

# **MINUTES**

**Ordinary Meeting of Council** 

Held at the Civic Centre 511 Burwood Highway Wantirna South On Tuesday 29 January 2019 The meeting commenced at 7.00pm.

#### PRESENT:

Cr J Keogh (Mayor) Cr P Lockwood (Deputy Mayor) Cr J Mortimore Cr A Gill Cr T Holland Cr L Cooper Cr D Pearce Cr N Seymour	Dobson Ward Baird Ward Chandler Ward Dinsdale Ward Friberg Ward Scott Ward Taylor Ward Tirhatuan Ward
Mr T Doyle	Chief Executive Officer
Dr I Bell	Director – Engineering & Infrastructure
Mr P Dickie	Acting Director - City Development
Mr M Fromberg	Director – Corporate Services
Ms T Clark	Director – Community Services
Mr P McQue	Manager, Governance and Strategy

#### <u>THE MEETING OPENED WITH A PRAYER, STATEMENT OF ACKNOWLEDGEMENT AND A</u> <u>STATEMENT OF COMMITMENT</u>

*"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."* 

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## 1 Apologies and Requests for Leave of Absence

Nil.

## 2 Declarations of Conflict of Interest

Nil.

### 3 Confirmation of Minutes

#### **RESOLUTION**

MOVED: Councillor Mortimore SECONDED: Councillor Cooper

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

#### 4 Petitions and Memorials

Nil.

#### 5 Reports by Councillors

#### 5.1 Committees and Delegates

#### 5.1.1 Councillor Pearce

Councillor Pearce attended the following

- Knox School Award at Heany Park Primary School
- Submissions hearing for proposed sale of land

#### 5.1.2 Councillor Cooper

Councillor Cooper attended the following

- Presentation of School Award at Holy Trinity Primary School
- Knox Regional Sports Park Working Group Meeting

#### 5.1.3 Councillor Lockwood

Councillor Lockwood attended the following

• Australia Day Awards Committee

#### 5.1.4 Councillor Keogh

Councillor Keogh attended the following

- Knox Basketball Meeting
- Talaskia Reserve Opening
- Meeting with Sports Minister and Alan Tudge MP
- Meeting with Jackson Taylor MP
- Upwey-Tecoma Cricket Club Lunch
- Meeting with Manningham Council Mayor and CEO re Eastern Regional Group
- Boomers Video
- Hockey Agreement Meeting
- Alan Tudge MP re Boronia Project
- Australia Day Awards Ceremony
- Australia Day Citizenship Ceremony
- Melbourne Boomers WNBL Semi Final

#### 5.2 Ward Issues

#### **5.2.1 Councillor Mortimore (CHANDLER WARD)**

Councillor Mortimore was pleased to be invited to The Basin Summer Series of Concerts which was a great event with fabulous weather.

#### 5.2.2 Councillor Gill (DINSDALE WARD)

Councillor Gill noted a recent ABC News report which highlighted the measuring of temperatures in playgrounds. Some playground equipment reached 75 degrees Celsius. Councillor Gill suggested that Council should be planning for rising summer temperatures with playground design and noted that Yarra Ranges Council are doing some good work in this space.

