

AGENDA



Ordinary Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Tuesday 29 January 2019 at 7:00 pm

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Tony Doyle
Chief Executive Officer

6.3 52 Kathryn Road, Knoxfield

SUMMARY: Acting Principal Planner, Phillip Singh

Planning Application P/2018/6371 for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Refusal to Grant a Planning Permit for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield, subject to the refusal grounds outlined in the full recommendation in section 10 below.

1. INTRODUCTION

A new application P/2018/6371 has been lodged with Council for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield.

The application is being reported to Council as it has been called up by Cr Holland.

The application is considered to be unsatisfactory, as it does not meet the standards and policies of the Knox Bush Suburban Character area, the Planning Policy Framework, Local Planning Policy Framework, the Purpose of the General Residential 5 Zone (GR5Z), and the Environmental Significance Overlay – Schedule 2 (ESO2).

It is noted that a previous development application affecting this site as well as 48 Kathryn Road was refused by Council and VCAT.

2. DISCUSSION

It is considered that the development is not an appropriate balance between the need for childcare, additional housing and the loss of vegetation on a significant site. The proposed development is considered to be inconsistent with the State and Local policy direction for urban design and neighbourhood character for the following reasons:

- The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.
- The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the site is not located on the periphery of retail activity centres or major community facilities.
- The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.

- The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
- The proposed use will have a detrimental impact on the amenity of adjoining and surrounding properties.
- The layout of the proposed development, is not consistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
- The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
- It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
- This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.

On balance it is considered that the proposal does not satisfactorily respond to State and Local Planning Policies, including the Knox Housing Strategy 2015. It is recommended that a Notice of Refusal to Grant a Planning Permit be issued.

A thorough assessment of the planning application is detailed at Attachment 1 with the Site and Application Plans shown in Attachment 2.

3. CONSULTATION

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total 9 objections were received.

The application was referred internally to Council's Traffic Engineer, Stormwater Engineer, Assets Officer, Landscape Officer, Parks Department, Arborist, and ESD Officer. Councils Arborist and Landscape Officers raised significant concerns with the application.

4. ENVIRONMENTAL/AMENITY ISSUES

There are significant environmental impacts and amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report in Attachment 1.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There are no financial or economic implications associated with the proposed use/development for Council.

6. SOCIAL IMPLICATIONS

There are no significant social implications associated with the proposed use/development. A thorough assessment of the application against all relevant considerations of the Knox Planning Scheme can be found at Section 4 of the Officer's Report in Attachment 1.

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

Goal 1 - We value our natural and built environment.

Strategy 1.1 - Protect and enhance our natural environment.

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna.

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

Goal 2 - We have housing to meet our changing needs.

Strategy 2.1 - Plan for a diversity of housing in appropriate locations.

Strategy 2.2 - Encourage high quality sustainable design.

Strategy 2.3 - Support the delivery of a range of housing that addresses housing and living affordability needs.

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.

Author – Acting Principal Planner, Phillip Singh - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Acting Manager, City Planning and Building, Greg Kent, - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The development is not considered to be an appropriate design response for a site in a General Residential Zone (Schedule 5) and within a Bush Suburban Area. It is therefore recommended that Council refuse the application.

10. RECOMMENDATION

That Council issue a Refusal to Grant a Planning Permit for use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation at 52 Kathryn Road, Knoxfield, on the following grounds:

- 1. The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.**

2. The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the design, scale and appearance of the childcare centre does not appropriately reflect the streetscape and residential character of the area.
3. The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.
4. The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, and Landscaping.
5. The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
6. The proposed use will have a detrimental impact on the amenity of adjoining and surrounding residential properties, inconsistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
7. The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
8. The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
9. It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
10. This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.

11. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Acting Principal Planner, Phillip Singh

Report Authorised By: Acting Manager, City Planning and Building, Greg Kent

Attachments

1. Attachment 1 52 Kathryn Road Knoxfield Council Report **[6.3.1]**
2. Attachment 2 for 52 Kathryn Rd Knoxfield **[6.3.2]**

Attachment 1



Planning Application P/2018/6371 for the use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation.

1. Summary:

Subject Site:	52 Kathryn Road, Knoxfield
Proposed Development:	Use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation
Existing Land Use:	Vacant
Site Area:	3947sqm
Planning Scheme Controls:	General Residential Zone – Schedule 5, Environmental Significance Overlay 2
Application Received:	27 June 2018
Number of Objections:	9
PCC Meeting:	Not Applicable
Ward:	Friberg

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2018/6371 to assist in making a decision on the application. It should be read in conjunction with the other appendices.

2. Background

2.1 Previous Application and VCAT Decision

On 24 October 2014, Council received a planning application (P/2014/6925) for the subdivision of the land into 15 lots at 48-52 Kathryn Road, Knoxfield. Council refused the application, and the applicant appealed Council's decision to VCAT. The matter was heard at VCAT on 9, 11 and 14 November, and 19 December 2016. On 30 January 2016, VCAT issued its decision to uphold Council's refusal of the application. VCAT found that :

- The proposed development was not a balanced design between the purposes of the residential zoning and the overlays.
- The proposal had insufficient regard to the environmental values of the Environmental Significance Overlay – Schedule 2 (ESO2) and Vegetation Protection Overlay – Schedule 4 (VPO4), and that the chosen subdivision layout required the substantial removal of vegetation from the site (it is noted that the VPO4 applies to the land at 52 Kathryn Road which was part of the application site for the VCAT appeal, but does not cover this site).

- Consideration needed to be given to achieving a layout which allowed for a greater retention of existing vegetation in a manner that supports its ongoing viability so as to maintain and enhance its ecological value both within the site and in the broader context. This is likely to mean the creation of larger, and fewer, lots than is proposed by this application.

2.2 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 2.

- The subject site is located on the east side of Kathryn Road in Knoxfield, is rectangular in shape, and has a frontage to Kathryn Road of 32.20 metres and a depth of 122.59 metres. The site has an area of 3947m².
- No crossover exists along the front boundary.
- The Land is current vacant and heavily vegetated in the rear 3 quarters of the land. The land is designated as Site of Biological Significance 41.
- The majority of the area surrounding the site (off Kathryn Road) consists of residential dwellings constructed in the 1970's. Larger sites accessing Kathryn Road have been redeveloped with residential multi unit developments.
- Approximately 550 metres to the south is the Knoxfield Neighbourhood Activity Centre, comprising of a variety of shops and restaurants.

2.3 The Proposal

The proposal seeks permission for the use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and removal of native vegetation. Refer to attached plans in Attachment 2. Details of the proposal are as follows:

- The use and construction of a childcare centre caring for up to 100 children.
- Up to 22 staff are expected to work in the childcare centre, with the hours of operation being 6.00am to 7pm Monday to Friday.
- The construction of 2 double storey dwellings. The dwellings are proposed to have access from the application at No.48 Kathryn Road (this application is scheduled for consideration by Council on 29/1/2018).
- One dwelling is proposed to contain 4 bedrooms, and the other dwelling is to contain 3 bedrooms (plus study). Each dwelling comprises of multiple living areas, kitchen, bathrooms general amenities and double car garages.
- Each dwelling will be provided with a crossover to the common property access road. The common driveway is to access the common road at No.48 Kathryn Road.
- Access to the childcare centre is proposed from Kathryn Road via a double crossover, which leads to an internal car parking area containing 22 car parking spaces.
- The 3rd quarter of the land is proposed to be a private nature reserve. No specific details of how this reserve will be managed has been provided, other than that it would be a private reserve primarily for the conservation of habitat, and also for low impact supervised small group environmental education for children of the childcare centre.
- Building coverage is 23%, total hard surface is less than 40%.
- 101 Trees are proposed to be removed. 77 trigger a permit under the ESO2, which is much of the flora and fauna of the site of biological significance. 39 Trees are proposed to remain on the land.

3. Consultation

3.1 Advertising

The application was advertised by way of a sign on the site and notices were sent to adjoining property owners and occupiers. In total 9 objections were received and are summarised below.

Over-development

- The proposal is considered to be an overdevelopment of the site. The scale and bulk of the childcare centre combined with the number of children proposed (100) and vegetation losses due to both the childcare centre building, car parking, and the two dwellings to the rear are all too large for the site constraints and do not comply with the objectives of 'Bush Suburban Areas'. This is further discussed in section 4 of this report.
- The total vegetation loss across the site of biological significance is considered excessive, and does not provide an appropriate balance between the development of the site and protection of native vegetation within a site of biological significance.

Increased traffic

- The development meets the car parking and accessway requirements of Clause 52.06 of the Knox Planning Scheme for off street parking, whilst the application was referred to Council's Traffic Department for comment, with no objection raised.

Environmental / Vegetation losses

- The location of the buildings and hard surface areas requires 77 trees to be removed that trigger a permit under the ESO2.
- Whilst some of the vegetation is proposed to be retained within the private nature reserve (Habitat Zone 1), a large amount of significant vegetation (both ground storey and upper storey) to the east and west of Habitat Zone 1 is proposed to be removed.
- This will detrimentally impact upon this patch of vegetation and what will be left is a small patch of vegetation with very little value in terms of Biological Significance.
- The proposal does not demonstrate reasonable measures to avoid or minimise the loss of native vegetation as per the application requirements of the ESO2 in the Planning Scheme.

There is an existing child care centre located locally

- It is acknowledged that there are nearby child care centre on Kathryn Road (near Ferntree Gully Road)
- Regardless, a child care centre is a "permit required" use in the zone, as such any application for the use should be assessed on its merits, based on the level of compliance with the requirements of the Planning Scheme at the time of assessment. The planning scheme provisions cannot determine the maximum number of any allowable use in any given area. However, it is considered that the scale of the childcare centre is not appropriate for the site. This is further discussed in Section 4 of this report.

3.2 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Landscape: Objection raised;

Councils Arborist objected to the proposal and advised that the proposal does not meet the key objectives of the ESO2 as outlined in the Planning Scheme.

Whilst some of the best vegetation is being retained, some very good vegetation (both ground storey and upper storey) to the east and west of Habitat Zone 1 is proposed to be removed.

This will essentially destroy the ESO2 and what will be left is a small patch of vegetation with very little value in terms of Biological Significance.

The proposal does not demonstrate reasonable measures to avoid or minimise the loss of native vegetation as per the application requirements of the ESO2 in the Planning Scheme.

As it currently stands, this proposed development should be refused in regard to the ESO2 and the failure to meet the objectives outlined in the Planning Scheme.

Stormwater: No objection, subject to conditions which will be included in any planning permit to be issued.

Traffic Engineer: No objection, subject to conditions in any planning permit to be issued.

Assets: No objection, subject to conditions to be included in any planning permit to be issued.

Waste: A Waste Management Plan for the waste collection service is required.

City Futures: City Futures does not generally support removal of vegetation within the ESO2. The Scheme's intent for ESO2 areas is of "protection" and "enhancement" rather than a "balance" by sacrificing some vegetation. Further, concerns have been raised about potential noise impacts from the use.

4. Discussion

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

4.1 Zoning and Overlays

4.1.1 Zone

The site is located within the General Residential Zone – Schedule 5 (GRZ5). A permit is required for the construction of two or more dwellings on a lot. Schedule 5 to the General Residential Zone varies the ResCode requirements for Standard B8 (Site Coverage), Standard B13 (Landscaping), Standard B28 (Private Open Space) and Standard B32 (Front Fence Height).

Pursuant to Clause 32.08-2 of the Knox Planning Scheme, a planning permit is required to change the use of the site to a child care centre. A permit is also required for the construction of two or more dwellings on a lot, and buildings and works associated with a Section 2 Use.

The purpose of the GRZ5 is to encourage development that respects the neighbourhood character of the area; to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport; to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

- The proposal is not consistent with the purpose of the General Residential Zone as the application proposes dwellings at the rear that do not respect the neighbourhood character of the area.
- A child care centre is compatible with residential use as it will serve the local community. However, the design, height, setbacks and appearance of the proposed buildings and works are not compatible with the character of the area and will be dominant from within the streetscape.

- The proposed childcare centre and will operate from 6.30am to 6.30pm Monday to Friday, which will be consistent with the operations of most child care centres in Metropolitan Melbourne., however the centre proposes a maximum number of 100 children, which is considered to be too large in size, and not suitable for the area.
- Landscaping - The site cannot accommodate new canopy trees to meet the minimum landscaping requirements for Standard B13, and there is too much existing canopy tree and understorey loss in the proposal, on a site of biological significance.
- Front Fence Height – No front fence is proposed.
- The childcare centre building is well setback from the frontage, however the setback contains the required 22 car spaces. The minimal landscape buffer separating the road from the carparks is insufficient for meaningful landscaping that supports the existing and preferred character of the area.

4.1.2 Overlays

The site is located within the Environmental Significance Overlay 2 relating to Sites Of Biological Significance.

Under the Decision Guidelines of the overlay, it is required to consider the policy framework and the Statement of Environmental Significance in Schedule 2 of the overlay. The Statement of Environmental Significance states that the areas covered by this overlay include some of the most significant indigenous remnant vegetation in Knox, and that the reason this site's inclusion is that it was identified in 'Sites of Biological Significance in Knox – 2nd Edition'.

- The proposal fails to meet the objectives of the ESO2. The vegetation removal is excessive and the site layout is not sympathetic to vegetation protection. The site contains a highly significant stand of vegetation, and the design response is not sympathetic of this vegetation. Vegetation within the proposed development is subservient to the construction proposed, and the design has failed to properly consider this vegetation. Whilst in isolation, the idea of the private nature reserve seems good, due to the proposed loss of significant vegetation to the east and west of the reserve, the significance of this stand of vegetation within a site of biological significance will be detrimentally reduced and compromised. This is not considered to be a good design response, and is a tokenistic design solution to this important site constraint.

4.2 Policy Consideration: State and Local Planning Policy Framework

State and local 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.

The key themes for the assessment of the application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

4.2.1 Housing

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.

Municipal Strategic Statement: 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. The MSS makes specific reference to the diversifying and aging population in Knox which 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.

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 "Bush Suburban" area, which includes two distinct areas: the Dandenong Foothills and the Sites of Biological Significance; these areas have distinct and significant biological values. Limited and low scale residential development is anticipated in these areas in order to protect the environmental and biological qualities that make these areas distinct.

- The location of the site is identified in the Housing Framework Map to be in within a "Bush Suburban Area" where low-scale residential development that contributes to the green and leafy character of the area is encouraged. The proposed built form in the ground floor, visual impact of the upper floors of the dwellings and lack of meaningful replacement landscaping opportunities across the site are not respectful with the preferred character of the area where the built form should be subservient to the landscape character.
- Whilst some landscaping can be accommodated within the open space of the development, there is minimal opportunity for the planting of replacement canopy trees across the remainder of the site.
- The proposal will not contribute to and enhance the bush suburban character of the area.
- 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 below in Section 4.2.4.

4.2.2 Sustainability and Environment

Clause 12.01-2S Native Vegetation Management: Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017):

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

Clause 21.03 Environmental and Landscape Values: This policy identifies the following relevant key issues:

- Maintaining and strengthening Knox's 'green and leafy' image and its identifiable landscape character, despite development pressures.
- Recognising the importance of retaining canopy trees as the single most important factor in retaining Knox's landscape character and its natural environment.

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 proposed development has not appropriately considered the objective and strategies of Clause 12.01-2S. The development has neither avoided the removal of significant protected vegetation, nor has the impacts of such removal been minimised to a satisfactory level. The chosen design response has not appropriately considered this vegetation, nor the three-step approach to native vegetation management.
- The proposal does not support Council's green leafy image, which is highly valued by the community. An important stand of vegetation is proposed to be removed as a result of the proposal, and the applicant has failed to recognise the importance of retaining this stand of vegetation on the site.
- An amended Sustainable Design Assessment will be required as a condition of any permit issued.

4.2.3 Transport

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

- The site is located approximately 30 metres walking distance from a bus stop on Kathryn Road (route 578). This service provides connectivity to Knox Central Principal Activity Centre.

4.2.4 Urban Design (including Neighbourhood Character)

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.

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).

Clause 22.07 Development in Residential Areas and Neighbourhood Character: Clause 22.07 identifies the subject site within a Bush Suburban area, which have distinctive and significant environmental and biological values.

The proposed development is considered to be inconsistent with the state and local policy direction for urban design and neighbourhood character for the following reasons:

- The proposed built form is not nestled into the landscape. The limited landscaping opportunities cannot minimise the visual impact of the proposed built form or replace the removed vegetation.
- The proposed built form is not consistent with the existing and preferred neighbourhood character.
- The proposed extent of built form will not facilitate vegetation protection across the site that will be consistent with the Bush Suburban area.
- The first floor of each dwelling has been marginally reduced in relation to the ground floor to provide some articulation to the built form of the upper floors of the dwellings. However, the extent of the upper floor elements of the dwellings is substantial and will increase the visual bulk of the development the adjoining sites, especially to the rear.
- The proposal is not considered to contribute to the protection and enhancement of Knox's distinctive environmental and biological values, or have built form that is subservient to the area's landscape dominant character.

- Minimal effort have been put in to retaining existing canopy trees and understorey planting.
- All ground floors have flat roof sections, rather than the preferred pitched, hipped or gabled roof forms.

4.2.5 Non-Residential uses in Residential Areas

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

Clause 17.02-1 Business - To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 22.03 Non-Residential Uses in Residential Areas - It is policy to support local employment opportunities and reduce dependence upon car based travel by encouraging non-residential uses to generally locate in and around activity centres and other commercial precincts. This supports multipurpose trips and the use of public transport to access multiple businesses.

Despite these broader objectives, it is recognised that residential areas require some complementary non-residential uses for the convenience of residents, supporting opportunities for living close to local services and facilities. These uses include medical centres, veterinary centres, display homes, convenience shops, child minding centres, places of assembly and places of worship. Care must be taken in siting and designing these facilities to avoid any negative impact on the residential amenity of an area and to avoid inappropriate development of defacto commercial precincts.

It is policy that (as relevant):

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

“Development is similar in character, scale, setback and height to development in the surrounding neighbourhood.”

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

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

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

The proposed development is considered to be inconsistent with the state and local policy direction for non residential uses within residential areas for the following reasons:

- While it is acknowledged the proposed use will contribute to the economic growth and development of the area by providing for additional community services, the appearance of the site (including hardsurfaces/car parking within the frontage) will be dramatically changed when viewed from the street.
- There is limited space available to provide for meaningful landscaping within the frontage, inconsistent with the residential and streetscape character of the area, on a site within the Bush Suburban area and a site of biological significance.

- It is considered that the limited community benefit resulting from the proposal does not offset the negative impact of the proposal on the surrounding residential amenity.

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 specifies 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.

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:

- Car parking provision: The proposal satisfies the car parking provision as the childcare centre is proposed to contain 22 car spaces, and each dwelling is provided with a double garage
- Car parking design: Although the car parking layout provides adequate ingress / egress, the location in the front setback with limited buffers to the road is not considered appropriate.

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

Neighbourhood Character and Infrastructure

Neighbourhood Character – The development does not comply with Neighbourhood Character, refer above.

Residential Policy – Does not Comply, refer above.

Dwelling Diversity – NA

Integration with the Street – Complies.

Site Layout and Building Massing

Street Setback – Complies.

Building Height – Complies.

Site Cover/Permeability – Complies.

Energy Efficiency – Complies.

Open Space – NA.

Safety – Complies.

Landscaping – Does not Comply. Excessive vegetation losses cannot be covered by new replacement canopy tree plantings.

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, Highlight windows and frosted glass must be used on upper level windows to prevent overlooking.

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 – Does not Comply. Access to the dwellings is proposed via an adjoining site. No permit has been issued for the neighbouring land, and the access way has not been approved.

Site Services – Can comply. Details of letterboxes will be required as permit of any permit to issue.

Front fence – NA.

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.

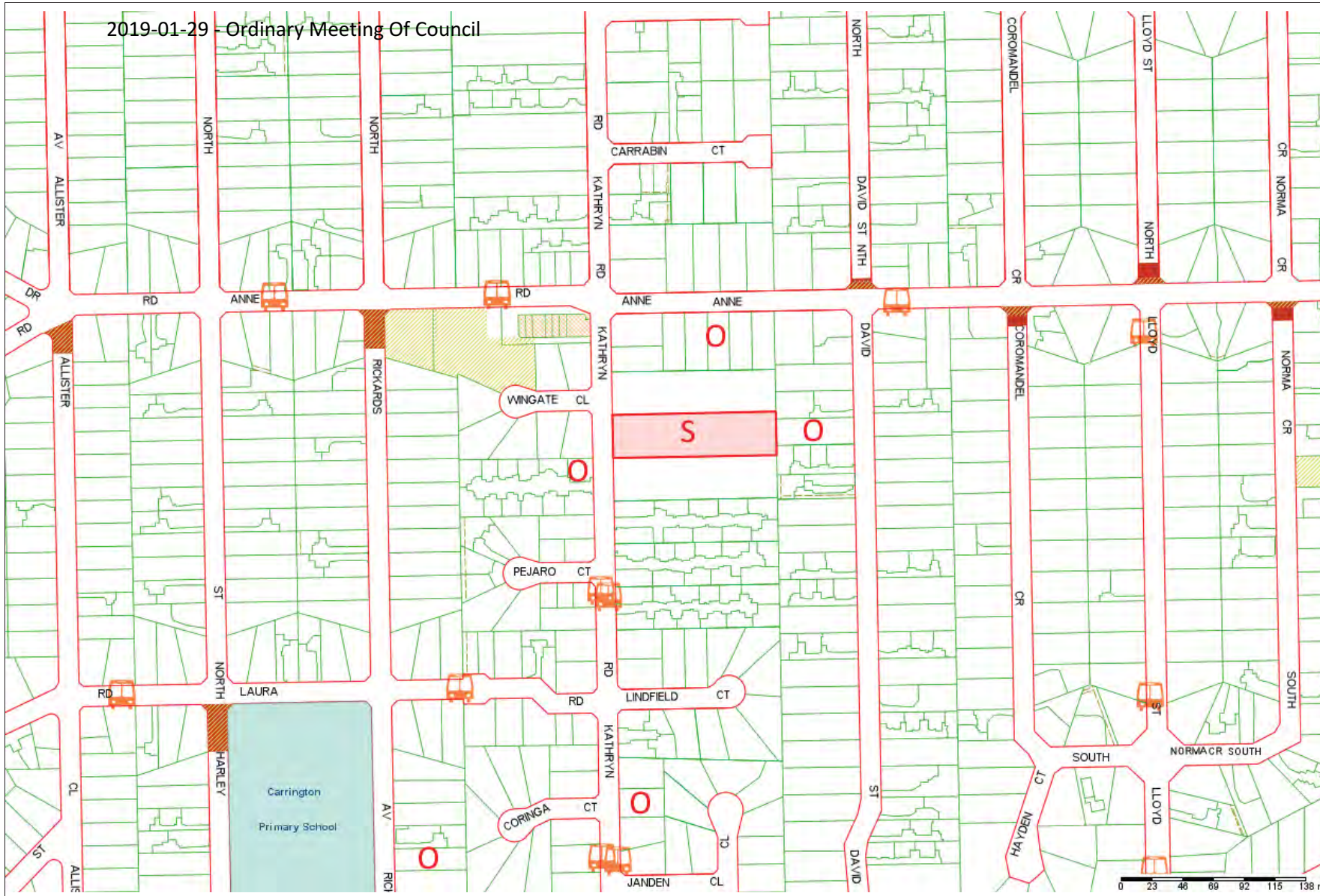
4.6 Other Considerations

The proposed development does not appropriately address the previous VCAT decision in relation to the site. Whilst the proposal is now a change of use/multi-dwelling application, the proposal still does not provide an appropriate balance between the retention of existing remnant vegetation, and increased densities on the site. In addition, the advice from VCAT that the lots should be larger and fewer have not been appropriately addressed in this application, with two dwellings squashed to the rear of the site, and a large commercial childcare centre and car park occupying a large portion of the site. This combined with removal of 77 protected trees from the site does not respond to the issues raised in the VCAT decision.

5. Conclusion

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

- The proposal is considered to be inconsistent with State Planning Policy Framework including Clause 17 (Economic Development) and Clause 17.01-1 (Business) as the use will impact on adjoining residential land use.
- The proposal is considered to be inconsistent with Local Planning Policy Framework (including the Municipal Strategic Statement), particularly in relation to Clause 22.03 'Non-residential uses in residential areas' as the design, scale and appearance of the childcare centre does not appropriately reflect the streetscape and residential character of the area.
- The built form and extent of the first floor built form of the dwellings will be inconsistent with the requirements of Clause 15.01-2S (Building design) and Clause 21.05-2 (Urban Design) of the Knox Planning Scheme as the proposal fails to achieve architectural and urban design outcomes that contribute positively to the preferred neighbourhood character and does not respond positively to the characteristics of the surrounding area.
- The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, and Landscaping.
- The proposal does not comply with the preferred future character, dwelling typology and design objectives of the Bush Suburban Area at Clause 22.07-3 of the Knox Planning Scheme.
- The proposed use will have a detrimental impact on the amenity of adjoining and surrounding residential properties, inconsistent with the purpose and the decision guidelines of the General Residential Zone (Schedule 5).
- The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- The proposed use and development of the site negatively impacts on vegetation with a high biological value and does not meet the objectives of the Environmental significance Overlay – Schedule 2.
- It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.
- This site of biological significance (Site 41) will be so detrimentally impacted by the proposal that this site of biological significance will cease to exist.



Address 52 Kathryn Road,
KNOXFELD

Application Number P/2018/6371

Description The use and development of the land for the purpose of a childcare centre, the construction of two (2) double storey dwellings, and the removal of native vegetation

Ward Friberg

LEGEND:

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

Scale: 1:3000

DISCLAIMER:

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

1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for actions based on this information.
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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.



Address 52 Kathryn Road,
KNOXFIELD

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- Title Boundary
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1 PROPOSED - SITE PLAN
SCALE: 1:200

NOTES:
1. REFER TO ECOLOGICAL AND AIRBORNE ASSESSMENT REPORTS FOR ADDITIONAL INFORMATION.
2. REFER LANDSCAPE PLAN ISSUED BY PERKINS+WILL FOR LANDSCAPING + PERMEABILITY INFORMATION.

