

# **KNOX CITY COUNCIL**

## **SUPPLEMENTARY REPORTS**

### **ORDINARY MEETING OF COUNCIL**

to be held

on

Monday 24 July 2017

- 13.1 Knox Basketball Cost Benefit Report
  
- 13.2 Application for the Construction of 294 Dwellings, Subdivision of Land, Easement Relocation, Alteration of Access to a Road Zone Category 1 and Removal of Native Vegetation at 203 Mountain Highway, Wantirna (2016/6930)

**ALL WARDS**

**13.1 KNOX BASKETBALL COST BENEFIT REPORT**

**SUMMARY:** *Manager Youth Leisure & Cultural Services (Peter Gore) Manager – Financial Services (Dale Monk)*

*This report is in response to Notice of Motion number 63 tabled at the 22 May 2017 Council meeting. The Notice of Motion requested a cost benefit report for the July Ordinary meeting detailing the actual cost to Council for providing both the State Basketball Centre and the Boronia Stadium to the Knox community. This same report should detail the balance in the Capital Improvement Funds (sinking funds) for both Boronia and the State Basketball Centre, the amount of money collected from Knox Basketball Inc on an annual basis for the last 3 years, and where this money was used; whether it was reinvested back into basketball, reallocated to benefit recreational sport in Knox more generally, or whether basketball revenue has been consolidated into “general revenue”.*

**RECOMMENDATION**

That Council notes the current role of Basketball in Knox and its cost benefit to the Knox community.

**1. INTRODUCTION**

At Council meeting 22 May 2017 Council resolved the following, that Council:

- A) Acknowledges the contribution local basketball makes to the physical, social and emotional wellbeing of the Knox community and to job creation for youth of Knox;
- B) Acknowledges basketball as a principal recreational sport in the Knox Municipality with a strong domestic competition at both junior and senior levels, a strong representative basketball participation and the fact that the State Basketball Centre located in Knox is home to Basketball Australia, Basketball Victoria and the WNBL Melbourne Boomers;
- C) Acknowledges that the State Basketball Centre at the Knox Regional Sports Park is the premier basketball venue in Victoria and is the home of basketball in Australia;
- D) Commits to supporting the continued growth of the basketball at all levels, prioritising grassroots participation and inclusion through the provision of contemporary facilities that meet community needs;

**13.1 Knox Basketball Cost Benefit Report (cont'd)**

- E) Acknowledges ageing infrastructure at the Boronia Stadium and whilst a review is undertaken as to the future of existing facilities allows Knox Basketball Inc to use the funds from the 2016-17 contribution to the Boronia Capital Improvement Fund (approximately \$27,000) to make minor functional &/or aesthetic improvements to Boronia Basketball Stadium;**
- F) Note it owns outright the Boronia Stadium and State Basketball Centre facilities, specifically noting the original loan for the State Basketball Centre has been repaid in full and the facility is unencumbered;**
- G) Receives a cost benefit report for the July Ordinary meeting detailing the actual cost to Council for providing both the State Basketball Centre and the Boronia stadium to the Knox community. This same report should detail the balance in the Capital Improvement Funds (sinking funds) for both Boronia and the State Basketball Centre, the amount of money collected from Knox Basketball Inc on an annual basis for the last 3 years, and where this money was used; whether it was reinvested back into basketball, reallocated to benefit recreational sport in Knox more generally, or whether basketball revenue has been consolidated into "general revenue";**
- H) Reaffirms its fundamental belief in a quadruple bottom line approach to the provision of sport and recreation infrastructure in Knox, where primary use of facilities supports grassroots participation through localised domestic competition that is age, gender and ability inclusive and adds significant value to the wellbeing of Knox residents.**

This report is provided in response to this Council decision.

Basketball in Victoria represents over half of Australia's playing population (200,000 participants) with 50% of those based in Melbourne's eastern suburbs. Basketball Victoria have recorded a 4% annual growth in participation since 2001.

Basketball is the fifth most popular sport (Roy Morgan Australian Sports Participation Rates in 2014) in terms of activities by regular participation rates.

Currently Knox City Council is the primary provider of basketball infrastructure for the Knox community through the State Basketball Centre (6 courts), Boronia Basketball Stadium (6 courts) and the Rowville Community Centre (2 multipurpose courts). The State Basketball Centre is considered a pivotal centre for basketball in Australia as it is home to both Basketball Australia and Basketball Victoria as well as the WNBL Melbourne Boomers.

### **13.1 Knox Basketball Cost Benefit Report (cont'd)**

As reported by Knox Basketball Inc. they currently have over 10,000 domestic players and support 16 domestic clubs with over 1,000 domestic teams. The basketball infrastructure in Knox experiences over 750,000 visitations per year.

Council is currently undertaking the development of a Basketball Plan to assist with strategic planning for basketball in Knox and its anticipated growth.

## **2. DISCUSSION**

Knox Basketball Inc. currently has three Agreements with Council for occupancy of Council facilities:

- State Basketball Centre (stadium and office space); and
- Knox Basketball Stadium (Boronia).