#### 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

#### **RESOLUTION**

MOVED: Councillor Pearce SECONDED: Councillor Lockwood

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

CARRIED

# **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	Single storey additions and	13/12/2018
		THE BASIN VIC 3154	garage to existing dwelling	Approved
Chandler	2018/6632	14 Locksley Place	Development of the land for a	27/12/2018
		THE BASIN VIC 3154	double storey dwelling	Approved
Chandler	2018/9177	7 Hayles Street	Remove one (1) Eucalyptus	11/12/2018
		BORONIA VIC 3155	saligna	Approved
Chandler	2018/6582	14 Bambury Street	Five lot subdivision (approved	18/12/2018
		BORONIA VIC 3155	development site)	Approved
Chandler	2018/6709	20 Olive Grove	Remove six (6) Eucalyptus sp	18/12/2018
		BORONIA VIC 3155		Approved
Chandler	2018/6645	12 Locksley Place	Development of the land for a	10/12/2018
		THE BASIN VIC 3154	single dwelling and outbuilding	Approved
Chandler	2018/6644	1/2 Normleith Grove	Buildings and Works (Extension	7/12/2018
		BORONIA VIC 3155	to existing dwelling)	Approved
Chandler	2018/9168	5 St Ives Court	Removal of one (1) Eucalyptus	6/12/2018
		THE BASIN VIC 3154	obliqua	Refused
Chandler	2018/6538	11 Locksley Place	Construction of a single	4/12/2018
		THE BASIN VIC 3154	dwelling	Approved
Chandler	2018/9160	3 Dobson Lane	Construction of a Carport	4/12/2018
		THE BASIN VIC 3154		Approved
Collier	2018/6084	36 & 38 Cavendish	7 lot subdivision (Approved	14/12/2018
		Avenue WANTIRNA VIC 3152	Unit Site)	Approved
Collier	2018/6343	30 Gresford Road	Development of the land for	18/12/2018
		WANTIRNA VIC 3152	five (5) three storey dwellings	Notice of
			and altering access to a Category 1 Road	Decision
Dinsdale	2018/9181	121 Lewis Road	New canopies and roller door	12/12/2018
		KNOXFIELD VIC 3180	to existing warehouse	Approved
Dinsdale	2018/6469	59 Somerset Street	Development of two (2) double	27/12/2018
		WANTIRNA SOUTH VIC 3152	storey dwellings on the land	Notice of Decision
Dinsdale	2018/6539	8 Darwin Road	The development of the land	21/12/2018
		BORONIA VIC 3155	for a double storey dwelling to	Approved
			the rear of the existing dwelling	

Ward	No/Type	Address	Description	Decision
Dinsdale	2018/6509	263 Stud Road WANTIRNA SOUTH VIC 3152	The development of the land for seven (7) three storey dwellings, alteration of access to a road in a Road Zone Category 1	18/12/2018 Notice of 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

Ward	No/Type	Address	Description	Decision
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
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)	17/12/2013 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

Ward	No/Type	Address	Description	Decision
Taylor	2018/6655	17 McKay Road	Removal of one (1) Eucalyptus	7/12/2018
		ROWVILLE VIC 3178	sideroxylon and one (1) Eucalyptus melliodora	Approved
Taylor	2018/6173	72 Major Crescent	Development of the land for	10/12/2018
		LYSTERFIELD VIC 3156	one (1) single storey and one	Notice of
			<ul><li>(1) double storey dwelling (total</li><li>2 dwellings)</li></ul>	Decision
Taylor	2018/6587	Sh 1 & Off 1	An increase of the liquor	17/12/2018
		1100 Wellington Road	licensed sales area in the	Approved
		ROWVILLE VIC 3178	existing licensed supermarket	
Taylor	2018/6503	8 Airedale Way	Development of the land for a	27/12/2018
		ROWVILLE VIC 3178	double storey dwelling to the	Approved
			rear of the existing dwelling	
Tirhatuan	2018/6416	Lot RES5	Construction of a road bridge	4/12/2018
		Henderson Road	and vegetation removal	Notice of
		KNOXFIELD VIC 3180		Decision
Tirhatuan	2018/6728	77 Grayson Drive	Two (2) lot subdivision	28/12/2018
		SCORESBY VIC 3179	(Approved Unit Site)	Approved
Tirhatuan	2018/9175	10 Third Avenue	Two (2) lot subdivision	4/12/2018
		ROWVILLE VIC 3178	(Approved Unit Site)	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.

#### • 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.

#### 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.

#### • 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.

#### • 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.

#### • FINANCIAL & ECONOMIC IMPLICATIONS

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

#### • 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.

#### • 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.

#### 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.

#### 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.

#### 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:

- 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 purpose and open space requirements of the General Residential Zone Schedule 5.
- 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 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 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.