LEGEND:
 EXISTING TREES RETAINED
 EXISTING TREES REMOVED

ABBREVIATIONS:
 FBC FINE ROCKER CONNECTION
 GM GALVANIZED
 CWM COLD WATER METER
 SWB SURFACE WATER
 FIP FIBRE INDICATOR PANEL
 FHE FIBRE OPTIC REEL
 EDH ELECTRICAL DISTRIBUTION BOARD
 CDR COMM DATA RACK

Knox City Council
RECEIVED
- 2 JUL 2018
PLANNING DEPARTMENT

TOWN PLANNING SET - 27/04/18

PROJECT: 100 Place Child Care Centre
52 KATHRYN RD, KNOXFIELD
SCALE: A3
DATE: 2017/59
TP.003

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



A PROPOSED - WEST ELEVATION SCALE: 1:100



B PROPOSED - SOUTH ELEVATION SCALE: 1:100

ELEVATION LEGEND

- (BB1)** STACKED BOND BRICKS
PRODUCT: KOVIAL 52 BY AUSTRAL BRICKS OR SIMILAR
COLOUR: CHILBINGHAM WHITE
- (TLB)** PRODUCT: "SHIPLAP" TIMBER LING BOARD CLADDING
LAID: VERTICALLY
SPECIES: SILVERTOP ASH (OR SIMILAR)
SIZE: 110x19mm (TBC)
FINISH: "CUTEX CLEAR" STAINED (TO MANUFACTURERS SPECS) TO BOTH SIDES
NOTE: TIMBER TO BE FSC OR PEFC CERTIFIED
- (MESH)** PERFORATED METAL SHEET/MESH TO PERGOLA, FENCE AND SERVICES AREA ON ROOF
PRODUCT: TEC
MATERIAL: METAL
COLOUR: SILVER OR WHITE
- (TMB)** TIMBER BATTENS
MATERIAL: SILVERTOP ASH (OR SIMILAR)
COLOUR: "CUTEX CLEAR" STAINED (TO MANUFACTURERS SPECS)
NOTE: TIMBER TO BE FSC OR PEFC CERTIFIED

Knox City Council
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- 2 JUL 2018
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TOWN PLANNING SET - 27/04/18

DATE	DESCRIPTION	BY	CHKD

74 of 458

7/522 St Georges Rd, Fitzroy VIC 3048
Ph: (03) 94464956 E: info@poupartdesign.com.au

PROJECT	100 Place Child Care Centre 52 KATHRYN RD, KNOXFIELD	SCALE	AS SHOWN
DATE	2017/59	NO.	TP.006

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



A PROPOSED - EAST ELEVATION
SCALE: 1:100



B PROPOSED - NORTH ELEVATION
SCALE: 1:100

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PLANNING DEPARTMENT

TOWN PLANNING SET - 27/04/18

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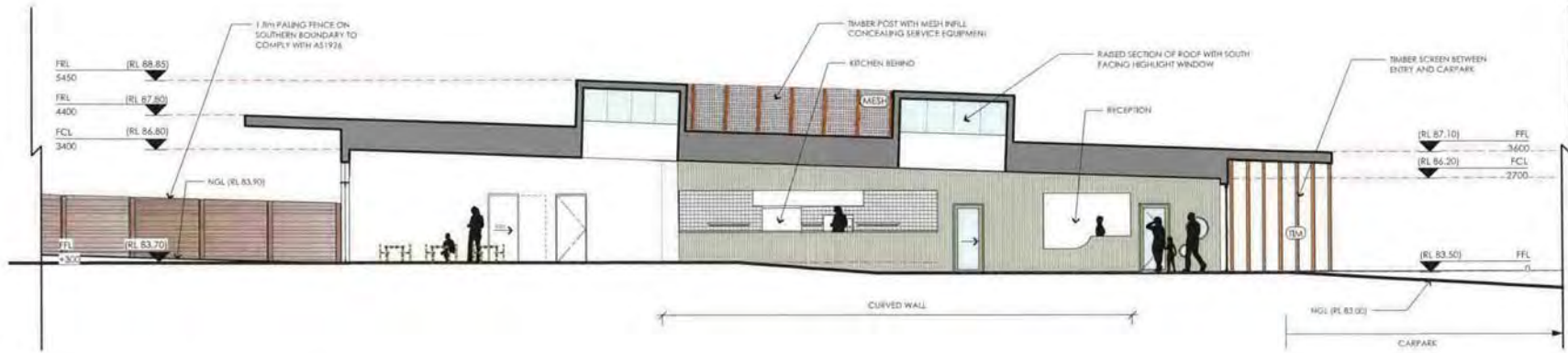
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A PROPOSED - SECTION A:A
SCALE: 1:100

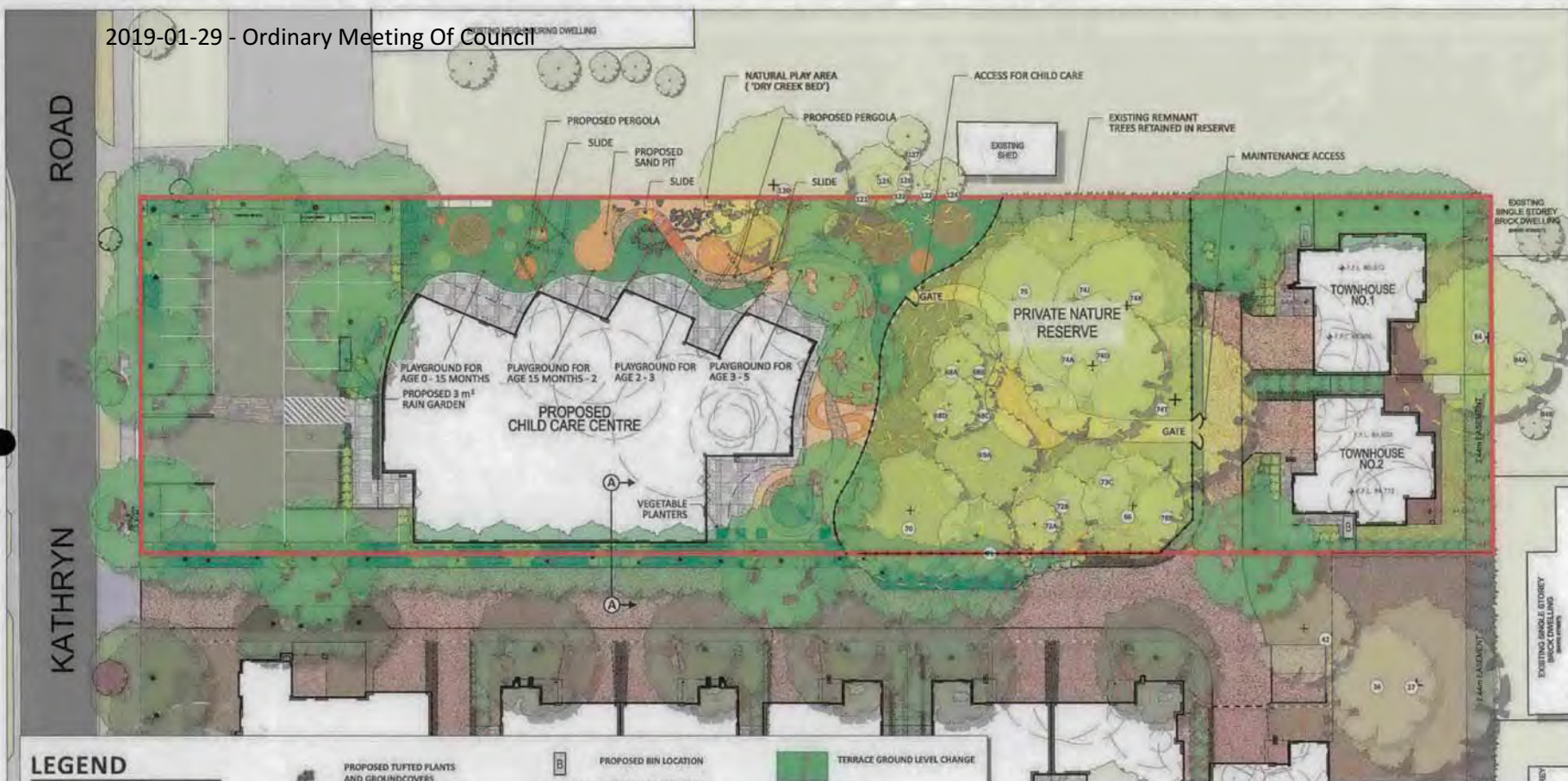


B PROPOSED - 3D REPRESENTATION (NORTH ELEVATION)

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PLANNING DEPARTMENT

TOWN PLANNING SET - 27/04/18

ZEIFF P/L Gardiner Architects 7/23351 DUNDAS ST, FITZROY VIC 3068 PH: (03) 94844992 E: info@gardiner.com.au		SHEET: SECTIONS + 3D REPRESENTATIONS - PROPOSED PROJECT: 100 Place Child Care Centre 52 KATHRYN RD, KNOXFIELD	JOB NO: 201759 DATE: TP.008
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REVISION	DATE	DESCRIPTION
A	28/03/18	FOR REVIEW
B	10/04/18	FOR TOWN PLANNING APPLICATION
C	04/05/18	AMENDMENTS TO TOWN PLANNING APPLICATION

NOT FOR CONSTRUCTION
 TO BE READ IN CONJUNCTION WITH ARCHITECTS / ENGINEERS DRAWINGS AND SPECIFICATIONS, SITE SURVEY AND ARBOREST INFORMATION
DIAL BEFORE YOU DIG
 www.1100.com.au

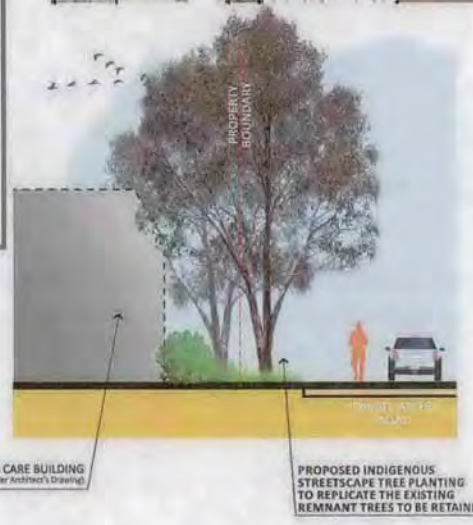
Knox City Council
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LEGEND

<p>EXISTING TREES TO BE RETAINED (Refer Arborist's Report)</p> <p>PROPOSED NATIVE CANOPY TREES (Refer Plant Schedule)</p> <p>PROPOSED DECIDUOUS STREET TREES (Refer Plant Schedule)</p> <p>PROPOSED LARGE SHRUBS (taller than 2.5 metres in height, approximately 2.5m wide. Refer Plant Schedule)</p> <p>PROPOSED MEDIUM SHRUBS (taller than 2 metres in height, approximately 1.2m wide Refer Plant Schedule)</p> <p>PROPOSED SMALL SHRUBS (Approximately 0.2m to 2 metres in height. Refer Plant Schedule)</p>	<p>PROPOSED TUFTED PLANTS AND GROUNDCOVERS (Approximately 0.3-1.5 metres in height. Refer Site Servce)</p> <p>EXISTING TREES TO BE REMOVED</p> <p>TREE PROTECTION ZONE (TPZ) (Refer Arborist's Report and Development Plan)</p> <p>PROPOSED PERMEABLE VEHICULAR PAVEMENT</p> <p>PROPOSED COURTYARD PAVEMENT</p> <p>PROPOSED PERMEABLE PEDESTRIAN PAVEMENT</p>	<p>PROPOSED BIN LOCATION</p> <p>INTERNAL LOT PATHWAYS (Permeable material, indicative, shown dashed)</p> <p>TITLE BOUNDARY (Refer Development and Site Survey)</p> <p>PROPOSED LOT BOUNDARIES (Refer Development Plan and the Survey)</p> <p>PROPOSED ARTIFICIAL LAWN</p> <p>PROPOSED UNIT PAVEMENT</p> <p>PROPOSED CARPARK (Refer Development Plan)</p>	<p>TERRACE GROUND LEVEL CHANGE</p> <p>PROPOSED SLIDE</p> <p>PROPOSED SOFTFALL</p> <p>PROPOSED GRANITIC PATH IN CONSERVATION RESERVE</p> <p>PROPOSED STEEL PICKET FENCE</p>
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PLANT SCHEDULE

SYMBOL	BOTANICAL NAME	COMMON NAME	MATURE HEIGHT	MATURE SPREAD	INSTALLATION POT SIZE
TREES					
AM	<i>Acacia melanocoryna</i>	Blackwood	10-18m	6-8m	45 litre
EC	<i>Eucalyptus stipularis</i>	Mealy Sycamore	8-20m	5-15m	45 litre
EM	<i>Eucalyptus melliodora</i>	Yellow Box	15-25m	10-15m	45 litre
EB	<i>Eucalyptus radialis</i>	Narrow-leaved Paperbark	10-30m	10-20m	45 litre
PC	<i>Phytolacca integrifolia</i>	Cherry Plum	8m	4m	45 litre
LARGE SHRUBS					
AP	<i>Arctostaphylos</i>	Hedge Wattle	2-4m	2-5m	250mm pot
AV	<i>Acacia verticillata</i>	Spiky Mimosa	2.5-4m	2.5-3m	250mm pot
KE	<i>Leptosiphon</i>	Burgan	2-4m	2-4m	250mm pot
OL	<i>Oleandra</i>	Native Daisy-bush	2-4m	2-5m	250mm pot
MEDIUM SHRUBS					
CA	<i>Cassia aculeata</i>	Common Cassia	2-4m	3-2m	140mm pot
DL	<i>Dawsonia leucophylla</i>	Rug Mistle Pine	2-4m	3-2m	140mm pot
AL	<i>Allocasuarina australis</i>	Australian Hedge	2-3.5m	3-2m	140mm pot
LC	<i>Leptosiphon cuneifolius</i>	Picky Tea Tree	2-4m	3-2m	140mm pot
SMALL SHRUBS					
AS	<i>Agrostis</i>	Wattle	1-2m	0.5-1m	140mm pot
BS	<i>Banksia</i>	Wattle	0.5-1m	0.5-1m	140mm pot
CA	<i>Calluna</i>	Wattle	1-2m	0.5-1m	140mm pot
CD	<i>Calluna</i>	Wattle	1-2m	0.5-1m	140mm pot
GO	<i>Gonolobus</i>	Wattle	1-2m	0.5-1m	140mm pot
OR	<i>Olea</i>	Wattle	1-2m	0.5-1m	140mm pot
PH	<i>Phytolacca</i>	Wattle	1-2m	0.5-1m	140mm pot
VE	<i>Veronica</i>	Wattle	1-2m	0.5-1m	140mm pot
TUFTED PLANTS AND GROUNDCOVERS					
AB	<i>Agrostis</i>	Wattle	0.5-1.0m	0.3-1m	140mm pot
CAP	<i>Chrysanthemum</i>	Wattle	0.5m	0.5-1m	140mm pot
DA	<i>Dianthus</i>	Wattle	0.3-0.8m	0.3-0.5m	140mm pot
DT	<i>Dianthus</i>	Wattle	0.6-1m	0.5-1m	140mm pot
HA	<i>Hieracium</i>	Wattle	0.5-1.0m	1-2m	140mm pot
LP	<i>Lamium</i>	Wattle	0.3-0.8m	0.3-0.8m	140mm pot
LL	<i>Lamium</i>	Wattle	0.8-1.5m	1-1.2m	140mm pot
MS	<i>Mitella</i>	Wattle	0.2m	Spreading	200mm pot
MP	<i>Myrsine</i>	Wattle	0.2m	1-1.2m	200mm pot
PL	<i>Poa</i>	Wattle	0.5-1m	0.5-1m	200mm pot
PM	<i>Poa</i>	Wattle	0.3-0.8m	0.3-0.8m	200mm pot
TT	<i>Thymus</i>	Wattle	0.3-0.8m	0.3-0.8m	140mm pot



CLIENT: ZEIFF PTY LTD

PROJECT: 52 KATHRYN ROAD, KNOXFIELD

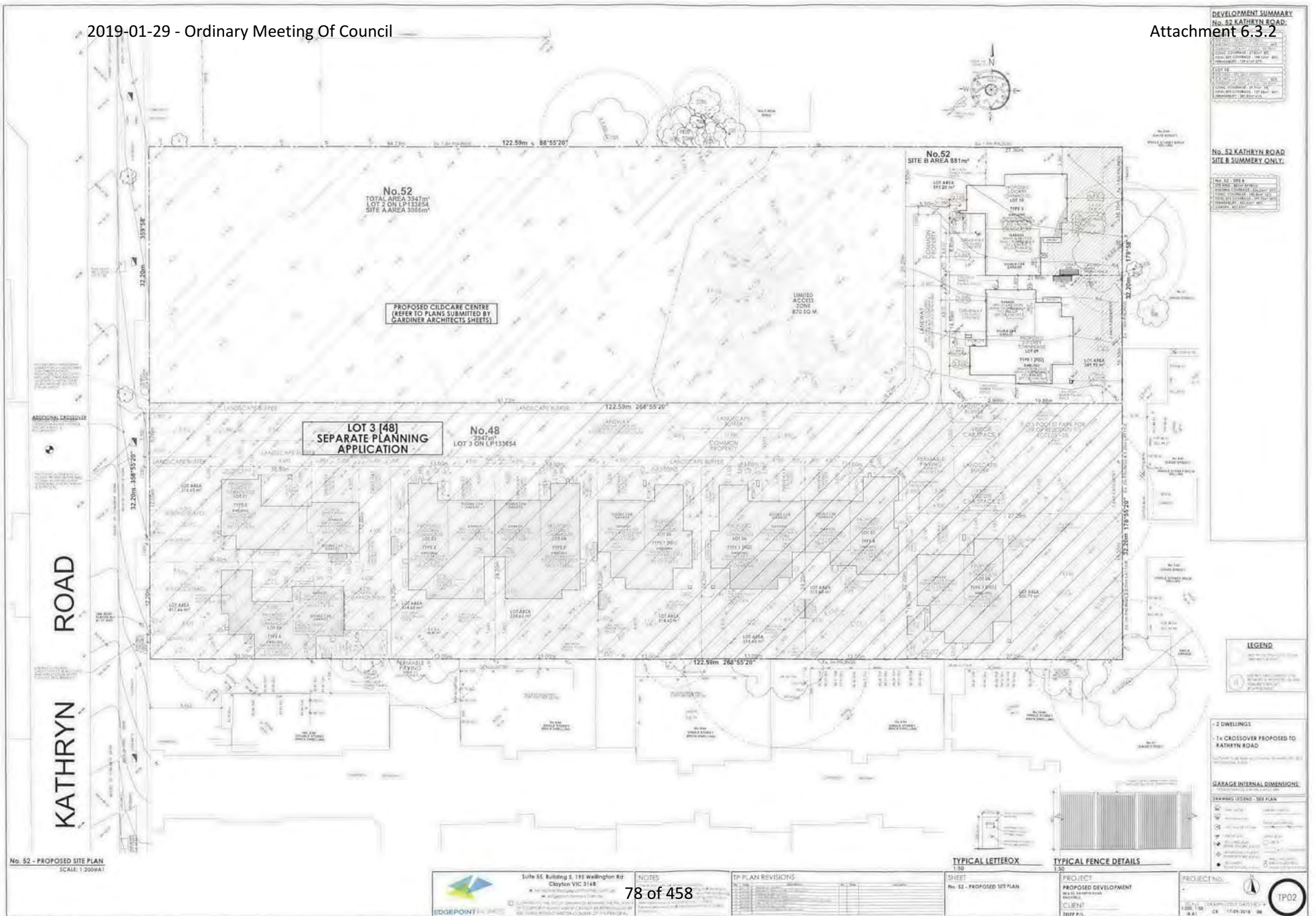
TITLE: LANDSCAPE CONCEPT PLAN

DRAWN BY: ZZ
 CHECKED BY: BP
 JOB NO: KNOXFIELD

DRAWING NO: LSK001
 REVISION NO: C
 DATE: 01/05/18

SCALE: 1:200 at A1
 1:400 at A3
 0 1 2 3 4 5 6 7 8 9 10M

LANDSCAPE ARCHITECT
PAPWORTH DAVIES
 PAPWORTH DAVIES PTY LTD
 180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000/1002/1004/1006/1008/1010/1012/1014/1016/1018/1020/1022/1024/1026/1028/1030/1032/1034/1036/1038/1040/1042/1044/1046/1048/1050/1052/1054/1056/1058/1060/1062/1064/1066/1068/1070/1072/1074/1076/1078/1080/1082/1084/1086/1088/1090/1092/1094/1096/1098/1100/1102/1104/1106/1108/1110/1112/1114/1116/1118/1120/1122/1124/1126/1128/1130/1132/1134/1136/1138/1140/1142/1144/1146/1148/1150/1152/1154/1156/1158/1160/1162/1164/1166/1168/1170/1172/1174/1176/1178/1180/1182/1184/1186/1188/1190/1192/1194/1196/1198/1200/1202/1204/1206/1208/1210/1212/1214/1216/1218/1220/1222/1224/1226/1228/1230/1232/1234/1236/1238/1240/1242/1244/1246/1248/1250/1252/1254/1256/1258/1260/1262/1264/1266/1268/1270/1272/1274/1276/1278/1280/1282/1284/1286/1288/1290/1292/1294/1296/1298/1300/1302/1304/1306/1308/1310/1312/1314/1316/1318/1320/1322/1324/1326/1328/1330/1332/1334/1336/1338/1340/1342/1344/1346/1348/1350/1352/1354/1356/1358/1360/1362/1364/1366/1368/1370/1372/1374/1376/1378/1380/1382/1384/1386/1388/1390/1392/1394/1396/1398/1400/1402/1404/1406/1408/1410/1412/1414/1416/1418/1420/1422/1424/1426/1428/1430/1432/1434/1436/1438/1440/1442/1444/1446/1448/1450/1452/1454/1456/1458/1460/1462/1464/1466/1468/1470/1472/1474/1476/1478/1480/1482/1484/1486/1488/1490/1492/1494/1496/1498/1500/1502/1504/1506/1508/1510/1512/1514/1516/1518/1520/1522/1524/1526/1528/1530/1532/1534/1536/1538/1540/1542/1544/1546/1548/1550/1552/1554/1556/1558/1560/1562/1564/1566/1568/1570/1572/1574/1576/1578/1580/1582/1584/1586/1588/1590/1592/1594/1596/1598/1600/1602/1604/1606/1608/1610/1612/1614/1616/1618/1620/1622/1624/1626/1628/1630/1632/1634/1636/1638/1640/1642/1644/1646/1648/1650/1652/1654/1656/1658/1660/1662/1664/1666/1668/1670/1672/1674/1676/1678/1680/1682/1684/1686/1688/1690/1692/1694/1696/1698/1700/1702/1704/1706/1708/1710/1712/1714/1716/1718/1720/1722/1724/1726/1728/1730/1732/1734/1736/1738/1740/1742/1744/1746/1748/1750/1752/1754/1756/1758/1760/1762/1764/1766/1768/1770/1772/1774/1776/1778/1780/1782/1784/1786/1788/1790/1792/1794/1796/1798/1800/1802/1804/1806/1808/1810/1812/1814/1816/1818/1820/1822/1824/1826/1828/1830/1832/1834/1836/1838/1840/1842/1844/1846/1848/1850/1852/1854/1856/1858/1860/1862/1864/1866/1868/1870/1872/1874/1876/1878/1880/1882/1884/1886/1888/1890/1892/1894/1896/1898/1900/1902/1904/1906/1908/1910/1912/1914/1916/1918/1920/1922/1924/1926/1928/1930/1932/1934/1936/1938/1940/1942/1944/1946/1948/1950/1952/1954/1956/1958/1960/1962/1964/1966/1968/1970/1972/1974/1976/1978/1980/1982/1984/1986/1988/1990/1992/1994/1996/1998/2000/2002/2004/2006/2008/2010/2012/2014/2016/2018/2020/2022/2024/2026/2028/2030/2032/2034/2036/2038/2040/2042/2044/2046/2048/2050/2052/2054/2056/2058/2060/2062/2064/2066/2068/2070/2072/2074/2076/2078/2080/2082/2084/2086/2088/2090/2092/2094/2096/2098/2100/2102/2104/2106/2108/2110/2112/2114/2116/2118/2120/2122/2124/2126/2128/2130/2132/2134/2136/2138/2140/2142/2144/2146/2148/2150/2152/2154/2156/2158/2160/2162/2164/2166/2168/2170/2172/2174/2176/2178/2180/2182/2184/2186/2188/2190/2192/2194/2196/2198/2200/2202/2204/2206/2208/2210/2212/2214/2216/2218/2220/2222/2224/2226/2228/2230/2232/2234/2236/2238/2240/2242/2244/2246/2248/2250/2252/2254/2256/2258/2260/2262/2264/2266/2268/2270/2272/2274/2276/2278/2280/2282/2284/2286/2288/2290/2292/2294/2296/2298/2300/2302/2304/2306/2308/2310/2312/2314/2316/2318/2320/2322/2324/2326/2328/2330/2332/2334/2336/2338/2340/2342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DEVELOPMENT SUMMARY
No. 52 KATHRYN ROAD
SITE B SUMMARY ONLY.

LOT 10	100.00m ²
LOT 9	100.00m ²
LOT 8	100.00m ²
LOT 7	100.00m ²
LOT 6	100.00m ²
LOT 5	100.00m ²
LOT 4	100.00m ²
LOT 3	100.00m ²
LOT 2	100.00m ²
LOT 1	100.00m ²

No. 52 KATHRYN ROAD
SITE B SUMMARY ONLY.

