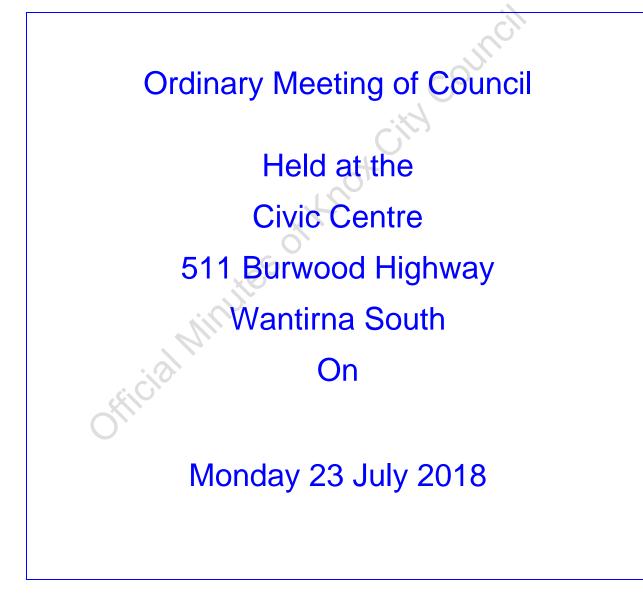


KNOX CITY COUNCIL MINUTES



official Minutes of Know City Council

<u>KNOX CITY COUNCIL</u>

<u>MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD AT THE</u> <u>CIVIC CENTRE, 511 BURWOOD HIGHWAY, WANTIRNA SOUTH</u> <u>ON</u> <u>MONDAY, 23 JULY 2018 AT 7.00 P.M.</u>

PRESENT:

Cr J Mortimore (Mayor) Cr J Keogh (Deputy Mayor) Cr P Lockwood Cr J Taylor Cr A Gill Cr T Holland Cr L Cooper Cr D Pearce Cr N Seymour

Mr T Doyle Mr M Hanrahan

Ms J Oxley Mr M Fromberg

Ms K Stubbings

Mr Phil McQue

Chandler Ward Dobson Ward Baird Ward Collier Ward Dinsdale Ward Friberg Ward Scott Ward Taylor Ward Tirhatuan Ward

Chief Executive Officer

Acting Director – Engineering & Infrastructure

Director - City Development

Director – Corporate Services

Director – Community Services

Manager – Governance & Strategy

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

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

<u>BUSINESS</u>:

Page Nos.

1. APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Nil.

2. DECLARATIONS OF CONFLICT OF INTEREST

Pursuant to Section 79 of the Local Government Act 1989 (The Act), Councillor Seymour declared a direct interest pursuant to Section 77B of the Act in Item 6.4 on the grounds that her daughter has danced with Rowville Ballet (the applicant) for many years and it may be perceived as Councillor Seymour having a bias in the decision making.

Pursuant to Section 79 of the Local Government Act 1989 (The Act), Councillor Mortimore declared an indirect interest pursuant to Section 78C of the Act in Item 10.3 on the grounds that he is a member of The Basin Fire Brigade which was a proposed recipient of a minor grant.

3. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED: CR. PEARCE SECONDED: CR. LOCKWOOD

Confirmation of Minutes of Ordinary Meeting of Council held on Monday 25 June 2018.

CARRIED

4. PETITIONS AND MEMORIALS

4.1 Councillor Taylor presented a petition with 142 signatories requesting the installation of traffic lights and a slip lane at the corner of Wantirna Road and Clarence Road.

The Petition lay on the table.

5. REPORTS BY COUNCILLORS

- 5.1 Committees & Delegates
- 5.2 Ward Issues

1.

	<u>IDERING AND ORDERING UPON OFFICERS' REPORTS WIT</u> DEVELOPMENT GROUP	
	All Wards	
	Report Of Planning Applications Decided Under Delegation (160/1/06)	4
	Collier Ward	
	Application For Development Of The Land For 84 Dwellings And Alteration Of Access To A Road In A Road Zone Category 1 At 750 Boronia Road, Wantirna	10
	Dinsdale Ward	
	Development Of The Land For A Seven Storey Mixed Use Building, Use Of Land For 55 Dwellings And A Reduction In Car Parking At 711-717 Mountain Highway, Bayswater	64
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	All Wards	
	Draft Knox Land For Business Directions Plan And Planning Scheme Amendment C164 – Consideration Of Submissions And Request Planning Panel	178
	All Wards	
	Response To Call Up Item - Investment Focused Planning Services	189
	Chandler and Baird Wards	100
	Boronia Renewal Project – Engagement With Children And Young People	198
C	All Wards	
	Review Of School Crossing Program Policy	209
	All Wards	
0	Response To Call Up Item - In-House Prosecutions Officer	225

7. PUBLIC QUESTION TIME

(Following the completion of business relating to Item 6, City Development, the business before the Council Meeting will be deferred to consider questions submitted by the public). 233.

8.2

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

8.1 Awarding Of Contract 2375 – Road Renewal Construction **236**. Program 2018/2019

Peregrine Reserve Masterplan

Taylor Ward

- 243.
- All Wards 8.3 People And Dogs In Parks - Three (3) Concept Options For Future 264. Dog Parks In Knox

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

<i>9.1</i>	2020 Central Enrolment Project	301.
9.2	All Wards Proposed Trading Names For Council's New Early Years Hubs	353.
9.3	All Wards Review Of Immerse Art Exhibition Program	360.
9.4	<i>All Wards</i> Review Of Council's Major Festivals And Events Program 2017-18	372.

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

411.	Dobson Wards Amendment To Submission Hearing Date - Proposed Sale Of 2a Francis Crescent, Ferntree Gully	
413.	Dobson Ward Proposed Sale Of Council Property – 3 The Avenue, Ferntree Gully	
421.	All Wards Minor Grants Program Applications	

11. ITEMS FOR INFORMATION

11.1	Works Report (As at 3 July 2018)	All Wards	427.
11.2	Assemblies of Councillors	All Wards	<i>453.</i>

<u>12.</u>	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN	460.
	12.1 Notice of Motion No. 82 - Modify public consultation process on Millers Homestead, Boronia	460.
<u>13.</u>	SUPPLEMENTARY ITEMS	<i>462</i> .
	13.1 Public Transport Advocacy	<i>462.</i>
	O^{\times}	
<u>14.</u>	URGENT BUSINESS	475.
	14.1 Urgent Business	475.
	14.2 Call Up Items	475.
<u>15.</u>	QUESTIONS WITHOUT NOTICE	475.
	TONY DOYLE <u>CHIEF EXECUTIVE OFFICER</u>	

5. **REPORTS BY COUNCILLORS**

5.1 Committees & Delegates

5.1.1 COUNCILLOR JAKE KEOGH

Councillor Keogh attended the following Meetings

- Social Media for Social Change
- Community Development Fund Grants Committee Panel
- Leisure Minor Grants

5.1.2 COUNCILLOR JACKSON TAYLOR

Councillor Taylor attended the following Meetings

- Templeton Cricket Club Season Launch
- Community Development Fund Grants Committee Panel
- Knox Hockey Club
- Wantirna College 2018 Choral Showcase
- Tree Planting for World Environment Day
- Knox Leisure Awards

5.1.3 COUNCILLOR LISA COOPER

Councillor Cooper attended the following Meeting

Early Years Advisory Committee

5.1.4 COUNCILLOR PETER LOCKWOOD

Councillor Lockwood attended the following Meetings

- Citizenship Ceremony
- Refugee Week Welcome Dinner
- Johnson Park Cricket Club Launch

5.1.5 COUNCILLOR JOHN MORTIMORE

Councillor Mortimore attended the following Meetings

- Victorian Sister Cities Forum at Parliament House
- Eastern Regional Group meeting
- Citizenship Ceremony
- Salvation Army Employment Plus Launch
- Knox and District Over 50's Meeting
- Two CEO Staff Briefings
- U3A Intergenerational Program Launch
- Eastern Regional Groups of Mayors, Councillor Representatives and CEOs
- Mullum Mullum Stadium Opening
- Knox Falcons

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COUNCIL - REPORTS BY COUNCILLORS

- Mayoral Interview with Radio Eastern FM
- Knox Active Ageing Advisory Committee
- Planning Consultative Committee Meeting
- Knox Historical Society
- Knox Affordable Housing Advisory Committee
- Michael Sukkar MP
- Employment Plus
- Community Gardens Presentation
- Victorian Greenhouse Alliances Conference

5.2 Ward Issues

5.2.1 COUNCILLOR ADAM GILL (DINSDALE WARD)

• Councillor Gill noted the \$600,000 budget for the Marie Wallace Bayswater Park. Works on the park are to commence early next year. These upgrades will enhance Knox's reputation for maintaining green and open areas which is attractive for new and current residents. Councillor Gills advised these works will involve the construction of a bicycle traffic school and BBQ recreation area. The Park will improve open space in Bayswater which for a long time has required high quality space.

5.2.2 COUNCILLOR JACKSON TAYLOR (COLLIER WARD)

• Councillor Taylor advised Council that the Templeton 3 Year Old Kindergarten in Wantirna recently closed. Councillor Taylor noted this is a sad outcome for the local community. Many 3 Year Old Kindergartens rely heavily on volunteers which is hard to sustain in the current climate. Councillor Taylor suggested that perhaps Council should look at the system and explore any opportunities to change the system to allow volunteer kindergarten programs to become viable.

5.2.3 COUNCILLOR DARREN PEARCE (TAYLOR WARD)

• Councillor Pearce advised he released a survey into the Taylor Ward community on the Rowville rail issue which received 185 responses.

5	•
The responses to the questions are:	
Question	Number of responses
1. Preference for a Rowville heavy rail	133
2. Rowville heavy rail but satisfied with a light rail alternative	47
3 Light rail preferred	5
4. Don't need the rail	5
5. No interest	5

Councillor Pearce intends to forward this survey to Kim Wells MP. Rowville rail is much needed for the community and this has been known for a long time. The survey reflects the greater population's view for demand for a Rowville Heavy Rail option.

- Councillor Pearce commented on the Pet Cemetery issue and noted his surprise to see the article in the local paper and the subsequent media attention regarding the closure of the Pet Cemetery given he had received no contact from the owner in the last 10 years.
- Councillor Pearce discussed Council's decision to refuse a 20 villa development application in the area. Councillor Pearce noted VCAT upheld the Council's decision after an appeal from the prospective developers. The decision was made based on the developers' inconsistency with our Housing Strategy Policy. The decision from VCAT affirms the direction of our Housing Policy along with the future outlook for our community and highlights how the developers failed to take into account our policies.

3

ALL WARDS

6.1 REPORT OF PLANNING APPLICATIONS DECIDED UNDER DELEGATION

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

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

RECOMMENDATION

That the planning applications decided under delegation report (between 1 June to 30 June 2018) be noted.

REPORT

Details of planning applications decided under delegation from 1 June to 30 June 2018 are attached. The applications are summarised as follows:

	No	
Building & Works:	Residential	7
-	Other	8
Subdivision	0	13
Units	S	30
Tree Removal/Pruning		12
Change of Use		2
Single Dwelling		5
Covenant Removal		1
Signage		1
TOTAL		79

COUNCIL RESOLUTION

MOVED:	CR. PEARCE	
SECONDED:	CR. TAYLOR	

That the planning applications decided under delegation report (between 1 June to 30 June 2018) be noted.

CARRIED

Knox City Council Planning Applications Decided by Responsible Officer

1 June 2018 – 30 June 2018

Ward	No/Type	Address	Description	Decision
Baird	2017/6517	19-21 Iris Crescent BORONIA VIC 3155	Development of eight (8) dwellings (seven double and one single storey)	28/06/2018 Refused
Baird	2017/6574	42 Cinerea Avenue FERNTREE GULLY VIC 3156	Development of a double storey dwelling to the rear of the existing dwelling	15/06/2018 Approved
Baird	2017/6643	3 Nerissa Street FERNTREE GULLY VIC 3156	Development of the land for a double storey dwelling to the rear of existing and two lot subdivision	05/06/2018 Notice of Decision
Baird	2017/6649	224 Boronia Road BORONIA VIC 3155	Development of the land for six (6) three storey dwellings and alter access to a road in a Road Zone Category 1	13/06/2018 Notice of Decision
Baird	2018/6086	5 Dunlop Court BAYSWATER VIC 3153	The construction of eight (8) warehouses with ancillary mezzanine office and reduction in car parking	13/06/2018 Approved
Baird	2018/6092	3 Loretto Avenue FERNTREE GULLY VIC 3156	Development of the land for two (2) double storey dwellings	01/06/2018 Notice of Decision
Baird	2018/6120	49 Rankin Road BORONIA VIC 3155	2 lot subdivision	15/06/2018 Approved
Baird	2018/6312	17 Donald Court BORONIA VIC 3155	Removal of two dead trees in front yard	19/06/2018 Approved
Baird	2018/9093	48 Piperita Road FERNTREE GULLY VIC 3156	Two lot subdivision	22/06/2018 Approved
Chandler	2017/6215	1F/981 Mountain Highway BORONIA VIC 3155	Manufacturing Sales	05/06/2018 Approved
Chandler	2017/6515	4 Elliott Street BORONIA VIC 3155	Construction of five (5) two storey dwellings	18/06/2018 Notice of Decision
Chandler	2017/6722	62 Boronia Road BORONIA VIC 3155	Removal of restrictive covenant No. 2260305	19/06/2018 Refused
Chandler	2017/6769	1/27 Chandler Road & 2A Rangeview Road BORONIA VIC 3155	Seven lot subdivision (Approved Unit Site)	15/06/2018 Approved
Chandler	2017/6794	13 Ross Avenue THE BASIN VIC 3154	The construction of a single dwelling and the removal of vegetation	12/06/2018 Notice of Decision
Chandler	2018/6099	1A Moncoe Street BORONIA VIC 3155	2 lot subdivision	15/06/2018 Approved
Chandler	2018/6143	11A Lynette Street BORONIA VIC 3155	Single dwelling and garage	08/06/2018 Approved
Chandler	2018/6177	51 Landscape Drive BORONIA VIC 3155	Buildings and Works (Dwelling extension within a tree zone)	28/06/2018 Approved

Ward	No/Type	Address	Description	Decision
Chandler	2018/6303	17 Locksley Place	Development of the land for	29/06/2018
		THE BASIN VIC 3154	a single dwelling	Approved
Chandler	2018/6308	20 Lockwoods Road	Removal of 3 trees	22/06/2018
		BORONIA VIC 3155		Approved
Chandler	2018/9080	10 Blythe Avenue	Removal of one (1)	05/06/2018
		BORONIA VIC 3155	Eucalyptus goniocalyx	Approved
Chandler	2018/9081	18 Albert Avenue	Removal of one (1)	13/06/2018
		BORONIA VIC 3155	Liquidambar styraciflua (Liquidambar)	Approved
Chandler	2018/9089	11 Tarakan Street	Remove one Acacia	15/06/2018
		BORONIA VIC 3155	melanoxylon tree	Approved
Chandler	2018/9091	21 Harnett Street	Remove one (1) Dead	21/06/2018
		BORONIA VIC 3155	Eucalyptus sp	Approved
Chandler	2018/9092	1 Milleara Street	Removal of one (1) dead	20/06/2018
		THE BASIN VIC 3154	Eucalyptus obliqua (Messmate)	Approved
Chandler	2018/9097	20 Augusta Road	Remove one (1) Eucalyptus	27/06/2018
		THE BASIN VIC 3154	saligna	Approved
Collier	2017/6430	5 Alderford Drive	Development of the land for	01/06/2018
		WANTIRNA VIC	two (2) double storey	Notice of
		3152	dwellings and one (1) single storey dwelling	Decision
Collier	2017/6528	587 Boronia Road	Construction of eight (8)	16/06/2018
		WANTIRNA VIC	three storey dwellings and	Notice of
		3152	alteration to a Road Zone Category 1	Decision
Collier	2018/6003	272 Wantirna Road	Development of four (4)	15/06/2018
		WANTIRNA VIC	double storey dwellings and	Approved
		3152	alteration of access to a	
• •••	0010/0000		Road Zone Category 1	
Collier	2018/6020	14 Gresford Road	The development of the	08/06/2018
		WANTIRNA VIC 3152	land for a double storey	Approved
		3152	dwelling to the rear of the	
Collier	2018/6129	999 Mountain Highway	existing dwelling 3 lot subdivision (Existing	22/06/2018
Comer	2010/0129	BORONIA VIC 3155	Industrial Buildings)	Approved
Dinsdale	2017/6422	2 Annette Grove	Construction of a second	01/06/2018
	LUTITUTLE	BORONIA VIC 3155	dwelling to the rear of the	Approved
			existing dwelling	, ,pp, 0, 00
Dinsdale	2017/6495	24 Begonia Avenue	Development of the land for	01/06/2018
	0	BAYSWATER VIC	three (3) double storey	Notice of
		3153	dwellings	Decision
Dinsdale	2017/6689	627 Mountain Highway	Development of six (6)	12/06/2018
		BAYSWATER VIC	double storey dwellings and	Refused
		3153	alter access to Road Zone Category 1	
Dinsdale	2017/6779	48 Sasses Avenue	Development of a double	20/06/2018
		BAYSWATER VIC 3153	storey dwelling to the rear of the existing dwelling	Approved
Dinsdale	2018/6051	18 Maple Street	Development of the land for	05/06/2018
		BAYSWATER VIC	two (2) double storey and	Approved
		3153	one (1) single storey	
			dwelling (total three	
D '	0040/0400	70	dwellings)	04/00/001-
Dinsdale	2018/6109	7 Queenstown Road	Development of a double	04/06/2018
		BORONIA VIC 3155	storey dwelling to the rear	Notice of
			of the existing dwelling	Decision

Ward	No/Type	Address	Description	Decision
Dinsdale	2018/6146	7 St Andrews Road BAYSWATER VIC	Development of the land for two (2) double storey	22/06/2018 Notice of
		3153	dwellings	Decision
Dinsdale	2018/9090	13 Coolibah Crescent BAYSWATER VIC 3153	Two lot subdivision	22/06/2018 Approved
Dinsdale	2018/6150	226 Scoresby Road BORONIA VIC 3155	Development of a single storey dwelling to the rear of the existing dwelling, and alteration of access to a Category 1 Road	18/06/2018 Notice of Decision
Dinsdale	2018/9085	3 Russell Crescent BORONIA VIC 3155	2 lot subdivision	07/06/2018 Approved
Dobson	2017/6181	12 Cornhill Street FERNTREE GULLY VIC 3156	Development of land for a double storey dwelling to the rear of the existing dwelling and removal of vegetation	12/06/2018 Approved
Dobson	2017/6800	3 Athella Court FERNTREE GULLY VIC 3156	Development of a single storey dwelling to the rear of the existing dwelling, associated works, and removal of vegetation	28/06/2018 Approved
Dobson	2017/6813	18 Sheldon Court LYSTERFIELD VIC 3156	Variation to the DPO (building envelope) and buildings and works associated with a tennis court and dwelling additions	28/06/2018 Approved
Dobson	2017/6814	1038 Burwood Highway FERNTREE GULLY VIC 3156	Buildings and works (Alterations and additions to existing supermarket and carpark), removal of vegetation and display of internal illuminated signs	01/06/2018 Approved
Dobson	2018/6007	41 Trafalgar Street FERNTREE GULLY VIC 3156	The construction of two (2) double storey dwellings on the land	27/06/2018 Notice of Decision
Dobson	2018/6108	595 Wellington Road LYSTERFIELD VIC 3156	Development and use of the land for a dependant persons unit	05/06/2018 Approved
Dobson	2018/6154	6 Johns Street UPPER FERNTREE GULLY VIC 3156	Development of the land for a single dwelling, front fence and the removal of vegetation.	06/06/2018 Approved
Dobson	2018/6179	1 Walbundry Avenue FERNTREE GULLY VIC 3156	Buildings and Works (Carport)	29/06/2018 Approved
Dobson	2018/6205	1029A Burwood Highway FERNTREE GULLY VIC 3156	Erection of an electronic major promotional sign	12/06/2018 Refused
Dobson	2018/6235	63 Station Street FERNTREE GULLY VIC 3156	Proposed carport to the rear of existing shop	01/06/2018 Approved
Dobson	2018/6275	9 Prince Street FERNTREE GULLY VIC 3156	Construction of a double storey dwelling	06/06/2018 Approved

COUNCIL - CITY DEVELOPMENT

Ward	No/Type	Address	Description	Decision
Dobson	2018/6282	18 Ferndale Road UPPER FERNTREE GULLY VIC 3156	Remove two (2) Populus deltoides	05/06/2018 Approved
Dobson	2018/9082	48 Kia-Ora Parade FERNTREE GULLY VIC 3156	Construction of side boundary fence	08/06/2018 Approved
Dobson	2018/9083	27 Alexander Cresc FERNTREE GULLY VIC 3156		08/06/2018 Approved
Dobson	2018/9084	4/36 Margot Street FERNTREE GULLY VIC 3156	Removal of one (1) Ulmus glabra lutescens	07/06/2018 Approved
Dobson	2018/9087	9 Chaundy Str FERNTREE GUL VIC 3156		1) 19/06/2018 Approved
Dobson	2018/9088	2 Dany Co FERNTREE GUI VIC 3156	ourt Construction of a carport	15/06/2018 Approved
Friberg	2017/6578	19-21 Adele Aver FERNTREE GUL VIC 3156		s Notice of
Friberg	2018/6041		ose Development of the land for VIC two (2) double store dwellings	
Friberg	2018/6088		 Development of the land for VIC two (2) double store dwellings (duplex) 	
Friberg	2018/6100	Road	ully Construction of an office	05/06/2018 Approved
Friberg	2018/6158	61 Rushdale Str	eet 4 lot subdivision (Industrial /IC) 15/06/2018 Approved
Friberg	2018/6181	9 Lynn D FERNTREE GUL VIC 3156	rive Three lot subdivision an LY removal of an easemen (Approved Unit Site)	
Friberg	2018/9099		bad Removal of one ([.] VIC Eucalyptus cephalocarpa	1) 29/06/2018 Approved
Scott	2017/6605		 Development of the land for VIC two (2) double storey and one (1) single store dwellings 	nd Notice of
Scott	2017/6708		bad Development of the land fo /IC three double store dwellings	
Scott	2017/6778	5	eet Development of the land for VIC Three dwellings comprisin two (2) double storey an one (1) single store dwellings	ng Approved
Scott	2017/6811	81 David Street No KNOXFIELD 3180		ey Notice of

COUNCIL - CITY DEVELOPMENT

Ward	No/Type	Address	Description	Decision
Scott	2017/6818	45 Fewster Drive	Development of the land for	05/06/2018
		WANTIRNA SOUTH VIC 3152	five (5) double storey dwellings	Approved
Scott	2018/6218	55 King Parade	Four lot subdivision	08/06/2018
		KNOXFIELD VIC 3180	(Approved Unit Site)	Approved
Tirhatuan	2017/6539	5-13 Hillview Avenue	Development of land for	12/06/2018
		ROWVILLE VIC 3178	eight (8) triple storey	Notice of
			dwellings and thirteen (13) double storey dwellings	Decision
Tirhatuan	2017/6638	9/8 Enterprise Drive	Buildings and Works	01/06/2018
		ROWVILLE VIC 3178	(Mezzanine floor) and use the land for a Restricted Recreation Facility (Karate Centre)	Approved
Tirhatuan	2018/6082	3/1490 Ferntree Gully	Buildings and Works	12/06/2018
		Road	(Mezzanine internal to	Approved
		KNOXFIELD VIC 3180	existing warehouse) and dispensation of car parking	
Tirhatuan	2018/6185	1 Keith Campbell	Change of use (educational	14/06/2018
		Court SCORESBY VIC 3179	centre) and associated buildings and works	Approved
Tirhatuan	2018/6226	92 Grayson Drive	Three lot subdivision	08/06/2018
		SCORÉSBY VIC 3179	(Approved Unit Site)	Approved
Tirhatuan	2018/6280	34 Avalon Road	Two lot subdivision	05/06/2018
		ROWVILLE VIC 3178	(Approved Unit Site)	Approved
Tirhatuan	2018/6284	Stud Park SC	Buildings and Works	08/06/2018
		(Safeway)	(Alterations to rooftop plant	Approved
		1PS/1101 Stud Road ROWVILLE VIC 3178	platform and equipment and platform screens)	
Tirhatuan	2018/6294	Stud Park SC	Buildings and Works	08/06/2018
matual	2010/0204	(Safeway)	(facade works) and	Approved
		1PS/1101 Stud Road ROWVILLE VIC 3178	business identification	
Tirhatuan	2018/9096	15 Kelletts Road	Boundary realignment	29/06/2018
(ROWVILLE VIC 3178	, ,	Approved

Total: 79

COLLIER WARD

6.2 APPLICATION FOR DEVELOPMENT OF THE LAND FOR 84 DWELLINGS AND ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1 AT 750 BORONIA ROAD, WANTIRNA (APPLICATION NO. P/2017/6589)

1. SUMMARY:

Land: Applicant: Proposed Development:	750 Boronia Road, Wantirna Mecone Town Planning Development of the land for 84 dwellings and alteration of access to a road in a Road Zone Category 1
Existing Land Use:	Accommodation
Area/Density:	2.10 hectares / 1:250m ²
Zoning:	General Residential Zone – Schedule 1
Overlays:	Nil
Local Policy:	Municipal Strategic Statement (MSS)
-	Environmentally Sustainable Development
	Policy
	Development in Residential Areas and
	Neighbourhood Character Policy
Application Received:	2 October 2017
Number of Objections:	425
PCC Meeting:	N/A

Assessment:

An application for review of Council's failure to make a decision within the prescribed timeframes of the Planning and Environment Act 1987 has been lodged with VCAT.

The development does not provide an appropriate balance between the need for additional housing, the amenity of occupants, and planting of new canopy vegetation.

The proposal fails to comply with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06) and Economic Development (Clause 21.07).

The proposal fails to comply with the objectives and standards of the General Residential Zone – Schedule 1, Clause 52.06, and Clause 55 of the Knox Planning Scheme.

The proposal does not reasonably respond to State and Local Planning Policies. If Council were in a position to decide on the application, it is recommended that a Notice of Decision to Refuse a Planning Permit would have been issued.

2. BACKGROUND

2.1 Call Up

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

2.2 Subject Site and Surrounds

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

- The subject site is a large allotment located on the south side of Boronia Road, known as 750 Boronia Road, Wantirna. The subject site is irregular in shape and has an approximate slope of 12m from the east to west. The site has a frontage 199m and a land area of approximately 2.10 hectares.
- The site contains a number of buildings which were previously used by SCOPE for accommodation and training/employment services. Currently the site is used for accommodation.
- Land to the north (across Boronia Road) is a developed residential area.
- Land immediately to the east and south is owned by VicRoads which is currently undeveloped.
- Further to the east of the site is currently used as a trash and treasure market. Located further east is Knox Private Hospital and Wantirna Mall.
- Land immediately west is occupied by the Hungarian Community Centre. Located further west is Eastlink.
- No covenants are registered on the copy of title.
- The site does not contain any significant vegetation.
- The site has two vehicle crossovers to Boronia Road.

2.3 The Proposal

(Refer to attached plans at Appendix B)

The proposal seeks to develop the land for 84 dwellings and alteration of access to a Road Zone Category 1.

Details on the proposal are as follows:

- The layout of dwellings are broken up into 17 dwellings types: Type A, B, C, D, E, F, G, G+, H, I, I+, J, K, L, M, N and O. The dwellings range in size from approximately 164m² to 378m².
- All dwellings are provided with private open space in the form of a backyard or balcony.

- Eight (8) dwellings will contain two (2) bedrooms, eight (8) dwellings will contain three (3) bedrooms, and 68 dwellings will contain four (4) bedrooms.
- 60 dwellings are proposed to be three storeys and 24 dwellings are proposed to be two storeys.
- The development will not exceed 12m in height.
- Vehicle access to the site will be via one crossover adjacent the west boundary.
- The provision of 16 visitor car parking spaces are proposed throughout the development.
- The proposed colours and materials of the dwellings include render (in colours ranging from light grey to mid brown), brickwork (in neutral colours), timber look cladding and stone cladding, and dark roof tiles.
- The site will be cleared of vegetation to facilitate the development.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of two (2) signs on the site and notices sent to adjoining property owners and occupiers. In total 425 objections were received and are summarised below.

The proposed development will be detrimental to the Hungarian Community Centre

• There are concerns with 'reverse amenity' impacts to any future residents of the subject site due to the operations of the Hungarian Community Centre. It is considered that the development has not satisfactorily addressed this as part of the design response.

Proposed Built Form and Neighbourhood Character

- The design response has not satisfactorily responded to the constraints of the site and will also create poor internal amenity for the future occupants of the site.
- An assessment of the proposed development against Neighbourhood Character is provided at Section 4.4 of this report.

Car Parking Provisions

• The number of car parking spaces provided to each dwelling, and the provision of visitor car parking complies with Clause 52.06 (discussed further below at Section 4.3).

Access into the site from Boronia Road

- The application seeks to alter access to a road in a Road Zone Category 1 (Boronia Road). Therefore the application was referred to VicRoads who did not object to the application, subject to conditions (which can be referred to under Section 4.3 of the report).
- It is noted that conditions imposed by VicRoads will require the existing right turn lane into the site to be lengthened by approximately 20m, the existing eastern crossover to be deleted and the consolidation of the existing left turn lanes to a single deceleration lane.

Lack of landscaping

• The proposal will not make a positive contribution to the character of the area as it does not provide for an appropriate transition between the adjoining land to the south and west and provides for minimal landscaping opportunities throughout the site.

Lack of internal amenity for dwellings backing onto Boronia Road

• Whilst there are issues with the design response along Boronia Road, it is considered that any amenity impacts to the dwellings fronting Boronia Road are not dissimilar to dwellings adjoining any main road.

Vegetation removal

• The site does not contain any significant vegetation and a permit is not required to remove vegetation. Despite this, the proposal will not contribute to an appropriate planning outcome for the site. This is discussed further at Section 4.4 of the report.

3.2 Referrals

The application has been referred to VicRoads, Country Fire Authority (CFA), Public Transport Victoria (PTV), Victorian Planning Authority (VPA), and internal departments for comment.

The following is a summary of relevant advice:

VicRoads

• VicRoads did not object to the proposal, subject to conditions that will be included in any permit to issue.

<u>CFA</u>

• CFA did not object to the proposal, subject to conditions that will be included in any permit to issue.

<u>PTV</u>

• No response received, therefore unconditional consent is presumed.

<u>VPA</u>

• The application was referred to the VPA as the site is located within the Wantirna Health Precinct. No response was received.

Traffic Engineer

- If the site is subdivided in the future, the width of the internal roads and access ways must meet the requirements of Clause 56 (in particular, Clause 56.06 for Access and Mobility Management) for subdivisions. This requirement also allows for the transfer of roads and assets to Council following development. The current proposal does not comply with the relevant standards of Clause 56 of the Knox Planning Scheme, and as such, must stay as a private road. This is a fundamental issue as the development proposes potential future road links to the east/south of the site. This would result in an unacceptable outcome and will detrimentally affect the orderly planning of the area.
- The access way width narrows to 3.5m wide adjacent visitor car parking spaces. This is insufficient to allow vehicles to pass. A provision of a passing area at least every 30m is required.
- Traffic calming devices are required on straight sections of the access way at least 100m long.
- There are concerns with the accuracy of swept paths provided. There are concerns with potential conflict between vehicles reversing from the garages and the location of on-street visitor car parking.
- Intersections and bends must allow for a B85 vehicle to pass a B99 vehicle. Drivers at dead ends must be able to turn around.

Stormwater

 No objection to the proposal. Standard conditions to be included in any permit to issue.

ESD Officer

• The Sustainability Management Plan (SMP) submitted with the application is satisfactory.

Landscape Officer

• There are concerns with the limited landscaping opportunities provided throughout the site. There are also concerns surrounding the functionality of the proposed open space area to the front of the site.

<u>Arborist</u>

- The site does not contain any significant vegetation.
- There are 19 Pinus radiata trees located on the adjoining property to the west. The proposed development has not satisfactorily considered the impact to these trees as the development represents a 16.5% 22.7% encroachment into the tree protection zones of these trees which is considered major under the Australian Standards.

City Futures

- The Knox Housing Strategy identifies the site as a strategic site in the Wantirna Health Precinct focused around the Knox Private Hospital. The site is identified primarily for health industry uses with support provided for ancillary residential uses such as aged care or disability facilities.
- However the site is zoned General Residential 1 Zone and the construction of a dwelling is an as of right use. In regard to residential dwellings the purposes of the zone specifies:
 - 1. Encourage development that respects the neighbourhood character of the area.
 - 2. Encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- It is not considered that there is an established residential character in the area that needs to be protected and therefore a new built form that is appropriate to the planning scheme and landscape requirements can be established.
- The proposal does provide for housing growth in an area that is close to services, particularly shops (Wantirna Mall) and medical services. The site is located on the PPTN with access to bus routes. The site would be suitable for residential development of an increased density.

Waste Management

 More detail regarding hard waste collection is required and the location of the private bins for both storage and collection. This can be addressed as part of any permit to issue.

<u>Assets</u>

• No objection to the proposal.

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Urban Design (Hansen Partnership)

- The application was referred to Hansen Partnership for urban design advice. A number of issue with the development were identified and the key issues are summarised below:
 - The location of the communal open space adjacent Boronia Road is not supported. The rhythm of built form to the frontage is affected by the large opening for the park and it compromises the potential for a complete 'loop' internal road where townhouses may front to either side.
 - The communal open space is poorly positioned with no dwelling fronting onto it or an appropriate street edge.
 - The dwellings generally have a small footprint and therefore have more of a vertical emphasis to provide sufficient floor area to accommodate the 4 bedrooms and living spaces. The consequence of which is sheer walls with little separation that results in enclosed and overly 'tight' homogenous streetscapes.
 - The verticality of the built form also results in shallow roof pitches, some with flat sections that appear disproportionate with the lower floors. A better balance between built form and a landscape setting is required where the townhouses maintain a sense of openness within an established tree canopy. Furthermore, the end-of-row townhouses are problematic where they simply repeat the pattern of adjoining townhouses at the street junction.
 - It is noted that a more uniform approach to upper level setbacks and front walls along the length of townhouses results in a somewhat 'wedding cake' appearance. The townhouses rely on balconies at the first floor to break up the mass of the front elevation, but which does not fully address the need for better articulation.

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 1. A permit is required for the construction of two or more dwellings on a lot and subdivision of the land.

The purpose of the zone is to encourage development that respects the neighbourhood character of the area; and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

• It is considered that the proposal does not satisfy the purpose of the General Residential Zone relating to neighbourhood character and landscaping.

Pursuant to Clause 32.08-4, 35% of the lot must be set aside as garden area. The development provides 35% of garden area which complies with this requirement.

The maximum building height applicable to the land is 12m (due to the slope of the land). The development does not exceed this height requirement.

The proposed application must meet the requirements of Clause 55 of the Knox Planning Scheme. Refer to Section 4.4 this report.

4.1.2 Overlays

The land is not affected by any overlays.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework

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

Key Policies:

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

The proposal does not meet the relevant State and Local planning policies. While it is acknowledged the site is a large allotment capable of accommodating additional housing; it is not an appropriately designed form of development as it does not provide a high level of internal amenity and does not satisfactorily transition to the adjoining land to the south.

- The provision for new canopy trees along the access ways are restricted due to the width of the roads, the provision of on-street car parking spaces and the location of private boundary fencing.
- Internal amenity of the development is poor, with minimal ground floor activation at key locations, and minimal landscaping opportunities along the access ways. Further, there are flaws with the overall design of the proposal. These factors indicate that the proposal is an over-development of the site.

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

- The proposal can contribute to the consolidation of urban development through the provision of increased density with access to urban services and transport.
- The Sustainability Management Plan (SMP) submitted with the application is satisfactory.

<u>Clause 16 Housing</u> – 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.

- Integrated Housing Whilst the application would increase the supply of housing in an existing urban area, the proposed design response is inconsistent with the preferred neighbourhood character and provides poor internal amenity which does not promote housing that meets community needs.
- Neighbourhood character This is discussed in a later section of the report (Section 4.4).
- Housing choice Eight (8) dwellings will contain two (2) bedrooms, eight (8) dwellings will contain three (3) bedrooms, and 68 dwellings will contain four (4) bedrooms, proving a range of housing choice.
- Existing infrastructure The site is located within a fully serviced area.
- Energy efficiency This has been discussed above under Clause 15.02.
- Location The site is located within walking distance of public transport available along Boronia Road and is located near commercial and community facilities in Wantirna Activity Centre.

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

 Bus route 738 operates along Boronia Road. The 738 bus route has a direct service between Mitcham to Knox City (via Knox Private Hospital and Wantirna Secondary College). This service operates between 6.00am and 9.27pm Monday to Friday; between 8.00am and 9.40pm on Saturdays; and 9.03am to 9.43pm Sundays, at various intervals. The 901 Smart Bus operates along Wantirna Road and Boronia Road, with a bus stop located approximately 450m from the site (on Wantirna Road). The 901 Smart Bus operates from Frankston to Melbourne Airport. This service operates between 4.47am and 8.35pm Monday to Friday; between 5.36am and 8.55pm Saturdays; and 6.44am 6.15pm Sundays, at various intervals.

4.2.2 Local Planning Policy Framework

Municipal Strategic Statement (MSS)

Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable.

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

"The Knox community is diversifying and ageing. Knox's dominant household type remains families with children, with the number of children (and their parents) forecast to increase over the next 20 years. However, the number of people at post-retirement age is growing quickly and forecast to double between 2011 and 2031. This will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years. With an increase in population and demographic diversity, the City of Knox will continue to play an important role in housing provision and diversity."

 The development will provide residents with a diversity of housing choice, however as noted throughout the report, the design response will not make a positive contribution to the character of the area and will provide poor internal amenity to future occupants.

<u>Clause 21.03 – Environmental and Landscape Values:</u> Key issues include maintaining and strengthening Knox's 'green and leafy' image and its identifiable landscape character (despite development pressures) along with recognising the importance of retaining canopy trees as the single most important factor in retaining Knox's landscape character and its natural environment.

It is important that the unique landscape character, amenity and natural values of Knox's significant landscapes (the Dandenong Foothills, Lysterfield Valley and the Dandenong Creek Valley), are maintained despite development pressures and managing bushfire risk.

• The site does not contain any significant vegetation and there are limited opportunities for meaningful landscaping across the site. As noted below under Clause 21.05, the front setback provided to Boronia Road does not allow for substantial canopy tree planting. Therefore the development will not enhance the green and leafy image of Knox.

<u>21.05 Built Environment and Heritage:</u> development should address the 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).

- Knox has a series of significant road corridors that are identified as Bush Boulevards, which includes Boronia Road. An objective of the policy is to enhance the landscape character of the Bush Boulevards by providing substantial setbacks from the road planted with a natural arrangement of canopy trees.
- It is considered that the front setback provided to Boronia Road does not allow for substantial canopy tree planting, therefore the proposal is inconsistent with this policy.

<u>Clause 21.06 – Housing</u> – 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 site is identified as a Strategic Investigation Site. Strategic Investigation Sites are generally sites that are not currently used for residential purposes, such as quarries, schools and golf courses. They are sites where the current land use is likely to change in a short to mid-term timeframe, and could be suitable for future residential development (either entirely or in part).

Objective 1 for Housing Objectives and Strategies is to support residential development in accordance with the Knox Housing Strategy 2015, which identifies a scaled approach to residential development. A Strategy is to direct housing growth toward Local Living and Activity Areas.

- While it is acknowledged the site has been earmarked as a Strategic Investigation Site where a greater range and increased densities of residential development can be contemplated; the development is inconsistent with the preferred neighbourhood character and provides poor internal amenity.
- The proposal will not make a positive contribution to the character of the area as it does not provide for an appropriate transition between the adjoining land to the south and west and provides for minimal landscaping opportunities throughout the site.

• The proposal fails to comply with a number of requirements of Clause 55 as discussed in Section 4.4 this report.

Objective 2 is to support a diversity of housing choice in appropriate locations. Strategies include encouraging a diversity of housing styles, types, forms and sizes to cater for the changing needs of the community and to encourage developments of three or more dwellings in Activity Areas and Local Living areas to include a mix of dwelling sizes (including 1 and 2 bedroom dwellings), to respond to a shortfall in the number of smaller sized dwellings within the municipality.

- Eight (8) dwellings will contain two (2) bedrooms, eight (8) dwellings will contain three (3) bedrooms, and 68 dwellings will contain four (4) bedrooms, proving a range of housing choice.
- The development will not increase the supply of social housing.

Objective 3 is to ensure that residential development better responds to the community's current and future needs, and allows people to 'age-inplace' by supporting the provision of a diverse range of housing including smaller scale dwellings.

The development will provide residents with a diversity of housing choice.

Objective 4 is to ensure the quality of housing design in Knox is improved to better respond to neighbourhood identity and to create a stronger sense of place. Strategies include ensuring that residential development enhances the City's "green and leafy" image, support development that makes a positive contribution to the preferred future character of the area and that is innovative, environmentally sustainable, accessible and site responsive.

• As noted throughout this report, the development fails to provide meaningful landscaping throughout the site to help integrate the development into the area or improve internal amenity for future residents. The development also displays a number of architectural issues (such as blank walls and no ground floor activation) that will contribute to poor internal amenity for future residents.

Objective 5 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

 As discussed, the site does not contain any significant vegetation and there are limited opportunities for meaningful landscaping across the site. Therefore the development will not enhance the landscape character of the area or habitat for plants and animals in the area.

<u>Clause 21.07 Economic Development</u> - The Wantirna Health Precinct is recognised in Plan Melbourne 2017-2050 as a State significant health precinct, and will also be a major employment centre for health, community and education services.

- The Wantirna Health Precinct covers the area around Knox Private Hospital, Wantirna Health palliative and rehabilitation hospital, and substantial areas of land owned by the Department of Health (251 Mountain Hwy). The Precinct is identified within the Knox Planning Scheme and Plan Melbourne. Council has been working with the Victorian Planning Authority to further understand and develop the Precinct.
- It is considered that development on the subject site should support this broader strategic context for an emerging health and medical employment precinct of State Significance. Proposed development at 750 Boronia Road should not preclude potential employmentgenerating uses which may occur at a significant scale on adjacent public land.
- It is therefore submitted that the south-eastern row of dwellings may suffer amenity impacts from future health/employment issues, and might prejudice the Precinct's development as a health precinct of State Significance.

<u>Clause 22.04 Environmentally Sustainable Development</u> – This policy aims to integrate environmental sustainability principles into land use planning, new developments and redevelopment of existing infrastructure.

It is policy that applications for the types of development listed in Table 1 to this clause be accompanied by information that demonstrations how relevant policy objectives will be achieved.

• The Sustainability Management Plan (SMP) submitted with the application is satisfactory.

<u>Clause 22.07 Development in Residential Areas and Neighbourhood</u> <u>Character</u> – This policy applies to development on residentially zoned land shown in Map 1 at Clause 21.05.

The subject site has been identified as Knox Neighbourhood in Map 1 at Clause 21.05. However, the site has also been identified as a Strategic Investigation Site in the *Knox Housing Strategy 2015*.

• As the site is a Strategic Investigation Site, a separate assessment against Clause 22.07 has not been undertaken. This approach is consistent with the assessment carried out for the Wantirna Caravan Park.

4.3 Particular Provisions

Clause 52.06 – Car Parking

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

Clause 52.06-5 outlines the requisite amount of parking to be provided to each dwelling and any applicable visitor parking at a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) and one visitor space to every five dwellings for developments of five or more dwellings.

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

- The proposal satisfies the car parking provision as all three and four bedroom dwellings are provided with two (2) car parking spaces and the two bedroom dwellings are provided with at least one car parking space.
- 16 visitor car parking spaces are provided which complies with the number required under Clause 52.06.

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

Design Standard 1: Access ways - Does not comply. As discussed:

- The access way width narrows to 3.5m wide adjacent visitor car parking spaces. This is insufficient to allow vehicles to pass. A provision of a passing area at least every 30m is required.
- Traffic calming devices are required on straight sections of the access way at least 100m long.
- There are concerns with the accuracy of swept paths provided. There are concerns with potential conflict between vehicles reversing from the garages and the location of on-street visitor car parking.
- Intersections and bends must allow for a B85 vehicle to pass a B99 vehicle. Drivers at dead ends must be able to turn around.

Design Standard 2: Car Parking Spaces - Complies.

Design Standard 3: Gradients – Complies.

Design Standard 4: Mechanical Parking – Not applicable.

Design Standard 5: Urban Design – Complies.

Design Standard 6: Safety – Complies. Communal lighting bollards are provided along the access ways.

Design Standard 7: Landscaping – Does not comply. As discussed above, there are limited landscaping opportunities provided along the access way.

Before deciding that a plan prepared under Clause 52.06-8 is satisfactory, the responsible authority must consider the relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with access ways longer than 60 metres or serving 16 or more dwellings.

As noted above, there are fundamental issues with the proposed access ways and compliance with the relevant standards of Clause 56 of the Knox Planning Scheme. The width of the internal roads and access ways must meet the requirements of Clause 56 (in particular, Clause 56.06 for Access and Mobility Management) for subdivisions. This requirement also allows for the transfer of roads and assets to Council following development. The current proposal does not comply with the relevant standards of Clause 56 of the Knox Planning Scheme, and as such, must stay as a private road in the future. This will detrimentally affect the quality of the development as potential future road links to the east/south of the site are proposed which will not have the ability to become public roads. This would result in an unacceptable planning Outcome and is contrary to the purpose of Clause 52.06 of the Knox Planning Scheme.