#### • CONFIDENTIALITY

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

<b>Report Prepared By:</b>	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]

#### **RESOLUTION**

MOVED: Councillor Holland SECONDED: Councillor Pearce

That Council:

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

#### **Amended Development Plans**

1. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The development plans must be approved prior to other plans required by this permit. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a) Dwellings 1 and 2 ground floors to be modified to ensure that the secluded private open space for the dwellings is a minimum 60sqm with a minimum dimension of 5 metres.
- b) The upper floor levels of Dwellings 1 to 8 reduced in size to ensure they are significantly setback from the ground floor walls.
- c) All habitable first floor windows to be screened to 1.7 metres above floor level. Windows may be openable above this height. Adhesive film must not be used.
- d) Deletion of water tanks.
- e) The visitor parking spaces must be sufficiently delineated from the driveway via the use of an alternate paving with colour contrast or line marking.
- f) A passing area to be provided at the entrance that is at least 6.1 metres wide and 7 metres long.
- g) The crossover to be the same width as the driveway that it serves.
- h) The location and details of the Shared Zone and Speed Limit signage to be installed.
- i) The location and details of all low height or bollard type lighting to be installed along the accessways and within the carpark. The lighting must be in accordance with AS1158.
- j) An annotation stating that letterboxes and all other structures (including meter boxes) within the splayed area (2m x 2.5m) shall be constructed to a maximum height of 900mm or relocated elsewhere.
- k) Details and locations of all tree and vegetation protection fences in accordance with conditions 16-22.
- I) A waste management plan in accordance with condition 24.
- m) A Sustainable Design Assessment in accordance with Condition 12.

To the satisfaction of the Responsible Authority.

#### **Other Plans**

- 2. Prior to the issue of a Building Permit under the *Building Act 1993* for the development, the following plans and computations must be submitted to the Responsible Authority as a complete set. When approved, the plans will be endorsed and will then form part of the permit. Construction must be in accordance with these plans. The plans must comprise the following:
  - a) Drainage plans in accordance with Condition 3.
  - b) Landscape plans in accordance with Condition 4.
  - c) Construction management plans in accordance with Condition 23.

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:

- a) All stormwater drainage discharge from the site connected to a legal point of discharge.
- b) Stormwater discharge from property is to be directed to the 525mm diameter Council Stormwater pipe near the southwest corner of the property to Council standards and satisfaction.
- c) 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.
- d) The on-site detention system to be installed in a suitable location for easy access and maintenance.
- e) 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.
- f) Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
- g) Location of fencing in accordance with the Development Plans approved pursuant to Condition 1 of this permit.
- h) 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:
  - a) A survey (including botanical names, height and width) of all existing vegetation to be retained and / or removed.
  - b) The identification and removal of all vegetation identified as an environmental weed in Knox (as outlined in Council's 'Landscape Plan Guidelines).
  - c) 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.
  - d) Details of the surface finishes of pathways and driveways.
  - e) Details and location of all existing and proposed services including above and below ground lines, cables and pipes.
  - f) 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.
  - g) All vegetation proposed to be retained and protected.
  - h) Landscaping and planting within all open areas of the site (including additional planting within open space areas of the existing dwelling/s).

- The Landscape plans must show the provision of additional indigenous or native canopy trees chosen from Plant List 1 or 2 of Council's Landscape Plan Guidelines for Planning Permits. These canopy trees must be a minimum 1.5 metres tall when planted and are to be in the following areas:
  - 2 small to medium canopy trees in each of the driveway bump outs within the common property.
  - 2 large canopy trees and 1 small canopy tree located in the front setback of Unit 1.
  - 2 small canopy trees located in the front setback Unit 2.
  - 1 small canopy tree located in the SPOS of Units 1, 2, 3, 5, 6 and 7.
  - 1 medium canopy tree and 1 small canopy tree located in the SPOS of Unit 4.
  - 1 large canopy tree and 2 small canopy trees located in the SPOS of Unit 8
  - 10 large feature shrubs across the site. The shrubs are to have a mature height of 4-5 metres.
- j) Planting of this site to comprise 80% of the vegetation species to be indigenous (across all plant forms) from plant list 1 of the 'Landscape Plan Guidelines' and 100% additional native species (across all plant forms) from plant list 2 of the 'Landscape Plan Guidelines'. Remaining plant species (100%) can be indigenous, native or exotic (across all plant forms) provided they are not listed as weeds.
- k) Any Environmental Sustainable Design initiatives shown on the Development Plans approved pursuant to Condition 1 of this permit.
- I) Details and locations of all tree and vegetation protection fences in accordance with conditions 16-22.