LOT 10	100.00m ²
LOT 9	100.00m ²
LOT 8	100.00m ²
LOT 7	100.00m ²
LOT 6	100.00m ²
LOT 5	100.00m ²
LOT 4	100.00m ²
LOT 3	100.00m ²
LOT 2	100.00m ²
LOT 1	100.00m ²

No. 52 - PROPOSED SITE PLAN
SCALE: 1:2000A1

EDGEPOINT
 Suite 55, Building 5, 115 Wellington Rd
 Clayton VIC 3148
 Tel: 03 9594 1111
 Email: info@edgepoint.com.au

NOTES
 78 of 458

TP PLAN REVISIONS

No.	Description	Date
1	Issue for Council	17/08/2018

TYPICAL LETTERBOX
 1:50

TYPICAL FENCE DETAILS
 1:50

PROJECT
 PROPOSED DEVELOPMENT
 452-52 KATHRYN ROAD
 (BENTLEY)

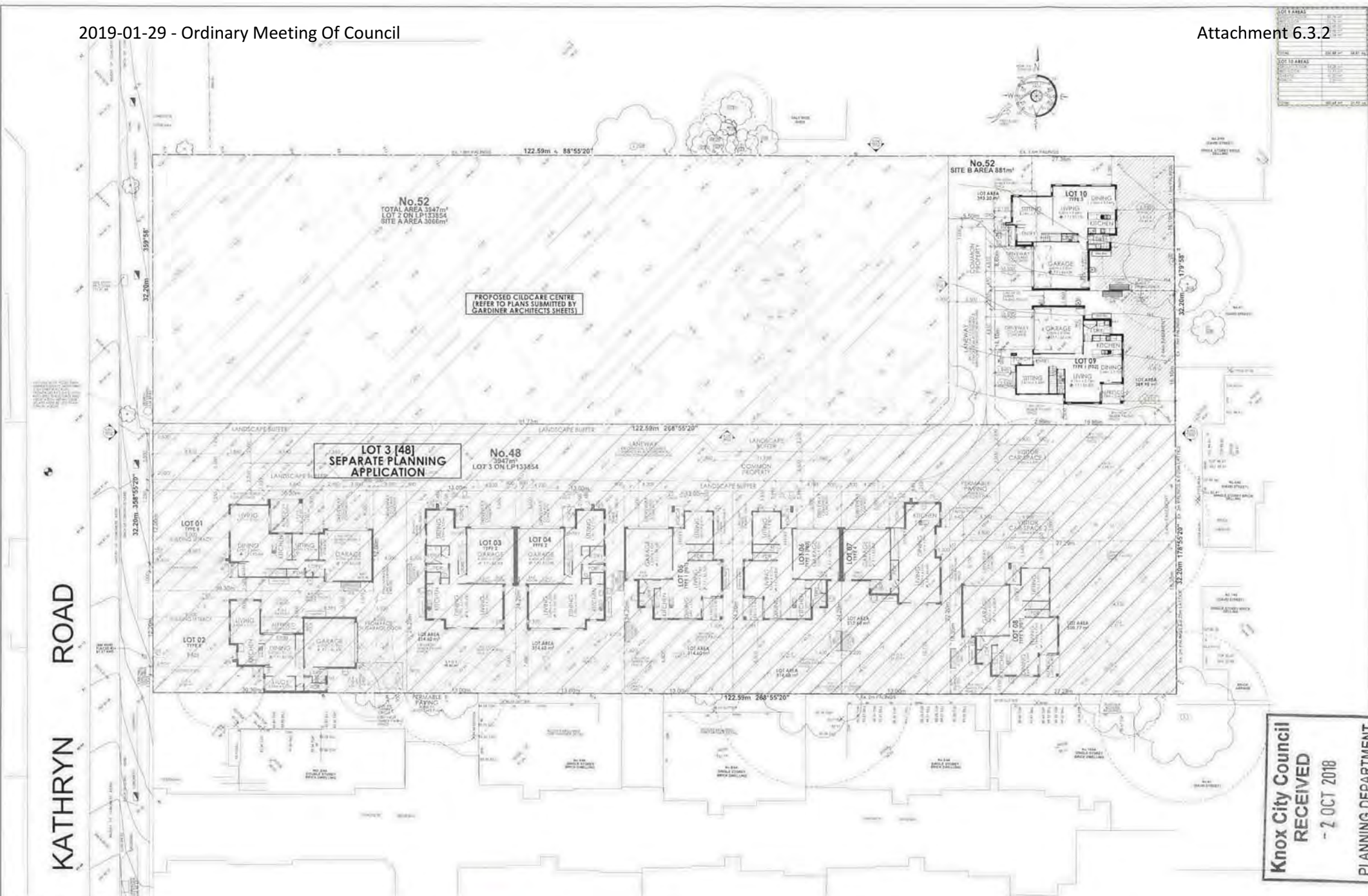
CLIENT
 TRIPP P/L

PROJECT NO.
 1206_130
 01 17/08/2018 08

TP02

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

LOT 1 AREAS	
LOT 1	100.00m x 100.00m
LOT 2	100.00m x 100.00m
LOT 3	100.00m x 100.00m
LOT 4	100.00m x 100.00m
LOT 5	100.00m x 100.00m
LOT 6	100.00m x 100.00m
LOT 7	100.00m x 100.00m
LOT 8	100.00m x 100.00m
LOT 9	100.00m x 100.00m
LOT 10	100.00m x 100.00m
LOT 11	100.00m x 100.00m
LOT 12	100.00m x 100.00m
LOT 13	100.00m x 100.00m
LOT 14	100.00m x 100.00m
LOT 15	100.00m x 100.00m
LOT 16	100.00m x 100.00m
LOT 17	100.00m x 100.00m
LOT 18	100.00m x 100.00m
LOT 19	100.00m x 100.00m
LOT 20	100.00m x 100.00m



KATHRYN ROAD

LOT 3 [48] SEPARATE PLANNING APPLICATION

PROPOSED CHILDCARE CENTRE (REFER TO PLANS SUBMITTED BY GARDINER ARCHITECTS SHEETS)

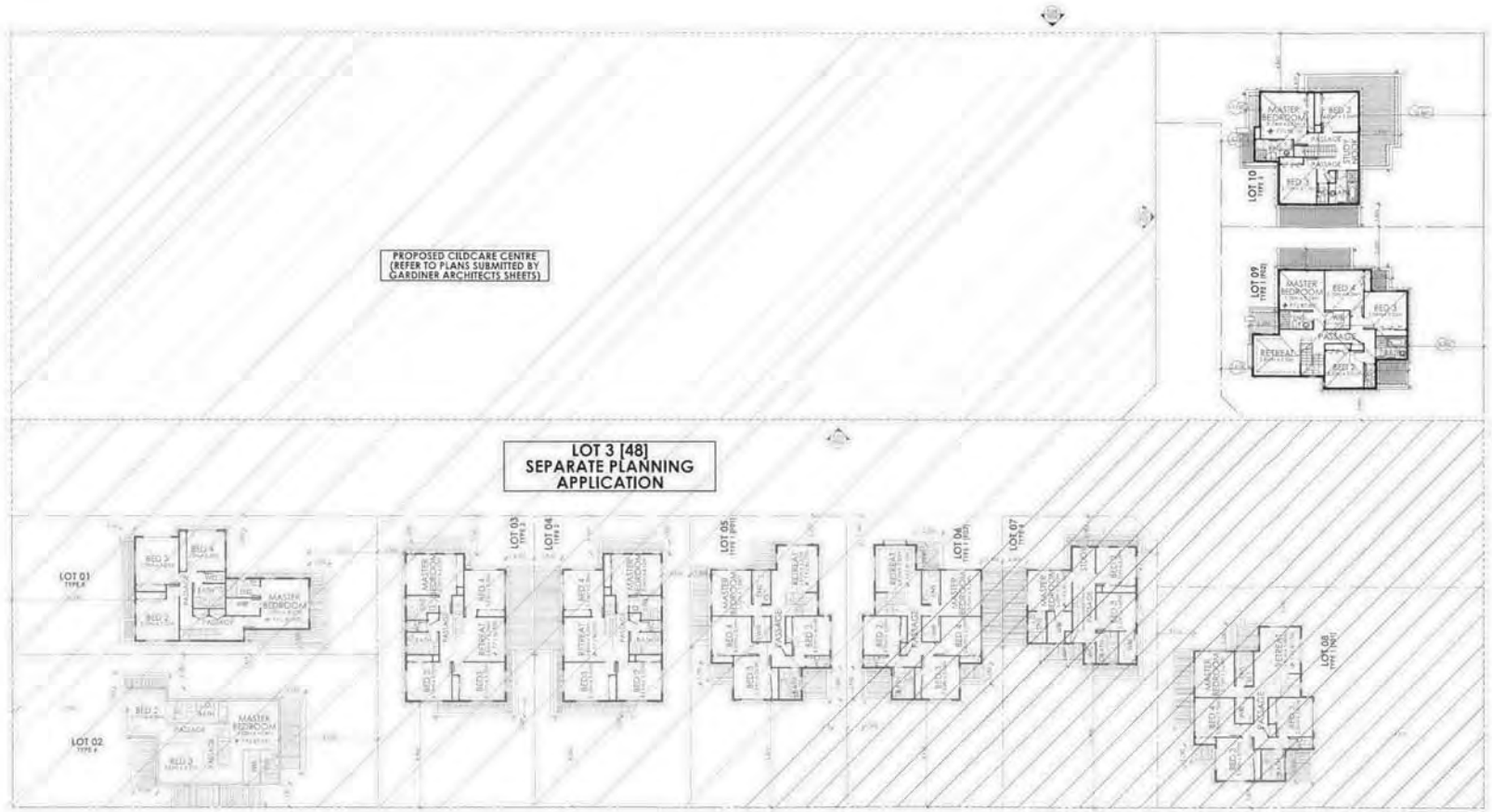
Knox City Council RECEIVED - 2 OCT 2018 PLANNING DEPARTMENT

No. 52 - GROUND FLOOR PLAN SCALE: 1:200@A1

<p>Suite 55, Building 5, 115 Wellington Rd Clayton VIC 3148 www.edgepointhomes.com.au www.edgepointhomes.com.au</p>	<p>NOTES</p> <p>79 of 458</p>	<p>TP PLAN REVISIONS</p> <table border="1"> <tr><th>No.</th><th>Description</th><th>Date</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	No.	Description	Date				<p>SHEET</p> <p>No. 52 - GROUND FLOOR PLAN</p>	<p>PROJECT</p> <p>PROPOSED DEVELOPMENT</p> <p>CLIENT</p> <p>DATE</p>	<p>PROJECT NO.</p> <p>1:200@A1</p> <p>17-01-2018</p>	<p>IP03</p>
			No.	Description	Date							

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

LOT 9 AREA			
LOT 10 AREA			
LOT 11 AREA			
LOT 12 AREA			
LOT 13 AREA			
LOT 14 AREA			
LOT 15 AREA			
LOT 16 AREA			
LOT 17 AREA			
LOT 18 AREA			
LOT 19 AREA			
LOT 20 AREA			
LOT 21 AREA			
LOT 22 AREA			
LOT 23 AREA			
LOT 24 AREA			
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LOT 29 AREA			
LOT 30 AREA			
LOT 31 AREA			
LOT 32 AREA			
LOT 33 AREA			
LOT 34 AREA			
LOT 35 AREA			
LOT 36 AREA			
LOT 37 AREA			
LOT 38 AREA			
LOT 39 AREA			
LOT 40 AREA			
LOT 41 AREA			
LOT 42 AREA			
LOT 43 AREA			
LOT 44 AREA			
LOT 45 AREA			
LOT 46 AREA			
LOT 47 AREA			
LOT 48 AREA			
LOT 49 AREA			
LOT 50 AREA			



No. 52 - FIRST FLOOR PLAN
SCALE: 1:200(8A1)

<p>Suite 55, Building 5, 193 Wellington Rd Clayton VIC 3148</p> <p>80 of 458</p>	<p>NOTES</p>	<p>TP PLAN REVISIONS</p>	<p>SHEET</p> <p>No. 52 - FIRST FLOOR PLAN</p>	<p>PROJECT</p> <p>PROPOSED DEVELOPMENT</p> <p>44-52 KATHRYN ROAD</p> <p>PRELIM</p> <p>CLIENT</p> <p>EDGEPT P/L</p>	<p>PROJECT NO.</p> <p>1300-0-01 CK 17-01-2018 04</p>	<p>TP04</p>

52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2

PROPOSED CHILDCARE
REFER TO PLANS SUBMITTED BY GARDINER ARCHITECTS



No. 52 - NORTH ELEVATION
N/01 SCALE: 1:100(RA1)
VIEW FROM LANEWAY



No. 52 - SOUTH ELEVATION
S/02 SCALE: 1:100(RA1)
VIEW FROM LANEWAY



PROPOSED CHILDCARE
REFER TO PLANS SUBMITTED BY GARDINER ARCHITECTS

No. 52 - WEST ELEVATION
W/04 SCALE: 1:100(RA1)



No. 52 - EAST ELEVATION
E/03 SCALE: 1:100(RA1)

MATERIAL / FINISH SCHEDULE

BRICKWORK AND OTHER MATERIALS TO BE SUPPLIED BY THE CONTRACTOR TO BE APPROVED BY THE ARCHITECT.

THE CONTRACTOR IS TO REFER TO THE SCHEDULE FOR THE MATERIALS TO BE USED.

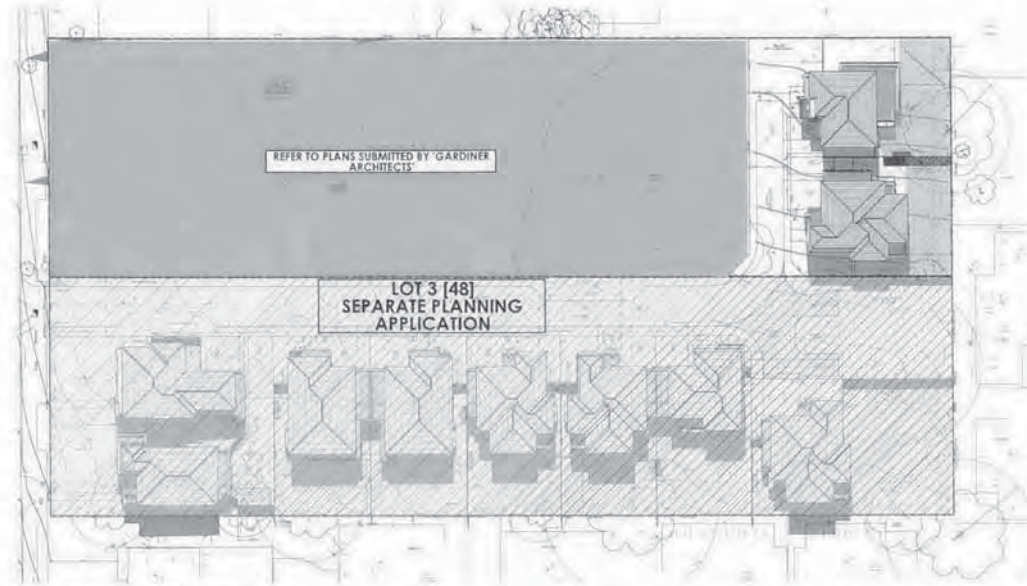
MATERIALS AND COLOUR SCHEDULE

BRICKWORK Hardwearing Weather Resistant Colour: Red	CONCRETE Smooth Colour: Grey	CONCRETE Textured Colour: Grey
CONCRETE Smooth Colour: Grey	CONCRETE Textured Colour: Grey	CONCRETE Textured Colour: Grey
CONCRETE Smooth Colour: Grey	CONCRETE Textured Colour: Grey	CONCRETE Textured Colour: Grey
CONCRETE Smooth Colour: Grey	CONCRETE Textured Colour: Grey	CONCRETE Textured Colour: Grey

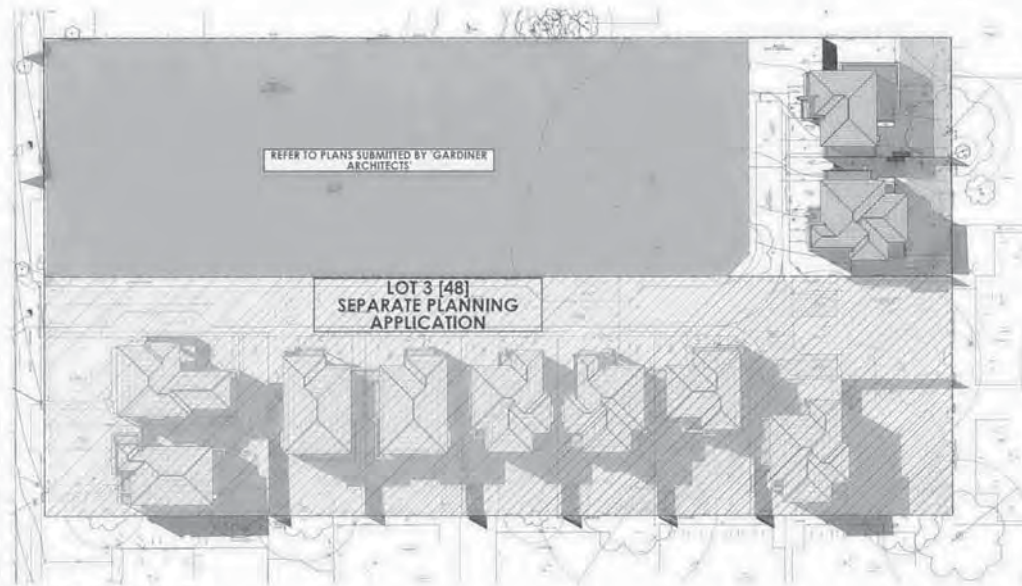
<p>Suite 55, Building 5, 195 Wellington Rd Clayton VIC 3168 www.edgepointhomes.com.au</p>	<p>NOTES</p> <p>1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND ALL APPLICABLE STANDARDS.</p> <p>2. THE CONTRACTOR IS TO REFER TO THE SCHEDULE FOR THE MATERIALS TO BE USED.</p> <p>3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS 2011 AND ALL APPLICABLE STANDARDS.</p>	<p>TP PLAN REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Date</th> <th>Description</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Date	Description				<p>SHEET</p> <p>No. 52 - ELEVATIONS</p>	<p>PROJECT</p> <p>PROPOSED DEVELOPMENT 52 & 54 KATHRYN ROAD KNOXFIELD</p> <p>CLIENT</p> <p>TEBF P/L</p>	<p>PROJECT No.</p> <p>1908-01-01</p> <p>SCALE</p> <p>1:100 (RA1) CA 17-03-2018 02</p>	
			No.	Date	Description							
<p>81 of 458</p>	<p> </p>	<p> </p>	<p> </p>	<p> </p>	<p> </p>							



No. 52 - 9:00am SHADOW DIAGRAM
SCALE: 1:350@A1



No. 52 - 12:00 NOON SHADOW DIAGRAM
SCALE: 1:350@A1



No. 52 - 3:00pm SHADOW DIAGRAM
SCALE: 1:350@A1

Knox City Council
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 - 2 OCT 2018
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No.	Description	Date									



TYPE 1 - GROUND FLOOR PLAN

FACADE 02 SCALE: 1:100@A3
LOTS 6 & 9

Knox City Council
RECEIVED
 - 2 OCT 2018
 PLANNING DEPARTMENT

TYPE 1 [F02] AREAS	
GROUND FLOOR:	90.79 m ²
FIRST FLOOR:	101.29 m ²
GARAGE:	36.68 m ²
PORCH:	4.88 m ²
ALFRESCO:	6.34 m ²
TOTAL:	230.48 m ² 24.81 sq



52 KATHRYN ROAD KNOXFIELD ATTACHMENT 2



TYPE 1 - FIRST FLOOR PLAN
 FACADE 02 SCALE: 1:100@A3
 LOTS 6 & 9

TYPE 1 [F02] AREAS	
GROUND FLOOR:	80.79 m ²
FIRST FLOOR:	101.79 m ²
GARAGE:	36.68 m ²
PORCH:	4.88 m ²
ALFRESCO:	6.34 m ²
TOTAL:	230.48 m ² 24.81 sq





TYPE 1
FRONT ELEVATION SCALE: 1:100@A3
FACADE 02



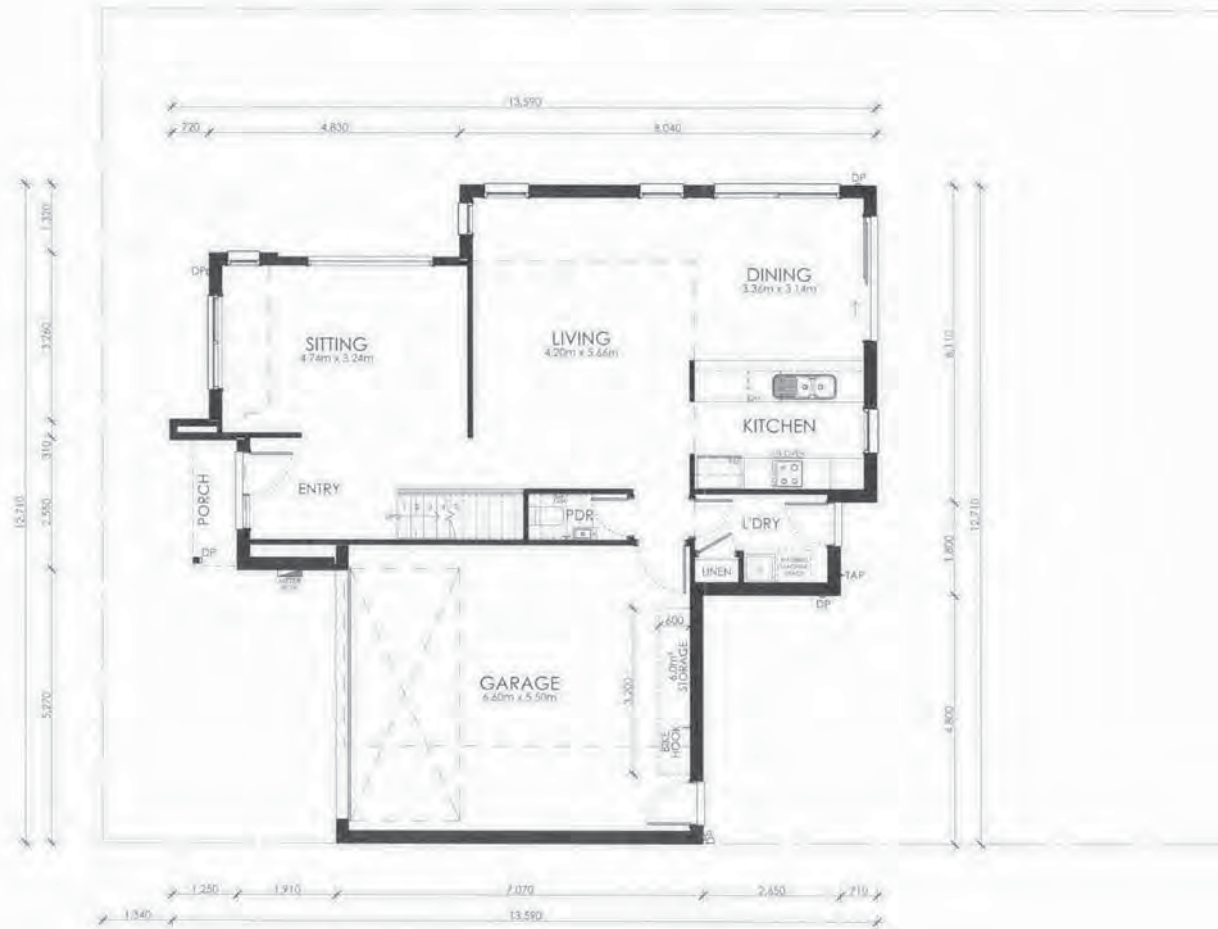
TYPE 1
RIGHT H ELEVATION SCALE: 1:100@A3
FACADE 02



TYPE 1
REAR ELEVATION SCALE: 1:100@A3
FACADE 02



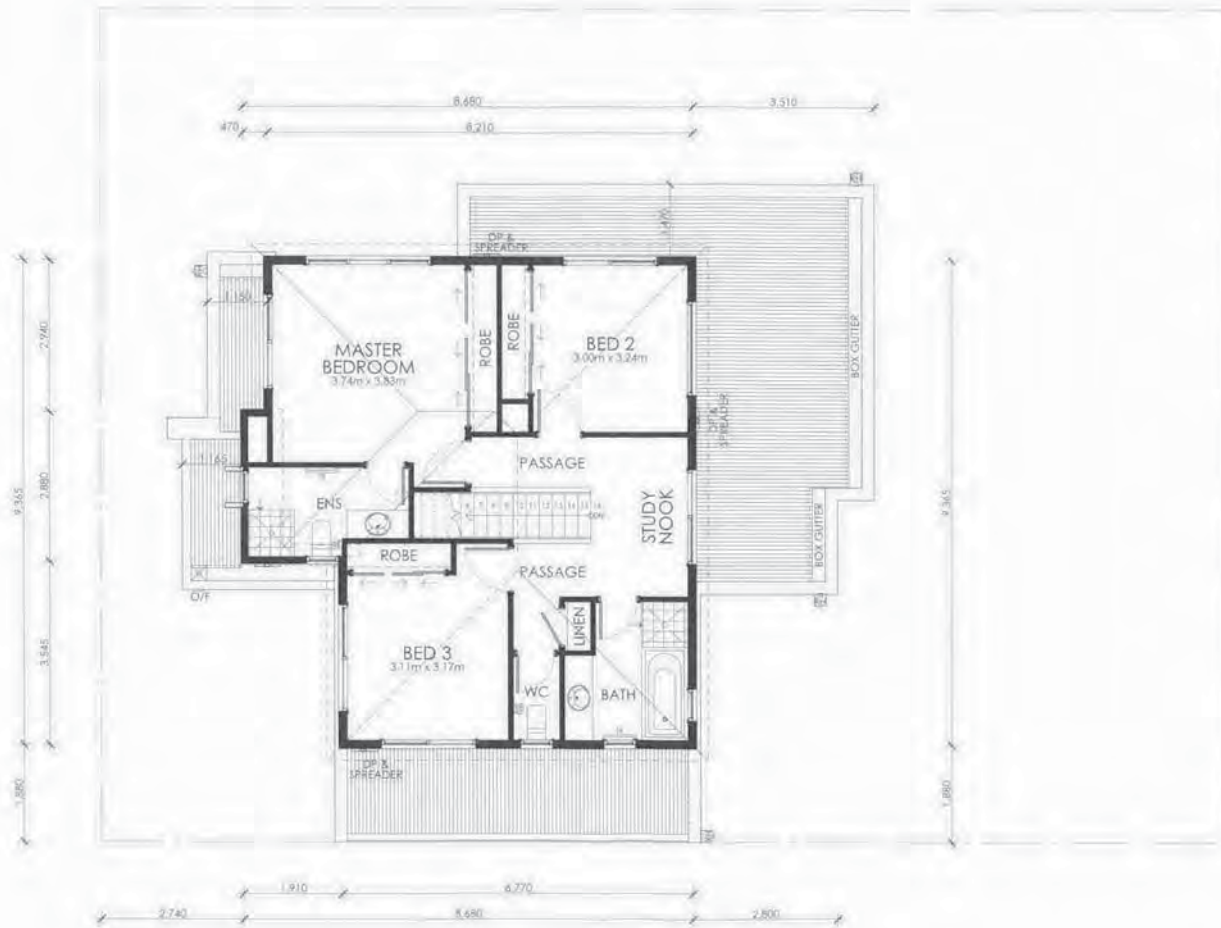
TYPE 1
LEFT ELEVATION SCALE: 1:100@A3
FACADE 02



TYPE 3 - GROUND FLOOR PLAN
 LOT 10 SCALE: 1:100@A3

Knox City Council
RECEIVED
 - 2 OCT 2018
 PLANNING DEPARTMENT

TYPE 3 AREAS	
GROUND FLOOR:	84.06 m ²
FIRST FLOOR:	75.73 m ²
GARAGE:	41.20 m ²
PORCH:	2.29 m ²
TOTAL:	203.68 m ² 21.92 t _q



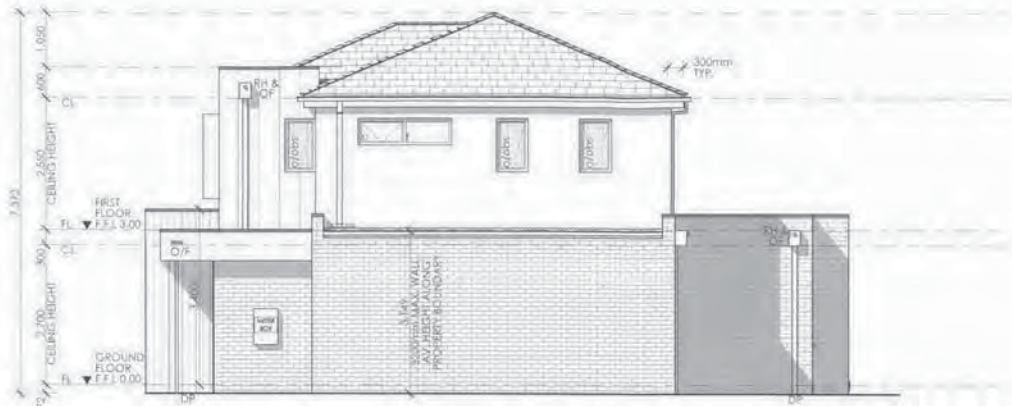
TYPE 3 - FIRST FLOOR PLAN
 LOT 10 SCALE: 1:100@A3

TYPE 3 AREAS	
GROUND FLOOR:	84.08 m ²
FIRST FLOOR:	75.73 m ²
GARAGE:	41.20 m ²
PORCH:	2.29 m ²
TOTAL:	203.68 m ² 21.92 sq





TYPE 3
FRONT ELEVATION SCALE: 1:100@A3



TYPE 3
RIGHT ELEVATION SCALE: 1:100@A3



TYPE 3
REAR ELEVATION SCALE: 1:100@A3



TYPE 3
LEFT ELEVATION SCALE: 1:100@A3



6.4 1-13 Erica Avenue, Boronia

SUMMARY: Coordinator Planning, Greg Kent

Planning Application P/2016/6175/A to amend the current permit description and endorsed plans for Planning Permit P/2016/6175; to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops at 1-13 Erica Avenue, Boronia.

