

# Agenda

**Ordinary Meeting of Council** 

To be held at the

**Civic Centre** 

511 Burwood Highway

Wantirna South

On

Tuesday 29 January 2019 at 7:00 pm

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Tony Doyle Chief Executive Officer

# 1 Apologies and Requests for Leave of Absence

# 2 Declarations of Conflict of Interest

# 3 Confirmation of Minutes

Confirmation of Minutes of Ordinary Meeting of Council held on Monday 17 December 2018

# 4 Petitions and Memorials

# 5 Reports by Councillors

# 5.1 Committees and Delegates

# 5.2 Ward Issues

# 6 City Development Officers' Reports for consideration

# 6.1 Planning Applications Decided Under Delegation

# SUMMARY: Acting Manager, City Planning & Building, Greg Kent

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 December to 31 December 2018) be noted.

# 1. REPORT

Details of planning applications decided under delegation from 1 December to 31 December 2018 are attached. The applications are summarsied as follows:

	Application Type	No
Building & Works:	Residential	6
	Other	10
Units		15
Single Dwelling		12
Subdivision		11
Tree Removal/Pruning		9
Change of Use		1
Liquor License		1
Removal of Easement		1
Variation of Covenant		1
TOTAL		67

Report Prepared By:	Acting Manager, City Planning & Building, Greg Kent
Report Authorised By:	Acting Director, City Development, Paul Dickie

# Attachments

Nil

# **Knox City Council**

# Planning Applications Decided by Responsible Officer

# 1 December – 31 December 2018

Ward	No/Type	Address	Description	Decision
Baird	2018/6569	1-5 Corporate Boulevard BAYSWATER VIC 3153	Buildings and works - business identification signage	14/12/2018 Approved
Baird	2018/6494	4 Whithers Road BAYSWATER VIC 3153	Construction of a two storey dwelling to the rear of the existing dwelling and a two (2) lot subdivision	19/12/2018 Approved
Baird	2018/6719	8/38 Corporate Boulevard BAYSWATER VIC 3153	Buildings and works to extend a mezzanine floor	14/12/2018 Approved
Baird	2018/6504	23 Woodmason Road BORONIA VIC 3155	Development of five dwellings, reduction in visitor parking to zero and five lot subdivision	27/12/2018 Approved
Baird	2018/9183	6/3 Dunlop Court BAYSWATER VIC 3153	Installation of a mezzanine floor to factory	13/12/2018 Approved
Baird	2018/6561	180 Boronia Road BORONIA VIC 3155	15 lot subdivision (Approved unit site)	12/12/2018 Approved
Baird	2018/9178	19 Gabrielle Court FERNTREE GULLY VIC 3156	Two (2) lot subdivision (Approved Unit Site)	4/12/2018 Approved
Baird	2018/6323	184 Boronia Road BORONIA VIC 3155	The construction of five (5) double storey dwellings on the land and alterations to the access of a category 1 road	5/12/2018 Approved
Baird	2018/6576	19 Gibbs Road FERNTREE GULLY VIC 3156	Four lot subdivision in two stages	18/12/2018 Approved
Baird	2018/9173	4 Murene Court BORONIA VIC 3155	Pruning of one (1) Eucalyptus cephalocarpa	5/12/2018 Approved
Baird	2018/6620	198 Dorset Road BORONIA VIC 3155	Works to the existing carpark	7/12/2018 Approved
Chandler	2018/9180	19 & 21 Pope Avenue BORONIA VIC 3155	3 lot subdivision (Approved unit site)	17/12/2018 Approved
Chandler	2018/6187	2 & 4 Rosella Avenue BORONIA VIC 3155	Development of the land for 16 three storey dwellings	24/12/2018 Notice of Decision
Chandler	2018/6591	70 Boronia Road BORONIA VIC 3155	Four lot subdivision (approved development site)	27/12/2018 Approved

Ward	No/Type	Address	Description	Decision
Chandler	2018/6342	292 Forest Road THE BASIN VIC 3154	Single storey additions and garage to existing dwelling	13/12/2018 Approved
Chandler	2018/6632	14 Locksley Place THE BASIN VIC 3154	Development of the land for a double storey dwelling	27/12/2018 Approved
Chandler	2018/9177	7 Hayles Street BORONIA VIC 3155	Remove one (1) Eucalyptus saligna	11/12/2018 Approved
Chandler	2018/6582	14 Bambury Street BORONIA VIC 3155	Five lot subdivision (approved development site)	18/12/2018 Approved
Chandler	2018/6709	20 Olive Grove BORONIA VIC 3155	Remove six (6) Eucalyptus sp	18/12/2018 Approved
Chandler	2018/6645	12 Locksley Place THE BASIN VIC 3154	Development of the land for a single dwelling and outbuilding	10/12/2018 Approved
Chandler	2018/6644	1/2 Normleith Grove BORONIA VIC 3155	Buildings and Works (Extension to existing dwelling)	7/12/2018 Approved
Chandler	2018/9168	5 St Ives Court THE BASIN VIC 3154	Removal of one (1) Eucalyptus obliqua	6/12/2018 Refused
Chandler	2018/6538	11 Locksley Place THE BASIN VIC 3154	Construction of a single dwelling	4/12/2018 Approved
Chandler	2018/9160	3 Dobson Lane THE BASIN VIC 3154	Construction of a Carport	4/12/2018 Approved
Collier	2018/6084	36 & 38 Cavendish Avenue WANTIRNA VIC 3152	7 lot subdivision (Approved Unit Site)	14/12/2018 Approved
Collier	2018/6343	30 Gresford Road WANTIRNA VIC 3152	Development of the land for five (5) three storey dwellings and altering access to a Category 1 Road	18/12/2018 Notice of Decision
Dinsdale	2018/9181	121 Lewis Road KNOXFIELD VIC 3180	New canopies and roller door to existing warehouse	12/12/2018 Approved
Dinsdale	2018/6469	59 Somerset Street WANTIRNA SOUTH VIC 3152	Development of two (2) double storey dwellings on the land	27/12/2018 Notice of Decision
Dinsdale	2018/6539	8 Darwin Road BORONIA VIC 3155	The development of the land for a double storey dwelling to the rear of the existing dwelling	21/12/2018 Approved
Dinsdale	2018/6509	263 Stud Road WANTIRNA SOUTH VIC 3152	The development of the land for seven (7) three storey dwellings, alteration of access	18/12/2018 Notice of Decision

# to a road in a Road Zone Category 1

Ward	No/Type	Address	Description	Decision
Dinsdale	2018/6276	17 Mitre Crescent BAYSWATER VIC 3153	Development of two (2) double storey dwellings	13/12/2018 Notice of Decision
Dinsdale	2018/9184	18/573 Burwood Highway KNOXFIELD VIC 3180	Extend existing mezzanine floor area for storage	19/12/2018 Approved
Dinsdale	2018/6540	15 Darwin Road BORONIA VIC 3155	Development of the land for two double storey dwellings	28/12/2018 Notice of Decision
Dobson	2018/6661	17 Walbundry Avenue FERNTREE GULLY VIC 3156	Remove three (3) Eucalyptus sp and prune three (3) Eucalyptus sp	13/12/2018 Approved
Dobson	2018/6670	15 Francis Crescent FERNTREE GULLY VIC 3156	The construction of a single dwelling on the land	18/12/2018 Approved
Dobson	2018/9179	27 Acacia Road FERNTREE GULLY VIC 3156	Removal of one (1) Cedrus deodara - Hymalayan Cedar	7/12/2018 Approved
Dobson	2018/6550	5 Grand Valley Terrace LYSTERFIELD VIC 3156	Removal of easement	19/12/2018 Approved
Dobson	2018/6562	74 Forest Road FERNTREE GULLY VIC 3156	Buildings and Works (Shed)	18/12/2018 Approved
Dobson	2018/9185	31 Perra Street FERNTREE GULLY VIC 3156	Steel shed	17/12/2018 Approved
Dobson	2018/6315	8 Halsey Street FERNTREE GULLY VIC 3156	Buildings and works (dwelling extension and garage) and tree removal	10/12/2018 Approved
Dobson	2018/6518	10 Dorian Avenue FERNTREE GULLY VIC 3156	The construction of a double storey dwelling	4/12/2018 Approved
Dobson	2018/6686	19 Alexander Crescent FERNTREE GULLY VIC 3156	Removal of one (1) Eucalyptus radiata and pruning one (1) Liquidambar styraciflua	12/12/2018 Approved
Friberg	2018/6594	25 Anne Road KNOXFIELD VIC 3180	Two (2) lot subdivision (approved unit site)	21/12/2018 Approved
Friberg	2018/9182	1762 Ferntree Gully Road FERNTREE GULLY VIC 3156	Two (2) lot subdivision (approved unit site)	13/12/2018 Approved
Friberg	2018/6321	12 Trevena Close ROWVILLE VIC 3178	Variation of Covenant M162551C to allow more than one dwelling on the lot	21/12/2018 Refused