The Licence for the **State Basketball Centre (Stadium)** has the following key terms:

- Commenced in June 2012;
- Licence term is for 15 years, an initial term of 5 years with two further term options of 5 years each (currently year 6);
- Rental fee of \$254,000 (plus GST) per year for the first year indexed by CPI each year thereafter (currently \$274,409.73 plus GST); and
- A financial contribution to an asset improvement fund of \$75,000 per year for the first two years, \$100,000 per year for the next two years. From year 5, the contribution to the asset renewal fund is \$100,000 indexed annually by CPI.

The Lease for the **State Basketball Centre (office space)** has the following key terms:

- Commenced in June 2012;
- Lease term is for 15 years, an initial term of 5 years with two further term options of 5 years each (currently year 6); and
- Rental fee of \$22,000 (plus GST) per year.

### 13.1 Knox Basketball Cost Benefit Report (cont'd)

The Lease Agreement for **Knox Basketball Stadium (Boronia)** has the following key terms:

- Commenced in January 2007;
- Lease term was for 15 years, an initial term of 5 year with two further options of 5 years each (currently in year 11);
- Rental fee of \$72,000 (plus GST) per year indexed by CPI each year (currently \$86,703.12 plus GST and this includes a discount of 5% to reflect compensation for building condition).
- A financial contribution to an asset improvement fund of \$20,000 (plus GST) per year, indexed by CPI (currently \$24,361.58 plus GST).

### **3. CONSULTATION**

Consultation has occurred with key Council Services that provide support to the State Basketball Centre and Knox Basketball Stadium. Furthermore, consultation was carried out with Knox Basketball Inc. to discuss the community benefit of Knox Basketball Inc's operations and the current cost of the stadiums to Council.

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

There are ongoing capital works programs to renew and improve infrastructure at both the State Basketball Centre and Boronia Stadium. Examples of this work includes drainage upgrades and improved fixtures and fittings for facilities.

The Basketball Plan will identify further needs and opportunities for basketball infrastructure within the City.

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

Council's operational costs, inclusive of depreciation, labour costs and interest paid on borrowings associated with significant capital works, as well as rental income (excluding financial contributions to asset improvement funds) for the last three years for the two stadiums are as follows:

**Table 1**

	<b><u>State Basketball Centre</u></b>			<b><u>Boronia Basketball Stadium</u></b>		
	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17
Rental Income	\$315,834	\$319,950	\$329,653	\$93,320	\$94,719	\$43,158
Operational Costs	\$1,192,372	\$1,157,241	\$2,256,104	\$226,519	\$246,382	\$239,734
Council Contribution	\$876,538*	\$837,291*	\$1,926,451*	\$133,199	\$151,662	\$196,576

\*includes interest payments

### **13.1 Knox Basketball Cost Benefit Report (cont'd)**

Detailed financial summary is provided in Appendix A and B for each stadium.

The balance of Asset Renewal (Boronia) and Capital Improvement (SBC) funds (Sinking Funds) as at 30 June 2017 are:

- Boronia Basketball Stadium Improvement Fund \$99,798 (reflects return of 2016-17 contribution as per Council notice of Motion 63 section E); and
- State Basketball Centre Improvement Fund \$288,826. The Fund has received contributions of \$325,000 with \$36,167 invested in air-conditioning works in 2015-16. A financial contribution has not been received for 2016-17.

To fund significant capital works at the Knox Regional Sports Park, two loans were taken out totalling \$12.804M. 87% of these works relate to the State Basketball Centre and therefore borrowings have been apportioned accordingly:

- \$10.200M: 15 year loan commencing 3 June 2011; and
- \$2.604M: 15 year loan commencing 18 June 2012.

Council made the strategic decision to repay these loans in September 2016, given the low rate of return on cash holdings and the interest rate on loan borrowings.

All financial proceeds from Knox Basketball Inc.'s tenancy agreements are 100% invested into Basketball including rental income and capital contributions. As indicated in the detailed financial breakdown in Appendix A and B, all income received by Council from the tenancy agreements for both basketball stadiums is directed toward recovering the costs associated with Council's operational activities in managing the agreements for the basketball stadiums. In addition, Council makes a financial contribution to both stadiums on an annual basis as outlined in Table 1 on page 3 of this report. This supports proactive and reactive maintenance, strategic planning, compliance of essential safety measures, insurance, infrastructure depreciation, contract administration and, up until 2016-17, interest on loan repayments for the initial capital cost of constructing the State Basketball Centre.

## **6. SOCIAL IMPLICATIONS**

While Council has run at an operating deficit to support basketball infrastructure in Knox, there is a significant community benefit in providing courts for approximately 10,000 participants to take part in Knox basketball competitions. This includes improvement to the health and wellbeing of our community and the provision of opportunity for social interaction and community development. Participation in sports develops healthy living habits, and provides physical benefits such as developing coordination, physical fitness and strength.