To the satisfaction of the Responsible Authority.

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

#### General

- 7. All development must be in accordance with the endorsed plans.
- 8. The layout of buildings and works as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. This does not apply to:
  - 8.1 An open-sided pergola 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 and pergolas for each dwelling does not exceed 16m<sup>2</sup>.

- 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 issue of a Building Permit under the *Building Act 1993* for the development, a Sustainable Design Assessment detailing Sustainable Design initiatives to be incorporated into the development must be submitted to and approved by the Responsible Authority. The Sustainable Design Assessment must outline the proposed sustainable design initiatives to be incorporated throughout the development such as (but not limited to) energy efficiency, water conservation, stormwater quality, waste management and material selection, to the satisfaction of the Responsible Authority.
- **13.** Prior to the occupation of the development, the development must be constructed in accordance with the Sustainable Design Assessment.

Car Parking & Accessways

- 14. Before the dwellings are occupied, driveways and car parking areas must be:
  - a) 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
  - b) Formed to such levels and drained so that they can be used in accordance with the approved plan; and
  - c) Treated with an all-weather seal or some other durable surface; and
  - d) Line-marked or provided with some other adequate means of showing the car parking spaces.

To the satisfaction of the Responsible Authority.

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

#### **Tree Protection**

- 16. All works, including excavation, within the critical root zone areas of the tree/s to be retained and other critical root zones on the land must be undertaken under the supervision of a qualified Arborist to ensure that there is no unreasonable damage to the root system of trees to be retained and/or protected, to the satisfaction of the Responsible Authority. Before the development starts, the owner must submit to the Responsible Authority details of the name of the Arborist who will supervise the works and the tasks to be undertaken by the Arborist, to the satisfaction of the Responsible Authority.
- 17. Prior to any works commencing on the site, all trees and vegetation to be retained including other critical root zones must be fenced off to create a protection zone. The protection zone must extend around the trees canopy drip-line unless an alternative tree protection zone has been approved by the responsible authority.
- 18. The fence is to be chain link or wire mesh, comprise either wooden or steel posts set into the ground or on concrete pads, and be a minimum height of 1.4 metres. Signage is to be affixed to the fence advising that the area is a tree protection zone and a no-go development area.
- **19.** The fence and signage is to be maintained throughout the construction period and removed at the completion of all works.
- 20. No temporary removal of the fence, or encroachment into the protection zone is permitted without the written consent of the responsible authority.
- 21. Prior to erecting the fence around the tree protection zone, all unwanted vegetation and weed species must be removed from within the zone, and the ground within the protection zone must be covered with a layer of well composted organic mulch (maximum 100mm depth). The area is to be watered at least fortnightly throughout the construction period.
- 22. The following activities are prohibited from the tree protection area, without the written consent of the responsible authority:
  - 22.1 Construction activities.
  - 22.2 Dumping and/or storage of materials, goods and/or soil.
  - 22.3 Trenching or excavation.
  - 22.4 Lopping branches, nailing or affixing signs, service lines, lights etc to the trees.
  - 22.5 Prior to any works commencing on site, the Responsible Authority must be contacted to inspect the Tree Protection fencing.