Ward	No/Type	Address	Description	Decision
Friberg	2018/9165	13/7 Samantha Court KNOXFIELD VIC 3180	Construction of a mezzanine floor in an existing warehouse	13/12/2018 Approved
Friberg	2018/6592	7 Holme Road FERNTREE GULLY VIC 3156	The development of the land for two (2) double storey dwellings	24/12/2018 Approved
Friberg	2018/6622	1728 Ferntree Gully Road FERNTREE GULLY VIC 3156	Three (3) lot subdivision (Approved Unit Site)	28/12/2018 Approved
Friberg	2018/6722	23 King Parade KNOXFIELD VIC 3180	Two (2) lot subdivision (approved unit site)	28/12/2018 Approved
Friberg	2018/6595	26 Rushdale Street KNOXFIELD VIC 3180	Construction of six new warehouse units with ancillary mezzanine office and external works and reduction in car parking	10/12/2018 Approved
Friberg	2018/6339	41 Dobson Street FERNTREE GULLY VIC 3156	The development of the land for two (2) double storey dwellings and one (1) single storey dwelling (total of three (3) dwellings) and removal of vegetation	18/12/2018 Notice of Decision
Friberg	2018/6489	24 Frudal Crescent KNOXFIELD VIC 3180	Development of the land for a two storey dwelling to the rear of the existing dwelling.	18/12/2018 Notice of Decision
Friberg	2018/6579	35 Adele Avenue FERNTREE GULLY VIC 3156	Three (3) lot subdivision (Approved Unit Site)	17/12/2018 Approved
Friberg	2018/6691	2/1 Amay Crescent FERNTREE GULLY VIC 3156	Buildings and Works (Mezzanine storage area)	18/12/2018 Approved
Scott	2018/6317	191 George Street WANTIRNA SOUTH VIC 3152	Change of use (storage caravans, boats and floats)	17/12/2018 Approved
Scott	2018/6174	500 Burwood Highway WANTIRNA SOUTH VIC 3152	Two (2) lot subdivision (Approved Unit Site)	4/12/2018 Approved
Scott	2018/6656	115 Harley Street North KNOXFIELD VIC 3180	Two (2) lot subdivision (Approved Unit Site)	3/12/2018 Approved
Taylor	2018/6662	1 & 2/4 Willow Avenue ROWVILLE VIC 3178	Two (2) lot subdivision (Approved Unit Site)	3/12/2018 Approved
Taylor	2018/6655	17 McKay Road ROWVILLE VIC 3178	Removal of one (1) Eucalyptus sideroxylon and one (1) Eucalyptus melliodora	7/12/2018 Approved

Ward	No/Type	Address	Description	Decision
Taylor	2018/6173	72 Major Crescent LYSTERFIELD VIC 3156	Development of the land for one (1) single storey and one (1) double storey dwelling (total 2 dwellings)	10/12/2018 Notice of Decision
Taylor	2018/6587	Sh 1 & Off 1 1100 Wellington Road ROWVILLE VIC 3178	An increase of the liquor licensed sales area in the existing licensed supermarket	17/12/2018 Approved
Taylor	2018/6503	8 Airedale Way ROWVILLE VIC 3178	Development of the land for a double storey dwelling to the rear of the existing dwelling	27/12/2018 Approved
Tirhatuan	2018/6416	Lot RES5 Henderson Road KNOXFIELD VIC 3180	Construction of a road bridge and vegetation removal	4/12/2018 Notice of Decision
Tirhatuan	2018/6728	77 Grayson Drive SCORESBY VIC 3179	Two (2) lot subdivision (Approved Unit Site)	28/12/2018 Approved
Tirhatuan	2018/9175	10 Third Avenue ROWVILLE VIC 3178	Two (2) lot subdivision (Approved Unit Site)	4/12/2018 Approved
Tirhatuan	2018/9186	112 Seebeck Road ROWVILLE VIC 3178	Removal of one (1) Eucalyptus saligna	19/12/2018 Approved
Tirhatuan	2018/6552	6 Enterprise Drive ROWVILLE VIC 3178	Ten lot subdivision (Industrial)	18/12/2018 Approved

Total: 67

# 6.2 48 Kathryn Road, Knoxfield

# SUMMARY: Principal Planner, Phillip Singh

Planning Application P/2018/6364 for the construction of eight (8) double storey dwellings on the land and removal of native vegetation at 48 Kathryn Road, Knoxfield.

# **RECOMMENDATION (SUMMARY)**

That Council issue a Notice of Refusal to Grant a Planning Permit for the construction of eight (8) double storey dwellings on the land and removal of native vegetation at 48 Kathryn Road, Knoxfield subject to the refusal grounds outlined in the full recommendation in section 10 below.

# 1. INTRODUCTION

A new application P/2018/6364 has been lodged with Council for the construction of eight (8) double storey dwellings on the land and removal of native vegetation at 48 Kathryn Road, Knoxfield.

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

The application is considered to be unsatisfactory, as it does not meet the standards and policies the Planning Policy Framework, Local Planning Policy Framework, the Knox Bush Suburban Character area, and the vegetation removal is excessive and not compliant with the objectives of the Vegetation Protection Overlay Schedule 4 (VPO4).

It is noted that a previous subdivision application affecting this site as well as 52 Kathryn Road was refused by Council and VCAT.

# 2. DISCUSSION

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

- The excessive loss of vegetation against the objectives of the VPO4.
- Although the proposal satisfies the site coverage requirement of the General Residential Zone Schedule 5 (GRZ5), the number of dwellings and location of the buildings and hard surface areas are considered an overdevelopment for of the land.
- The design of the development does not contribute to the green a leafy character of the area, and the built form is inappropriate in form and scale. The development lacks important neighbourhood character features such as pitched roofs, significantly setback upper levels and limited areas for quality replacement vegetation to cover the proposed losses.
- The proposal is also not considered to satisfy the decision guidelines of the General Residential Zone as it fails to satisfy all the objectives of Clause 55 of the Planning Scheme relating to neighbourhood character, residential policy, landscaping, private open space and design detail.

• The design response is not a sympathetic or appropriate outcome for the site which is in a bush suburban area.

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

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

# 3. CONSULTATION

The application was advertised by way of one (1) sign on the site and notices were sent to adjoining property owners and occupiers. In total 2 objections were received.

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

# 4. ENVIRONMENTAL/AMENITY ISSUES

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

# 5. FINANCIAL & ECONOMIC IMPLICATIONS

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

# 6. SOCIAL IMPLICATIONS

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

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

# Goal 1 - We value our natural and built environment.

Strategy 1.1 - Protect and enhance our natural environment.

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

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

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

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

Strategy 2.2 - Encourage high quality sustainable design.

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

# 8. CONFLICT OF INTEREST

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

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

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

# 9. CONCLUSION

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

# **10. RECOMMENDATION**

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the construction of eight (8) double storey dwellings on the land and removal of native vegetation at 48 Kathryn Road, Knoxfield, on the following grounds:

- 1. The development is inconsistent with State and Local Policy, including Clause 21.05 (Built Environment and Heritage), Clause 21.06 (Housing), Clause 12.01-2S Native Vegetation Management, Clause 21.03 Environmental and Landscape Values, Clause 22.04 (Environmentally Sustainable Development), and Clause 22.07 (Development in Residential Areas and Neighbourhood Character Policy) of the Knox Planning Scheme.
- 2. The proposal does not comply with the purpose and open space requirements of the General Residential Zone Schedule 5.
- 3. The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, Landscaping, Overlooking, and Private Open Space.
- 4. The proposal is inconsistent with the Vegetation Protection Overlay Schedule 4. The vegetation removal is excessive and the site layout is not sympathetic to vegetation protection. The site contains a highly significant stand of vegetation, and the design response is not sympathetic of this vegetation.

- 5. The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- 6. It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.

# **11. CONFIDENTIALITY**

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

Report Prepared By:	Acting Principal Planner, Phillip Singh
Report Authorised By:	Acting Manager City Planning & Building, Greg Kent

# Attachments

- 1. Attachment 1 for 48 Kathryn Road Knoxfield Council Report [6.2.1]
- 2. Attachment 2 for 48 Kathryn Rd Knoxfield [6.2.2]

Attachment 6.2.1

# Attachment 1



# knox

# Planning Application P/2018/6364 for the construction of eight (8) double storey dwellings on the land and removal of native vegetation.

# 1. Summary:

Subject Site:	48 Kathryn Road, KNOXFIELD VIC 3180
Proposed Development:	Construction of eight (8) double storey dwellings on the land and removal of native vegetation
Existing Land Use:	Residential (single dwelling)
Site Area:	3947 sqm
Planning Scheme Controls:	General Residential Zone – Schedule 5, Vegetation Protection Overlay 4
Application Received:	27 June 2018
Number of Objections:	2
PCC Meeting:	Not Applicable
Ward:	Friberg

# 2. Purpose

The purpose of this report is to provide Councillors with the Council Planning Officer's assessment of Planning Permit Application P/2018/6364 to assist in making a decision on the application. It should be read in conjunction with the other appendices.

# 2. Background

# 2.1 Previous Application and VCAT Decision

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

- The proposed development was not a balanced design between the purposes of the residential zoning and the overlays.
- The proposal had insignificant regard to the environmental values of the Environmental Significance Overlay

   Schedule 2 (ESO2) and Vegetation Protection Overlay Schedule 4 (VPO4), and that the chosen subdivision layout required the substantial removal of vegetation from the site. (It is noted that the ESO2 applies to the land at 52 Kathryn Road which was part of the application site for the VCAT appeal but does not cover this site).
- Consideration needed to be given to achieving a layout which allowed for a greater retention of existing vegetation in a manner that supports its ongoing viability so as to maintain and enhance its ecological value

Attachment 1



both within the site and in the broader context. This is likely to mean the creation of larger, and fewer, lots than is proposed by this application.

