMILAR
- RENDER - WHITE OR SIMILAR
- TIMBER FINISH CLADDING
- RENDER - GREY OR SIMILAR
- RENDER/BANDING - DARK GREY OR SIMILAR
- METAL FINISH WINDOW SURROUND
- WEATHERBOARD FINISH - GREY OR SIMILAR COLOUR
- CONCRETE FINISH
- GARAGE DOORS WITH WEATHERBOARD CLADDING FINISH
- WEATHERBOARD FINISH - OFFWHITE OR SIMILAR

NOTE:  
ALL ALFRESCO AREAS TO BE OPEN TO THE SKY

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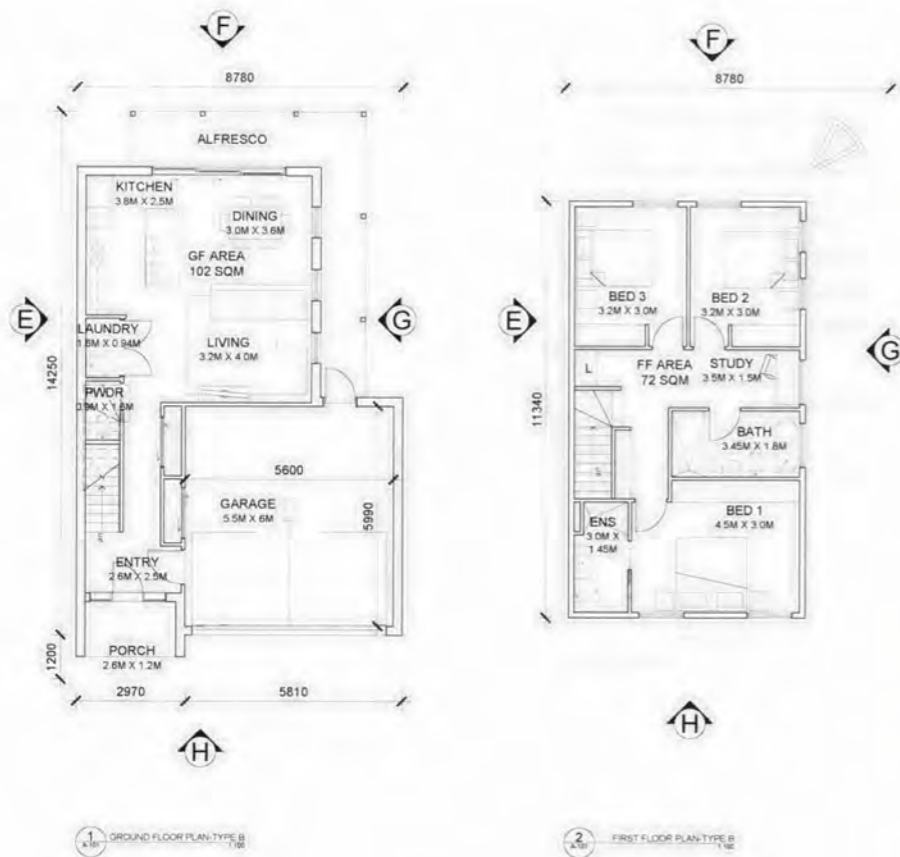


JOB NO: 20793/AD DRAWN: WMA / MMA / LHE  
DATE: 19/09/2017 CHECKED: TAR

**62 BUNNETT ROAD** PROPOSED MED. DENSITY DEVELOPMENT **TP-301**  
**FERN TREE GULLY, 3156** TYPE A,A1  
REVISION: C - 12.12.2017

APPENDIX B 62 BUNNETT ROAD FERN TREE GULLY





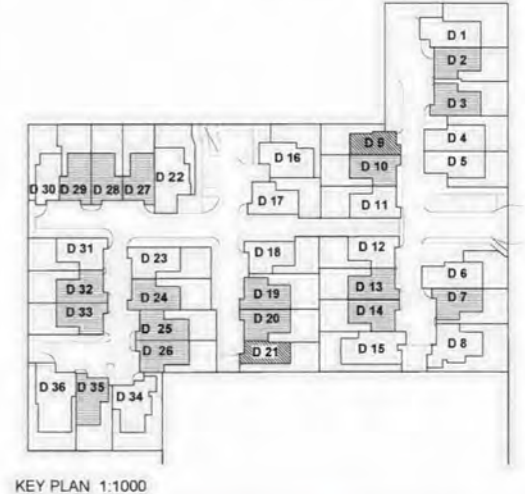
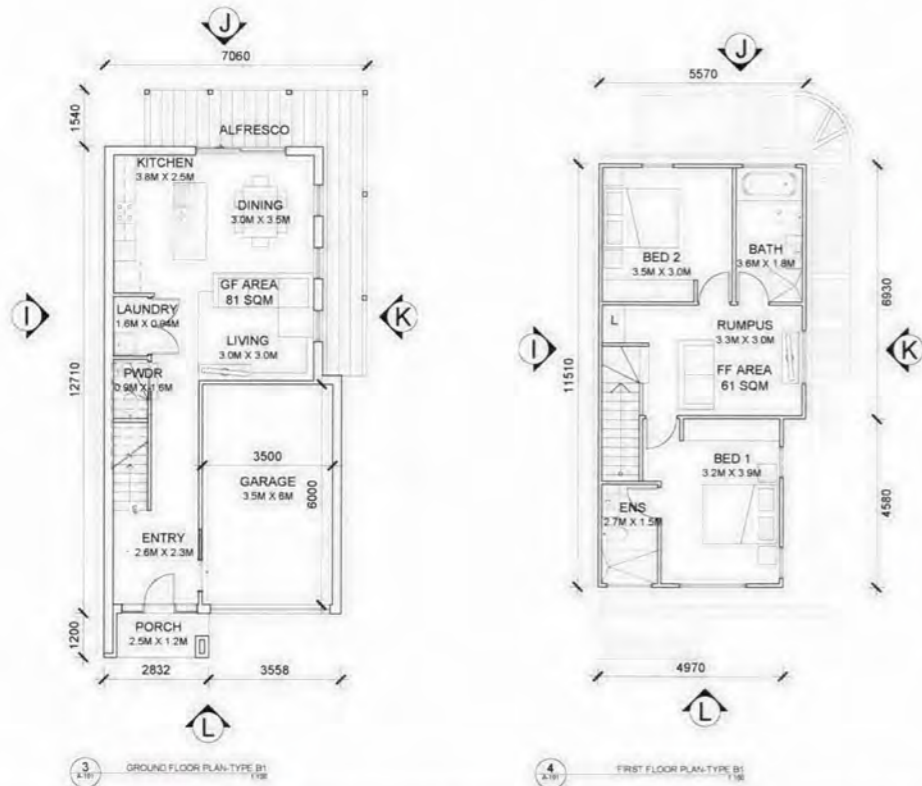
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**EXTERNAL CLADDING**

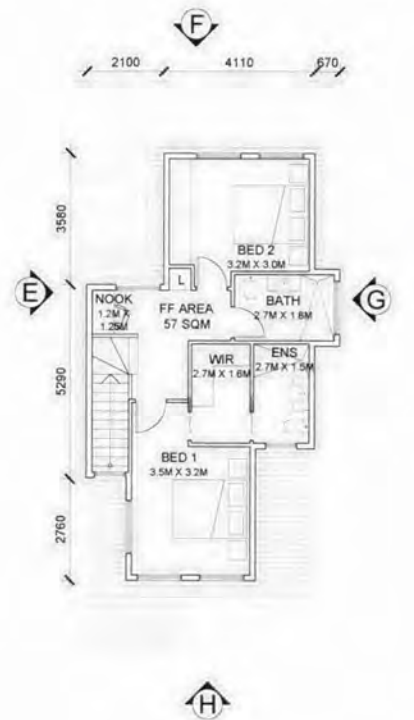
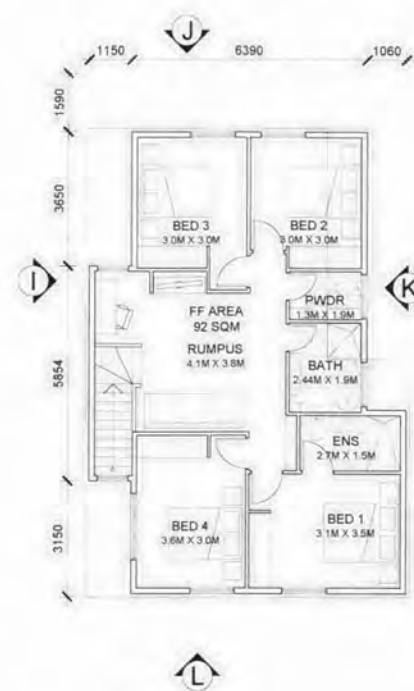
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- RENDER - GREY OR SIMILAR
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NOTE:  
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**MATERIALS LEGEND**

**EXTERNAL CLADDING**

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- CONCRETE FINISH
- GARAGE DOORS WITH WEATHERBOARD CLADDING FINISH
- WEATHERBOARD FINISH - OFFWHITE OR SIMILAR

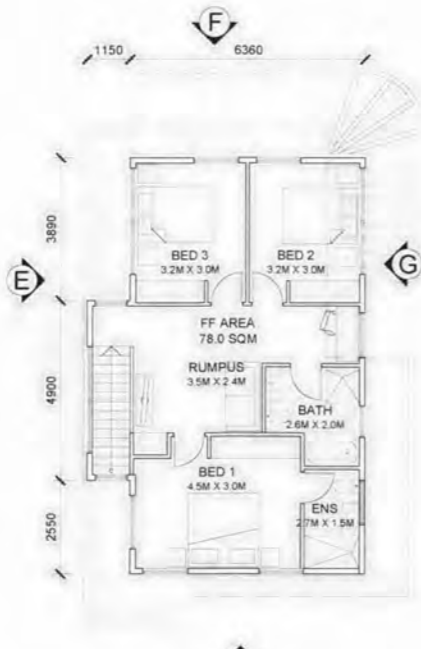
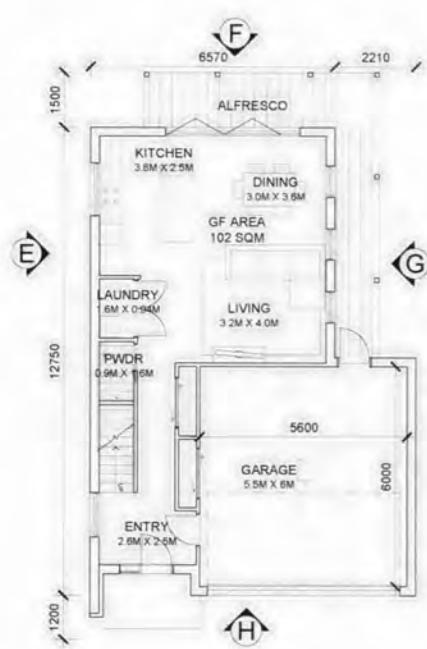
NOTE:  
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APPENDIX B 62 BUNNETT ROAD FERNTREE GULLY