Clause 52.29 - Land Adjacent to a Road Zone, Category 1

The purpose of Clause 52.29 is to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1 (Boronia Road).

The application was referred to VicRoads who did not object to the proposal, subject to a number of conditions on any permit to issue.

<u>Clause 52.36</u> Integrated Public Transport Planning – To ensure that development incorporates safe, attractive and convenient pedestrian access to public transport stops and to ensure that development does not adversely affect the efficient, equitable and accessible operation of public transport.

As the application proposes more than 60 dwellings and lots it was required to be referred to Public Transport Victoria under Section 55 of the Planning and Environment Act (1987).

Planning Transport Victoria did not provide comment on the application, therefore unconditional consent is presumed.

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

Neighbourhood Character and Infrastructure

Neighbourhood Character – Does not comply. An objective of this standard is to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

It is acknowledged that the subject site is a substantially large allotment and is a Strategic Investigation Site in which it will create its own neighbourhood character. It must therefore be determined if the proposed built form has satisfactorily responded to the features of the site and the surrounding area. The design response has not satisfactorily responded to the constraints of the site. It is clear that a 'one size fits all' approach is not appropriate for a development of this size and this is evident where the dwellings fail to integrate with the street and the development provides a poor landscaping outcome.

Internal amenity of the development is poor, with minimal ground floor activation at key locations, and minimal landscaping opportunities are provided along the access way. Further, there are flaws with the overall design of the proposal. These factors indicate that the proposal is an over-development of the site

Therefore, the proposed development has failed to achieve an appropriate response to the features of the site and the surrounding area.

Residential Policy – Does not comply. The proposal has not adequately responded to the state and local policies, as discussed throughout the report.

Dwelling Diversity – Complies.

Infrastructure – Complies.

Integration with the Street – Does not comply. The proposed development does not satisfactorily integrate with the frontage along Boronia Road nor the communal open space area.

Site Layout and Building Massing

Street Setback – Does not comply. The minimum front setback applicable to the site is 6m, as there are no dwellings on the abutting allotments and the site is located on a Road Zone Category 1.

However as noted above, it is Council's expectation that a tree reserve is provided along the frontage of the site and to meet the Bush Boulevard requirements along Boronia Road.

Building Height – Complies. Refer to assessment under the General Residential Zone, Schedule 1.

Site Coverage / Permeability - Complies.

Energy Efficiency – Complies.

Open Space – Does not comply. Standard B11 states that communal open space areas should be substantially fronted by dwellings, provide outlook for as many dwellings as practicable, and be accessible and usable. The communal open space is largely bounded by blank fences and walls, with no ground floor activation provided. Further, the communal open space will not be easily accessible to visitors as visitor car parking is scattered throughout the development (away from the communal open space area). Therefore it is considered that the communal open space does not satisfactorily integrate with the development.

Safety – Does not comply. As noted throughout this report, minimal ground floor activation is provided where the dwellings abut the communal open space. This is an inappropriate design response and will not provide for safety and security of residents.

Landscaping – Does not comply. The proposal does not meet the objective which seeks to encourage development that respects the landscape character of the neighbourhood; to encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance; to provide appropriate landscaping; and to encourage the retention of mature vegetation on the site.

The landscape response within the internal access way network is not acceptable. Its visual presentation would be visually harsh both from within the site and in views from the public realm. While some planting is proposed in the communal open space and at the intersections of the internal access way network, this also needs to be appreciated in the context of the amount of proposed hard paving throughout the site and proposed two and three storey dwelling forms.

Further, limited opportunities have been provided within side and rear setbacks for the provision of meaningful landscaping, including canopy trees; to help integrate the development into the area.

The limited landscaping opportunities provided throughout the site will reduce the internal amenity of the development for future residents.

Access – Complies.

Parking Location - Complies.

Amenity Impacts

Side and rear setbacks - Complies.

Walls on boundaries – Complies.

Daylight to existing windows/north facing windows – Not applicable, as there are no existing habitable room windows on the adjoining properties.

North-facing windows – Not applicable, as there are no existing habitable room windows on the adjoining properties.

Overshadowing open space – Complies. The majority of shadow cast by the proposal will fall within the subject site. It is noted that there are no residential interfaces to the site.

Overlooking – Complies. The site does not have any residential frontages, therefore there are no existing secluded private open space areas or habitable room windows that need to be considered.

Internal views – Can comply, subject to condition on any permit to issue.

Noise Impacts – Does not comply with the Objective. The Hungarian Community Centre is located to the west of the site which holds a number of large indoor and outdoor events. As the development proposes triple storey dwellings along the west boundary, there are concerns with 'reverse amenity' impacts to any future residents of the subject site. It is considered that the development has not satisfactorily addressed this as part of the design response.

On-Site Amenity and Facilities

Accessibility – Complies.

Daylight to new windows - Complies.

Private Open Space – Complies. All dwellings are provided with at least 40m of ground level private open space and/or a balcony with an area of at least 8m².

Solar access – Complies.

Storage – Can comply. Not every dwelling is provided with 6m³ of externally accessible storage. This can be addressed via conditions on any permit to issue.

Detailed Design

Design Detail – Does not comply. As noted above, the application was referred to Hansen Partnership for urban design advice. The advice received identified a number of design issues with the proposed development which have not been satisfactorily addressed.

Common Property – Does not comply. This objective seeks to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. The objective also seeks to avoid future management difficulties in areas of common ownership.

As noted throughout this report, there are concerns with the communal open space and access areas within the development. Further, the internal access ways will remain in private ownership in the future which will negatively impact on the ability of providing road links to the east/south of the site should the abutting properties be redeveloped in the future as part of the Wantirna Health Precinct.

Site Services – Complies.

Front fence – Complies.

4.5 General Decision Guidelines

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

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

5. CONCLUSION

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

- The proposal fails to satisfy relevant State Planning Policy Framework strategies and objectives, particularly Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the Knox Planning Scheme
- The proposal fails to comply with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06) and Economic Development (Clause 21.07).
- The proposal fails to comply with the objectives and standards of the General Residential Zone Schedule 1, Clause 52.06, and Clause 55 of the Knox Planning Scheme.
- The development provides poor internal amenity for future residents.
- Insufficient space has been made available to provide for meaningful landscaping to integrate the development into the area and maintain the landscape character of the area.
- The proposal has not satisfactorily considered the reverse amenity impacts to the adjoining land uses, in particular 760 Boronia Road.

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

7. CONFLICT OF INTEREST

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

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

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

RECOMMENDATION

That were Council in a position to make a decision in the prescribed timeframes of the Planning and Environment Act 1987, it would have issued a Notice of Decision to Refuse to Grant a Planning Permit for the development of the land for 84 dwellings and alteration of access to a Road Zone Category 1 based on the following grounds:

- 1. The proposal fails to satisfy relevant State Planning Policy Framework strategies and objectives, particularly Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the Knox Planning Scheme.
- 2. The proposal fails to comply with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06) and Economic Development (Clause 21.07).
- 3. The proposal does not achieve the objectives and standards of the General Residential Zone Schedule 1 in relation to neighbourhood character and landscaping.
- 4. The proposal fails to comply with Accessway, Car Parking Spaces, and Landscaping Design Guidelines of Clause 52.06 (Car Parking) of the Knox Planning Scheme.
- 5. The proposal fails to comply with the Decision Guidelines of Clause 52.06 (Car Parking) of the Knox Planning Scheme as the development does not comply with the relevant standards of Clause 56.06 (Access and Mobility Management) of the Knox Planning Scheme.
- 6. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - a) Clause 55.02-1 Neighbourhood Character
 - b) Clause 55.02-2 Residential Policy
 - c) Clause 55.02-4 Integration with the Street
 - d) Clause 55.03-1 Street Setback
 - e) Clause 55.03-6 Open Space
 - f) Clause 55.03-7 Safety
 - g) Clause 55.03-8 Landscaping
 - h) Clause 55.04-8 Noise
 - i) Clause 55.06-1 Design Detail
 - j) Clause 55.06-3 Common Property
- 7. The proposal represents an overdevelopment of the site. The design fails to respond appropriately to its opportunities and constraints resulting in an unreasonable impact on the character of the area and will result in poor internal amenity for future residents.
- 8. The proposal has not satisfactorily considered the reverse amenity impacts to the adjoining land uses, in particular 760 Boronia Road.

- The proposal has not satisfactorily considered the subject site's interface 9. with an adjoining significant site within the Wantirna Health Precinct and any amenity impacts to future residents of the subject site.
- 10. The proposal has not suitably integrated with the future development of the Wantirna Health Precinct.
- 11. Insufficient space has been made available to provide for meaningful landscaping to integrate the development into the area and maintain the landscape character of the area.
- 12. The proposal will be detrimental to existing vegetation located on the adjoining property to the west. - Ound

COUNCIL RESOLUTION

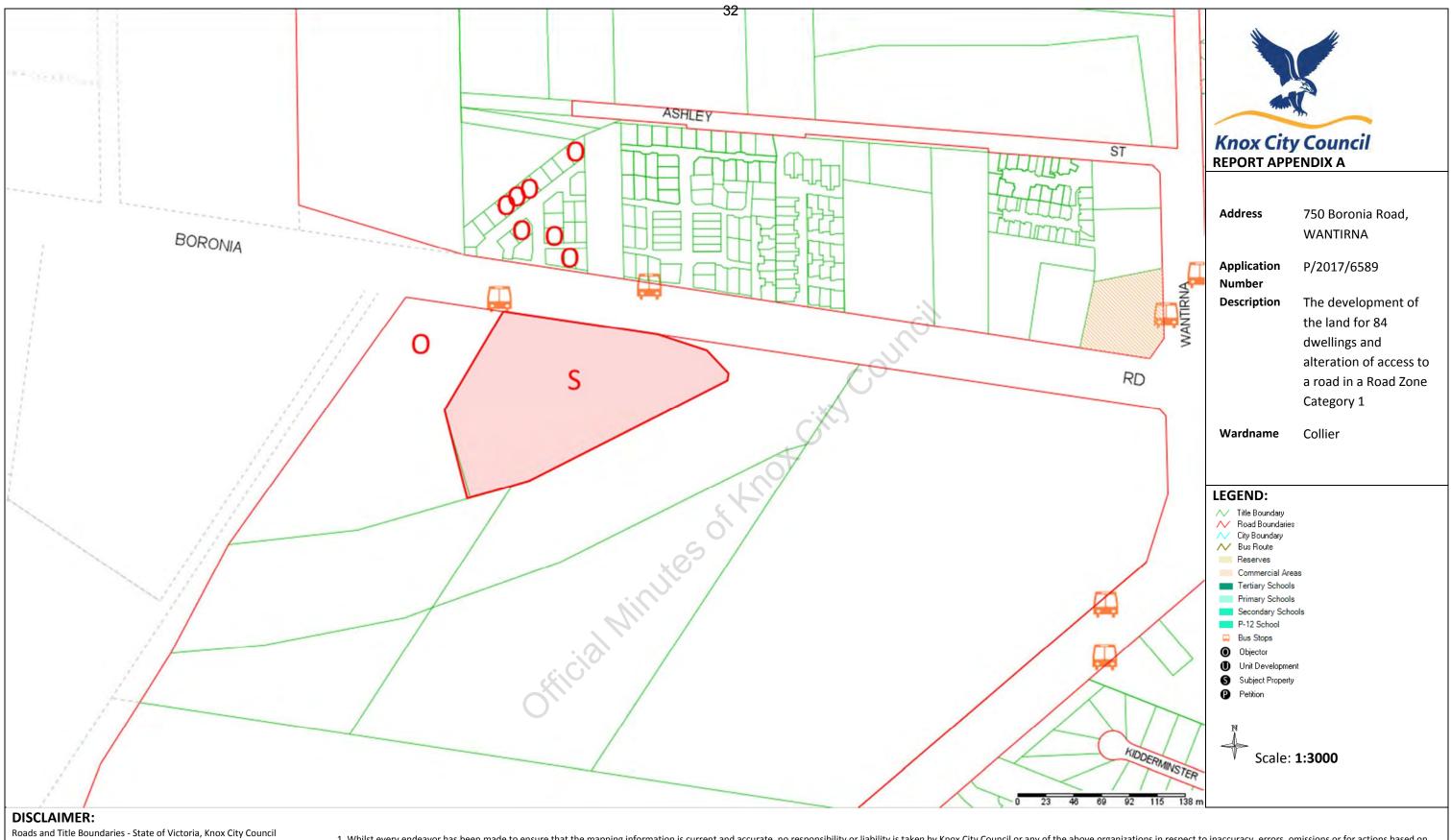
CR. TAYLOR MOVED: CR. LOCKWOOD SECONDED:

That were Council in a position to make a decision in the prescribed timeframes of the Planning and Environment Act 1987, it would have issued a Notice of Decision to Refuse to Grant a Planning Permit for the development of the land for 84 dwellings and alteration of access to a Road Zone Category 1 based on the following grounds:

- 1. The proposal fails to satisfy relevant State Planning Policy Framework strategies and objectives, particularly Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the Knox Planning Scheme.
- 2. The proposal fails to comply with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06) and Economic Development (Clause 21.07).
- 3. The proposal does not achieve the objectives and standards of the General Residential Zone - Schedule 1 in relation to neighbourhood character and landscaping.
- 4. The proposal fails to comply with Accessway, Car Parking Spaces, and Landscaping Design Guidelines of Clause 52.06 (Car Parking) of the Knox Planning Scheme.
- 5. The proposal fails to comply with the Decision Guidelines of Clause 52.06 (Car Parking) of the Knox Planning Scheme as the development does not comply with the relevant standards of Clause 56.06 (Access and Mobility Management) of the Knox Planning Scheme.
- 6. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - Clause 55.02-1 Neighbourhood Character a)

- b) Clause 55.02-2 Residential Policy
- c) Clause 55.02-4 Integration with the Street
- d) Clause 55.03-1 Street Setback
- e) Clause 55.03-6 Open Space
- f) Clause 55.03-7 Safety
- g) Clause 55.03-8 Landscaping
- h) Clause 55.04-8 Noise
- i) Clause 55.06-1 Design Detail
- j) Clause 55.06-3 Common Property
- 7. The proposal represents an overdevelopment of the site. The design fails to respond appropriately to its opportunities and constraints resulting in an unreasonable impact on the character of the area and will result in poor internal amenity for future residents.
- 8. The proposal has not satisfactorily considered the reverse amenity impacts to the adjoining land uses, in particular 760 Boronia Road.
- 9. The proposal has not satisfactorily considered the subject site's interface with an adjoining significant site within the Wantirna Health Precinct and any amenity impacts to future residents of the subject site.
- 10. The proposal has not suitably integrated with the future development of the Wantirna Health Precinct.
- 11. Insufficient space has been made available to provide for meaningful landscaping to integrate the development into the area and maintain the landscape character of the area.
- 12. The proposal will be detrimental to existing vegetation located on the adjoining property to the west.

CARRIED

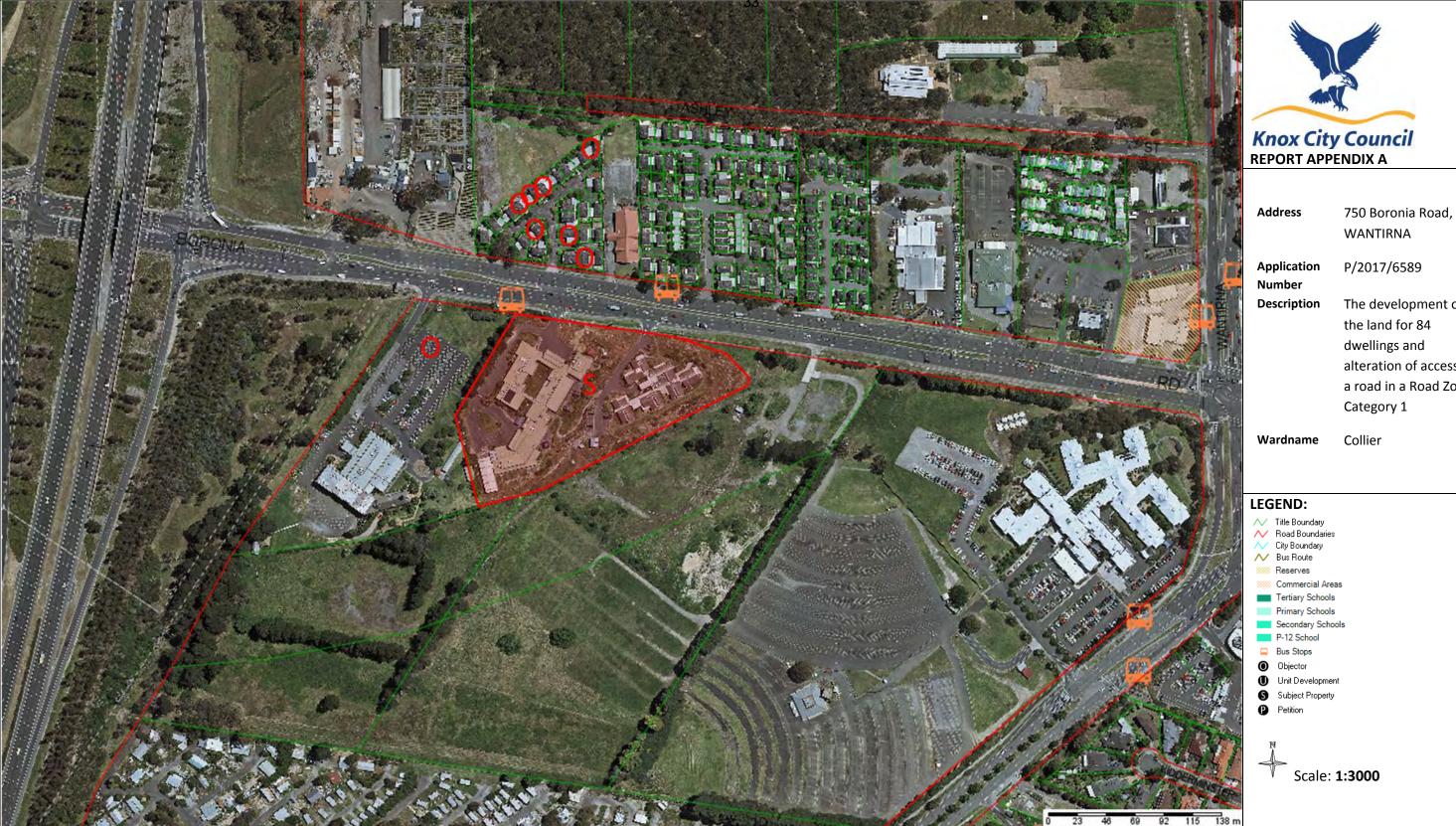


Planning Scheme Information - DPCD, Knox City Council Aerial Photography - AAM (Flown January 2013 – unless otherwise stated) Melbourne Water Drainage Information - Melbourne Water

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

2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure. 3. This print contains information from Vicmap Property (Copyright State of Victoria). The State of Victoria does not warrant the accuracy or completeness of information in this product. Any person using or relying on this information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

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



DISCLAIMER:

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

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The development of the land for 84 dwellings and alteration of access to a road in a Road Zone



34



PROJECT MANAGEMENT

Level 15/333 COLLINS STREET MELBOURNE, VIC, 3000 PH 03 8611 7605 EMAIL info@mushan.com.au

MUSHAN PROJECT MANAGEMENT



MUSHAN ARCHITECT

Level 15/333 COLLINS STREET MELBOURNE, VIC, 3000

PH 03 8611 7605 EMAIL info@mushan.com.au

ARCHITECT

PLANNING CONSULANT MECONE

1

mecone

Mala-Sorma (Sydney

Suite 2, Level 7 333 Collins Street Melbourne, VIC, 3000 PH 03 8547 9510 EMAIL PHILLIPR@MECONE.COM.AU LAND SURVEYOR JCA LAND CONSULTANTS Level 1, 260 Main Street, Lilydale, VIC, 3140 PH 03 9735 4888 EMAIL, jca@icalc.com.au

JCA Land

Consultants

MEINHARDT

CIVIL ESD MEINHARDT Level 11, 501 Swanston Street Melbourne, VIC, 3000 PH 03 8676 1200 EMAIL CONTACT@MEINHARDTGROUP.COM Impact

Level 17, 31 Dueen Street Melbourne, VIC, 3000

IMPACT

TRAFFIC CONSULTANT

PH 0423 419 900 EMAIL JP@IMPACTAUSTRALIA.COM.AU

LEIGH DESIGN P0 B0X 2599 Mt Waverley, VIC. 3149

LEVEL 15 / 333 COLLINS 57 MELBOURNE VIC 3000 AUSTRALIA PH 03 5511 7505 EMAAL edu@mustan.com TOWN PLANNING ISSUE 血 MUSHAN ARCHITECTS PTV (TD ABN: 44 162 772 714 contrivencement of work, 10 MOT scale uit these drawings. Report any discrepances to the an before carrying out any work. MUSHAN C copyright

750 BORONIA RO COVER SHEET

	DRAWING LET		
SHEET NUMBER	SHEET NAME	EGALE	Gurti Revis
1900	COVER SHEET	NTS	8
TP01	EXISTING CONDITIONS SITE SURVEY SHEET 1	NTS	Å
TP02	EXISTING CONDITIONS SITE SURVEY SHEETS	NTS.	A
TP03	SITE CONTEXT PLAN	NTS	A
TP04	SIFE ANALYSIS PLAN	1.1000	A
7905	DESIGN RESPONSE PLAN	1.400	A
TP10	SITE PLAN	1,400	8
CP11	RRST FLOOR FLAN	1,400	3
1P12	SECOND FLOOR PLAN	1:400	8
7P20	GROUND FLOOR PLAN PARTY	1.200	8
IP21	GROUND FLOOR PLAN PART2	1.200	8
TP22	GROUND PLOOR FLAN PARTS	1.200	A.
TP23	GROUND RUDOR PLAN PART4	1:200	A
TP24	HIRST RLOOR PLAN PARTI	1.200	A
TP25	RRST FLOOR PLAN PART2	1.200	A.
TP28-	HRST FLOOR PLAN PARTS	1:200	A
1927	RRST ALOOR PLAN PAST4	1:200	A
TP28	SECOND FLOOR PLAN PARTY	1,200	A
1P29	SECOND FLOOR PLAN PARTS	1,200	A
1P30	SECOND FLOOR PLAN PARTS	1.200	A.
TP31	SECOND FLOOR PLAN PART4	1:200	A
TP4J	SITE ELEVATION LEGEND	-	-
TP41	ELEVATION_SHEET1	1200	. 8
1P42	ELEVATION_SHEET2	1:200	8
TP43	INTERNAL ELEVATION_SHEET1	1.200	8
1P44 TP45	INTERNAL ELEVATION_SHEET2	1:200	B
TP45	INTERNAL ELEVATION_SHEET3 INTERNAL ELEVATION_SHEET4	1:200	8
1P40 TP47	BOROMA RO STREET SCAPE ELEVATION		8
(P4/	SECTIONS	1:200	A
1951	SHADOW BIAGRAM ON 22 SEP AT HAM	1:400	8
TP61	ISHADOW DIAGRAM ON 22 SEP AT 19AM	1.400	8
1962	SHADOW ENGRAM ON 22 SEP AT 11AM	1:400	8
TP63	SHADOW CAAGRAM ON 22 SEP AT 12PM	1.400	12
TP64	SHADOW ENAGRAM ON 22 SEP AT 1PM	1.400	8
TPES	SHADOW ENAGRAM ON 22 SEP AT 2PM	1-400	8
1966	SHADOW DIAGRAM ON 22 SEP AT 3PM	1:400	8
1970	SD PERSPECTIVE SHEETI	NTS	8
1971	30 PERSPECTIVE SHEET2	NTS.	8
TP72	30 PERSPECTIVE SHEET3	NTS	6
TP81	INDIMOUAL PLAN A	1.100	A
TP82	INDIMDUAL PLAN 8	1,100	A
TP83	INDIVIDUAL PLAN_C	0.100	A.
1984	INDIMOLIAL PLAN 0	1.100	A
TP85	INDIMOLIAL PLAN E	1:100	A
1786	INDIMOLIAL PLAN F	1100	A
TP67	INDIMOUAL PLAN_G	1:100	A
TP88	INDIMOUAL PLAN H	1:100	A
TP89	INDIMIDUAL PLAN 1	1/100	A
TP90	INDIMOLIAL PLAN J	1:100	A
TP91	INDIMOUAL PLAN K	1:100	A.
TP92	INDIMOLIAL PLAN L	1:100	A
1993	INDIMDUAL PLAN M	1.100	A
TP94	INDIMOLIAL PLAN N	1:100	A.
1995	INDIMOLIAL PLAN C	1:100	A

APPENDIX B 750 BORONIA ROAD WANTIRNA

LEIGH DESIGN

WASTE MANAGEMENT

PH 0410 456 510 EMAIL INFO@LEIGHDESIGN.COM.AU



LANDSCAPE ARCHITECT JOHN PATRICK

324 Victoria Street Richmond, VIC, 3121

PH 9429 4855 EMAIL admin@johnpatrick.com.au

	Date	7/1/2018		
DAD	State	@A1		
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	Approved	EY		
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ANY WINDOWS TO WHICH DVERLOOKING TO REICHEORING P. G.S. OR HABITABLE WINDOWS ARE TO BE SCREEPED, FRED AND ORSCURED TO 1.7m OR HAVE A SLL NO LONER THAN 1.7m FROM THE F.F.L.

20933.5m 40.2%

36% 35.0%

CARPARK

(A) 1:500 Scale. Checker Checkes Approved Approver status training for TP05 Α REV



	FLOOR PLAN L LANCE 2 STO 3 STO	SCAPE DETAIL REFER TO SCAPE ARCHITECT DESIGN DREY	
	ب VP	BICYCLE SPACE (20) VISITOR'S PARKING (15) ON COMMON AREA	~
			O WANTIRNA APPENDIX B
	RWT	2COOL RAINWATER TANK	Ζ
3		2000L UNDERGROUND WATERTANK FOR TYPE H	ш
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7 3	G/W	GAS & WATCH METERS - NEW LOCATION FOR SUPPLY TO BOTH	
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		BIN 80 LITRES (GABBAGE)	Ζ
		BIN 240 LITRES (RECYCLE)	Ŕ
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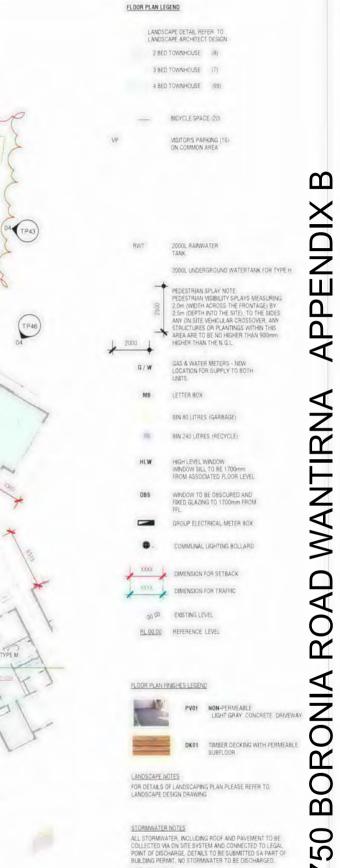


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		AUSTRALIA PH 03.6611.7605 ETMAL integensumanicum au	nus	





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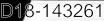
FENCE MATERIAL

TIMBER PAILING FENCING (INTERNAL & EXTERNAL) TO COMPLY COUNCIL'S REQUIREMENT.

1 BAL NO.71 TYPE F 2



	Date	7/1/2018		
AD	Scale	1.200 @41		4
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FLOOR PLAN LEGEND

LANDSCAPE DETAIL REF LANDSCAPE ARCHITECT	
2 BED TOWNHOUSE	(8)
3 BED TOWNHOUSE	(7)
4 BED TOWNHOUSE	(69)

BICYCLE SPACE (20)

VISITOR'S PARKING (16) ON COMMON AREA

2000L RAINWATER TANK

RWT

2000

G/W

MB

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HLW

085

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2000L UNDERGROUND WATERTANK FOR TYPE H

PEDESTRIAN SPLAY NOTE PEDESTRIAN VISIBILITY SPLAYS MEASURING 2.0m, (MIDTH ACROSS THE FRONTAGE) BY 2.5m, (DEPTH INTO THE STIE). TO THE SIDES ANY ON SITE VEHICULAR CROSSOVER, MAY STRUCTURES OR PLANTINGS WITHIN THIS STRUCTURES OR PLANTINGS WITHIN THIS AREA ARE TO BE NO HIGHER THAN 900mm HIGHER THAN THE N.G.L.

GAS & WATER METERS - NEW LOCATION FOR SUPPLY TO BOTH UNITS.

LETTER BOX

BIN 80 LITRES (GARBAGE)

BIN 240 LITRES (RECYCLE)

HIGH LEVEL WINDOW WINDOW SILL TO BE 1700mm FROM ASSOCIATED FLOOR LEVEL

WINDOW TO BE OBSCURED AND FIXED GLAZING TO 1700mm FROM

GROUP ELECTRICAL METER BOX

COMMUNAL LIGHTING BOLLARD

DIMENSION FOR SETBACK

DIMENSION FOR TRAFFIC

00.00 EXISTING LEVEL RL 00.00 REFERENCE LEVEL

FLOOR PLAN FINISHES LEGEND



PV01 NON-PERMEABLE LIGHT GRAY CONCE

DK01 TIMBER DECKING W SUBFLOOR

LANDSCAPE NOTES

FOR DETAILS OF LANDSCAPING PLAN PLEASE REFER TO LANDSCAPE DESIGN DRAWING

STORMWATER NOTES

ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE, DETAILS TO BE SUBMITTED SA PART OF BUILDING PERMIT. NO STORMWATER TO BE DISCHARGED.

FENCE MATERIAL TIMBER PAILING FENCING (INTERNAL & EXTERNAL) TO COMPLY COUNCILS REQUIREMENT

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N PART3	Approved	Approver		
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N PART4	Approved	Approver		
	Project Number	M072	Stage	Status
	Distance for	TP27	REV	Α





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	Drawing No.	TP29	REV	Α



	FLOOR PLAN LEGEND	
	LANDSCAPE DETAIL REF LANDSCAPE ARCHITECT	
	2 BED TOWNHOUSE	(8)
	3 BED TOWNHOUSE	(7)
	4 BED TOWNHOUSE	(69)
	BICYCLE SPAC	E (20)
	VP VISITOR'S PAR ON COMMON A	
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FLOOR PLAN FINISHES LEGEND



PV01 NON-PERMEABLE LIGHT GRAY CONCRETE DRIVEV

DK01 TIMBER DECKING WITH PERMEABLE SUBFLOOR

LANDSCAPE NOTES FOR DETAILS OF LANDSCAPING PLAN PLEASE REFER TO LANDSCAPE DESIGN DRAWING

STORMWATER NOTES ALL STORMWATER, INCLUDING ROOF AND PAVEMENT TO BE COLLECTED VIA ON SITE SYSTEM AND CONNECTED TO LEGAL POINT OF DISCHARGE, DETALLST DIS ESUBMITED SA PART OF BULLDING PERMIT, NO STORMWATER TO BE DISCHARGED. FENCE MATERIAL TIMBER PAILING FENCING INTERNAL & EXTERNAL) TO COMPLY COUNCIL'S REQUIREMENT.

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	Drawing Ne.	TP31	REV	А



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MUSHAN

APPENDIX B 750 BORONIA ROAD WANTIRNA

EXTERNAL FINISHES LEGEND

RD01	RENDER - LIGHT GRAY COLOR TONE OR SIMILAR
RD02	RENDER - MID GRAY COLOR TONE OR SIMILAR
RD03	RENDER - LIGHT BROWN COLOR TONE OR SIMILAR
RD04	RENDER - MID BROWN COLOR TONE OR SIMILAR
BRK1	BRICK WORK - MID COLOR TONE OR SIMILAR
BRK2	BRICK WORK - MID COLOR TONE OR SIMILAR
TBM	TIMBER LOOKING LIGHT WEIGHT CLADDING
CL1	STONE CLADDING - MID COLOR TONE OR SIMILAR
RT01	ROOF TILE-DARK TONE COLOR TONE OR SIMIL
OBS	DBSCURED WINDOW WINDOWS TO BE FIXED AND OBSCURED GLAZIN TO 1700mm FROM FFL OF ASSOCIATED LEVEL
	GLASS BALUTRADE WINDOW
	POWDERCOAT FINISH TO GUTTERS & DOWNPIP COLORBOND 'WOODLAND GREY' OR SIMILAR
	POWDERCOAT FINISH TO WINDOW FRAMES DARK SATIN FINISH OR SIMILAR
	NATURAL GROUND LEVEL
	CONTROL FILL
	RD02 RD03 RD04 BRK1 BRK2 TBM CL1 RT01

CUT

TIMBER OR CONCRETE RETAINING WALL BY COUNCIL'S REQUIREMENT

FENCE MATERIAL

TIMBER FENCING BY COUNCIL'S REQUIREMENT.

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APPENDIX B 750 BORONIA ROAD WANTIRNA

EXTERNAL FINISHES LEGEND

	RD01	RENDER - LIGHT GRAY COLOR TONE OR SIMILAR
-	RD02	RENDER - MID GRAY COLOR TONE OR SIMILAR
	RD03	RENDER - LIGHT BROWN COLOR TONE OR SIMILAR
-	RD04	RENDER - MID BROWN COLOR TONE OR SIMILAR
	BRK1	BRICK WORK - MID COLOR TONE OR SIMILAR
-	BRK2	BRIDK WORK - MID COLOR TONE OR SIMILAR
1	TBM	TIMBER LOOKING LIGHT WEIGHT CLADDING
	CL1	STONE CLADDING - MID COLOR TONE OR SIMILAR
	HT01	ROOF TILE-DARK TONE COLOR TONE OR SIMIL
	OBS	OBSCURED WINDOW WINDOWS TO BE FIXED AND OBSCURED GLAZIN TO 1700mm FROM FFL OF ASSOCIATED LEVEL
		GLASS BALUTRADE WINDOW
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APPENDIX B 50 BORONIA ROAD WANTIRNA N

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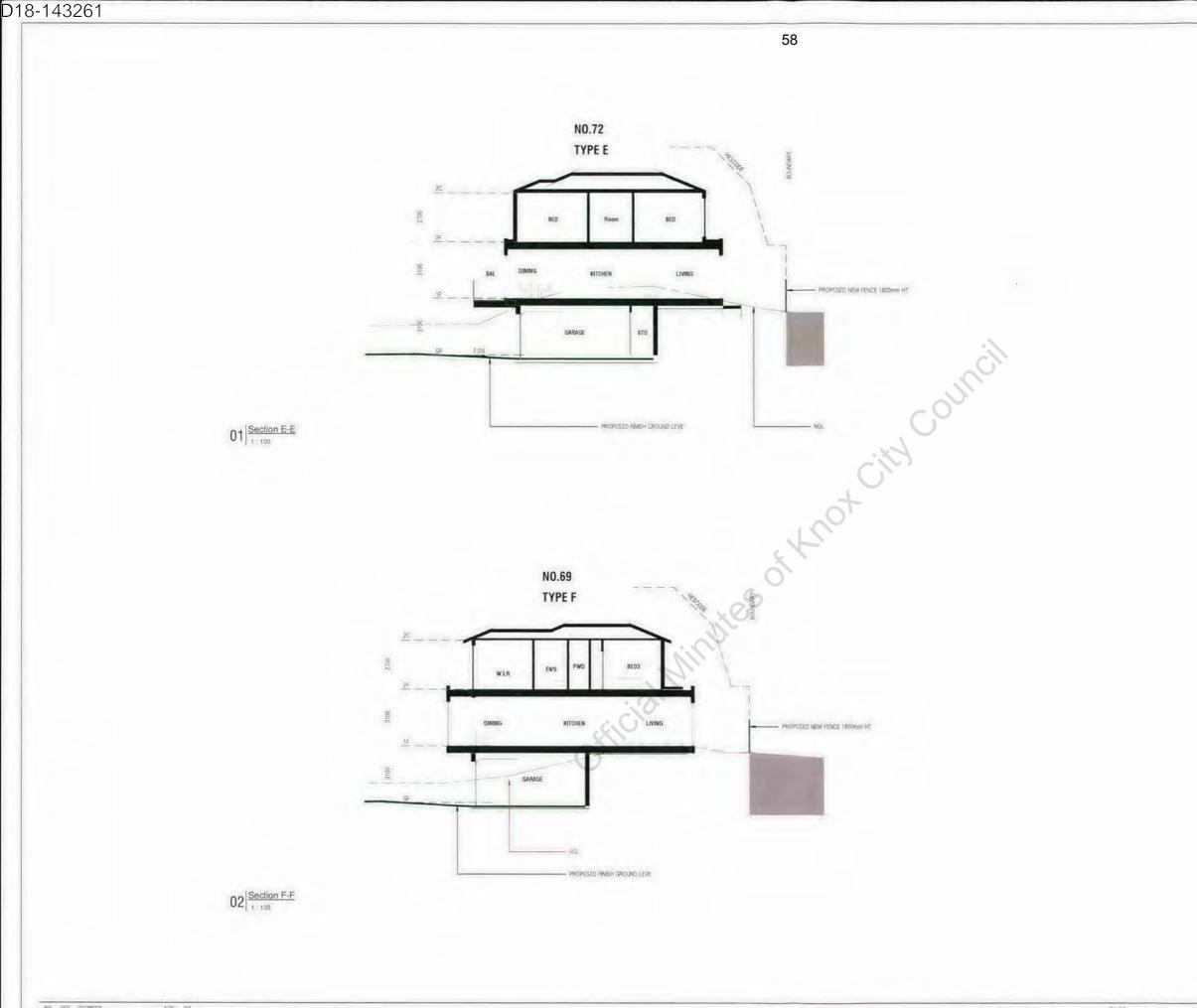
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DEVELOPMENT SUMMARY

750 BORONIA ROAD ,WANTIRNA

DEVELOPME	NT SUMMARY		REVISION	: A		DATE: 18/	/02/2018												
		3 STOREY TOWNHOUSE 2 STOREY									STOREY T	OWNHOUS							
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	Car No.	2	2	2	2	2	2	2	2	1	2	4	2	4	2	2	4	1	
TOWNHOUSE	Ground Level (m ²)	105	99	76	105	56	65	78	59	67	65	107	108	108	102	117	126	108	
TYPE AREA	Level 1 (m ²)	76	79	75	76	80	96	72	80	55	93	157	76	76	94	103	108	56	
SUMMARY	Level 2 (m ²)	63	58	57	63	69	77	50	70	31	74	114	-					-	
[Sub Total (m ²)	244	235	208	244	205	238	200	209	153	232	378	184	184	196	220	234	164	
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Notes and Disclaimer:

This scheme has been produced without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other statutory regulations. It represents a possible development that may be achieved without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other statutory regulations. It represents a possible development that may be achieved without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other statutory regulations. It represents a possible development that may be achieved with full consultation and liaison with state government and relevant authorities, however no warranty is given that the yield or layouts will be acceptable to the authorities or other interested parties. Hence Mushan presents this information herein is based on the limited information available at the time of preparation and is believed to be correct at the time of preparation however no warranty can be given that the yield or layouts will be acceptable to the authorities or other interested parties. Hence Mushan presents this information as a possible solution only that is subject to council approval. 3. The layouts contained herein we prepared without structural or services advice hence no allowance has been made at this stage. 4 Apartment areas have been measured to the centreline of party and / or abounding walls. Areas do not allow for services or risers. GFA areas exclude balcony areas. 5 Change to the layouts and associated figures will be made during the development of the project hence recipients must rely on their own enquiries to satisfy themselves in all aspects. 6 Site coverage does not include terraces and carpark entrances.

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Rev. No. Date Initial Notes

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PROVISION FOR CAR PARKS & BIKES

750 BORONIA ROAD ,WANTIRNA

Development Summary

Date: 18.02.2018

Revision: (A)

	TOWN	HOUSE	VISI		
	REQUIRED	PROVISION	REQUIRED	PROVISION	Total
Car Parking Space	160	168	16	16	184
Bikes Space	20	20			20
Storage Cage	84	84			84

Notes and Disclaimer

Official Minutes of Knox City Council 1 This scheme has been produced without planning advice or preliminary meetings with the responsible authorities and as such may not comply with building or other statutory regulations. It represents a possible development that may be achieved with full consultation and liaison with state government and relevant authorities, however no warranty is given that the yield or layouts will be acceptable to the authorities or other interested parties. Hence Mushan presents this information as a possible solution only that is subject to council approval. 2 This scheme and schedule has been prepared for preliminary feasibility purposes only, the information herein is based on the limited information available at the time of preparation and is believed to be correct at the time of preparation however no warranty can be given that the yield or layouts will be acceptable to the authorities or other interested parties. Hence Mushan presents this information as a possible solution only that is subject to council approval. 3. The layouts contained herein we prepared without structural or services advice hence no allowance has been made at this stage. 4 Apartment areas have been measured to the centreline of party and / or abounding walls. Areas do not allow for services or risers. GFA areas exclude balcony areas. 5 Change to the layouts and associated figures will be made during the development of the project hence recipients must rely on their own enquiries to satisfy themselves in all aspects. 6 Site coverage does not include terraces and carpark

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Ш APPENDIX **750 BORONIA ROAD WANTIRNA**



APPENDIX B 750 BORONIA ROAD WANTIRNA

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DINSDALE WARD

6.3 DEVELOPMENT OF THE LAND FOR A SEVEN STOREY MIXED USE BUILDING, USE OF LAND FOR 55 DWELLINGS AND A REDUCTION IN CAR PARKING AT 711-717 MOUNTAIN HIGHWAY, BAYSWATER (APPLICATION NO. P/2016/6936)

1. SUMMARY:

Land: Applicant: Proposed Development:	711-717 Mountain Highway Bayswater Ratio Consultants Development of a seven (7) storey mixed use building, use of land for dwellings and reduction in car parking.
Existing Land Use:	Retail premises
Area/Density:	1252m ² / 1:22.7m ²
Zoning:	Commercial 1 Zone – Schedule 1
Overlays:	Design and Development Overlay 6
Local Policy:	Municipal Strategic Statement (MSS)
	Environmentally Sustainable Design Policy
Application Received:	28 December 2016
Application Amended:	5 March 2018 (s.57A Amendment
	reduction by two storeys from nine to
	seven storeys and from 70 apartments
	to 55)
Number of Objections:	38
PCC Meeting:	N/A

Assessment:

The proposal is considered to be consistent with the Commercial Zone-Schedule 1, Design and Development Overlay 6, State Planning Policy, the Municipal Strategic Statement and Local Planning Policies.

The proposal generally complies with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06), Economic Development (Clause 21.07), Local Area (Clause 21.10) and Environmentally Sustainable Design (Clause 22.04) clauses.

The proposed building is of exceptional architectural merit and will contribute to the strategic vision of the Bayswater Activity Centre.

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

It is considered that subject to modifications the development will provide an appropriate balance between the need for additional housing within a fully serviced area and the amenity of occupants.

On balance it is considered that the proposal is consistent with the Knox Planning Scheme. It is recommended that a Notice of Decision to Grant a Planning Permit be issued, subject to conditions.

2. BACKGROUND

2.1 Call Up

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

2.2 Subject Site and Surrounds

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

- The proposed development is located at 711-717 Mountain Highway, Bayswater.
- The subject site is located on the southeast corner of Mountain Highway and Valentine Street intersection. The site extends for approximately 27 metres along Mountain Highway, and approximately 45.6 metres along Valentine Street with a rear abuttal to rear Laneway of approximately 27 metres.
- The site is currently occupied by commercial businesses.
- The properties in the vicinity of the site abutting Mountain Highway are generally characterised as being small individual commercial tenancies.
- To the immediate North of the site is a large public car park. Approximately 320 metres northeast of the subject site is Bayswater Park.
- To the south east of the site is Mountain High Shopping Centre located approximately 150 metres away and Bayswater Railway Station located approximately 360 metres south east.

2.3 The Proposal

(Refer to attached plans at Appendix B)

The original application proposed the development of a nine (9) storey building containing 70 dwellings. On 5 March 2018 the application was amended pursuant to Section 57A of the Planning and Environment Act. The amended application is described below.

The application seeks approval for the use and development of the land for a seven (7) storey mixed-use building containing:

- 55 apartments (comprising 15 one-bedroom, 39 two-bedroom and one three-bedroom dwelling).
- The size of apartments range from 54m² to 103m².
- Two ground floor retail tenancies with a combined leasable floor area of 340 square metres.

- Two level basement car park comprising a total of 67 on-site car parking spaces (56 residential, four retail, and seven resident visitor spaces). Two mechanical car stackers are provided, one at Ground level (two car spaces) and the other in Basement 2 (30 spaces).
- The development seeks a reduction in 13 car spaces (four residential visitor and nine retail customer spaces).
- The provision of a roof terrace with an open pergola, sitting room and toilet facility.
- The building has a maximum wall height of 22.3 metres and the total height to the top of the pergola is 25.35 metres.
- The building will be finished in a variety of materials including glazing fritted and clear glass, pre-cast concrete, colorbond sheeting, Alucobond cladding, brick, and wood. The podium has a face brick finish.

3. CONSULTATION

3.1 Advertising

The proposal was advertised twice by way of signs on each street frontage and notices were sent to all adjoining properties. The first period of advertising commenced on 20 June 2017 and was for the development of the land for nine (9) storeys with the second period of advertising commencing on 20 April 2018. The second period of advertising was for the amended version (s 57A) which is the subject of this report, with the development redesigned with a maximum of seven (7) storeys. A total of 38 objections were received over both advertising periods and are summarised below.