# 2.2 Subject Site and Surrounds

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

- The subject site is located on the east side of Kathryn Road in Knoxfield, is rectangular in shape, and has a frontage to Kathryn Road of 32.20 metres and a depth of 122.59 metres. The site has an area of 3947m2.
- One crossover exists along the western boundary fronting Kathryn Road. The crossover is located in the south west corner of the site. The crossover serves the existing dwelling.
- One single storey dwelling with associated outbuildings is located the site. To the east and north of the dwelling is dense indigenous and exotic vegetation. Small trees and shrubs are in the existing garden areas.
- The majority of the area surrounding the site (off Kathryn Road) consists of residential dwellings constructed in the 1970's. Larger sites accessing Kathryn Road have been redeveloped with residential multi unit developments.
- Approximately 500 metres to the south is the Knoxfield Neighbourhood Activity Centre, comprising of a variety of shops and restaurants.

# 2.3 The Proposal

The proposal seeks permission for the construction of eight (8) double storey dwellings and removal of native vegetation on the land. Refer to attached plans at Attachment 2. Details of the proposal are as follows:

- The existing single storey dwelling will be removed (planning permit not required for demolition).
- The construction of 8 double storey dwellings.
- Six dwellings are proposed to contain 4 bedrooms, and two Dwellings contain 3 bedrooms (plus study). Each dwelling comprises of multiple living areas, kitchen, bathrooms general amenities and double car garages.
- Each dwelling will be provided with a crossover to the common property access road. The common road is to have a 6m wide access to Kathryn Road. Within the common property area, two (2) visitor car parking spaces are provided.
- Building coverage is 25%, total hard surface is 45% and garden area is 47%.
- 54 Trees are proposed to be removed. 44 trigger a permit under the VPO4. 23 Trees are proposed to remain on the land, 22 of those are protected under the VPO4.

# 3. Consultation

### 3.1 Advertising

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

### Over-development

- The proposal is considered to be an overdevelopment of the site. Although the dwellings generally comply with the requirements of the General Residential Zone Schedule 5 (GRZ5), it is considered the scale and bulk, and vegetation losses are too large and do not comply with the objectives of 'Bush Suburban Areas'.
- Although the total site coverage is only 45%, the total vegetation loss across the site is considered excessive, and a result of overdevelopment given the site constraints.

Increased traffic

Attachment 6.2.1

Attachment 1



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

Environmental / Vegetation losses

- The total site coverage is 45%, however, the location of the hard surface areas requires 44 trees to be removed that trigger a permit under the VPO.
- There has been very little effort with the proposal to be sympathetic with the purpose of the Vegetation Protection Overlay – Schedule 4 (VPO4) or to uphold the key objectives of the VPO4. There has been little effort to incorporate the application requirements of the VPO4 of indicating measures adopted to avoid or minimise the potential impact of vegetation loss.

## 3.2 Referrals

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

### Landscape: Objection raised;

The biggest concern with the proposal of the 8 dwellings on 48 Kathryn Road is the large scale removal of healthy indigenous trees (predominately Eucalyptus cephalocarpa with some Eucalyptus radiata) in the area where Unit 7 and 8 are proposed. Whilst the health and structure of individual trees vary throughout, as a stand of scattered remnant trees, it is very significant.

There has been very little effort with the proposal to be sympathetic with the above purpose of the VPO Overlay or to uphold the key objectives of the VPO4.

There has been little effort to incorporate the application requirements of the VPO4 of indicating measures adopted to avoid or minimise the potential impact of vegetation loss.

As it currently stands, this proposed development should be refused in regard to the VPO4 and the failure to meet the objectives outlined in the Planning Scheme.

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

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

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

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

**City Futures:** City Futures has concerns regarding the loss of protected vegetation on the site. The principles of avoid, mininise and offset are not demonstrated, with the avoidance of vegetation removal being the primary objective.

# 4. Discussion

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

### 4.1 Zoning and Overlays

### 4.1.1 Zone

The site is located within the General Residential Zone – Schedule 5. A permit is required for the construction of two or more dwellings on a lot. Schedule 5 to the General Residential Zone varies the ResCode requirements for

Attachment 6.2.1

Attachment 1



Standard B8 (Site Coverage), Standard B13 (Landscaping), Standard B28 (Private Open Space) and Standard B32 (Front Fence Height).

- The proposal is not consistent with the purpose of the General Residential Zone as the application proposes dwellings that do not respect the neighbourhood character of the area.
- Landscaping The site can accommodate 26 new canopy trees which meets the minimum landscaping requirements for Standard B13, however there is too much existing canopy tree loss in the proposal, including significant vegetation protected by the VPO4.
- Private Open Space Does not Comply. All dwellings are provided with greater than 80m2 of private open space, however Lots 1 and 2 do not provide secluded private open space comprising of 60m2 with a minimum dimension of 5m.
- Front Fence Height No front fence is proposed.
- Dwellings 1 and 2 are setback 9.0m the western frontage. The setback is considered acceptable.

# 4.1.2 Overlays

The site is located within the Vegetation Protection Overlay 4 (VPO4) relating to the Tree Canopy Protection. The statement of nature and significance of vegetation to be protected within the overlay states the following:

"Trees are generally the most important part of the remnant vegetation. Large old native trees are important local environmental assets that are being progressively lost through clearing and declining health but are impossible to replace in the short to medium term."

Vegetation protection objectives of the relevant Schedule to the overlay include to protect and retain the continuity of tree cover, with particular emphasis on indigenous species and large old native trees, to improve the continuity of tree cover over time by replacing trees that must be removed with new indigenous canopy trees and a larger number of smaller plants, and to recognise the role that vegetation plays in contributing to maintain the role that nature plays in Knox's liveability and the health and wellbeing of the community.

• The proposal fails to meet the objectives of the VPO4. The vegetation removal is excessive and the site layout is not sympathetic to vegetation protection. The site contains a highly significant stand of vegetation, and the design response is not sympathetic of this vegetation. Vegetation within the proposed development is subservient to the construction proposed, and the design has failed to properly consider this vegetation.

# 4.2 Policy Consideration: State and Local Planning Policy Framework

State and local policy requires Council to integrate the range of policies relevant to the issues to be determined, and balance conflicting objectives in favour of net community benefit and sustainable development. The key themes for the assessment of the application include Housing, Sustainability and Environment, Transport and Urban Design (including neighbourhood character).

# 4.2.1 Housing

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

**Municipal Strategic Statement**: Council's MSS encourages development occurring with the necessary consideration to such matters as managing population growth, encouraging sustainable development, and influencing the urban form so that Knox itself becomes more sustainable. The MSS makes specific reference to the diversifying and aging

Attachment 6.2.1 Attachment 1



population in Knox which will see an increase in the number of smaller household types, with 'lone person' and 'couple only' households making up just over half of all households in Knox within 20 years.

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

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

The proposed development is considered to be inconsistent with the state and local policy direction for housing provision for the following reasons:

- Housing choice The development proposes six dwellings to contain 4 bedrooms, and two dwellings contain 3 bedrooms (plus study). This is not considered a range of housing choices.
- The location of the site is identified in the Housing Framework Map to be in within a "Bush Suburban Area" where low-scale residential development that contributes to the green and leafy character of the area is encouraged. The proposed intensity of the development is not consistent with this. The built form in the ground floor, visual impact of the upper floors of the dwellings and lack of meaningful replacement landscaping opportunities across the site provide a design response which is not sympathetic of the desired future character of the area
- The proposed development is not consistent with the preferred character / housing types within the Bush Suburban area, which encourages detached dwellings and dual occupancies. The development is not respectful of the character of the bush suburban area where the built form should be subservient to the landscape character.
- Whilst some landscaping can be accommodated within the setback and open space of the development, there is minimal opportunity for the planting of replacement canopy trees across the remainder of the site, and will not adequately replace the stand of significant remanent vegetation
- The proposal will not contribute to and enhance the bush suburban character of the area.
- Location While the site is not located within an Activity Centre, it has access to a number of urban services within an established area. The subject site is capable of accommodating some development whilst making a positive contribution to the character of the area, however given the protected vegetation on site, this would require a much lower dwelling yield. Refer to the assessment against Council's Neighbourhood Character Policy below in Section 4.2.4.

### 4.2.2 Sustainability and Environment

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

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

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

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

**Clause 22.04 Environmentally Sustainable Development**: This new policy introduced into Knox Planning Scheme under Amendment C150 requires applicants to address Environmentally Sustainable Development (ESD) principles including energy performance, water resources, indoor environmental quality, stormwater, waste management, transport and urban ecology, by applying these principles within the proposed development.

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

### 4.2.3 Transport

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

• The site is located approximately 30 metres walking distance from a bus stop on Kathryn Road (route 758). This service provides connectivity to Knox Central Principal Activity Centre.

### 4.2.4 Urban Design (including Neighbourhood Character)

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

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

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

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

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

Attachment 1



- The proposed extent of built form is extensive, and the built form is not nestled into the landscape. The limited landscaping opportunities cannot minimise the visual impact of the proposed built form.
- The proposed built form will not ensure that the proposed intensity of development is consistent with the existing and preferred neighbourhood character.
- The proposed extent of built form will not facilitate ample vegetation retention across the site that will be consistent with the Bush Suburban area.
- The first floor of each dwelling has been marginally reduced in relation to the ground floor to provide some articulation to the built form of the upper floors of the dwellings. However, the extent of the upper floor elements of the dwellings is substantial and will increase the visual bulk of the development to the street frontage and the adjoining sites.
- The proposal has double storey built form at the rear of the site.
- The proposal is not considered to contribute to the protection and enhancement of Knox's distinctive environmental and biological values, or have built form that is subservient to the area's landscape dominant character.
- Minimal effort have been put in to retaining existing canopy trees and understorey planting.
- All ground floors have flat roof sections, rather than the preferred pitched, hipped or gabled roof forms.