**MATERIALS LEGEND**

**EXTERNAL CLADDING**

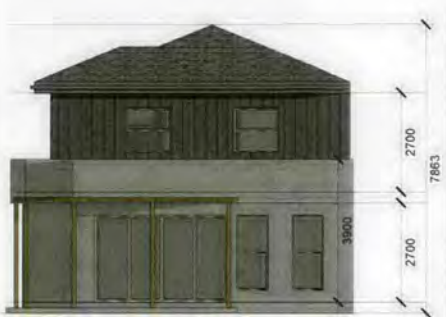
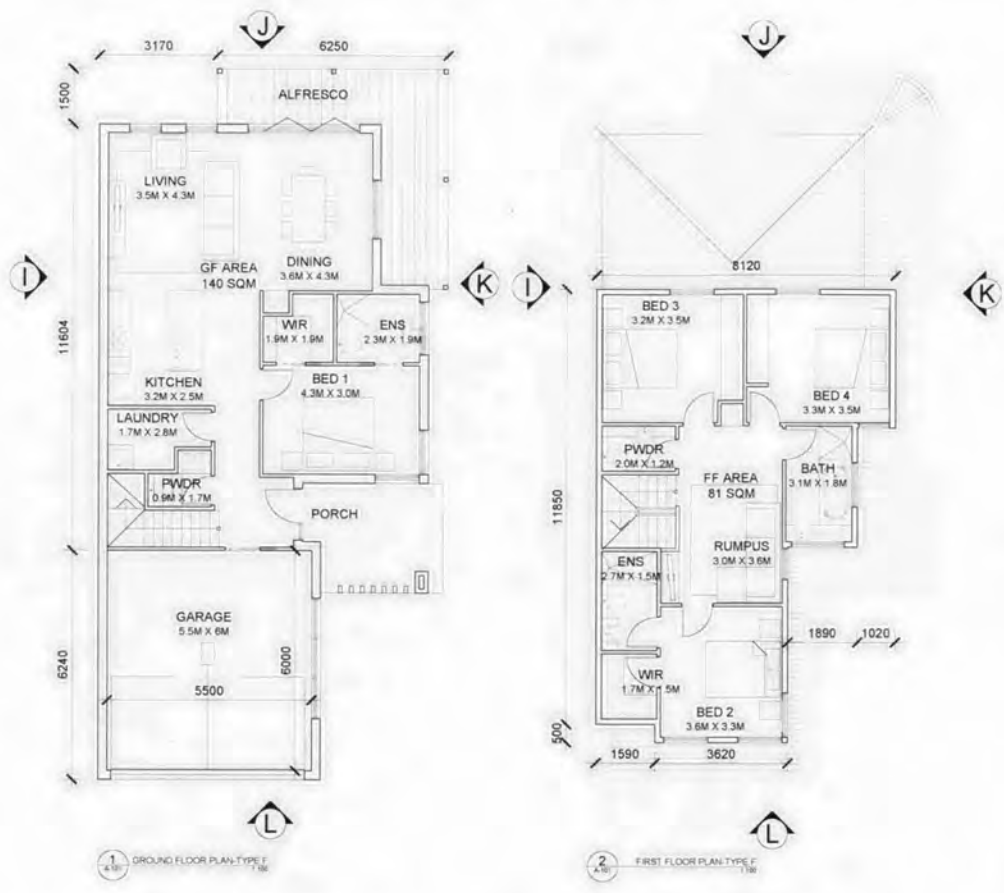
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NOTE:  
ALL ALFRESCO AREAS TO BE OPEN TO THE SKY



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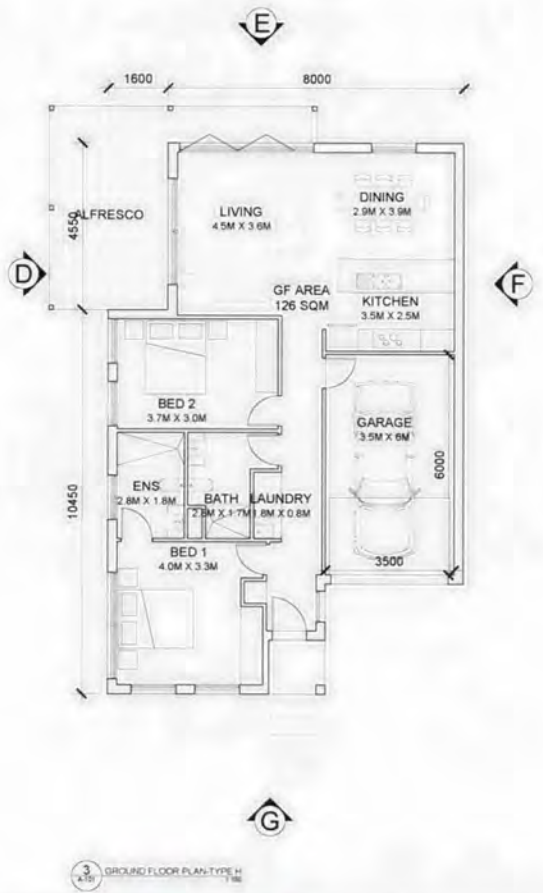


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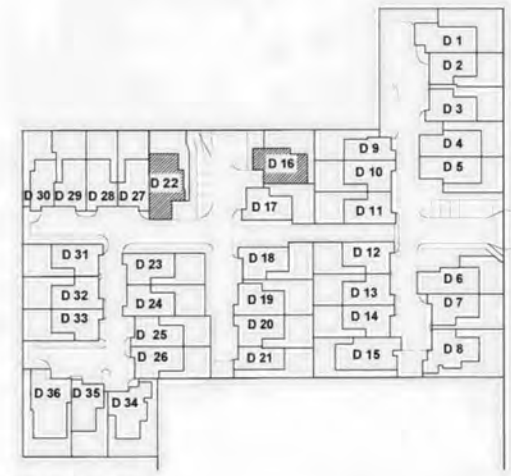
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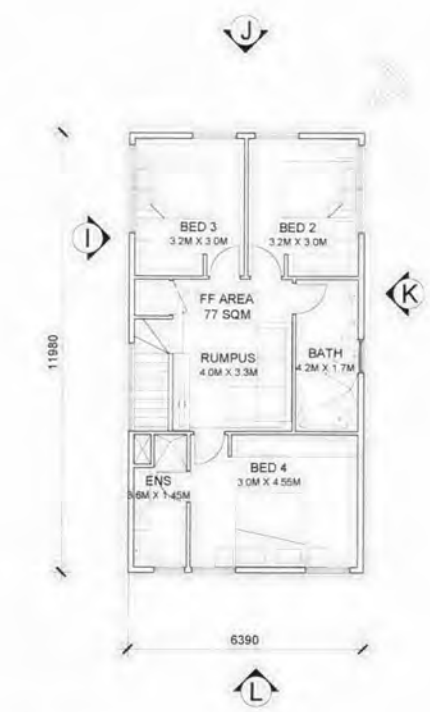
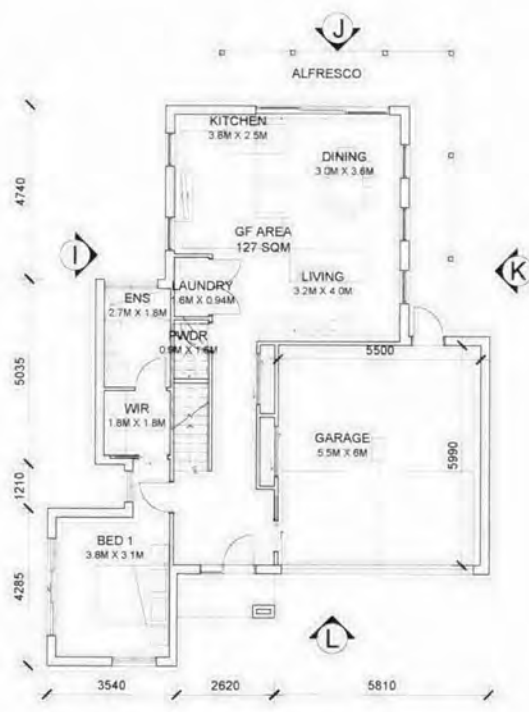
NOTE:  
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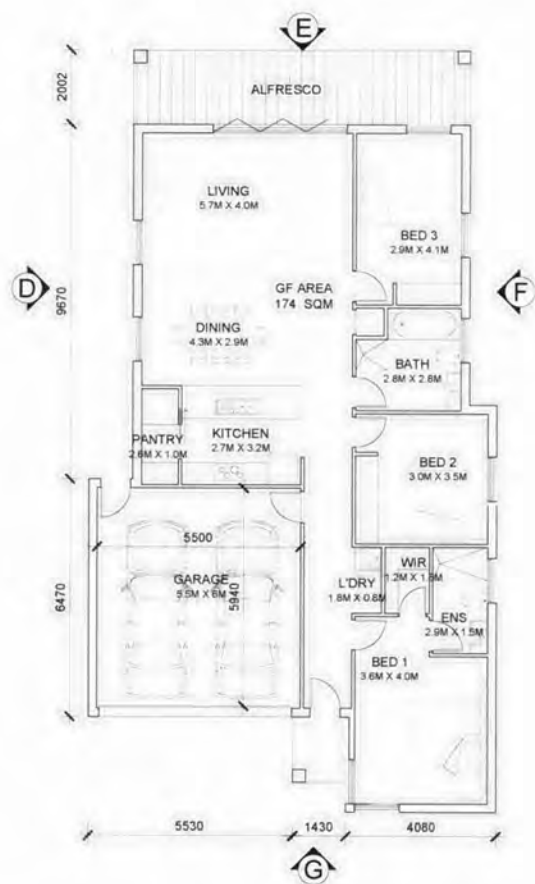