### **13.1 Knox Basketball Cost Benefit Report (cont'd)**

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

The Knox Community and Council Plan 2017-2021 identifies a number of goals and strategies relevant to the role of Basketball in Knox, as outlined below:

- **Goal 6. We are healthy, happy and well**

Strategy 6.2 Support the community to enable positive physical and mental health.

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

Strategy 7.3 Strengthen community connections.

- **Goal 8. We have confidence in decision making**

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

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

Council's ongoing support for basketball infrastructure in Knox supports Knox Basketball Inc's operations to provide a viable basketball competition training and social opportunities and improve health and wellbeing outcomes for the community.

#### **8. CONCLUSION**

In response to the Notice of Motion 63 officers have undertaken a review of the financial impact of the stadiums and have identified that Council provides significant financial contribution to Knox Basketball Inc.

This contribution enables proactive and reactive maintenance, strategic planning, compliance with essential safety measures, infrastructure depreciation and contract administration and up until 2016-17, interest on loan repayments for the initial capital cost of constructing the State Basketball Centre.

While Council subsidises the infrastructure at the State Basketball Centre and Knox Basketball Stadium (Boronia), the community benefits of promoting and enabling active sport are significant and support people of all ages and abilities.

**13.1 Knox Basketball Cost Benefit Report (cont'd)****9. CONFIDENTIALITY**

There are no confidential matters associated with this report.

***Report Prepared By:     Manager Youth Leisure & Cultural Services  
                                 (Peter Gore) and Manager Financial Services  
                                 (Dale Monk)***

***Report Authorised By:  Acting Director – Community Services  
                                 (Kathy Parton)  
                                 Acting Director – Corporate Development  
                                 (Kim Rawlings)***



**Knox City Council\***  
**3 - COMMUNITY SERVICES**  
**16 - MGR YOUTH, LEISURE & CULT. SERV**  
**99. LEISURE SERVICES**  
**STATE BASKETBALL STADIUM**  
**Income/Expense Account Details**

Income/Expense Account	2014/15 Annual Actual	2015/16 Annual Actual	2016/17 Annual Actual
<b>Income</b>			
0412. EXTERNAL CONTRACT INCOME - TAXABLE	(314,371)	(319,080)	(326,591)
0901. REIMBURSEMENTS - GST FREE	(1,462)	(870)	(3,062)
<b>Total Income</b>	<b>(315,834)</b>	<b>(319,950)</b>	<b>(329,653)</b>
<b>Expenditure</b>			
3028. FIRE SERVICES	15,434	13,291	12,858
3031. CATERING	647	594	82
4006. CONTRACTS	4,925	4,387	9,296
4143. P/L & P/I INSURANCE OVERHEAD	36,096	32,530	32,530
4151. FINANCE/ACCOUNTING SERVICE OVERHEAD	312	658	81
4801. ROUTINE MAINTENANCE	772	501	1,243
4802. VANDALISM	93	0	1,969
4803. UNSCHEDULED REPAIRS	24,813	40,788	25,893
5302. WATER	2,497	1,812	3,148
5304. GAS	0	0	7,104
5305. SEWERAGE	6,896	2,717	0
DEPRECIATION - State Basketball Stadium	340,254	340,254	340,254
LABOUR COSTS	31,992	31,992	31,992
INTEREST PAID - ANZ (87.9%)	120,928	114,247	225,105
INTEREST PAID - WESTPAC (87.9%)	606,712	573,471	1,564,550
<b>Total Expenditure</b>	<b>1,192,372</b>	<b>1,157,241</b>	<b>2,256,104</b>
<b>Grand Total</b>	<b>876,538</b>	<b>837,291</b>	<b>1,926,451</b>
<b>SBC Asset Renewal Reserve - Balance @ 1-7-14</b>	<b>(75,000)</b>		
1411. LOCAL CONTRIBUTIONS - GST	(150,000)	(100,000)	0
5506. OPERATIONAL GRANTS	0	36,174	0
<b>Grand Total</b>	<b>(150,000)</b>	<b>(63,826)</b>	<b>0</b>
<b>SBC Asset Renewal Reserve - Balance @ 30-6-17</b>			<b>(288,826)</b>

**Knox City Council\***  
**3 - COMMUNITY SERVICES**  
**16 - MGR YOUTH, LEISURE & CULT. SERV**  
**99. LEISURE SERVICES**  
**BORONIA BASKETBALL STADIUM**  
**Income/Expense Account Details**