# 4.3 Particular Provisions

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

Clause 52.06-5 specifies a ratio of two car spaces to each three or more bedroom dwelling (with studies or studios that are separate rooms counted as a bedrooms) and one visitor space to every five dwellings for developments of five or more dwellings. A permit may be granted to reduce or to waive the number of car spaces required by the table.

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

- Car parking provision: The proposal satisfies the car parking provision as each dwelling is provided with a double garage and the site contains 2 visitor car spaces.
- Car parking design: Complies.
- 4.4 Clause 55 Two or More Dwellings on a Lot and Residential Buildings (ResCode)

### Neighbourhood Character and Infrastructure

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

Residential Policy – Does not Comply, refer above.

Dwelling Diversity – Does not Comply. 6 x 4 bedroom dwellings and 2 x 3 bedrooms (with study) is not considered appropriate dwelling diversity.

Integration with the Street – Complies.

### Site Layout and Building Massing

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Street Setback – Complies.

Building Height – Complies.

Site Cover/Permeability – Complies.

Energy Efficiency – Complies.

Open Space – NA. A common use area exists at the rear of the land, however is not available to the public, and is not considered public open space.

Safety – Complies.

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

Access – Complies.

Parking Location – Complies.

#### **Amenity Impacts**

Side and rear setbacks – Complies.

Walls on boundaries - Complies.

Daylight to existing windows/north facing windows – Complies.

North-facing windows – Complies.

Overshadowing open space - Complies.

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

Noise Impacts - Complies.

### **On-Site Amenity and Facilities**

Accessibility – Complies.

Daylight to new windows – Complies.

Private Open Space – Does not Comply. Dwellings 1 and 2 do not meet the GRZ5 requirement.

Solar access – Complies.

Storage – Complies.

#### **Detailed Design**

Design Detail – Complies.

Common Property - Complies.

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

Front fence – NA.

### 4.5 General Decision Guidelines

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

Attachment 6.2.1

Attachment 1



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

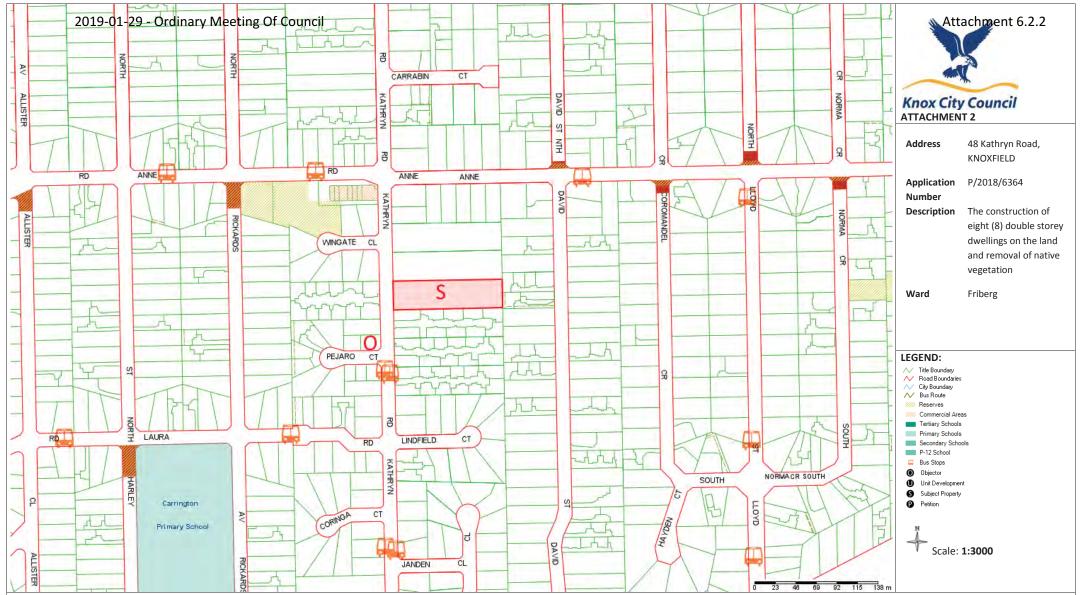
# 4.5 Other Considerations

The proposed development does not appropriately address the previous VCAT decision in relation to the site. Whilst the proposal is now a multi-dwelling application, the proposal still does not provide an appropriate balance between the retention of existing remnant vegetation, and increased densities on the site. In addition, the yield of the development at 48 Kathryn Road has not changed much from the original subdivision application, and advice from VCAT that the lots should be larger and fewer have not been appropriately addressed in this application.

# 5. Conclusion

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

- The development is inconsistent with State and Local Policy, including Clause 21.05 (Built Environment and Heritage), Clause 21.06 (Housing), Clause 12.01-2S Native Vegetation Management, Clause 21.03 Environmental and Landscape Values, Clause 22.04 (Environmentally Sustainable Development), and Clause 22.07 (Development in Residential Areas and Neighbourhood Character Policy) of the Knox Planning Scheme.
- The proposal does not comply with the General Residential Zone Schedule 5.
- The proposal is inconsistent with the Vegetation Protection Overlay Schedule 4. The vegetation removal is excessive and the site layout is not sympathetic to vegetation protection. The site contains a highly significant stand of vegetation, and the design response is not sympathetic of this vegetation.
- The development is not compliant with standards and objectives of ResCode (Clause 55 of the Knox Planning Scheme), in particular Neighbourhood Character, Residential Policy, Dwelling Diversity, Landscaping, Overlooking, and Private Open Space.
- The level of vegetation removal is excessive, and the three step approach or avoid, minimise and offset as outlined in Clause 12.01-2 has not been appropriately considered.
- It is considered that the proposal will not contribute to the green and leafy character of Knox, as the number of existing vegetation removed cannot be suitably replaced with onsite plantings, inconsistent with the Local Planning Policy Framework.



#### DISCLAIMER:

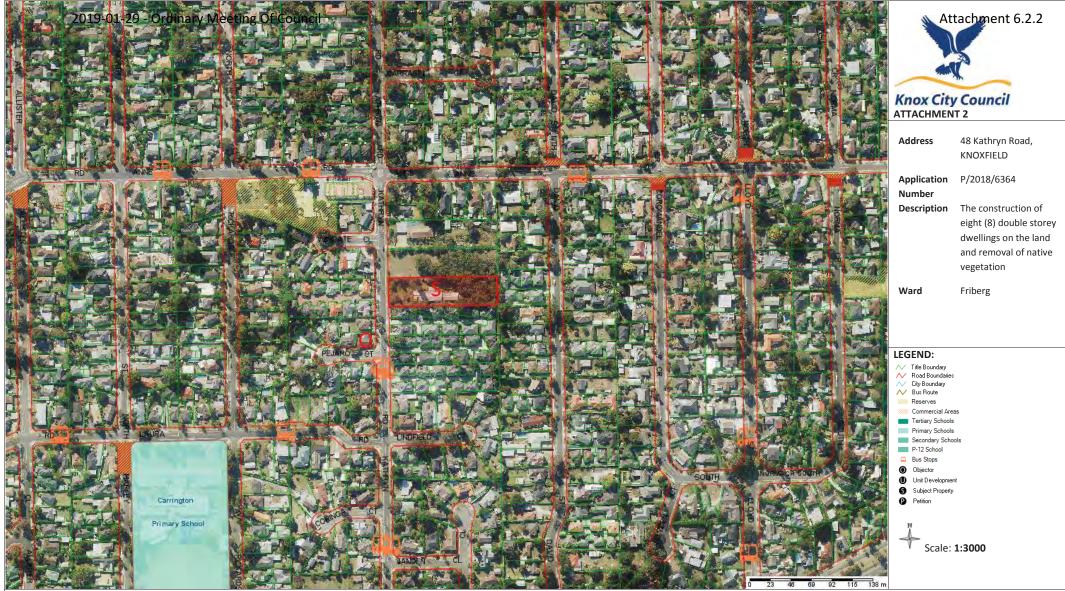
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1. Whilst every endeavor has been made to ensure that the mapping information is current and accurate, no responsibility or liability is taken by Knox City Council or any of the above organizations in respect to inaccuracy, errors, omissions or for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