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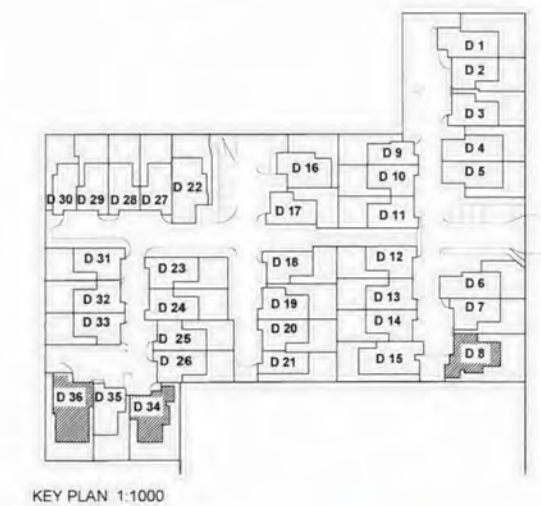
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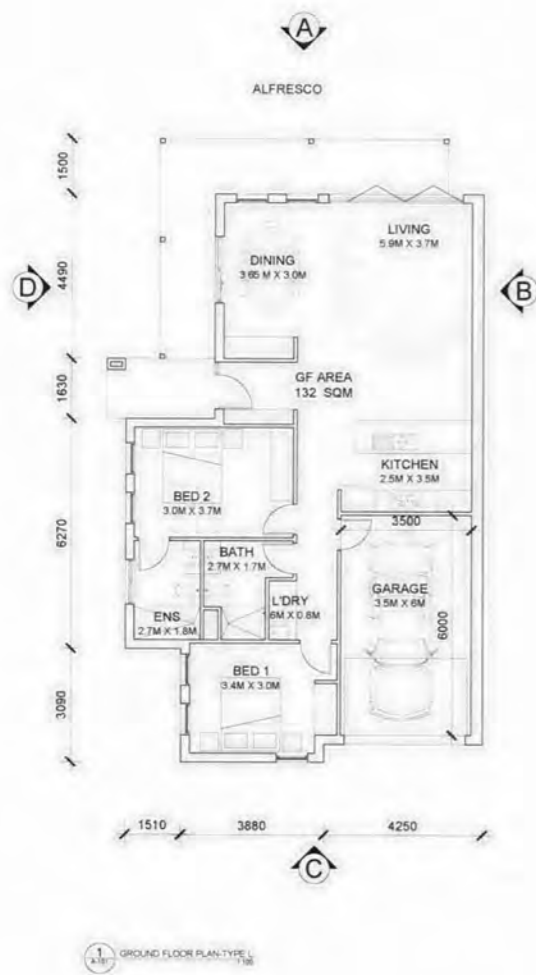
NOTE: ALL ALFRESCO AREAS TO BE OPEN TO THE SKY



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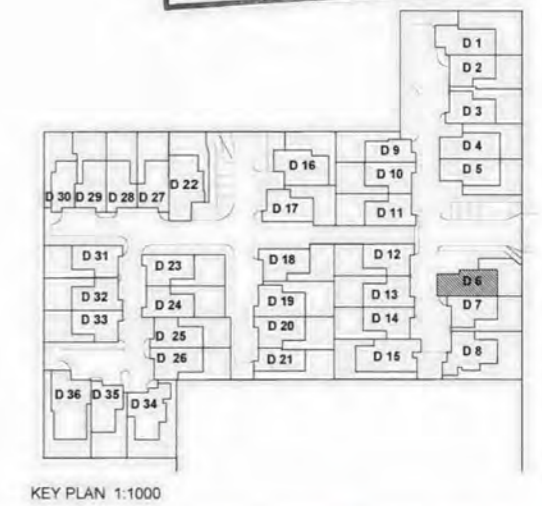
**MATERIALS LEGEND**

**EXTERNAL CLADDING**

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[Symbol]	BRICK - RED OR SIMILAR
[Symbol]	RENDER - WHITE OR SIMILAR
[Symbol]	TIMBER FINISH CLADDING
[Symbol]	RENDER - GREY OR SIMILAR
[Symbol]	RENDER/BANDING - DARK GREY OR SIMILAR
[Symbol]	METAL FINISH WINDOW SURROUND
[Symbol]	WEATHERBOARD FINISH - GREY OR SIMILAR COLOUR
[Symbol]	CONCRETE FINISH
[Symbol]	GARAGE DOORS WITH WEATHERBOARD CLADDING FINISH
[Symbol]	WEATHERBOARD FINISH - OFFWHITE OR SIMILAR

NOTE:  
ALL ALFRESCO AREAS TO BE OPEN TO THE SKY

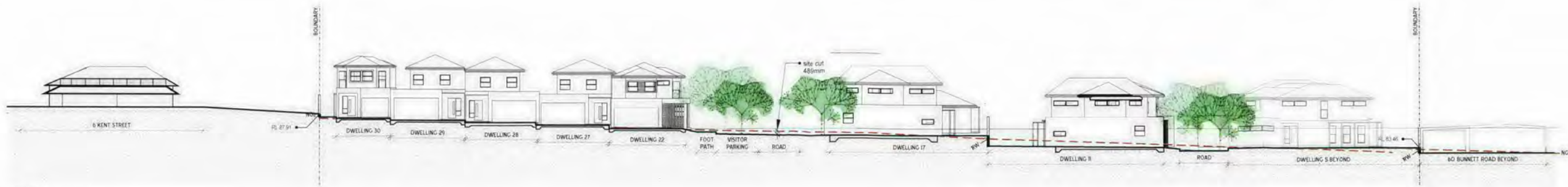
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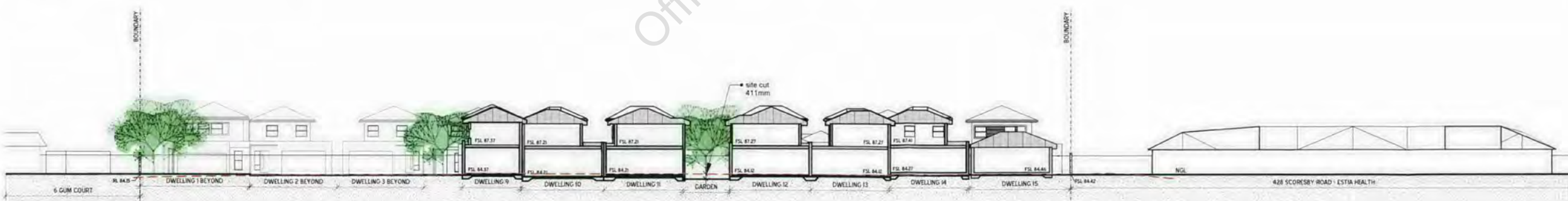
401 SECTION 1  
1 SCALE 1:250



401 SECTION 2  
2 SCALE 1:250



401 SECTION 3  
3 SCALE 1:250



401 SECTION 4  
4 SCALE 1:250

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402 SECTION 5  
1 SCALE 1:250



402 SECTION 6  
2 SCALE 1:250



402 SECTION 7  
3 SCALE 1:250

SECTION NOTES:  
LEVELS SHOWN ARE TO BE USED AS A GUIDE ONLY.  
LEVELS NEED TO BE RE-CONFIRMED WITH CIVIL ENGINEER AND ON-SITE PRIOR CONSTRUCTION

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501 PERSPECTIVE VIEW FROM SOUTH WEST  
 1 NOT TO SCALE

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**TAYLORS**  
 Urban Development | Built Environments | Infrastructure  
 T: 61 3 9501 2800 | E: info@taylorss.com.au | W: taylorss.com.au  
 Taylor's Development Strategists - ABN 60 126 948 522

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JOB NO: 20793/AD  
 DATE: 03/10/17  
 DRAWN: LHE/WMA  
 CHECKED: TAR