Income/Expense Account	2014/15 Annual Actual	2015/16 Annual Actual	2016/17 Annual Actual
<b>Income</b>			
0601. PROPERTY RENTAL INCOME - TAXABLE	(93,320)	(94,719)	(43,158)
<b>Total Income</b>	<b>(93,320)</b>	<b>(94,719)</b>	<b>(43,158)</b>
<b>Expenditure</b>			
3028. FIRE SERVICES	1,023	483	371
4006. CONTRACTS	250	0	0
4143. P/L & P/I INSURANCE OVERHEAD	19,476	17,550	17,550
4151. FINANCE/ACCOUNTING SERVICE OVERHEAD	0	59	70
4801. ROUTINE MAINTENANCE	3,063	2,483	2,285
4802. VANDALISM	336	1,073	264
4803. UNSCHEDULED REPAIRS	14,037	36,400	30,860
DEPRECIATION - Knox Basketball Stadium	153,299	153,299	153,299
DEPRECIATION - Water Tank	3,042	3,042	3,042
LABOUR COSTS	31,992	31,992	31,992
<b>Total Expenditure</b>	<b>226,519</b>	<b>246,382</b>	<b>239,734</b>
<b>Grand Total</b>	<b>133,199</b>	<b>151,662</b>	<b>196,576</b>
<b>Basketball Stadium Reserve - Balance @ 1-7-14</b>	(52,905)		
1411. LOCAL CONTRIBUTIONS - GST	(23,096)	(23,797)	0
<b>Basketball Stadium Reserve - Balance @ 30-6-17</b>			(99,798)

**COLLIER WARD****13.2 APPLICATION FOR THE CONSTRUCTION OF 294 DWELLINGS, SUBDIVISION OF LAND, EASEMENT RELOCATION, ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 AND REMOVAL OF NATIVE VEGETATION AT 203 MOUNTAIN HIGHWAY, WANTIRNA (2016/6930)****1. SUMMARY:**

<b>Land:</b>	203 Mountain Highway, Wantirna
<b>Applicant:</b>	Urbis Pty Ltd
<b>Proposed Development:</b>	Construction of 294 dwellings, subdivision of land, easement relocation, alteration of access to a Road Zone Category 1 and removal of native vegetation
<b>Existing Land Use:</b>	Caravan Park
<b>Area/Density:</b>	8.32 hectares / 1:282m <sup>2</sup>
<b>Zoning:</b>	General Residential Zone – Schedule 1
<b>Overlays:</b>	Nil
<b>Local Policy:</b>	Municipal Strategic Statement (MSS) Development in Residential Areas and Neighbourhood Character (Clause 22.07)
<b>Application Received:</b>	23 December 2016
<b>Number of Objections:</b>	94
<b>PCC Meeting:</b>	N/A

**Assessment:**

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

*The proposal fails to comply with the Municipal Strategic Statement, in particular Urban Design (Clause 21.04) and Housing (Clause 21.05) clauses.*

*The proposal fails to comply with the objectives and standards of the General Residential Zone – Schedule 1, Clause 52.01, Clause 52.06, Clause 52.17, and Clause 55 and Clause 56 of the Knox Planning Scheme.*

*The proposal does not reasonably respond to State and Local Planning Policies. It is recommended that Council issue a Notice of Decision to Refuse a Planning Permit.*

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### **2. BACKGROUND**

#### **2.1 Call Up**

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

#### **2.2 Subject Site and Surrounds**

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

- The subject site is a large allotment located on the west side of Mountain Highway, known as 203 Mountain Highway, Wantirna. The subject site is generally rectangular in shape and has an approximate slope of 30m from the north-west to south-east. The site has a frontage 196m and a land area of approximately 8.32 hectares.
- The site currently accommodates the Wantirna Caravan Park and generally comprises a mix of fixed and removable caravan structures and outbuildings.
- Land immediately to the north-east of the site is currently used as a trash and treasure market.
- Also to the north is land owned by VicRoads which is currently undeveloped.
- Land immediately to the south is an existing residential estate with vehicle access from Petalnina Drive. The estate comprises of single and double storey dwellings.
- Located further south is Stringybark Reserve (44m), Eastlink Trail (250m) and Wantirna Primary School (600m).
- To the east of the site (beyond Mountain Highway) is residential land developed with single and double storey dwellings.
- Located further east is Knox Private Hospital and Wantirna Mall.
- The west boundary is bound by Eastlink.
- No covenants are registered on the copy of title.
- An easement (containing a sewer line) is located to the rear of the site.
- The site is moderately vegetated with native, indigenous and exotic vegetation.

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### **2.3 The Proposal**

(Refer to attached plans at Appendix B)

The proposal seeks permission for the construction of 294 dwellings, subdivision of land, easement relocation, alteration of access to a Road Zone Category 1 and removal of native vegetation

Details on the proposal are as follows:

- The layout of dwellings are broken up into 11 dwellings types: Type A, B, C, D, E, F, G, H, J, K, and M. The dwellings range in size from approximately 110m<sup>2</sup> to 340m<sup>2</sup>.
- Generally, the dwellings comprise open plan kitchen / living / dining areas at ground floor with bedrooms above. There will be 32 accessible dwellings that with step free entrances, wide internal corridors, and a bedroom / kitchen / living areas at ground floor.
- All dwellings are provided with private open space in the form of a backyard and terrace/balcony.
- Five (5) dwellings will contain two (2) bedrooms, 120 dwellings will contain three (3) bedrooms and 169 dwellings will contain four (4) bedrooms.
- Dwelling types A, C, F, and G will be two storey. Maximum building height will be 8.8m.
- Dwelling types B (B3 and B4), D, E, H, J, K, and M will be three storey. Maximum building height will be 10.2m with the exception of Type B3 and B4, which will have a maximum building height of 13.4m.
- Dwellings types B(B1 and B2) will be four storey. Maximum building height will be 13.4m.
- The proposal also includes the subdivision of the land into 294 residential lots, and will follow the layout of the proposed Master Plan (TP 1.00 A).
- Three (3) unencumbered public open space reserves are proposed, for a total area of 6,779m<sup>2</sup>. An encumbered public open space reserve (retarding basin) is proposed and has an area of 623.8m<sup>2</sup>.
- The provision of 147 visitor car parking spaces by indented parking bays within the proposed road layout.