RECOMMENDATION (SUMMARY)

That Council issue a Notice of Decision to Refuse to Grant an Amended Planning Permit to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops, subject to the refusal grounds outlined in full recommendation in section 10 below.

1. INTRODUCTION

Planning Permit P/2016/6175 was issued on 8 May 2017 for a supermarket, one shop, signage and reduction of car parking requirements. This was approved as part of a combined planning scheme amendment (C145) to rezone 1-23 Erica Avenue, Boronia from a Commercial 2 Zone to a Commercial 1 Zone.

An amended permit and plans application has been lodged with Council. The proposal seeks to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops, in addition to the supermarket and business identification signage previously approved.

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

Whilst the development is considered to be satisfactory in most regards, the proposed development is not of outstanding architecture which would justify the development exceeding the suggested 4 storey/14 metre height limit within the Design and Development Overlay – Schedule 7 (DDO7) by 1 storey. Therefore, it is recommended that the proposed amendment be refused.

2. DISCUSSION

The proposed development is considered to inconsistent with the State and Local policy direction for urban design, scale and built form of development within the Boronia Major Activity Centre for the following reasons:

- The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.
- The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.

On balance it is considered that the proposal does not respond appropriately to State and Local Planning Policies, including the Design and Development Overlay – Schedule 7 (DDO7). It is recommended that a Notice of Refusal to Grant a Planning Permit be issued.

A thorough assessment of the planning application is detailed in the Site and Application Plans shown in Attachment 1.

3. CONSULTATION

The application was advertised by way of three (3) signs on the site and notices were sent to adjoining property owners and occupiers. In total 2 objections were received to the most recent amended plans.

The application was referred internally to Council's Traffic and Transport Department, Stormwater Department, ESD Officer, Waste Management, City Futures Department, and Council's Urban Design Consultant. No major concerns were raised with the application, apart from the referrals from Council's Urban Design Consultant. These concerns are discussed in Section 3.2 of Attachment 1.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no significant environmental impacts or amenity issues associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There are no significant financial & economic impacts associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

6. SOCIAL IMPLICATIONS

There are no significant social impacts associated with the proposed use/development. A thorough assessment of the application against environmental and amenity considerations can be found at Section 4 of the Officer's Report at Attachment 1.

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

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 2 - We have housing to meet our changing needs

Strategy 2.1 - Plan for a diversity of housing in appropriate locations.

Strategy 2.2 - Encourage high quality sustainable design.

Strategy 2.3 - Support the delivery of a range of housing that addresses housing and living affordability needs.

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.

Author – Acting Manager City Planning and Building, Greg Kent - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Acting Director City Development, Paul Dickie - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

On balance, the development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.

10. RECOMMENDATION

It is therefore recommended that Council refuse the application and issue a Notice of Decision to Refuse to Grant a Planning Permit, subject to the following grounds:

- 1. The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.**
- 2. The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.**

11. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Acting Manager City Planning & Building, Greg Kent

Report Authorised By: Acting Director City Development, Paul Dickie

Attachments

1. Attachment 1 for 1-13 Erica Avenue Boronia **[6.4.1]**
2. Attachment 2 for 1-13 Erica Avenue, Boronia **[6.4.2]**

Attachment 1



Planning Application P/2016/6175/A to amend the permit description and endorsed plans for Planning Permit P/2016/6175 to include 50 dwellings within a five (5) storey building, basement car parking, and two (2) shops at 1-13 Erica Avenue, Boronia.

1. Summary:

Subject Site:	1-13 Erica Avenue BORONIA VIC 3155
Proposed Development:	Amendment to the permit description and endorsed plans to include 50 dwellings within a 5 storey building, basement car parking and two shops
Existing Land Use:	Commercial/Shops
Site Area:	2560m ²
Planning Scheme Controls:	Commercial 1 Zone, Design and Development Overlay – Schedule 7
Application Received:	22 December 2017
Number of Objections:	One
PCC Meeting:	N/A
Ward:	Baird

2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2016/6175/A to assist in making a decision on the application. It should be read in conjunction with the other attachments.

2. Background

2.1 Subject Site and Surrounds

The location of the subject site and surrounds is shown in Attachment 1.

- The subject site is a combination of three properties known as 1-13 Erica Avenue, Boronia, located on the western side of Erica Avenue, approximately 55 metres to the north of the intersection with Boronia Road, in Boronia. The site is irregular in shape and has an approximate slope of 1.5m from the west to the east.
- The subject site and surrounds are located within the Commercial area of Boronia Major Activity Centre and comprises of predominately commercial properties of a retail nature.
- The site area is 2560m². A single width laneway that flanks the site to the south and west.
- The site is not affected by any easements.
- Each of the properties has a Covenant registered on the copy of title that prohibits excavation (unless associated with the foundations of buildings), and the use of the land for the purpose of wining of bricks, tiles or pottery.

- No significant existing vegetation exists on the site.

2.2 Background

Planning Permit P/2016/6175 was issued on 8 May 2017 for a supermarket, one shop, signage and reduction of car parking requirements. This was approved as part of a combined planning scheme amendment (C145) to rezone 1-23 Erica Avenue, Boronia from a Commercial 2 Zone to a Commercial 1 Zone.

2.3 The Proposal

It is proposed to amend Planning Permit P/2016/6175 by amending the permit description and endorsed plans to include 50 dwellings within 5 storey building, basement car parking and two retail shops. Refer to attached plans in Attachment 2. Changes include:

- Amendment to Ground Floor layout to make provision for a residential pedestrian entry foyer and separation of the singular retail/shop into two tenancies of 190m² and 175m².
- Repositioned supermarket car park entry to Erica Avenue and a separate residential vehicular entry to the rear service road.
- Amendment to First Floor layout from the previous roof top retail car park to a residential car park of 50 spaces, entered off the rear service road, and new 6 apartments facing Erica Avenue (one of which contains 3 bedrooms with the others containing 2 bedrooms).
- Relocation of the retail car park into a basement entered off Erica Avenue.
- Reduction of the supermarket area from 1600m² to 1539m².
- Second floor containing 20 dwellings, 18 containing 2 bedrooms and one (1) containing one bedroom and one (1) containing three bedrooms.
- Third and fourth floor containing a total of 24 dwellings, 23 containing two bedrooms, and one (1) containing one bedroom.
- A total building height of 16.9m.

3. Consultation

3.1 Advertising

The application was advertised by way of three (3) signs on the site and notices were sent to adjoining property owners and occupiers. In total two (2) objections were received to the most recent amended plans. These objections are summarised below:

Compliance with Structure Plan & DDO& Heights

- The proposal is considered inconsistent with the objectives of the DDO7 and the proposed variation to height requirements is considered inappropriate.

Wrong location for an Aldi store

- The location of the Aldi store is not changing as a result of the amendment proposal.

The impact of the proposed development on the views to the Dandenongs

- The applicant has provided sight line diagrams as part of the application which outlines that the proposal will not detrimentally impact on views from key locations within Boronia, including the public car park at 159 Boronia Road, as outlined by the objectors.

3.2 Referrals

The application was referred to external authorities and internal departments for advice. The following is a summary of relevant advice:

Traffic Engineer: A swept path diagram is required to demonstrate that the delivery truck is able to access into and out of the loading area with clearances to buildings and objects.

A Construction Management Plan (CMP) should form part of any permit to issue.

Standard conditions to be included on any permit issued.

Stormwater: Standard conditions to be included on any permit issued.

ESD Officer: The Sustainable Design Assessment (SDA) submitted with the application is unsatisfactory. Issues raised by Council's ESD Officer can be addressed via conditions of permit, in the event a permit is granted.

Waste: This proposed development will require the lodgement of a Waste Management Plan (WMP) in accordance with Council's Waste Management in Multiple Unit Development Policy and Procedure for the review and approval by the Waste Management team. This will form part of any permit to issue.

City Futures: No objection subject to conditions on any permit issued.

Urban Design Consultant (Hansen Partnership): The proposal represents an improvement over the supermarket only application, given its upper level residential component within the Activity Centre context. It responds well to the Design objectives of the Design and Development Overlay – Schedule 7 (DDO7), with the only failing being with respect to “providing an outstanding level of architectural quality” and “ensure quality design outcomes”. Presently, our concerns in relation to internal amenity and the relationship between the internal facing apartments and communal open space are preventing us from assessing the development as being outstanding. We do consider it to represent an acceptable design, relative to its context. There is concern that the submitted shadow diagrams do not properly reflect the actual shadow cast by the amended building. This may also impact upon the extent of shadowing of the communal private open space area, and the internal facing apartments. A change from solid privacy screens to obscure glass screens may help to address this issue.

4. Discussion

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

4.1 Zoning and Overlays

4.1.1 Zone

The site is located within the Commercial Zone – Schedule 1 (C1Z). A permit is required to use the land for the purpose of a dwelling and construct a building or construct or carry out works pursuant to Clause 34.01 of the Knox Planning Scheme.

- While it is acknowledged that the proposed residential component of the development could compliment the role of the commercial centre, the proposed design response is not appropriate as discussed throughout this report.

4.1.2 Overlays

The site is affected by the Design and Development Overlay – Schedule 7 (DDO7). A planning permit is required for all buildings and works, unless specifically exempt. The proposed buildings and works do not meet these exemptions, and therefore a planning permit is required.

Design Objectives

The following comments are provided in response to the relevant Design objectives listed for the DDO7 overlay area.

- It is considered that the proposal will not detrimentally impact on views towards the Dandenong Ranges National Park from current and future public places on the western ridgeline of the Structure Plan area, particularly the key views from Boronia Village.
- The development does not provide for an outstanding level of architectural quality which would justify the increase in height above the preferred height of 4 storeys/14 storeys.
- The proposed colours, materials and finishes will be reflective of the indigenous character of the area and subject to a condition requiring changes to the environmentally sustainable design assessment submitted with the application, the proposed development will achieve a satisfactory environmental outcome.
- Given the site's location within a Commercial Zone, there is limited ability to provide for landscaping which would provide substantial canopy planting to offset the increase in building height.

Building Heights

New development should not exceed the maximum building height shown on map 1 to the Schedule (for all areas other than those shown as 9 metres).

A permit may be granted to vary the maximum building height shown on map 1 to the Schedule (for all areas other than those shown as 9 metres).

Map 1 to the Schedule to the overlay specifies a building height of 14 metres / 4 storeys for this site.

It is proposed to construct a five (5) storey building (not including basement level) that will reach a maximum height of 16.9 metres; therefore exceeding the height requirements specified within the DDO7. The following comments are provided in response to the points that must be considered for applications where buildings exceed the preferred height:

- The proposed building has been designed to accommodate the slope of the land, allowing access points from both the adjoining laneway and Erica Avenue.
- The proposed development is an improved design which incorporates articulation, a mix of building materials, colours. In addition, windows have been provided to public areas, thereby increasing passive surveillance, and the appearance of the building at pedestrian scale.
- The proposed building has been referred to Council's Urban Design Consultant for input into the design credentials of the building. It has been determined that the building is not of outstanding architecture, and therefore the proposal is considered inconsistent with the design objectives in this schedule, and the Boronia Structure Plan Vision Statement.
- The applicant has undertaken an analysis from key vantage points within the Boronia Activity Centre. It has been determined that the building will be unlikely to affect key view lines, and will still be nestled below the ridgeline of the Dandenong Foothills when viewed from the west.

Design Standards

In addition to the objectives and height requirements of the overlay, the application has been assessed against the relevant design standards and determined to be unsatisfactory.

Colours & Materials:

Council's Urban Designers have recommended a number of improvements during the course of the application to address the external appearance / finishes of the development to provide for contrast, colour, texture and variation to the built form. During this process blank walls and limited variation in materials and textures have been improved. However, the proposal is not considered to be of outstanding design which justifies the proposed increase in heights over that envisaged.

Landscape Design:

Landscaping opportunities are limited throughout the development, with the proposed amendments further reducing this by making conditions of the previous supermarket approval for provision of planter boxes void. A small communal open space has been proposed in the centre of the development however; this will be above the proposed shops and therefore significant vegetation cannot be planted in this area.

The proposal does not maximise opportunities to strengthen landscape themes and does not incorporate substantial canopy planting within the development and public realm. It is noted that the site is located within a Commercial Zone, where lesser planting is usually expected. The proposal to exceed the height specified in the DDO7 initiates a clause in the Planning Scheme seeking canopy tree planting to offset the increase in building height.

4.2 Policy Consideration: State and Local Planning Policy Framework

State and local 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. The key themes for the assessment of the amended application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

4.2.1 Housing

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.

Municipal Strategic Statement: 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. The MSS makes specific reference to the diversifying and aging population in Knox which 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.

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.

- The design incorporates articulation, a mix of building materials, colours. In addition, windows have been provided to public areas, thereby increasing passive surveillance and the appearance of the building at pedestrian scale.
- Housing choice – The development provides 50 apartments comprising of two (2) three bedroom apartments, 46 two bedroom apartments, and two (2) one bedroom apartments, providing a range of housing choices within a well accessed area.
- Existing infrastructure – The site is located within a fully serviced area.
- Energy efficiency – This will be discussed below under Clause 15.02.
- Location – The site is located within Boronia Activity Centre and has access to a number of urban services within the centre. Additional housing on the site is consistent with policy relating to urban consolidation within a Major Activity Centre.

4.2.2 Sustainability and Environment

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

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 (SDA) submitted with the application is unsatisfactory. Issues raised by Council's ESD Officer can be addressed via conditions of permit, in the event a permit is granted.

4.2.3 Transport

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

The site has excellent access to public transport offered in and around the Boronia Railway Station located a 70m walk along Erica Avenue, including access to buses located on the 690, 745, 691, 753, 737 and 755 bus routes.

4.2.4 Urban Design (including Neighbourhood Character)

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.

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 scale of the development exceeds the suggested height limit of the Boronia Structure Plan, and it is considered that the proposal is not of outstanding architecture that justifies the increased height of the building.
- The proposed colours, materials and finishes will be reflective of the character of the area and subject to a condition requiring changes to the environmentally sustainable design assessment submitted with the application, the proposed development will achieve a satisfactory environmental outcome.
- The proposed development will provide a variety of housing options, with one, two and three bedroom apartments offered. The site is very well located, and increased levels of housing within this part of Boronia is consistent with the PPF and LPPF.

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 specifies 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 car parking space for one and two bedroom dwellings. As the site is located within proximity of the Principal Public Transport Network, there is no requirement to provide visitor car parking for the residential component of the building. For the commercial component, the planning scheme requires 3.5 spaces to each 100m² of leasable floor area. A permit may be granted to reduce or to waive the number of car spaces required by the table.

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:

- Car parking provision: Complies. The proposal exceeds the total car parking provision required for the building by 6 spaces (118 spaces required, 125 spaces proposed). No visitor car parking is provided for the residential component, but this is consistent with the planning scheme requirements.
- Car parking design: Complies. A condition of any permit issued will require that swept path diagrams and gradients of access ramps to be designed to Council's satisfaction. All other matters are considered satisfactory.

4.4 Clause 58 – Apartment Developments

Urban Context

Residential Policy – Does not comply. The proposed development does not provide a design of outstanding architecture that justifies the increase in height above the suggested height limit within the Boronia Structure Plan and Design and Development Overlay – Schedule 7.

Dwelling Diversity - Complies.

Infrastructure – Complies.

Integration with the street – Complies.

Site Layout

Energy Efficiency – Partially complies. Council’s ESD Officer has asked for amendments to be made to the ESD statement. This can be addressed via conditions of any permit issued.

Communal Open Space – Complies.

Solar Access to Communal Outdoor Space – Complies.

Safety – Complies.

Landscaping – Complies. A landscape plan to the satisfaction of the Responsible Authority will be a requirement of any permit to issue.

Access – Complies.

Parking Location – Complies.

Integrated Water and Stormwater Management – Drainage plans to the satisfaction of the Responsible Authority will be a requirement of any permit to issue.

Amenity Impacts

Building Setback – Complies.

There is no front setback for the first four levels and the building fully abuts the eastern boundary at Erica Avenue. The fifth level is setback 1.5m from Erica Avenue. Setbacks to other boundaries of the site range from zero to 4.5 metres, depending on the level. These setbacks should allow for equitable future development of the adjacent properties, and the laneway to the west and south further aid with compliance under this standard.

Internal Views – Complies.

Noise – Can comply. The applicant has not submitted a noise attenuation report as part of the application. Any noise issues could be addressed as part of conditions of any permit issued. Treatments could include double glazing, noise insulation bats/foam, etc.

On-site Amenity and Facilities

Accessibility – Complies.

Building Entry and Circulation – Complies.

Private Open Space – Complies.

Storage – Complies.

Detailed Design

Common Property – Complies.

Site Services – Complies.

Waste and Recycling – Can comply. A Waste Management Plan will be required as a condition of any permit issued, to Council’s satisfaction.

Internal Amenity

Functional Layout – Complies.

Room Depth – Complies.

Windows – Can comply. There is concern that apartments 2.19, 3.23 will not have appropriate access to light. This may be able to be rectified by a change from fixed solid screens to obscure glass screens to the balconies of these dwellings. This could be addressed via conditions of any permit issued.

Natural Ventilation – Complies.

4.5 General Decision Guidelines

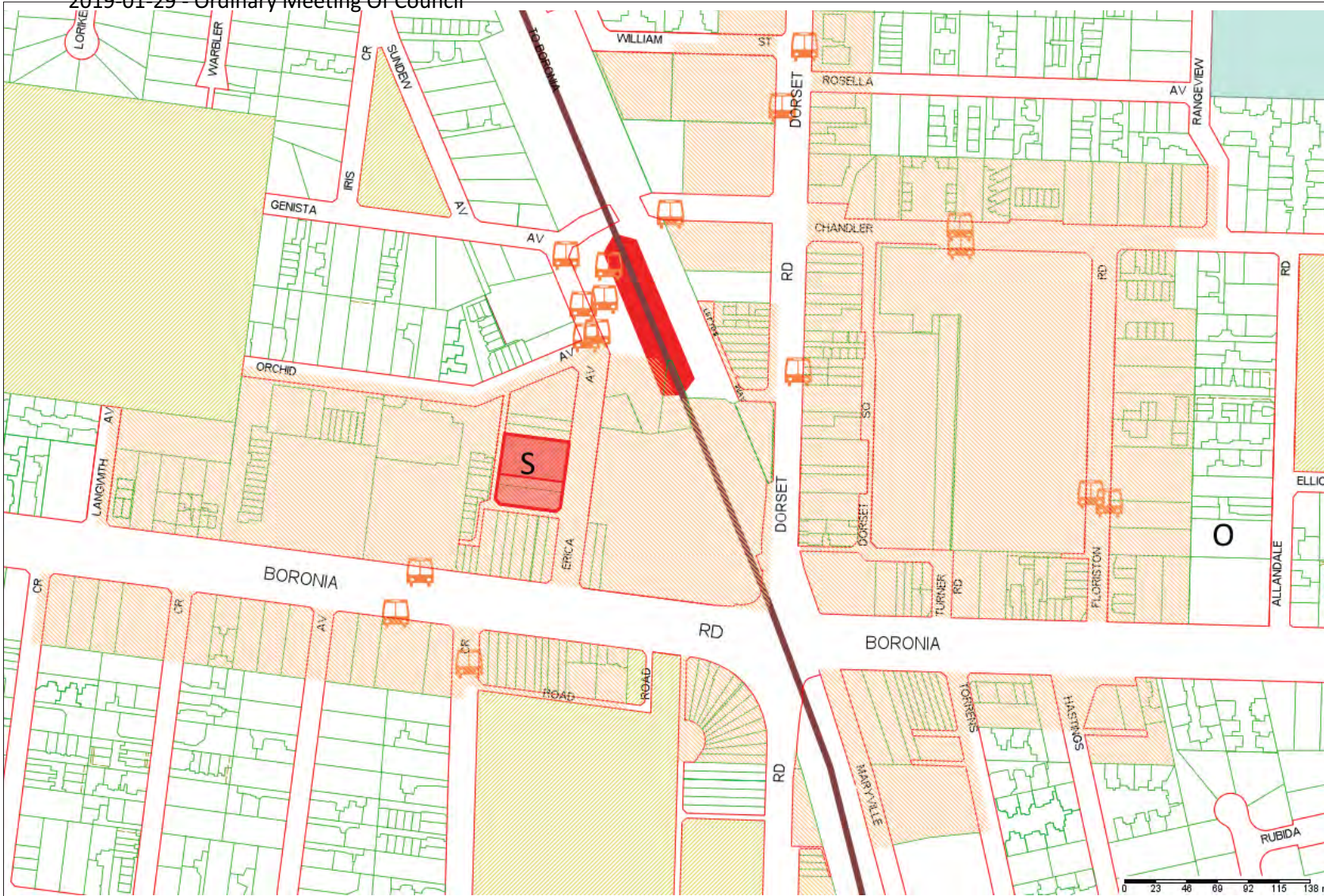
Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters which the responsible authority must consider when deciding any planning application.

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

5. Conclusion

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

- The development does not provide a design of outstanding architecture for a building exceeding the suggested height limit of the Design and Development Overlay – Schedule 7 (DDO7) Boronia Structure Plan Area for this site. There is also limited ability to provide for substantial canopy planting to offset the increase in building height.
- The proposal is considered inconsistent with the intent Clause 15 - Built Environment and Heritage. The scale of the proposal is inconsistent with the preferred building heights for the site, and the proposal does not provide high quality architecture and urban design outcomes that justifies the proposed height and scale of the building.



Property Address	1-13 Erica Avenue, BORONIA
Application Number	P/2016/6175/A
Description	Amending the permit description and endorsed plans to include 50 dwellings within a 5 storey building, basement car parking and two retail shops
Ward	Baird

- 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.