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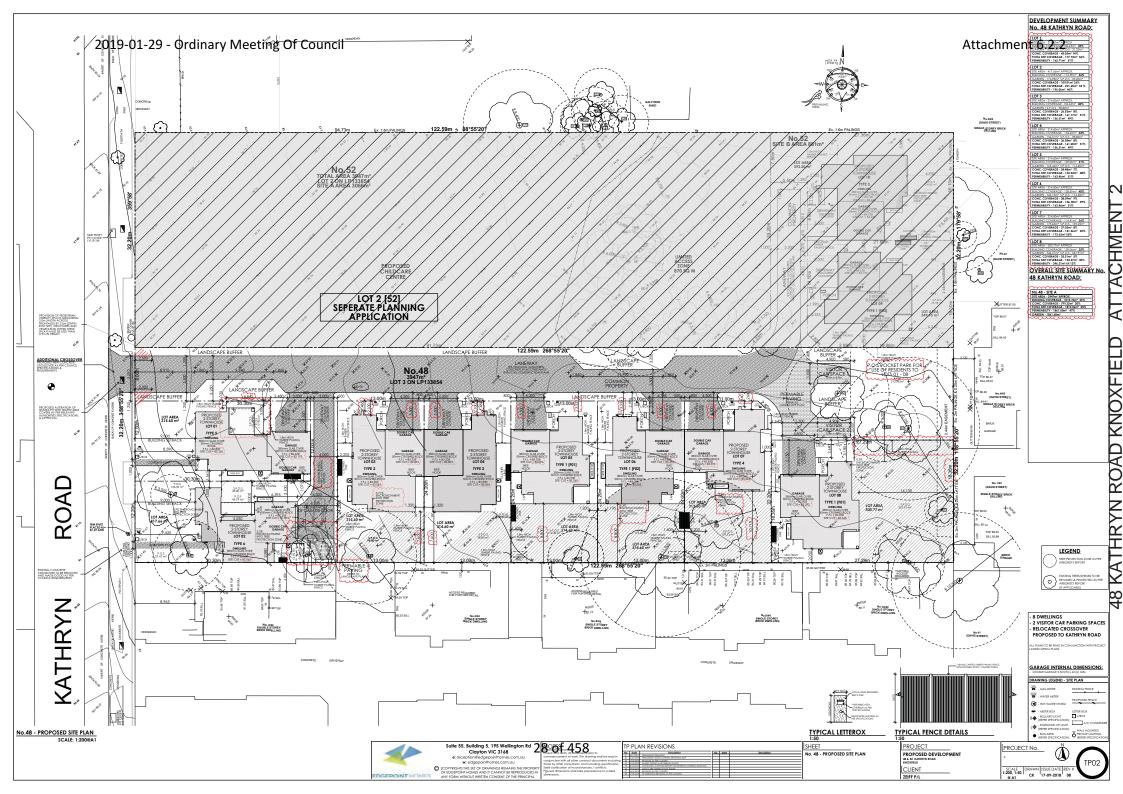
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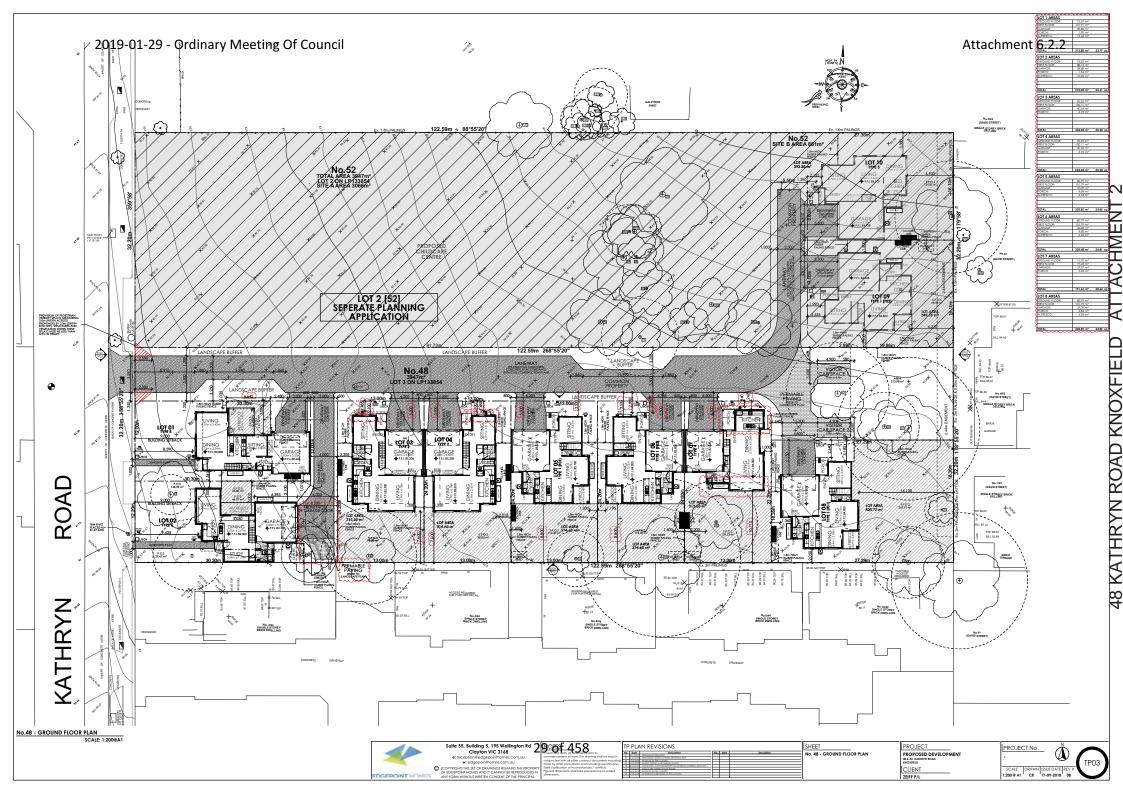
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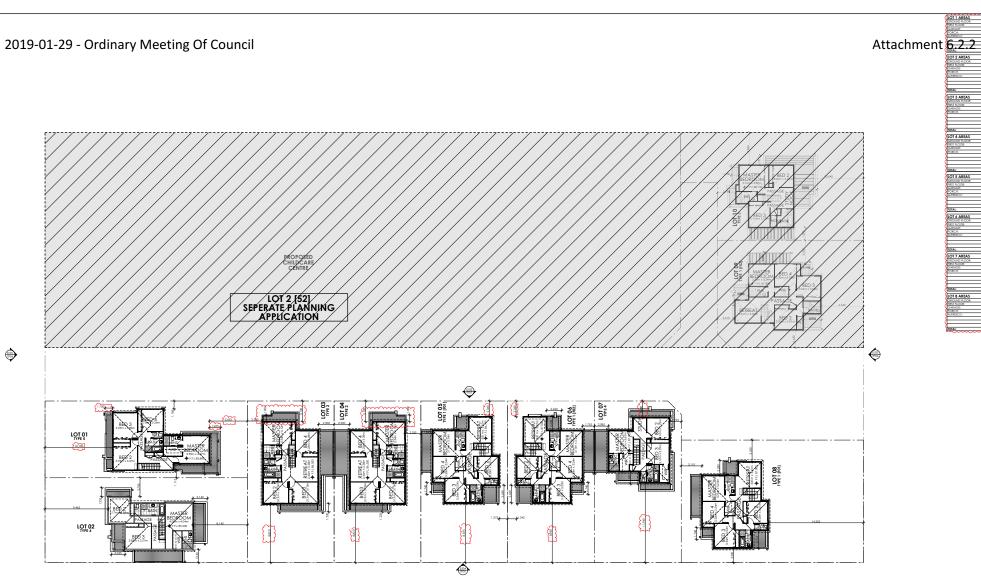
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LOT 4 AREAS

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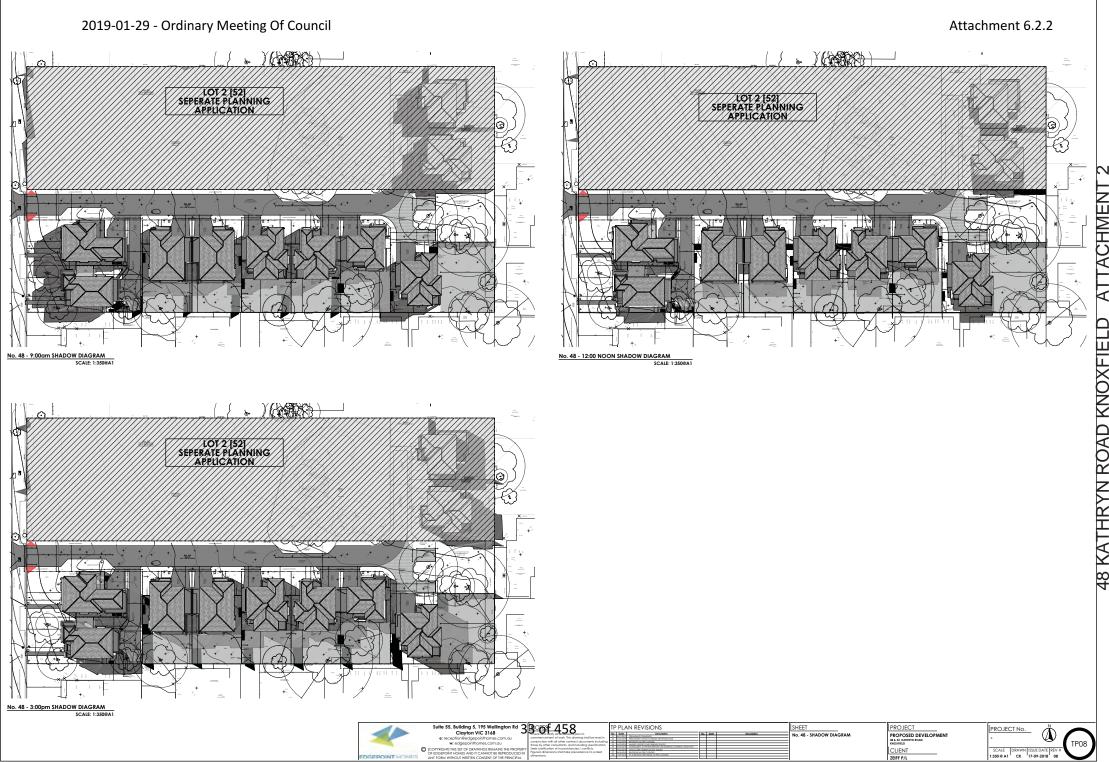
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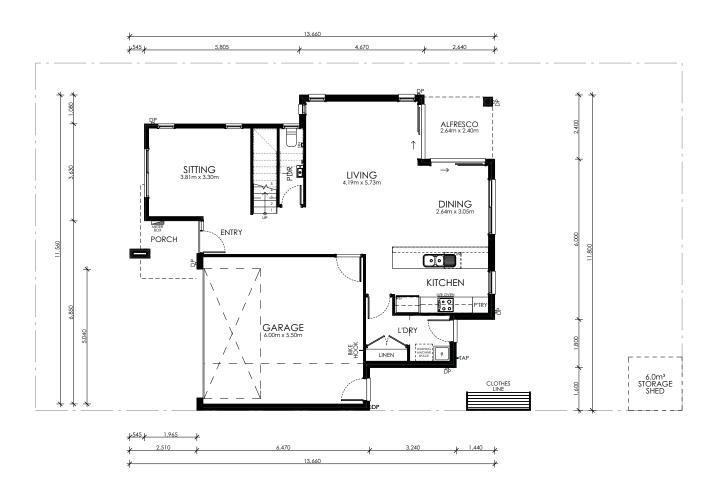