Increased traffic congestion, parking problems and ability to access Mountain Highway in peak periods.

• Council has discussed the provided parking with the applicant and it should be noted that the car parking waiver is for a total of 13 car parking spaces for the development (4 residential visitor and 9 retail customer). The proposed car parking reduction is considered reasonable due to the very large public carpark immediately adjacent to the site that would easily support visitor car parking, the site being located within close walking distance to buses and the Bayswater train station. The existing shops (four retail tenancies) do not contain on-site car parking.

Increased commercial competition to existing businesses

• Commercial competition cannot be taken into consideration by Council when assessing planning applications.

Noise and Construction

• A full Construction Management Plan will be required as a condition of any permit issued. Standard construction amenity conditions would also be included on any permit issued.

Built Form (height), Neighbourhood Character

- Under the Bayswater Activity Structure Plan, the site is recommended for a height of five (5) storeys. It is noted however that for designs of architectural merit, the height of the building can be increased above the recommended height. The proposed design was assessed by Council's urban design consultants who were satisfied that the design was of exceptional architectural merit.
- The building will be located on a prominent corner, has been designed with colours and details to increase visual interest, and is recessed at the upper floors, particularly the top 3 levels, so that they would not be easily visible from the street.
- Increased density within an activity centre is strongly encouraged under State and Local Planning Policy.

Amenity impact to surrounding dwellings

• The site is located within the Bayswater Activity Centre and a Commercial 1 Zone. In these areas a mix of uses is expected under both State and Local planning policy. A higher density and mix of uses in Activity Centres is an important element of sustainable design and land use planning. The residential zone is located approximately 90m away. Sufficient additional visitor car parking is provided by the public carpark located between the subject site and the residential zone.

Infrastructure demands

 The site is located within the Bayswater Activity Centre with the appropriate levels of infrastructure to support a mix of uses and higher density. A mix of uses in Activity Centres is an important element of sustainable design and land use planning as it takes the pressure off residential areas by locating higher density housing close to services and transport.

Loss of income to tenants and eviction of tenants

• This is not a relevant planning consideration.

Loss of views

- Public views to Mount Dandenong will not be significantly impacted.
- Other views are not a relevant planning consideration.

Heritage Impact

• The site is not affected by a heritage overlay.

Maintenance of vertical gardens and lack of landscaping

 The sky gardens would have maintenance conditions on any permit issued. Further, it is common for developments in commercial areas to provide limited landscaping.

Possible impact to foundations of shop located nearby

• The construction of the foundations will be subject to a separate building permit to ensure there is no structural impact to existing buildings.

3.2 Referrals

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

City Futures

- City Futures supports a substantial mixed use development on this site, which is located within the Bayswater Major Activity Centre. The proposal is of exceptional quality, with many environmentally sustainable design features. The mix of retail and residential is supported.
- The DDO6 that applies to the Activity Centre specifies a preferred height limit of five (5) storeys for the site, however heights in excess of this can be considered if:
 - 1. The design is of exceptional quality;
 - 2. There is no additional amenity impact;
 - 3. Solar access to public space is preserved; and
 - 4. Key views to the Dandenong Ranges are preserved.
- The modified proposal of seven (7) storeys is supported on the basis that the design is considered to be of exceptional quality, and impacts on the surrounding amenity and public space, and on the views of the Dandenong Ranges, are not significant (See Urban Design Referral below).
- City Futures is leading the 'Land for Business' project. This project will provide strategic direction regarding land requirements in the City of Knox to 2036, having regard to employment projections, current land supply, economic trends, and planning policy. Background research has found that there is a lack of vacant Commercial 1 Zone land in the City of Knox. There is also current and future strong competition from office and residential uses for land in activity centres. As such, it will be important for Activity Centres (including Bayswater) to efficiently use existing Commercial 1 Zone land to accommodate ongoing increases in retail floor space. In this context, the retail component of the proposal is important.

<u>Urban Design</u>

- The application was amended to reduce its height from 31.5 metres to 23.5 metres, a reduction of two storeys. It was then referred to Council's Urban Design consultant Hansen who provided advice on the proposed building. The advice was taken into consideration and the building redesigned to meet the comments provided. The building is considered to be of exceptional architectural merit and achieves the following four requirements in the DDO6 (DDO6 in Overlays). Hansen confirm that the proposed mixed use development achieves all of the following:
 - 1. Exceptional quality and would exceed the high design quality already expected in the centre;
 - 2. Will not create any additional impact on the amenity of adjoining residential areas;
 - 3. Will preserve solar access to public space; and
 - 4. Will preserve key views to the Dandenong Ranges.

(Refer to attached visual comparison at Appendix C)

Traffic Engineer

- No objection, subject to standard conditions.
- It is expected that the degree of saturation at the intersection of Mountain Hwy and Valentine Street will be less than 0.7 (which is considered very good), therefore all the queued vehicles will be able to get through the intersection within one traffic green light cycle. This is considered satisfactory.

Drainage Engineer

• Standard conditions to be included on any permit to issue.

Building

 No objection to the proposal. A condition on any permit issued would be to provide two (2) staircases, however this can be addressed via the relevant Building Surveyor.

Sustainability Officer

• No objection to the proposal. The provided sustainable design statement is satisfactory.

Waste

• No objection to the proposal. The provided Waste Management Plan is acceptable with a condition on any permit issued to amend the WMP to ensure secure commercial bins to prevent cross use by residents.

Landscape

 No objection to the proposal. Conditional requirements for the provision of at least 7 street trees (5 on Valentine St and 2 on Mountain Hwy), and 2 small canopy trees on level 7 roof terrace.

Parks Services

 No objection to the proposal. A condition on any permit issued to protect the existing tree, Street Tree 1 a large Eucalypt, through correct pruning of roots measures.

VicRoads

No objection to the proposal and no conditions required.

Public Transport Victoria

• No objection to the proposal and no conditions required.

4. DISCUSSION

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

4.1 Zoning and Overlays

4.1.1 Zone

The subject site is located within the Commercial 1 Zone. A permit is required to construct a building or construct and carry out works on the land pursuant to Clause 34.01-4 of the Commercial 1 Zone.

A permit is also required for use of the land for a dwelling and for reduction in car parking requirements. A planning permit is not required for the retail use.

- The proposal is consistent with the purpose of the Commercial 1 Zone by providing for mixed use and residential uses at densities complementary to the scale of the commercial centre.
- Car and bicycle parking is provided on site for residential, visitor and retail. 67 car spaces are provided and there is a reduction in 13 car spaces (4 residential visitor and 9 retail customer spaces) sought.
- The proposed retail uses are located on the corner of the proposed building where they will activate the frontage at pedestrian level.

4.1.2 Overlays

The subject site is located within the Design and Development Overlay 6 (DDO6) Bayswater Major Activity Centre. A permit is required for Buildings and Works pursuant to Clause 43.02 of the DDO6.

Building Heights

The height limit is five storeys, as indicated on Map 1 in the DDO6 any building that exceeds the number of storeys shown on Map 1 must demonstrate that the design has exceptional quality.

The proposal was referred to Council's Urban Design consultant Hansen and they have provided support for the proposal given it achieves the four points in the DDO6 which allow for greater height as detailed below:

Exceptional quality and would exceed the high design quality already expected in the centre.

• Achieved

Will not create any additional impact on the amenity of adjoining residential areas.

• There is no additional impact as there are no residential properties abutting the subject site.

Will preserve solar access to public space.

• The proposal allows sufficient solar access to public space, including new public realm 'nodes' along Mountain Highway.

Will preserve key views to the Dandenong Ranges.

• The proposal will not impact any key view to the Dandenong Ranges.

Views

- As noted above, the development will not impact on any key view to the Dandenong Ranges.
- The development has been designed to take advantage of the views to the Dandenong Ranges.

Private Open Space

High density residential development should incorporate private open space in the form of upper level terraces, balconies or roof decks.

• The proposal is a higher density mixed use development with commercial use at ground level and 55 residential apartments at the upper levels. Measured against Clause 58 (Apartment developments) the dwellings are all provided with compliant private balconies and the building will contain a communal terrace on Level 3 as well as a roof top garden.

Vegetation and Landscaping

- The subject site is not located within the Significant Ridgeline Area as indicated on Map 3 in the DDO6.
- The proposed development will replace existing commercial buildings on the land that currently contains no landscaping. The development incorporates vertical landscaping and a roof top garden to maximise landscaping opportunities on the site.

Streetscape Design

- The development addresses both street frontages to enhance the pedestrian amenity and character of the centre.
- The subject site does not have any residential or public open space interfaces. Therefore, there are no concerns with overshadowing.
- The building incorporates a continuous awning along the retail frontages to provide shelter and improved amenity for pedestrians.

Accessibility

 The development includes a service passage to provide pedestrian connectivity between the retail parking spaces and the retail premises.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework (SPPF)

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

Key Policies:

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

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

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

- The revised design process undertaken by the applicant has resulted in an evolved design that has considered the strategic context of its location. The site is located on a prominent corner where a building of exceptional architectural merit will contribute to the strategic vision of the Bayswater Activity Centre.
- The design proposes pedestrian friendly facades that are either activated or visually interesting in place of blank walls with limited interest. A ceramic art wall is proposed to the rear which will prevent graffiti and vandalism. Balconies will look over all three roadways and over a section of the existing car park on the other side of Rear Laneway. The increase in density and numerous balconies facing the street would also increase activity and passive surveillance to the area.
- It is considered that the proposal has achieved a very high standard of architecture and urban design. The application was referred to Council's urban design consultant Hansen who considered the design to be of exceptional architectural merit. The building articulates away from the street, and at street level the upper three levels would not be visible. For this reason it was considered appropriate to allow for a building that exceeds the recommended height specified in the Bayswater Activity Centre Structure Plan.

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

• Energy efficient devices and practices have been applied through the application of a satisfactory Sustainable Design Assessment.

<u>Clause 16 Housing</u> – 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.

- Integrated Housing The development provides a range of dwelling choices within the Bayswater Activity Centre.
- Neighbourhood character Refer to assessment against the DDO6.
- Housing choice The development comprises 55 apartments (15 one-bedroom, 39 two-bedroom and 1 three-bedroom dwelling).
- Existing infrastructure The site is located within a fully serviced area.
- Energy efficiency This has been discussed above under Clause 15.02.
- Location The site is located within the Bayswater Activity Centre.

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

 The proposal provides an increased density within easy walking distance of shops and services and public transport. In addition, the two proposed retail outlets are likely to provide employment opportunities.

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

• The subject site is located within walking distance of the Bayswater Train Station and Bus Interchange, which is accessed by multiple bus routes.

4.2.2 Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable.

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

"The Knox community is diversifying and ageing. Knox's dominant household type remains families with children, with the number of children (and their parents) forecast to increase over the next 20 years. However, the number of people at post-retirement age is growing quickly and forecast to double between 2011 and 2031. This will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years. With an increase in population and demographic diversity, the City of Knox will continue to play an important role in housing provision and diversity."

 The proposal is considered to be consistent with the MSS. The design response provides mostly 1 and 2 bedroom apartments which would support the growing smaller household types with 'lone person' and 'couple only' households. The proposal provides greater housing diversity which supports diversifying household types and an aging population. <u>21.05 Built Environment and Heritage:</u> development should address the 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 proposed design has evolved to accommodate advice from Council in regard to urban design, bush boulevards, and landscape treatments. Council's urban design consultants consider the design to be of exceptional architectural merit. The upper three storeys are articulated away from the boundaries of the site and therefore would not be very visible from the street.
- The development provides a mix of single bedroom studio apartments, two bedroom, and three bedroom apartments with balcony open space areas. The majority of apartments are two bedroom which tends to be under supported in residential zones and will support smaller family units that are under supported in current housing stock in the City of Knox. A larger than the required proportion of these units will be accessible in design. This mix of dwelling types and the internal design would provide greater choices for forms of living to Knox's typical housing stock.
- The built form and external materials provide a development of exceptional architectural quality and visual interest achieved through vertical landscaping, articulation, use of texture and a variety of building materials and natural colours.
- The proposal activates frontages that were previously used as bland shop fronts, with two retail premises, and numerous apartments with balconies that face Mountain Highway, Valentine Street, Rear Laneway creating passive surveillance opportunities and a safer environment.
- Living areas are provided with access to balconies and natural light. The apartments are not deep, and large windows to the balconies provide adequate light and ventilation.
- The development responds very positively to the existing pattern of urban forms and character, the landscape qualities, historic and cultural elements and social dimensions and aspirations of the Knox Community as detailed in the Bayswater 2020: Bayswater Activity Centre Structure Plan.
- For these reasons, it is considered appropriate to exceed the recommended building height for this site.

<u>Clause 21.06 – Housing</u> – 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 site is located in an Activity Area. Knox's Activity Centres contain a range of shops, services and employment and have good access to a range of public transport options. A greater range and increased densities of residential development are encouraged within these areas.

Objective 1 for Housing Objectives and Strategies is to support residential development in accordance with the Knox Housing Strategy 2015, which identifies a scaled approach to residential development. A Strategy is to direct housing growth toward Local Living and Activity Areas.

• The site is located within a Major Activity Centre and the construction of an apartment building is consistent with the Map in Clause 21.06.

Objective 2 is to support a diversity of housing choice in appropriate locations. Strategies include encouraging a diversity of housing styles, types, forms and sizes to cater for the changing needs of the community and to encourage developments of three or more dwellings in Activity Areas and Local Living areas to include a mix of dwelling sizes (including one and two bedroom dwellings), to respond to a shortfall in the number of smaller sized dwellings within the municipality.

- The development comprises 55 apartments (15 one-bedroom, 39 two-bedroom and one three-bedroom dwelling).
 - The development will not increase the supply of social housing.

Objective 3 is to ensure that residential development better responds to the community's current and future needs, and allows people to 'age-inplace' by supporting the provision of a diverse range of housing including smaller scale dwellings.

• The development will provide residents with a diversity of housing choice.

Objective 4 is to ensure the quality of housing design in Knox is improved to better respond to neighbourhood identity and to create a stronger sense of place. Strategies include ensuring that residential development enhances the City's "green and leafy" image, support development that makes a positive contribution to the preferred future character of the area and that is innovative, environmentally sustainable, accessible and site responsive. • A landscape plan to the satisfaction of the Responsible Authority will be a condition of any permit to issue.

Objective 5 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

• The site does not contain any significant vegetation.

<u>Clause 21.07 Economic Development</u> - Bayswater is a major centre that provides a broad range of retail and commercial activities, including Mountain High Shopping Centre, the Knox Community Arts Centre, offices and light industrial uses, serving a large residential and industrial community. Recognised housing opportunities include villa units, townhouses with a number of sites suitable for apartments or mixed use development. Apartment opportunities also exist above active commercial ground floor uses within the centre. Clause 21.07 requires that land use and development within the Bayswater Activity Centre to be consistent with:

- Clause 21.10-4 (Local Areas Bayswater) Refer to assessment below.
- Clause 43.02 Schedule 6 to the Design and Development Overlay (Bayswater Major Activity Centre). Refer to Assessment below.

<u>21.10- 4 Bayswater Activity Centre –</u> Council has adopted the Bayswater 2020: Bayswater Structure Plan (May 2005) and its Addendum (2012) to guide land use and development within the Bayswater Activity Centre.

Objective 1 - To encourage a land use mix that contributes to the revitalisation of the centre by supporting large scale mixed use development along Mountain Highway, west of the retail core, with offices and showrooms at ground level and residential uses above.

• This large scale mixed use development would achieve this requirement by providing higher density housing above retail on the west side of Mountain Highway.

Objective 2 - To ensure there is a range of activities and opportunities for people to live, work or meet in Bayswater through facilitation of medium to high density residential development with basement level carparks.

This mixed use development will provide retail services and higher density living in the town centre which will increase activity and support the economy of the town centre. The location of the development is ideal as it can be fully supported by services and transport. The proposal provides an increased density within walking distance of shops and services, entertainment, and transport. All proposed car parking is to be located in the basement where it will not be visible from the street. Extensive bicycle spaces will be provided at basement and ground level. Objective 4 - To promote an improved and vibrant public realm

• The urban design outcome is appropriate and the retail component will activate the frontage of the site. Greater residential density supported by the surrounding infrastructure, retail and services will contribute to the vibrancy of the area and will promote improved and greater levels of pedestrian movement.

Objective 5 - To achieve a high quality built environment

• The site is located in an area recommended for heights up to five storeys. The DDO6 allows for variations based on architectural merit and Council's urban design consultant has had input into the design and was satisfied with the proposed outcome. The three upper floors of the proposed design are articulated away from the boundaries so that the building has a lesser impact on surrounding built form. The site is located within the Bayswater Major Activity Centre where the character is proposed to change considerably as more activity is established.

Objective 6 - To increase the height and density of development in the Centre while protecting and capitalising on the (public) views of the Dandenong Ranges.

• The development will preserve key views to the Dandenong Ranges.

<u>Clause 22.04 Environmentally Sustainable Development</u> – This policy aims to integrate environmental sustainability principles into land use planning, new developments and redevelopment of existing infrastructure.

It is policy that applications for the types of development listed in Table 1 to this clause be accompanied by information that demonstrations how relevant policy objectives will be achieved.

The Sustainable Design Assessment submitted with the application is satisfactory.

4.3 **Particular Provisions**

Clause 52.06 Car Parking

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

Clause 52.06-5 outlines the requisite amount of parking to be provided to each dwelling and any applicable visitor parking at a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) and one visitor space to every five dwellings for developments of five or more dwellings.

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

- The proposal fully satisfies the car parking provision for the residential component of the development as the three-bedroom dwelling is provided with two (2) car parking spaces and the one and two bedroom dwellings are provided with at least one car parking space (56 spaces are provided).
- The development requires 11 visitor car parking spaces on site and seven spaces have been provided, therefore the application seeks a reduction in visitor car parking of four spaces. The traffic report submitted with the application provides justification for the reduction in car parking with observations from various apartments in major activity centres where the visitors of residents often take the opportunity to use café and restaurants within the centre as a meeting place. With the access of public transport, it is also expected that some visitors would visit via public transport. Therefore the reduction in visitor parking is supported.
- The retail component of the proposal requires 13 car parking spaces and four spaces have been provided. Therefore the application seeks a reduction in customer parking for the retail component of nine spaces. The car parking spaces provided are allocated for the staff of the two shops. The shortfall of customer parking spaces is proposed to be provided with parking off site and within the major activity centre. It is important to note that the existing shops (four retail tenancies) do not contain on site car parking and there is a deficiency of 17 car spaces currently. This proposal would create a deficiency of 13 spaces so would be a four car spaces improvement in the provision of car spaces currently.
- A large public car park is located directly to the rear of the site and it is understood that customers in a major activity centre often combine trips and often find parking within the major activity centre but visit a few shops. Furthermore, with close proximity of the bus interchange and train station, some customers will take public transport to visit Bayswater shops. Therefore the reduction in customer parking is supported.

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

Design Standard 1: Access ways – Generally complies. Access to the subject site has been assessed by VicRoads and Council's Traffic Engineers and will be subject to conditions regarding waste collection, accessibility to visitor car parking, and crossover widths for passing.

Design Standard 2: Car Parking Spaces – Can comply. There are numerous columns adjacent to car parking spaces. Where the side of a vehicle space is against a vertical obstruction, a manoeuvring clearance of 300mm should be provided alongside the parking space.

Design Standard 3: Gradients – Complies.

Design Standard 4: Mechanical Parking – Can comply. A Car Stacker Management Plan will be required as part of any permit to issue.

Design Standard 5: Urban Design – Complies.

Design Standard 6: Safety – Generally Complies with conditions for public lighting in the carpark areas and width of access way.

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

Clause 52.34 Bicycle Facilities

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

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

For developments of four or more storeys, one resident bicycle parking space is required per five units, and one visitor bicycle parking space is required per 10 units.

 This proposal generates a requirement for a total of 19 bicycle spaces. The development will provide 78 spaces. The applicant has indicated that the bicycle parking required will be provided at ground floor and in the two basements.

4.4 Clause 58 – Apartment Developments

Urban Context

Residential Policy - Complies.

Dwelling Diversity - Complies.

Infrastructure – Complies.

Integration with the street – Complies.

Site Layout

Energy Efficiency – Complies.

Communal Open Space – Complies.

Solar Access to Communal Outdoor Space – Complies.

Safety – Can comply, subject to standard conditions to be included on any permit to issue.

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 setback for the first three levels and it fully abuts the eastern boundary at 719 Mountain Highway. The interface and the levels above (levels 3-6) are setback 4.5m from the adjacent property on the eastern boundary. This setback will allow for equitable future development of the adjacent property.

Internal Views – Complies.

Noise – Can comply. The proposal indicates double-glazed windows for bedrooms with an interface with the garage roller door. This probably would not be enough as Level 1 (ground) dwellings interface with the commercial use and the loading bay. Dwellings to the rear on Level 2 may also be impacted by traffic entering and exiting the site. An additional potential noise impact is the private collection of waste which would need to be collected between 11 pm and 6am and could also impact Level 1 and 2 dwellings. A noise attenuation report specifically addressing these issues will be a condition of any permit to issue.

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 – The provided Waste Management Plan is acceptable with a condition on any permit issued to amend the WMP to ensure secure commercial bins to prevent cross use by residents.

Internal Amenity

Functional Layout – Complies.

Room Depth – Complies.

Windows – Complies.

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 development is considered appropriate given the following:

- The proposal is considered to be consistent with the Commercial Zone 1 Zone, Design and Development Overlay 6, State Planning Policy, the Municipal Strategic Statement and Local Planning Policies.
- The proposal generally complies with the Municipal Strategic Statement, in particular Built Environment and Heritage (Clause 21.05), Housing (Clause 21.06), Economic Development (Clause 21.07), Local Area (Clause 21.10) and Environmentally Sustainable Design (Clause 22.04) clauses.
- The proposed building is of exceptional architectural merit and will contribute to the strategic vision of the Bayswater Activity Centre.
- The provision of car parking is generally consistent with the car parking requirements of the scheme at Clause 52.06.
- It is considered that subject to modifications the development will provide an appropriate balance between the need for additional housing within a fully serviced area and the amenity of occupants.

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

7. CONFLICT OF INTEREST

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

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

Author – Eve-Marie Davie, Senior Planner – In providing this advice as the Author, I have no disclosable interests in this report.

RECOMMENDATION

That Council issue a Notice of Decision to Grant a Planning Permit for the development of a seven (7) storey mixed use building, use of land for dwellings and Reduction in Car parking at 711-717 Mountain Highway Bayswater subject to the conditions outlined in Appendix D.

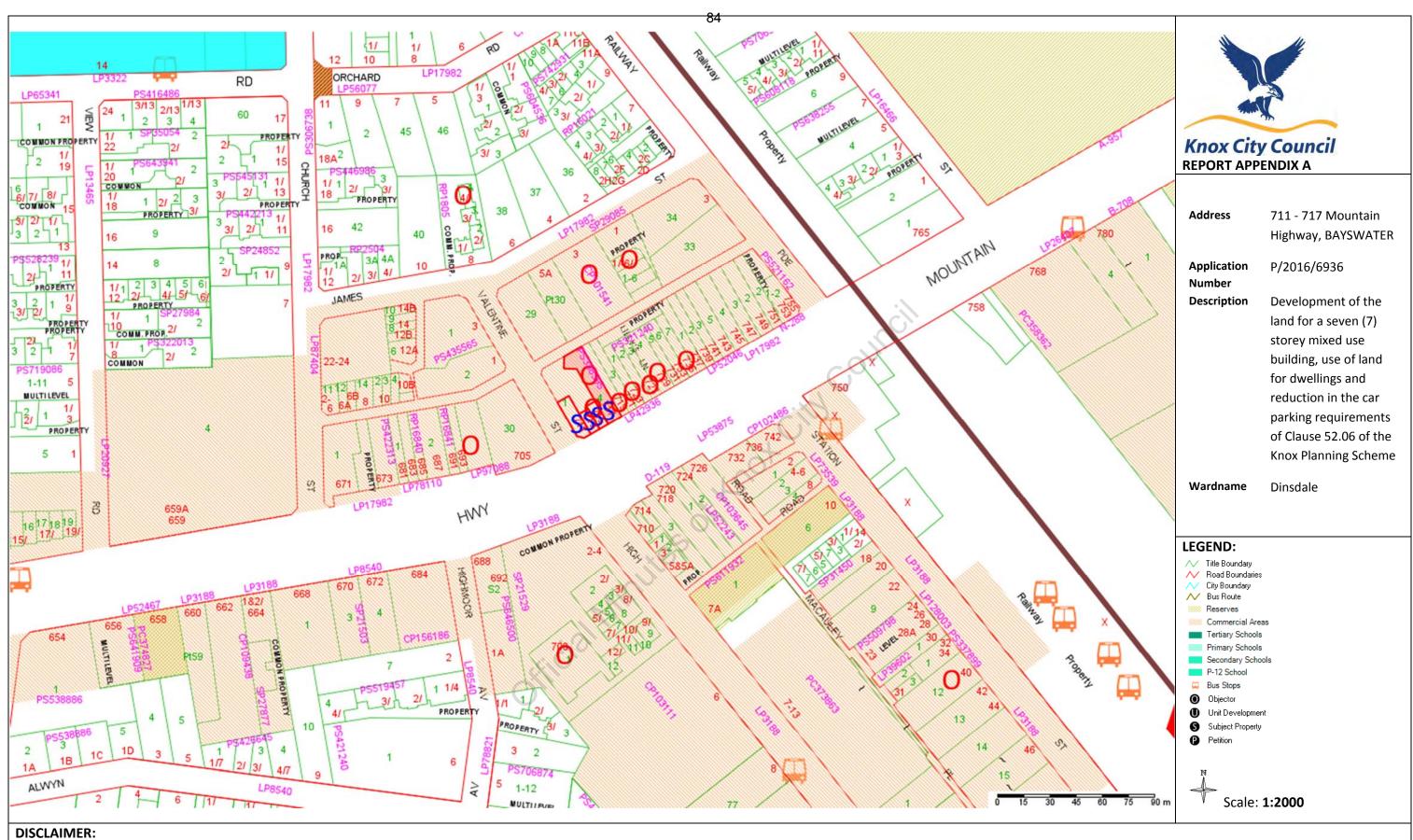
COUNCIL RESOLUTION

MOVED: CR. GILL SECONDED: CR. KEOGH

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of the land for a seven storey mixed use building, use of land for 55 dwellings and a reduction in carparking at 711-717 Mountain Highway, Bayswater, subject to the following grounds:

- 1. The proposal fails to satisfy the strategic intent of Council's Housing Policy (Clause 21.06) and Council's Local Areas Bayswater Policy (Clause 21.10-4) of the Knox Planning Scheme.
- 2. The proposal fails to satisfy the strategic intent of the Design and Development Overlay 6 (Clause 43.02) as the proposed development exceeds the suggested height limit of five storeys for the site. The design fails to demonstrate that it will not create any additional impact on the amenity of adjoining residential areas; and that it will not impact on any key view to the Dandenong Ranges.
- 3. The proposal fails to satisfy Council's Car Parking Policy (Clause 52.06) Design Standards with specific reference to accessways, car parking, mechanical parking, and safety.
- 4. The design outcome is not considered to be respectful of the existing or preferred neighbourhood character, due to height and scale of the building and the resultant impact on the amenity of adjoining residential properties.
- 5. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - Clause 55.02-1 Neighbourhood Character
 - Clause 55.02-2 Residential Policy
- 6. The reduction in car parking spaces by 13 spaces will have an adverse amenity impact on surrounding residents and traders.

CARRIED



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

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

2. Planning information should be used only as a means of preliminary investigation. For accurate overlay information please obtain a Planning Certificate from the Department of Infrastructure. 3. This print contains information from Vicmap Property (Copyright State of Victoria). The State of Victoria does not warrant the accuracy or completeness of information in this product. Any person using or relying on this information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.

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



DISCLAIMER:

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

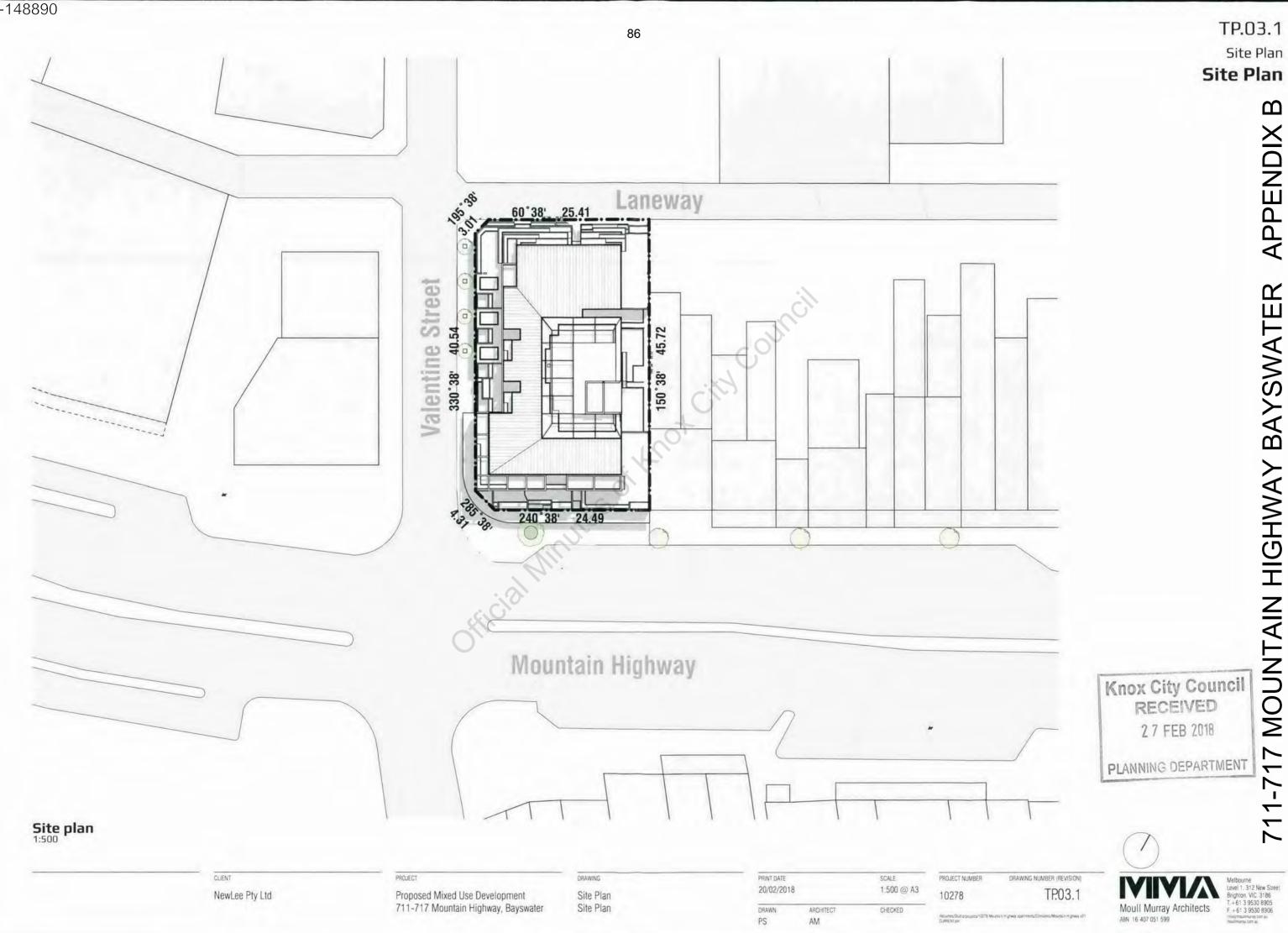
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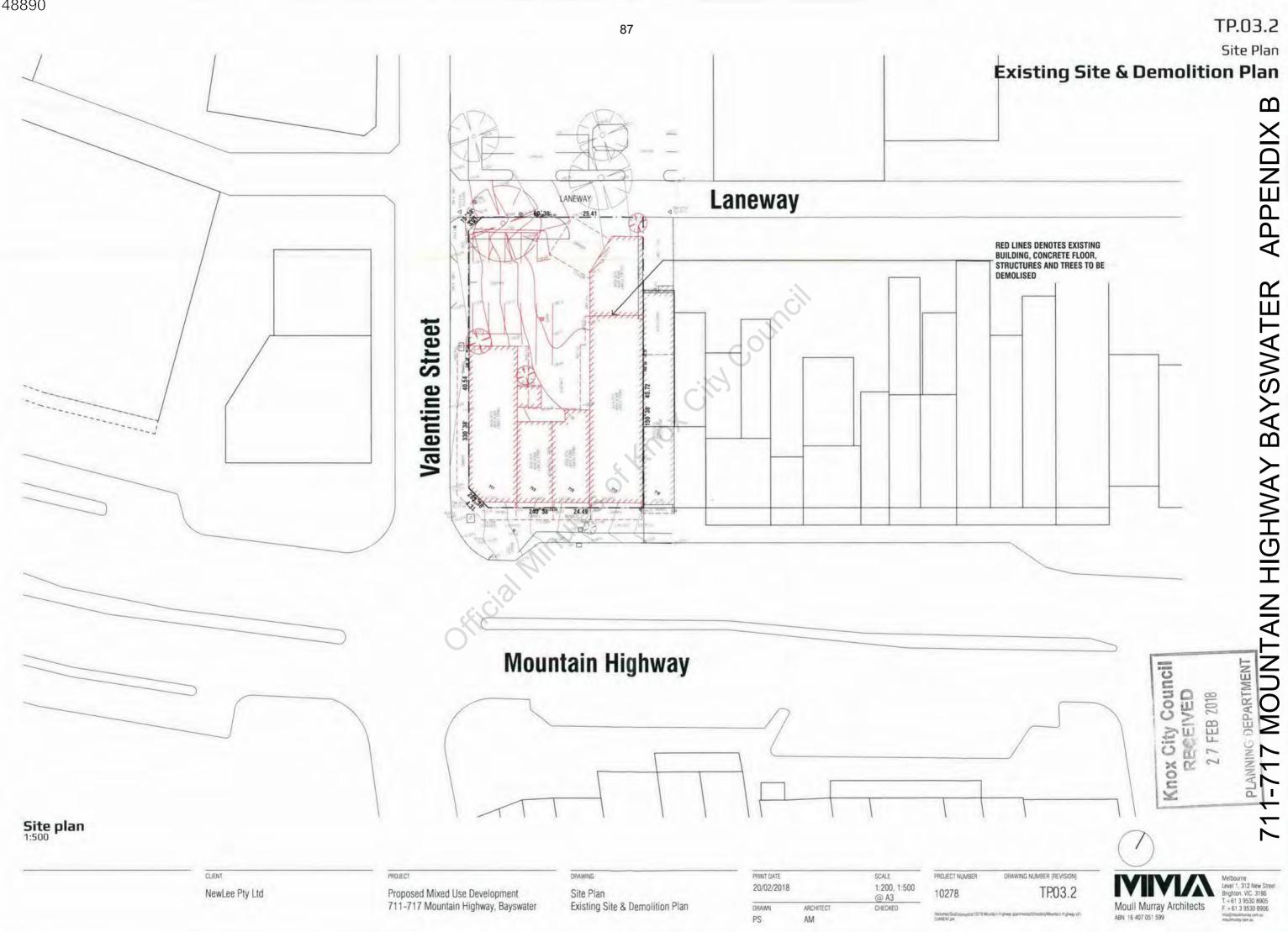
711 - 717 Mountain Highway, BAYSWATER

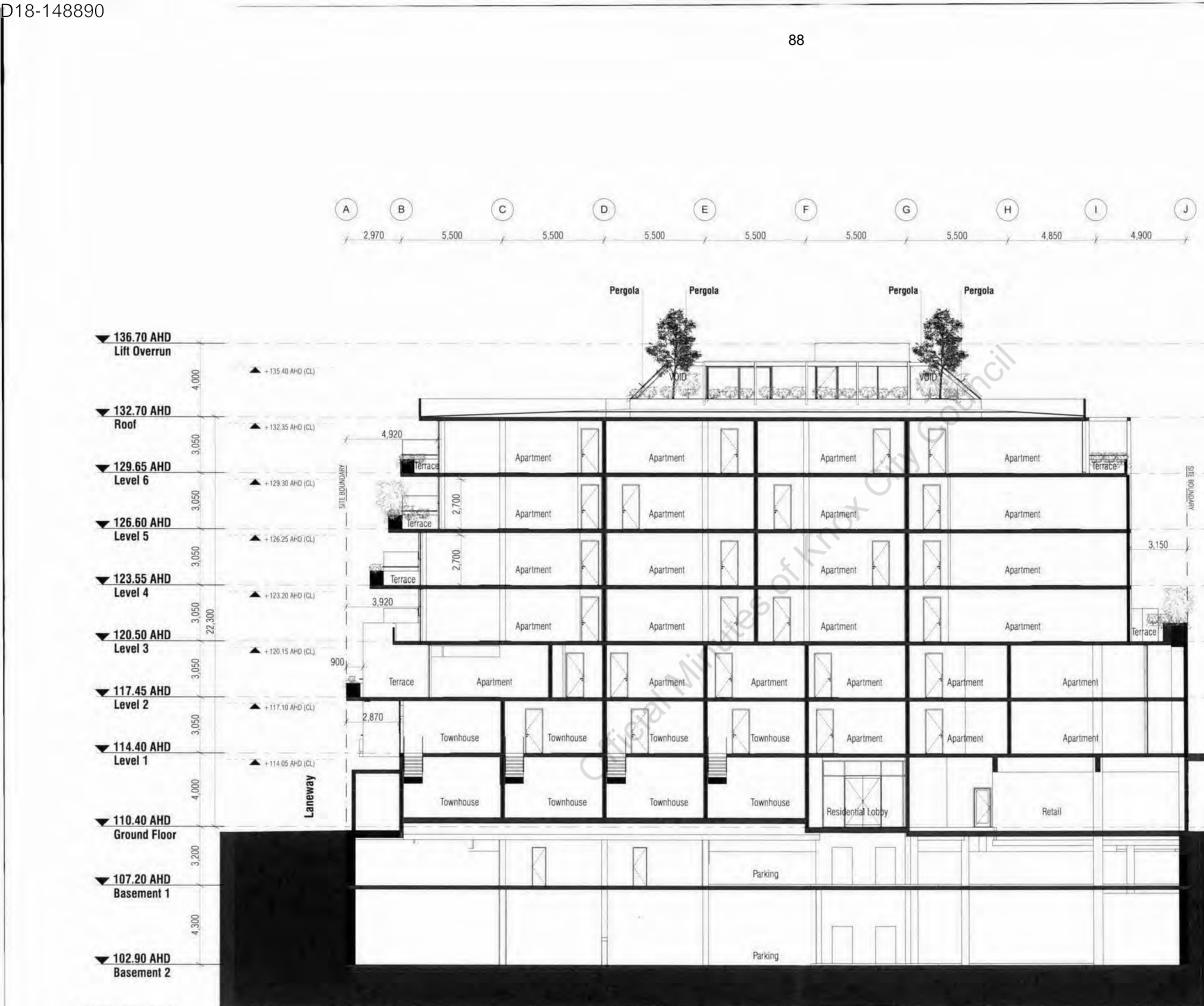
Development of the land for a seven (7) storey mixed use building, use of land for dwellings and reduction in the car parking requirements of Clause 52.06 of the Knox Planning Scheme



D18-148890







SECTION LOOKING EAST

PROJECT

CLIENT

NewLee Pty Ltd

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater Proposed Sections Section Looking East
 PLOT DATE
 SCALE

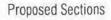
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 ARCHITECT

 PS
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PROJECT NUMBER



DATE

REV.

AMENDMENT

TP:05.01 Section Looking East **APPENDIX B**

1-717 MOUNTAIN HIGHWAY BAYSWATER Knox City Council RECEIVED 27 FEB 2018 N

Moull Murray Architects ABN 16 407 051 599

Mountain

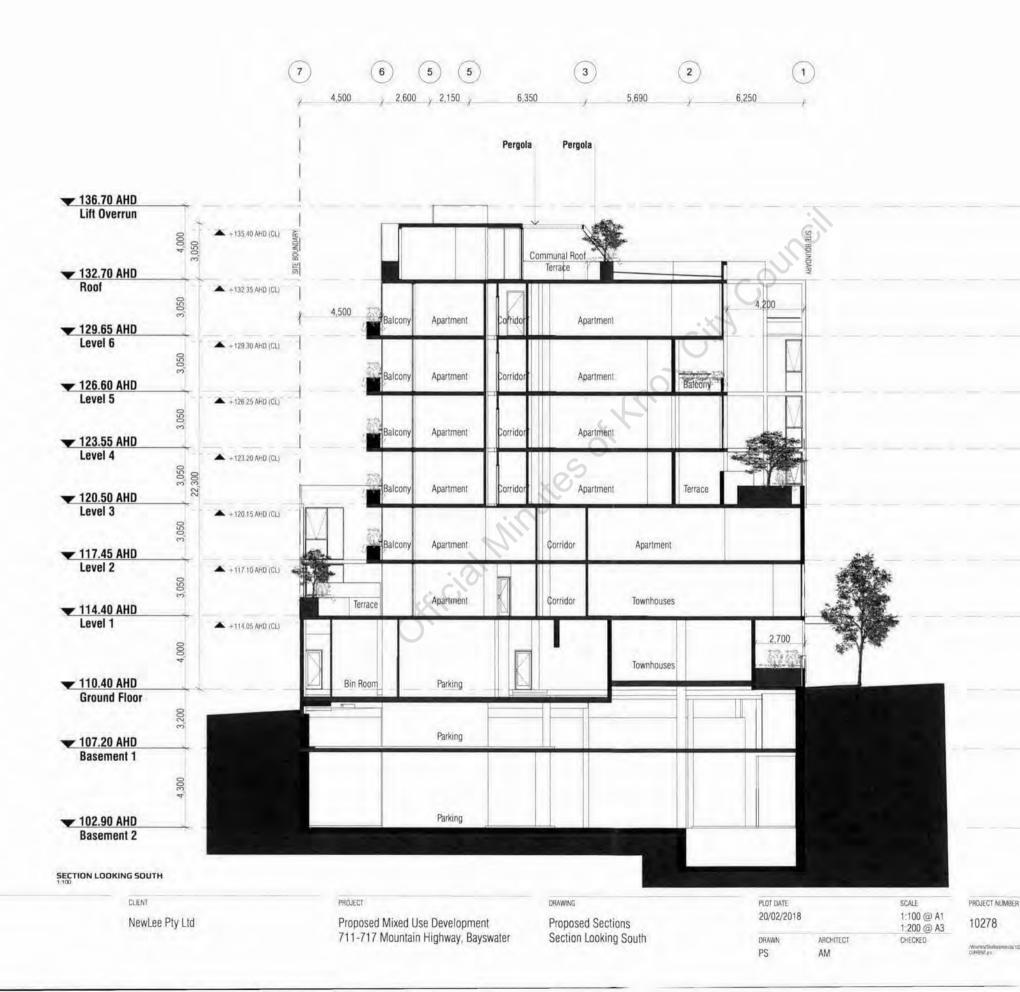
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DRAWING NUMBER [REVISION]

0278 Mountain Highway apanments/D3mode S/Mountain Highway

D18-148890

89



Proposed Sections

TP:05.02 Section Looking South

AMENDMENT REV DATE

Ш APPENDIX -717 MOUNTAIN HIGHWAY BAYSWATER -7

Knox City Council RECEIVED 2 7 FEB 2018

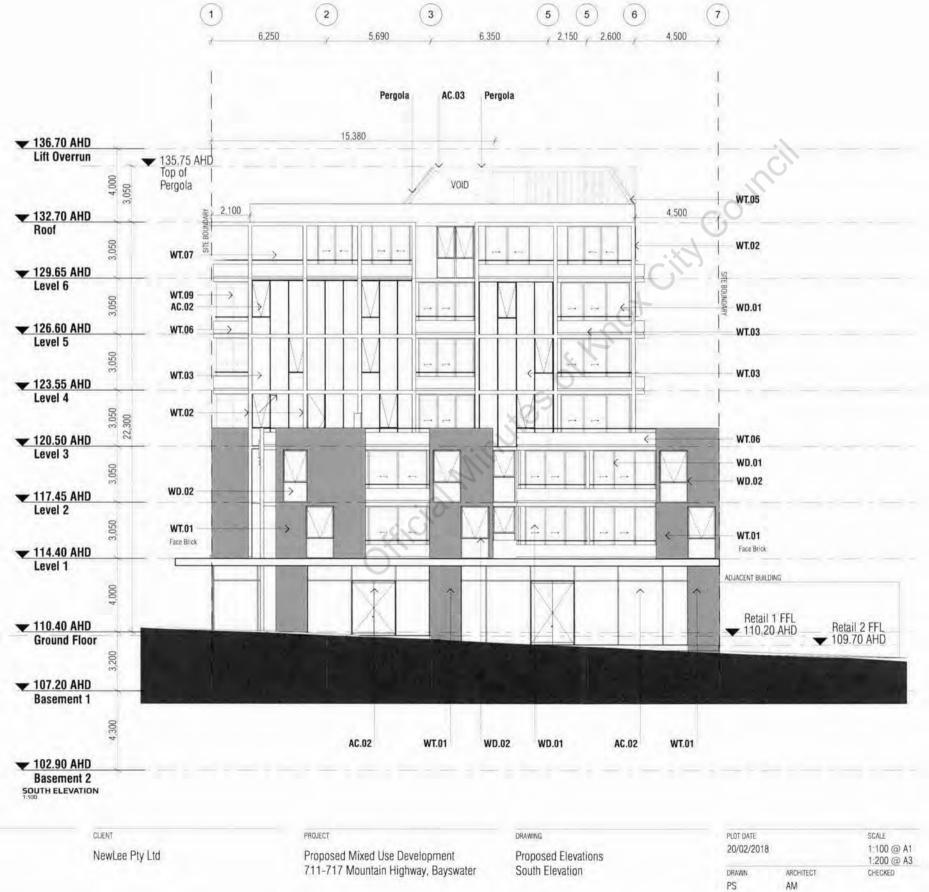
PLANNING DEPARTMENT

DRAWING NUMBER [REVISION]

Mountain Highway apartments/02mode s/Mountain Highway v21



Melbourne Level 1, 312 New Street Brighton, VIC, 3186 T+61 3 9530 B905 F+61 3 9530 B906 Informes manyarchinati can as max manyarchinati can as D18-148890



10278

PROJECT NUMBER

Proposed Elevations

TP:06.01 South Elevation

DATE

REV

00 General Notes

04 Wall Types

WT.01 Face brick Colour: Australbricks. Bowral Blue grey pointing weather struck

WT.02 Precast concrete Colour: Brightonlite off-white cement

WT.03 Precast concrete, oxide pigmented Colour: Grey

WT.04 Precast concrete, oxide pigmented Colour: Dark grey

WT.05 **Ribbed precast concrete** Colour: Grey

WT.06 Timber pattern off-form concrete Colour: Concrete with rough sawn timber form lines

WT.07 Paint finish Colour: Off white

WT.08 Paint finish Colour: Charcoal

WT.09 Paint finish Colour: Yellow

WT.10 Urban art wall Ceramic tiles

07 Roofing

RF.01 Profiled Colorbond sheeting over sisalation and insulation Colour: Shale grey

08 Cladding

CD.01 Alucobond cladding Colour: Grey

CD.02 Fielders Nailstrip cladding Colour: Colorbond Basalt

DRAWING NUMBER (REVISION)

TP:06.01

Knox City Council RECEIVED 27 FEB 2018

AMENDMENT

PLANNING DEPARTMENT

09 Window + Door

WD.01 Glazed Doors Glass Colour: Low 'E' double glazing for both sliding and hinge doors. (Refer plans for door operation) Frame Colour: Charcoal

WD.02 Windows Glass Colour: Low 'E' double glazing Frame Colour: Charcoal

17 Accessories & Window Treatments

AC.01 Fritted glass Glass Colour: Clear Frit Colour: White

AC.02 Clear glass Glass Colour: Low 'E' double glazing

AC.03 **Galvanised Steel** Colour: Powder coated white

27 Landscape Works

LW.02 Fence Aluminium and timber slats

LW.03 Letterbox & Unit No.