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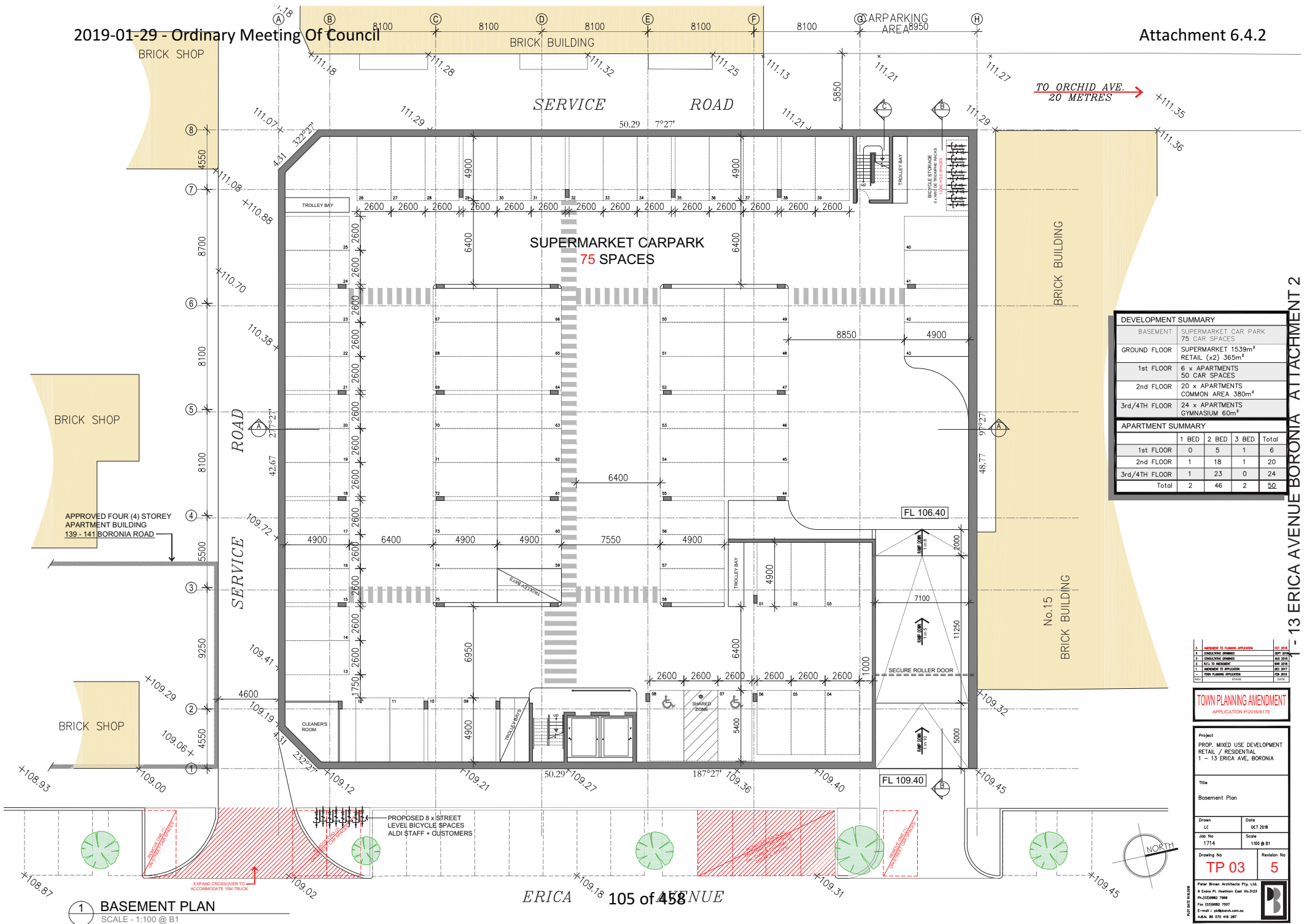


1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

ERICA AVENUE PERSPECTIVE (FACING NORTH)

1- 13 ERICA AVENUE, BORONIA





DEVELOPMENT SUMMARY				
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES			
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²			
1st FLOOR	6 x APARTMENTS 50 CAR SPACES			
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²			
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²			
APARTMENT SUMMARY				
	1 BED	2 BED	3 BED	Total
1st FLOOR	0	5	1	6
2nd FLOOR	1	18	1	20
3rd/4TH FLOOR	1	23	0	24
Total	2	46	2	50

NO.	DESCRIPTION	DATE
1	APPROVED TO PLANNING APPLICATION	2017/01/24
2	CONCEPTUAL DESIGN	2017/01/24
3	CONCEPTUAL DESIGN	2017/01/24
4	CONCEPTUAL DESIGN	2017/01/24
5	CONCEPTUAL DESIGN	2017/01/24
6	CONCEPTUAL DESIGN	2017/01/24
7	CONCEPTUAL DESIGN	2017/01/24
8	CONCEPTUAL DESIGN	2017/01/24
9	CONCEPTUAL DESIGN	2017/01/24
10	CONCEPTUAL DESIGN	2017/01/24

TOWN PLANNING AMENDMENT
APPLICATION P120168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

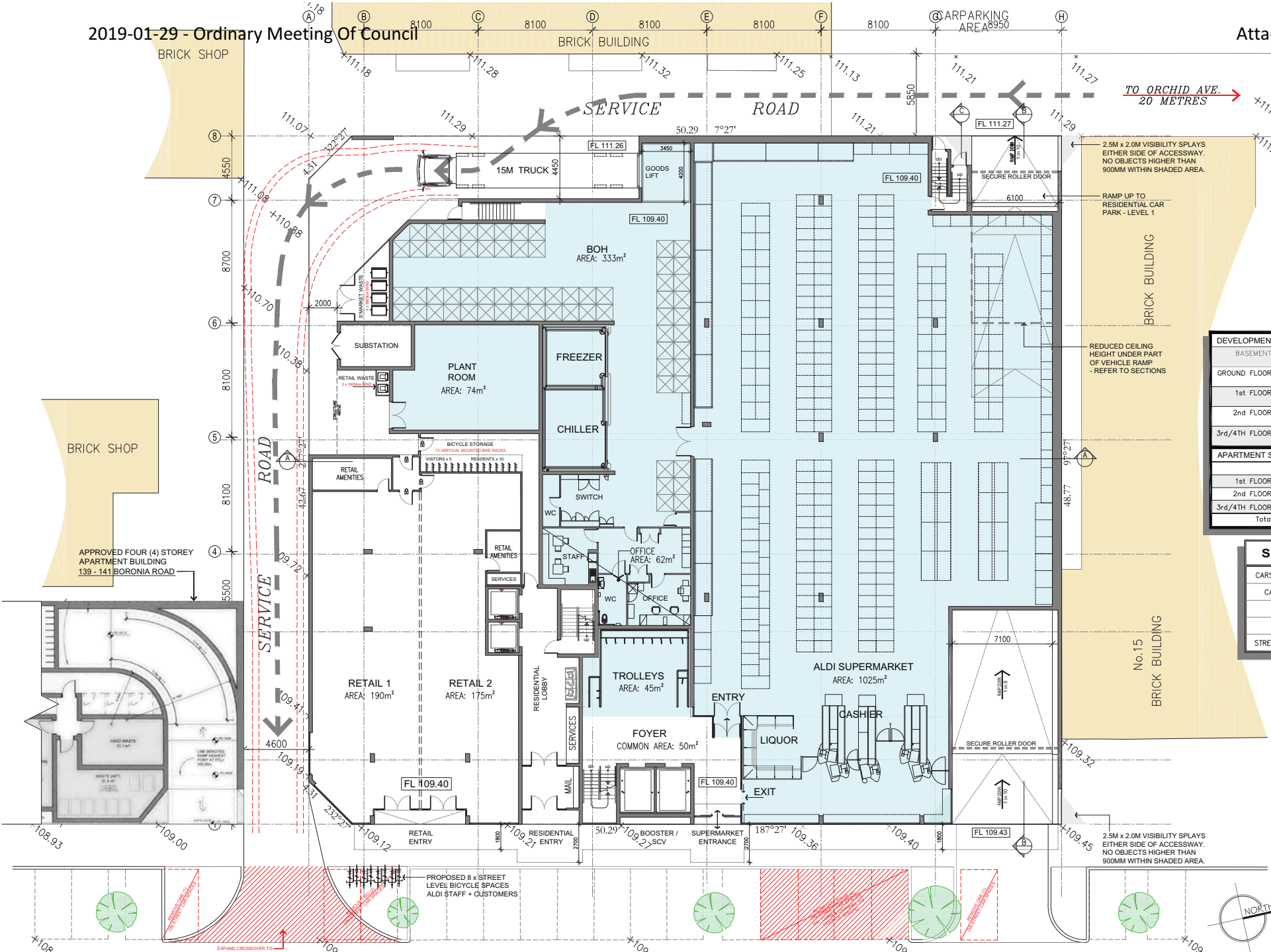
Title
Basement Plan

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1:100 @ B1
Drawing No	Revision No
TP 03	5

Paul Brown Architects Pty Ltd
13 Erica Pk, Heathmont East, VIC 3123
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1 BASEMENT PLAN
SCALE - 1:100 @ B1

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

STREET IMPACT	
CARS SPACES REMOVED	4
CARS SPACES ADDED	4
BALANCE	0
STREET TREES REMOVED	0

NO.	REFERENCE TO PLANNING APPROVAL	DATE
1	CONVULSION DRAWS	2017 2018
2	CONVULSION DRAWS	2017 2018
3	CONVULSION DRAWS	2017 2018
4	CONVULSION DRAWS	2017 2018
5	CONVULSION DRAWS	2017 2018
6	CONVULSION DRAWS	2017 2018
7	CONVULSION DRAWS	2017 2018
8	CONVULSION DRAWS	2017 2018
9	CONVULSION DRAWS	2017 2018
10	CONVULSION DRAWS	2017 2018

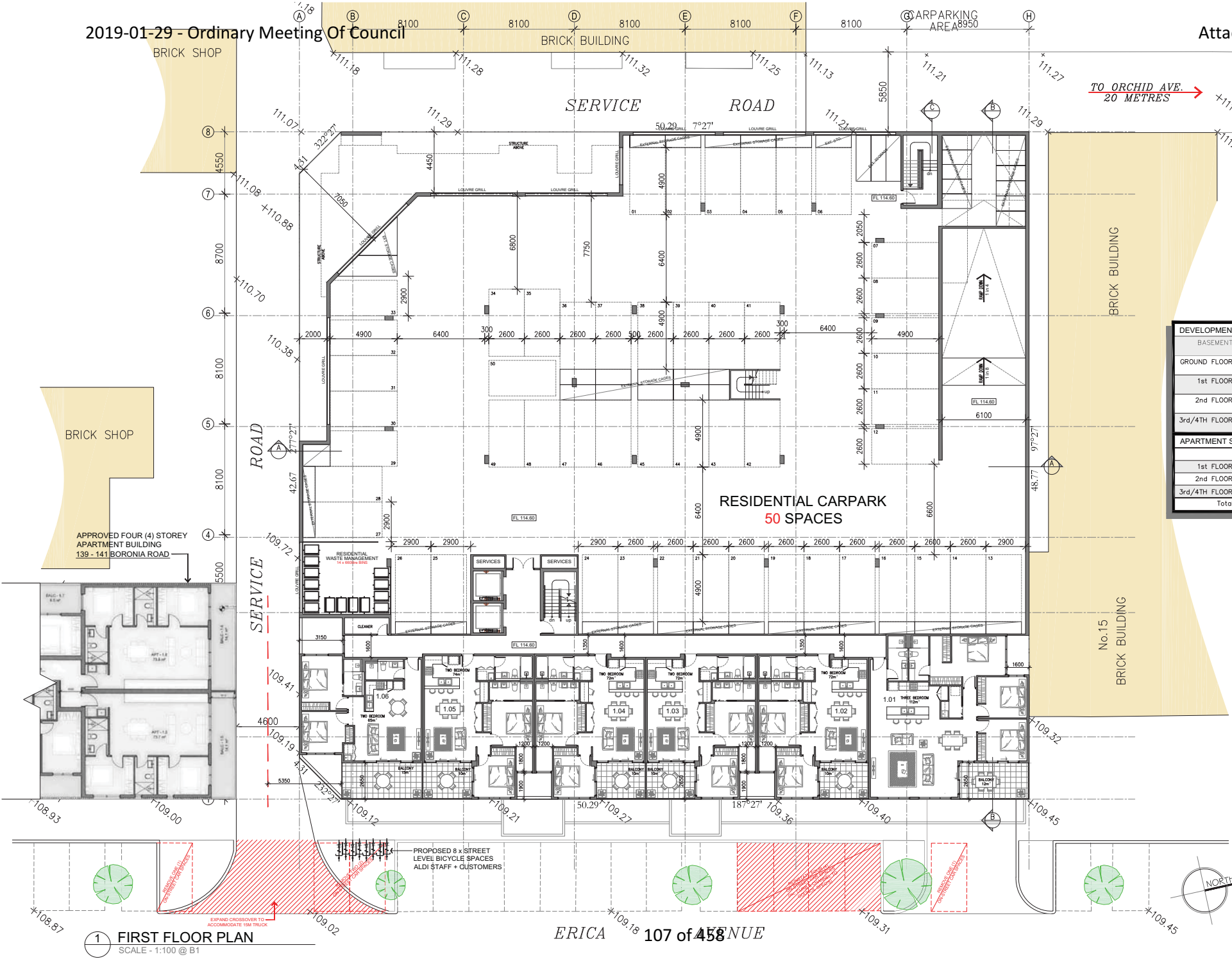
TOWN PLANNING AMENDMENT
APPLICATION P2018/0170

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
Ground Floor Plan	
Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1:100 @ B1
Drawing No	Revision No
TP 04	5
Peter Brown Architects Pty Ltd 3 Esplanade, Hawthorn East, VIC 3123 Ph: 039582 7000 Fax: 039582 7007 E-mail: pba@pba.com.au A.S.B. 88 570 48 287	

1 GROUND FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 106 of 458 AVE

1-13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REVISION TO PLANNING APPLICATION	DATE
1	CONSULTING DRAWS	14.03.2018
2	CONSULTING DRAWS	14.03.2018
3	REV. TO APPROVAL	14.03.2018
4	REVISED TO APPROVAL	05.07.2018
5	FINAL PLANNING APPLICATION	03.08.2018

TOWN PLANNING AMENDMENT
APPLICATION P120168712

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
First Floor Plan	
Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1:100 @ B1
Drawing No	Revision No
TP 05	5
Peter Brown Architects Pty Ltd 8 Erica Pl, Hawthorn East, VIC 3123 Ph: 039588 7006 Fax: 039588 7007 E-mail: pba@pba.com.au A.B.N. 68 070 46 987	

1 FIRST FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 107 of 458 NUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REFERENCE TO PLANNING APPLICATION	DATE
1	CONVULSION SHEDS	2017 2018
2	CONVULSION SHEDS	2018 2019
3	EXP. TO RESIDENTIAL	2018 2019
4	RESIDENTIAL TO APARTMENTS	2018 2019
5	OTHER PLANNING APPLICATION	2018 2019

TOWN PLANNING AMENDMENT
APPLICATION P102168170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Second Floor Plan

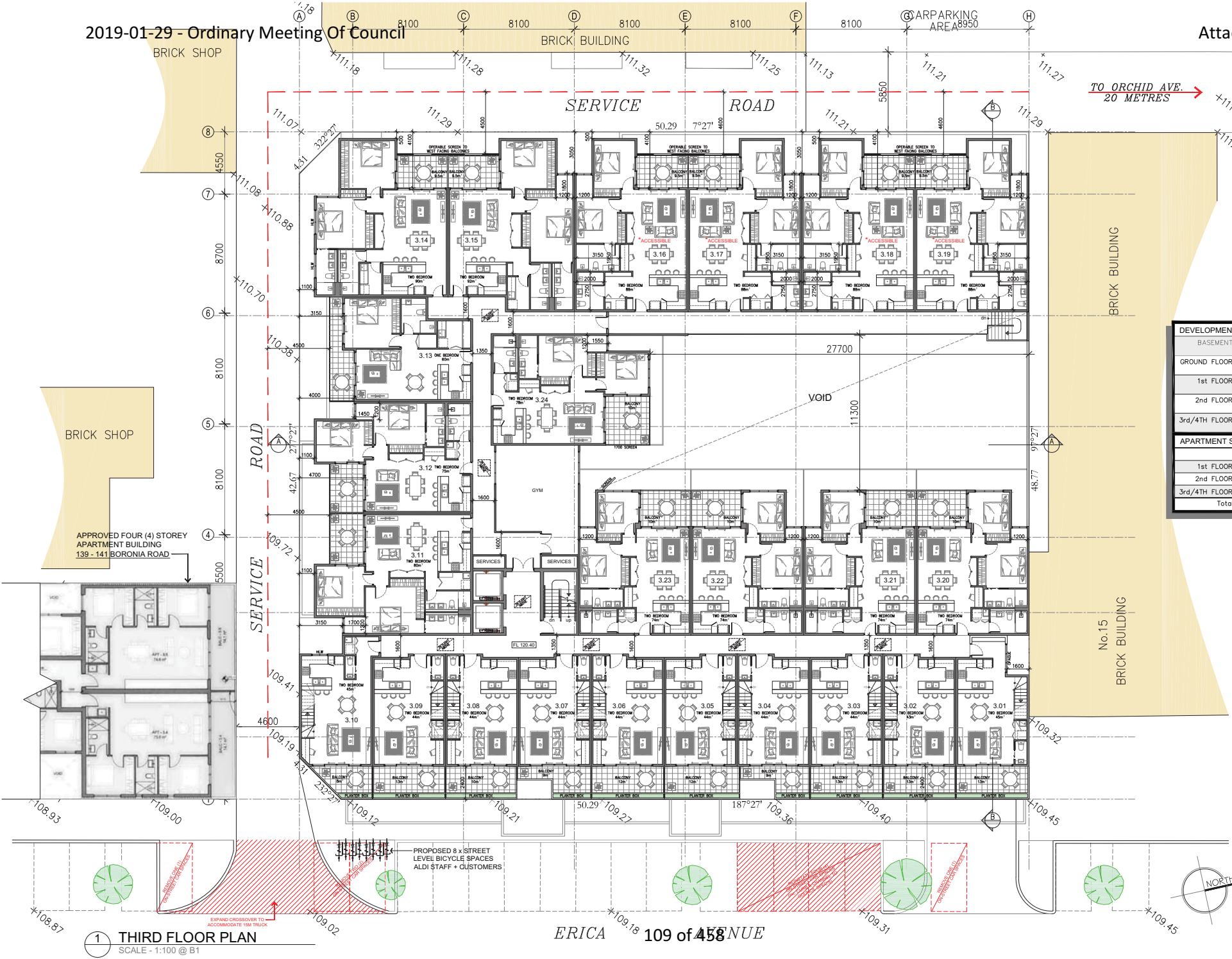
Drawn	LC	Date	OCT 2018
Job No	1714	Scale	1:100 @ B1
Drawing No	TP 06	Revision No	5

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1 SECOND FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 108 of 458 AVE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY				
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES			
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²			
1st FLOOR	6 x APARTMENTS 50 CAR SPACES			
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²			
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²			
APARTMENT SUMMARY				
	1 BED	2 BED	3 BED	Total
1st FLOOR	0	5	1	6
2nd FLOOR	1	18	1	20
3rd/4TH FLOOR	1	23	0	24
Total	2	46	2	50

NO.	REVISION	DATE
1	ISSUED FOR PERMIT APPLICATION	05/01/2018
2	REVISED PER PLANING AMENDMENT	05/01/2018
3	REVISED PER PLANING AMENDMENT	05/01/2018
4	REVISED PER PLANING AMENDMENT	05/01/2018
5	REVISED PER PLANING AMENDMENT	05/01/2018

TOWN PLANNING AMENDMENT
APPLICATION P102168712

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Third Floor Plan

Drawn Date
LC OCT 2018

Job No Scale
1714 1:100 @ B1

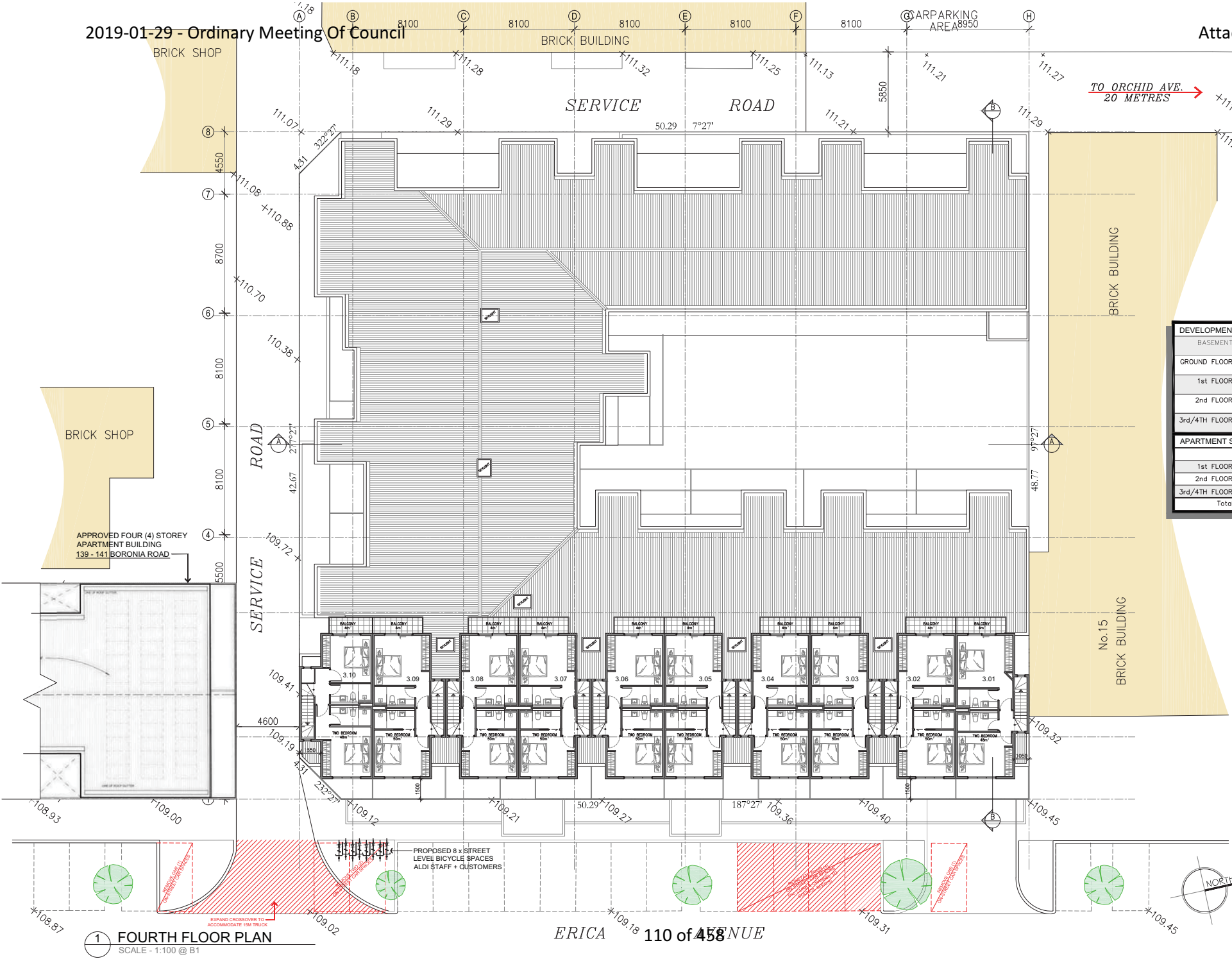
Drawing No Revision No
TP 07 **5**

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E: info@pba.com.au
A: 88-92 Mt Alford St

1 THIRD FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 109 of 458 AVE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



DEVELOPMENT SUMMARY	
BASEMENT	SUPERMARKET CAR PARK 75 CAR SPACES
GROUND FLOOR	SUPERMARKET 1539m ² RETAIL (x2) 365m ²
1st FLOOR	6 x APARTMENTS 50 CAR SPACES
2nd FLOOR	20 x APARTMENTS COMMON AREA 380m ²
3rd/4TH FLOOR	24 x APARTMENTS GYMNASIUM 60m ²
APARTMENT SUMMARY	
	1 BED 2 BED 3 BED Total
1st FLOOR	0 5 1 6
2nd FLOOR	1 18 1 20
3rd/4TH FLOOR	1 23 0 24
Total	2 46 2 50

NO.	REVISION TO PLANNING APPLICATION	DATE
1	CONSULTING DRAWS	14/10/2018
2	CONSULTING DRAWS	14/10/2018
3	PLAN TO APPROVAL	14/10/2018
4	REVISION TO APPROVAL	05/07/2019
5	FINAL PLANNING APPLICATION	05/07/2019

TOWN PLANNING AMENDMENT
APPLICATION P2018/0170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Fourth Floor Plan

Drawn: LC Date: OCT 2018
Job No: 1714 Scale: 1:100 @ B1
Drawing No: **TP 08** Revision No: **5**

Project: Peter Brown Architects Pty Ltd
13 Erica Pl, Hawthorn East, VIC 3123
AUSTRALIA 3123
Phone: 03 9588 7000
Fax: 03 9588 7007
E-mail: info@pba.com.au
A.S.B. 88 570 48 287