**62 BUNNETT ROAD** | **PROPOSED DEVELOPMENT**  
**FENTREE GULLY, VIC 3156** | **PERSPECTIVE VIEW FROM SOUTH WEST**

**TP-501**  
 REVISION  
 B - 08.12.17

APPENDIX B 62 BUNNETT ROAD FERTREE GULLY





502 PERSPECTIVE VIEW FROM NORTH EAST  
1 NOT TO SCALE

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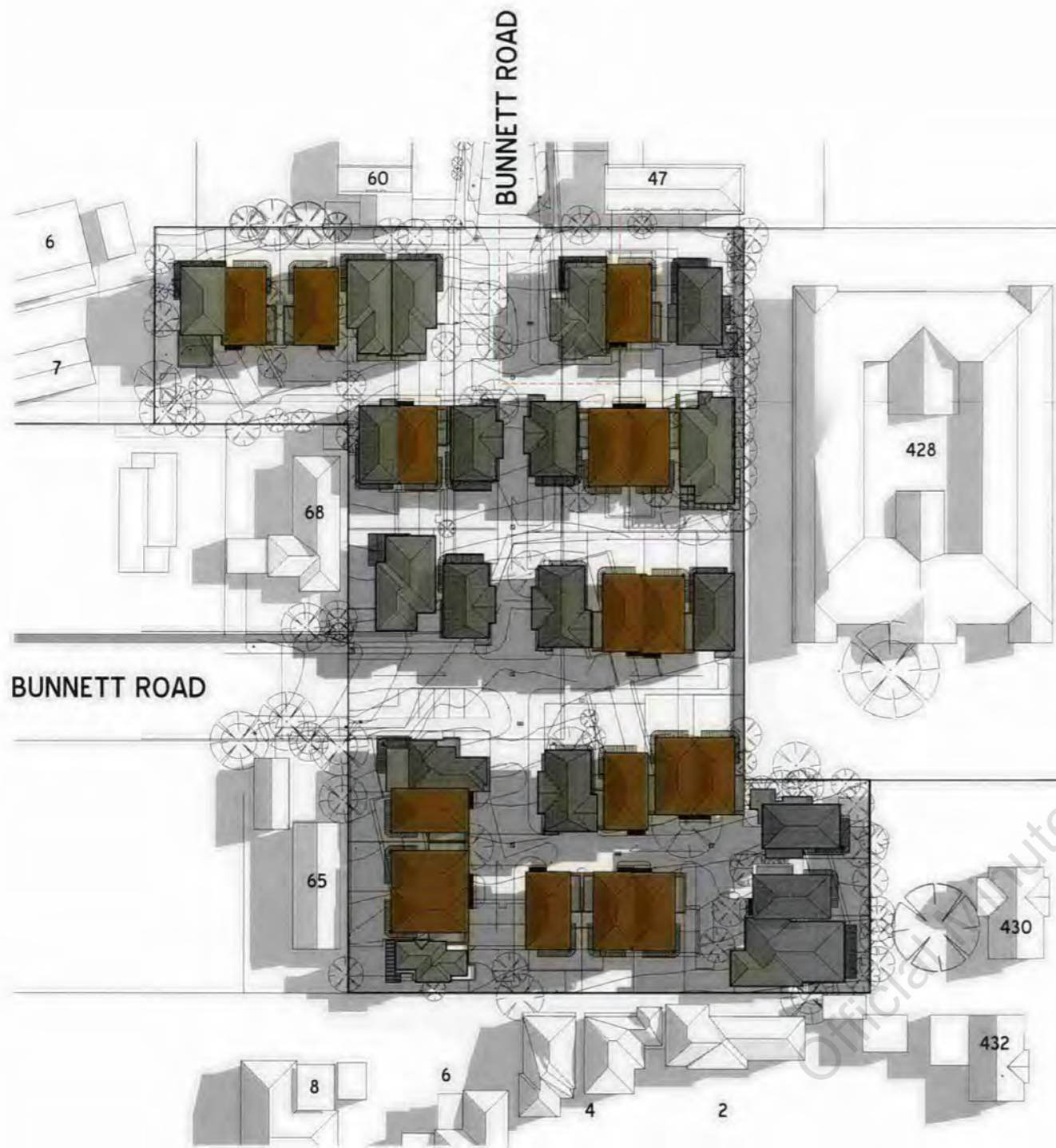


501 PERSPECTIVE VIEW FROM SOUTH WEST  
1 NOT TO SCALE

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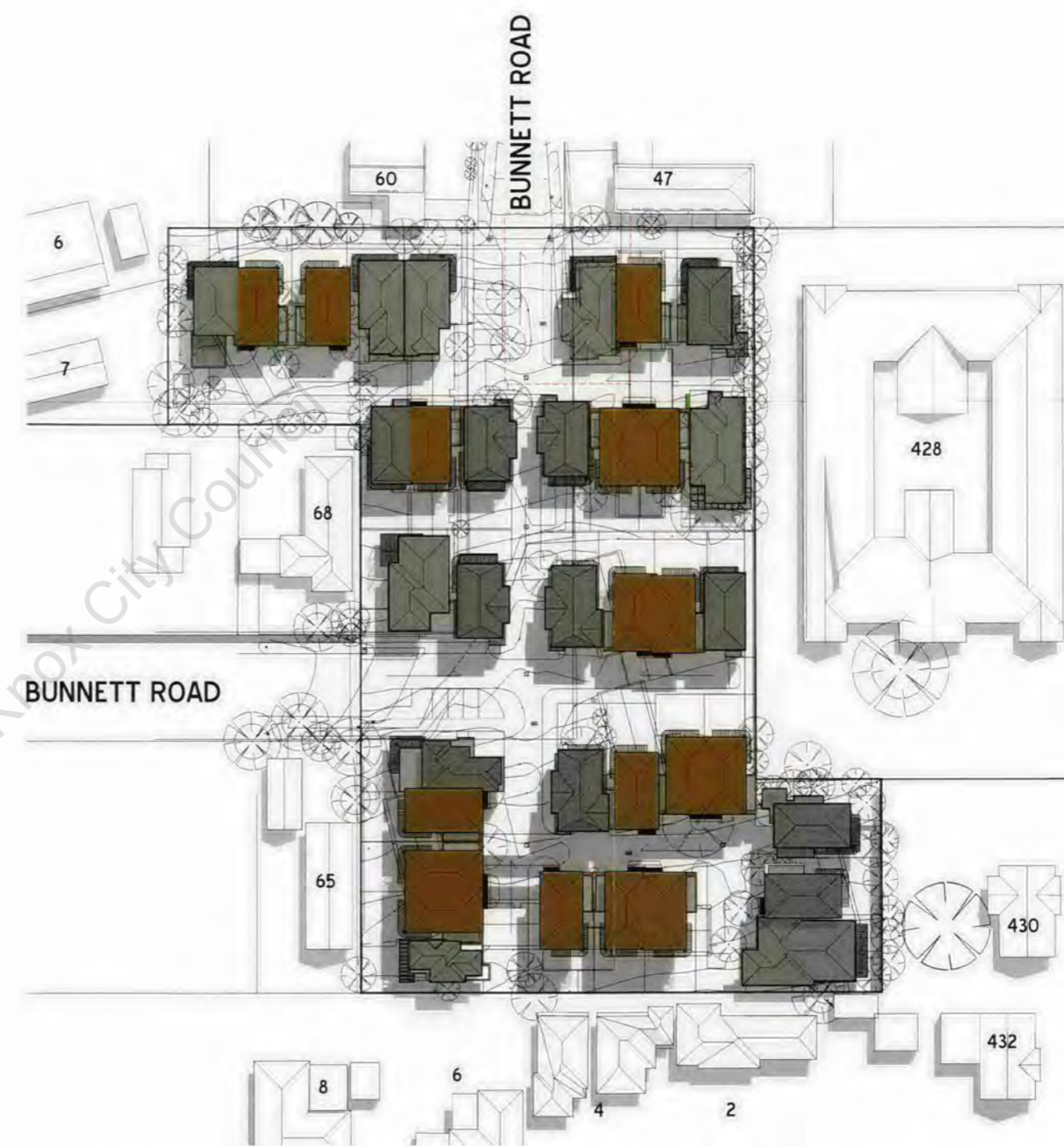
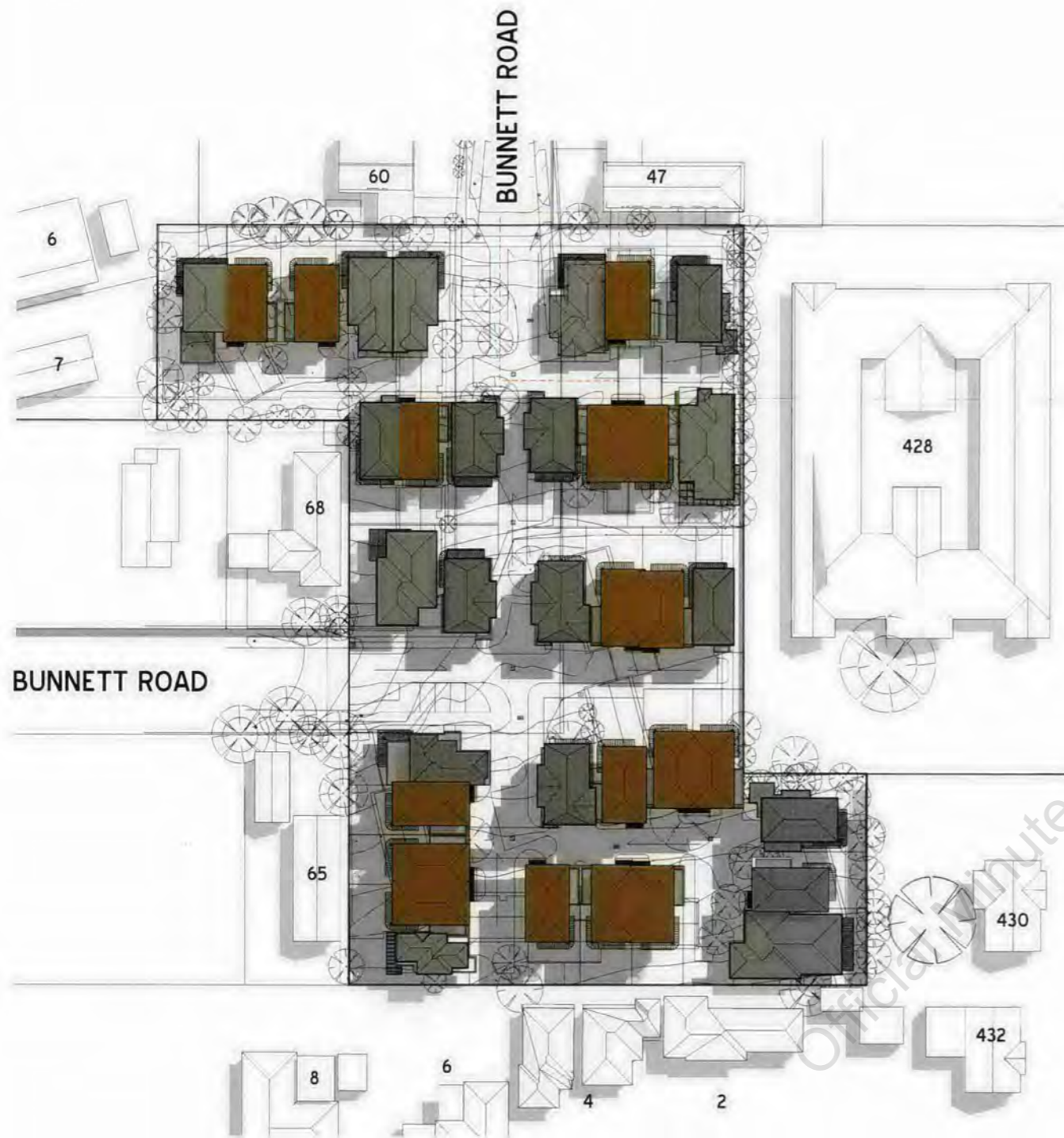