Moull Murray Architects ABN 16 407 051 599

Melbourne Level 1, 312 New Street Brighton, VIC, 3186 T. + 61 3 9530 8905 F.+61 3 9530 8906

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91

Proposed Elevations

TP:06.02 West Elevation

00 General Notes

04 Wall Types

WT.01 Face brick Colour: Australbricks, Bowral Blue grey pointing weather struck

WT.02 Precast concrete Colour: Brightonlite off-white cement

WT.03 Precast concrete, oxide pigmented Colour: Grey

WT.04 Precast concrete, oxide pigmented Colour: Dark grey

WT.05 Ribbed precast concrete Colour: Grey

WT.06 Timber pattern off-form concrete Colour: Concrete with rough sawn timber form lines

WT.07 Paint finish Colour: Off white

WT.08 Paint finish Colour: Charcoal

WT.09 Paint finish Colour: Yellow

WT.10 Urban art wall Ceramic tiles

07 Roofing

RE01 Profiled Colorbond sheeting over sisalation and insulation Colour: Shale grey

08 Cladding

CD.01 Alucobond cladding Colour: Grey

CD.02 Fielders Nailstrip cladding Colour: Colorbond Basalt

DRAWING NUMBER [REVISION]

TP:06.02

DATE

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AMENDMENT

PLANNING DEPARTMENT

09 Window + Door

WD.01 Glazed Doors Glass Colour: Low 'E' double glazing for both sliding and hinge doors. (Refer plans for door operation) Frame Colour: Charcoal

WD.02 Windows Glass Colour: Low 'E' double glazing Frame Colour: Charcoal

17 Accessories & Window Treatments

AC.01 Fritted glass Glass Colour: Clear Frit Colour: White

AC.02 Clear glass Glass Colour: Low 'E' double glazing

AC.03 Galvanised Steel Colour: Powder coated white

27 Landscape Works

LW.02 Fence Aluminium and timber slats

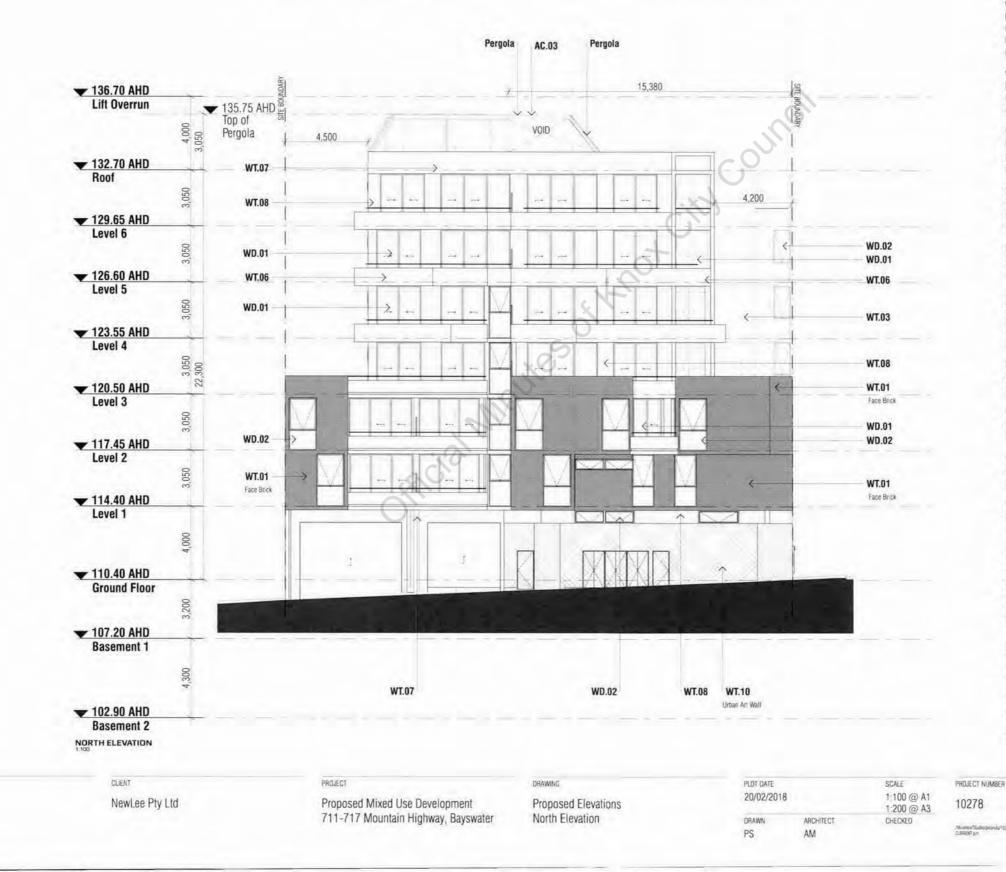
LW.03 Letterbox & Unit No.

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Moull Murray Architects ABN 16 407 051 599 Melbourne Level 1, 312 New Street Brighton, VIC. 3186 T, +61 3 9530 8905 F, +61 3 9530 8905 Pholomournempetitics com au maximum strengestitics com au D18-148890

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Proposed Elevations

TP:06.03 North Elevation

00 General Notes

04 Wall Types

WT.01 Face brick Colour: Australbricks, Bowral Blue grey pointing weather struck

WT.02 Precast concrete Colour: Brightonlite off-white cement

WT.03 Precast concrete, oxide pigmented Colour: Grey

WT.04 Precast concrete, oxide pigmented Colour: Dark grey

WT.05 **Ribbed precast concrete** Colour: Grey

WT.06 Timber pattern off-form concrete Colour: Concrete with rough sawn timber form lines

WT.07 Paint finish Colour: Off white

WT.08 Paint finish Colour: Charcoal

WT.09 Paint finish Colour: Yellow

WT.10 Urban art wall Ceramic tiles

07 Roofing

RF.01 Profiled Colorbond sheeting over sisalation and insulation Colour: Shale grey

08 Cladding

CD.01 Alucobond cladding Colour: Grey

CD.02 Fielders Nailstrip cladding Colour: Colorbond Basalt

DRAWING NUMBER (REVISION)

TP:06.03

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AMENDMENT

09 Window + Door

WD.01 **Glazed Doors** Glass Colour: Low 'E' double glazing for both sliding and hinge doors. (Refer plans for door operation) Frame Colour: Charcoal

WD.02 Windows Glass Colour: Low 'E' double glazing Frame Colour: Charcoal

17 Accessories & Window Treatments

AC.01 Fritted glass Glass Colour: Clear Frit Colour: White

AC.02 **Clear glass** Glass Colour: Low 'E' double glazing

AC.03 **Galvanised Steel** Colour: Powder coated white

27 Landscape Works

LW.02 Fence Aluminium and timber slats

LW.03 Letterbox & Unit No.

Moull Murray Architects ABN 16 407 051 599

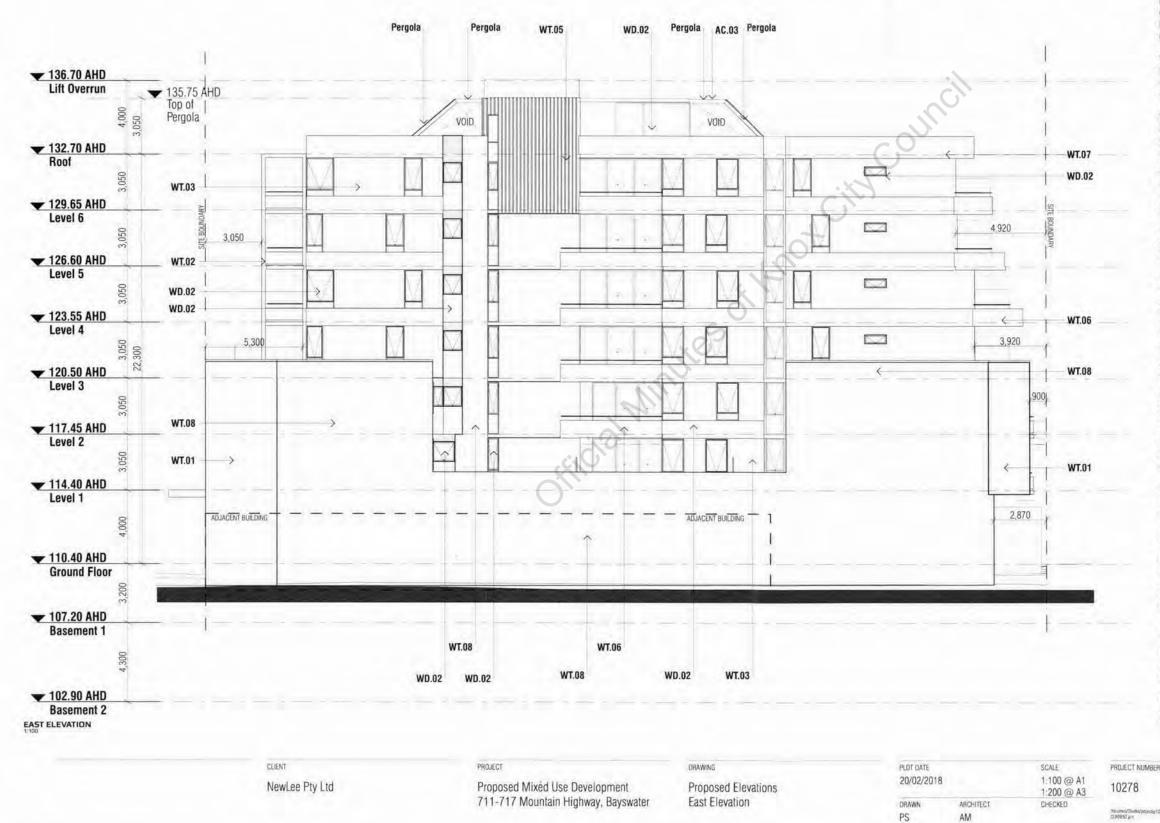
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Proposed Elevations

TP.06.04 East Elevation

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00 General Notes

04 Wall Types

WT.01 Face brick Colour: Australbricks, Bowral Blue grey pointing weather struck

WT.02 Precast concrete Colour: Brightonlite off-white cement

WT.03 Precast concrete, oxide pigmented Colour: Grey

WT.04 Precast concrete, oxide pigmented Colour: Dark grey

WT.05 Ribbed precast concrete Colour: Grey

WT.06 Timber pattern off-form concrete Colour: Concrete with rough sawn timber form lines

WT.07 Paint finish Colour: Off white

WT.08 Paint finish Colour: Charcoal

WT.09 Paint finish Colour: Yellow

WT.10 Urban art wall Ceramic tiles

07 Roofing

RE01 Profiled Colorbond sheeting over sisalation and insulation Colour: Shale grey

08 Cladding

CD.01 Alucobond cladding Colour: Grey

CD.02 Fielders Nailstrip cladding Colour. Colorbond Basalt

DRAWING NUMBER [REVISION]

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AMENDMENT

PLANNING DEPARTMENT

09 Window + Door

WD.01 Glazed Doors Glass Colour: Low 'E' double glazing for both sliding and hinge doors. (Refer plans for door operation) Frame Colour: Charcoal

WD.02 Windows Glass Colour: Low 'E' double glazing Frame Colour: Charcoal

17 Accessories & Window Treatments

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AC.02 Clear glass Glass Colour: Low 'E' double glazing

AC.03 Galvanised Steel Colour: Powder coated white

27 Landscape Works

LW.02 Fence Aluminium and timber slats

LW.03 Letterbox & Unit No.

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CLIENT NewLee Pty Ltd

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater

Perspective Perspective

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Melbourne Level 1, 312 New Street Brighton. VIC. 3186 T.+61 3 9530 8905 F.+61 3 9530 8906 moultmuray.com.au



NewLee Pty Ltd

CLIENT

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater

PROJECT

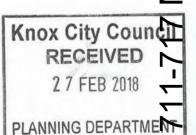
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TP.07.2 Perspective **Perspective**





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sy10278 Mountain Highway apartments/02models/Mountain Highway v2



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CLIENT		
NewLee	Pty	Ltd

PROJECT

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater

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PLANNING DEPARTMENT



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Iountain Highway v2



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CLIENT NewLee Pty Ltd

PROJECT

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater

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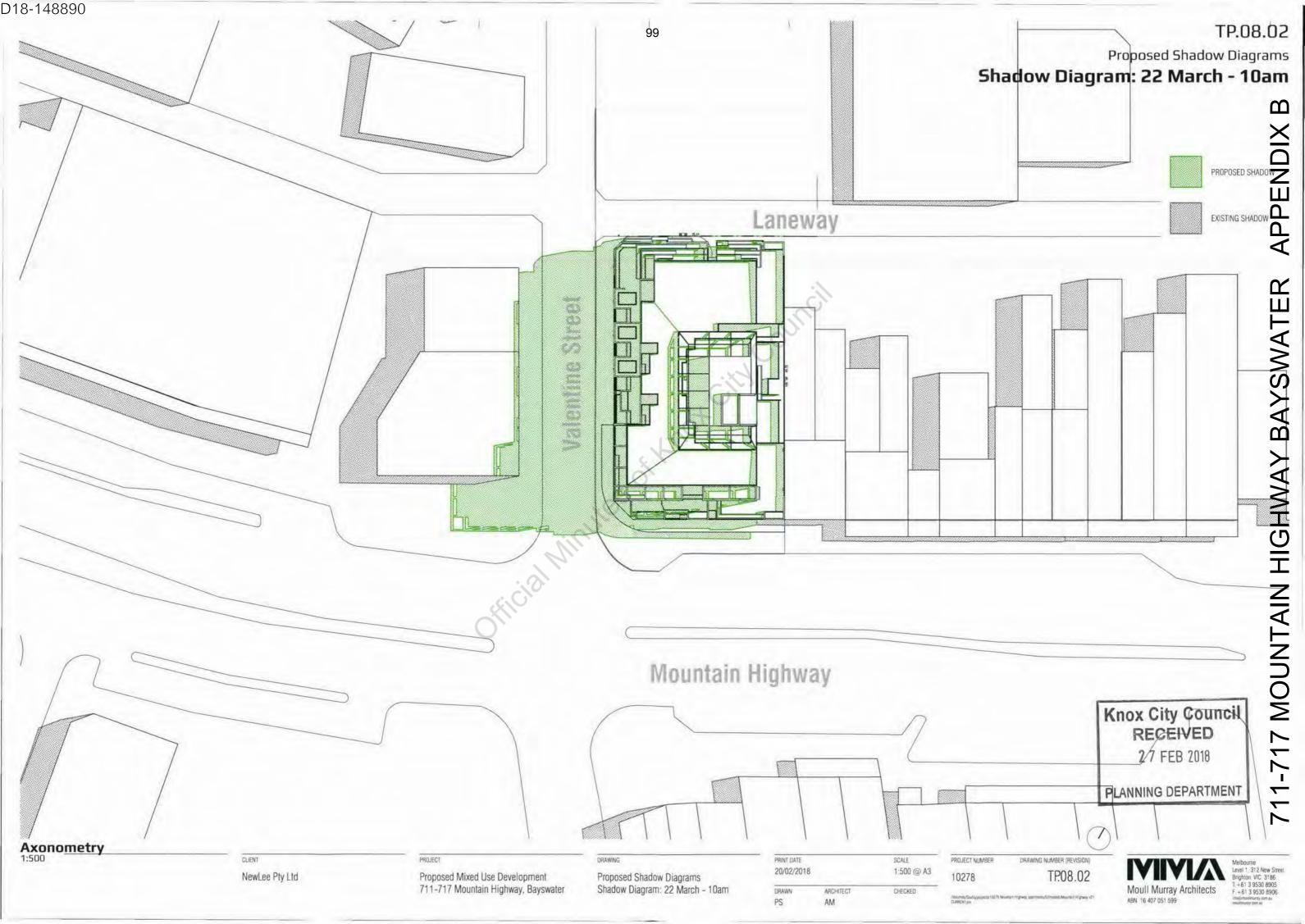
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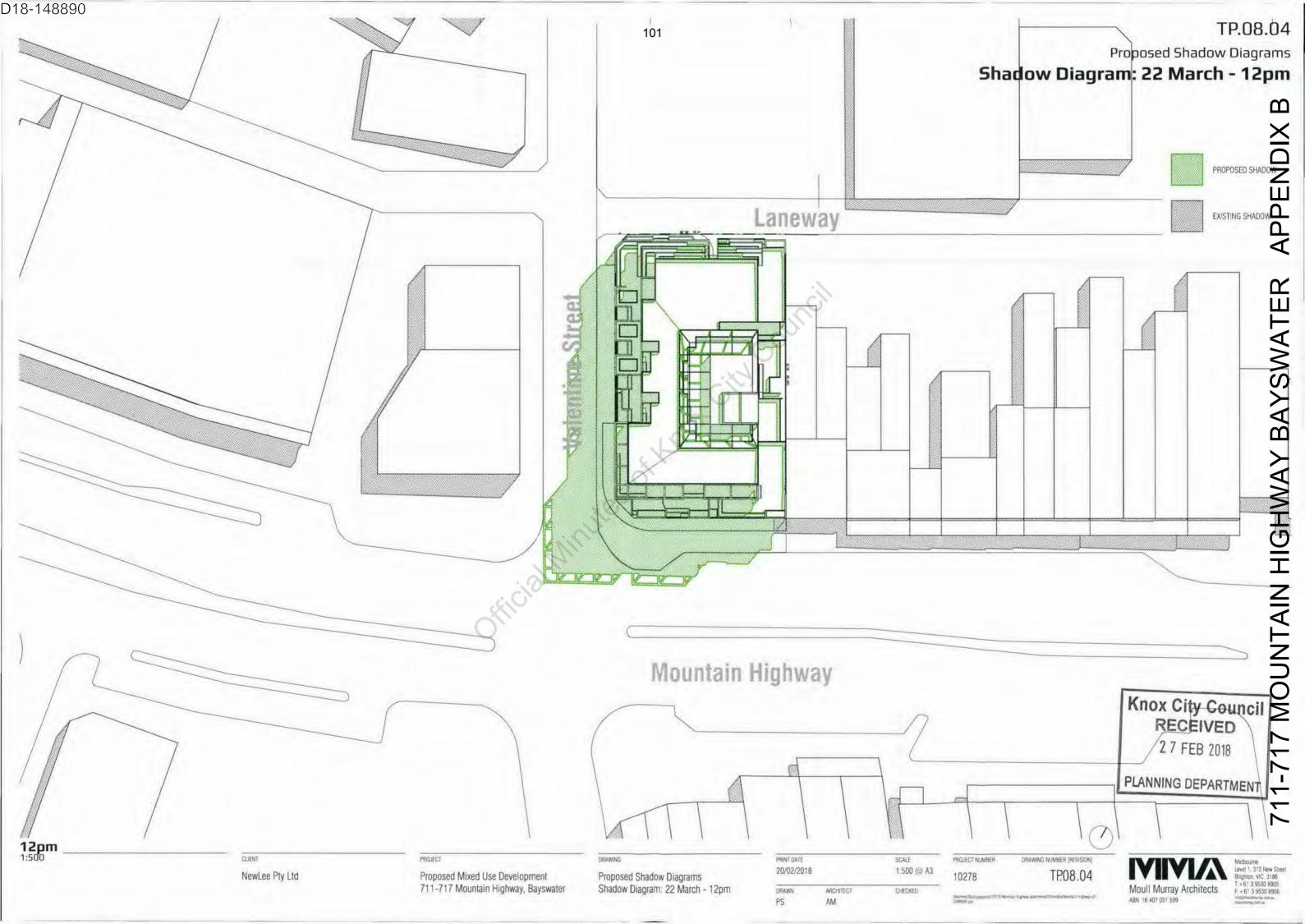
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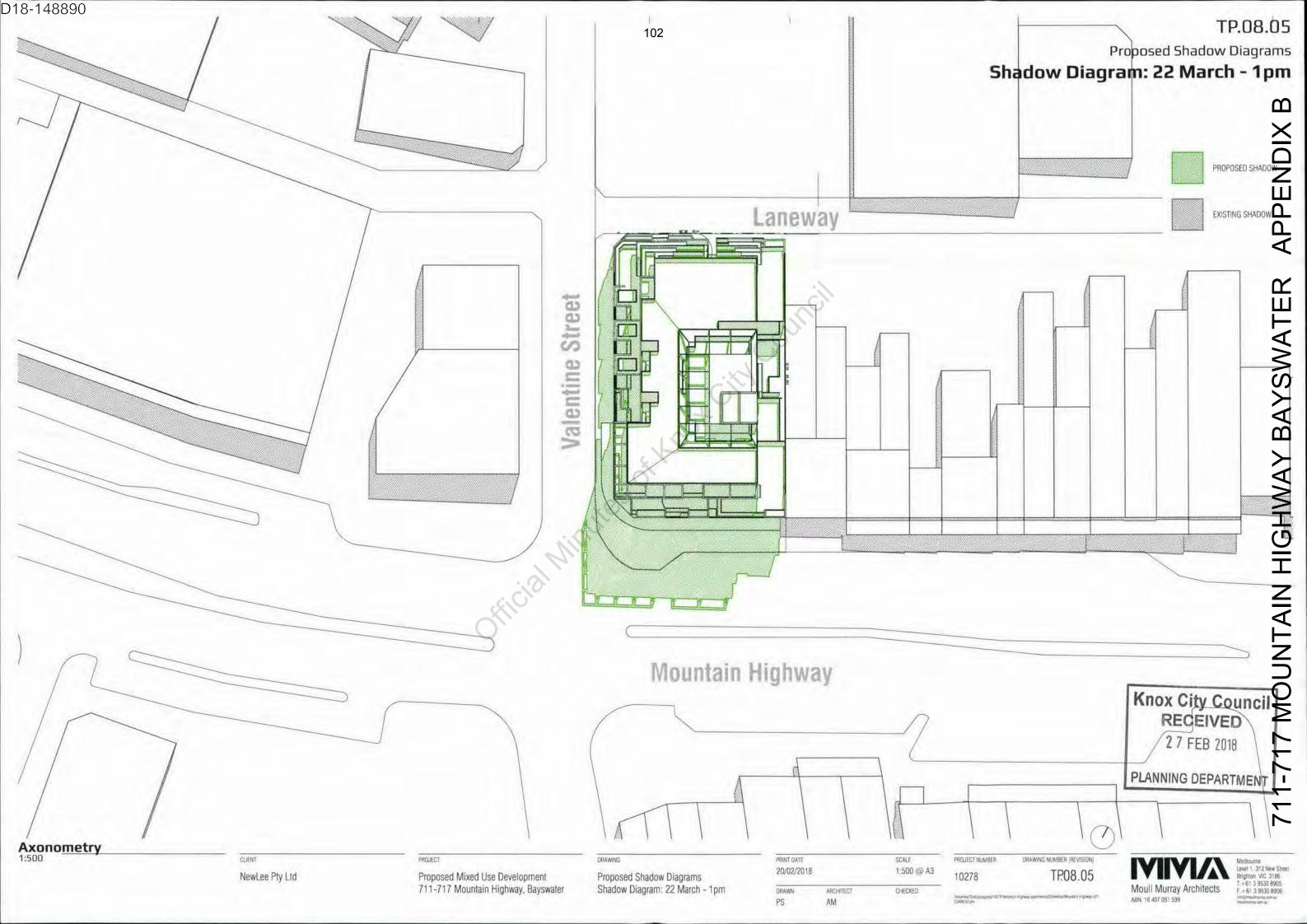
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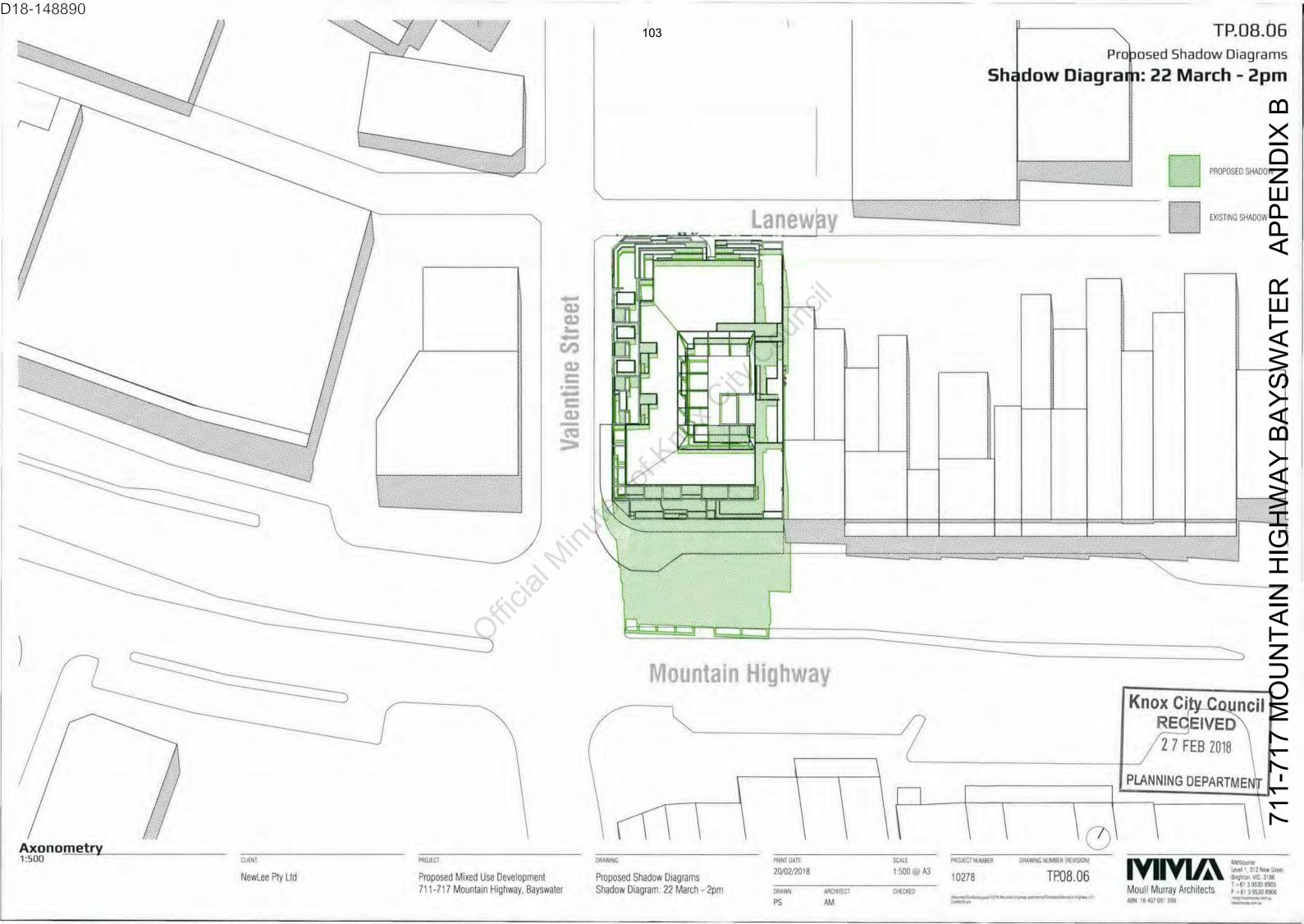


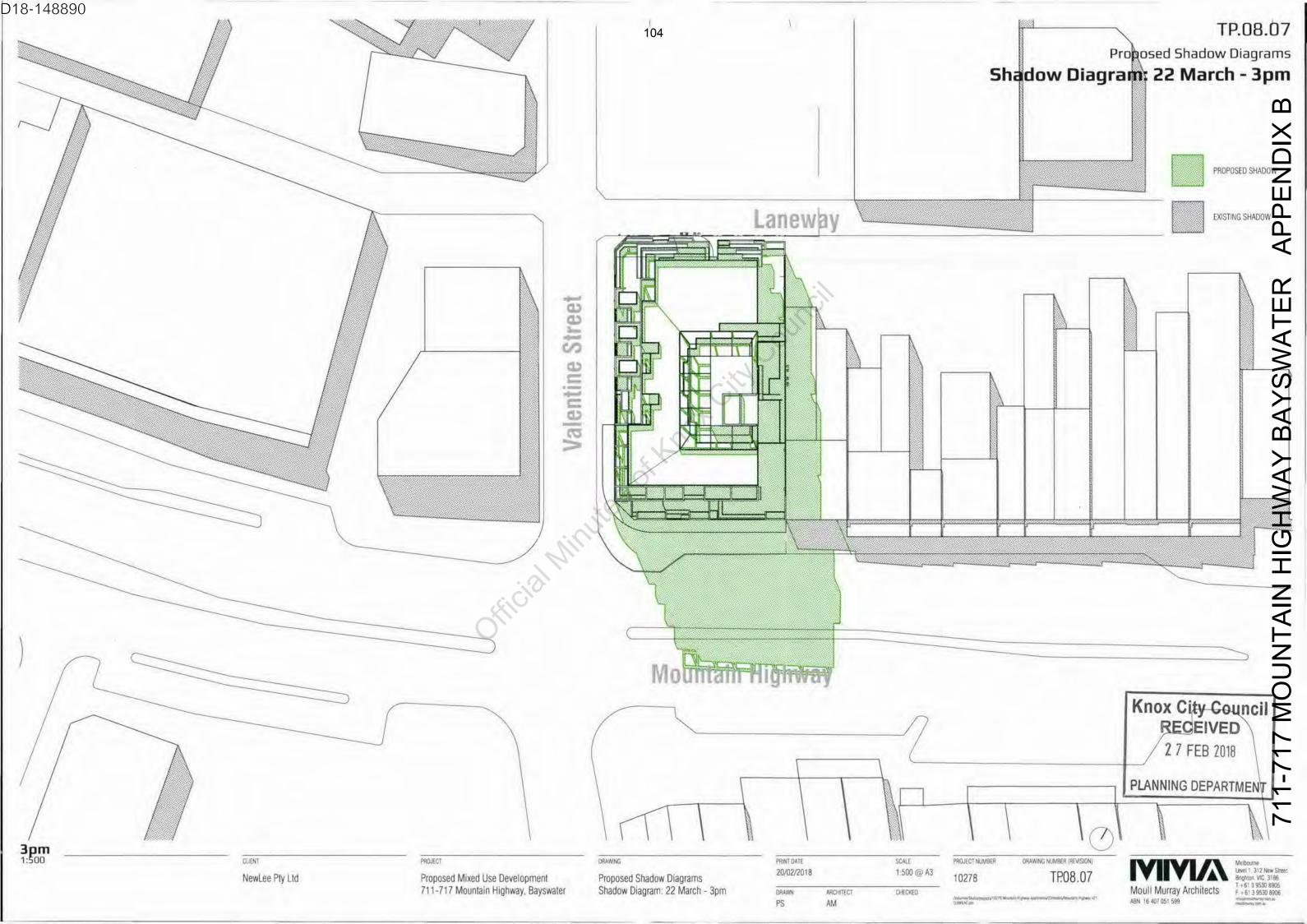








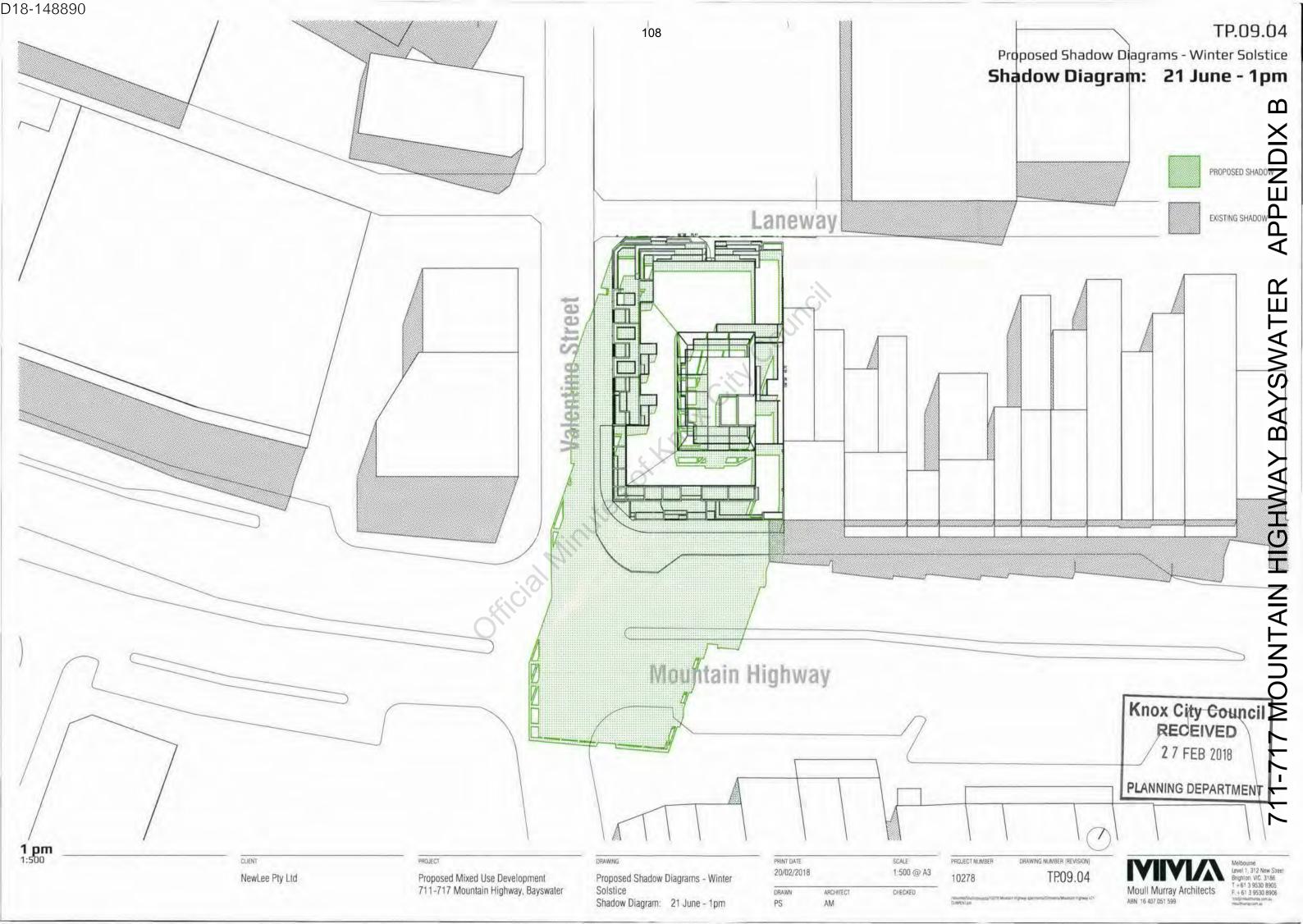














SITE AREA

Area

Site

m² 1252.21m²

Fully Enclosed C (Exc. Balconies &	overed Area; F.E.C.A. Terraces)		Apartment Area (Exc. B	alcony, Terrace & S	Service yard)	Parking Spaces
Floor Lev	•	Area (sqm.)	Unit Types	Quantity	Area (Sq.m.)	Ground
-1 BASEMEN	NT 1	1,252				
-2 BASEMEN	VT 2	1,252	1 Bedroom	15	850	
0 GROUND	FLOOR	1,126	I Deuroonn			Basement 1
1 FIRST FLC		1,011	2 Bedroom	····· 35 -	2,796	Basement 2
2 SECOND F		1,012	2 Bedroom Duplex	4	407	buschient 2
3 THIRD FL		690 687	3 Bedroom	1	103	
4 FOURTH F 5 FIFTH FLC		671			U`	
6 SIXTH FLO		626		55	4,156 m²	Total
		8,327 m²	Ground Floor Retail Are	a	N.	
			Unit Types	Quantity	Area (Sq.m.)	Conventional Parking Stacker Parking
			RETAIL1	1	179	Residential Car Spaces
Building Service	s Area		RETAIL 2	1 1	160	Visitor Car Spaces
Level		Area (sqm.)		2	339 m²	Retail Staff Car Spaces
Ground Floor	SERVICE AREA	392				
		392 m²	~			Bicycle Parking Spaces
			Minutesof			Ground
			6			Basement 1
Balconies & Terr	aces Area		×O			Basement 2
Levei		Area (sqm.)				Total
Ground Floor	Terrace	32				
Level 1	Balcony	71	$\sim N_{1}$			Desidential Disyste Coase
Level 1	Communal Courtyard	24				Residential Bicycle Space Visitor Bicycle Spaces
Level 1	Courtyard	47				
Level 2	Balcony	105				
Level 3	Balcony	26				
Level 3	Terrace	287				
Level 4	Balcony	97				
Level 5	Balcony	50				External Storages
Level 5	Terrace	43				Level 2
Level 6 Level 6	Balcony	31				
Level 7	Conne Lounge	· 51				Level 1
	(confied)nal	JI				Basement 1
Level 7	Roof Terrace	97				Basement 2

	CLIENT	PROJECT	DRAWING		PRINT DATE 20/02/2018		PRINT DATE SCALE F		PROJECT NUMBER
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1.040 m²

TP.10.01 Schedules **Area Schedule**

- 2 Stacker Parking Spaces
- 1 Conventional Parking Spaces (Accessible Parking Space)
- 24 Conventional Parking Spaces
- 28 Stacker Parking Spaces
- 12 Conventional Parking Spaces

67 Spaces

- 37 Spaces = 55%
- 30 Spaces = 45%
- 56
- 07
- 04
- 10 Spaces
- 34 Spaces
- 34 Spaces
- 78 Spaces
- 70
- 08
- 3 Spaces
- 3 Spaces
- 18 Spaces
- 31 Spaces

Total

55 Spaces

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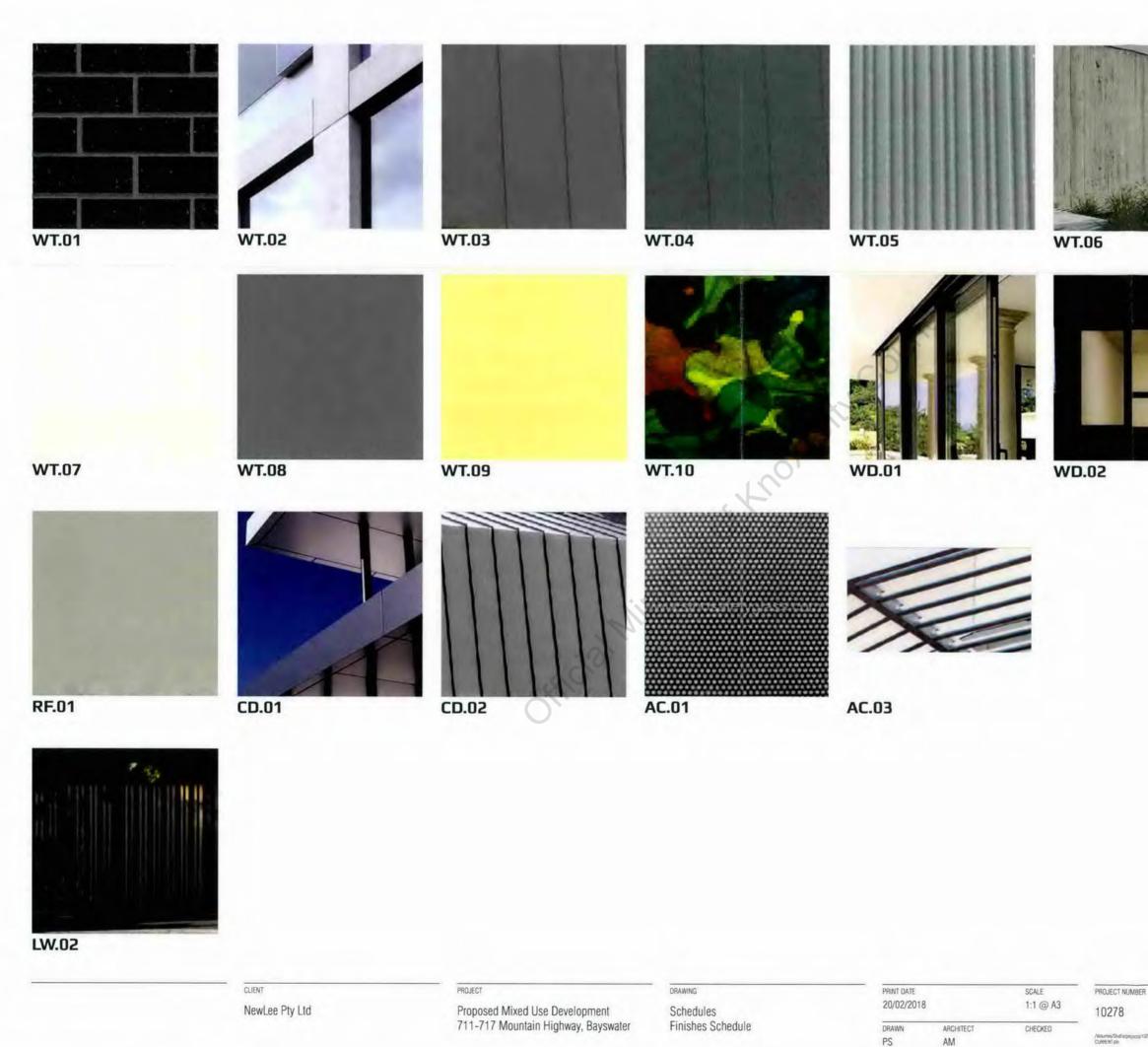


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DRAWING NUMBER [REVISION] TP:10.01

ala Highway apartmon1s/02models/Mountain Highway v21

111







TP.10.02 Schedules Finishes Schedule

00 General Notes

04 Wall Types

WT.01 Face brick Colour: Australbricks, Bowral Blue grey pointing weather struck

WT.02 Precast concrete Colour: Brightonlite off-white cement

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27 Landscape Works

LW.02 Fence Aluminium and timber slats

LW.03 Letterbox & Unit No.