1 FOURTH FLOOR PLAN
SCALE - 1:100 @ B1

ERICA 110 of 458 NUE

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



1 EAST ELEVATION
ERICA AVENUE



2 WEST ELEVATION

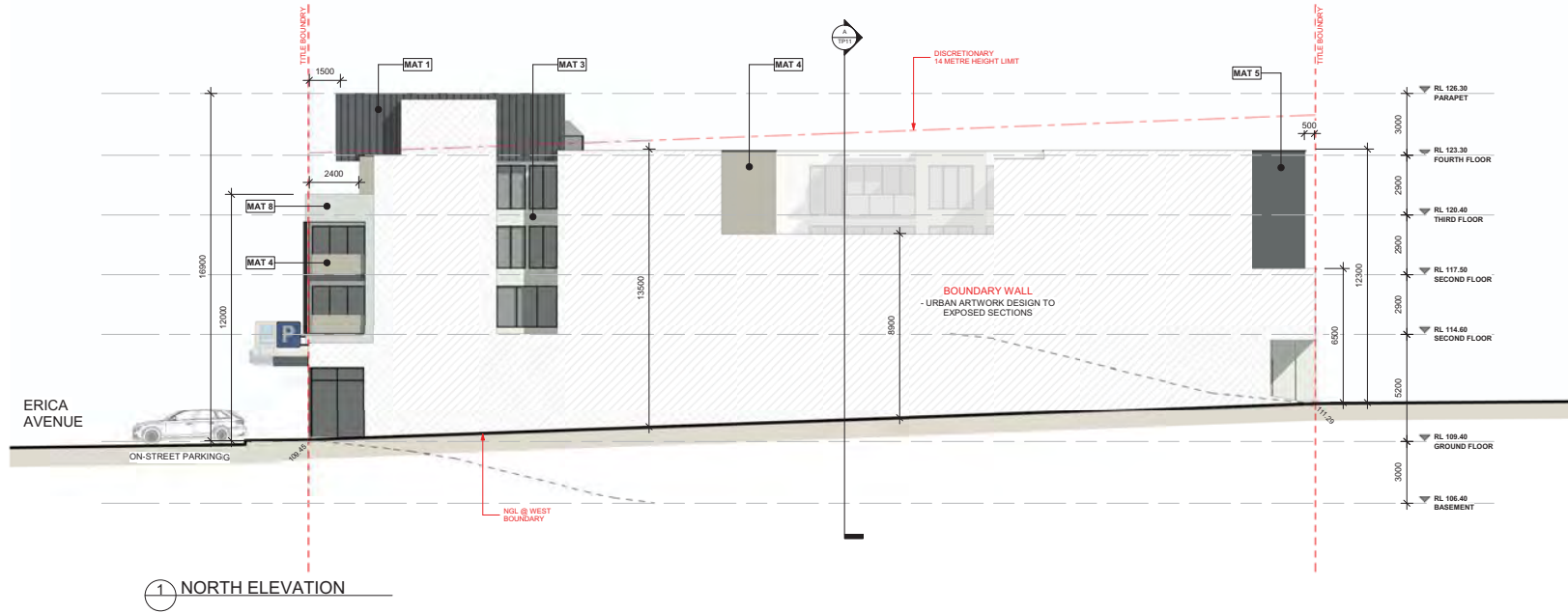


3 ERICA AVENUE STREETSCAPE
1:200

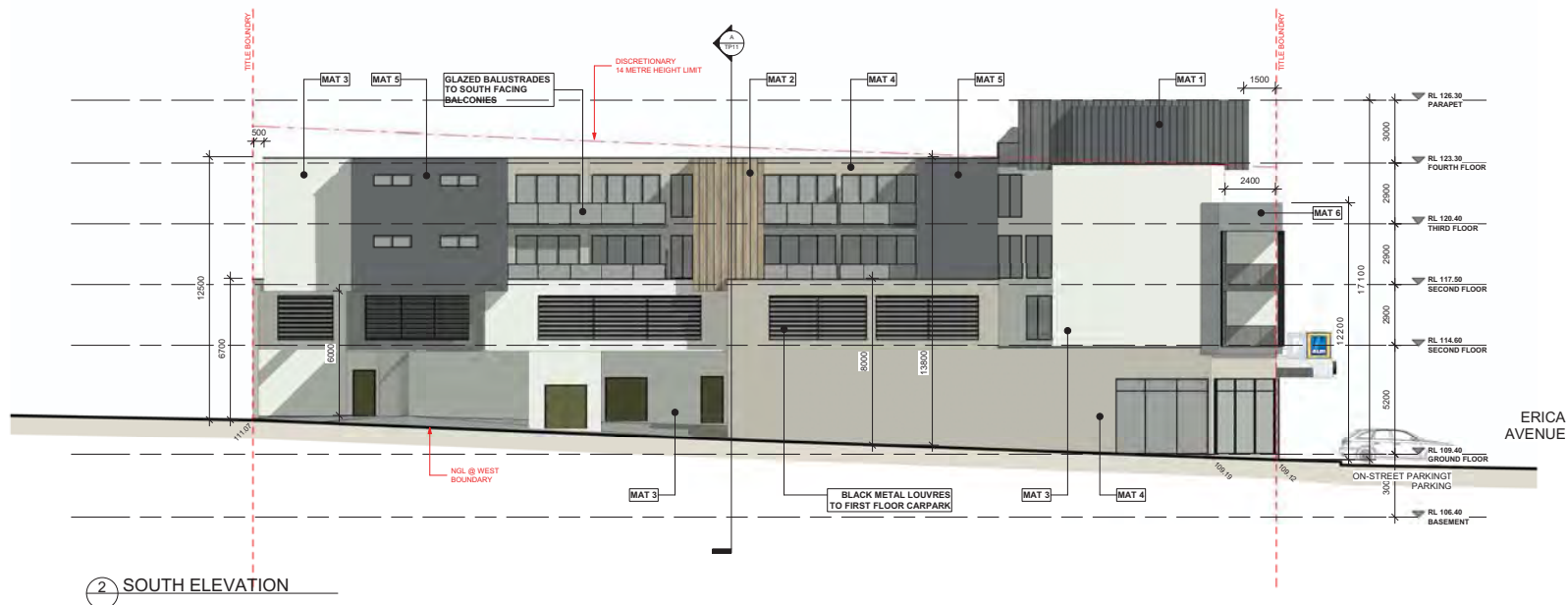


1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

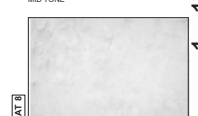
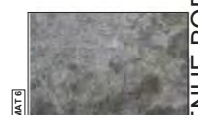
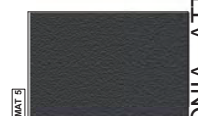
TOWN PLANNING AMENDMENT APPLICATION 139/2016/6929	
Project: PROP. MIXED USE DEVELOPMENT RETAIL, RESIDENTIAL 1-13 ERICA AVENUE, BORONIA	
Title: EAST ELEVATION WEST ELEVATION STREETSCAPE MATERIALS SCHEDULE	
Drawn: LC	Date: OCT 2018
Job No: 1714	Scale: 1:100 @ B1
Drawing No: TP 09	Revision No: 5
Prep: Bruce Architects Pty Ltd Project: 139-141 Boronia Road (P/2016/6929) File: 139-141 Boronia Road Date: 2018-10-18 A.S. 10:00 AM '18	



1 NORTH ELEVATION

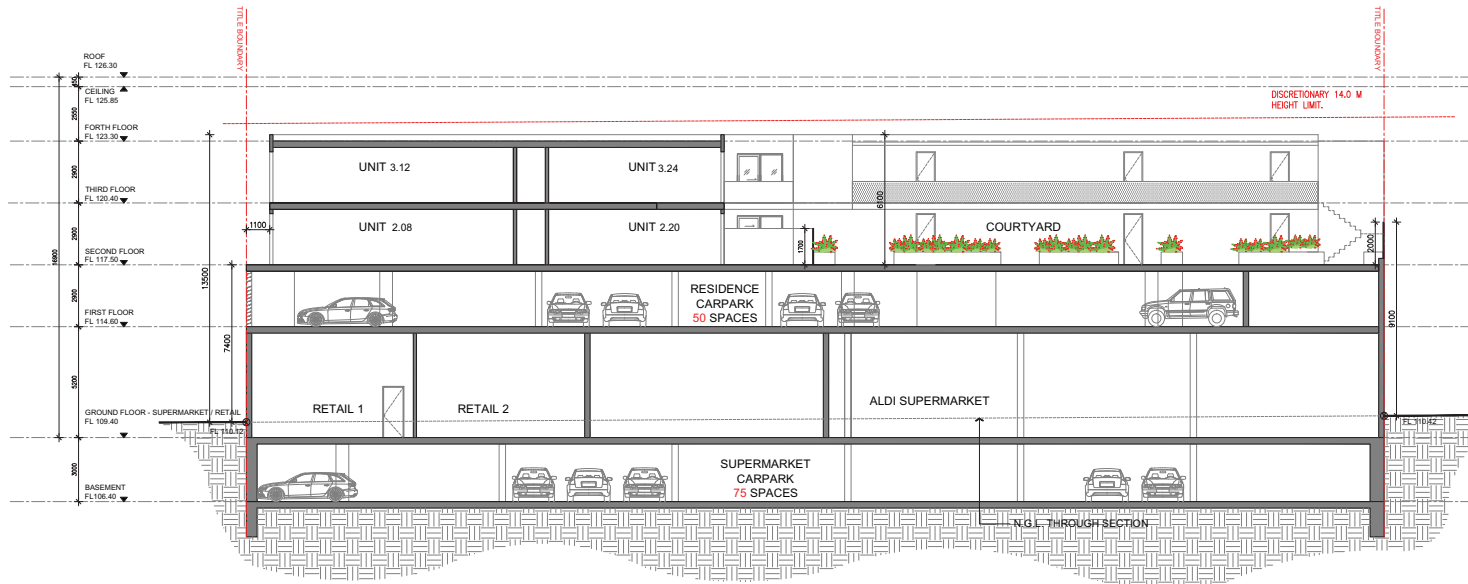


2 SOUTH ELEVATION



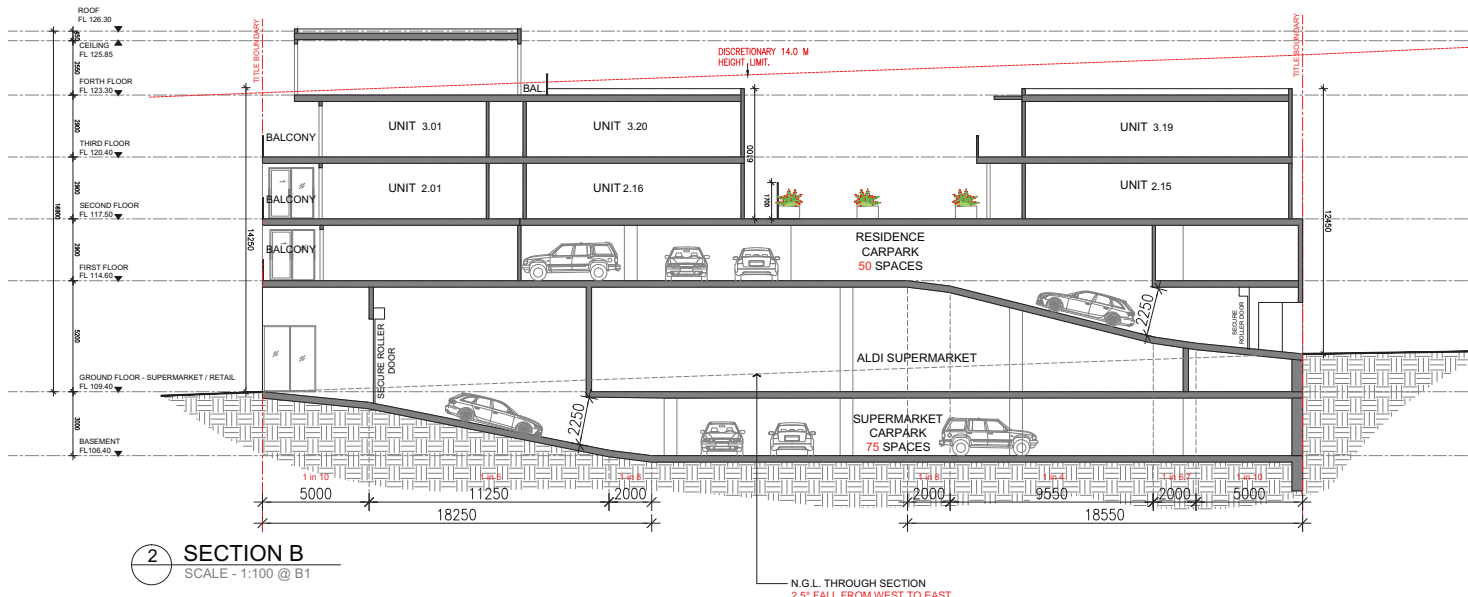
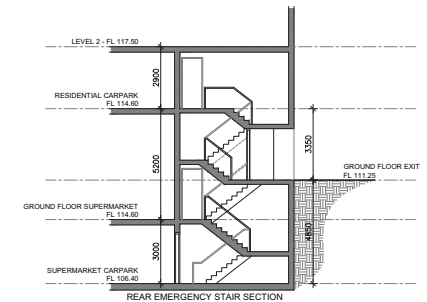
1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

TOWN PLANNING AMENDMENT APPLICATION 10/18/19	
Project: PROP. MIXED USE DEVELOPMENT RETAIL, RESIDENTIAL 1-13 ERICA AVENUE, BORONIA	
Title: NORTH ELEVATION SOUTH ELEVATION MATERIALS SCHEDULE	
Drawn: LC	Date: OCT 2018
Job No: 1714	Scale: 1:100 @ B1
Drawing No: TP 10	Revision No: 5
Pines Street Architects Pty Ltd 15/16-17/18 Market Street Suite 101 PO BOX 10000 Perth WA 6000 A.B.N. 64 619 614 287	



1 SECTION A
SCALE - 1:100 @ B1

3 SECTION C
SCALE - 1:100 @ B1



2 SECTION B
SCALE - 1:100 @ B1

1	APPROVED TO PLANNING APPLICATION	2017/004
2	CONCEPTUAL DESIGN	2017/004
3	CONCEPTUAL DESIGN	2017/004
4	CONCEPTUAL DESIGN	2017/004
5	CONCEPTUAL DESIGN	2017/004
6	CONCEPTUAL DESIGN	2017/004
7	CONCEPTUAL DESIGN	2017/004
8	CONCEPTUAL DESIGN	2017/004
9	CONCEPTUAL DESIGN	2017/004
10	CONCEPTUAL DESIGN	2017/004

TOWN PLANNING AMENDMENT
APPLICATION P2019/0175

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Sections

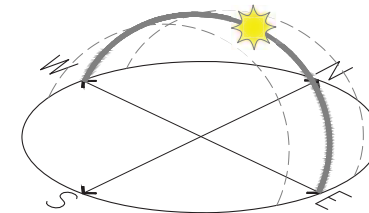
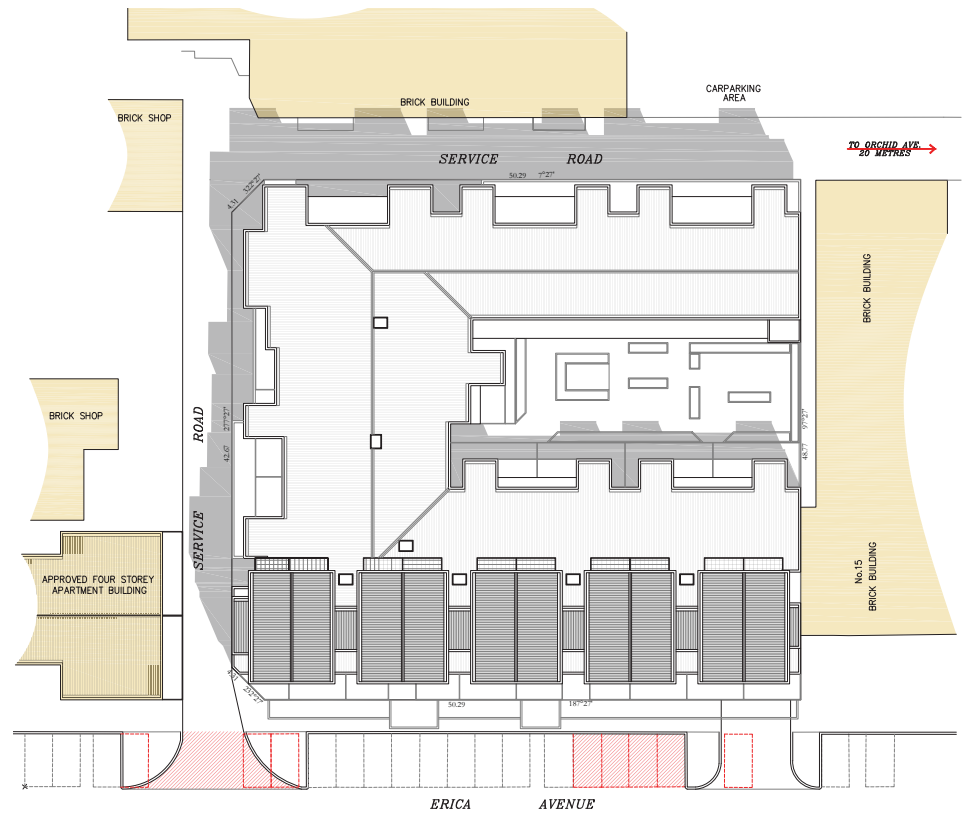
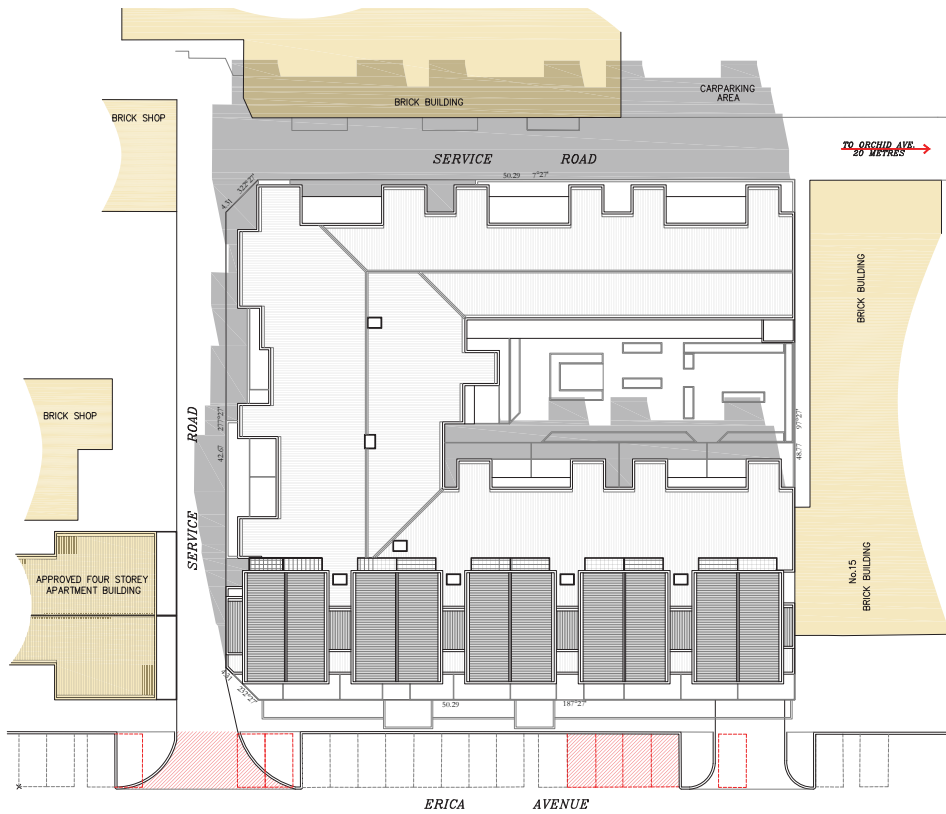
Drawn
LC / FM
Date
OCT 2018

Job No
1714
Scale
1:100 @ B1

Drawing No
TP 11
Revision No
5

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A.A.N. 00 000 000 000

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	201 2018
2	CONSULTING DRAUGHTSMAN	201 2018
3	CONSULTING DRAUGHTSMAN	201 2018
4	PLANNING APPLICATION	201 2018
5	APPROVED TO PLANNING APPLICATION	201 2018
6	OTHER PLANNING APPLICATION	201 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

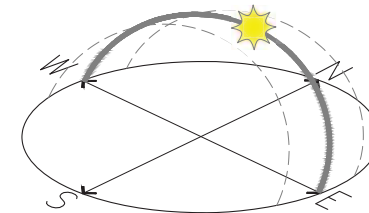
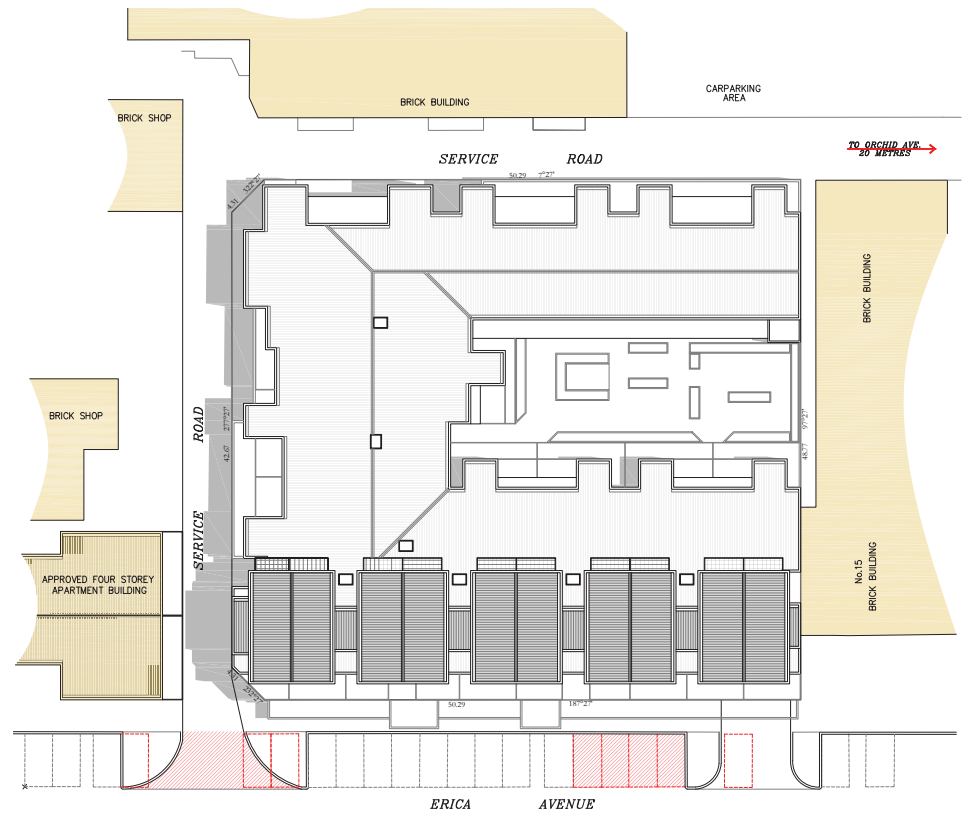
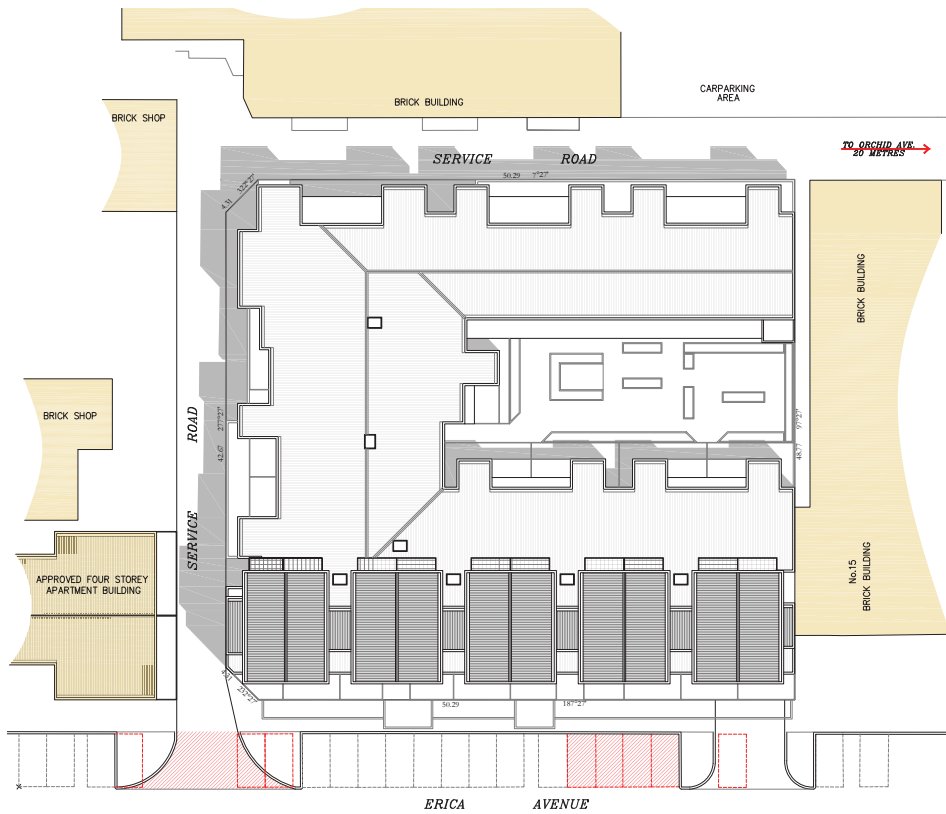
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
9am - 10pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 12	5

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1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	201 2018
2	CONSULTING DRAUGHTSMAN	201 2018
3	CONSULTING DRAUGHTSMAN	201 2018
4	PLANNING APPLICATION	201 2018
5	APPROVED TO PLANNING APPLICATION	201 2018
6	OTHER PLANNING APPLICATION	201 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