301 SHADOW DIAGRAM - 9AM @ EQUINOX  
1 SCALE 1:500

301 SHADOW DIAGRAM - 10AM @ EQUINOX  
2 SCALE 1:500

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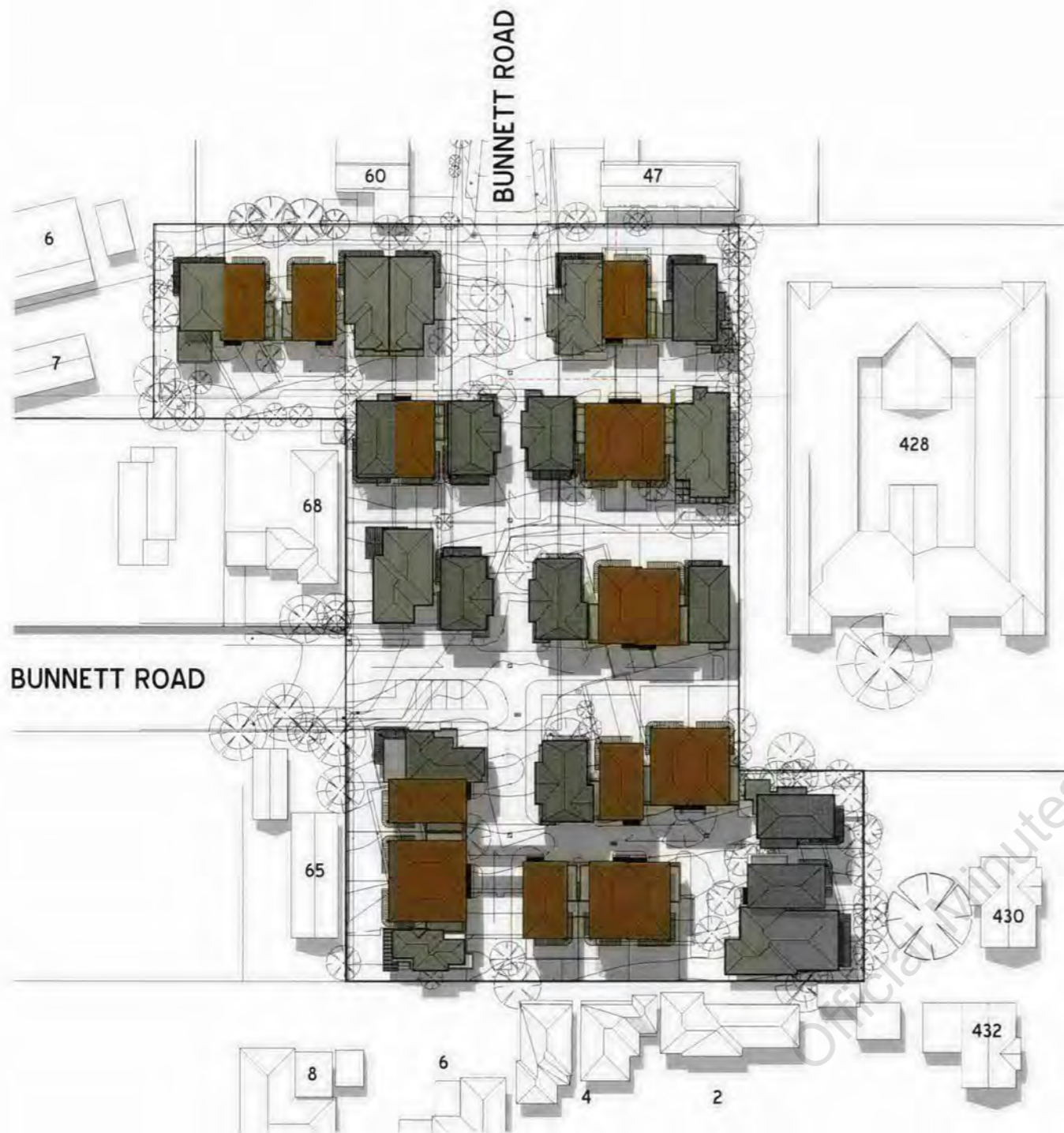
302 SHADOW DIAGRAM - 11AM @ EQUINOX  
1 SCALE 1:500

302 SHADOW DIAGRAM - 12NOON @ EQUINOX  
2 SCALE 1:500

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303 SHADOW DIAGRAM - 2PM @ EQUINOX  
1 SCALE 1:500

303 SHADOW DIAGRAM - 3PM @ EQUINOX  
2 SCALE 1:500

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AMENITIES LEGEND

	BINS
	CLOTHES LINE
	MAIL BOX
	STORAGE
	WATER TANK

**WITHOUT PREJUDICE**  
PLANS FOLLOWING COMPULSORY CONFERENCE

WINDOW LEGEND

WINDOWS	
	CLEAR GLAZING
	FIXED SCREEN To minimum 1700mm above FFL
	FIXED OBSCURE GLAZING To minimum 1700mm above FFL
	FIX GLAZING
	HIGHLIGHT WINDOW

EXTERNAL FINISHES LEGEND

GROUND SURFACES	
	DRIVEWAY
	NON PERMEABLE PAVING
	GRASS - PRIVATE AREAS
	GRASS - COMMON AREAS
	LILYDALE TOPPING
	PROPOSED PERMEABLE DECKING WITH PERGOLA
	PERMEABLE ENTRY PAVING
	COLOURED CONCRETE DRIVEWAY

VEGETATION LEGEND

PLANTS	
	EXISTING TREE TO BE REMOVED
	EXISTING TREE TO BE RETAINED
	TPZ - OPTIMUM RADIAL CLEARANCE DISTANCE
	SRZ - STRUCTURAL ROOT ZONE

NOTE:  
REFER TO LANDSCAPE PLANS FOR ALL INTERNAL FOOTPATHS, PATHS TO ENTRIES AND LANDSCAPE DETAILS

ALL STRUCTURES (INCLUDING FENCES, LETTERBOXES AND METER BOXES) SHALL BE CONSTRUCTED TO A MAXIMUM HEIGHT OF 900mm OR RELOCATED CLEAR OF A SPREAD AREA NEAR THE ACCESS WAY TO ENSURE SAFE SIGHT DISTANCES

ALL FOOTPATHS TO BE CONSTRUCTED TO SATISFY THE DISABILITY DISCRIMINATION ACT (DDA)

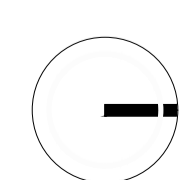
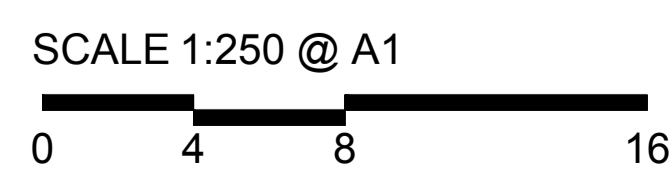
NOTE:  
ALL SPOS ARE 80m2 OR OVER

HATCH LEGEND

	CONCRETE
	WINDOW
	DOOR
	BITUMEN
	ADJOINING PROPERTIES
	POOL



1 TP-101  
GROUND FLOOR PLAN  
SCALE: 1:250 @ A1



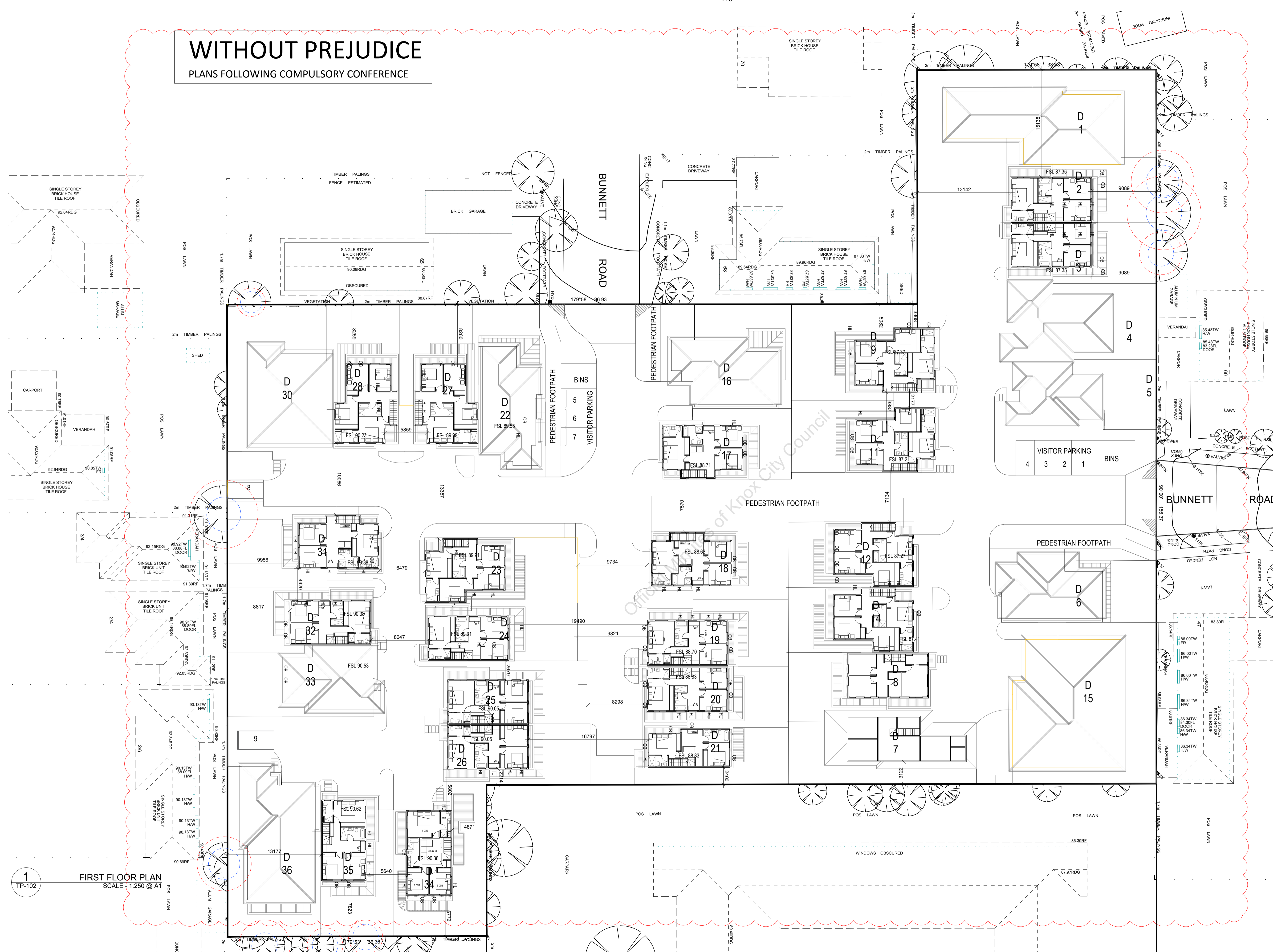
JOB NO: 20793/AD  
DATE: 19/09/2017  
DRAWN: WMA / MMA / LHE  
CHECKED: TAR