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ATTACHMENT

48 KATHRYN ROAD KNOXFIELD



#### TYPE 1 - GROUND FLOOR PLAN

FACADE 01 SCALE: 1:100@A3 LOTS 5 & 8

 TYPE 1 [F01] AREAS

 GROUND FLOOR:
 80.79 m²

 FIRST FLOOR:
 10.179 m²

 GARAGE:
 37.09 m²

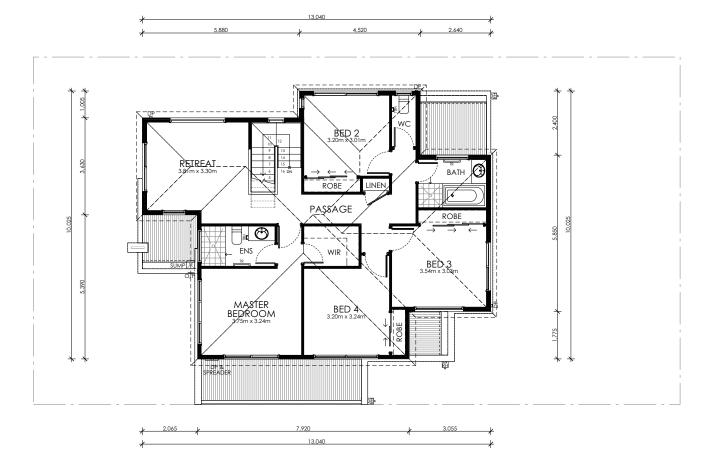
 PORCH:
 4.84 m²

 ALFRESCO:
 6.34 m²

 IOTAL:
 230.85 m²
 24.85 sq



10 LENGTH IN METERS AT 'A3' SHEET SIZE



#### TYPE 1 - FIRST FLOOR PLAN

FACADE 01 SCALE: 1:100@A3 LOTS 5 & 8



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ATTACHMENT

48 KATHRYN ROAD KNOXFIELD

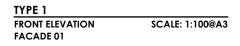


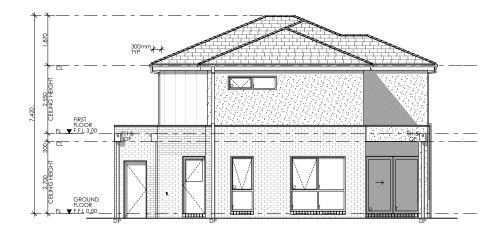
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# 2019-01-29 - Ordinary Meeting Of Council

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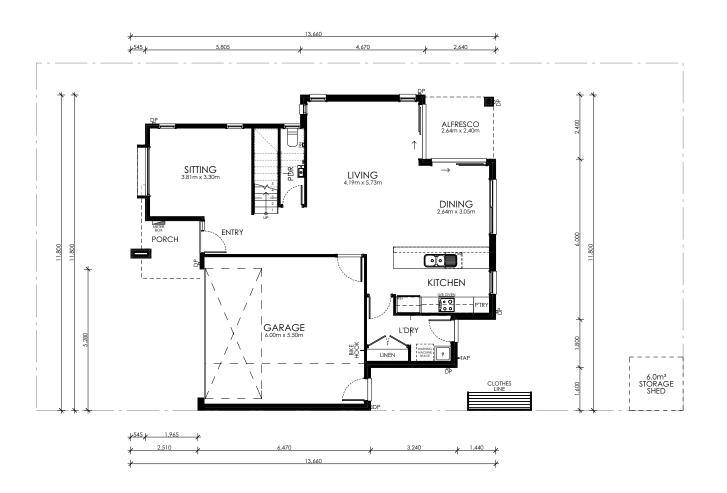




TYPE 1 REAR ELEVATION SCALE: 1:100@A3 FACADE 01 TYPE 1 LEFT ELEVATION SCALE: 1:100@A3 FACADE 01 36 Of 458

ATTACHMENT

48 KATHRYN ROAD KNOXFIELD



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

10 LENGTH IN METERS AT 'A3' SHEET SIZE

 TYPE 1 [F02] AREAS

 GROUND FLOOR:
 80.79 m²

 FIRST FLOOR:
 101.79 m²

 GARAGE:
 36.68 m²

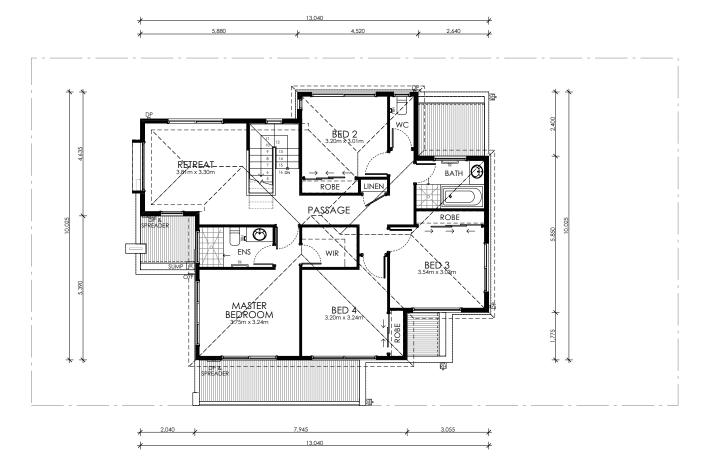
 PORCH:
 488 m²

 ALFRESCO:
 6.34 m²

 IOTAL:
 230.48 m²

 230.48 m²
 24.81 sq





TYPE 1 - FIRST FLOOR PLAN

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

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

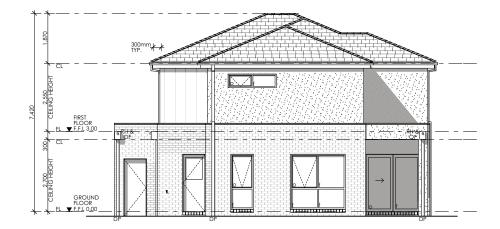


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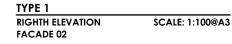








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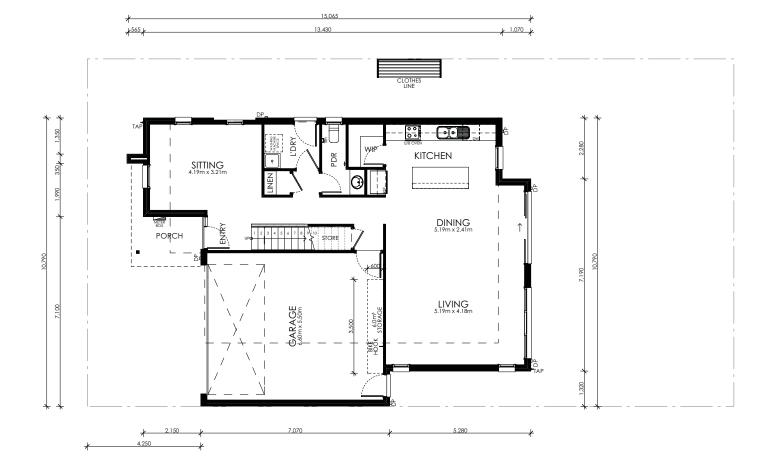


TYPE 1 REAR ELEVATION SCALE: 1:100@A3 FACADE 02 TYPE 1 LEFT ELEVATION SCALE: 1:100@A3 FACADE 02 39 Of 458

### Attachment 6.2.2

ATTACHMENT KATHRYN ROAD KNOXFIELD 48

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## TYPE 2 - GROUND FLOOR PLAN

LOTS 3 & 4 SCALE: 1:100@A3

235.04 m<sup>2</sup> 25.30 sq

TOTAL:



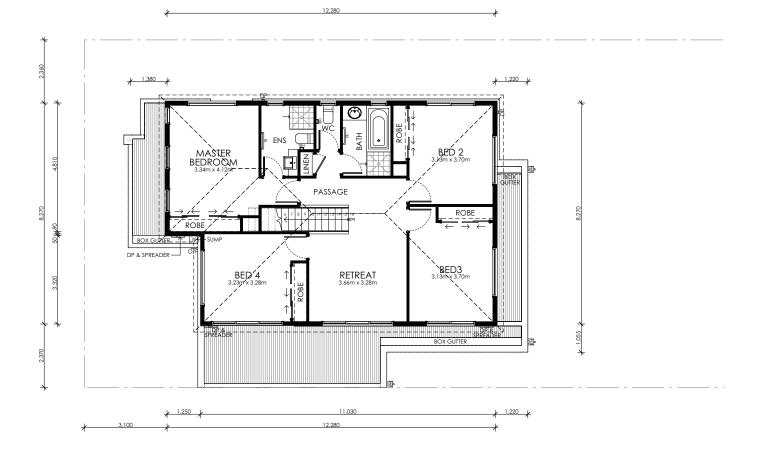
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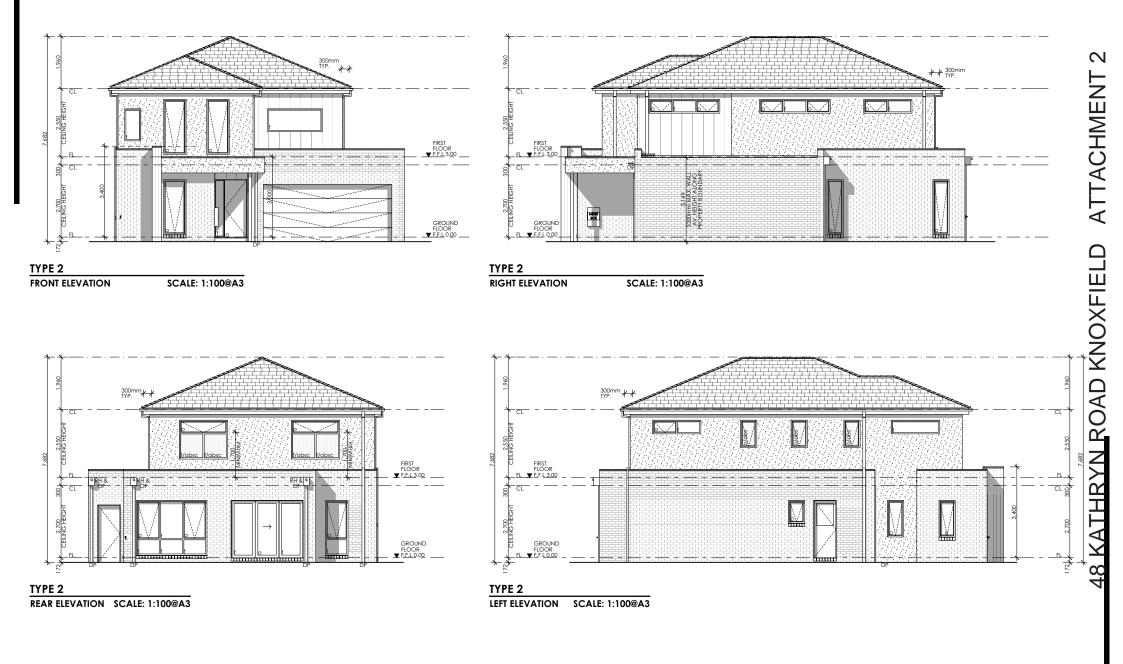


#### TYPE 2 - FIRST FLOOR PLAN LOTS 3 & 4 SCALE: 1:100@A3

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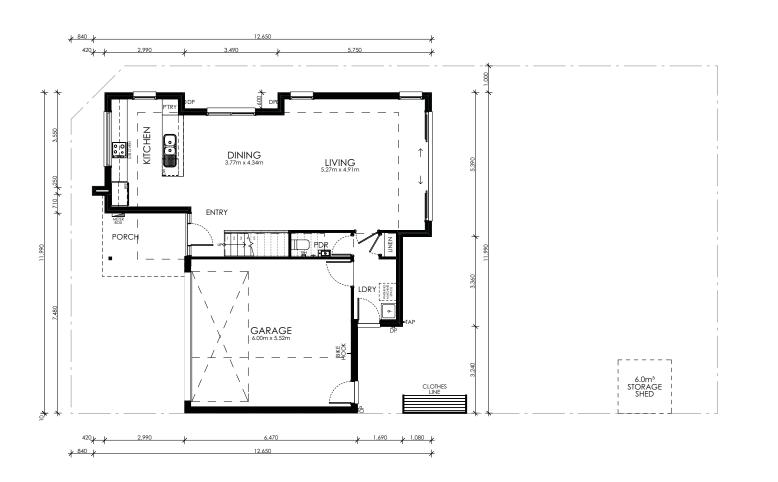
TYPE 2 AREAS		
GROUND FLOOR:	90.35 m <sup>2</sup>	
FIRST FLOOR:	100.11 m <sup>2</sup>	
GARAGE:	40.54 m <sup>2</sup>	
PORCH:	3.73 m <sup>2</sup>	
TOTAL:	235.04 m <sup>2</sup>	25.30 sq





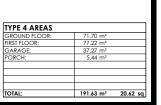
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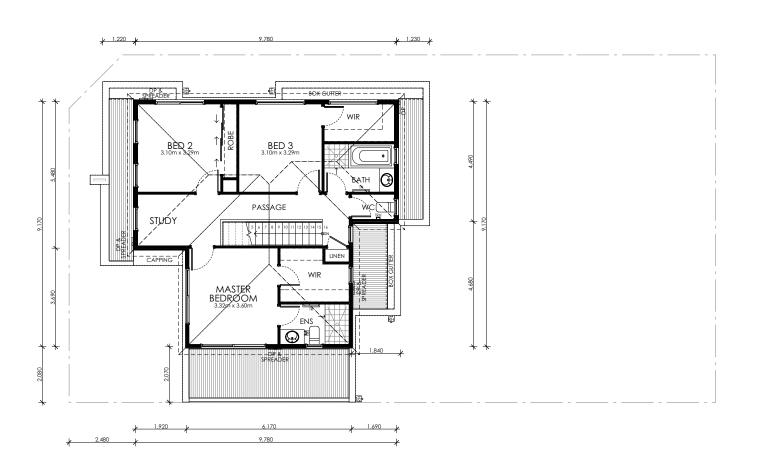


# TYPE 4 - GROUND FLOOR PLAN

LOT 7 SCALE: 1:100@A3







### TYPE 4 - FIRST FLOOR PLAN LOT 7 SCALE: 1:100@A3

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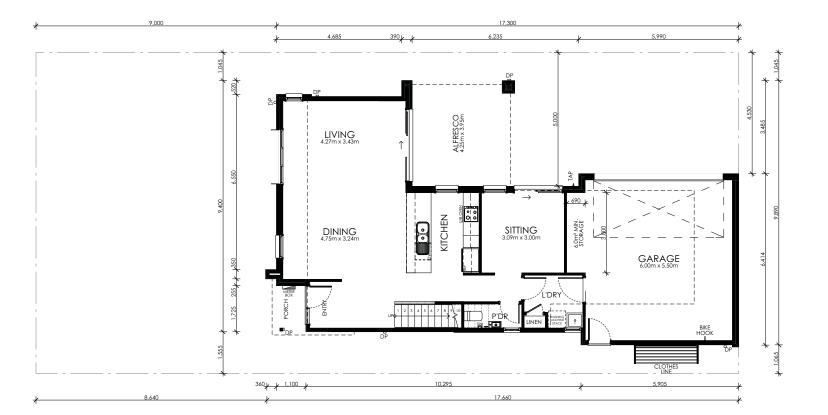
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TYPE 4 AREAS		
GROUND FLOOR:	71.70 m <sup>2</sup>	
FIRST FLOOR:	77.22 m <sup>2</sup>	
GARAGE:	37.27 m <sup>2</sup>	
PORCH:	5.44 m <sup>2</sup>	
TOTAL:	191.63 m <sup>2</sup>	20.62 sq