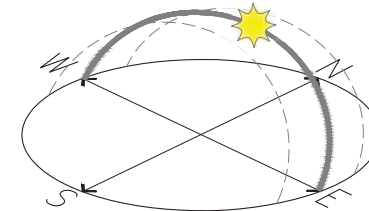
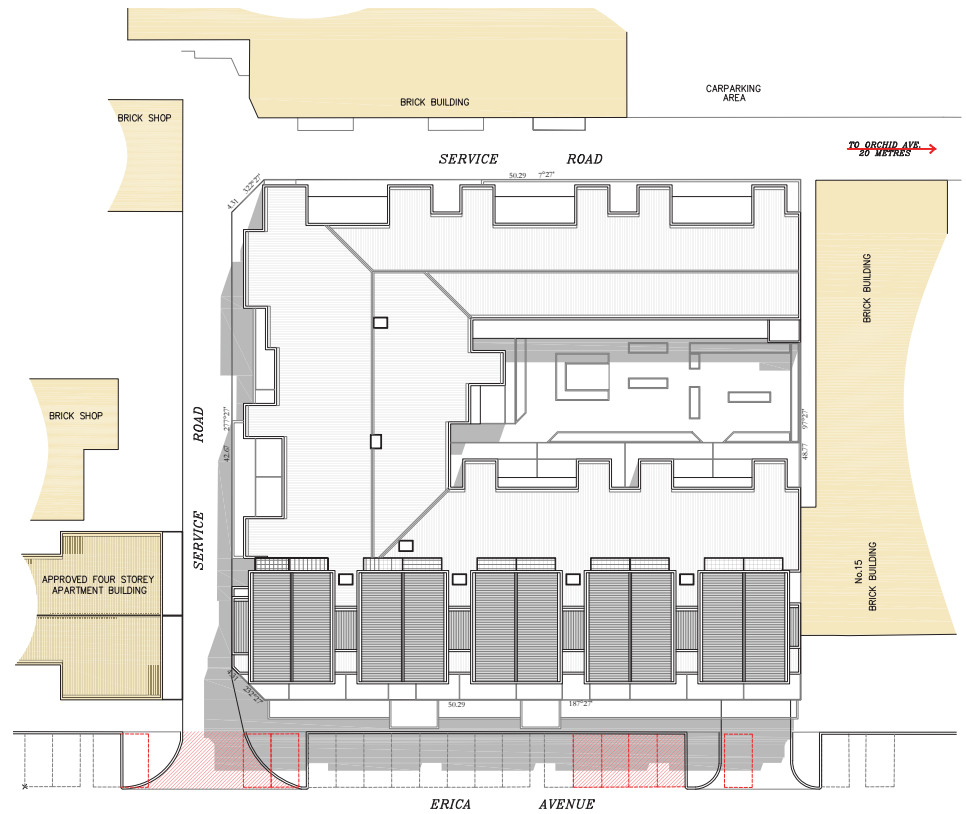
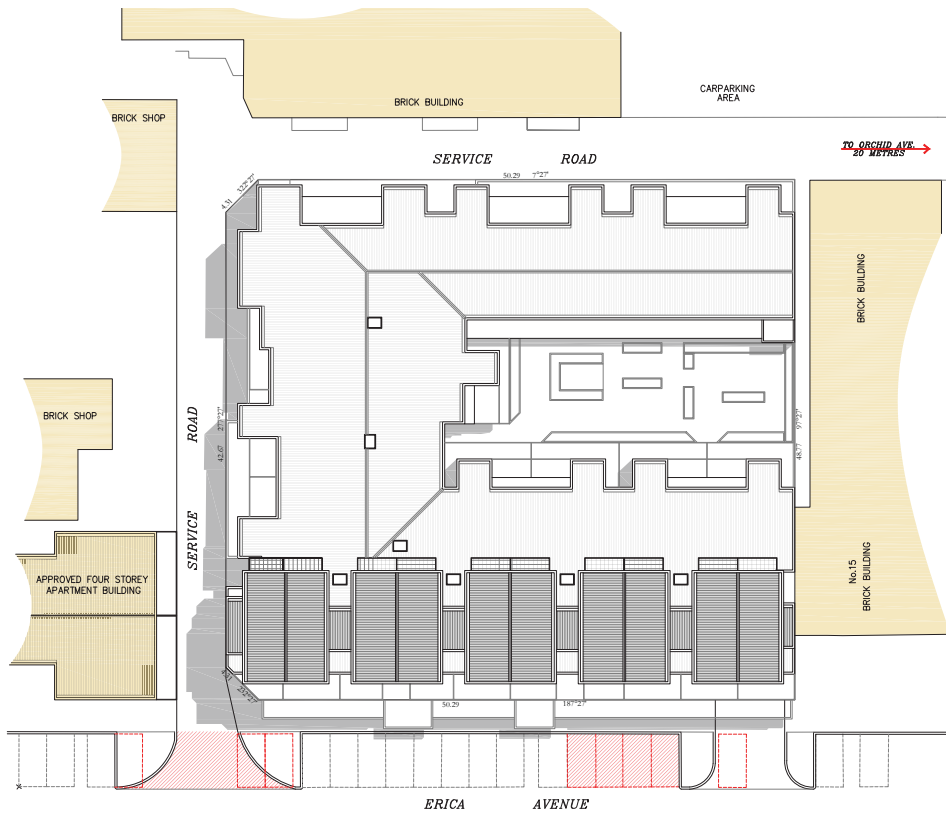
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
11am - 12pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 13	5

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E-mail: pat@pbrown.com.au
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1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200



1	APPROVED TO PLANNING APPLICATION	201 2018
2	CONSULTING DRAUGHTSMAN	201 2018
3	CONSULTING DRAUGHTSMAN	201 2018
4	PLANNING APPLICATION	201 2018
5	APPROVED TO PLANNING APPLICATION	201 2018
6	OTHER PLANNING APPLICATION	201 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

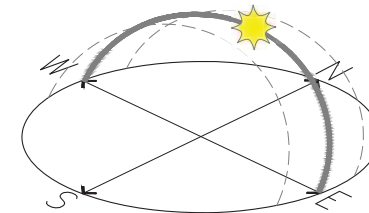
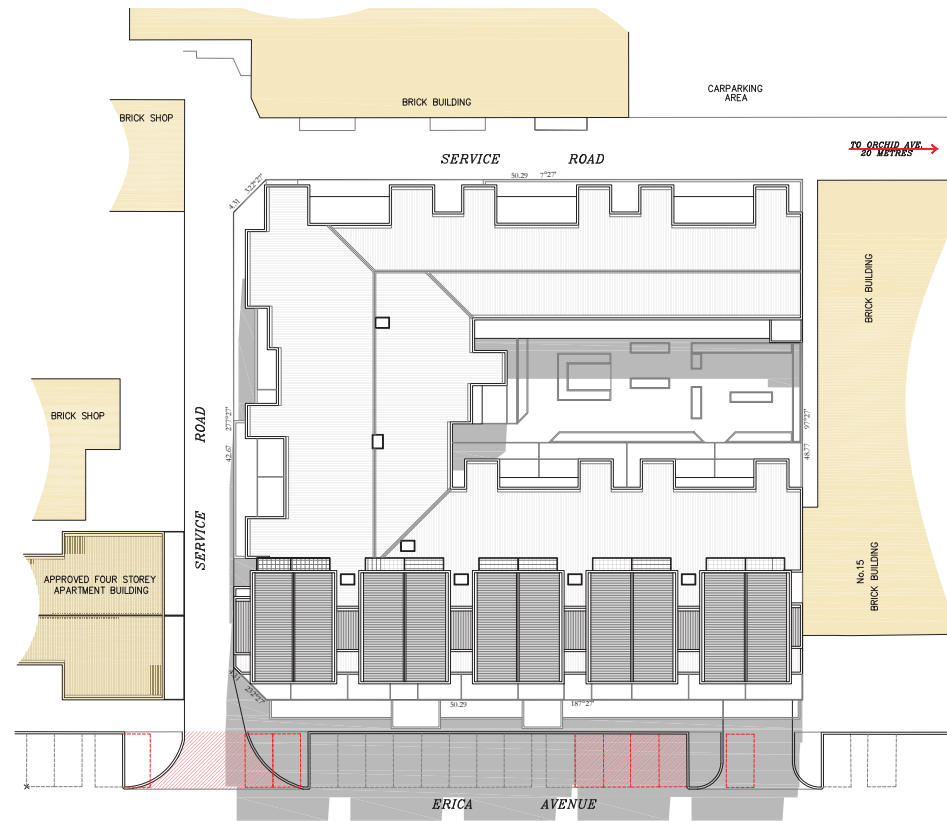
Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
1pm - 2pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 14	5

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A.B.N. 68 570 448 287

1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2



SEPTEMBER EQUINOX

Date: Sept 22nd
Scale: 1:200

1	APPROVED TO PLANNING APPLICATION	2017 2018
2	CONSULTING DRAWINGS	2017 2018
3	CONSULTING DRAWINGS	2017 2018
4	APPROVED TO PLANNING APPLICATION	2017 2018
5	APPROVED TO PLANNING APPLICATION	2017 2018
6	OTHER PLANNING APPLICATION	2017 2018

TOWN PLANNING AMENDMENT
APPLICATION P1201668170

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Shadow Study
3pm

Drawn	Date
LC	OCT 2018
Job No	Scale
1714	1200 @ B1
Drawing No	Revision No
TP 15	5

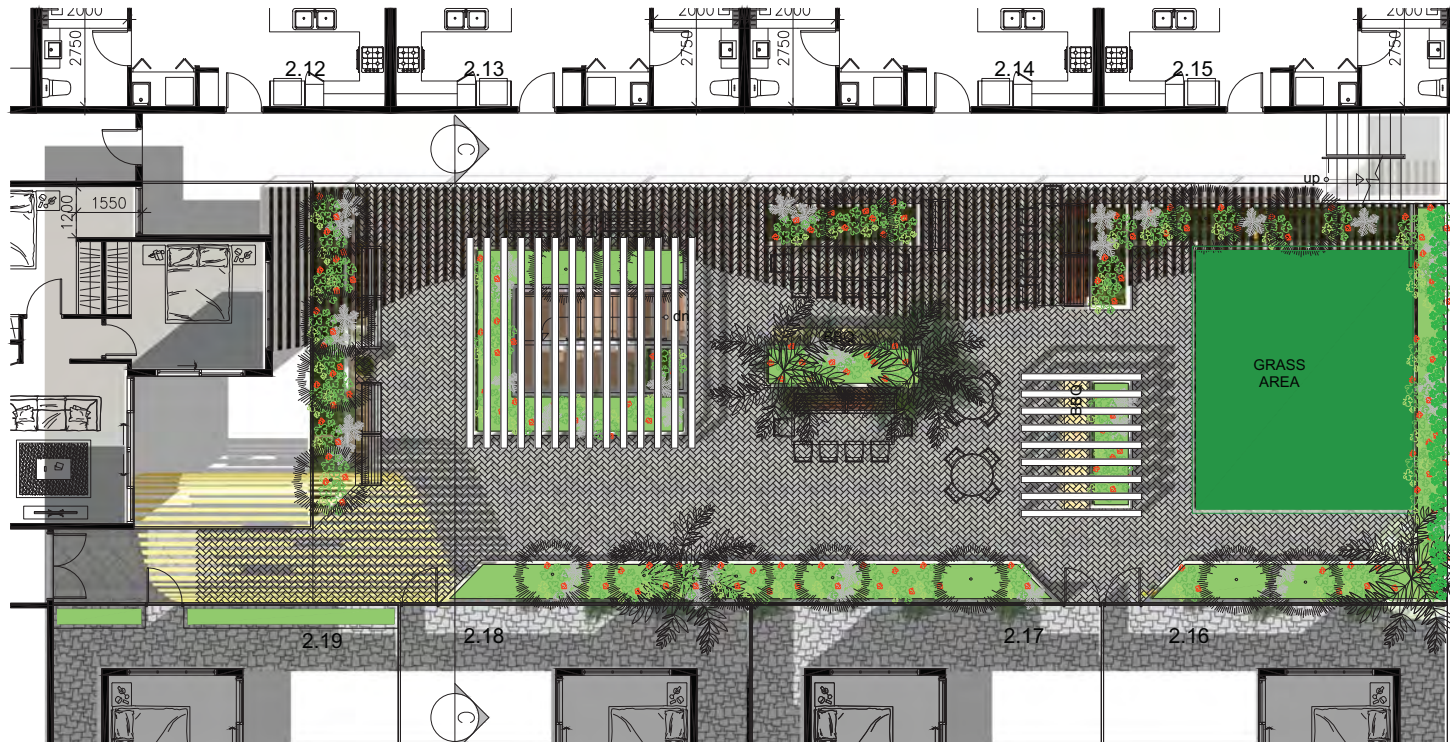
Patric Brown Architects Pty Ltd.
3 Essex Pl, Hawthorn East, VIC 3123
Ph: 039882 7006
Ph: 039882 7007
E-mail: pat@pba.com.au
A.M.A. 88 570 and 887





SECTION C

COURTYARD SECTION
SCALE: 1:50



CENTRAL COURTYARD
SCALE: 1:50

- LANDSCAPE LEGEND
- PROPOSED MEDIUM TREES (APPROX. 2.5-3M HIGH)
 - PROPOSED SMALL SCREENING TREES (APPROX. 1.5M HIGH)
 - PROPOSED NEW LOW SHRUBS
 - PROPOSED CLIMBING PLANT
 - PROPOSED LANDSCAPE AREA.
 - PROPOSED ARTIFICIAL TURF.



5	APPROVED TO PLACING APPLICATION	OCT 2018
4	CONSULTING AGREEMENT	SEP 2018
3	CONSULTING AGREEMENT	AUG 2018
2	DATA TO BE PROVIDED	AUG 2018
1	APPROVED TO APPLICATION	OCT 2017
-	TOWN PLANNING APPLICATION	OCT 2016

TOWN PLANNING AMENDMENT
APPLICATION P/2018/0175

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
Courtyard	
Drawn	Date
File	OCTOBER 2018
Job No	Scale
1714	1:100 @ B1
Drawing No	Revision No
TP 20	5
Peter Brown Architects Pty. Ltd. 9 Evans Pl. Hawthorn East Vic.3123 PH:0395962 7066 FX:0395962 7007 E-mail: pba@pba.com.au A.B.N. 63 070 418 187	

AERIAL PHOTO SHOWING VIEW LINES FROM TORMORE RESERVE TOWARD DANDENONG RANGES AND THE RELATIVE POSITIONS OF RECENT DEVELOPMENTS - INCLUDING THE PROPOSED 1-13 ERICA AVENUE

2019-01-29 Ordinary Meeting Of Council

Attachment 4.2



PHOTO FROM POINT 'A' ABOVE - SHOWING POSITIONS OF RECENT DEVELOPMENTS BEYOND THE EXISTING TREE LINE. NOTE - THE PROPOSED 1-13 ERICA AVE DEVELOPMENT WILL BE COMPLETELY OBSCURED BY TREES AND WILL HAVE ZERO IMPACT ON THE VIEWS FROM TORMORE RESERVE.



CAMERA ELEVATION AHD 124.00

TORMORE RESERVE AMENITY IMPACT
VIEWS TOWARD DANDENONG RANGES FROM TORMORE RESERVE - SHOWN FROM HIGHEST POINT POSSIBLE.

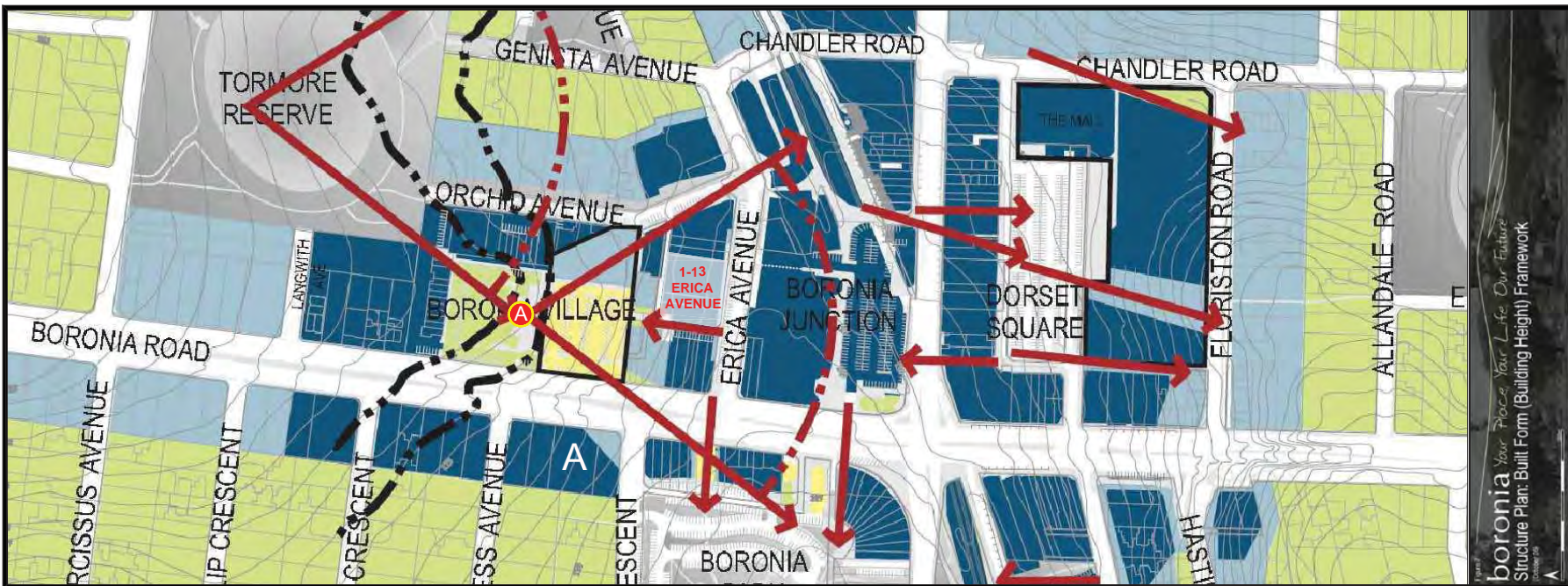
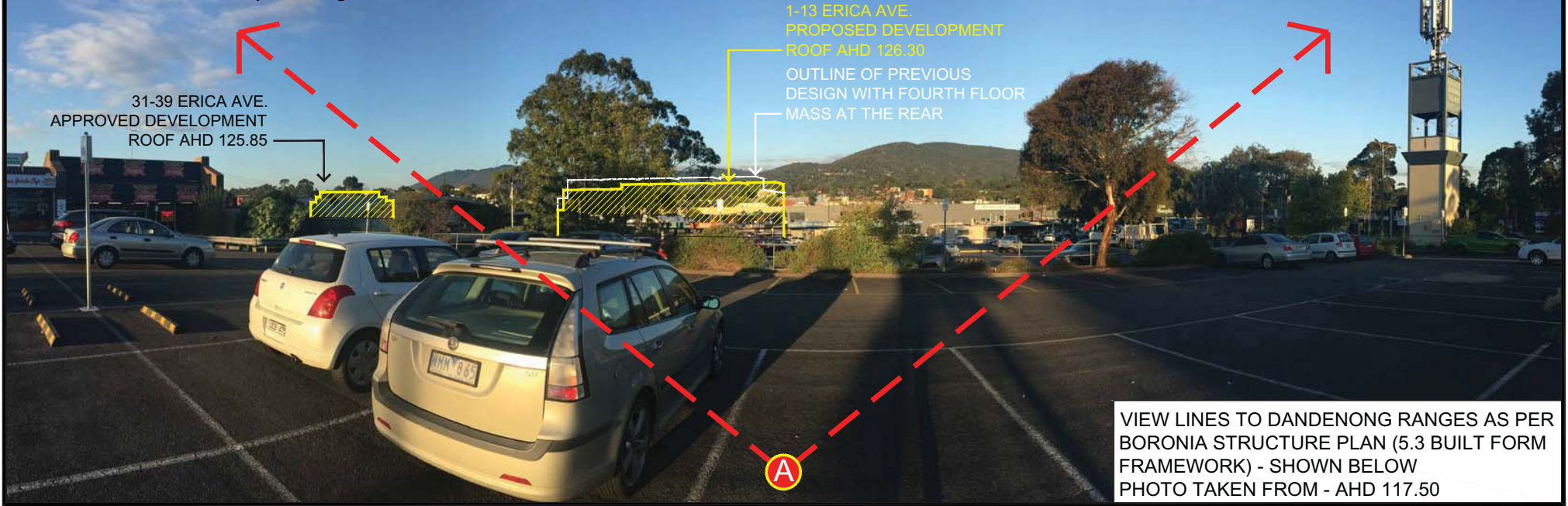
1	PROPOSED TO PLANNING APPLICATION	OCT 2018
1.1	CONCEPTUAL PLANNING	OCT 2018
1.2	CONCEPTUAL PLANNING	AUG 2018
2	PLA TO APPROVED	SEP 2018
3	PROPOSED TO APPLICATION	SEP 2017
4	TOOK PLANNING APPLICATION	OCT 2016

TOWN PLANNING AMENDMENT
APPLICATION P2018/01875

Project	
PROP. MIXED USE DEVELOPMENT RETAIL / RESIDENTIAL 1 - 13 ERICA AVE, BORONIA	
Title	
Tormore Reserve Amenity Impact	
Drawn	Date
LC	OCT 2018
Job No	Scale
1714	AS SHOWN @ B1
Drawing No	Revision No
TP 22	5

Patric Brown Architects Pty. Ltd.
8 Esna Pl. Hawthorn East VIC 3123
P.O. BOX 2968
VIC 3122
Tel: (03) 9489 7007
E-mail: info@pba.com.au
A.B.N. 66 070 468 287

1-13 ERICA AVENUE BORONIA ATTACHMENT 2



1	AMENDMENT TO PLANNING APPLICATION	OCT 2018
2	CONSULTATIVE DRAVING	SEP 2018
3	CONSULTATIVE DRAVING	AUG 2018
4	CALL TO TENDERS	APR 2018
1	AMENDMENT TO APPLICATION	MAR 2017
1	TOWN PLANNING APPLICATION	FEB 2016
REV	STATUS	DATE

TOWN PLANNING AMENDMENT
APPLICATION P/2018/175

Project
PROP. MIXED USE DEVELOPMENT
RETAIL / RESIDENTIAL
1 - 13 ERICA AVE, BORONIA

Title
Boronia Village Amenity Impact

Drawn	LC	Date	OCT 2018
Job No	1714	Scale	AS SHOWN @ B1

Drawing No	TP 23	Revision No	5
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1 - 13 ERICA AVENUE BORONIA ATTACHMENT 2

BORONIA VILLAGE AMENITY IMPACT

VIEWS TOWARD DANDENONG RANGES FROM BORONIA VILLAGE SHOWN AS PER BORONIA STRUCTURE PLAN.

6.5 Amendment C172 – Stamford Park LSIO (Land Subject to Inundation Overlay) removal

SUMMARY: Strategic Planner, City Futures, David Cameron

This report seeks Council's adoption of Amendment C172 to the Knox Planning Scheme and recommends that the Amendment be submitted to the Minister for Planning for approval. The amendment has proceeded through the exhibition period and received no submissions during that time. The amendment proposes to remove the Land Subject to Inundation Overlay (LSIO) from the residential pad of the Stamford Park development located at 980 Stud Road, Rowville. The LSIO located on the amendment site is currently a redundant planning scheme provision within the Knox Planning Scheme, following earthworks which raised the Stamford Park residential pad above the floodplain.

RECOMMENDATION

That Council:

1. **Adopt Amendment C172 to the Knox Planning Scheme in the form attached as Attachment 2;**
2. **Submit the adopted Amendment C172 to the Minister for Planning for approval;**
3. **Authorise the Director – City Development to make any minor changes required to Amendment C172 for approval by the Minister for Planning consistent with the intent of the adopted Amendment.**

1. INTRODUCTION

The land subject to Amendment C172 is described in the Certificate of Title Lot 2 of Volume 9584 Folio 491, Volume 10284 Folio 878, and Volume 11048 Folio 749 Parish of Narre Warren (addressed as 980 Stud Road, Rowville). The amendment site is at the western end of Emmeline Row, Rowville, and consists of the Stamford Park redevelopment site (see Attachment 1).

Amendment C172 only relates to the residential development pad of the Stamford Park redevelopment, which has recently undergone earthworks to raise the pad above the 1 in 100-year flood level in preparation for residential development. The proponent of the amendment, Roberts Day Consultants, continues to act on behalf of Stockland Pty Ltd.

Council resolved at its 24 September 2018 meeting to seek authorisation from the Minister of Planning to prepare and conduct limited exhibition for Amendment C172 to the Knox Planning Scheme. The amendment proposes to remove the Land Subject to Inundation Overlay (LSIO) from the residential development pad of the Stamford Park redevelopment site.

Amendment C172 was exhibited from 15 November 2018 to 17 December 2018. No submissions were made regarding the amendment. This report recommends that Council adopt Amendment C172 in the form attached as Attachment 2 and submit it to the Minister for Planning for approval.

2. DISCUSSION

The earthworks conducted at 980 Stud Road, Rowville (the Stamford Park residential pad), were undertaken in accordance with previously issued planning permits P/2016/6579 & P/2016/6768, for bulk earthworks and residential development respectively. These permits were obtained in preparation for residential development on the Stamford Park redevelopment site.

Following the completion of earthworks to the Stamford Park residential development pad, Melbourne Water provided confirmation that the earthworks were satisfactory and met the Melbourne Water conditions of permit. As the relevant floodplain manager, Melbourne Water provided no objection to the removal of the LSIO (see Attachment 3). Earthworks were completed with corresponding drainage works to the surrounding flood prone area.

The purpose of the LSIO is to identify flood storage and flood fringe areas susceptible to a one in 100-year flood event. It is also to ensure development minimises flood damage and does not cause significant flood level or velocity increase, and to ensure development maintains or improves river and wetland health.

Council has a responsibility to continuously evaluate the Knox Planning Scheme and ensure planning scheme provisions are accurately applied to the land. This is inclusive of removing any provisions that are redundant or no longer have relevance to the land which they apply.

The LSIO over the Stamford Park residential pad is no longer required and would impose redundant planning permit triggers on the developer of the site. Given the LSIO is no longer required over the residential pad, it is recommended that Council adopt Amendment C172 to the Knox Planning Scheme.

3. CONSULTATION

Amendment C172 was exhibited from 15 November 2018 to 17 December 2018. The limited exhibition (subject to section 20(2) of the Planning and Environment Act, 1987) included:

- Public notices in the Knox Leader on 13 November 2018, and Government Gazette on 15 November 2018.
- Letters to prescribed Members of Parliament.

No submissions were received in relation to the amendment during the exhibition period.

4. ENVIRONMENTAL/AMENITY ISSUES

Earthworks and drainage works have preceded this amendment at 980 Stud Road, Rowville, which were completed and are acceptable to the floodplain manager (Melbourne Water). The removal of the LSIO from the site will have no further impact on the surrounding environment or the surrounding amenity of existing residences.

5. FINANCIAL & ECONOMIC IMPLICATIONS

It is not anticipated that any additional financial or economic obligation will result through the removal of the LSIO at 980 Stud Road, Rowville.

The amendment will remove unnecessary planning permit triggers, which will reduce planning permit applications and associated applicant fees.

6. SOCIAL IMPLICATIONS

No further social implications are expected as a result of the removal of the LSIO from the residential pad of the Stamford Park redevelopment.

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

Goal 2 – We have housing to meet our changing needs.

Strategy 2.1 - Plan for a diversity of housing in appropriate locations.

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.

Author – Strategic Planner, City Futures, David Cameron - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Acting Director, City Development, Paul Dickie - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The removal of the LSIO from the residential development pad at 980 Stud Road, Rowville will remove a redundant planning control from the Knox Planning Scheme and reduce unnecessary planning permit applications. The changes are also supported by the floodplain manager (Melbourne Water) who has no objection to the removal of the LSIO.