**Construction Management Plan** 

- 23. Prior to the issue of a Building Permit under the Building Act 1993 for the development, a Construction and Traffic Management Plan (CMP) to the satisfaction of the Responsible Authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed as evidence of its approval and will then form part of the permit and must thereafter be complied with. The CMP must specify and deal with, but is not limited to, the following:
  - 23.1 A detailed schedule of works including a full project timing;
  - 23.2 A traffic management plan for the site, including when or whether any access points would be required to be blocked, an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and preferred routes for trucks delivering to the site. The traffic management measures must minimise disruption to the operation of roadway during construction.
  - **23.3** The location for the parking of all construction vehicles and construction worker vehicles during construction;
  - 23.4 A fully detailed plan indicating where construction hoardings would be located;
  - 23.5 A waste management plan including the containment of waste on site, disposal of waste, stormwater treatment and on-site facilities for vehicle washing;
  - 23.6 Containment of dust, dirt and mud within the site and method and frequency of clean up procedures in the event of build-up of matter outside the site;
  - 23.7 Site security;
  - 23.8 Public safety measures;
  - 23.9 Construction times, noise and vibration controls;
  - 23.10 Restoration of any Council assets removed and/or damaged during construction;
  - 23.11 Protection works necessary to road and other infrastructure (limited to an area reasonably proximate to the site);
  - 23.12 Remediation of any damage to road and other infrastructure (limited to an areas reasonably proximate to the site);
  - 23.13 An emergency contact that is available for 24 hours a day.
  - 23.14 All contractors associated with the construction of the development must be made aware of the requirements of the Construction Management Plan.
  - **23.15** During the construction, the following must occur to the satisfaction of the Responsible Authority:
  - 23.16 Any stormwater discharges into the stormwater drainage system is to comply with EPA guidelines;
  - 23.17 Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enter the stormwater drainage system;
  - 23.18 Vehicle borne material must not accumulate on the roads abutting the site;
  - 23.19 The cleaning of machinery and equipment must take place on site and not on adjacent footpaths, roads or parks;
  - 23.20 All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and

23.21 All site operations must comply with the EPA Publication 1254 (including all revisions or replacement guidelines)

#### Waste Management

- 24. Prior to the commencement of works, a Waste Management Plan and drawings shall be submitted to and approved by the Responsible Authority. Waste management requirements are as follows;
  - 24.1 Individual Council bins could be provided for this development, however must be serviced within the site and not placed on the naturestrip of Stewart Street at any time
  - 24.2 Council's waste service vehicles could potentially access the bins via the development's internal roadway/driveway, and as such this must be able to accommodate 9.6m long and 23 tonne GVM collection vehicles both structurally and physically
  - 24.3 Bins could be emptied at dedicated, easily accessible and appropriately marked collection points within the site, and if determined this will be the case, the applicant will need to stipulate exactly where these are and mark them on the Plan Drawings for secondary review
  - 24.4 The service vehicles will need an appropriate turning area and could potentially use the hammerhead and then exit the development in a forward direction.
  - 24.5 A Council-provided indemnity must be signed by the property owner and/or future Body Corporate to facilitate the above
  - 24.6 Individual 'at call' hard waste bookings and bundled prunings & residents' own container green waste collections will also be collected within the site at the front of each dwelling. All costs associated with the provision of the fencing are to be borne by the owner/developer under this permit.

#### Fencing

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

#### **Amenity During Construction**

- 27. 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:
  - a) the appearance of building, works or materials on the land;
  - b) parking of motor vehicles;

- c) transporting of materials or goods to or from the site;
- d) hours of operation;
- e) stockpiling of top soil or fill materials;
- f) air borne dust emanating from the site;
- g) noise;
- h) rubbish and litter'
- i) sediment runoff'
- j) 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

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

#### **External Materials**

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

#### **Permit Expiry**

- **30.** This permit will expire if one of the following circumstances applies:
  - a) The development is not started within two years of the date of this permit.
  - b) The development is not completed within four years of the date of this permit.

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

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

#### NOTES

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

• Applicant shall engage a certified Engineering Consultant to analyse the site's existing drainage to determine type and size of the Onsite Detention (OSD) system. This shall be

designed in accordance with the Knox City Council (Responsible Authority) Stormwater Drainage Guidelines, (copy available on Council's website), and approved drainage design methods specified in the current edition of Australian Rainfall and Runoff. It should be located preferably in a common area to the dwellings, and be easily accessible for maintenance.

- The total Permissible Site Discharge for the property including all dwellings is 18.5L/s to the existing Council drainage system for a 5 year ARI event.
- 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, eg water storage tanks, swale drains, etc.