### **13.2 203 Mountain Highway, Wantirna (cont'd)**

- Vehicle access to the site will be via the existing crossover off Mountain Highway. It is also proposed that vehicle access will be provided via the existing surrounding street network with the existing Thompson Drive and Ninalee Grove to be extended to the north into the site.
- The proposed materials of the dwellings include: brick, metal cladding with charcoal or off white finish, timber cladding with stained finish and glazing.
- It is proposed to relocate the existing easement. The easement will generally follow the location of Road E.
- It is proposed to clear most of the vegetation on site. Out of all the vegetation present, only 22 trees are protected. The development seeks to retain six (6) trees, one (1) of which is protected.

## **3. CONSULTATION**

### **3.1 Advertising**

The application was advertised by way of four (4) signs on the site and notices sent to adjoining property owners and all occupiers of the caravan park. 94 objections were received and are summarised below.

Access to the site from Ninalee Grove and Thompson Drive will increase traffic

- *A Transport Impact Assessment report prepared by GTA Consultants dated 16/12/16 was submitted by the applicants.*
- *The findings of the report suggest that the site is expected to generate up to 206 vehicle movements in any peak hour and 2,058 vehicle movements daily. The findings also suggest that there is adequate capacity in the surrounding road networks to cater for the traffic generated by the proposed development.*
- *Council's Traffic Engineers have reviewed the planning application and have not raised any concerns regarding amount of traffic generated from the development.*

The proposed roads are too narrow

- *There are concerns with the design of the access ways. A response to Clause 52.06 is provided at Section 4.3 of this report.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

## Amenity impacts (Noise)

- *The site is located within a residential area where associated noise is a common feature of urban areas. The development will not result in an unreasonable increase in residential noise. Standard construction amenity conditions will be placed on any permit to issue.*

## Amenity impacts during construction

- *Some noise and other off site impacts are inevitable when any construction occurs. The developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. However in addition to these requirements, a Construction Management Plan would be required as part of any permit to issue.*

## Vegetation removal

- *The site contains significant native, indigenous and exotic vegetation across the site. The proposal will result in the removal of most of the trees on the site, will not contribute to an appropriate planning outcome for the site. This is discussed further at Section 4.4 of the report.*

## Neighbourhood character

- *An assessment of the proposed development against Neighbourhood Character is provided at Section 4.4 of this report.*

## Over-development of the site

- *The design response has not satisfactorily responded to the constraints of the site and will affect the amenity of the adjoining properties to the south and will also create poor internal amenity for the future occupants of the site. The development displays a number of failings, which suggest the proposal is an overdevelopment of the site, which will be discussed throughout this report.*

## Dwelling diversity

- *The development does not provide residents a range of housing choice as discussed throughout the report.*

Non-compliances with ResCode (i.e. infrastructure, site coverage/permeability, overshadowing, overlooking, private open space, solar access)

- *An assessment of the proposed development against Clause 55 and Clause 56 is provided at Section 4.4 of this report.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

Quality of public open space is poor

- *As discussed below under Clause 52.01 (Public Open Space) below, the level of public open space proposed is insufficient.*

Existing residents of the Wantirna Caravan Park have not been offered any compensation / Displacement of current residents of the Wantirna Caravan Park

- *It is acknowledged that the closure of the Wantirna Caravan Park will create a social planning issue. The decision to close the caravan park has already been made by the owner of the land, with a date set for which residents are to vacate the site.*
- *The closure of the caravan park does not require approval by Council, therefore the social impacts associated with this cannot be considered under this planning permit application.*

No provision for social housing

- *Council's Housing Policy requires Council to implement the Knox Affordable Housing Action Plan as part of any residential development.*
- *A key aspect of the Knox Affordable Housing Action Plan is to negotiate with developers (on a case-by-case basis) for a voluntary 5% contribution of social housing in larger-scale private land developments, including Strategic Investigation Sites.*
- *A contribution of social housing has not been provided.*

Impact on property values

- *There is no evidence to suggest that the proposed development will have a negative impact on property values.*

Objection from ConnectEast

- *ConnectEast (owner of Eastlink) has raised concerns with the proposed development. The concerns primarily relate to acoustic issues, drainage, and fencing.*
- *ConnectEast's objection could be resolved through the implementation of appropriate planning permit conditions. These conditions have been included in VicRoads' referral response and will be included in any permit to issue.*



## 13.2 203 Mountain Highway, Wantirna (cont'd)

### 3.2 Referrals

The application has been referred to VicRoads, CFA, Melbourne Water, South East Water, Public Transport Victoria (PTV), Ausnet Services, Multinet Gas and internal departments for comment.