In light of the information contained within this report, it is recommended that Council adopt Amendment C172 in the form attached as Attachment 2 and submit it to the Minister for Planning for approval.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Strategic Planner, City Futures – David Cameron

Report Authorised By: Acting Director, City Development – Paul Dickie

Attachments

1. Attachment 1 - Site map Knox C172 **[6.5.1]**
2. Attachment 2 - Knox C172 Amendment Documentation **[6.5.2]**
3. Attachment 3 - Knox C172 - Melbourne Water Response **[6.5.3]**

Attachment 1 - Subject site



Figure 1: 980 Stud Road, Rowville (Stamford Park development residential pad)

Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C172

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Knox City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Roberts Day Consultants acting on behalf of Stockland Development Pty Ltd.

Land affected by the Amendment

The Amendment applies to the land at 980 Stud Road, Rowville (the residential pad of the Stamford Park development).

What the amendment does

The Amendment proposes to delete the Land Subject to Inundation Overlay (LSIO) from the Stamford Park residential development area. The proposed deletion reflects recent earthworks and drainage works to the site at 980 Stud Road, Rowville to elevate the residential pad in relation to the surrounding flood plain.

Strategic assessment of the Amendment

Why is the Amendment required?

The recent completion of earthworks at Stamford Park has elevated the residential development pad. Melbourne Water has confirmed that the fill applied to the site meets its requirements, and has no objection to the removal of the LSIO.

Given the height of the fill applied to the residential development pad and the surrounding drainage works, the LSIO has become a redundant planning scheme provision over the site at 980 Stud Road, Rowville. The application of the LSIO to land above the applicable 1 in 100-year flood level has no further merit. If retained, the LSIO will result in unnecessary planning applications for a variety of works and this, in turn, will impose costs on residents through the lodgement of planning applications. Retention of a redundant planning scheme provision is not considered good planning practice.

How does the Amendment implement the objectives of planning in Victoria?

The amendment is consistent with the objectives of section 4(1) of the Planning and Environment Act (1987) by allowing for the fair, orderly, economic and sustainable use, and development of land. The amendment is also supported under section 12(1) of the Act, in that Council regularly review the provisions of the planning scheme for which it is a planning authority. Additionally, a planning authority may under section 12(2)(c) the Act do all things necessary to encourage and promote the orderly and proper use, development and protection of land in the area for which it is a planning authority.

How does the Amendment address any environmental, social and economic effects?

The purpose of the LSIO is to identify flood storage and flood fringe areas susceptible to a 1 in 100-year flood event, to ensure development minimises flood damage and does not cause significant flood level or velocity increase, and to ensure development maintains or improves river and wetland health. The LSIO is proposed to be removed from the elevated residential pad, and retained on the

surrounding land within the site at 980 Stud Road, Rowville. The removal of the LSIO will not impact on surrounding residential properties, as additional drainage works have also been undertaken.

It is not considered that there will be any detrimental social or economic implications as a result of the amendment. The amendment will, however, remove unnecessary planning permit triggers, and reduce planning permit applications and the associated fees.

Does the Amendment address relevant bushfire risk?

The subject site is not within a Bushfire Management Overlay (BMO), and the removal of the LSIO will not have any impact any existing bushfire risk.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The amendment is compliant with the Ministerial Direction on the form and content of the planning schemes under section 7(5) of the Planning and Environment Act (1987). The Amendment is also consistent with Ministerial direction No. 9 – Metropolitan Planning Strategy (as amended 30 July 2018) pursuant to section 12 of the Planning and Environment Act 1987 which requires planning authorities to have regard to the Metropolitan Planning Strategy.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The State Planning Policy Framework (SPPF) seeks to ensure the objectives of planning in Victoria, as set out in the Planning and Environment Act 1987, are fostered through appropriate planning policies and practices that integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

The amendment is supported by the following strategies:

- 11.03-6S: Regional and local places
 Planning considerations specific to the Stamford Park redevelopment site can be better integrated.
- 12.03-1S: Water bodies and wetlands
 Development on the residential pad of the Stamford Park redevelopment will be sited to consider waterways and ensure it does not impact a waterbody's capability to manage flood flow.
- 13.03-1S: Floodplain management
 Land affected by potential flooding has been accurately identified.
- 15.01-1S: Urban design
 Development will have a minimal impact on the surrounding natural environment in line with the existing residential development permit.
- 19.03-3S: Water supply, sewerage and drainage
 As part of the recent earthworks, surrounding drainage measures were also provided to assist peak flows and treatment of stormwater.
- 19.03-4S: Stormwater
 On-site stormwater measures at the Stamford Park estate will be undertaken.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The amendment is consistent with, and supports the direction of, Knox's Local Planning Policy Framework, and specifically the following aspects of the Municipal Strategic Statement.

- 21.06: Housing

The removal of the LSIO will remove unnecessary planning permit triggers for residential development and allow for an increased supply of housing.

- 21.09: Transport and infrastructure

This Amendment will ensure integrated water management and effective floodplain management for the site.

- 22.07: Development in residential areas and neighbourhood character

This Amendment will result in appropriate planning scheme controls by which to properly assess future residential development.

Does the Amendment make proper use of the Victoria Planning Provisions?

The proposed removal of the LSIO reflected its redundant placement at 980 Stud Road, Rowville. As it no longer serves a purpose (confirmed through correspondence with Melbourne Water), with the site placed above the relevant floodplain, retention of the overlay would serve no purpose.

How does the Amendment address the views of any relevant agency?

Melbourne Water, as the relevant floodplain management authority, has confirmed that following the completion of earthworks and additional surveys being undertaken on site, it has no objection to the removal of the LSIO from the residential development pad.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The amendment will not have a significant impact on the transport system.

Resource and administrative costs

The removal of the LSIO from the land will not have significant impact on the resource and administration costs of Knox City Council.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Council's Customer Service Building and Planning counter at the Knox Council Civic Centre, 511 Burwood Highway, Wantirna South, on weekdays from 8:30am to 5:00pm.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Planning and Environment Act 1987

KNOX PLANNING SCHEME

AMENDMENT C172

INSTRUCTION SHEET

The planning authority for this amendment is the Knox City Council.

The Knox Planning Scheme is amended as follows:

Planning Scheme Maps

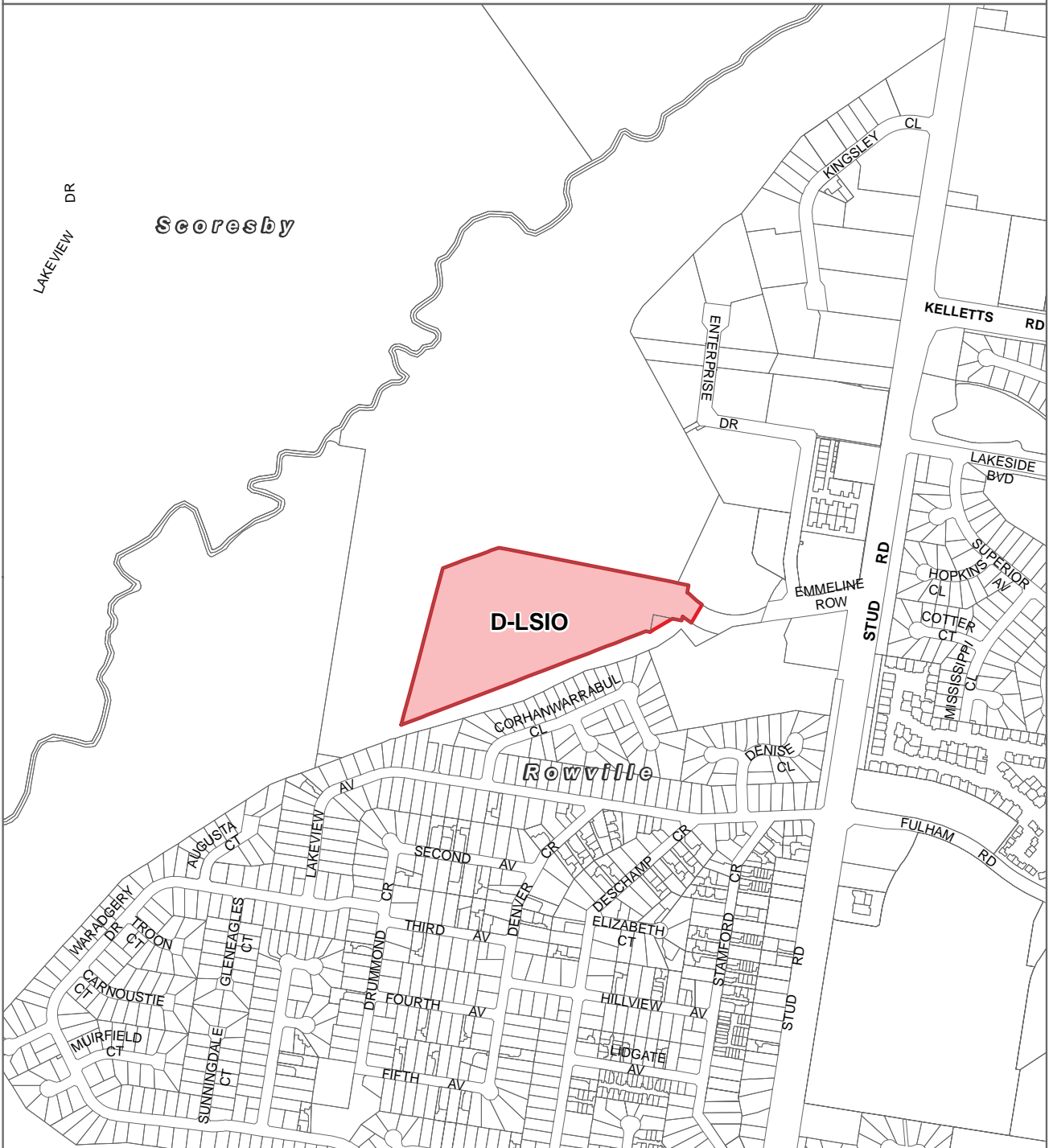
The Planning Scheme Maps are amended by a total of 1 attached map sheet.

Overlay Maps

1. Amend Planning Scheme Map No 5LSIO in the manner shown on the attached map marked "Knox Planning Scheme, Amendment C172".

End of document

KNOX PLANNING SCHEME - LOCAL PROVISION AMENDMENT C172



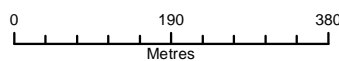
- LEGEND**
- D- Delete Zone or Overlay
 - Local Government Area



Part of Planning Scheme Map 5LSIO

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Planning Group
Print Date: 15/08/2018



Environment,
Land, Water
and Planning

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13 April 2018

Anthony Msonda-Johnson
Roberts Day
Level 5, 411 Collins Street
Melbourne VIC 3000

Dear Anthony,

RE: Review of feature and level survey plan

Site location: 980 Stud Road, Rowville

Plan reference: Job Number: 14339-108-06, Sheet: 1, Version: 1, Date: 16/11/2017

Melbourne Water reference: MWA-1014508

Date referred: 09/04/2018

Thank you for your email and submission of a feature and level survey plan for the Stamford Park development, as referenced above and attached to this letter.

The submitted feature and level survey plan indicates that the land has been filled in accordance with Melbourne Water's requirements relating to the approved development at 980 Stud Road, Rowville. Melbourne Water would therefore have no objection to the removal of the Land Subject to Inundation Overlay from the area that has been filled.

For further enquiries, please contact me on 9679 7410.

Regards,

A handwritten signature in black ink, appearing to be "Con Gantonas".

Con Gantonas
Customer and Planning Services

6.6 Cat Curfew Order

**SUMMARY: Coordinator, Projects and Improvement – Janet Simmonds
Coordinator, Community Laws - Paul Anastasi**

Council at its meeting on 22 January 2018 adopted the 2017-2021 Domestic Animal Management Plan. A key new initiative in this Plan is to address nuisance cats through the introduction of a sunset to sunrise cat curfew across the municipality. This report, and the attached proposed Order under Section 25(2) of the *Domestic Animals Act 1994*, seeks Council's approval to make it an offence if a cat is found at large outside the premises of the owner between sunset and sunrise, effective from 1 September 2019.

RECOMMENDATION

That Council:

- 1. Make an Order as provided in Attachment A, to impose a sunset to sunrise curfew for cats to be confined to their owner's premises, effective 1 September 2019.**
- 2. Note the proposed community education and information campaign, to inform the community of the new cat containment curfew requirements.**

1. INTRODUCTION

Council's 2017-2021 Domestic Animal Management Plan was approved and adopted by Council at the 22 January 2018 Ordinary meeting of Council. To address the issue of nuisance cat problems the plan proposes the introduction of a cat curfew in 2018/2019. A cat curfew would require that all cats be confined within the cat owners' premises between the hours of sunset and sunrise each day. The introduction of a cat curfew aims to prevent cats wandering at night, therefore reducing nuisances such as spraying and fighting, as well as protecting native wildlife.

In accordance with Section 25 of the *Domestic Animals Act 1994* (the Act), a Council may by resolution make an Order to make it an offence if a cat is found at large outside the premises of the owner or not securely confined to the owner's premises. The Order requires Council to specify the hours under which the order applies. This report seeks Council resolution to make an order to legally enforce the introduction of a cat curfew during the hours of sunset to sunrise, commencing 1 September 2019. Sunset and sunrise are determined as the times for a specified suburb and date, in accordance with the Australian Government *Geoscience Australia* website or its successor.

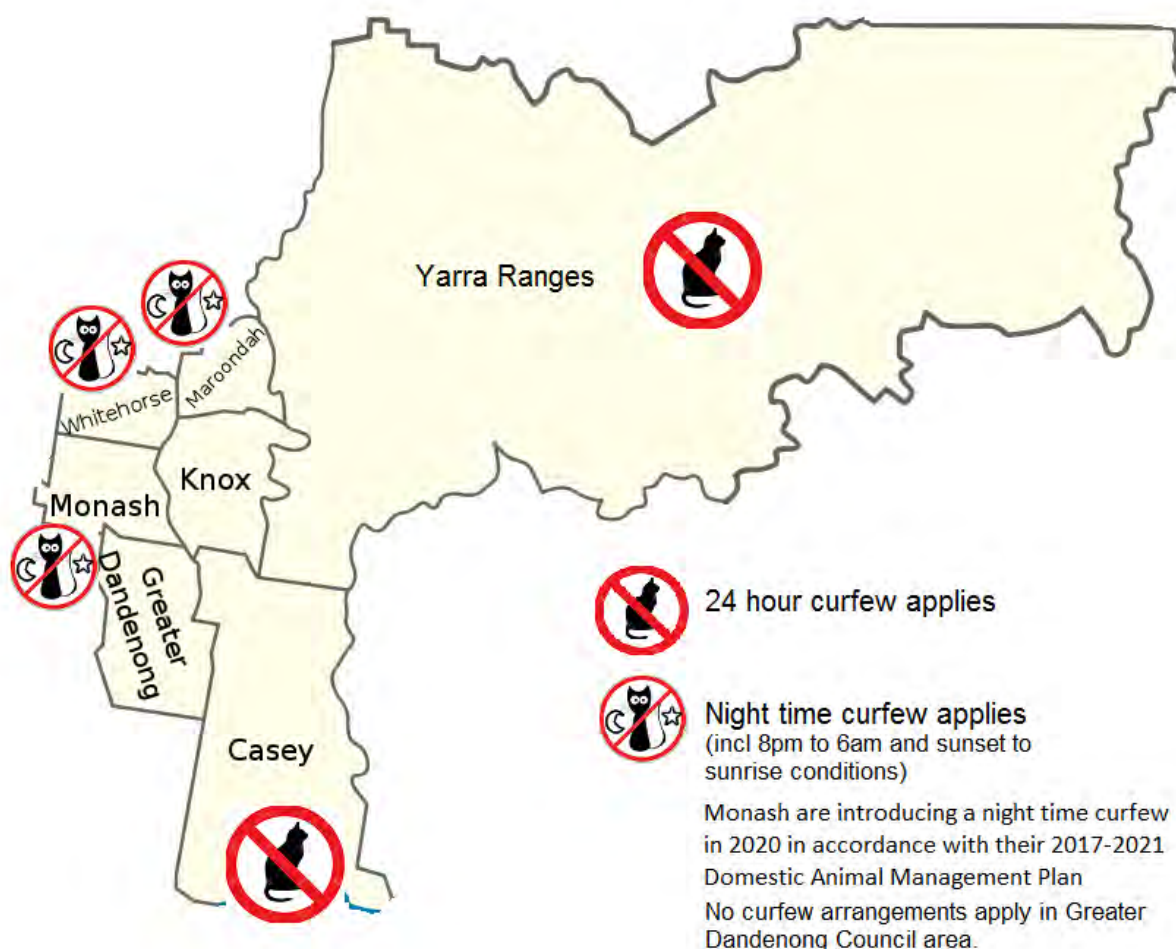
2. DISCUSSION

In the development of Council's 2017-2021 Domestic Animal Management Plan, Council proposed the introduction of a cat curfew for Knox - which was put to the public for consultation and comment.

Community consultation in developing the Plan found that 85% of survey respondents supported the introduction of a cat curfew. A detailed paper regarding the draft 2017-2021 Domestic Animal

Management Plan was put to the Issues Briefing meeting on 14 August 2017, and later adopted at the Ordinary Council Meeting on 22 January 2018, where Council supported the introduction of a sunset to sunrise curfew, as opposed to a 24 hour curfew.

Neighbouring municipal Councils, other than the City of Greater Dandenong, have adopted the following cat curfew arrangements:



Council's approach to implementing a cat curfew within our municipality will be through a comprehensive education and information campaign, to promote the additional containment requirements for cat owners. Council's 2017-2021 Domestic Animal Management Plan also outlines the following promotional activities to inform and educate the public on the introduction of the cat curfew:

- The development of communications plan to promote the introduction of the curfew, including the use of social media.
- Amend pet registration forms to advise of curfew requirements.
- Update new animal letters advising of curfew requirements; and
- Provide information on DIY cat enclosures and proof fencing on Council's website and in hard-copy on request.

Following the Council resolution of the cat curfew, the Order as recommended in this report will be published in the Victorian Government Gazette as well as the Knox Leader newspaper, in accordance with the legislative requirements under the Act. Council will also promote the use of cat enclosures and cat proof fencing as effective cat containment measures, which will refer residents to the range of options as promoted on the Victorian Department of Agriculture website.

It is intended that the proposed effective date of 1 September 2019 will provide sufficient time to inform the Knox community of the new curfew arrangements both through the information campaign measures discussed above, as well as at the upcoming Knox Pets in the Park event being held on the 31 March 2019.

From 1 September 2019, where a breach of the cat curfew has occurred and the offence can be established, an authorised Council officer may issue an infringement to the value of 0.5 of a penalty unit, or the Court could impose up to 1 penalty unit fine for a first offence. A maximum penalty of 3 penalty units applies under the Act for a second or subsequent offence. Penalty units are set by the State Government and indexed by the Treasurer annually on 1 July. The current value of a penalty unit is \$161.19 for 2018-19. The offending cat may also be impounded if not registered with Council.

If Council was to enforce and issue fines or prosecute offenders for breach of the curfew, the legal burden of proof Council would need to establish an offence has occurred would be:

- The exact identification and ownership of the offending cat (microchip identification and registration).
- Location, time and date of the offence – ensuring it occurred during the curfew times.
- Evidence from the resident impacted by the cat (i.e. Statement and potentially Council's witness in Court) to sufficiently meet the legal burden of proof that the offence has occurred.

A sunset to sunrise curfew provides additional complexities, compared to a 24 hour curfew, due to the burden of proof required to establish an offence has occurred during a specific time period that changes each day throughout the year. Due to these complexities, it is anticipated that Council's enforcement actions will be taken under limited circumstances. Whilst Council will respond to any reported complaints, it is anticipated that through community education, general compliance with the curfew will be achieved.

The operation of the sunset to sunrise cat curfew will be monitored as to its effectiveness over the life of the 2017-2021 Domestic Animal Management Plan.

3. CONSULTATION

Community consultation in developing the 2017-2021 Domestic Animal Management Plan found that 85% of survey respondents supported the introduction of a cat curfew. Council received 782 responses to a community survey, where respondents were asked to rank¹ their preference for three options relating to cat confinement, being (i) 24 hour cat confinement; (ii) dusk to dawn

¹ Knox Domestic Animal Management Plan Community Survey – Respondents were 'forced' to rank their preference, even if they did not agree with an option. The purpose of the question was to rate the most to least acceptable option.

confinement; and (iii) no confinement requirements. The community support for a dusk to dawn curfew was very high, with 96% and 71% of respondents respectively supporting a dusk to dawn curfew as their first or second option. The terms dusk to dawn/ sunset to sunrise have become interchangeable, however the term sunset to sunrise can be formally confirmed from planetary cycles. 15% of respondents did not support any confinement requirements for cats. Sixty-five percent of survey respondents also indicated that cats not being confined at night is an issue for them now or has been in the past.

In addition to the community survey, Council received 21 submissions relating to the Plan content, with most of the community feedback relating to concerns about cats not being subject to some type of confinement. The reasons given relate to the safety of cats, cat-fights and cat yowling (nuisance), protection of wildlife, and not wanting cats defecating or urinating in other people's properties (nuisance).

4. ENVIRONMENTAL/AMENITY ISSUES

Council's 2017-2021 Domestic Animal Management Plan acknowledges that many cat owners recognise the health and wellbeing associated with confining their cat at night. In addition, an increasing number of cat owners are taking it upon themselves to confine cats to their property or indoors 24/7 without any requirements via legislation.

'Providing their basic needs are met, cats can enjoy longer and healthier lives when safely contained to the property. Serious problems can occur if cats are allowed to roam outdoors, particularly at night (around 80% of accidents involving cats happen at night). Roaming cats can get hit by cars, injured in fights, catch fatal diseases (eg. Feline AIDS) or become lost. Roaming cats can also kill native wildlife – even well fed cats will hunt. Roaming cats can annoy neighbours too, by spraying, fighting, yowling and digging in gardens.'² A sunset to sunrise curfew is expected to provide improved protection for both Knox's native wildlife and the cats themselves.

5. FINANCIAL & ECONOMIC IMPLICATIONS

The implementation of the cat curfew will be delivered within existing budget allocations. Council currently manages nuisance cat complaints by providing effected residents a two-week loan of a cat trap, where a Community Laws officer will attend the effected property to either impound (unregistered) or return to the owner trapped cats. This process is required to establish the legislative requirement to prove that a cat has wandered onto another person's property without permission on more than one occasion³. In 2017-18, Council received 164 cat trap requests from the public. It is anticipated the introduction of a cat curfew will result in an increased demand for Council's free cat-trap hire service, managed by staff in Councils' City Safety and Health department.

While there is an expectation that the intervention may be absorbed with existing City Safety and Health staffing resources, experience from other Council's in introducing a cat curfew, has found an initial increase in activity impacting upon staff resources early in the introduction period.

² Victorian Department of Agriculture: agriculture.vic.gov.au/pets/cats/cat-confinement-enclosures-and-fencing

³ Section 23 of the *Domestic Animals Act 1994*.

Whilst a 24 hour curfew could result in additional cost burdens on cat owners' property through the voluntary installation of fencing modifications or cat enclosures and runs, the introduction of the sunset to sunrise curfew may not require increased financial burdens on cat owners. Owners can comply with the requirements of the curfew by keeping their cat confined within their house, garage or similar during the hours of sunset to sunrise – provided that the animal has a warm dry sleeping area, a litter tray and plenty of water.

6. SOCIAL IMPLICATIONS

Whilst Councils generally put cat confinement requirements in place in order to address wider community concerns related to the protection of wildlife and cat welfare, the community has an expectation that Council will actively enforce legislated requirements relating to pet trespass. The introduction of the cat curfew is expected to result in an increase in demand for this service, managed by Council's City Safety and Health Department.

Due to the burden of proof required from the resident trapping or reporting a cat in breach of the sunset to sunrise curfew, it is not anticipated that Council's Community Laws authorised officers will have many breaches where enforcement action can be taken by Council.

Council's approach to managing and rolling-out the cat curfew in Knox will be through a comprehensive education and information campaign, to promote the additional containment requirements for cat owners. Council promotes the use of cat enclosures and cat proof fencing as effective cat containment measures, which will refer residents to the range of options as promoted on the Victorian Department of Agriculture website.

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

The introduction of a cat curfew in Knox supports the achievement of the following goals of Council's Community and Council Plan 2017-2021, through managing nuisance cats to minimise the impact on our native wildlife, while promoting and ensuring the humane care and treatment of all pets.

Goal 1 - We value our natural and built environment

Strategy 1.2 - Create a greener city with more large trees, indigenous flora and fauna.

Goal 4 - We are safe and secure

Strategy 4.4 - Protect and promote public health, safety and amenity.

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.

Co-Author – Coordinator Projects and Improvement, Janet Simmonds - In providing this advice as the Co-Author, I have no disclosable interests in this report.

Co-Author – Coordinator Community Laws, Paul Anastasi - In providing this advice as the Co-Author, I have no disclosable interests in this report.

Officer Responsible – Acting Director, City Development, Paul Dickie - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

Council's approval of the order in Attachment A will provide the resolution required under Section 25 of the *Domestic Animals Act 1994* to make it an offence if a cat is found at large outside the premises of the owner during sunset to sunrise, effective from 1 September 2019. This will operationalise the introduction of the sunset to sunrise cat curfew, being a key initiative to address nuisance issues as adopted by Council in the 2017-2021 Domestic Animal Management Plan. The cat curfew, along with other provisions within the four year Plan, will be reviewed during the life of the plan as required.

10. CONFIDENTIALITY

There are no items of a confidential nature in this report.

Report Prepared By: Coordinator Projects and Improvement, Janet Simmonds
Coordinator Community Laws, Paul Anastasi

Report Authorised By: Acting Director City Development, Paul Dickie

Attachments

1. Council Order for Cat Curfew **[6.6.1]**



**ORDER 1/2019
of
KNOX CITY COUNCIL**

Section 25(2) of the *Domestic Animals Act 1994*

At its meeting on 29 January 2019 Knox City Council resolved to make the following Order under Section 25(2) of the *Domestic Animals Act 1994*.

This Order is effective from 1 September 2019.

1. All cats within the municipal district of Knox City Council must be securely confined to the owner's premises between the hours of sunset and sunrise each day.

Meaning of words in this Order:

Owner has the same meaning as in the *Domestic Animals Act 1994*

Sunset and **Sunrise** are the times as provided for the specified suburb and date, in accordance with the Australian Government Geoscience Australia website, or its successor.