**62 BUNNETT ROAD** | **PROPOSED MED. DENSITY DEVELOPMENT** | **TP-101**  
**FERNTREE GULLY, 3156** | **GROUND FLOOR PLAN**  
REVISION: Q - 07/08/2018



# WITHOUT PREJUDICE

PLANS FOLLOWING COMPULSORY CONFERENCE



WINDOW LEGEND	
WINDOWS	
[Symbol]	CLEAR GLAZING
[Symbol]	FIXED SCREEN To minimum 1700mm above FFL
[Symbol]	FIXED OBSCURE GLAZING To minimum 1700mm above FFL
[Symbol]	FIX GLAZING
[Symbol]	HIGHLIGHT WINDOW

EXTERNAL FINISHES LEGEND	
GROUND SURFACES	
[Symbol]	DRIVEWAY
[Symbol]	NON PERMEABLE PAVING
[Symbol]	GRASS - PRIVATE AREAS
[Symbol]	GRASS - COMMON AREAS
[Symbol]	LILYDALE TOPPING
[Symbol]	PROPOSE RETAINING WALL & FENCE
[Symbol]	PROPOSED PERMEABLE DECKING WITH PERGOLA
[Symbol]	COLOURED CONCRETE DRIVEWAY

VEGETATION LEGEND	
PLANTS	
[Symbol]	EXISTING TREE TO BE REMOVED
[Symbol]	EXISTING TREE TO BE RETAINED
[Symbol]	TPZ - OPTIMUM RADIAL CLEARANCE DISTANCE
[Symbol]	SRZ - STRUCTURAL ROOT ZONE

NOTE:  
ALL ALFRESCO AREAS TO BE OPEN TO THE SKY (PERGOLA)

HATCH LEGEND	
[Symbol]	CONCRETE
[Symbol]	WINDOW
[Symbol]	DOOR
[Symbol]	BITUMEN
[Symbol]	ADJOINING PROPERTIES
[Symbol]	POOL

1 FIRST FLOOR PLAN  
SCALE: 1:250 @ A1

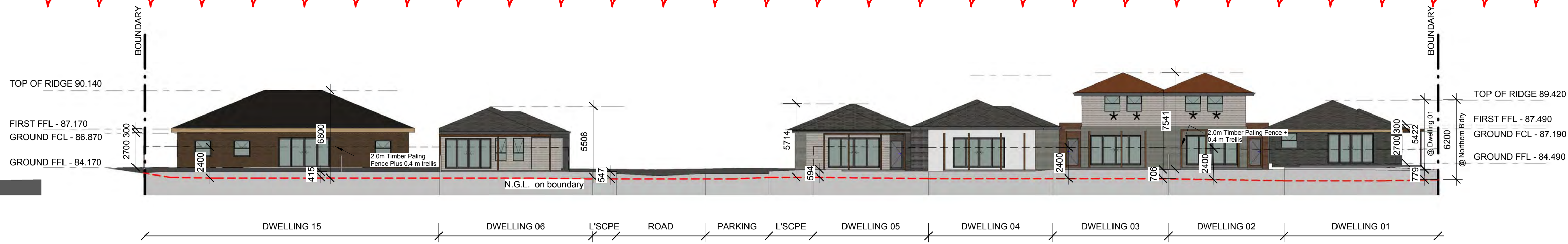
SCALE 1:250 @ A1  
0 4 8 16

JOB NO: 20793/AD  
DATE: 19/09/2017  
DRAWN: WMA / MMA / LHE  
CHECKED: TAR

62 BUNNETT ROAD PROPOSED MED. DENSITY DEVELOPMENT TP-102  
FERNTREE GULLY, 3156 FIRST FLOOR PLAN  
REVISION: Q - 07/08/18



01 North Elevation  
1 : 200



\* : Obscure Screen 1.7m high FFL  
**WITHOUT PREJUDICE**  
PLANS FOLLOWING COMPULSORY CONFERENCE

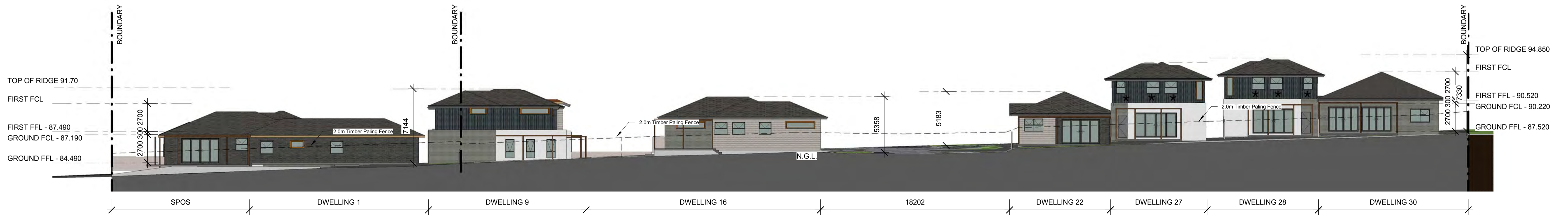
02 South Elevation  
1 : 200



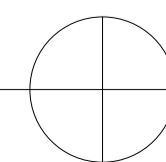
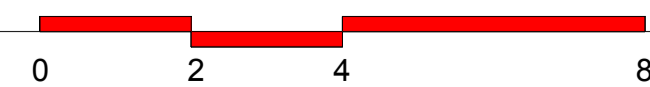
03 East Elevation  
1 : 200



04 West Elevation  
1 : 200



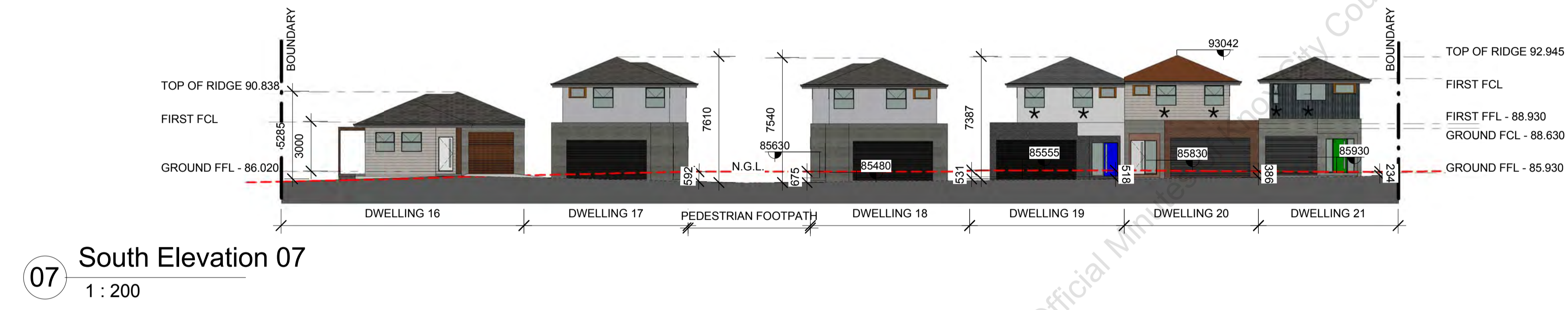
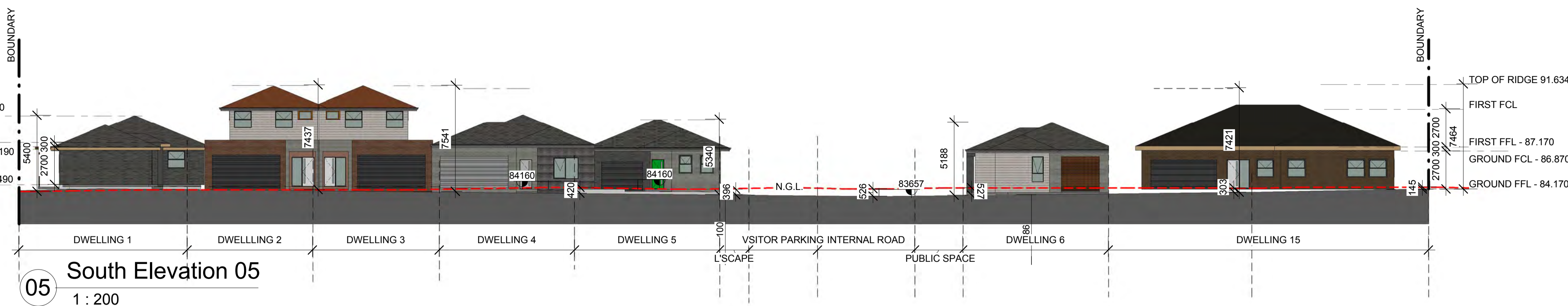
APPENDIX C - 62 BUNNETT ROAD FERNTREE GULLY



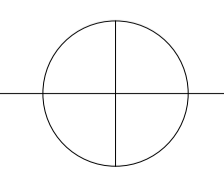


\* : Obscure Screen 1.7m high FFL

WITHOUT PREJUDICE  
PLANS FOLLOWING COMPULSORY CONFERENCE



APPENDIX C - 62 BUNNETT ROAD FERNTREE GULLY







09 South Elevation 09  
1 : 200

**WITHOUT PREJUDICE**  
PLANS FOLLOWING COMPULSORY CONFERENCE



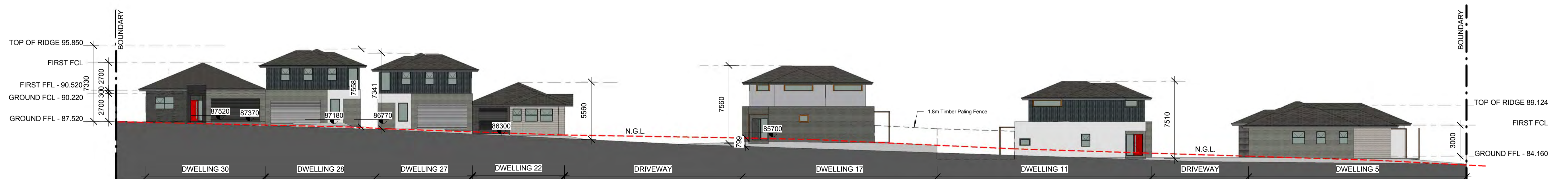
10 North Elevation 10  
1 : 200



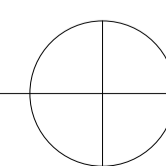
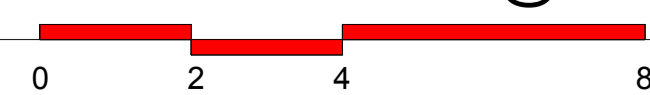
11 East Elevation 11  
1 : 200