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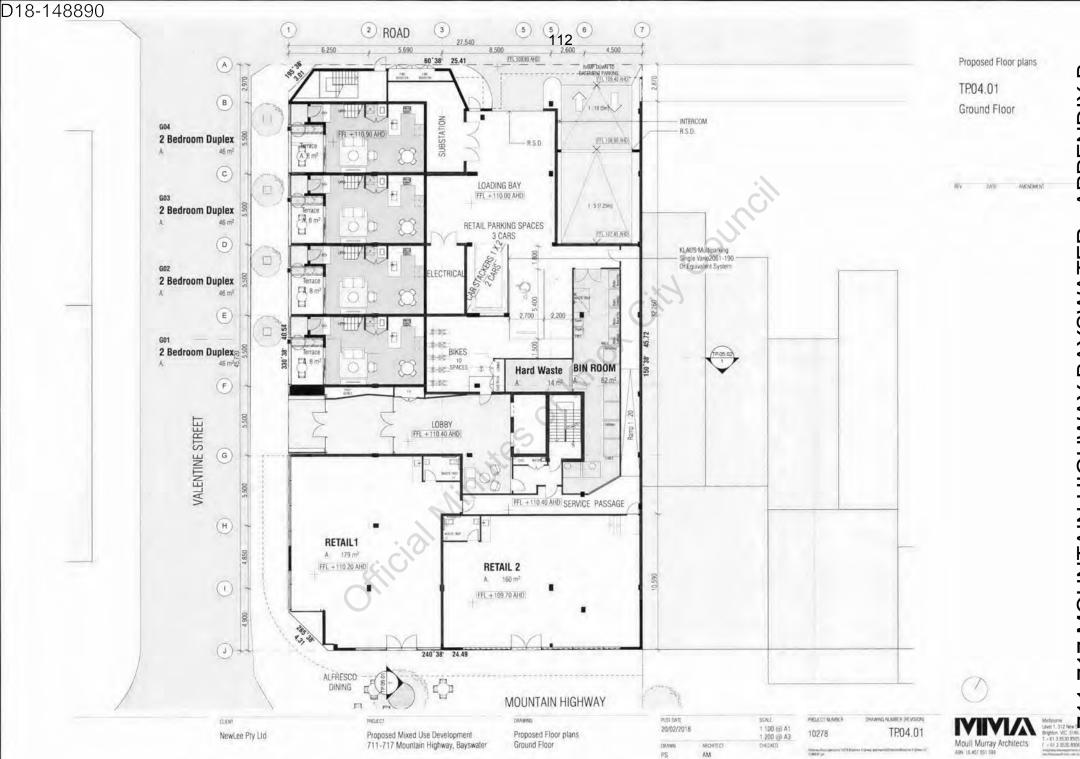
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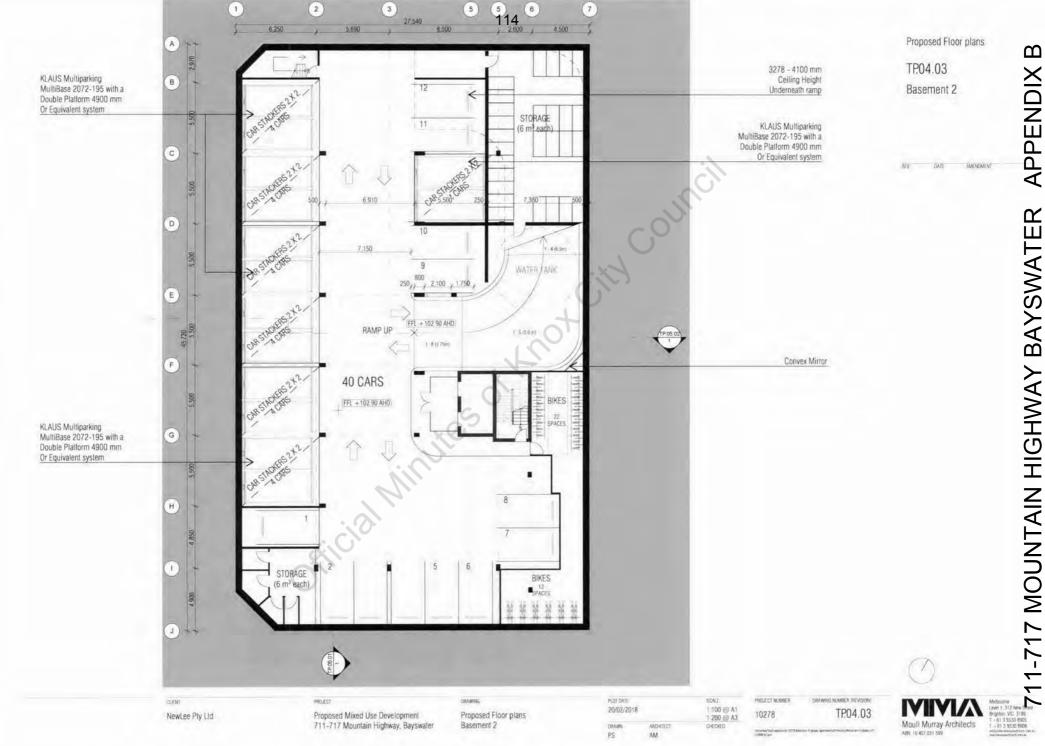


APPENDIX -717 MOUNTAIN HIGHWAY BAYSWATER

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11-717 MOUNTAIN HIGHWAY BAYSWATER

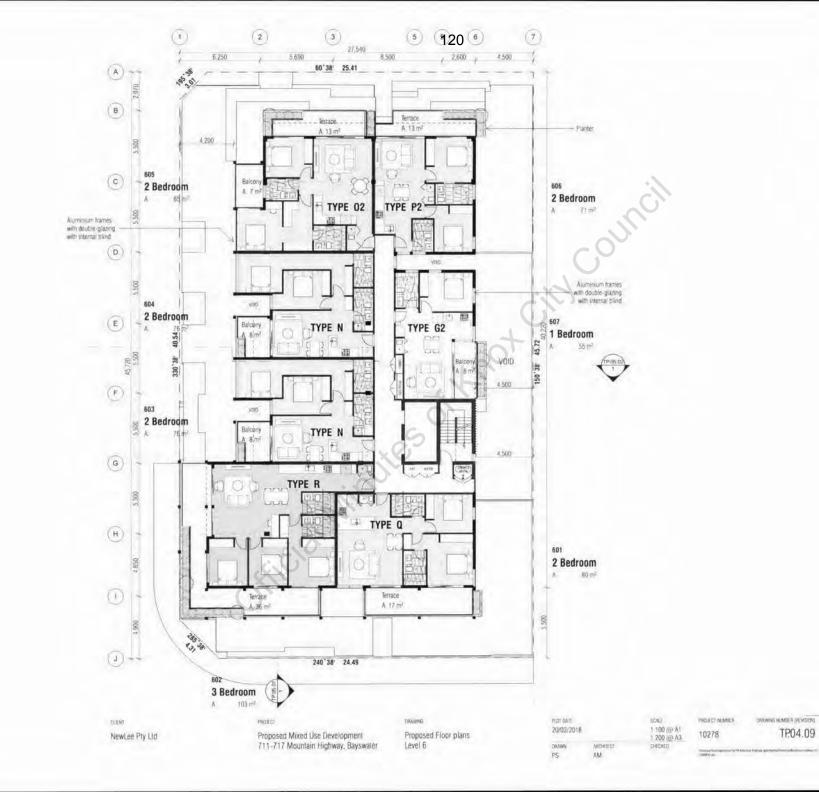


APPENDIX B 11-717 MOUNTAIN HIGHWAY BAYSWATER





11-717 MOUNTAIN HIGHWAY BAYSWATER



APPENDIX B 11-717 MOUNTAIN HIGHWAY BAYSWATER

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Moull Murray Architects

Proposed Floor plans

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MENDARN?

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Level 6

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Current Scheme

Amended Scheme

CLIENT	
NewLee Pty	Ltd

PROJECT

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater Design Response Amended Design in Response to Hansen's Urban Design Assessment

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TP.02.01 Design Response Amended Design in Response to Hansen's Urban Design Assessment \mathbf{O}

APPENDIX **MOUNTAIN HIGHWAY BAYSWATER** ア

PLANNING DEPARTMENT

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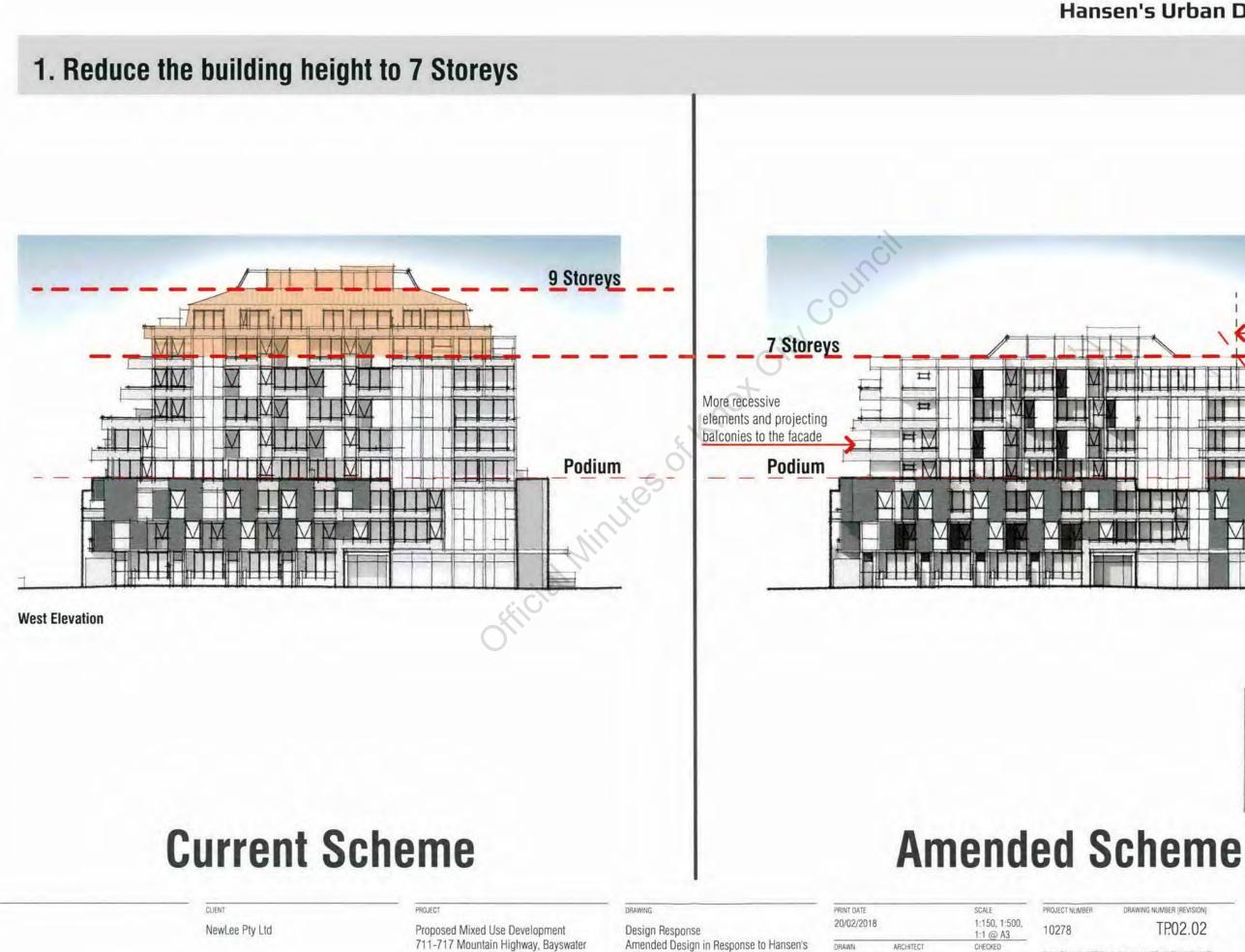
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Urban Design Assessment

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TP.02.02 Design Response Amended Design in Response to Hansen's Urban Design Assessment \mathbf{O} APPENDIX

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PLANNING DEPARTMENT

DRAWING NUMBER [REVISION]

TP.02.02



Brighton, VIC. 3186 T + 61 3 9530 8905 F + 61 3 9530 8906

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MOUNTAIN HIGHWAY BAYSWATER

2. Increase the articulation and modulation to the facade to present a more robust podium and provide a clearer distinction between the base and upper levels city council Perspective the podium **Current Scheme Amended Scheme** CLIENT

NewLee Pty Ltd

PROJECT

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater DRAWING

Design Response Amended Design in Response to Hansen's Urban Design Assessment

123

PRINT DATE SCALE PROJECT NUMBER 20/02/2018 1:150, 1:500, 10278 1:1 @ A3 DRAWN ARCHITECT CHECKED PS AM





3. Increase setback to 4.5m from eastern boundary for equitable development opportunities 711-717 Mountain Hwy 711-717 Mountain Hwy 721-725 Mountain Hwy MM Outline of amended scheme South Elevation

4. Adopt 'stepped' arrangement to maintain direct street access from Mountain Highway

124

Retail

Amended Scheme

Current Scheme

NewLee Pty Ltd

Proposed Mixed Use Development 711-717 Mountain Highway, Bayswater

PROJECT

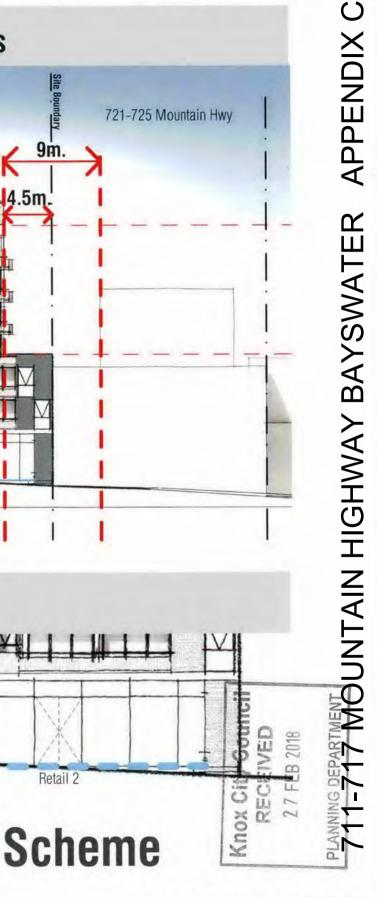
Amended Design in Response to Hansen's Urban Design Assessment

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Design Response

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TP.02.04 Design Response Amended Design in Response to Hansen's Urban Design Assessment



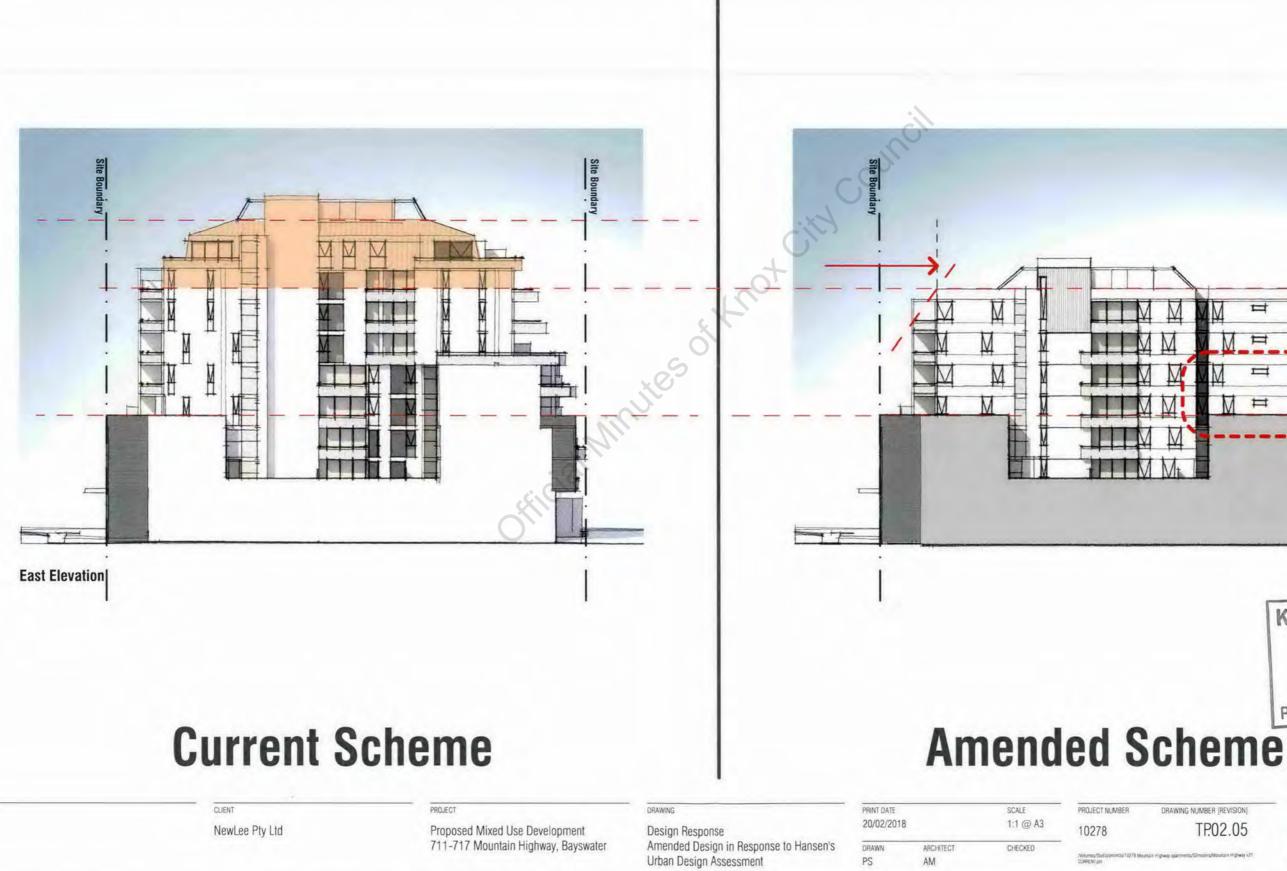
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on VIC 3186 F. + 61 3 9530 8906

5. Revise the sheer 5 storey north-eastern wall to minimise its bulk to eastern properties

125



TP.02.05 Design Response Amended Design in Response to Hansen's Urban Design Assessment \mathbf{O} APPENDIX 711-717 MOUNTAIN HIGHWAY BAYSWATER Ħ -MĦ Knox City Council RECEIVED 27 FEB 2018 PLANNING DEPARTMENT DRAWING NUMBER (REVISION

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on, VIC. 3186 +61 3 9530 8906

APPENDIX D – Conditions for 711-717 Mountain Highway, Bayswater

Amended Development Plans

- 1. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 Annotation stating, 'all structures must be constructed to a maximum height of 900mm or relocated clear of a splayed area near the access way to ensure safe sight distances.'
 - 1.2 The height, location and design of the mail boxes and electricity supply structures to comply with Condition 1.1 of this Planning Permit.
 - 1.3 An Acoustic Attenuation Report by a suitably qualified professional which addresses the noise levels amenity impacts of the proposal and surrounding use and specifically addresses, but does not limit itself to the following:
 - 1.3.1 Street level noise;
 - **1.3.2** Commercial (retail) interface noise impacts;
 - **1.3.3 Traffic entering and exiting the development, roller doors and car stackers;**
 - 1.3.4 Loading Bay, substation and electrical plant; and
 - 1.3.5 Internal Waste management collection services (11pm 6am).
 - 1.4 The location and tree protection zone of all street trees, including tree protection fencing.
 - 1.5 Proposed crossing to be constructed to Council standards, remain minimum of 500 mm from boundary and match width of proposed driveway.
 - 1.6 The vehicular crossover must be 6.1m wide and the driveway must be 6.1m wide for the first 7m within the site to allow two vehicles to pass to the satisfaction of the Responsible Authority.

1.7 Allocation of staff car parking spaces.

- 1.8 In accordance with Knox Planning Scheme, Clause 52.06-9, Design standard 2 – car parking spaces, a 300mm clearance must be provided where a car parking space is alongside a high vertical obstruction.
- 1.9 All levels to be to AHD (Australian Height Datum).

127

To the satisfaction of the Responsible Authority.

Other Plans

- 2. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must compromise the following:
 - 2.1 Drainage plans in accordance with Condition 3;
 - 2.2 Landscape plans in accordance with Condition 4;
 - 2.3 Construction and Traffic Management Plan in accordance with Condition 14;
 - 2.4 A Car Stacker Management Plan in accordance with Condition 15; and
 - 2.5 Waste Management Plan in accordance with Conditions 25.

To the satisfaction of the Responsible Authority.

Drainage Plans

- 3. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage must be in accordance with these plans. The plans must show the following:
 - 3.1 All stormwater drainage discharge from the site connected to a legal point of discharge.
 - 3.2 The internal drains of the dwellings to be independent of each other.
 - 3.3 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.

- 3.4 The on-site detention system to be installed in a suitable location for easy access and maintenance.
- 3.5 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority. Details of the overland flow path are to be included on the plans.
- 3.6 Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
- 3.7 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

- 4. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, a landscape plan prepared by a suitably qualified Landscape architect or a suitably qualified landscape designer to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority in accordance with Council's 'Landscape Plan Guidelines'. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed;
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines);
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site;
 - 4.4 Details of the surface finishes of pathways and driveways;
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes;
 - 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

- 4.7 The Landscape plans must show the provision of at least 7 street trees (5 on Valentine Street and 2 on Mountain Highway. These trees are to be upright medium canopy trees with a mature height of 12 to 15 metres and planted using the Stratavault® system or similar. Details of the planting system are to be shown on the landscape plan. The tree species is to be determined in consultation with Parks;
- 4.8 Details and location of the 2 small canopy trees on the level 7 roof terrace. A low fruiting olive tree such as Tolley's Upright is acceptable, high fruiting, weedy cultivars will not be accepted; and
- 4.9 Full details of the roof top trellis.

To the satisfaction of the Responsible Authority.

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

Street Tree Protection

 Any tree roots identified from Street Tree# 1 during works must be pruned under the guidance of a suitably qualified arborist in accordance with AS 4373-2007 – Pruning of amenity trees. Following excavation/root pruning along northern boundary a council arborist will be required to inspect site. Ph. 9298-8425 (parks department).

General

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

Sustainable Design Assessment

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

Construction and Traffic Management Plan

- 14. Prior to the commencement of the development, a Construction and Traffic Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plan will be endorsed to form part of the permit. The information must be drawn to scale with dimensions and three copies must be provided. The Plan must include (but not be limited to):
 - 14.1 Contact numbers of responsible owner/contractor including emergency/24 hour mobile contact details;
 - 14.2 Identification of possible environmental risks associated with development works;
 - 14.3 Response measures and monitoring systems to minimise identified environmental risks, including but not limited to vegetation protection, runoff, erosion, dust, litter, noise and light;
 - 14.4 Location and specifications of sediment control devices on/off site;
 - 14.5 Location and specifications of surface water drainage controls;
 - 14.6 Location and specifications of fencing for the protection of street trees and/or vegetation as required by the permit;
 - 14.7 **Proposed drainage lines and flow control measures;**
 - 14.8 Location of all stockpiles and storage of building materials;
 - 14.9 Location of parking for site workers and any temporary buildings or facilities;
 - 14.10 Delivery and unloading points and expected frequency;
 - 14.11 Details to demonstrate compliance with relevant EPA guidelines;
 - 14.12 Hours during which construction activity will take place; and
 - 14.13 Traffic management measures to minimise disruption to the operation of Valentine Street during construction.

Car Stacker Management Plan

15. Prior to the development commencing a Car Stacker Management Plan covering matters such as access and safety (e.g. valet stacking for visitors, access to controls, access to stacking mechanism and queuing of cars); residential amenity (including noise and vibration); location of subject premises (including the ambient noise environment and suitability of location); and maintenance of car stackers (including by whom, to what standard and how enforced), etc. must be prepared to the satisfaction of the Responsible Authority.

Car Parking & Access ways

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

To the satisfaction of the Responsible Authority.

- 17. The access way and parking aisle must be kept available and maintained for all vehicles to enter and exit the site in a forward direction at all times to the satisfaction of the Responsible Authority.
- 18. All visitor parking spaces must be accessible by the public at all times, centrally located, adequately line marked, signed or paved, and maintained to the satisfaction of the responsible authority. An intercom system must be provided at the security gate to allow visitors to access the visitor spaces.
- 19. A sign must be installed near the access of the site to indicate visitor car parking is available in the basement carpark and to use the intercom system.
- 20. The car parking area must not be used as a storage area.

- 21. On-site public lighting must be provided within all car parking areas to the satisfaction of the relevant authority and in accordance with AS1158.
- 22. Redundant crossovers must be removed and the kerb and channel and nature strip reinstated to Council standards.

Amenity during Construction

- 23. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 23.1 The appearance of building, works or materials on the land;
 - 23.2 Parking of motor vehicles;
 - 23.3 Transporting of materials or goods to or from the site;
 - 23.4 Hours of operation;
 - 23.5 Stockpiling of top soil or fill materials;
 - 23.6 Air borne dust emanating from the site;
 - 23.7 Noise;
 - 23.8 Rubbish and litter;
 - 23.9 Sediment runoff; and
 - 23.10 Vibration.

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

Stormwater

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

Waste Management Plan

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

Maintenance

26. All buildings and works, including vertical gardens and roof top garden, must be maintained in good order and appearance to the satisfaction of the responsible authority.

Permit Expiry

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

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

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

NOTES

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

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Storm water Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.
- Stormwater discharge from the property is to be directed to the 225mm diameter Council Stormwater pipe near the north-west corner of the property to Council's standards and satisfaction.
- The Applicant is required to use Australian Height Datum (AHD) to present levels in all future plans. Applicant must ensure that levels on the plan are accurate.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.
- Drainage system designed so as to avoid impact on any vegetation shown on the endorsed plans as being retained.
- Water Sensitive Urban Design (WSUD) should be addressed as part of this development.

Other Notes:

- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
 - In accordance with Council policy, an 8.5% public open space contribution may apply in the event of the subdivision of the land.
 - No car parking permit for either residents or businesses is to be issued to the development.
 - To arrange an inspection of the Tree Protection fencing please contact Council Landscape Team on 9298 8125.

- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.
- Raised concrete slabs on the existing footpath fronting the site should be grounded.
- All litter and rubbish associated with the construction must be contained on site at all times.
- Please contact Council's Landscape Team, on 9298 8125 for further information regarding contribution to the Net Gain Reserve.

Pursuant to Section 79 of the Local Government Act 1989 (The Act), Councillor Seymour declared a direct interest pursuant to Section 77B of the Act in Item 6.4 on the grounds that her daughter has danced with Rowville Ballet (the applicant) for many years and it may be perceived as Councillor Seymour having a bias in the decision making.

COUNCILLOR SEYMOUR VACATED THE CHAMBER AT 7.28PM PRIOR TO DISCUSSION ON ITEM 6.4

FRIBERG WARD

6.4 APPLICATION FOR THE CHANGE OF USE TO AN INDOOR RECREATION FACILITY (DANCE STUDIO) AT 16/7 SAMANTHA COURT KNOXFIELD (APPLICATION NO. P/2018/6076)

1. SUMMARY

Land: Applicant:	16/7 Samantha Court, Knoxfield M4 Building Design
Proposed Development:	Change of use to an indoor recreation facility (dance studio).
Existing Land Use:	Warehouse
Area:	340.75
Zoning:	Industrial 1 Zone
Overlays:	Nil
Local Policy:	Municipal Strategic Statement (MSS)
Application Received:	12 February 2018
Number of Objections:	3
PCC Meeting:	N/A

Assessment:

It is considered that the proposed use is inconsistent with State Planning Policy Framework and the Local Planning Policy Framework, in particular Clause 21.07 (Economic Development) of the Knox Planning Scheme.

The proposed use will prejudice the availability of land for future industrial requirements and is an encroachment into the primary industrial use of the area.

The provision of car parking is inconsistent with Clause 52.06 (Car parking) of the Knox Planning Scheme.

On balance it is considered that the proposal to use the land for change of use to an indoor recreation facility (dance studio) is not consistent with the Industrial 1 Zone and the relevant Policies and Particular Provisions. It is recommended that a Notice of Decision to Refuse a Permit be issued.

2. BACKGROUND

2.1 Call up

The Manager Planning and Building has called up this application for reporting to Council due to interpretation of Local Planning Policy and the changes proposed by Amendment C164.

2.2 Subject Site and Surrounds

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

- The subject site is located at the northwest bowl end of Samantha Court in Knoxfield.
- The subject site is unit 16 within the 17 unit warehouse development at 7 Samantha Court, Knoxfield. The warehouse development has a frontage to Samantha Court of 69m, a depth of 125m and an overall site area of 8250m2. Unit 16 has an approximate area of 340.75m2 and is allocated four (4) car parking spaces, located in front of the warehouse.
- Access to the site is currently via a vehicular crossing located in the southeast corner of the site.
- No restrictive covenants apply.
- The surrounding area is zoned industrial and has been developed accordingly.

2.3 The Proposal

(Refer to attached details at Appendix B)

The application proposes to change the use of the site to an indoor recreation facility (dance studio) and provide car parking to the satisfaction of the Responsible Authority. Specifically, it proposes:

- The use of the land for a children's dance studio (students under the age of 18). The proposed operating hours are to be as follows:
 - Monday and Thursday 4.30pm to 9.00pm
 - Friday 4.30pm to 9.30pm
 - Saturday 8.30am 4.00pm
 - Sunday closed.
- A maximum of 26 students and 2 teaching staff will be present on-site at any time.
- Internal buildings and works (no permit required) to provide two separate studio facilities.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of a sign on the site and notices sent to adjoining property owners and occupiers. Three (3) objections to the application were received, and are summarised below:

Inadequate car parking and traffic congestion

• The traffic assessment submitted as part of the proposal indicates that the car parking can be accommodated onsite, with no reliance on on-street

parking. As only four (4) formal car parks are allocated to the existing warehouse, the remainder of the cars would need to be absorbed by the surrounding businesses. Whilst it is acknowledged that the traffic report assumes the utilisation of car parks of surrounding businesses would be short term (pick up and drop off only), it cannot be assumed that these parks would be available, particularly as the proposed hours of operation of the dance school would begin in business hours (commencing at 1630 Monday – Friday). The application states that there would be an expected parking demand for 13 car spaces per pick up/drop off period of a full class, however it is considered that this is not commensurate with the proposed number of students (26).

It is considered that the traffic generated would cause unreasonable congestion within the site. Council's Traffic and Transport Department have advised that allowing the full use of on street parking areas for the proposed use would be detrimental to the future use of the area.

Safety for children

- The existing conditions onsite in the development are not suitable for children. There are no dedicated footpaths or appropriate lighting, which is dangerous around existing traffic of forklifts and trucks.
- Whilst it is acknowledged that a degree of parental supervision would be provided, it is considered that there is still inadequate pedestrian access to the site and little opportunity to create dedicated pedestrian access. The development has not been designed to cater for pedestrians or children as it is Industrial in nature. If car parking for the dance school were restricted to utilise on street parking only, this would only exacerbate the potential safety risks by encouraging child pedestrian access to the studio.

Conflict between existing uses onsite and inappropriate use in an industrial area

- The existing businesses operating from within the development do not adhere to standard business hours, often operating with heavy vehicles up to 24 hours a day, with busiest times often being between 1730 and 2100. The primary use onsite is industrial / commercial and a children's dance studio is incompatible
- It is considered that the proposed use of a dance studio is not an appropriate use at the location and would have an unreasonable impact on the existing businesses onsite due to safety concerns for children and impact from traffic generation.

3.2 Referrals

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

Traffic Engineer

• Due to parking and traffic issues, any more than 12 students and 2 staff would be inappropriate on the site.

City Futures

• City Futures objects to the proposal as it is considered that the proposal will prejudice the availability of land for future industrial uses.

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 land is in an Industrial 1 Zone. The purpose of the Industrial 1 Zone is to implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies, and to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

Pursuant to Clause 33.01-1 a planning permit is required for a Section 2 Use.

Under Clause 75 of the Knox Planning Scheme an Indoor Recreation Facility is a sub category of Leisure and Recreation. This is a Section 2 use under the Industrial 1 Zone and therefore requires a planning permit.

The proposed use is considered to be contrary to the purpose of the zone in that it does not provide for manufacturing or industry.

4.1.2 Overlays

No overlay controls affect the subject site.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework (SPPF)

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

Key Policies:

<u>Clause 15 Built Environment and Heritage</u> – Encourages high quality architecture and urban design outcomes that reflect the particular characteristics, aspirations and cultural identity of the community; enhances liveability, diversity, amenity and safety of the public realm; and

promotes attractiveness of towns and cities within broader strategic contexts.

• No external changes to the building are proposed.

<u>Clause 17 – Economic Development</u> – 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.

<u>Clause 17.01-1 Business</u> - 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.

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

- It is considered that allowing the proposed use will prejudice the availability of the land for future industrial requirements and is inappropriate in this location;
- The proposed use does not provide an appropriate standard of safety and amenity;
- It is considered that the proposed use is contrary to State Policy.

4.2.2 Local Planning Policy Framework

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

Objective 1: To create a strong and sustainable local economy and facilitate local employment opportunities. Relevant strategies include:

- Support the development of local businesses with a focus on advanced and high value manufacturing, health, ageing and business services;
- Avoid alternative use of economically viable primary industry sites.

Objective 2: To ensure sufficient land is available for industrial and production economy related uses (strategy includes avoiding non-industrial uses on industrial land that will compromise the supply and viability). Relevant strategies include:

• Avoid non industrial uses on industrial land that will compromise the supply and viability of the land for industrial and productive economy related uses.

The proposal is considered to be a non-industrial use of lower economic output, on a site which will be valuable within an industrial area. As such, the proposal is inconsistent with the intent of this policy, which seeks to ensure sufficient land is set aside for industrial and production related uses.

Future Proofing Knox's Land for Business Project

In addition to the above objectives of Clause 21.07, Council has undertaken further studies to support the primary industrial use of the area. The project and proposed Amendment C164 were reported to Council on 27 November 2017. At this meeting Council resolved to adopt the evidence. Amendment C164 has been exhibited and a report will be considered at tonight's Council Meeting.

This project has reviewed Knox's business land supply and how Knox can support business land to contribute to a "strong regional economy".

Threats to current land supply include competition from other land uses with lower economic output and employment opportunities.

The project identified the Scoresby-Rowville-Knoxfield area (which the subject site is located in) as a 'Significant Business Location' important for investment and employment opportunities and is of key importance in maintaining Knox's economic viability into the future. The subject site is located within an identified 'core employment area'.

It is considered that the current content of the Knox Planning Scheme and the evidence obtained through the Future Proofing Knox's Land for Business Project give sufficient direction as to the inappropriateness of this discretionary use at this location.

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.

An indoor recreation facility is a non-specified use under Clause 52.06. Car parking must therefore be to the satisfaction of the Responsible Authority.

- Council's Traffic and Transport Department have identified a peak parking demand of 15 parking spaces for the proposal, resulting in a shortfall of 11 parking spaces.
- It is considered that reliance on 11 parking spaces on street would be detrimental to the future use of the area, will compromise on street parking for existing businesses within the estate, and will not provide a safe and clear path of travel for children to the premises. The proposed use is considered too intensive for the current car parking available.

4.4 General Decision Guidelines

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

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

5. CONCLUSION

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

- The proposed use is considered inconsistent with the State Planning Policy Framework and the Local Planning Policy Framework, in particular Clause 21.07 (Economic Development) of the Knox Planning Scheme;
- The proposed use will prejudice the availability of land for future industrial requirements and is an encroachment into the primary industrial use of the area;
- The provision of car parking is inconsistent with Clause 52.06 (Car parking) of the Knox Planning Scheme.

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

7. CONFLICT OF INTEREST

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

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

Author – Jacqueline Hartford, Contract Planner – In providing this advice as the Author, I have no disclosable interests in this report.

RECOMMENDATION

That Council issue a Refusal to Grant a Planning Permit for the change of use to an indoor recreation facility (dance studio) at 16/7 Samantha Court, Knoxfield, on the following arounds:

- 1. The proposed use is not consistent with State Planning Policy Framework and the Local Planning Policy Framework, in particular Clause 21.07 (Economic Development) of the Knox Planning Scheme;
- 2. The proposed use will prejudice the availability of land for future industrial requirements and is an encroachment into the primary industrial use of the area:
- 3. The provision of car parking is inconsistent with Clause 52.06 (Car parking) ity Con of the Knox Planning Scheme.

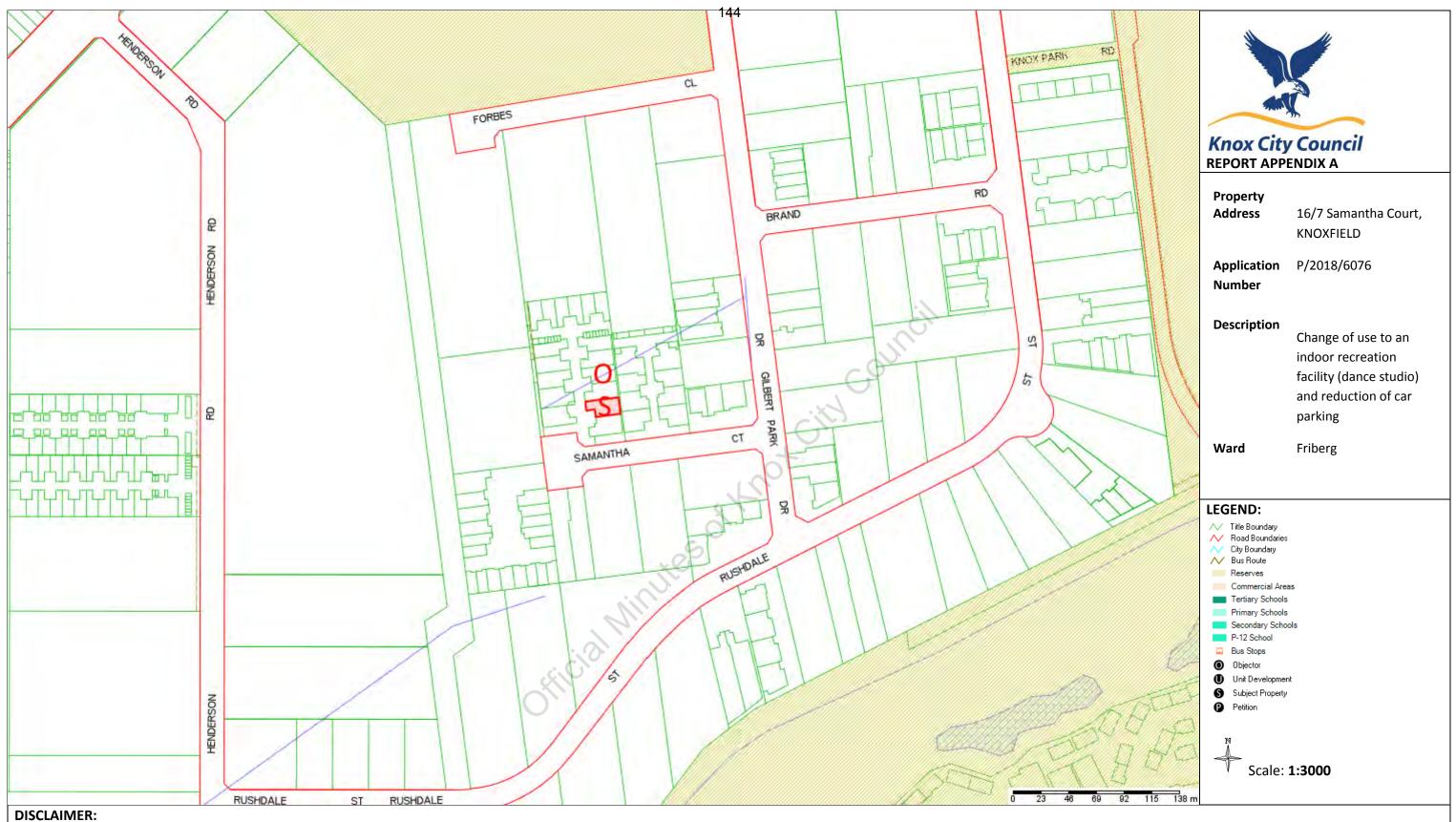
COUNCIL RESOLUTION

MOVED: CR. HOLLAND CR. PEARCE SECONDED:

That Council issue a Refusal to Grant a Planning Permit for the change of use to an indoor recreation facility (dance studio) at 16/7 Samantha Court, Knoxfield, on the following grounds:

- 1. The proposed use is not consistent with State Planning Policy Framework and the Local Planning Policy Framework, in particular Clause 21.07 (Economic Development) of the Knox Planning Scheme;
- 2. The proposed use will prejudice the availability of land for future industrial requirements and is an encroachment into the primary industrial use of the area;
- 3. The provision of car parking is inconsistent with Clause 52.06 (Car parking) of the Knox Planning Scheme.

CARRIED



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.



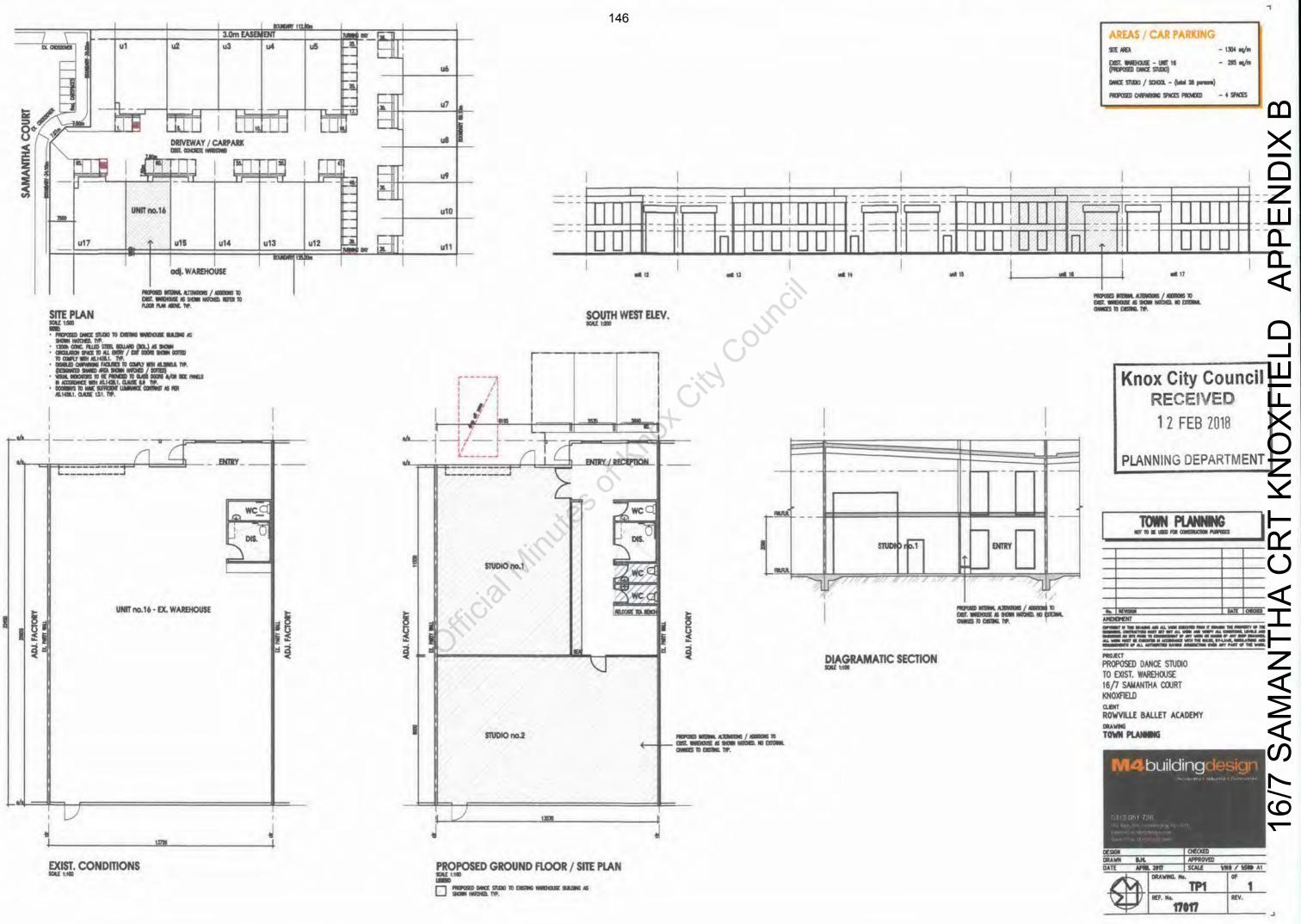
Roads and Title Boundaries - State of Victoria, Knox City Council Planning Scheme Information - DPCD, Knox City Council Aerial Photography - AAM (Flown January 2013 - unless otherwise stated) Melbourne Water Drainage Information - Melbourne Water

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





COUNCILLOR SEYMOUR RETURNED TO THE CHAMBER AT 7.31PM PRIOR TO DISCUSSION ON ITEM 6.5

TAYLOR WARD

6.5 APPLICATION FOR THE DEVELOPMENT OF THE LAND FOR TWO (2) DOUBLE STOREY AND ONE (1) SINGLE STOREY DWELLING (TOTAL OF 3 DWELLINGS) AT 30 HEANY PARK ROAD, ROWVILLE (Application No. P/2017/6746)

1. SUMMARY:

Land: Applicant: Proposed Development:	30 Heany Park Road, Rowville Vista Constructions Australia Development of the land for two (2) double storey dwellings and one (1) single storey dwelling (total of 3 dwellings).		
Existing Land Use:	Single dwelling		
Area/Density:	868m²/1:289m²		
Zoning:	General Residential Zone - Schedule 2		
Overlays:	Nil		
Local Policy:	Municipal Strategic Statement (MSS)		
-	Environmentally Sustainable Development Policy		
	Development in residential areas and		
	Neighbourhood Character Policy		
Application Received	29 November 2017		
Number of Objections:	d		
PCC Meeting:	N/A		

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

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

The proposal complies with the General Residential Zone - Schedule 2.

On balance it is considered that the proposal responds well to State and Local Planning Policies, subject to modifications. It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

2. BACKGROUND

2.1 Call Up

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

2.2 The Subject Site and Surrounds

The location of the subject site and its surrounds are shown in Appendix A.

- The subject site is located on the east side of Heany Park Road, approximately 75 metres north of the intersection with Reservoir Crescent, in Rowville. Perri-Raso Rise abuts the site to the north, but a vegetated road reserve with a width of between 4.5 metres and 13.5 metres separates the site boundary from the road pavement.
- The lot is rectangular and comprises a dwelling. The land has a frontage of 21.98 metres to Heany Park Road, a maximum depth of 26.48 metres, a splay of 6.36 at the north-west corner and a total site area of approximately 868 square metres.
- No easements or restrictions are registered on the Certificate of Title.
- The land is surrounded by residential properties developed generally with single dwellings on lots of approximately 500m².