The following is a summary of relevant advice:

#### VicRoads

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

#### CFA

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

#### Melbourne Water

- *Melbourne Water did not object to the proposal, with the following advice provided:*
  - *It is noted that discussions are still in progress between Council and Connect East, but an in-principle agreement has been reached for Council to assume maintenance responsibility for the drainage pipeline under Eastlink. Stormwater discharge will need to be controlled to pre-development flows.*
  - *Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year. Council must assess impacts of flooding associated with the local drainage system.*

#### South East Water

- *South East Water did not object to the proposal, subject to conditions which will be included in any permit issued.*

#### PTV

- *PTV did not object to the proposal, subject to conditions, which will be included in any permit to issue.*

#### Ausnet Services

- *Ausnet Services did not object to the proposal, subject to standard conditions that will be included in any permit to issue.*

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### Multinet Gas

- *Multinet Gas did not object to the proposal, subject to standard conditions that will be included in any permit to issue.*

### Traffic Engineer

- *Council's Traffic Engineer has raised concerns with the widths and classifications of the proposed roads.*

### Stormwater

- *Officers are not satisfied with the level of technical detail in regards to the management of stormwater quantity and quality within the development.*
- *Officers are not satisfied the proposed on-site detention system is of sufficient capacity to ensure predevelopment conditions are maintained.*

### Landscape Officer

- *Approximately 190 street trees are shown on the plans. Sixty (60) of these trees are shown in inappropriate and unfeasible locations.*

### Arborist

- *The Arboricultural Assessment & Report prepared by Treemap Arboriculture in October 2016, identifies that a total of 446 trees exist on the site. 104 trees are native to Victoria and 22 trees are indigenous to Knox. The indigenous trees are protected under Clause 52.17 (Native Vegetation).*
- *The report prepared by Treemap suggests that only 33 trees possess a moderate retention value, but no trees possess a high retention value. Although not all of the 33 trees are protected, Council's Arborist does not agree with the findings of the Treemap report and considers that a high percentage of the 'moderate' trees actually have a high retention value and should be retained.*

### City Futures

- *The site is located within the Wantirna Health Precinct (WHP). The WHP covers the area around Knox Private Hospital, Wantirna Health rehabilitation hospital, and substantial areas of land owned by the Department of Health (251 Mountain Hwy). The Precinct is identified within the Knox Planning Scheme and Plan Melbourne. Council has been working with the Victorian Planning Authority to further understand and develop the Precinct.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

- *Strategic Planning considers that development on the subject site should support this broader strategic context for an emerging health and medical employment precinct of State Significance. Officers believe that development at 203 Mountain Highway should not preclude potential employment-generating uses which may occur at a significant scale on adjacent public land.*
- *The proposal includes a road access way along the northern boundary to provide a buffer between future residents of the site and any future development occurring to the north.*

Waste Management

*Council's Waste Management Department have reviewed the Waste Management Plan (WMP) that was submitted with the application and have advised the following:*

- *Collections will not be undertaken in any dead-end street sections within the site for reasons of safety and accessibility.*
- *It is suggested that the developer either look at alternate bin placement, such as along the main through roads, or having truck turning areas at the ends of the terminus sections.*
- *It is noted that some of the bin collections are to be undertaken in laneways behind the properties and detailed cross-section diagrams of these are required to determine their suitability, including other features being marked on them such as poles, trees, driveway crossovers, etc.*
- *The placement of bins should not interfere with garage access to/from these properties.*
- *A 9.6m long waste vehicle turning template should be used over the bends and intersections within the site to determine driveability.*
- *Some of the bin placement areas are not kerbside and this will need to be addressed.*
- *Bin placements must not conflict with the location of street trees and on-street car parking spaces.*

Assets

- *No objection to the proposal.*

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### Property Management

- *No objection to the proposal.*

## **4. DISCUSSION**

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

### **4.1 Zoning and Overlays**

#### **4.1.1 Zone**

The site is located within the General Residential Zone – Schedule 1. A permit is required for the construction of two or more dwellings on a lot and subdivision of the land.

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

- *It is considered that the proposal does not satisfy the purpose of the General Residential Zone relating to neighbourhood character and diversity of housing types.*

The proposed application must meet the requirements of Clause 55 and Clause 56 of the Knox Planning Scheme. Refer to Sections 4.4 and 4.5 of this report.

#### Amendment VC110

Amendment VC110 to the Knox Planning Scheme introduced a number of additional provisions/variations and wording changes in the General Residential Zone, including new Minimum Garden Area Requirements (a minimum percentage of a lot to be provided at ground level based on lot size) and maximum Building Heights (where no heights are included in the schedule to the zone) under clauses 32.08-4 and 32.08-9 respectively. However, transitional provisions introduced in clause 32.08-14 exempt applications from these amended provisions, if the application was lodged with the responsible authority before the gazettal date of VC110.