12 East Elevation 12  
1 : 200



13 West Elevation 13  
1 : 200





**COUNCILLOR GILL VACATED THE CHAMBER AT 7.42PM DURING DISCUSSION ON ITEM 6.4****COUNCILLOR GILL RETURNED TO THE CHAMBER AT 7.43PM PRIOR TO THE VOTE ON ITEM 6.4****CHANDLER WARD****6.4 MILLERS HOMESTEAD – AMENDMENT C171**

**SUMMARY:** *Manager – City Futures (Tanya Clark)*

*This report provides Council with details in relation to the Minister for Planning's authorisation to prepare and exhibit Amendment C171. The report informs Council of the conditions imposed by the Minister and potential implications, as well as options for the process moving forward.*

*The report provides an analysis of potential future uses for the Millers Homestead under the Public Park and Recreation Zone (PPRZ), and the Neighbourhood Residential Zone (NRZ), and outlines zoning options for public and private ownership.*

**RECOMMENDATION**

That Council having considered the Minister for Planning's Authorisation Letter dated 16 July 2018 relating to proposed Amendment C171, hereby resolves:

1. To rescind Council's resolution passed at its meeting on 25 June 2018, which read:
  - 1.1 Declare 30 Dorrigo Drive, Boronia (Millers Homestead) surplus to Council's requirements.
  - 1.2 Endorse Appendix B – "Proposed Amendment C171 to the Knox Planning Scheme documentation" for the purpose of public exhibition.
  - 1.3 Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C171, as shown in Appendix B to this report.
  - 1.4 Subject to receiving authorisation from the Minister for Planning, place Amendment C171 on public exhibition for a period of at least one month.
  - 1.5 Authorise the Director – City Development to make minor changes to Amendment C171, where the changes do not affect the purpose or intent of the Amendment.
  - 1.6 Support a Section 173 Agreement being placed on the title at time of sale, to restrict future subdivision, restrict future land use to a single dwelling, ensure retention of the external façade of the dwelling, facilitate maintenance of the heritage values of the dwelling and gardens by future land owners.



2. To note that the rescission outlined in 1 above, will make the Council resolution passed at its meeting on 23 July 2018, Notice of Motion No 82, redundant.
3. To advise the Minister for Planning that Council has resolved not to proceed with its proposed Amendment C171, on the basis that the condition on the authorisation represents a material change from what was originally considered by Council.
4. To undertake a comprehensive consultation process with the Knox community to inform further investigation into the possible future uses for the Millers Homestead site.
5. To receive a report back to Council, following the conclusion of the consultation process outlined in 4 above.
6. Include HO25 (Heritage Overlay - Millers Homestead) and the zoning anomaly in the fix up Amendment C154.

### **1. INTRODUCTION**

Amendment C171 relates to Millers Homestead, located at 30 Dorrigo Drive, Boronia. The Amendment proposes to rezone the site and update the existing Heritage Overlay. This amendment was reported to Council for consideration on 25 June 2018. At this meeting, Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C171.

The Minister for Planning authorised Council to prepare and exhibit the amendment on 16 July 2018. The Minister's authorisation includes four conditions as follows:

1. Insert a new Schedule 4 to the Neighbourhood Residential Zone that does not specify a maximum building height lower than the mandatory maximum of 9 metres and 2 storeys to apply to the land at 30 Dorrigo Drive, Boronia.
2. The amended provisions must be in conformity with *The Form and Content of Planning Schemes* direction including Annexures 1, 2, and 3.
3. Make consequential changes to documentation (including an update to the explanatory report and obtaining a new map sheet) prior to submitting the amendment for exhibition.
4. A simplification of the description of the amendment in the State Government automated tracking system.

At the Council meeting of 23 July 2018, a subsequent motion was carried that included, but was not limited to, broadening the scope of consultation during the exhibition phase of Amendment C171.



Council sought legal advice regarding Condition 1 of the Authorisation letter. Condition 1 was considered to be a material change to the amendment, legally providing Council with the ability not to act on the letter of Authorisation and the resolution to proceed to exhibition.

At an issues briefing on 13 August 2018 Council was informed of possible uses for Millers Homestead under the current Public Park and Recreation Zone (PPRZ) with options to undertake a separate community consultation process to determine appropriate uses for Millers, and to include the Millers Heritage Overlay in the next procedural fix up amendment.

## **2. DISCUSSION**

### **2.1 Legal Advice**

Legal advice has been sought on whether Condition 1 of the authorisation is considered to be substantive, and as such needs to be brought back to Council for decision, rather than being minor or administrative and therefore able to be approved under delegation.

A summary of the legal advice is provided below:

*‘Given that the Minister for Planning has imposed a condition on the authorisation (a default 9m maximum height), and this is materially different to what Council considered at its meeting of 25 June 2018 (an 8m maximum height), Council is now open to resolve to not exhibit the amendment.’*

Two important issues arise as a result of this advice. The first is that the change is material and needs to be reported back to Council for a resolution before proceeding. To proceed, the resolution would need to determine that the amendment be exhibited with the subject land rezoned to the NRZ4 in place of the NRZ1. And secondly, it creates an opportunity for Council to determine not to act on the authorisation, not to proceed to exhibition, and to rescind the resolution of 25 June 2018 declaring the homestead surplus to Council’s requirements.

### **2.2 Uses for Millers Homestead**

#### **Current Zone – Public Park and Recreation Zone (PPRZ)**

The PPRZ can only be used if the site is publicly owned.

The PPRZ allows for a number of uses under Section 1 (permit not required) that may be suitable for the site should Council decide to retain ownership. These uses can be considered without a planning permit providing that they are conducted by or on behalf of the public land manager. It is noted that if Council leases the land to another party, uses or buildings and works undertaken by that party are considered to be on behalf of Council where Council has agreed to lease the land for that purpose.

Under this provision, a majority of the uses in the Planning Scheme, other than those prohibited in Section 3, will be open to Council to explore further with the community.



### **Neighbourhood Residential Zone (NRZ)**

If the land is to be sold, it must be rezoned as the PPRZ cannot be held in private ownership.

If Council were to retain the land but continue with the Amendment and rezone the land to the NRZ, the scope of potential uses on the land will be reduced. Due to its residential nature, the NRZ is a more restrictive zone although there are some uses that Council may consider for the site within Section 1 and Section 2 (Planning Permit required).

### **Community Feedback**

The formal consultation process has not commenced, however since the original resolution of 25 June 2018, Council has received consistent feedback from the community that the homestead should be retained in Council ownership into the future. In addition to this a number of suggestions have been forthcoming regarding future potential uses of the site and homestead.

At the Council meeting of 23 July 2018, a subsequent motion was carried that included, but was not limited to, broadening the scope of consultation during the exhibition phase of Amendment C171.

Council also committed to listening to community feedback regarding the future of the homestead and consideration of possible future uses. Should Council determine not to proceed with Amendment C171 and the sale of the land, a new consultation phase can begin, separate to that required by the *Planning and Environment Act 1987* where by Council can take feedback on and consider potential uses and partnerships for the homestead into the future.

Although a separate sale process would be required to sell the land, much of the discussion and feedback regarding the zoning and uses of the site are diluted by comments and concern regarding the potential future sale of the land. A consultation process regarding the use of the land detached from an anticipated sale of the land is expected to facilitate a more focussed discussion around these potential future uses.

It is important to note that any future use needs to comply with the planning overlays that apply to the land, including the Heritage Overlay, car parking requirements, and any relevant Building Regulations.

### **2.3 Fix Up Amendment**

Council undertakes periodic fix up amendments to update planning scheme anomalies with zones, overlays, and planning scheme ordinance. Fix up Amendment C154 will begin shortly and there is an opportunity to include the heritage citation update for Millers Homestead in the fix up amendment. In addition the small portion of NRZ1 land at the rear of the building can be included. This parcel was previously a separate lot and the zoning anomaly was created when the land was consolidated into one title. Zoning this land to the PPRZ would create one consistent zone across the site.



## **2.4 Options moving forward**

When considering how to proceed two options stand out. This is due to the fact that if Council retains the land, the PPRZ is the most suitable zone, and if Council sells the land, the site must be rezoned.

### **Option 1**

Council can resolve not to exhibit the amendment and therefore not proceed with the sale of Millers Homestead. The land will be retained in the PPRZ, leaving Council a broad range of potential uses that can be investigated with community input. Council would also rescind the resolution to declare the land surplus to Council requirement.

The community can be consulted for ideas regarding the future use of the land with a consultation process of Council's choosing, not bound by the Planning Scheme amendment process.

To proceed with this option, Councillors will need to determine not to act on the authorisation from the Minister for Planning to prepare and exhibit Amendment C171 on the basis that the condition on the authorisation represents a material change from what was originally considered by Council.

If a decision is made not to sell the land, there is no longer an urgency to update the heritage protection on the site (i.e. the Heritage Overlay). A fix up amendment is proposed to be reported to Council for consideration late 2018. The fix up amendment will include removing a number of anomalies or fixing minor errors in the Knox Planning Scheme. Council can proceed to update and strengthen the Heritage Overlay as part of the next fix up amendment process, and can also take the opportunity to rezone the NRZ1 portion of the land at the rear of the dwelling to the PPRZ. A Site Specific Control to prevent future subdivision could be included, noting this may not receive Ministerial support.

### **Option 2**

Council can choose to continue with the rezoning for sale process and proceed to exhibition with Amendment C171. The land must be rezoned from the PPRZ before it can be transferred to private ownership. The land would have to be exhibited as NRZ4 in accordance with the letter of Authorisation from the Minister and Council would need to resolve to accept these changes.