2.3 The Proposal

(Refer to attached plans at Appendix B)

It is proposed to develop three (3) dwellings comprising two (2) double storey dwellings and one (1) single storey dwelling. Specifically the application proposes:

- Dwelling 1 being a double storey dwelling, containing 3 bedrooms, and with a direct frontage to Heany Park Road.
- Dwelling 2 being a double storey dwelling, containing 2 bedrooms, and located behind dwelling 1.
- Dwelling 3 being a single storey dwelling, containing 3 bedrooms, and located at the rear of the land.
- All dwellings will be accessible via a shared driveway.
- Private open space has been provided for each dwelling with a minimum area of 60sqm.
- The dwellings are to be constructed with face brickwork and pitched roof.

3. CONSULTATION

3.1 Advertising

The application was advertised by way of a sign on the site and notices sent to adjoining property owners and occupiers. One (1) objection to the application was received, and is summarised below:

Inadequate car parking provision

• The proposed development satisfies the relevant planning scheme requirement in respect to the provision of car parking (Clause 52.06).

3.2 Referrals

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

Drainage

• Standard conditions to be included on any permit to issue.

<u>Assets</u>

• No objection to proposal.

Landscape

• Standard conditions to be included on any permit to issue.

Environmental Sustainability

• Standard conditions to be included on any permit to issue.

Traffic engineers

- Standard conditions to be included on any permit to issue.
- Provided advice regarding the vehicle manoeuvers and the pedestrian door to garage 2 to be rectified.

4. DISCUSSION

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

4.1 Zones and Overlays

4.1.1 Zone

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

• The proposal is consistent with the purpose of the General Residential Zone – Schedule 3 by providing for diversity in housing types that respect the neighbourhood character of the area.

A development must comply with the minimum garden area requirement pursuant to Clause 32.08-4:

• The proposal provides a 40.78% garden area complying with this requirement.

Schedule 2 to the General Residential Zone varies the Rescode requirements for Standard B6 (Minimum street setback) for street corner site which requires a minimum setback from side street of 4.5 metres or the same distance as the front wall of an abutting site whichever is the lesser.

• The proposal complies with the minimum side street setback to Perri-Raso Rise which is in excess of 4.5m.

Schedule 2 to the General Residential Zone varies the Rescode requirements for Standard B13 (Landscaping) which requires the provision of a minimum of one canopy tree per 175 square metres of the site area including a minimum of one canopy tree within the front setback per 5 metres of width of the site.

• The proposed development can accommodate the required canopy tree planting.

Schedule 2 to the General Residential Zone varies the Rescode requirements for Standard B28 (Private Open Space) which requires the provision of a private open space of 80 square metres including 60 square metres secluded private open space with a minimum dimension of 5 metres.

• The proposed development generally complies with a slight variation to the Private Open Space (POS) of dwelling 3. The objectives of the provision are considered met.

Dwelling 3: Total POS provided of 79.3sqm; including a 67sqm of Secluded POS with a minimum width of 5.4metres – complies with the secluded requirement, save for the total area of the POS which is marginally short by less than 1 square metre. A variation to the standard is justified because of the very marginal difference to the standard, the northern orientation of the POS and the compliance with the secluded requirement.

4.1.2 Overlays

The land is not affected by any overlays.

4.2 Policy Consideration

4.2.1 State Planning Policy Framework (SPPF)

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

Key Policies:

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

- The proposal responds satisfactorily to State policy by encouraging housing diversity within established areas encompassing a good access to services. State policy also encourages new medium density housing to respect neighbourhood character.
- The proposed built form achieves architectural and urban design outcomes that contribute positively to the local urban character as required by Clause 15.01-1 of the Scheme (Urban Design) given the scale, bulk and mass in relation to the adjoining sites, the size of the land, and the location of the land.

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

The dwellings have been designed with consideration for energy efficiency with a good northern orientation. The use of a single access driveway has been located south to take full advantage of the northern orientation along Perri Raso Rise.

• Should a permit be issued, the development is required to be consistent with the approved Sustainable Design Assessment.

<u>Clause 16 Housing</u> – 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.

- Neighbourhood character This is discussed in a later section of the report (Section 4.2.2).
- Housing choice The development provides for dwellings with similar or greater open space areas than typical for the area.

- Existing infrastructure The site is located within a fully serviced and established area.
- Energy efficiency This has been discussed above under Clause 15.02.
- Location The subject site is located in an established area undergoing change close to community facilities and transport.

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

- Bus routes 681/682 stops are available along Livinia Drive, 460m to the north of the subject site.
- Bus route 681 (clockwise) and 682 (anti-clockwise) provides a loop service to Rowville and Lysterfield. The service operates Monday to Friday between 6am and 10pm; between 8am 7:45pm on Saturdays; and between 9am to 6pm Sundays, at various intervals.

4.2.2 Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (MSS)

Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable.

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

"The Knox community is diversifying and ageing. Knox's dominant household type remains families with children, with the number of children (and their parents) forecast to increase over the next 20 years. However, the number of people at post-retirement age is growing quickly and forecast to double between 2011 and 2031. This will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years. With an increase in population and demographic diversity, the City of Knox will continue to play an important role in housing provision and diversity".

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

<u>Clause 21.03 – Environmental and Landscape Values:</u> Key issues include maintaining and strengthening Knox's 'green and leafy' image and its identifiable landscape character (despite development pressures) along with recognising the importance of retaining canopy trees as the single

most important factor in retaining Knox's landscape character and its natural environment.

It is important that the unique landscape character, amenity and natural values of Knox's significant landscapes (the Dandenong Foothills, Lysterfield Valley and the Dandenong Creek Valley), are maintained despite development pressures and managing bushfire risk.

- There is adequate opportunity to provide canopy trees within the street setback of the front dwelling and in the secluded private open spaces of each dwelling.
- The development is designed to be respectful of the preferred neighbourhood character for the area, and provides sufficient setbacks. It responds appropriately to the constraints of the site and interfaces with the wider area. The proposal will also contribute to the landscape character of the area with new landscaping opportunities.

<u>21.05 - Built Environment and Heritage:</u> Development should address the needs of changing household structures, creating high quality, well-designed places that respect and strengthen the local context and landscape qualities of Knox. It is important to achieve environmentally sustainable development that contributes to a more liveable and sustainable Knox, including efficient use of urban water runoff and the quality of stormwater entering waterways. Housing liveability and amenity for occupants should be improved by supporting indoor environment quality (such as access to daylight and ventilation).

- The proposal will not be detrimental to the energy efficiency of the adjoining sites. Living areas of the proposed dwellings will receive adequate solar access.
- A satisfactory Sustainable Design Assessment will be endorsed as part of the permit.
- The dwellings are designed with reasonable northerly aspect to living areas and secluded private open spaces to take advantage of solar energy. The dwellings have open-able windows and materials with high thermal mass.
- The wide vegetated road reserve along Perri Raso Rise accentuates the integration of the design into the streetscape.

<u>Clause 21.06 – Housing</u> – The Housing theme implements the *Knox* Housing Strategy 2015. In managing the City of Knox's current and future housing needs, Council supports a scaled approach to residential development. This scaled approach recognises that some parts of the City will need to accommodate change, due to population growth and the community's changing household needs. Development in residential areas will need to respond positively to the desired future character of the local area and take account of the particular built form and natural environmental elements that make up the neighbourhood character of Knox. The strong landscape character is the unifying element of the neighbourhood character of Knox.

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

Objective 1 for Housing Objectives and Strategies is to support residential development in accordance with the *Knox Housing Strategy 2015,* which identifies a scaled approach to residential development. A Strategy is to direct housing growth toward Local Living and Activity Areas.

- The Knox Housing Strategy indicates that detached houses and dual occupancies are the preferred housing type for the Knox Neighbourhood Area. The strategy further states that sites over 1000sqm may be able to accommodate three or more dwellings provided the development provides a large front garden and large backyards for each dwelling that can retain canopy trees. Whilst the subject site has an area of 868sqm, which is less than 1,000sqm, 3 dwellings can be effectively accommodated on the site with ample spaces around the dwellings because of the configuration of the land.
- The proposal is respectful of the existing character of the area and achieves the future character as set out in the Knox Neighbourhood. The design of the proposal takes advantage of the unique circumstances of the subject site and will provide a development that will result in overall benefit to the occupiers as well as the surrounding area.
- The wider vegetated road reserve abutting the site on Perri-Raso Rise (to the north) allows the development to increase landscaping along the north.

Objective 2 is to support a diversity of housing choice in appropriate locations. Strategies include encouraging a diversity of housing styles, types, forms and sizes to cater for the changing needs of the community and to encourage developments of three or more dwellings in Activity Areas and Local Living areas to include a mix of dwelling sizes (including 1 and 2-bedroom dwellings), to respond to a shortfall in the number of smaller sized dwellings within the municipality.

- The development would provide residents with alternative forms of housing styles and sizes.
- The development has incorporated a 2-bedroom dwelling providing for a smaller size dwelling within an area of the municipality where such typology is not common.

Objective 3 is to provide residential development that allows people to 'age-in-place' by supporting the provision of a diverse range of housing including smaller scale dwellings and aged care facilities.

• The development provides for dwellings with smaller private open space areas than typical for the surrounding area. One dwelling has amenities and a bedroom at ground level to improve accessibility for residents with reduced mobility.

Objective 4 is to support high quality housing design that responds to the City's 'green and leafy' character, local character and creates a strong sense of place. Strategies include supporting development that makes a positive contribution to the preferred future character of the area and supporting environmentally sustainable residential development consistent with the local policy at Clause 22.04 (Environmentally Sustainable Development).

- The location of the site is identified in the Housing Framework Map to be in within a "Knox Neighbourhood Area" where low-scale residential development that contributes to the green and leafy character of the area is encouraged.
- The intensity of the proposed development is consistent with this despite being three (3) dwellings on a lot under 1000sqm, with the shape of the lot and the design responsive to the preferred character.
- The proposal will result in larger areas of landscaping compared to the existing surrounding character. The design has incorporated significant recess/setback that allows good planting throughout the site.
- The proposed intensity of development and built form are consistent with the preferred character of the area as identified in the Council's Neighbourhood Character Policy and despite being three (3) dwellings on a lot of 868sqm, the design retains ample open space around the dwellings.
- With the size of the land, the proposal will result in a development that is generally consistent with the existing character of surrounding small allotments.

Objective 5 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

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

<u>Clause 22.04 – Environmentally Sustainable Development -</u> This policy 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 applicant submitted a satisfactory Sustainable Design Assessment and a permit condition will ensure the document is endorsed and form part of the permit.

<u>Clause 22.07 Development in Residential Areas and Neighbourhood</u> <u>Character</u> - The desired future character of the Knox Neighbourhood area is to:

- Continue to be low-scale neighbourhoods, characterised by detached houses and dual occupancies; with some villa unit developments on larger blocks.
- Retain their green and leafy identity and character through the retention of front and back yards, and the establishment of a garden setting that includes canopy trees.
- Support detached dwellings and dual occupancies as well as villa unit developments (more than two dwellings) on lots greater than 1000 square metres are encouraged.

The key (relevant) design guidelines are:

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

• A minimum of two canopy trees can be accommodated within the street setback of the development. There are ample spaces on the site for additional landscaping.

Retain existing canopy trees and understorey planting, wherever possible.

• The site does not contain any trees of landscape significance.

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

 There are ample opportunities on the site for the provision of indigenous vegetation in the front setback of the front dwelling and within the SPOS of the dwellings. The submission and approval of a landscape plan to the satisfaction of the responsible authority will be a requirement of any approval to be issued.

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

• Dwelling 3, which is at the rear of the site, will be a single storey dwelling and will ensure that there will not be any detrimental visual impact on the rear yards of the adjoining sites.

Provide single crossovers for driveways.

• Vehicle access to the proposed development will be from the existing single crossing.

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

• The car parking spaces are located at the rear of the site, and will not dominate views from the street, to the site.

Minimise the amount of paving in front yards and driveways.

• The extent of paving within the frontage of the site will be limited to vehicle crossings to the site and pedestrian access to the front dwelling, with ample spaces for landscaping.

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

• The dwellings will consist of pitched roofs with tiled cladding which is consistent with the preferred neighbourhood character.

Significantly setback first floor levels from the ground floor level.

• The upper floors of the double storey dwellings are designed to have smaller building footprints and increased setbacks to the site boundaries to minimise the visual impact of the upper floors.

Provide no, low or transparent front fencing.

 No front fence is proposed, save for the existing retaining wall, which is respectful of the preferred neighbourhood character and exists in the frontage of most residence along Heany Park Road.

Applications must also consider:

Accessible Design

- Dwelling 3 will be single storey and will be accessible and attractive to people with limited mobility.
- The dwellings have been designed with clear accessible paths from the street or accessway to the front door, and all entries to the dwellings are visible from the street or accessway. The dwellings provide a minimal variation from ground level to the front entrance (owing to the slope of the land) and are considered suitable for accessible design. It is however recognised that the common driveway has a relatively steep gradient to the street, close to the vehicle crossing.

Sustainable Design

- Quality passive design initiatives are incorporated into the design with the use of eaves for the dwellings.
- A Sustainable Design Assessment report was submitted with the application, has been assessed to be satisfactory and will be required to be endorsed as part of any approval.

Architectural Design

- The use of traditional materials, consisting of brick, weatherboard and rendered finish for the walls and pitched tiled roofs will ensure the proposal is respectful of the existing neighbourhood character.
- The proposal will provide appropriate scale, rhythm and proportion, which respond to the site's context.

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 ratio required under Clause 52.06-5 must be provided on the land.

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

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

- Dwelling 1 and 3 contains three bedrooms and have been provided with 2 car spaces. Dwelling 1 comprises a single garage with an open tandem car space past the garage. Dwelling 3 has been provided with a double garage.
- Dwelling 2 is a two-bedroom dwelling has been provided with one car space in form of a single garage.
- As three (3) dwellings are proposed, no visitor car space is required.

The requirement for car parking provision is fully satisfied and no car parking reduction is sought.

Clause 52.06-9 stipulates the design standards for Car Parking. The relevant standards have been assessed as compliant pursuant to the following comments:

Design Standard 1: Access ways – Complies subject to the following conditions.

• A demonstration plan will need to be provide to facilitate vehicular movement to/from garage 3 will achieve the ability to egress land in a forward direction

with sufficient clearances from the adjoining garden bed and building. The proposal is generally compliant but slight alteration to the layout of Dwelling 2 [by means of slightly reducing the porch] may be required. A condition can stipulate that standard swept path must be provided on amended plans while also incorporating any minor alteration to the façade of dwelling 2 as required. It is considered that any alterations that may result would not negatively impact on the minimum requirements of the zone and Rescode which will remain satisfied.

• The plan to incorporate the corner splay 2m x 2.5m to the north of the accessway marked on the plan with a notation that at least 50% of the area must clear of visual obstructions. Conuci

Design Standard 2: Car Parking Spaces - Complies.

Design Standard 3: Gradients - Complies.

Design Standard 4: Mechanical Parking - N/A.

Design Standard 5: Urban Design - Complies,

Design Standard 6: Safety – Complies.

Design Standard 7: Landscaping - Complies.

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

Neighbourhood Character and Infrastructure Neighbourhood Character – Complies, please refer to Section 4.2.2 above.

Residential Policy - Complies, refer to Section 4.2.2 above.

Infrastructure - Complies.

Site Layout and Building Massing Street Setback - Complies.

Building Height – Complies.

Site Cover/permeability - Complies.

Energy Efficiency - Complies, a condition of approval will require the development be in accordance with the approved Sustainable Design Assessment.

Safety – Complies.

Landscaping - Complies.

Access – Complies.

Parking location – Complies.

Amenity Impacts Side and rear setbacks – Complies.

Walls on boundaries – Complies.

Daylight to existing windows/north facing windows – *Complies*. Overshadowing open space – *Complies*.

Overlooking - Complies, subject to below conditions.

• First floor habitable room windows of the dwellings with potential outlook to the secluded private open space or habitable room windows of the adjoining sites to be screened in accordance with the standard. However, a condition of approval will require a notation that the windows to be screened will have fixed obscure glazing (non-openable) to a height of 1.7 metres above finished floor level. The window may be clear and openable above 1.7 metres. Adhesive film must not be used.

Internal views - Complies.

<u>On-Site Amenity and Facilities</u> Accessibility – *Complies.*

Daylight to new windows - Complies.

Private Open Space – Generally complies, refer to Section 4.1.1 of this report.

Solar access - Complies.

Storage - Complies.

Detailed design

Design details - Complies.

Site Services – Complies.

Front fence – Complies.

4.5 General Decisions Guidelines

Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act 1987 set out decision guidelines/matters that 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

On balance, it is considered that the proposal results in an appropriately designed outcome that is site response and provides a net community gain. In this context, the development is appropriate given the following:

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

6. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

7. CONFLICT OF INTEREST

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

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

Author – Patrick Dubuc, Senior Planner – In providing this advice as the Author, I have no disclosable interests in this report.

RECOMMENDATION

That Council issue a Notice of Decision to grant a permit for the development of the land for two (2) double storey dwellings and one (1) single storey dwelling [total 3 dwellings] at 30 Heany Park Road Rowville subject to the conditions outlined in Appendix C.

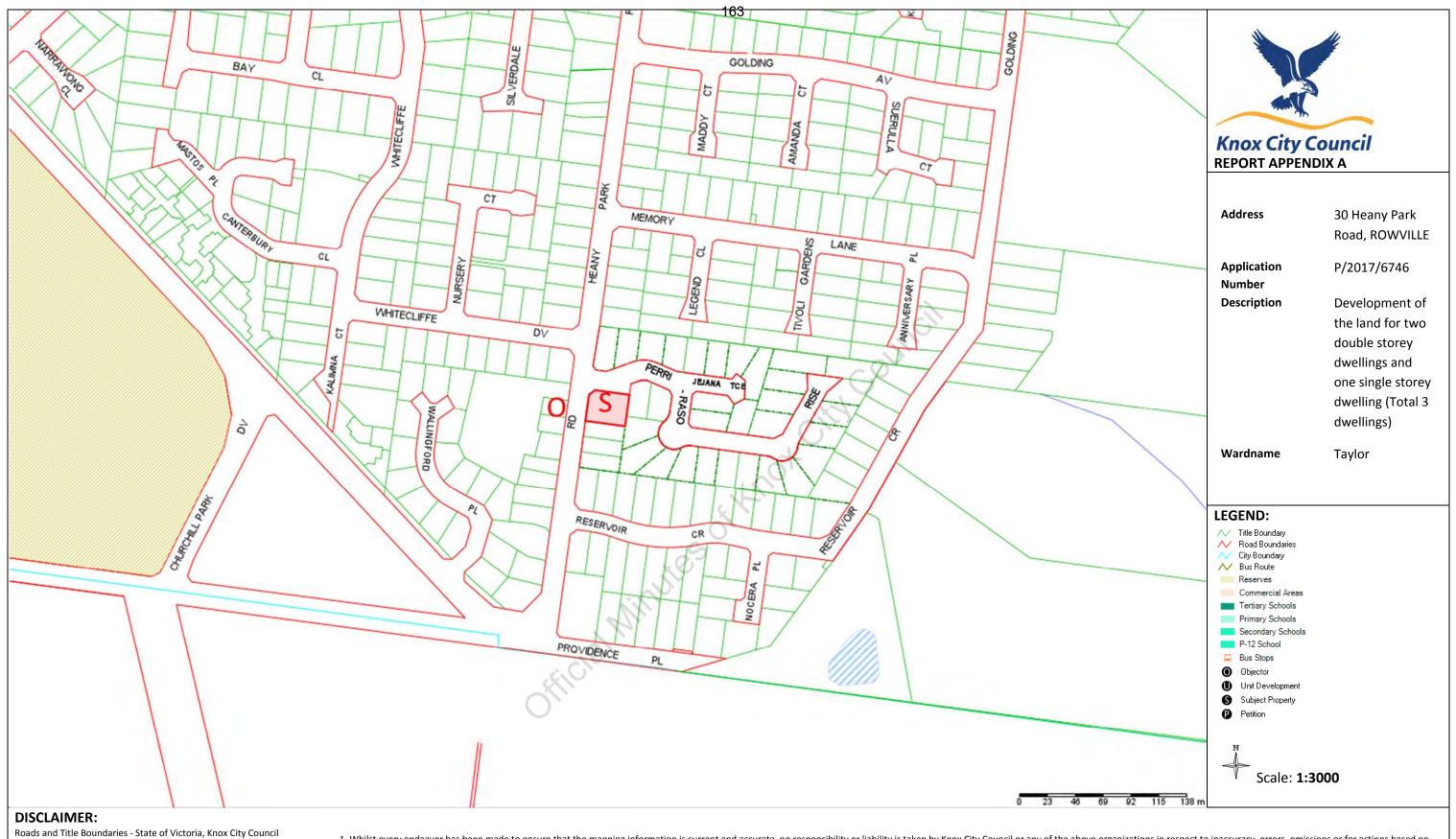
COUNCIL RESOLUTION

MOVED: CR. PEARCE SECONDED: CR. SEYMOUR

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the development of the land for 2 double storey dwellings and one (1) single storey dwelling (total of 3 dwellings) at 30 Heany Park Road Rowville, subject to the following grounds:

- 1. The proposal fails to satisfy the strategic intent of Council's Housing Policy (Clause 21.06) and Council's Development in Residential Areas and Neighbourhood Character Policy (Clause 22.07) of the Knox Planning Scheme for the Knox Neighbourhood.
- 2. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
 - Clause 55.02-1 Neighbourhood Character
- Clause 55.02-2 Residential Policy

CARRIED

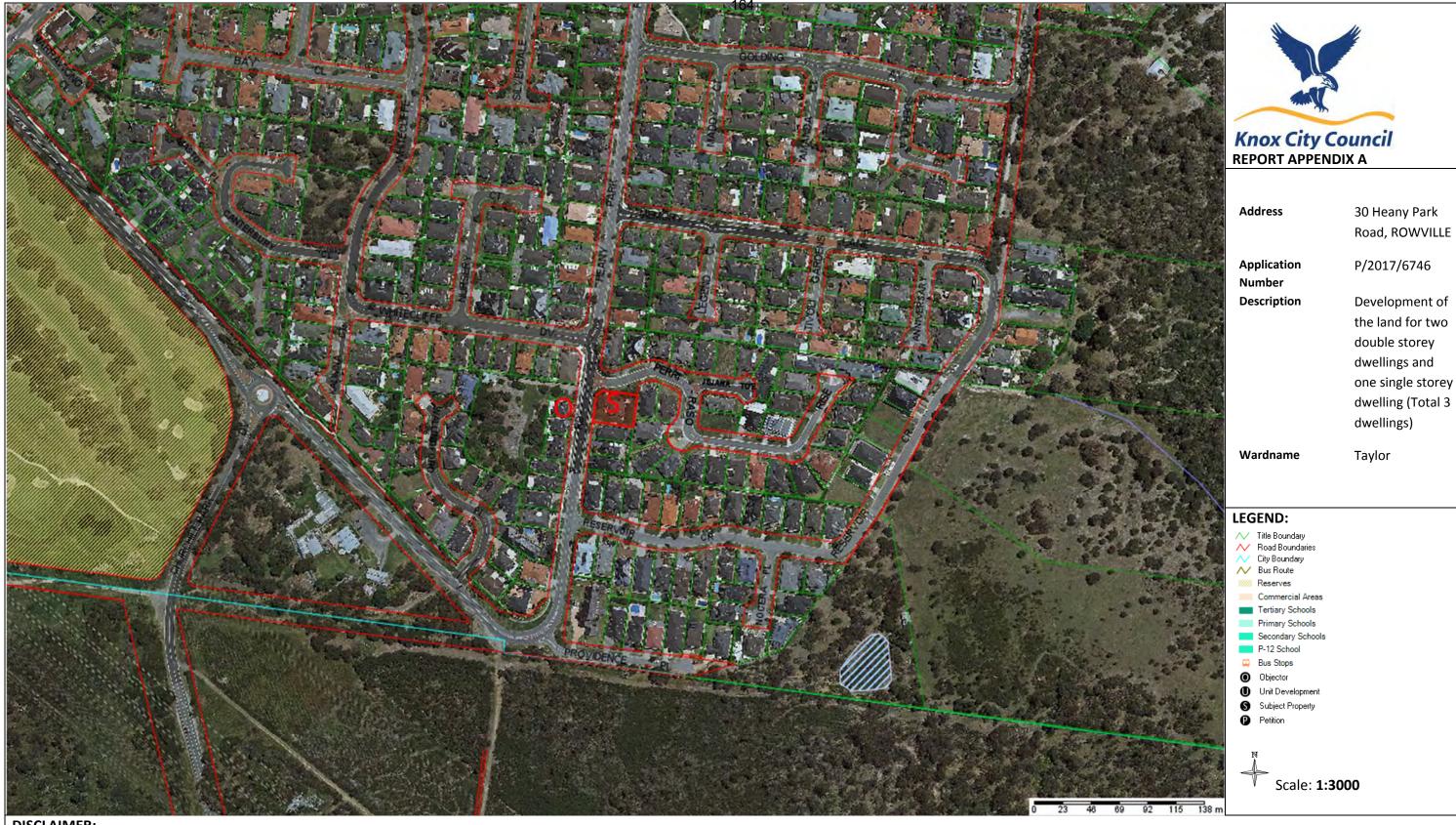


Planning Scheme Information - DPCD, Knox City Council Aerial Photography - AAM (Flown January 2013 – unless otherwise stated) Melbourne Water Drainage Information - Melbourne Water

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.



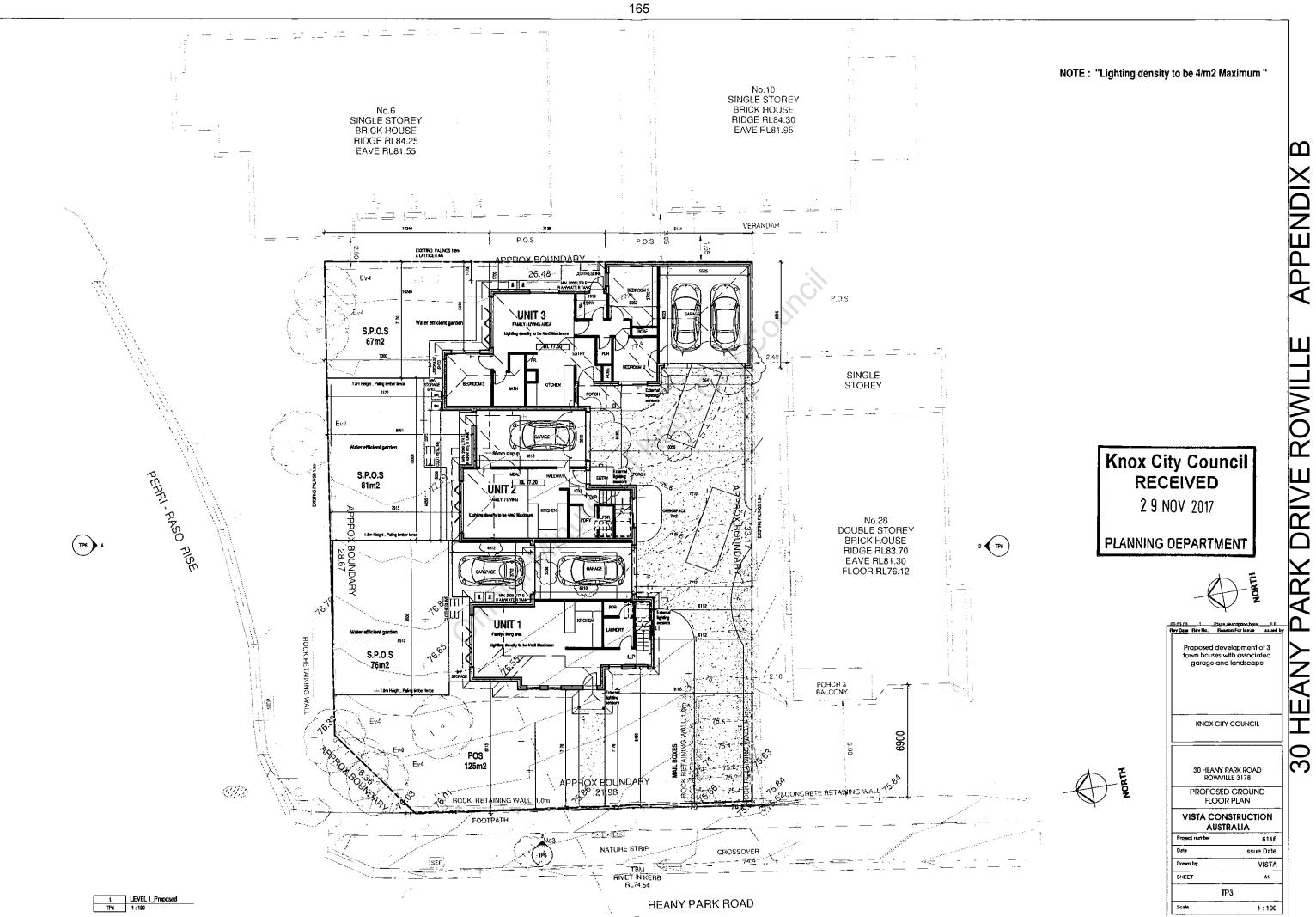
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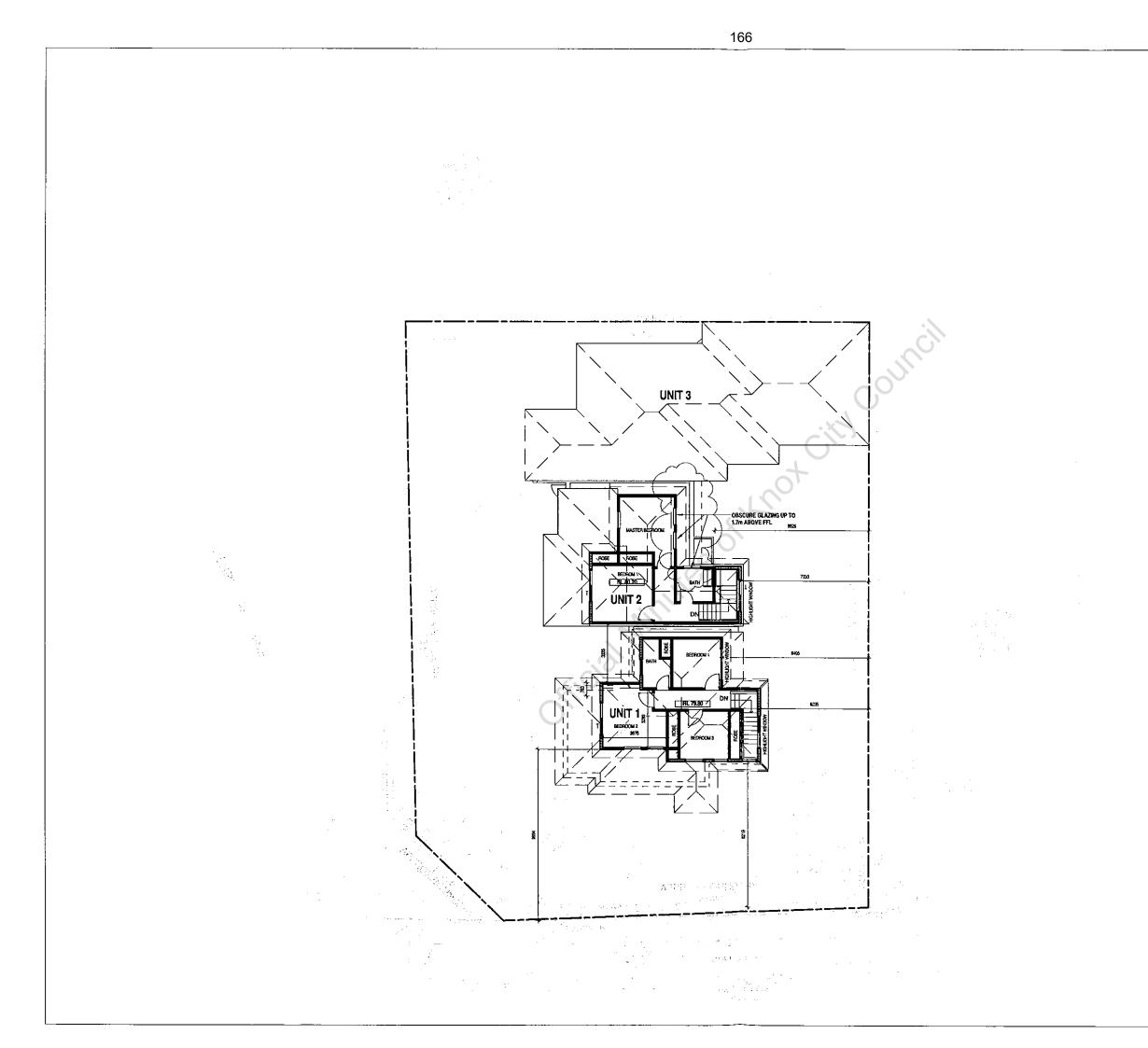
Roads and Title Boundaries - State of Victoria, Knox City Council Planning Scheme Information - DPCD, Knox City Council Aerial Photography - AAM (Flown January 2013 – unless otherwise stated) Melbourne Water Drainage Information - Melbourne Water

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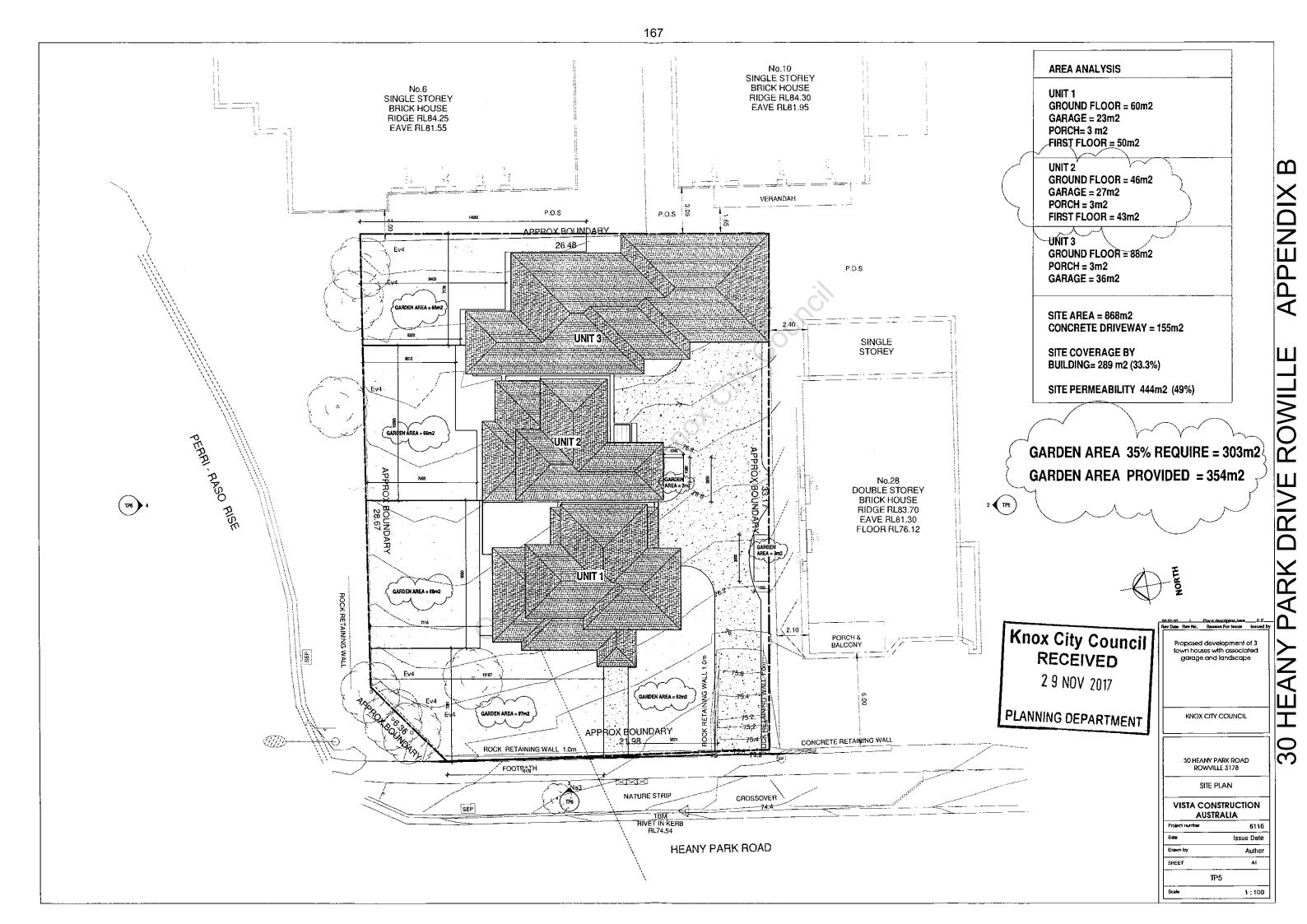


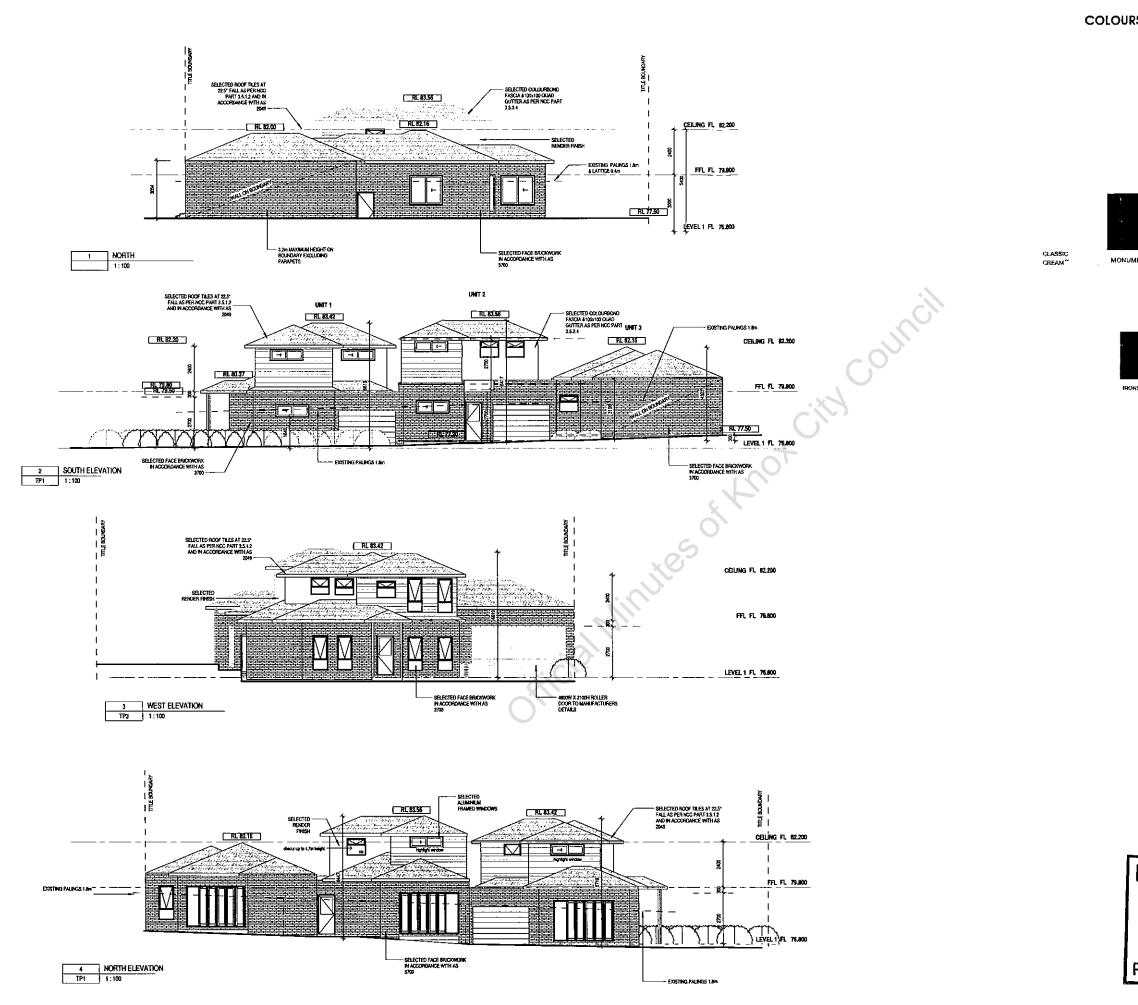
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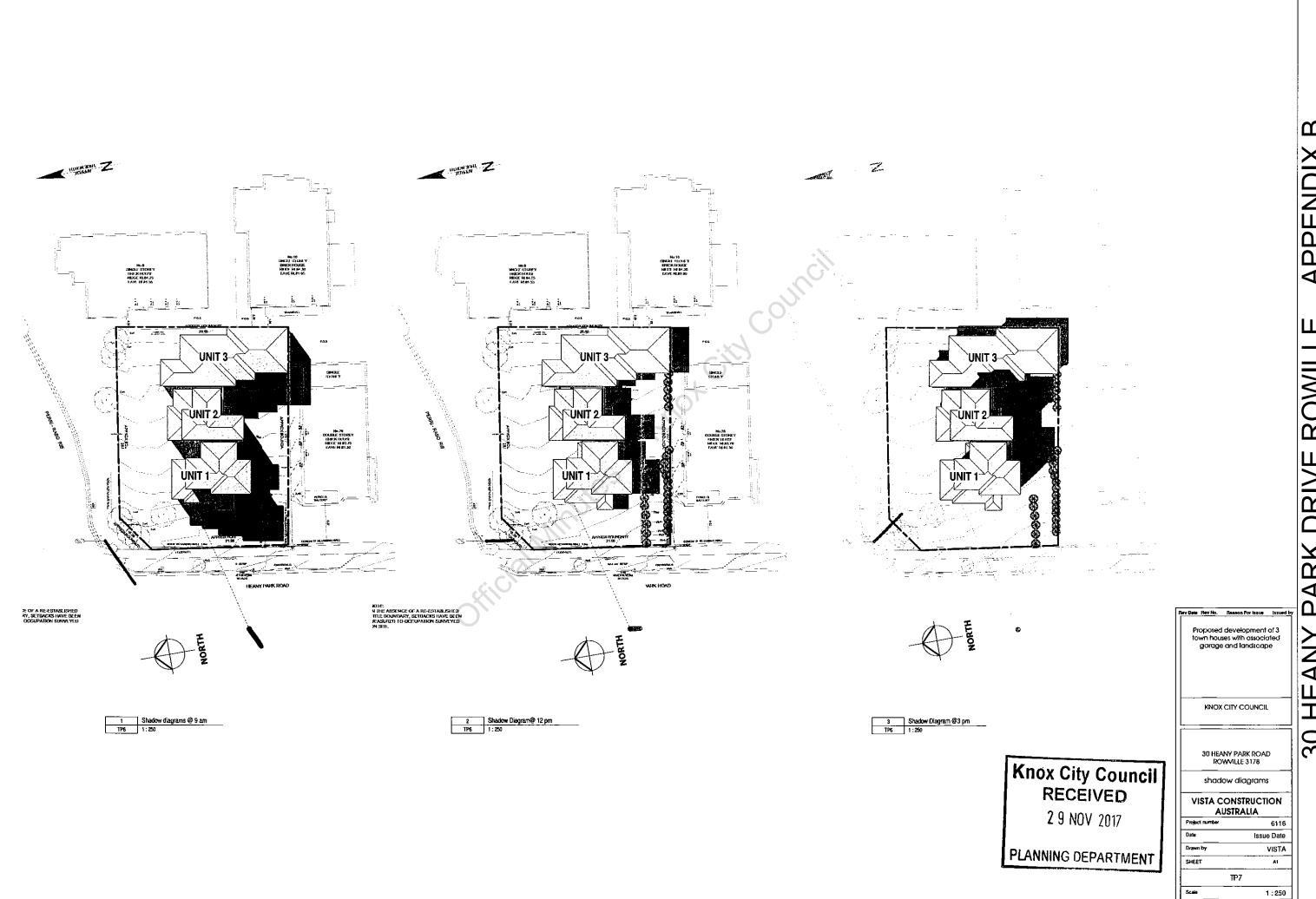


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APPENDIX B PARK DRIVE ROWILLE HEANY 30

APPENDIX C – Planning Conditions for 30 Heany Park Road Rowville

Amended Plans

- 1. Prior to the issue of a building permit under the Building Act 1993 for the development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - 1.1 Swept path diagram for 85th percentile for both vehicles of garage 3 demonstrating the capacity of vehicles to egress in a forward direction using a three-point turn with sufficient clearances from the gardens and buildings;

This may result in possible alteration to the building layout of dwelling 2 in the effect of further recessing the garage and/or the entry porch by means of reducing the footprint.