#### **Other Notes:**

- Council encourages the consideration of water storage tanks for all existing and proposed residential developments.
- A building permit must be obtained before development is commenced.
- Buildings are not allowed to be built over Council easements.
- The dwelling/s must achieve a minimum 6-Star Energy Rating.
- 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.
- The vegetation south of the car port and the tandem space for the existing must be kept low to allow vehicles accessing the proposed dwelling and existing dwelling to observe one another.
- Vehicles must enter and exit the proposed dwelling in a forward direction.
- 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.
- 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.

- 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.

CARRIED

Attachment 6.2.1

# Attachment 1



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# 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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Attachment 6.2.1

Attachment 1



**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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# Attachment 1

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:

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.



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48

210.04 m\* 22.61 sq

235.04 m\* 25.30 s

235.04 m\* 25.30

230.45 m\* 24.8

191.43 m\* 20.42 s

220.85 m\* 24.85 sq

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LOT 3 AREAS

LOT 4 AREAS

LOT 5 AREAS

LOT 6 AREA

LOT 7 AREAS

LOT 8 AREAS



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ATTACHMENT



#### TYPE 1 - GROUND FLOOR PLAN

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

48 KATHRYN ROAD KNOXFIELD 80.79 m<sup>2</sup> 101.79 m<sup>2</sup> 37.09 m<sup>2</sup> 4.84 m<sup>2</sup> 6.34 m<sup>2</sup> 230.85 m<sup>2</sup> 24.85 sq

TYPE 1 [F01] AREAS GROUND FLOOR: FIRST FLOOR:

GARAGE: PORCH: ALFRESCO:

TOTAL:





#### TYPE 1 - FIRST FLOOR PLAN

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

TYPE 1 [F01] AREAS		
GROUND FLOOR:	80.79 m <sup>2</sup>	
FIRST FLOOR:	101.79 m <sup>2</sup>	
GARAGE:	37.09 m <sup>2</sup>	
PORCH:	4.84 m <sup>2</sup>	
ALFRESCO:	6.34 m <sup>2</sup>	
TOTAL:	230.85 m <sup>2</sup>	24.85 sq



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LENGTH IN METERS AT 'A3' SHEET SIZ





TYPE 1 REAR ELEVATION SCALE: 1:100@A3 FACADE 01 TYPE 1 LEFT ELEVATION SCALE: 1:100@A3 FACADE 01 48 Of 493

#### Attachment 6.2.2

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ATTACHMENT

48 KATHRYN ROAD KNOXFIELD



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

 TYPE 1 [F02] AREAS

 GROUND FLOOR:
 80.79 m²

 FIRST FLOOR:
 101.79 m²

 GARAGE:
 36.68 m²

 PORCH:
 4.88 m²

 ALFRESCO:
 6.34 m²

 IOTAL:
 230.48 m²
 24.81 sg





TYPE 1 - FIRST FLOOR PLAN

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

TYPE 1 [F02] AREA	S	
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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LENGTH IN METERS AT 'A3' SHEET SIZ





TYPE 1 REAR ELEVATION SCALE: 1:100@A3 FACADE 02 TYPE 1 LEFT ELEVATION SCALE: 1:100@A3 FACADE 02 51 of 493



#### TYPE 2 - GROUND FLOOR PLAN

LOTS 3 & 4 SCALE: 1:100@A3

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ATTACHMENT

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







#### 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

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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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ATTACHMENT

48 KATHRYN ROAD KNOXFIELD



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

TYPE 4 AREAS GROUND FLOOR:	71 70	
FIRST FLOOR:	71.70 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 sc





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LOT 1 SCALE: 1:100@A3

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ATTACHMENT

48 KATHRYN ROAD KNOXFIELD





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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 sq



Attachment 6.2.2







 GROUND FLOOR:
 73.62 m²

 FIRST FLOOR:
 88.15 m²

 GARAGE:
 38.68 m²

 PORCH:
 1.54 m²

 ALFRESCO:
 10.05 m²

 TOTAL:
 210.04 m²
 22.61 sq



LOT 2

# ATTACHMENT KNOXFIELD **48 KATHRYN RO**

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$\Box$
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TYPE 6 AREAS





LENGTH IN METERS AT 'A3' SHEET SIZ



REAR ELEVATION SCALE: 1:100@A3



ATTACHMENT **48 KATHRYN ROAD KNOXFIELD** 

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