The NRZ4 will be identical to NRZ1, except the maximum building height will be 9 metres in place of 8 metres. The requirement that development be to a maximum height of two storeys would remain. The change to the NRZ4 does not affect the current or proposed protections afforded to the site. Redevelopment of the land is not supported by Council, and the Heritage Overlay is proposed to be strengthened to provide a greater level of protection to the Homestead. The increase in maximum building height from 8m to 9m is a technicality, given that Council's aim is to protect the Homestead.

After exhibition of Amendment C171 has concluded the submissions will be reported to Council. At this meeting, Council will have the opportunity to adopt all or part of the amendment, to forward the amendment to an independent Planning Panel for further consideration, or to abandon the amendment. Council



could also choose to make further resolutions regarding the site which may include commencing another amendment process at an appropriate time to investigate a site specific control on the land.

A revised timeline has been provided should Council resolve to proceed to exhibition:

- Mid-September 2018, Council officers will request pre-set Panel Hearing dates (this is a Ministerial requirement, however if Council ultimately chooses to abandon the amendment, the Panel Hearing will not occur).
- Updated exhibition documents will be forwarded to DELWP in early October 2018.
- Exhibition will commence in November 2018.
- Submissions close in early-mid December 2018 (minimum 6 weeks on exhibition).
- Report to Council in February 2019 to consider submissions.

### **3. CONSULTATION**

The form, content and timing of consultation with the community on future uses of Millers Homestead depends on which option is pursued.

Should Option 1 progress and Council determine to rescind the declaration to make Millers Homestead surplus to Council's requirements, and resolve not to act of the letter of Authorisation, Council can plan a new consultation process to gather community feedback to inform investigation into possible future uses of the Millers Homestead site (which includes consideration of the building and gardens).

Option 2 consultation would be in accordance with the motion of 16 July 2018 should Council determine to proceed with the proposed rezoning and land sale processes. This would be a formal exhibition process undertaken in accordance with the requirements of the *Planning and Environment Act 1987* with the additional requirements as a result of the motion of 16 July 2018.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Should Council choose not to rezone and sell the Millers Homestead, the controls can remain as is, and the community can contribute ideas for future uses of the land. Subsequent to this, the Heritage Overlay can be updated. A Site Specific Control to prevent future sub-division could be included, noting this may not receive Ministerial support.

Similarly, a change to the NRZ4 does not affect the current or proposed protections afforded to the site. Redevelopment of the land is not supported, and the Heritage Overlay is proposed to be strengthened to provide a greater level of protection to the Homestead. The increase in maximum building height from 8m to 9m is not considered problematic, given that Council's aim is to protect the Homestead.



## **5. FINANCIAL & ECONOMIC IMPLICATIONS**

The proposed Planning Scheme Amendment processes can be managed within existing Council budget. The proposed changes to amendment documentation are negligible in the cost of the proposed amendment. There will be no further cost associated with Amendment C171 should Council resolve not to proceed to exhibition.

A comprehensive consultation process relating to future uses of Millers Homestead will be designed should Council resolve not to proceed to exhibition, with any unbudgeted costs reported to Council for decision.

## **6. SOCIAL IMPLICATIONS**

Council does not support the development of the land and seeks to strengthen the heritage controls on the land to protect the Homestead. However, if the land was rezoned to a NRZ there may be a perceived issue in the community with the increased building height limit. There are also mixed community views on Miller's future in private rather than public ownership.

It is noted that there has been significant community angst regarding the anticipated sale of the land. The preference appears to be to retain the land in Council ownership and determine a more appropriate low impact use for the land. A consultation period specifically regarding the potential future uses of Millers Homestead will allow the community to provide feedback to Council on the matter for further consideration.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

This report relates to the following goals and strategies within the Knox Community and Council Plan 2017-2021 as outlined below:

### **Goal 1 We value our natural and built environment**

*Strategy 1.3 Ensure the Knox local character is protected and enhanced through the design and location of urban development and infrastructure.*

### **Goal 7 We are inclusive, feel a sense of belonging and value our identity**

*Strategy 7.1 Protect and preserve our local cultural heritage.*

*Strategy 7.3 Strengthen community connections.*

### **Goal 8 We have confidence in decision making**

*Strategy 8.1 Build, strengthen and promote good governance practice across government and community organisations.*



## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Officer Responsible – (Julia Oxley, Director City Development) - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – (Tanya Clark, Manager City Futures) - In providing this advice as the Author, I have no disclosable interests in this report.

Author – (Anthony Petherbridge, Coordinator City Strategy and Planning) - In providing this advice as the Author, I have no disclosable interests in this report.

Author – (Cliff Bostock, Senior Strategic Planner) - In providing this advice as the Author, I have no disclosable interests in this report.

## **9. CONCLUSION**

Given Council's commitment to seek feedback from the community regarding the future of Millers Homestead, it would be beneficial to cease progress on Amendment C171 and undertake a new consultation process free from the overarching resolution to declare the land surplus to Council's requirements.

Council has the opportunity to update the zoning anomaly and Heritage citation for Millers Homestead in Council's next procedural fix up amendment, expected to be reported to Council in late 2018.

It is recommended that Council adopt the above resolution.

## **10. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

### **COUNCIL RESOLUTION**

**MOVED: CR. LOCKWOOD**  
**SECONDED: CR. MORTIMORE**

**That Council having considered the Minister for Planning's Authorisation Letter dated 16 July 2018 relating to proposed Amendment C171, hereby resolves:**

- 1. To rescind Council's resolution passed at its meeting on 25 June 2018, which read:**
  - 1.1 Declare 30 Dorrigo Drive, Boronia (Millers Homestead) surplus to Council's requirements.**
  - 1.2 Endorse Appendix B – "Proposed Amendment C171 to the Knox Planning Scheme documentation" for the purpose of public exhibition.**



- 1.3 **Seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C171, as shown in Appendix B to this report.**
  - 1.4 **Subject to receiving authorisation from the Minister for Planning, place Amendment C171 on public exhibition for a period of at least one month.**
  - 1.5 **Authorise the Director – City Development to make minor changes to Amendment C171, where the changes do not affect the purpose or intent of the Amendment.**
  - 1.6 **Support a Section 173 Agreement being placed on the title at time of sale, to restrict future subdivision, restrict future land use to a single dwelling, ensure retention of the external façade of the dwelling, facilitate maintenance of the heritage values of the dwelling and gardens by future land owners.**
2. **To note that the rescission outlined in 1 above, will make the Council resolution passed at its meeting on 23 July 2018, Notice of Motion No 82, redundant.**
  3. **To advise the Minister for Planning that Council has resolved not to proceed with its proposed Amendment C171, on the basis that the condition on the authorisation represents a material change from what was originally considered by Council.**
  4. **To undertake a comprehensive consultation process with the Knox community to inform further investigation into the possible future uses for the Millers Homestead site.**
  5. **To receive a report back to Council, following the conclusion of the consultation process outlined in 4 above.**
  6. **Include HO25 (Heritage Overlay - Millers Homestead) and the zoning anomaly in the fix up Amendment C154.**

**CARRIED**



**COUNCILLOR PEARCE VACATED THE CHAMBER AT 7.48PM PRIOR TO PUBLIC QUESTION TIME**

**COUNCILLOR PEARCE RETURNED TO THE CHAMBER AT 7.49PM DURING PUBLIC QUESTION TIME**

**7. PUBLIC QUESTION TIME**

Following the completion of business relating to Item 7, City Development, the business before the Council Meeting was deferred to consider questions submitted by the public.

Question Time commenced at 7.48pm.

The following questions were raised with Council:

<b>Question 1</b>	What suggestions have the Council and Councillors received for the usage of Miller's Homestead and which of these are being actively considered?
<b>Answer</b>	Director Oxley advised that Council has decided to undertake a comprehensive consultation process with the community regarding the future possible uses of the homestead. At this stage Council have received a number of informal suggestions from the community including ideas such as an art gallery, café or museum etc. Council is committed to hearing suggestions from the community and will consider potential uses and partnerships for the homestead into the future. Under the current zoning situation there is an extensive list in relation to the actual uses in terms of Miller's Homestead.
<b>Question 2</b>	After the Council Meeting on 25th June, John Wood received a letter from Knox City council indicating that on the 9th February 1982, the Crown Reserve that was formerly part of the Knoxfield Horticultural Research Station and now under the management of Council, be named Dinsdale Public Park and Recreation Reserve. What is the process and how long will it take to ensure the Park will go back to being referred to its original and form name as Dinsdale Public Park and Recreation Reserve?
<b>Answer</b>	Acting CEO Dr Bell responded that documentation from 1982 has been located in regard to the name of the reserve. He could not however provide an answer as to why the name was not formally applied. Dr Bell advised that Council Officers would arrange for the appropriate signage to be supplied and installed to reflect the correct name of the park. The resident questioned the anticipated timeframe. Dr Bell responded that allowing for the normal procurement process, it should be within the next three to four months.



<b>Question 3</b>	<p>In relation to the motion moved to include option 3 as part of the options for 254 Scoresby Road Boronia. The motion carried was to include two changes to that of Option 2 by creation of Option 3.</p> <p>A) Move the Cafe to the other side of the road, east side. B) No changes to the existing plot locations.</p> <p>The wording or similar for B (above) was not included in the description published for Option 3 and the layout proposed although concept only implied that there "could be changes" to plots on the north end of the gardens.</p> <p>The Knox Community Gardens Society requests that "no plot changes or movement" is included in the decision and concept direction for Option 3. We encourage that the proposed vision concept as shown in the Knox Community Gardens proposal for this site is used as guidance to define the new garden boundaries with only expansion of garden plots and no changes to existing boundaries.</p> <p>What impact will this have on the process?</p>
<b>Answer</b>	<p>Acting Director Hanrahan responded that the report is about a master planning process for the precinct. The process will involve defining where elements of the masterplan will be strategically located within the site, noting that additional work on the finer level of detail will be pursued through the design process, which will address some of the concerns raised. Council will be deliberating shortly on this matter, noting that once Council determines a position on the report presented, it will be incorporated in the wider Lewis Park Masterplan Development. Acting Director Hanrahan added it is challenging to make absolute decision on the details at this stage of proceedings.</p>

Two questioners were not in attendance at the meeting and their questions will be responded to in writing.

Question Time concluded at 7.59 pm