- 1.2 Alteration to the direction in which pedestrian door opens to the garage for dwelling 2 to ensure that the minimum internal width of the garage is 5.5 metres unimpeded.
- 1.3 A notation confirming that the second car space for dwelling 1 (to the front of the garage) will be open, unenclosed to the north and unroofed.
- 1.4 Notation that the kerbing north of dwelling 1 car space must be no more than 150mm high.
- 1.5 Provision of a corner splay of 2 metres x 2.5 metres to the north of the accessway with a notation that at least 50% of the area must clear of visual obstructions.
- **1.6** The east internal elevation of dwelling 1 and 2, west internal elevation of dwelling 2 and east internal elevation of dwelling 3.
- 1.7 Notation that the windows to be screened will have fixed obscure glazing (non-openable) to a height of 1.7 metres above finished floor level. The window may be clear and openable above 1.7 metres. Adhesive film must not be used.
- 1.8 Sustainable Design Assessment amended by:

- 1.8.1 Updating the Storm Rating Report to delete Raingarden and increase rainwater tank capacity to ensure a minimum Storm Rating of 100%;
- 1.8.2 Deleting reference to raingardens and update stormwater initiative as minimum requirement in accordance with the Condition 1.8.1.
 - Also annotate within the SDA that "rainwater tanks catchment may be increased at the request of a Building Surveyor in such a way to receive a minimum catchment of 50sqm to achieve the relevant energy efficiency and development requirement of the National Construction Code 2016 Building Code of Australia and Victorian Plumbing Regulations 2008".
- 1.9 Delete reference of water tanks from Development and Landscape plans and retain solely for Drainage plans.
- 1.10 Schedule of construction for the wall on the eastern boundary demonstrating the technique of construction and footings will not impose any structural load to the Council pipe asset(s) situated along the boundary at 6 and 10 Perri Raso Rise; or that the footings and angle of repose are not bearing on Council's asset(s) to the satisfaction of the Responsible Authority. Appropriate annotation must be integrated on the site plan.

Other Plans

2. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, the following plans and computations must be submitted concurrently to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:

2.1 Drainage plans in accordance with Condition 3.

2.2 Landscape plans in accordance with Condition 4.

To the satisfaction of the Responsible Authority.

Drainage

- 3. Prior to issue of a Building Permit under the *Building Act 1993* for the development, three copies of drainage plans and computations must be submitted to and approved by the Responsible Authority. Construction of the drainage is to be in accordance with these plans. The plans must show the following:
 - 3.1 The kerb drainage outlet to be relocated clear of the proposed crossing

- 3.2 All stormwater drainage discharge from the site connected to a legal point of discharge.
- 3.3 The internal drains of the dwellings to be independent of each other.
- 3.4 An on-site detention system designed by a suitably qualified Civil Engineering Consultant to ensure no net increase in stormwater discharge from the proposed development.
- 3.5 The on-site detention system to be installed in a suitable location for easy access and maintenance.
- 3.6 A suitable overland flow path for the entire site to the satisfaction of the Responsible Authority and the means of how overland flow for the 100 year ARI will be managed for dwelling 3 must be demonstrated. Details of the overland flow path are to be included on the plans.
- 3.7 Annotation in accordance with Condition 1.10.
- 3.8 All levels to be to AHD (Australian Height Datum).

To the satisfaction of the Responsible Authority.

Landscaping

- 4. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:
 - 4.1 A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
 - 4.2 The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines).
 - 4.3 Buildings and trees (including botanical names, height and width) on neighbouring properties within three metres of the boundary including all trees that have their Tree Protection Zone extending into the subject site.
 - 4.4 Details of the surface finishes of pathways and driveways.
 - 4.5 Details and location of all existing and proposed services including above and below ground lines, cables and pipes.

- 4.6 A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- 4.7 The plan must also show the provision of at least 6 additional indigenous or native canopy trees and 4 additional large feature shrubs with a mature height of 4-5metres chosen from plant list 1 or 2 of Council's 'Landscape Plan Guidelines'. These canopy trees must be a minimum of 1.5 metres tall when planted and are in the following areas:
 - 2 large canopy trees and 1 small canopy trees in the front setback to dwelling 1.
 - 1 medium canopy tree in each of the SPOS of dwelling 1, dwelling 2, and dwelling 3.
 - 1 large feature shrub with a mature height of 4-5 metres in each of the SPOS of dwelling 1, dwelling 2, and dwelling 3.
 - 1 large feature shrub with a mature height of 4-5 metres in the driveway 'bumpout'.
- 4.8 Planting of this site to comprise 40% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines 'and 40% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (20%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.
- 5. Before the occupation of the development, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced.

General

- 7. All development must be in accordance with the endorsed plans.
- 8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:

- 8.1 An open-sided pergola or verandah to a dwelling with a finished floor level not more than 800mm above ground level and a maximum building height of three metres above ground level; or
- 8.2 A deck to a dwelling with a finished floor level not more than 800mm above ground level.

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

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

Sustainable Design Assessment

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

Car Parking & Accessways

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

To the satisfaction of the Responsible Authority.

- 14. Parking areas and driveways must be kept available and maintained for these purposes at all times to the satisfaction of the Responsible Authority.
- 15. Any redundant crossover must be removed and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority.

16. Driveway, areas in front of garages and turning area must be kept available and maintained for all vehicles to enter and exit the site in a forward direction at all times to the satisfaction of the Responsible Authority.

Fencing

- 17. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.
- 18. Prior to the occupancy of the development, all required privacy screening devices shown on the endorsed plans must be installed and completed and all fencing must be in a good condition to the satisfaction of the Responsible Authority.

Amenity During Construction

- 19. Upon commencement and until conclusion of the development, the developer must ensure that the development does not adversely affect the amenity of the area in any way, including:
 - 19.1 the appearance of building, works or materials on the land;
 - 19.2 parking of motor vehicles;
 - 19.3 transporting of materials or goods to or from the site;
 - 19.4 hours of operation;
 - 19.5 stockpiling of top soil or fill materials;
 - **19.6** air borne dust emanating from the site;
 - 19.7 noise;
 - 19.8 rubbish and litter; and
 - 19.9 sediment runoff.

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

Stormwater

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

Permit Expiry

- 21. This permit will expire if one of the following circumstances applies:
 - 21.1 The development is not started within two years of the date of this permit; or
 - 21.2 The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or as specified under Section 69 of the Planning and Environment Act 1987.

NOTES

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

- Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings and be easily accessible for maintenance.
- The stormwater discharge from the property is to be directed to the 375mm diameter Council stormwater pipe near the south-western corner of the property to Council standard and satisfaction.
- The total Permissible Site Discharge for the property including all dwellings is 5.2 L/s to the existing Council drainage system for a 5-year ARI event.
- Council records indicate that the proposed development is close to or adjacent to a Council pipe asset (225mm) / pit near the South east comer of the property. It is recommended that evidence be provided to prove that the development will not impose any structural load to the nearby Council asset(s); or that the footings and angle of repose are not bearing on Council's asset(s).
- Provision for future subdivision should be incorporated in the drainage design plans.
- Drainage works in the Road reserve or in the Council easement will require a road opening permit.

Other Notes

- A building permit must be obtained before development is commenced.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- In accordance with Council policy, an 8.5% public open space contribution may apply in the event of the subdivision of the land.
- Indigenous plants can be purchased through approved indigenous nurseries, as listed in the Knox City Council 'Preferred Local Replacement Plants' Information Sheet.
- Dwelling numbers as shown on the endorsed plans do not necessarily indicate any future street numbers. Property (street) numbering shall be in accordance with Council's Property (Street) Numbering Policy. Information regarding this can be obtained from Council's Property and Revenue Services Department on 9298 8215.
- A Road Opening Permit is required for any works within or affecting the road reserve.
- Letterboxes and all other structures (including meter boxes) shall be constructed to a maximum height of 900mm or relocated clear of a splayed area (2m x 2.5m) in accordance with AS2890.1, Clause 3.2.4 to ensure safe sight distances. Letterboxes shall face towards the street frontage.
- Internal public lighting shall be provided to the satisfaction of the relevant authority and in accordance with AS1158. This would generally be low height or bollard type lighting to avoid spill-over into adjacent properties. It may be sensor activated, to avoid all night running costs.



ALL WARDS

6.6 DRAFT KNOX LAND FOR BUSINESS DIRECTIONS PLAN AND PLANNING SCHEME AMENDMENT C164 – CONSIDERATION OF SUBMISSIONS AND REQUEST PLANNING PANEL

SUMMARY: Manager City Futures (Tanya Clark)

The draft Knox Land for Business Directions Plan (Directions Plan) and associated Planning Scheme Amendment C164 (Amendment) aim to support a strong regional economy and 'future proof' Knox's business land. The Directions Plan and Amendment have recently been on public exhibition. This report provides a summary of the eighteen (18) submissions received during exhibition and makes recommendations in relation to the submissions. This report recommends that Council adopt the Directions Plan and progress the Amendment by requesting that the Minister for Planning appoint a Planning Panel to consider all submissions received.

RECOMMENDATION

That Council

- Consider the submissions received in response to the draft Knox Land for Business Directions Plan and Amendment C164 to the Knox Planning Scheme;
- 2. Adopt the Summary of Submissions and Recommended Responses (Appendix A), in relation to the 'Draft Knox Land for Business Directions Plan, July 2017' and Amendment C164;
- 3. Endorse the Land for Business Directions Plan June 2018 (Appendix B), noting the revised changes as detailed in Appendix A;
- 4. Endorse the proposed revised changes to Amendment C164 (Appendix C), noting the revised changes as detailed in Appendix A;
- 5. Request the Minister for Planning to appoint a Planning Panel to consider Amendment C164, all submissions received and the proposed revised changes as detailed in Appendix A and Appendix C (refer to 2 and 4 above); and
- 6. Authorise the Director City Development to make minor changes to the Directions Plan and Amendment C164 documentation where changes are consistent with the purpose and intent of the Amendment.

1. INTRODUCTION

The *Future Proofing Knox's Business Land* project was considered by Council at its meeting of 27 November 2017. At this meeting Council resolved to adopt the background reports, seek authorisation to prepare and exhibit Amendment C164 and undertake exhibition of both the draft Directions Plan and Amendment C164.

The Directions Plan and proposed Amendment C164 were placed on public exhibition from Monday 19 March 2018 to Monday 30 April 2018.

The purpose of this report is for Council to consider the eighteen (18) submissions received to the amendment and to determine the next steps in relation to the Directions Plan and Amendment C164.

2. DISCUSSION

2.1 Summary of Submissions

A total of eighteen (18) submissions were received in relation to exhibition of the Directions Plan and Amendment C164. A summary of all submissions and recommended responses is provided in Appendix A to this report.

Submissions were received from a range of stakeholders as summarised below:

- Four submissions were received from referral authorities, agencies or departments, including South East Water, Transport for Victoria, Environment Protection Authority, and Country Fire Authority
- Two submissions were received from neighbouring Councils, including Greater Dandenong City Council and Whitehorse City Council
- Twelve (12) submissions were received from individuals or businesses with an interest in business land in Knox, including:
 - An individual who provided general comments in relation to Boronia;
 - Axis Property on behalf of the landowner at 7 Scoresby Road, Bayswater;
 - An individual with an interest in 712 Burwood Highway, Ferntree Gully;
 - The Ferntree Gully Village Traders Inc.
 - AMP Capital, as owners of the Stud Park Shopping Centre;
 - Kennelly Planning & Development on behalf of four BP services stations;
 - o Brayburn Nominees Pty Ltd, on behalf of 786 Stud Road, Scoresby;
 - o Mecone, on behalf of 750 Boronia Road, Wantirna;

- An individual who provided general comments and raised questions in relation to impacts on residential properties such as acquisition;
- Kellehers Australia, on behalf of the Jenkins Orchards site;
- Echelon Planning on behalf of the Boral site at 191 George Street, Scoresby; and
- Caribbean Park.

Of the 18 submissions:

- Three submissions provided no objection to the Directions Plan or Amendment C164 (submissions 2, 5, and 7);
- One submission did not object to the Directions Plan or Amendment C164, however wished for the submission to be considered by a Planning Panel (submission 12);
- Eleven (11) submissions specifically sought changes to the Directions Plan and/ or Amendment C164 (submissions 1, 3, 4, 8, 9, 10, 11, 13, 14, 15 and 17); and
- Three submissions provided comments that relate to the Directions Plan and/ or Amendment C164 but did not specifically object to either the Directions Plan or Amendment C164 (submissions 6, 16 and 18).

As noted earlier, the responses and recommended changes to these submissions are included in Appendix A.

2.2 Themes and Issues raised in submissions

A range of themes and issues can be summarised from the submissions. It is important to note that no submissions objected to Amendment C164 in its entirety, however specific changes were requested.

A summary of the key themes and issues are listed below:

Ongoing support for existing business land

- Ensuring business land being retained is supported;
- A range of lot sizes are needed for different types of businesses;

Future strategic work

• Investigation into Burwood Highway East is supported;

Commercial land

- Projected floor space in Caribbean Park needs to be updated;
- An objective within Clause 22.06 (Residential Development and Land Use within the Commercial 1 Zone) to maintain ground floor spaces primarily for business and community uses is not supported;

Strategic Investigation Sites

- Higher density residential development should not be precluded from the Wantirna Health Precinct and sensitive interface treatments should be the responsibility of abutting sites, not just one site;
- The future land use designation of the Boral site needs to be clarified in the text and mapping in the Directions Plan and Amendment C164;

Activity Centres

- Activity Centres now have a perceived lower status to the Significant Business Locations as detailed in the Directions Plan and Amendment C164;
- Activity Centres should be supported on an ongoing basis;
- Mixed-use developments should be encouraged in Activity Centres;

Rezoning of specific areas

- The zoning of the Bayswater Business Precinct and other specific properties should be revised;
- The investigation of rezoning land to Industrial 1 Zone in the Scoresby Industrial area should not be supported;

Amenity and character

- Managing the impact of commercial and industrial development on the amenity of surrounding parklands is important;
- The retention of character in the foothills is important, including vegetation and habitat;

Impact on surrounding properties

• General questions about whether this project will result in the compulsory acquisition of land;

Design

- Design and access into new commercial and business developments needs to be improved;
- High quality building design is encouraged;

Environmental and bushfire risks

• Amendment C164 needs to be updated to ensure that environmental risks are adequately addressed to strengthen the protection of human health and environment;

• Bushfire risk needs to remain an important consideration for business/ commercial development in interface areas;

Transport

- Advocacy for increased public transport is supported; and
- Pedestrian and cycling infrastructure needs to be improved.

Council is now advocating to extend the Knox Tram (light rail) along Burwood Highway to Upper Ferntree Gully station, directly serving Knox Central. This is reflected in Knox's draft advocacy document, Public Transport: A vision for the East. This will have implications on Clauses 21.01 (Municipal Profile), 21.02 (Vision), 21.07 (Economic Development) and 21.09 (Transport and Infrastructure). It is recommended that further updates to the above-mentioned clauses be included in Council's submission to the Planning Panel.

Proposed Amendment C164 Changes

- Clause 22.02 (Industrial and Restricted Retail Sales Area Design) does not include enough detail to achieve real changes (note: this policy is being replaced with a new and more detailed policy as part of Amendment C164);
- The requirement within Clause 22.08 (Scoresby-Rowville Employment Precinct) for a 20m building setback should be removed;
- The changes introduced by Amendment C164 may contradict other provisions within the Knox Planning Scheme; and
- Clarification on inclusions and exclusions in the mapping included in the Directions Plan and Amendment C164.

Responses to the submissions in Appendix A address these themes and issues.

2.3 Summary of recommended changes

The changes proposed as a result of exhibition include:

Directions Plan

- Wording is included to expand on the importance of design in new developments, and to reflect the requirement for new industrial and commercial area design guidelines;
- Wording is revised to clarify that bulky goods may not be appropriate on the Boral site at 191 George Street, Scoresby, given it does not have main road frontage;
- The land and floor space capacity and the role of the proposed neighbourhood activity centre for Caribbean Park have been updated;

- Wording is included to reflect the designation of strategic investment sites in response to the Boral submission and other minor boundary corrections;
- Wording is included to better highlight the roles and status of Activity Centres and Significant Business Locations in achieving employment, business and economic development objectives; and
- Other minor wording, naming and grammatical changes have been made.

Amendment C164

- Changes to the Strategic Framework Plan and wording in Clause 21.07 to clarify that the Boral site at 191 George Street, Scoresby, is to have a residential focus with a business land component;
- Additional information is included in Clauses 21.01, 21.04 and 21.07 to ensure that environmental risks can be adequately considered in the assessment of planning permit applications; and
- Other minor wording, naming and grammatical changes have been made.

2.4 Independent Planning Panel

Following exhibition of a planning scheme amendment, Council has a number of options that can be pursued when considering the submissions. The first option is that Council can accept all the changes requested in the submissions and adopt the amendment. The second option is for Council to abandon the amendment if it no longer wishes for the amendment to proceed. The third option is for Council to request that the Minister for Planning appoint an independent Planning Panel to consider the submissions received during exhibition and provide recommendations back to Council for consideration.

As detailed in Appendix A, there are a number of submissions that have requested changes to the Directions Plan and/ or Amendment C164, however not all of the requested changes are considered appropriate.

Given that the requested changes are not fully supported, it is recommended that Council request the Minister for Planning to appoint an independent Planning Panel to consider the submissions received for Amendment C164.

3. CONSULTATION

The Directions Plan and proposed Amendment C164 were placed on public exhibition from Monday 19 March 2018 to Monday 30 April 2018.

In the report to Council of 27 November 2017 it was detailed that an exemption would be sought under S.19(1)(b) of the Planning and Environment Act 1987 (the Act) to not give notice to all landowners and occupiers affected by the amendment as it would be impractical to notify them all.

In accordance with S.19(1)(b) of the Act, the following consultation was undertaken:

- Public notices were placed in the Victorian Government Gazette and the Knox Leader newspaper;
- Notification of the Amendment was placed on Council's website, on the Knoxbiz website, and on Council's Facebook page;
- A media release was provided;
- Notification of the Amendment was included in Council's Events enewsletter;
- Notification to real estate agents;
- Hard copies of the Amendment documentation and a fact sheet were made available at the Civic Centre and local libraries; and
- Letters were sent to prescribed State Government Ministers and public authorities, local State and Federal MPs, and adjoining councils.

It was also proposed to send direct notification to landowners and occupiers as follows: sites to be rezoned; land identified for investigation for potential rezoning; and land specifically referred to in the Amendment or project documents.

Targeted consultation could not easily be undertaken for all land referred to in the Amendment or project documents, given the significant number of parcels of land referenced throughout the project documents (including the background reports and the Directions Plan). Targeted notification did occur for those properties directly affected by Amendment C164.

It is important to note that not all recommendations of the Direction Plan are reflected in Amendment C164. Should the remaining actions be pursued, these would be subject to a separate planning scheme amendment that would include further direction notification.

Given the above, direction notification as part of this project included:

- All land proposed for rezoning under Amendment C164 (1332 High Street Road, Wantirna South);
- All land specifically referred to under further strategic work under Clause 21.07-3 being:
 - o The Scoresby industrial area;
 - 191 George Street, Scoresby (Boral Quarry) Strategic Investigation Site; and
 - Waverley Golf Club (and adjoining sites on Stud Road) Strategic Investigation Site.

- All land within the following strategic investigation sites referred to in the Amendment being:
 - Wantirna Health Precinct (706, 750, 750A and 760 Boronia Road and 251 Mountain Highway, Wantirna);
 - Land within the Bayswater Triangle; and
 - Land within the Mountain Gate Triangle.
- All land within an Industrial 1 Zone and Commercial 2 Zone given Amendment C164 has the most direct implications for these areas, particularly under Clauses 21.07 and 22.02.

Notification of the Directions Plan and Amendment included a letter, the Notice of Preparation (as required under the Act), and an information bulletin with an attached map.

Over 6,800 letters were sent as part of the exhibition, and Council's Land for Business webpage had over 5,000 hits during the exhibition period.

4. ENVIRONMENTAL/AMENITY ISSUES

Amendment C164 includes amenity considerations for new uses and developments, principally within Clause 21.07 Economic Development and Clause 22.02 Employment Land.

5. FINANCIAL & ECONOMIC IMPLICATIONS

Implementation of the draft Directions Plan, including those actions addressed through Amendment C164, will have significant economic benefits for the City. It will enable existing businesses to grow and new businesses to establish, creating more local jobs for Knox residents.

The majority of the actions in the Directions Plan can be undertaken within existing operation budgets, including Amendment C164. Amendment C164 is expected to be completed by early 2019, and there will be costs associated with the proposed Panel Hearing.

A business case is to be prepared in the 2018/19 financial year to commence a strategic plan for the Burwood Highway East Corridor in the 2019/20 financial year, in accordance with Action 3.13 of the Directions Plan.

6. SOCIAL IMPLICATIONS

Implementation of the Directions Plan will have significant social benefits to the City by creating more opportunities for Knox residents to live and work locally, and to provide a variety of high quality, local goods and services which supports a strong Knox community. Given the regional nature of jobs, it also supports regional jobs and the regional economy.

Local jobs and businesses also supports health and wellbeing of the community by reducing time and costs associated with travel and increases the quantity of time with family and friends.

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

The Directions Plan and Amendment C164 is in accordance with the following goals and initiatives of the Community and Council Plan 2017-2021:

- Goal 5 We have a strong regional economy, local employment and learning opportunities; and
- Initiative 5.2.5 Implement the strategic review of land for business and employment in the municipality.

8. CONFLICT OF INTEREST

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

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

Author – Rachel Reed, Senior Project Manager – Strategic Projects - In providing this advice as the Author, I have no disclosable interests in this report.

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

9. CONCLUSION

Supporting Knox's business land is a key Council objective. The draft Land for Business Directions Plan and Amendment C164 seeks to support business land and employment going into the future. It is recommended that Council adopt the recommendations detailed in Appendix A (Submissions and Recommended Responses to the 'Draft Knox Land for Business Directions Plan, July 2017' and Amendment C164), endorse the Directions Plan, endorse the revised changes to Amendment C164, and request the Minister for Planning to appoint a Planning Panel to consider Amendment C164.

10. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

COUNCIL RESOLUTION

MOVED: CR. PEARCE SECONDED: CR. LOCKWOOD

That Council

- 1. Consider the submissions received in response to the draft Knox Land for Business Directions Plan and Amendment C164 to the Knox Planning Scheme;
- 2. Adopt the Summary of Submissions and Recommended Responses (Appendix A), in relation to the 'Draft Knox Land for Business Directions Plan, July 2017' and Amendment C164;
- 3. Endorse the Land for Business Directions Plan June 2018 (Appendix B), noting the revised changes as detailed in Appendix A;
- 4. Endorse the proposed revised changes to Amendment C164 (Appendix C), noting the revised changes as detailed in Appendix A;
- 5. Request the Minister for Planning to appoint a Planning Panel to consider Amendment C164, all submissions received and the proposed revised changes as detailed in Appendix A and Appendix C (refer to 2 and 4 above); and
- 6. Authorise the Director City Development to make minor changes to the Directions Plan and Amendment C164 documentation where changes are consistent with the purpose and intent of the Amendment.

CARRIED

APPENDIX A – Summary of Submissions and Recommended Responses to the Draft Knox Land for Business Directions Plan, July 2017 and Amendment C164

APPENDIX B – Revised Land for Business Directions Paper June 2018

and

APPENDIX C – Revised Amendment C164 Documentation

are circulated under separate cover.

official Minutes of Know Council

ALL WARDS

6.7 RESPONSE TO CALL UP ITEM - INVESTMENT FOCUSED PLANNING SERVICES

SUMMARY: Manager City Futures (Tanya Clark)

This report is in response to a Call Up item to explore options for the development of an "investment focused planning service" based on the model used by Cardinia Shire Council. The report notes that an investment focussed planning service is a process that has the potential to be replicated provided that an agreed set of criteria is set by Council, that sufficient resources are allocated to execute the service, and that the planning application process is fully digitised.

RECOMMENDATION

That Council receives and notes this report as requested in the Call Up Item 5.2.2 of the Strategic Planning Committee meeting of 14 May 2018.

1. INTRODUCTION

This report responds to a Call Up Item from the Strategic Planning Committee meeting held on 14 May 2018:

"That a report be prepared for the July 2018 Ordinary Meeting of Council that provides options for an investment focused planning service where the needs of a business are given priority in assessing a planning application, and such service is to be provided in as short a time as possible, based on the Cardinia City Council's investment focused planning service."

As part of undertaking the work required for this Call Up Item, officers have had regard to Council's Call Up Items Policy, and in particular, Item 6.5 which states:

"Where preparing a report responding to a Call Up Item which will require more than three person days or \$5,000 in costs, then the matter which is subject to the Call Up Item should be referred by Council to the next budget considerations with a supporting business case for consideration along with competing priorities."

2. DISCUSSION

2.1 What is an investment focussed planning service?

An investment focussed planning service, also known as a facilitated planning service, is a process option that a Council can offer to expedite a planning permit application. The decision to offer this type of process before and at lodgement, under the banner of investment, is based on the significant economic benefits an application presents to the municipality.

Councils that have established such a service have used it as an incentive to give potential investors in that municipality certainty regarding the time required fora permit decision to be reached. Such a service also offers an investor customised case-management, or stewardship, throughout the planning permit application process.

This stewardship role includes significant involvement from Senior Economic Development Officers as they can recommend that a development be considered for a "fast-track" investment focussed/facilitated planning permit application process.

Accessing an investment focussed planning service occurs when an application meets a number of pre-requisite criteria. Based on the Cardinia Shire Council and Casey City Council models, potential pre-requisite criteria that could be considered include:

- A clear correlation between the proposed investment and local jobs being created by existing businesses or by new employers seeking to move to the region.
- The application is for buildings and works within Industrial Zones or Commercial Zones.
- The proposed investment aligns favourably with a significant number of criteria of the planning scheme and key conditions for a permit.
- The investment focussed planning service expedites/fast-tracks the planning permit application and offers a guaranteed decision time of 21 days or sooner for decision on the permit. It does <u>not</u> offer a guaranteed approval for that permit application.

Criteria such as the proposed application falling into a Section 2 (permit required) category; necessitating a car parking dispensation; statutory referrals (e.g. EPA), or requiring public notification, are likely to render a proposed application ineligible for an investment focussed planning service.

In addition, an incomplete application requiring further information would also render the proposal application ineligible for an investment focussed planning service.

In order to encourage potential investors to utilise the investment focused service, officers with carriage of the process at Casey City Council can also *nominate* an investment to this process at their discretion.

2.2 Opportunities for Knox to consider an investment facilitation service

Council has previously assessed options regarding a broader development facilitation service. Aspects of the work undertaken in 2012 on this topic are presented in Appendix A.

An investment focussed planning service has the potential to give investors with projects that meet agreed criteria confidence to invest. In keeping with benchmarks looked at for this report, offering an investor a planning decision within 21 working days could be received positively by investors and their advisory firms. In engagement with commercial property firms active in Knox working on behalf of their clients to support relocation and expansion of business facilities, time is frequently cited as a key factor to invest in a new service.

By offering such a service at Knox, investors may gain confidence that Knox has a contemporary planning system actively working on "red tape" reform. Such a service could also complement the investment underway in State Government to enhance the range of planning applications eligible for VicSmart nomination, which in itself offers a suite of streamlined or "fast-track" planning permit applications.

Further assessment regarding the process for such a service would need to be agreed by the City Development Directorate and warrants consideration for a business case. An example of steps that would need to be in place to support the facilitation of such a service include:

- A single or select number of central contacts to help a proponent to understand the various municipal processes and assist with coordinating advice. This role could be undertaken by one Senior Economic Development Officer and/or by two Statutory Planning Officers, which is similar to the service offered at Casey City Council;
- A financial and time commitment to establish governance processes and to assess resources to offer this service; and
- An agreed set of criteria to be adopted in order for an investment focused planning service to be offered to potential investors.

It is worth noting that both Casey City Council and Cardinia Shire Council provide fully digitised planning application processes, which is integral to investment focussed planning applications being processed within 21 days. Knox City Council's City Planning and Building service is not yet fully digitised, and it is recommended that this would need to be implemented prior to an investment focussed planning service being offered at Knox City Council.

3. CONSULTATION

Casey City Council and Cardinia Shire Councils have both established investment focussed/facilitated planning services. Consultation with Senior Economic Development colleagues directly involved in managing these services was undertaken to support this report and further information was sourced from their respective websites.

4. ENVIRONMENTAL/AMENITY ISSUES

Not applicable.

5. FINANCIAL & ECONOMIC IMPLICATIONS

In developing this report, Council's Call Up Items Policy was adhered to. Further investigation regarding potential costs of the development of a formal investment focussed planning service would be required and would likely require additional resourcing and financing for the City Planning and Building and/or City Futures departments. Full digitisation of planning functions would also need to be costed and considered.

6. SOCIAL IMPLICATIONS

Not applicable.

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

The establishment and operation of such a service has a number of alignments with the *Knox Community and Council Plan 2017-2021*, across the following goals:

- Goal 1 We value our natural and built environment
- Goal 5 We have a strong regional economy, local employment and learning opportunities
- Goal 8 We have confidence in decision making

8. CONFLICT OF INTEREST

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

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

Author – Lou Zarro, Senior Program Lead - Economic Development - In providing this advice as the Author, I have no disclosable interests in this report.

Author – Greg Kent – Coordinator Planning - In providing this advice as the Author, I have no disclosable interests in this report.

9. CONCLUSION

Casey and Cardinia City Councils are promoting the concept of investment focused planning facilitation in an effort to secure local jobs and reduce perception of red-tape barriers for investment in their region.

Adopting an investment focused planning service at Knox is also likely to send investors a strong message that across Knox, planning services and economic development work together to break through potential barriers to investment in the municipality. Further investigation would be required to determine implications for resourcing and costs of implementing such a model at Knox, including the digitising of the planning permit application process.

10. CONFIDENTIALITY

There are no issues of Confidentiality associated with this report.

COUNCIL RESOLUTION

CR. LOCKWOOD MOVED: SECONDED: **CR. PEARCE**

That Council:

- 1. Receives and notes this report as requested in the Call Up Item 5.2.2 of the Strategic Planning Committee meeting of 14 May
- 2. Refers this report to the City Futures Advisory Committee.

ed i. .ttee m. .tures Advisory C. CARRIED

APPENDIX A – Knox Development Facilitation Service (DFS) – 2012 Findings

The following sections consider relevant points from previous work that Knox has done around a structured facilitation process.

In 2012, Strategic Planning and Economic Development undertook research and consultation on the topic of a facilitated planning service. They developed some preliminary processes and measures and did some initial engagement internally and with State Government agencies such as the Department of Economic Development, Jobs, Transport and Resources.

The initial development facilitation services (DFS) planning presented a broad scope of inclusions and sought State Government endorsement, but did not progress to formal adoption beyond the internal assessment work that was undertaken.

The following sections share some key points of initial assessment previously undertaken by Council's Strategic Planning and Economic Development staff around a development facilitation services. A number of points covered below could be revisited in further assessment of a contemporary investment focused planning service:

Service coverage

To qualify for DFS the project should be property based and be one that will bring significant benefit (economic, social and/or environmental) to the Knox community, with the proponent both willing and able to work with Council.

Projects that are likely to qualify for consideration under DFS will meet a number of the inclusions listed below.

Inclusions

- 1. Projects that will contribute positively to Knox's desired future.
- 2. Projects that support liveability, social cohesion and/or good health within Knox.
- 3. Projects that will generate wealth and prosperity within Knox.
- 4. Projects that will generate desirable synergies with other businesses/activities within Knox and beyond.
- 5. Projects with significant and ongoing employment outcomes for Knox.
- 6. Projects proposed for construction in designated strategic locations in Knox.
- 7. Projects that will enable the expansion of an existing business or establishment of a new business in Knox.
- 8. Projects that will enable the attraction of an existing business into Knox.
- 9. Projects that will add to the stock of 'development-ready' land in Knox.

10. Projects that demonstrate high levels of environmental sustainability.

Exclusions

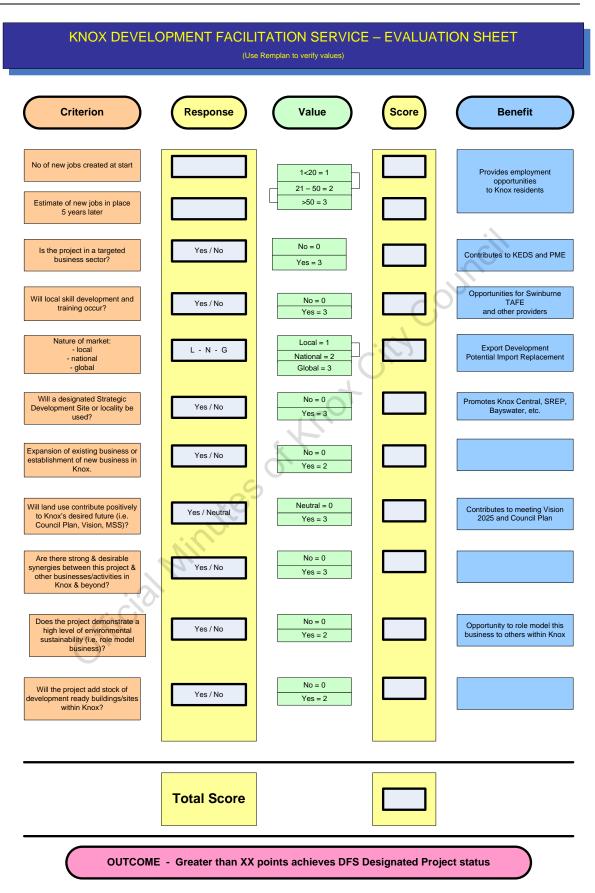
- 1. Residential developments, except in cases where the particular location/form of development will satisfy a specific desired outcome for Knox.
- 2. Projects that are simply being proposed for 'special attention' without meeting the inclusion criteria.

Process & Evaluation

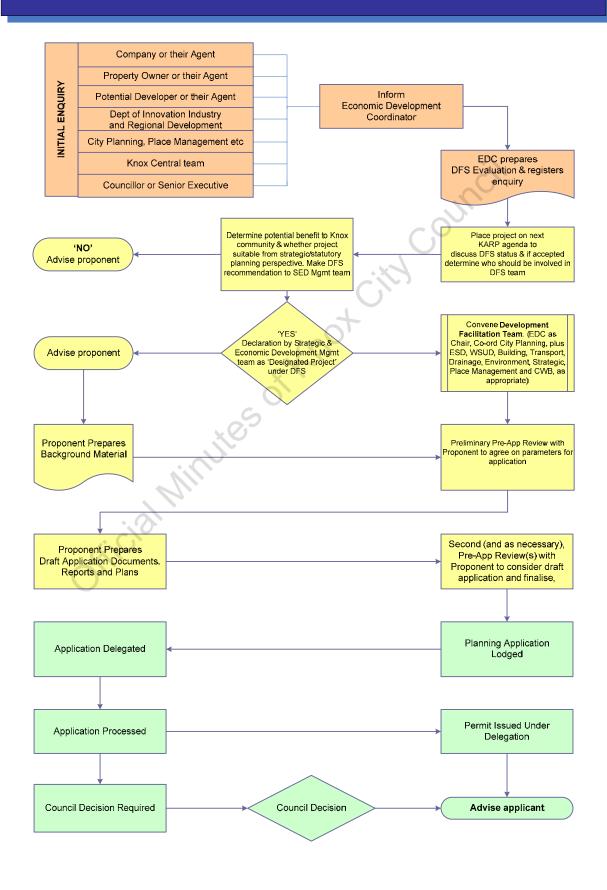
An evaluation sheet and process map for a development facilitation service was also developed as part of officer assessment on this topic. There are aspects of these processes that could be utilised for future assessment of an investment focused planning service.

, service.

COUNCIL - CITY DEVELOPMENT



KNOX DEVELOPMENT FACILITATION SERVICE (DFS) – PROCESS FLOW CHART



CHANDLER AND BAIRD WARDS

6.8 BORONIA RENEWAL PROJECT – ENGAGEMENT WITH CHILDREN AND YOUNG PEOPLE

SUMMARY: Manager City Futures (Tanya Clark) Manager Youth, Leisure and Cultural Services (Peter Gore)

At the Council meeting held on 23 April 2018, Council resolved to request a project plan that would determine the scope of work, requirements and resources necessary to undertake further community engagement specifically with children and young people to inform the Boronia Renewal Strategy during Stage 2 Strategy Development.

This report outlines options to support the additional resources necessary to undertake this engagement program as requested by Council.

RECOMMENDATION

That Council:

- Adopt Engagement Program Option C as outlined in the report as the basis for gathering feedback from children and young people to inform the Boronia Renewal Strategy;
- 2. Allocate \$50,000 (exclusive of GST) for the appointment of a consultant to support the implementation of Option C over the next 6 8 months; and
- 3. Receive a report on the feedback received during this process, and consider the inclusion of actions identified to meet the needs of children and young people in the Boronia Renewal Strategy.

1. INTRODUCTION

At the Council meeting held on 23 April 2018, Council resolved to:

"Request officers to prepare a project plan that sets out the scope of work, requirements and resources necessary to undertake further community engagement with young people to feed in to the Boronia Renewal Strategy during Stage 2 Strategy Development"

The Boronia Renewal Strategy is expected to be forward looking and outline a clear vision to guide redevelopment over the long term. This Project has trialled new approaches and processes in the pursuit of preparing a Renewal Strategy that has the broadest possible ownership in the community. Stage 1 of the Project saw the implementation of a general community engagement program. This successful program has generated strong interest from the community with more than 330 people opting to receive a monthly newsletter and provide feedback on key issues.

An identified gap during Stage 1 was that engagement activities were designed to gather information and views from the adults in the community. This process was not structured to target and gain feedback from children or young people, generally assumed to include under 5 year olds and ranging to 25 year olds.

Within the Boronia Renewal Project there are many components that have an impact on children and young people. The application of change strategies in the future have the ability to influence their mobility, independence and their interactions within local neighbourhoods and how they experience the Boronia Town Centre. Apart from the obvious suggestions regarding the provision of footpaths, parks, playgrounds and skateboard facilities etc. there is a greater range of children's and young people's needs to be considered, e.g. safety. As users of the spaces and places in and around the Town Centre, incorporating different perspectives in the early stages of planning will contribute to more robust and enduring solutions.

It is essential to talk to children and young people to gather their ideas and ensure their unique perspective is captured in the Renewal Strategy. This cohort currently represents approximately a third of the population in Boronia.

Involvement of children and young people in this future planning process is important as this group will be the primary users of the Town Centre in the next 10 to 20 years.

1.1 Purpose of engaging with children and young people

Children and young people are well positioned to contribute to the development of solutions that address issues that affect them and their communities. Their thoughts, experiences, ideas and views can enhance decision-making and lead to greater ownership of outcomes by the whole community. The purpose of engaging with children and young people regarding the Boronia Renewal Project is to ensure that strategies and outcomes proposed are relevant, ageappropriate and appealing to the whole community.

1.2 Issues

This report builds on the previous engagement processes undertaken by the Council and recent conversations with the Knox Youth Advisory Committee. Whilst there were many positive views expressed, there were several distinct areas of concern raised by the young people who were in attendance.

Generally speaking, the young people indicated that they are worried about:

- Peer relationships including bullying and cyber safety;
- Personal safety in public spaces, especially in the vicinity of the Boronia Train Station;
- Anti-social behaviour in relation to publicly visible drug-taking and drinking;
- Lack of a visible police presence in the Town Centre; and
- Limited places and activities for young people to go to hang out in Boronia.

The Youth Advisory Committee also noted that it was important for young people to feel valued and that their contribution was meaningful, respected and acted on. There is a clear willingness to participate in this Project and for young people to play a role in shaping the recommendations in the Boronia Renewal Strategy. These issues and feedback received to date have informed the preparation of further engagement options in this report.

2. DISCUSSION

2.1 Stakeholder Engagement

Engagement with children and young people has different considerations than with adults and needs to be scoped carefully in terms of privacy, seeking permission to engage with and ensuring activities are conducted in a safe environment.

Service Providers

A number of external Provider Agencies that are operating in Boronia provide a range of services focused on children and young people. These Agencies are key Stakeholders in the Renewal Project and it is worth investigating opportunities to tap into these established networks and the potential for exchanging information and local knowledge relating to selected issues. Research from Stage 1 of the Project identified several faith-based organisations that run youth groups, playgroups as well as programs that support children and young people and their families. Further significant benefits can be gained from a closer liaison with local Police and a deeper understanding of their response to incidents or hotspots that may exist in the Town Centre. Consultation with a wide range of external key stakeholders in the early stages of planning for engagement plan activities is essential.

Local Schools

At this stage, there has been minimal contact with the local schools and the Department of Education regarding the Boronia Renewal Project. Further commitment of in-house resources is required to brief these organisations about the Boronia Renewal Project and gauge the level of interest in participating in this project. If there is sufficient interest from the schools, additional discussions are necessary to find a suitable timeframe to carry out the engagement activities and align with the Renewal Project deadlines. It may be too late in the school year with the curriculum set to fit in an extra activity regarding Boronia.

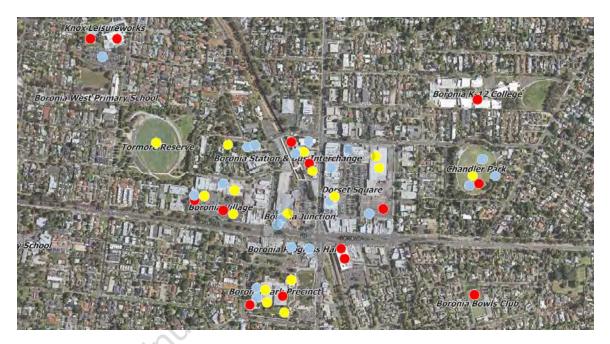
Knox City Council Youth Advisory Committee

An overview of the Boronia Renewal Project Stages 1 and 2 was presented to the Youth Advisory Committee at its June meeting. This group consists of a range of young people between the ages of 14 - 25 year old and includes representatives from agencies working directly with young people. This Committee serves as a sounding board for Council activities and to provide the views of young people on particular projects or topics. Interestingly the majority of Committee members knew the Boronia Town Centre well and exhibited a high level of awareness of existing local conditions.

The presentation was intended to be interactive and elicit direct feedback from the group on key aspects of the project. The first activity asked participants to identify locations on an aerial photo in response to the following three questions to identify a:

- a) favorite place or a place that looks interesting (red dot);
- b) place that you visit regularly (yellow dot); and
- c) place that could be improved (pale blue dot).

Figure 1 – Location identification in Boronia Town Centre



Young people's thoughts

Permission was sought from the members of the Youth Advisory Committee to share their preliminary thoughts with local businesses and government agencies with a view to raising awareness of their concerns. Council is in a good position to act as an advocate for young people's concerns by raising these with key stakeholders and people that have the ability to initiate change. Initial thoughts focused on personal safety when using the Town Centre included:

"I do not feel safe in Boronia at all."

"The station is the most horrific place."

"Alley ways are scary around the shops."

Although these comments present a strong negative perception of the Centre there were also some positive comments that could lead to positive change.

"The cinema is really cute and cheap."

"Having a centre where you can play games or create games would be an awesome idea."

"Belgrave Big Dreams markets would be good to have something like that in Boronia."

A strong sentiment from the group was that events and activities in the town centre that were designed specifically for young people would assist in changing perceptions about the Town Centre. They also suggested that these events should be well organised, have a high police presence and that any anti-social behaviour is tightly managed. The results from these discussions delivered some valuable insights into how young people think and view the Town Centre and how these perceptions influence how they use the Town Centre.

2.2 Challenges

Audience

One of the first challenges facing this program is in contacting a youth audience in a suitable environment. If young people already feel unsafe in public spaces they are unlikely to hang around answering questions from Council officers.

Sensitivity

Relevant checks will need to be completed for those undertaking the youth and child engagement, and consideration will need to be given to suitable locations and appropriate supervision.

Approach fit

Each age cohort has different communication needs and a one size fits all approach may not work. Although there will be common themes and questions for each group there may need to be some modification to assist in generating a good outcome.

Time

Child and youth engagement activities take time to organise, obtain any necessary permissions to engage, brief and train officers, explain the project context, ask questions and seek/record a response. It is likely that an engagement program will take 6 - 8 months to implement and alignment with existing deadlines could be problematic.

Building capacity

Council Officers and those people delivering the engagement program need to have appropriate skills for the target audience that is being consulted. Officers should be supported by a range of tools and material that enables them to explain complex ideas in a manner that is understandable to children and young people.

2.3 Engagement Program Options

Drawing on the learnings and Community Engagement foundation established in Stage 1 a range of options for engaging with children and young people have been identified. There a four options, each with a different level of engagement and demand on resources which the Council can pursue.

	Description	Benefits	Implications
Option A	Use existing data with in-house review and collation of known	Minimal costs, will fill an information gap and can be	Data collected may not be relevant to Boronia or too general to be extrapolated for a specific place.
	data from existing and past Council Policy, Strategies and Plans.	achieved within time constraints.	Has no direct engagement with children and young people. Internal resources will need to be allocated to complete this task.
Option B	Tap into existing networks (e.g. Youth Advisory Committee and Service Providers).	Gathers some direct information and can be achieved within time constraints. See Figure 1 example above. Limited direct engagement.	Direct information from other Council documents may be dated. This secondary or indirect feedback may not reflect the views of children and young people and suggested actions will be more general in nature.
Option C	Undertake specific and targeted engagement across all cohort groups.	Direct feedback from children and young people will inform a range of actions in the Renewal Strategy.	Timeframes may need to be varied to align with school programs. Requires commissioning of consultants to carry out the work. Estimated costs \$50K - \$55K.
Option D	Build a foundation for ongoing engagement.	This approach will build strong ownership of the issues and draw on the local knowledge and experience of the community.	Requires commissioning of consultants to carry out program establishment. Once established this program would need to be built into the work program for ongoing delivery. Estimated costs \$50K - \$55K initial start up costs then further use of in- house resources to integrate into Councils' Youth Services area for ongoing implementation.