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TYPE 5 - GROUND FLOOR PLAN

LOT 1 SCALE: 1:100@A3

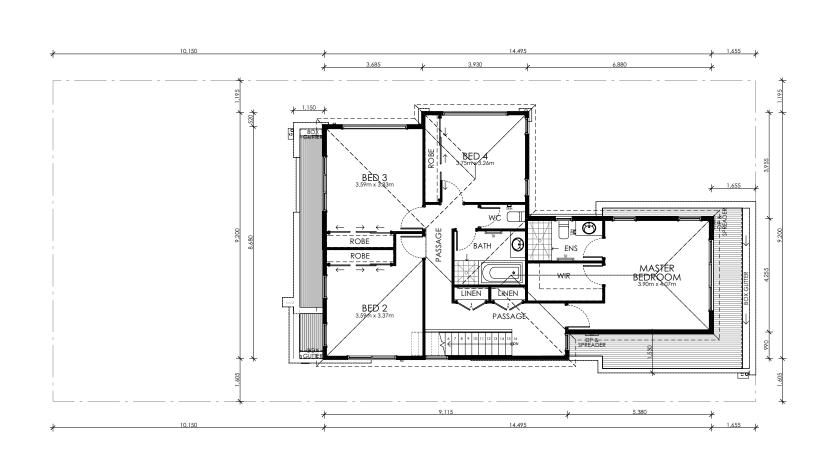
TYPE 5 AREAS

75.57 m<sup>2</sup> 101.91 m<sup>2</sup>

39.80 m<sup>2</sup> 1.90 m<sup>2</sup> 15.42 m<sup>2</sup>

313.80 m<sup>2</sup> 33.77 sq

 $\sim$ 

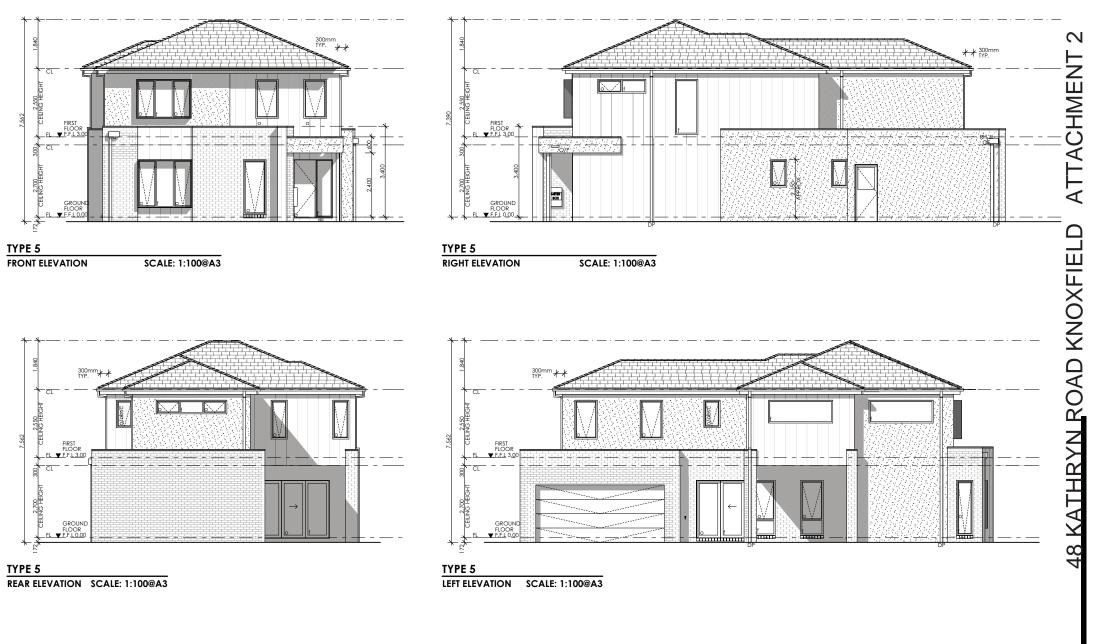


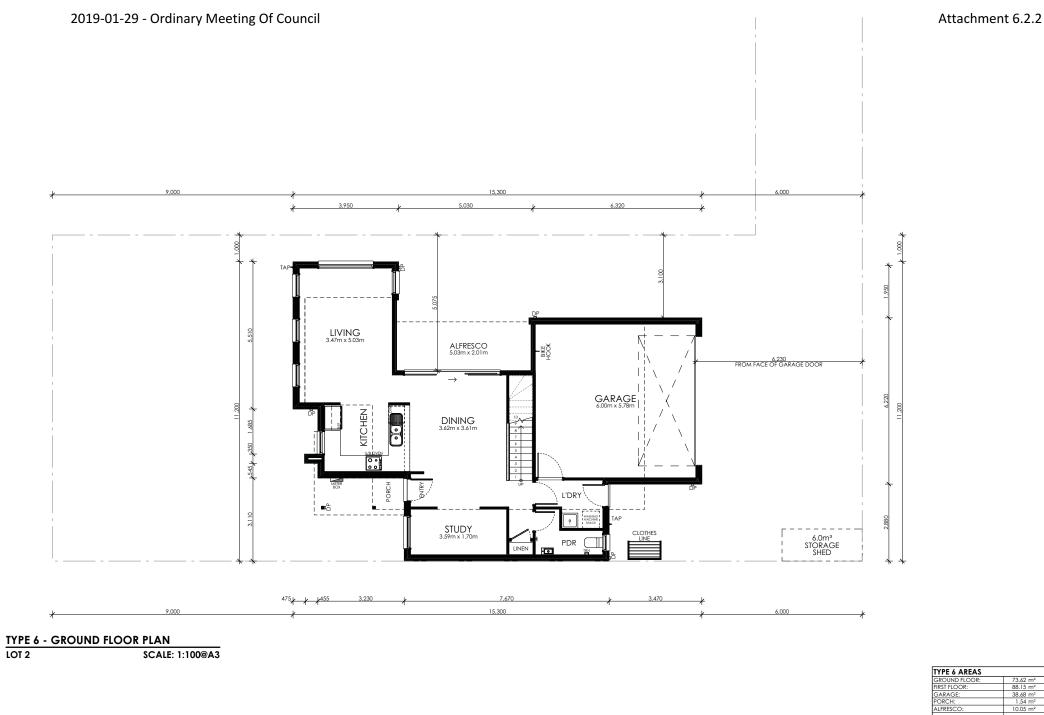
Attachment 6.2.2

TYPE 5 AREAS		
GROUND FLOOR:	75.57 m <sup>2</sup>	
FIRST FLOOR:	101.91 m <sup>2</sup>	
GARAGE:	39.80 m <sup>2</sup>	
PORCH:	1.90 m <sup>2</sup>	
ALFRESCO:	15.42 m <sup>2</sup>	
TOTAL:	313.80 m <sup>2</sup>	33.77 sc

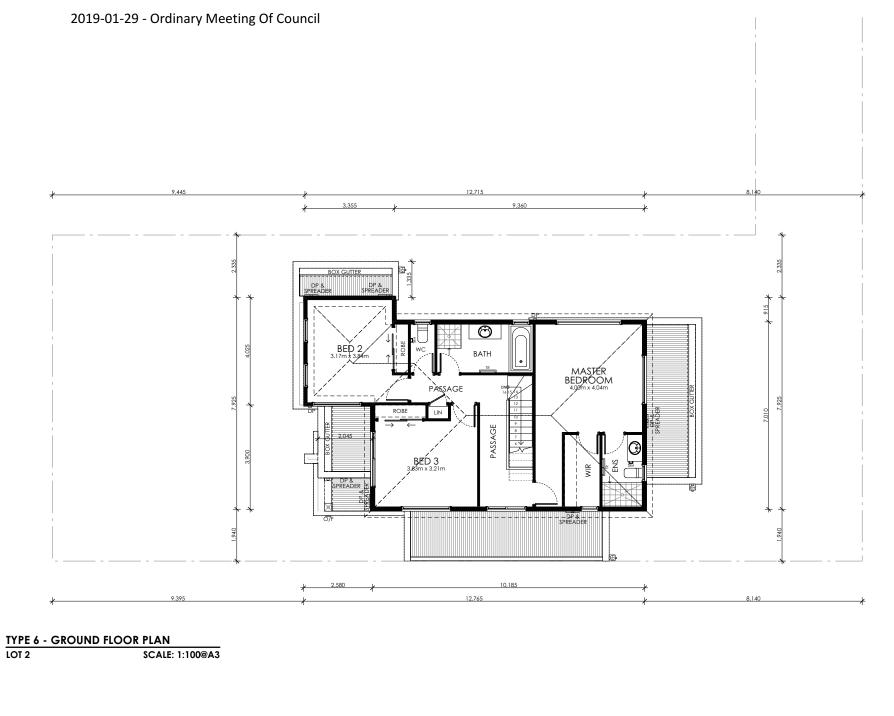


Attachment 6.2.2









LOT 2



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10 LENGTH IN METERS AT 'A3' SHEET SIZE

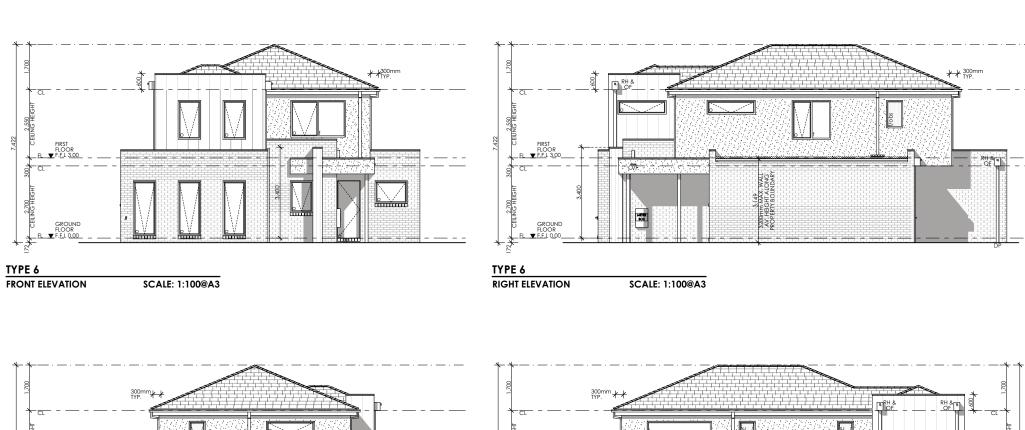
TOTAL:

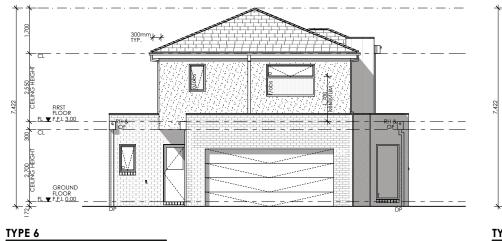
TYPE 6 AREAS

GROUND FLOOR FIRST FLOOR: GARAGE: PORCH: ALFRESCO

73.62 m<sup>2</sup> 88.15 m<sup>2</sup> 38.68 m<sup>2</sup> 1.54 m<sup>2</sup> 10.05 m<sup>2</sup>

210.04 m<sup>2</sup> 22.61 sq





LENGTH IN METERS AT 'A3' SHEET SIZ



REAR ELEVATION SCALE: 1:100@A3

422

TYPE 6 LEFT ELEVATION SCALE: 1:100@A3

 $\sim$ 

ATTACHMENT

**48 KATHRYN ROAD KNOXFIELD**