The planning application was lodged with the Council on 23 December 2016, therefore the transitional provisions under clause 32.08 – 14 of the planning scheme apply to the application.

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### **4.1.2 Overlays**

The land is not affected by any overlays.

## **4.2 Policy Consideration**

### **4.2.1 State Planning Policy Framework**

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

Key Policies:

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

- *The proposal does not meet the relevant State and Local planning policies. While it is acknowledged the site is a large allotment capable of accommodating additional housing; it is not an appropriately designed form of development as it does not provide a high level of internal amenity and does not satisfactorily transition to the adjoining land to the south.*
- *A limited number of trees will be retained on site and the provision for new canopy trees along the roads and access ways are restricted due to the narrow width of the roads, the provision of on-street car parking spaces and the location of private boundary fencing. An example of this can be seen at Lots 13, 25, 56, 57, 91 and 107.*
- *Internal amenity of the development is poor, with a number of habitable windows receiving insufficient daylight, minimal ground floor activation where dwellings abut walkways, inadequate public open space provided, and poor solar access to private open space areas. These factors indicate that the proposal is an over-development of the site.*

### **13.2 203 Mountain Highway, Wantirna (cont'd)**

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

- *The proposal can contribute to the consolidation of urban development through the provision of increased density with access to urban services and transport.*
- *A satisfactory Sustainable Design Assessment (SDA) would be required as part of any permit to issue.*

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.

- *Integrated Housing – Whilst the application would increase the supply of housing in an existing urban area, the proposal does not accommodate any form of social housing and therefore will not meet the needs of the community.*
- *Neighbourhood character - This is discussed in a later section of the report (Section 4.4).*
- *Housing choice – Out of the 294 dwellings proposed, 2% will contain two bedrooms, 41% will contain three bedrooms and 57% will contain four bedrooms. The number of two bedroom dwellings does not provide a range of housing choices.*
- *Existing infrastructure – The site is located within a fully serviced area.*
- *Energy efficiency – This has been discussed above under Clause 15.02.*
- *Location – The site is located within walking distance of public transport available along Mountain Highway and commercial and community facilities in Wantirna Activity Centre.*

### 13.2 203 Mountain Highway, Wantirna (cont'd)

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

- *Bus routes 738, 745C and 745D operate along Mountain Highway.*
  - *The 738 bus route has a direct service between Mitcham to Knox City (via Knox Private Hospital and Wantirna Secondary College). This service operates between 6.00am and 9.27pm Monday to Friday; between 8.00am and 9.40pm on Saturdays; and 9.03am to 9.43pm Sundays, at various intervals.*
  - *The 745C bus route has a direct service between Bayswater and Wantirna Primary School. This service operates between 4.10pm and 4.25pm Monday to Friday.*
  - *The 745D bus route also has a direct service between Bayswater and Wantirna Primary School. This service operates between 6.30pm and 6.40pm Monday to Friday.*

#### 4.2.2 Local Planning Policy Framework

Clause 21.01 Municipal Strategic Statement (MSS) – encourages planning and 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.

All development therefore is encouraged to incorporate Ecologically Sustainable Design (ESD) and Water Sensitive Urban Design (WSUD) principles to ensure that a sustainable urban environment is ultimately achieved with a strong use of existing infrastructure and to reduce dependence on private vehicle travel.

- *As discussed below in Section 4.4, the development does not achieve acceptable levels of energy efficiency and solar access.*
- *A condition of any permit to issue will require the submission of a satisfactory Sustainable Design Assessment.*
- *As noted throughout the report, the level of technical detail in regards to the management of stormwater quantity and quality is unresolved. Therefore, the development does not achieve Water Sensitive Urban Design (WSUD) principles.*

### 13.2 203 Mountain Highway, Wantirna (cont'd)

Clause 21.04 Urban Design – Municipal Strategic Statement (MSS) To ensure that all development responds positively to the existing patterns of urban form and character, the landscape qualities, historic and cultural elements and social aspirations of the Knox community.

- *An assessment against Neighbourhood Character is below. Refer to section 4.4.*

Clause 21.05 – 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 site is identified as a Strategic Investigation Site. Strategic Investigation Sites are generally sites that are not currently used for residential purposes, such as quarries, schools and golf courses. They are sites where the current land use is likely to change in a short to mid-term timeframe, and could be suitable for future residential development (either entirely or in part).

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

- *While it is acknowledged the site has been earmarked as a Strategic Investigation Site where a greater range and increased densities of residential development can be contemplated; the development is inconsistent with the preferred neighbourhood character and provides poor internal amenity.*
- *The proposal will not make a positive contribution to the character of the area as it does not provide for an appropriate transition between the adjoining land to the south and provides for minimal landscaping opportunities throughout the site.*
- *The proposal fails to comply with a number of requirements of Clause 55 and Clause 56 as discussed in Section 4.4 and 4.5 of this report.*



### **13.2 203 Mountain Highway, Wantirna (cont'd)**

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

- *The development will not provide residents with a diversity of housing choice, with only 2% (or five dwellings) containing two bedrooms only.*
- *As noted above, the development will not increase the supply of social housing.*

Objective 3 is to ensure the quality of housing design in Knox is improved to better respond to neighbourhood identity and to create a stronger sense of place. Strategies include ensuring that residential development enhances the City's "green and leafy" image, support development that makes a positive contribution to the preferred future character of the area and that is innovative, environmentally sustainable, accessible and site responsive.