Officers recommend that engagement Option C is suggested as the best means of gathering direct feedback from children and young people to ensure specific, relevant and targeted solutions are identified.

2.4 Delivery of engagement with young people program

The delivery of this proposed engagement program is not reflected in the existing Boronia Renewal Project plan or in any existing Community Services directorate work program for 2018/2019 financial year. As such, it is estimated that external resources would be required to roll out this proposal over the next 6-8 months. At this stage the funding for this work is not included in either the Boronia Renewal Project budget, or the Youth or Family and Children's Services budgets.

A consultant brief would include provision for the following:

- Preparation of a delivery plan and timetable;
- Liaison with external Stakeholders;
- Preparation of engagement material in consultation with Council Officers;
- Briefing/training for officers working with children and young people;
- Organizing events/activities and logistics;
- Seeking necessary permissions; and
- Writing a report on all the feedback and findings from the engagement program for Council consideration and action.

2.5 Outcomes

Any individual identification information regarding children or young people and information received through these processes must be managed sensitively. It is important to ensure compliance with all legislative requirements in the early stages of the program. In addition, it will be essential to promote this compliance and describe specifically how the feedback and ideas received will be used.

3. CONSULTATION

3.1 Internal consultation

A collective and collaborative approach for the Boronia Renewal Project is ongoing in the preparation of this report. The following teams have made contributions based on previous experiences and internal knowledge in relation to engaging young people in various Council activities. This engagement program sits within the overarching Communication Plan for the Boronia Project and the Community Services Directorate and will implemented across several teams including:

- City Futures;
- Youth, Leisure & Cultural Services;
- Community Wellbeing;
- Family & Children's Services; and
- the Knox Youth Advisory Committee.

4. ENVIRONMENTAL/AMENITY ISSUES

The views of children and young people will inform the upgrading of the public realm and key recreational spaces such as Boronia Park, Tormore Reserve and Chandler Park.

5. FINANCIAL & ECONOMIC IMPLICATIONS

A challenging two-year 'fast track' approach has been applied to this Project. This approach places increased demands on existing resources across several Directorates, with the project being elevated to a high Council priority. As the scope of this project has changed in response to Council requests, in-house resource priorities have been adjusted accordingly where possible.

The scope of this project is unfunded with no capacity for incorporation within current operational resources. The cost to engage a consultant as per the tasks described in section 2.4 of this report is estimated at \$50,000 exclusive of GST.

6. SOCIAL IMPLICATIONS

This project recognises the significant social issues present in the Boronia community, especially in relation to perceptions of safety amongst children and young people.

This report proposes an integrated in-house multi-disciplinary team and partnership approach with external service providers to explore ways in which the views of children and young people can be gathered and reflected in the Boronia Renewal Strategy.

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

Several Council policies give reference to the needs of children and young people. The Community and Council Plan 2017 – 2021 contains overarching goals that direct several initiatives towards action and initiatives.

Goal 4 – We are safe and secure.

Strategy 4.2 Enhance community connectedness to improve perceptions of safety.

Council Initiatives:

4.3.1 - Implement a community safety program and build community connections to improve perceptions of safety within key locations across the municipality (including Boronia Activity Centre). Year 1-4 (2017-2021).

Goal 7 - We are inclusive, feel a sense of belonging and value our identity.

Strategy 7.3 – Strengthen community connections

Council Initiatives:

7.3.3 – Prioritise and promote programs and services which aim to build community connections and reduce social isolation across all life stages and spatially represent this information on Council's mapping system.

Goal 8 - We have confidence in decision making.

Strategy 8.2 - Enable the community to participate in a wide range of engagement activities

Council Initiatives:

8.2.4 – Facilitate regular networking sessions with key agencies and stakeholders to identify partnership opportunities in order to achieve shared Community and Council Plan goals.

The Boronia Renewal Project is contributing to this outcome by expanding its initial engagement program to include activities that allow children and young people to participate in framing their future in Boronia. Feedback received will be used to inform future renewal strategies and refine expectations and outcomes with perspectives from children and young people

7.1 Boronia Renewal Strategy - Key Directions

Four of the nine Key Directions have been selected as having direct relevance for engagement with children and young people.

Key Direction 5. Building capacity and resilience in Boronia

This Direction sets out to increase the resilience and capacity in the community to adapt and be responsive to an ever-changing environment and external factors that cause local changes. A short term action identified is to increase awareness of locally available training and skills development courses for children and young people in Boronia.

Key Direction 6. Boronia is a green place with spaces to play

Boronia is well endowed with recreational facilities, parks and green open spaces. Produce a brochure that shows the location of all the open spaces and parks in Boronia and the facilities offered in each location.

Key Direction 7. Smart Digital Boronia

There is the opportunity to exploit new technology for community benefit through improved digital literacy and skills training for knowledge economy jobs. Working with schools/KIOSC/firms to establish a Boronia Centre "Hackathon" where young people work on projects/initiatives to create a safer more appealing town centre using digital technologies.

Key Direction 8. Active Boronia nightlight

In the short term, upgrades to the public realm with lighting and signage could assist in drawing attention to places of interest and activity. Design (CPTED) principles will expose places that have poor surveillance where crime currently occurs. Additional summertime evening activities e.g. open air cinema; night-time markets, arts shows and free concerts that attract children and young people to better use the town centre have been suggested.

8. CONFLICT OF INTEREST

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

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

Officer Responsible – Peter Gore, Manager Youth, Leisure and Cultural Services- In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Yvonne Rust, Senior Project Manager - In providing this advice as the Author, I have no disclosable interests in this report.

9. CONCLUSION

Children and young people are a unique segment of the community and authentic engagement requires additional consideration in terms of framing of questions and in seeking permissions to engage and use the feedback received. Further engagement with children and young people regarding issues associated with the Boronia Renewal Project will add value and assist in tailoring outcomes to directly meet the needs of this cohort.

A range of engagement program options, each with a different resource, cost and outcome have been identified in this report.

Engagement Program Option C is suggested as the best means of gathering direct feedback from children and young people to enable specific, relevant and targeted solutions are identified. This Option proposes that further consultation across three distinct age cohorts is undertaken. These activities are summarised as follows:

- 1. Utilise existing Early Years Services, Maternal and Child Health, Preschool and supported playgrounds to interact with children under 5 years and their families to gather feedback/ideas about Boronia;
- 2. Identify opportunities to work with local schools (3) to run information sessions and an activity to raise awareness of the Boronia Renewal Project and gather feedback/ideas;
- Ongoing updates on the projects progress is to be provided to the Youth Advisory Committee and set up a direct platform using social media to allow for feedback and ideas to be received from young people on an ongoing basis; and
- 4. Plan for an inclusive event/activity that considers a particular problem facing Boronia and provide a platform for children and young people to be part of the development of a solution.

As this additional engagement program is not in the 2018/2019 work program there is insufficient resources and funds to undertake Option C. It is suggested that an external consultant, costing approximately \$50,000 will be required to implement the engagement program option that includes the four activities listed above. Whilst this Engagement Program Option requires additional resources beyond the Boronia Renewal Project plan scope and existing Council programs it will inform and enrich the strategies being developed to renew the Boronia Town Centre.

10. CONFIDENTIALITY

There are no confidentiality issues associated with this report.

COUNCIL RESOLUTION

MOVED:CR. LOCKWOODSECONDED:CR. PEARCE

That Council:

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- 1. Adopt Engagement Program Option C with a maximum allocation of \$35,000 (exclusive of GST) as the basis for gathering feedback from children and young people to inform the Boronia Renewal Strategy; and
- 2. Receive a report on the feedback received during this process, and consider the inclusion of actions identified to meet the needs of children and young people in the Boronia Renewal Strategy.

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6.9 REVIEW OF SCHOOL CROSSING PROGRAM POLICY

SUMMARY: Manager – City Safety and Health (Steven Dickson)

The School Crossing Program Policy seeks to provide a consistent approach to the provision of the school crossing services across the municipality.

The Policy was reviewed and updated with minor operational changes that do not have any effect on the objective or intention of the Policy.

RECOMMENDATION

That Council adopt the updated School Crossing Program Policy as shown in Appendix A to this report.

1. INTRODUCTION

Council currently operates 99 school crossings every school day throughout the year. Council is required to audit its school crossings annually and provide information to VicRoads to confirm that each crossing meets or exceeds the warrants for eligibility. This process ensures that Council receives the maximum available funding from VicRoads.

The attached updated policy (refer Appendix A) provides guidelines for the installation of new crossings, and the process for reviewing crossing eligibility for annual funding from VicRoads. It also sets out a process to deal with school crossings that no longer meet the VicRoads' warrants for a subsidy.

2. DISCUSSION

2.1 Policy Review

The School Crossing Program Policy (refer Appendix B) is now due for review. The intent of the Policy is to provide a consistent approach to the provision of school crossing services throughout the municipality, in particular dealing with crossings that do not meet the subsidy or Vic Roads' warrant requirements. The Policy requires Council, in relation to any underutilised school crossing, to undertake a consultative process with the relevant school, and if the crossing continues to be under-utilised, to remove the crossing at the end of the school year.

The Policy is framed around the eligibility criteria for a subsidy as set out by VicRoads and includes sections on new crossings, ongoing crossings, and unsubsidised crossings. Of particular interest is the section on unsubsidised school crossings which outlines a process that may result in the closure of crossings.

This Policy has recently been updated with some minor operational changes that do not affect the objective or intention of the Policy. No material changes to this Policy are recommended. The updated Policy can be seen in Appendix A with tracked changes shown in Appendix B.

The amendments include:

- Definitions Grammatical update to the definition of a School Crossing.
- Section 6.1 2.
 - Removed reference to 'Council's Engineering Services will develop a matrix for special needs'; and
 - Replaced with 'Council's Traffic & Transport Department will use their special needs criteria (refer Appendix 1) to determine and advise if a crossing that does not meet the numerical requirements can be established under special needs'.
- Section 6.1 3. Added references to 'Traffic and Transport'.
- Section 6.1 4. Added references to 'drainage'.
- Added Section 7 (Administrative Updates).
- Added Appendix 1 (Traffic and Transport Special Needs Criteria for Considering A Supervised School Crossing for a VicRoads Subsidy).
- New visual identity template applied to the document.

3. CONSULTATION

Internal consultation occurred with Council's Community Laws, and Traffic and Transport teams.

Staff will continue to consult with affected schools when crossing utilisation drops below the required levels.

4. ENVIRONMENTAL/AMENITY ISSUES

There are no direct environmental or amenity issues associated with the Policy amendments.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There is a net cost to Council in operating the School Crossing program. The operational costs of the program for the 2017-2018 financial year was \$1,345,834. This amount was subsidised by VicRoads through the Children's Crossing Supervisory Subsidy Scheme. The 2017-2018 subsidy amount was \$583,501 (43.4%) with the remaining \$762,332 paid by Council. The subsidy amount that Council will receive for the 2018-2019 financial year will increase by \$99,132 to \$682,633.

6. SOCIAL IMPLICATIONS

There are no social implications associated with the Policy amendments.

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

This report relates to a number of specific objectives and strategies within the Council Plan including:

Goal 3 - We can move around easily.

Goal 6 - We are healthy, happy and well.

8. CONFLICT OF INTEREST

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

Officer Responsible – Steven Dickson, Manager City Safety and Health - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

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

9. CONCLUSION

The proposed amendments to this Policy, as included within this report, are provided for Policy accuracy to meet minor operational and process changes. The School Crossing Program Policy with these minor changes will continue to direct Council's School Crossings Program in responding to the needs of the community and to assist children to walk safely to and from school.

10. CONFIDENTIALITY

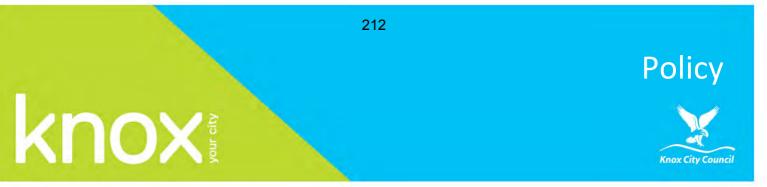
There are no confidential issues associated with this report.

COUNCIL RESOLUTION

MOVED: CR. TAYLOR SECONDED: CR. COOPER

That Council adopt the updated School Crossing Program Policy as shown in Appendix A to this report.

CARRIED



Appendix A – Proposed School Crossing Program Policy 2018

SCHOOL CROSSING PROGRAM

Policy Number:	2005/10	Directorate: City Development
Approval by:	Council	Responsible Officer: Manager – City Safety and Health
Approval Date:		Version Number: 4
Review Date:		C°

1. Purpose

The purpose of this policy is to provide a consistent approach to the provision of school crossing services throughout the municipality. The policy provides guidelines for the installation of new crossings, the process for reviewing crossing eligibility for annual funding from VicRoads and how to deal with school crossings that no longer meet the VicRoads' warrants for a subsidy.

2. Context

Council is required by VicRoads to review its school crossings annually and provide information from this review to VicRoads to indicate that each crossing meets or exceeds the warrants for eligibility in order to receive annual funding. The funding for the program is shared between an annual subsidy from VicRoads for approved crossings, and Council annual operating budget. The eligibility criteria for the school crossing subsidy was changed by VicRoads in 2004, to remove the onus for determining special needs for school crossings from Council to VicRoads.

3. Scope

This policy will apply to all school crossings within the municipality.

4. References

- 4.1 Community & Council Plan 2017-2021
 - Healthy Connected Communities
 - Prosperous, Advancing Economy
 - Vibrant and Sustainable Built and Natural Environments
 - Democratic and Engaged Communities
- 4.2 Relevant Legislation
 - VicRoads Training Manual Volume 1, Chapter 4, Edition 3.
- 4.3 Charter of Human Rights
 - This policy has been assessed against and complies with the charter of Human Rights.
- 4.4 Related Council Policies
 - NIL
- 4.5 Related Council Procedures
 - Nil



5. Definitions

School Crossing	Means a crossing installed primarily for the purpose of children and carers crossing a road or carriageway to assist access to and from a school (either primary or secondary) and is supervised by a school crossing supervisor.
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The eligibility criteria for subsidy under the School Crossing Program is as follows:

1. Children's crossings for primary school children – where the number of children (minimum of 20) multiplied by the number of vehicles in the hour (minimum 100) exceeds 5,000.

2. Children's crossings for secondary school children – where the number of children (minimum of 20) multiplied by the number of vehicles in the hour (minimum 250) exceeds 25,000.

3. Pedestrian operated signals – more than 20 primary school children per hour.

4. Other crossings – where the Council obtains VicRoads' agreement to the need for supervision on account of special needs (eg children with disabilities) or other factors affecting safety such as excessive vehicle speed, road geometry, limited sight distance, volume of heavy vehicles or road width.

6. Council Policy

Council policy in regards to the installation of new crossings and retention of ongoing crossings is as follows:

6.1 New Crossings

In determining requests for new school crossings the following guidelines will apply:

- 1. A new crossing will only be created where it meets the eligibility criteria for subsidy by VicRoads. This can include either numerical or special needs criteria.
- 2. The process to determine whether the crossing meets the eligibility criteria is based on undertaking a survey of the number of pedestrians that currently cross in or around the proposed location and a vehicle count. Staff may also apply projected pedestrian usage for the crossing based on the actual count and other criteria relevant to the crossing. These figures are used to determine whether they meet the numerical requirements of a crossing subsidy. Council's Traffic & Transport Department will use their special needs criteria (refer Appendix 1) to determine and advise if a crossing that does not meet the numerical requirements can be established under special needs.
- 3. In determining a crossing location, consultation is undertaken with the relevant schools, and Council's Local Laws and Traffic and Transport departments.
- 4. Other criteria that will be considered in determining a new crossing is as follows:
 - Details of required additional supporting infrastructure needs including footpaths, trees, drainage etc.
 - Assessment of other crossings within the area.



- Any existing pedestrian lights or intersections that could be an alternative crossing point.
- Safety will be a primary concern both for the use of the crossing staff and vehicular traffic. This includes sighting, overhanging vegetation and the like.

6.2 Ongoing Crossings

Once installed, a crossing is assessed in accordance with the subsidy guidelines from VicRoads. The annual assessment is done on the following basis:

Category 1

Those crossings where the date since the last warrant check is more than three years old in accordance with VicRoads' guidelines.

To retain eligibility for a subsidy, VicRoads require that all crossings be reassessed at least every three years.

Category 2

Any crossings that identified as unsubsidised crossings that are still operating as unsubsidised crossings.

Category 3

All crossings that were borderline in the previous warrant check. This includes any crossings that did not meet either the pedestrian or vehicular counts or where the number of children (minimum 20) multiplied by the number of vehicles in the hour (minimum 100) totals less than 5,000 for primary schools or 25,000 for secondary schools.

This will provide sufficient time to liaise with schools in regards to crossings that are performing marginally above the counts required for an ongoing subsidy. If a school crossing drops below the required level, there is an increased period for the school community to redress the issue.

Category 4

The balance of crossings will only be checked when they fall into category 1 to 3 on a periodical basis.

This ensures that staff time is concentrated on crossings that are of higher priority while at the same time ensuring compliance with VicRoads' requirements.

Any crossings in categories 1 to 3 that still do not meet the warrant requirements for a subsidy for the upcoming financial year will be listed for further counts throughout the school year up to when counts are required to be lodged with VicRoads.

6.3 Unsubsidised Crossings

Where any crossing does not meet the warrant checks after a second check, the relevant school is to be advised that the crossing has not met the criteria and further checks are to be undertaken on a regular basis up until the funding application is required to be lodged with VicRoads.

If a crossing no longer meets the VicRoads' warrant and will lose the VicRoads' subsidy from 1 July the following financial year, the following will apply:

1. The crossing is retained as a subsidised crossing up until 30 June of the following year.



- 2. The relevant school will be advised that it no longer meets the warrants and that the crossing will be retained unsubsidised from 1 July up until the end of the relevant calendar year.
- 3. Staff will continue to carry out periodic checks of the crossing and if it meets the warrant requirements any time up to the period that the next subsidy application is due, the crossing will be retained for the balance of the financial year as it will be eligible for a subsidy for the ensuing financial year.
- 4. Any crossing that does not meet the warrant requirements over the extended period shall be removed over the Christmas break and shall not operate from the start of the following school year.

7. Administrative Updates

From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Council departments or positions, change to names of Federal or State Government departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

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School Crossing Program Appendix 1

TRAFFIC & TRANSPORT - SPECIAL NEEDS CRITERIA FOR CONSIDERING A SUPERVISED SCHOOL CROSSING FOR A VIC ROADS SUBSIDY

216

Children with disabilities

Obtain data from school

How many disabled children walk, drive or get to school by other means and use the crossing? *Special Need satisfied if at least one disabled student uses the crossing*

Other special needs

- Social issues parent support. Special Need should be considered if a student, whose parent requires social support, uses the crossing.
- Economic issues car ownership. Special Need should be considered in areas where car ownership levels are low or if it is likely that not having a crossing will discourage walking.
- Health issues Special Need should be considered where it is likely that not having a crossing will discourage walking.

Safety

Speed Issues

Special need should be considered in any of the following situations

- If the 85 percentile speed is 10km/h greater than the legal limit because that means that the Stopping Sight Distance is 30-40% greater than if cars were not speeding
- If the speed limit is 70 kmh or higher
- If the crossing is an isolated school crossing without a School Speed Zone
- If the volume of students crossing relative to speed is considered a risk
- If the speed limit changes within 100 metres of the crossing
- If the crossing is within a School Speed Zone with poor compliance

Road Geometry

Special need should be considered in any of the following situations

- If the Road classification indicates a higher level of risk
- If the Orientation of the road indicates a higher level of risk
- If the crossing is less than 30 metres from an intersecting road
- If the crossing traverses more than 2 carriageways
- If the crossing traverses a turn lane
- If the crossing is near or within an area including parking lanes or bays
- If the crossing is near or within an area including bicycle lanes
- If the safety at the crossing is compromised at times by sun glare



Sight Distance

Special need should be considered in any of the following situations

- If the crossing is less than Safe Intersection Sight Distance from a crest
- If the crossing is less than Safe Intersection Sight Distance from a bend
- If the sight distance to/from the crossing is compromised by roadside infrastructure or vegetation

Volume of Heavy Vehicles/Traffic

Special Need should be considered in any of the following situations

- If the percentage or number of heavy vehicles indicates a higher level of risk
- If the volume of traffic indicates a higher level of risk (1000veh/hr is high)
- If a Gap Acceptance analysis shows that there is insufficiently long gaps in the traffic stream for pedestrians to safely cross
- if pedestrians take risks by attempting to cross gaps in the traffic stream that are not safe
- If the types of heavy vehicles tend to be large and indicate a higher level of risk
- Info is available from Commercial Vehicle volumes in turning movement counts and Classified volumes from tube counts

Pedestrian Generators

Special Need should be considered if any of the following pedestrian generators benefit from the crossing operation

- The subject School
- Other Schools
- Nearby Shops
- Train Station
- Community Facilities
- Aged Pedestrians/Retirement Villages
- Nearby Playgrounds

Alternative Pedestrian Facilities/Treatments

This section notes treatments that Special Need criteria could be used to help justify because the treatment may overcome the Special Need. Similarly if the crossing had the treatment concerned then the Special Need might need to be reviewed:

- Pedestrian Operated Signals
- Rationalising crossings to other safe crossing points within reasonable distance
- Pedestrian refuge islands
- Local Area Traffic Management treatments

-KNOX POLICY

SCHOOL CROSSING PROGRAM

Policy Number:	2005/10	Directorate:	City Development
Approval by:	Council	Responsible Officer:	Manager — City Safety and Health
Approval Date:		Version Number:	4
Review Date:		Cips	

1. Purpose

This The purpose of this policy has been prepared is to provide a consistent approach to the provision of school crossing services throughout the municipality. The policy provides guidelines for the installation of new crossings, the process for reviewing crossing eligibility for annual funding from VicRoads and how to deal with school crossings that no longer meet the VicRoads' warrants for a subsidy.

2. Context

Council is required by VicRoads to review its school crossings annually and provide information from this review to VicRoads to indicate that each crossing meets or exceeds the warrants for eligibility in order to receive annual funding. <u>AnnualThe</u> funding for the <u>school crossing</u> program <u>is shared between an annual subsidy</u> from VicRoads <u>has decreased since the inception of the program for approved crossing</u>, <u>and Council annual operating budget</u>. The eligibility criteria for the school crossing subsidy was changed by VicRoads in 2004, to remove the onus for determining special needs for school crossings from Council to VicRoads.

<u>2.3.</u> Scope

This policy will apply to all school crossings within the municipality.

3.4. References

4.1 City Plan 2013 17 (incorporating the Community & Council Plan 2017-2021

- Healthy Connected Communities
- Prosperous, Advancing Economy
- Vibrant and Sustainable Built and Natural Environments
- Democratic and Engaged Communities

Appendix B – Tracked changes to School Crossing Program Policy 2015

- 4.2 Relevant Legislation
 - VicRoads Training Manual Volume 1, Chapter 4, Edition 3.
- 4.3 Charter of Human Rights
 - This policy has been assessed against and complies with the <u>Chartercharter</u> of Human Rights.
- 4.4 Related Council Policies

Nil

• NIL

- 4.5 Related Council Procedures
 - Nil

4.5. Definitions

Detail any definitions within the policy.

School Crossing	Means a crossing that has been installed primarily for the purpose of children and carers crossing a road or carriageway to assist access to and from a school (either primary or secondary) and is supervised by a school crossing supervisor.
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The eligibility criteria for subsidy under the School Crossing Program is as follows:

1. Children's crossings for primary school children – where the number of children (minimum of 20) multiplied by the number of vehicles in the hour (minimum 100) exceeds 5,000.

2. Children's crossings for secondary school children – where the number of children (minimum of 20) multiplied by the number of vehicles in the hour (minimum 250) exceeds 25,000.

3. Pedestrian operated signals – more than 20 primary school children per hour.

4. Other crossings – where the Council obtains VicRoads' agreement to the need for supervision on account of special needs (eg children with disabilities) or other factors affecting safety such as excessive vehicle speed, road geometry, limited sight distance, volume of heavy vehicles or road width.

5.<u>6.</u> Council Policy

Council policy in regards to the installation of new crossings and retention of ongoing crossings is as follows:

6.1 New Crossings

In determining requests for new school crossings the following guidelines will apply:

1. <u>New crossingsA new crossing</u> will only be created where <u>they meetit meets</u> the eligibility criteria for subsidy by VicRoads. This can include either numerical or special needs criteria.

- 2. The process to determine whether the crossing meets the eligibility criteria will beis based on undertaking a survey of the number of pedestrians that currently cross in or around the proposed location and a vehicle count. Staff may also apply projected pedestrian usage for the crossing based on the actual count and other criteria relevant to the crossing. These figures will beare used to determine whether they meet the numerical requirements of a crossing subsidy. Council's Engineering ServicesTraffic & Transport Department will develop a matrix foruse their special needs criteria (refer Appendix 1) to determine and any crossingsadvise if a crossing that dodoes not meet the numerical requirements and are being can be established under special needs. A copy of the current guidelines is attached as Appendix 1 to this policy.
- 3. In determining a crossing location, consultation will beis undertaken with the relevant schools, and the Council's Local Laws departmentand Traffic and Transport departments.
- 4. Other criteria that will be considered in determining a new crossing is as follows:
 - Details must be provided of anyrequired additional supporting infrastructure needs including footpaths, trees, drainage etc.
 - Assessment of other crossings within the area.
 - Any existing pedestrian lights or intersections that could be used as an alternative crossing point.
 - Safety will be a primary concern both for the use of the crossing staff and vehicular traffic. This includes sighting, overhanging vegetation and the like.

Sticial Min

6.2 Ongoing Crossings

Once <u>installed</u>, a crossing is <u>installed it must be</u> assessed in accordance with the subsidy guidelines from VicRoads. The annual assessment <u>will beis</u> done on the following basis:

Category 1

Those crossings where the date since the last warrant check is more than three years old in accordance with VicRoads' guidelines.

To retain eligibility for a subsidy, VicRoads require that all crossings must be reassessed at a minimum of onceleast every three years.

Category 2

Any crossings that have been identified as unsubsidised crossings that are still operating as unsubsidised crossings.

Category 3

All crossings that were borderline in the previous warrant check. This includes any crossings that did not meet either the pedestrian or vehicular counts or SCOFEd where the number of children (minimum 20) multiplied by the number of vehicles in the hour (minimum 100) totals less than 105,000 for primary schools or 5025,000 for secondary schools.

This will provide sufficient time for liaison to liaise with schools in regards to crossings that are performing marginally above the counts required for an ongoing subsidy. If a school crossing drops below the required level, there is an increased period of time for the school community to redress the issue.

Category 4

The balance of crossings will only be checked when they fall into category 1 to 3 on a periodical basis.

This ensures that staff time is concentrated on crossings that are of higher priority butwhile at the same time ensure compliance with VicRoads' requirements.

Any crossings in categories 1 to 3 that still do not meet the warrant requirements for a subsidy for the upcoming financial year <u>are to will</u> be listed for further counts throughout the school year up to when counts are required to be lodged with VicRoads.

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- 1. The crossing is retained as a subsidised crossing up until 30 June of the following year.
- 2. The relevant school will be advised that it no longer meets the warrants and that the crossing will be retained unsubsidised from 1 July up until the end of the relevant calendar year.
- 3. Staff will continue to carry out periodic checks of the crossing and if it meets the warrant requirements any time up to the period that the next subsidy application is due, the crossing will be retained for the balance of the financial year as it will be eligible for a subsidy for the ensuing financial year.
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<u>School Crossing Program</u> <u>Appendix 1</u>

TRAFFIC & TRANSPORT - SPECIAL NEEDS CRITERIA FOR CONSIDERING A SUPERVISED SCHOOL CROSSING FOR A VIC ROADS SUBSIDY

Children with disabilities

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Appendix B – Tracked changes to School Crossing Program Policy 2015

Sight Distance

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 or vegetation

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Special Need should be considered in any of the following situations

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<u>Special Need should be considered if any of the following pedestrian generators benefit</u> <u>from the crossing operation</u>

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- Nearby Shops
- Train Station
- Community Facilities
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Alternative Pedestrian Facilities/Treatments

This section notes treatments that Special Need criteria could be used to help justify because the treatment may overcome the Special Need. Similarly if the crossing had the treatment concerned then the Special Need might need to be reviewed:

- Pedestrian Operated Signals
- Rationalising crossings to other safe crossing points –

within reasonable distance

- Pedestrian refuge islands
- Local Area Traffic Management treatments

COUNCILLOR HOLLAND VACATED THE CHAMBER AT 7.46PM DURING DISCUSSION ON ITEM 6.10

COUNCILLOR KEOGH VACATED THE CHAMBER AT 7.47PM DURING DISCUSSION ON ITEM 6.10

ALL WARDS

6.10 RESPONSE TO CALL UP ITEM - IN-HOUSE PROSECUTIONS OFFICER

SUMMARY: Manager – City Safety and Health (Steven Dickson)

This report provides information regarding Council's in-house prosecutions function, as requested at the Strategic Planning Committee meeting of Council on 14 May 2018 (Call Up Item 5.2.1).

RECOMMENDATION

That Council receives and notes the report in regards to Call Up Item 5.2.1 of the Strategic Planning Committee meeting of Council on 14 May 2018.

1. INTRODUCTION

This report responds to Call Up Item 5.2.1 from the Strategic Planning Committee meeting of Council held on 14 May 2018:

"That Council receive a report at the July 2018 Ordinary Meeting of Council that outlines:

- 1. For the 2 financial years prior to the engagement of an in-house prosecutions officer;
 - a. The number of prosecutions per (financial) year
 - b. The cost of prosecutions per prosecution
 - c. The fine revenue that Council received as a result of prosecutions
 - d. The number of major breaches for:
 - i. Dog Attacks
 - *ii.* Food Act breaches
 - iii. Local Law offences
 - e. Whether various documents were prepared in-house or externally.
- 2. For the financial years since an in-house prosecutions officer was engaged;
 - a. The number of prosecutions per (financial) year
 - b. The cost of prosecutions per prosecution
 - c. The fine revenue that Council received as a result of prosecutions
 - d. The number of major breaches for:
 - *i.* Dog Attacks
 - *ii.* Food Act breaches
 - *iii.* Local Law offences
 - e. Whether various documents were prepared in-house or externally.
- 3. How the "free legal advice" to various employees in the execution of their council duties is accounted for including any potential liability".

As part of undertaking the work required for this Call Up Item, officers have had regard to Council's Call Up Items Policy, and in particular, Item 6.5 which states:

"Where preparing a report responding to a Call Up Item which will require more than three person days or \$5,000 in costs, then the matter which is subject to the Call Up Item should be referred by Council to the next budget considerations with a supporting business case for consideration along with competing priorities."

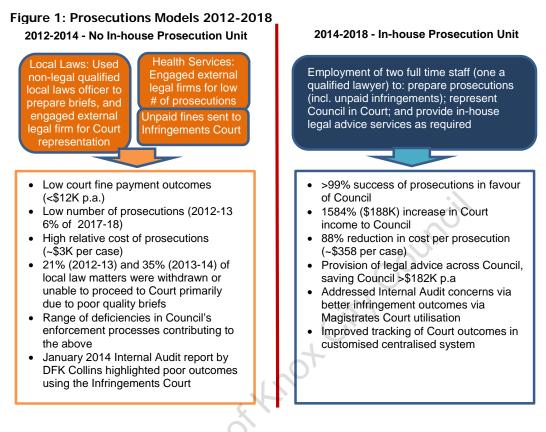
The report provides analysis and information since the formalisation of the inhouse prosecution services' unit in the City Safety and Health department, compared to the prior two years.

2. DISCUSSION

2.1 Background

Council has enforcement responsibilities outlined in various Victorian legislation, that will require prosecution before a Court of Law, and hence requiring Council representation at Court by suitably qualified person (e.g. an enforcement officer) or a lawyer. This includes direct Council prosecution of matters where the law does not provide for the imposing of a fine such as: Major Dog Attacks under the *Domestic Animal Act 1994*, serious breached of *the Food Act 1984*, *Prevention of Cruelty to Animals Act 1986* matters, *Public Health & Wellbeing Act 2008* matters, and the *Building Act 1993*. Unpaid infringements at the end of the infringement cycle are also referred to Court; and a person may elect to have their matter heard before the Court.

On 9 December 2014 Council adopted a Local Laws Service Plan moving from an educative to a balanced 50:50 education and enforcement approach utilising an 'ask, tell and enforce' strategy. Figure 1 below provides a summarised view of the structure and outcomes both prior and subsequent to the establishment of the in-house prosecution service under the new Service Plan.



Implementation of the Local Laws Service Plan has contributed to improved output performance, with the Prosecutions service contributing to these. In the 2018 Local Government Community Satisfaction Survey, there was a four (4) percentage point lift in community satisfaction with Council's performance in relation to community laws.

'Notably, enforcement of local laws (index score of 68) represents a further area where Council is performing well, with perceptions significantly higher compared to 2017 (index score of 64). This area is also rated significantly higher than the State-wide and Metro group council averages.'¹

¹ JWS Research, J00643 Community Satisfaction Survey 2018 - Knox City Council

This has also flowed through to improved local laws performance, as shown in Table 1:

Output	2013-2014	2017-2018	% Change
Animals Registered	25,626	25,563	0%
Animal Registration Income	\$779,186	\$1,069,495	+37%, +9.3% p.a.
Final Reminder Notices Issued for Animal Registration	3,744	1,981	(47%)
Unregistered Animal Infringements Issued	632	648	0%
Parking Infringements Issued	4,157	7,157	+72%
Parking Infringements Paid %	70% (2013)	79% (2017)	+9рр
Parking Infringements Income	\$362,976	\$471,637	(3.9%)

Table 1: Selected Local Laws Outputs Comparison

The Director City Development advised the meeting that table 1 would be amended in the minutes to reflect the correct infringement income.

2.2 Prosecutions Data (Q1&2a-e)

Table 2 provides a summary of the data requested including:

- Two years prior to the formalisation of the in-house prosecution services' unit (2012-13 and 2013-14); and
- For the four financial years since (2014-15 to 2017-18).

In Appendix A, explanatory notes to Table 1 are provided.

Question		Notes	2012-13	2013-14		2014-15	2015-16	2016-17	2017-18
1a & 2a	Number of Prosecutions per year	(a)	52	34		210	482	819	857
1b & 2b	Cost per prosecution	(b)	\$2,911	\$3,054		\$1,022	\$534	\$379	\$358
1c & 2c	Fine revenue ² Council received as a result of prosecutions		\$11,918	\$5,754		\$52,093	\$72,500	\$105,114	\$200,748 ³
1d & 2d	The number of major breaches for:	(c)					,00		
i.	Dog attacks	(d)	11	8		15	5	12	11
ii.	Food Act breaches	(e)	2	1	+	O1	2	7	6
iii.	Local Law offences	(f)	-	.100)'	-	-	-	-
1e & 2e	Whether various documents were prepared in-house or externally		house legally o staff, & b	tion of in- by non- qualified y external irms ⁴		and so correspor	ummons, an ndence relat luly 2014 ha	ecution brief id associated ing to all pro ive been pre use	d legal secutions

Table 2: Key Prosecutions Data 2012-2018

2.3 Internal Legal Advice (Q3)

Duties of Council's qualified in-house lawyer employed in the City Safety and Health department, include providing legal advice to a range of Council officers involved in compliance and enforcement. This includes advice in relation to investigations and prosecutions; the development and implementation of enforcement, compliance agreements and contracts, strategies and policies for Council; and other legal matters.

There is no internal cost allocation or recovery for these legal advice services provided to other departments across Council. The in-house lawyer currently spends approximately one (1) day (7.6 hours) per week in providing this service. The use of an equivalent external Senior Associate lawyer is estimated in excess of \$182,400 per year based on current contracted legal services available to Council.

² Actual court order costs paid to and received by Council.

³ 2017-18 Income is under-stated due to the introduction of Fines Victoria from 1 January 2018, with Court monies payable to Council outstanding.

⁴ Health Services program engaged Maddocks and MacPherson & Kelley lawyers; Local Laws engaged Richard Davis and Associate lawyers.

Each matter of internal legal advice is recorded in a secure Council file. Council's in-house lawyer acts on the instruction of the department, and refers the relevant program or department to seek specialist external legal advice where relevant. This ensures they deliver on their duties of acting in the best interests of Council, and undertaking the role within scope of their employment duties.

In regards to liability exposure, Council has Professional Indemnity insurance policy coverage (to a limit of \$500 Million) for any legal liability to third parties for injury and/or damage caused by the provision of professional advice given by staff of Council, in execution of their employment/ council duties.

3. CONSULTATION

Not applicable.

4. ENVIRONMENTAL/AMENITY ISSUES

The adherence of legislative compliance across the range of Victorian laws are central to the objectives of the General Provisions Local Law 2010 to protect public health, safety and amenity in the municipality. The Courts support the upholding of law, and the penalties applied act as both a precedence and a deterrent to those who breach the laws.

5. FINANCIAL & ECONOMIC IMPLICATIONS

There was a net benefit to Council in 2017-18 of \$76,342 in providing an inhouse prosecutions function that also provides internal legal advice to Departments relating to Council business. Refer Table 3 below for details.

Prosecutions Income		\$200,748 ⁵
Prosecutions Service Expenses		
Salaries & On Costs	\$197,508	
Compulsory Court filing and associated Legal Search Fee	\$81,196	
External Legal Advice	\$18,015	
Other Expenses	\$10,087	(\$306,806)
Internal Advice Savings		\$182,400 ⁶
Net Benefit (Cost)		\$76,342

Table 3: Prosecutions Financials 2017-18

⁵ 2017-18 Income is under-stated by approximately \$93K. Court monies payable to Council from 1 Jan to 30 June 2018 are sitting with Fines Victoria for payment.

⁶ Based on 7.6 hours per week, 48 weeks per annum based on current contracted legal services available to Council

It is important to note that the 2017-18 Prosecutions Income is under-stated by approximately \$93K. From 1 January 2018 Fines Victoria became responsible for administering the collection and payment of money relating to unpaid infringements and court orders to enforcement agencies. There have been significant teething problems and money payable to Council from 1 January 2018 is outstanding. This is not isolated to Knox City Council, with other enforcement agencies in Victoria similarly impacted.

For comparative purposes, based on contracted legal service rates, if Council was to outsource this function based on current prosecution volumes it would cost in excess of \$1.0 million per annum.

6. SOCIAL IMPLICATIONS

There are high community expectations that Council will advocate and achieve compliance with the range of Victorian laws that Council are authorised to uphold, and that Council exercise their powers to ensure law and order, and maintain amenity across the municipality.

Prosecution action is the legal mechanism provided for under both Victorian and Australian law, to allow the Court to act as an independent decision maker, and the mechanism to uphold the rule of law.

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

The functions undertaken by the in-house prosecution service support the following goals and strategies outlined in the Knox Community and Council Plan 2017-2021:

Goal 4: We are safe and secure

Goal 8: We have confidence in decision making

8. CONFLICT OF INTEREST

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

Officer Responsible and Author – Steven Dickson, Manager City Safety and Health - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

Author – Janet Simmonds, Coordinator Business Support - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

9. CONCLUSION

The in-house prosecutions service is delivering a range of both legal and financial benefits to Council through:

- Increased recovery of Court awarded fines to Council.
- Increased income collected through the settlement of unpaid infringements (prior to Court).
- Provision of legal advice and support to a variety of officers exercising powers on behalf of Council, that would otherwise not have been available, or accessed under limited circumstances due to the high cost of purchasing external legal services.

With respect to prosecution outcomes, the high quality advice provided prior to the commencement of a prosecution matter is resulting in over 99% of matters being successful.

In financial terms the use of an in-house prosecution service represents a positive outcome for Council, both in control of expenses, as well as achieving much lower rates of unpaid fines. The service also provides regular advice to officers in regards to improving evidence gathering and procedural issues that would not be received from external providers.

10. CONFIDENTIALITY

There are no issues of confidentiality associated with this report.

COUNCIL RESOLUTION

MOVED: CR. LOCKWOOD SECONDED: CR. PEARCE

That Council:

- 1. Receives and notes the report in regards to Call Up Item 5.2.1 of the Strategic Planning Committee meeting of Council on 14 May 2018; and
- 2. Refers this report to a Confidential Issues Briefing in 2018 including:
 - a) The number of Prosecutions by infringement / breach type for 2017-18;
 - b) The number of internal legal advice files by type provided in 2017-18; and
 - c) An example of the contents of internal legal advice files stored in secure council files.

CARRIED

23	July	201	8
20	July	201	U

APPENDIX A -	 Explanatory 	Notes to	Table 1
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Question		
reference	Reference	Description
(a)	Number of Prosecutions per year	The number of prosecution matters/files opened increased from 1 July 2015, when Council commenced referring unpaid infringements to the Magistrates Court, due to the poor outcomes delivered through the Infringements Court, and in response to Council Internal Audit Report outcome (Jan 2014) of the poor income collection outcomes being delivered by the Infringements Court.
(b)	Cost of Prosecutions	Amounts in Table 1 represent the total cost of Council's in-house Prosecution Service (including external court filing fees and legal search costs) per prosecution file opened by Council.
(c)	Major breaches	For the purposes of this report, 'major breaches' are defined as legislative breaches that Council has referred directly to Court, as they either cannot be dealt with by way of an infringement (under the legislation), or are of such a high risk to public safety that direct prosecution is supported. The numbers provided represent the number of defendants prosecuted (not the number of breaches) i.e. One (1) matter may relate to numerous charges/breaches under the Act.
(d)	Dog attacks	Council will investigate and prosecute all dog attacks and non-infringeable breaches of the Domestic Animals Act, when there is willingness of the victim and/or sufficient evidence to support the charges laid.
(e)	Food Act breaches	Council will investigate all reports of suspected food complaints and breaches, as well as undertake a mandatory annual inspection of all registered food premises in the municipality. Prosecutions for food safety breaches may be initiated where there has been serious non-compliance or a repeated failure to comply with the <i>Food Act 1984</i> .
(f)	Local Law offences	All breaches of the Council's General Provisions Local Law 2010 are dealt with by way of infringement. To date, there have been no major local law breaches that Council have elected to prosecute directly.

COUNCILLOR KEOGH RETURNED TO THE CHAMBER AT 7.51PM PRIOR TO PUBLIC QUESTION TIME

COUNCILLOR GILL VACATED THE CHAMBER AT 7.57PM DURING PUBLIC QUESTION TIME

COUNCILLOR GILL RETURNED TO THE CHAMBER AT 8.02PM DURING PUBLIC QUESTION TIME

7. PUBLIC QUESTION TIME

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

Question Time commenced at 7.55pm.

The following questions were raised with Council:

Question 1	Can you please explain why Council is considering re zoning and selling the Heritage asset of Miller's Homestead which is detailed in the 1993 Knox Heritage Study, when at the Council meeting on 25/6/2018, Council approved the preparation of a business case to review this Heritage Study and acknowledged the possibility of performing a Heritage Strategy in the future?
Answer	Director Oxley advised it was resolved to rezone the land. Council acknowledges the heritage significance of Miller's Homestead. The heritage overlay will remain and the intention is to update it. Councillor Mortimore added that there will be a lengthy period of consultation before a decision is made on whether to progress the rezoning amendment. Council will ensure all submissions are reviewed. Councillor Mortimore believes this is a positive phase for Miller's Homestead and that Council will seek to protect Heritage values.
Question 2	Is there going to be a greater emphasis on public transport in the future? I feel it Is near impossible to venture places, especially on bike, without a car. We have a fantastic opportunity in the land that we are on to include such transportation methods yet I see so little of them, especially with the prominence of nature compared to more inner suburbs. How do you think that driverless cars will change Knox? Please for the love of all things holy and unholy don't support them more than public transit.
Answer	Acting Director Hanrahan responded that Council don't see driverless cars usurping the public transport provision. We understand there is an element of mistrust in the performance of driverless cars based on its affect overseas. Autonomous vehicles are a complimentary piece. Public transport will always be part of the agenda as we look to assist those people who do not have access to public transport. Councillor Taylor added that bicycles are a great way to get around. Knox has many bicycle facilities and tracks, particularly

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	south of Wantirna South, to make it easier for residents as far as
	transportation is concerned.
Question 3	With regard to footpaths in Montana Ave, Boronia- I contacted Council planning to discuss building a front fence. I was informed by the planning officer that the overlay / covenant would not allow front fences or footpaths. At what point was this changed?
Answer	Acting Director Hanrahan noted that Council has received many submissions towards a footpath on Montana Ave and allocated money towards the path. Council staff searched back to original documentation from 1973 where there was a petition by residents who did not want a footpath. Council provided a recommendation not to build a footpath at that time as there was other context surrounding amenity and safety. Council are moving into a new era where access for people of all abilities assists people through the form of a footpath.
Question 4	I would like to understand the rationale for approving footpaths in Montana Ave Boronia in respect of safety and pedestrian access raised BHPS's submission.
Answer	Acting Director Hanrahan referred to his previous response regarding the building of the footpath. Acting Director Hanrahan also noted that not all residents of the street were opposed to the footpath and that some were requesting the installation of a footpath. Acting Director Hanrahan noted that footpaths encourage more exercise and less traffic.
Question 5	Re: proposed footpath "Montana Avenue Boronia" What is proposed and what alterations to St use and access by occupants
Answer	Acting Director Hanrahan advised he had already responded to this question. Councillor Gill added that whilst he appreciates that some residents are upset by the proposed footpath that from a risk management perspective if a child was knocked over that everyone would blame Council for not building a footpath. Councillor Gill advised he is happy to consult further on the matter.

Question Time concluded at 8.12 pm