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

Objective 4 is to protect and enhance the landscape and environmental values of the nature areas of significance within the municipality.

- *As discussed below under Section 4.4 of the report, the development seeks to remove the majority of vegetation from the site and there is limited opportunity for compensatory replanting. Therefore the development will not maintain or enhance the landscape character of the area or habitat for plants and animals in the area.*

### 13.2 203 Mountain Highway, Wantirna (cont'd)

Objective 5 is to ensure that residential development better responds to the community's current and future needs, and allows people to 'age-in-place' by supporting the provision of a diverse range of housing including smaller scale dwellings.

- *As discussed above, the development will not provide residents with a diversity of housing choice and will not increase the supply of social housing.*
- *However, it is acknowledged that the development will provide smaller backyards which will assist with diversity.*

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

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

- *As the site is a Strategic Investigation Site, a separate assessment against Clause 22.07 has not been undertaken.*

### 4.3 Particular Provisions

#### Clause 52.01 - Public Open Space

It is considered that the proposal generates a need for further Public Open Space having regard to the provisions of Section 18 of the Subdivision Act (1988) and Clause 52.01 of the Knox Planning Scheme.

- *A Public Open Space contribution is applicable in this instance. No evidence has been provided stating Public Open Space has been paid for this site. The schedule to Clause 52.01 requires a minimum 8.5% contribution of the land to be subdivided.*
- *The proposal does not meet the required total area for public open space in accordance with the schedule to Clause 52.01. The proposal is required to provide 7,072m<sup>2</sup> of public open space and only 6,779m<sup>2</sup> has been provided. Therefore, there is a shortfall of 293m<sup>2</sup>.*
- *Further, the rear open space lot area is encumbered by a storm water retarding basin, and the 'core' centre open space is not considered of suitable size to be an 'Open Space Area' in terms of quality and orientation.*

### 13.2 203 Mountain Highway, Wantirna (cont'd)

- *Due to the proposed subdivision density and the location of the site relative to existing parks and sports grounds, it is considered that the contribution must be met as unencumbered land, opposed to a land and cash-in-lieu combination.*

#### Clause 52.02 Easements, Restrictions and Reserves

Clause 52.02 of the Knox Planning Scheme states that a permit is required to create vary or remove an easement.

In addition Clause 65 of the Knox Planning Scheme and Section 60 of the Planning and Environment Act (1987) the Responsible Authority must consider the interests of affected people.

- *The easement variation (relocation) was referred to South East Water, Melbourne Water and Council's Drainage Department. No objection was received and conditions will be included on any permit to issue.*

#### Clause 52.06 – Car Parking

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

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

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

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

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

**13.2 203 Mountain Highway, Wantirna (cont'd)**

Design Standard 1: Access ways – *Does not comply. The swept path diagrams (16M169000-AT03-01, 03, 05, 07, 09) prepared by GTA Consultants demonstrate that the B85 vehicles need to perform 3 turns in order to drive in the garage. To exit, the vehicles need to perform 2 turns. In total, they will require a 5-points-turn that exceed the typical 3-points-turn access condition. Most vehicles will require additional turns to access the garages along the laneway. This provides a poor amenity outcome for the occupants of affected dwellings.*

Design Standard 2: Car Parking Spaces – *Non-compliance as noted:*

*The Type E dwellings are provided with a single garage and a tandem car parking space. It is noted that neither car parking space is fully covered due to the proposed open void. Further, the garage is also nominated as a courtyard to provide daylight into the habitable windows which does not comply.*

*The Type H dwellings are provided with a single garage and a tandem car parking space. The tandem car parking space is only setback 5m from the garage, as opposed to 5.5m as required by Design Standard 2.*

Design Standard 3: Gradients – *Complies.*

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

Design Standard 5: Urban Design – *Complies.*

Design Standard 6: Safety – *Can comply. For pedestrian safety, a condition of any permit to issue will require low height or bollard type lighting to be installed along access ways and footpaths in accordance with the Australian Standards (AS1158).*

Design Standard 7: Landscaping – *Does not comply. As discussed above, there are a number of proposed street trees shown in inappropriate locations on the plans.*

*Before deciding that a plan prepared under Clause 52.06-8 is satisfactory, the responsible authority must consider the relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with access ways longer than 60 metres or serving 16 or more dwellings. Refer to Section 4.4 for Council's assessment against Clause 56 of the Knox Planning Scheme.*

### **13.2 203 Mountain Highway, Wantirna (cont'd)**

#### Clause 52.17 – Native Vegetation

The purpose of Clause 52.17 is:

To encourage permitted clearing of native vegetation results in no net loss in the contribution made by vegetation to Victoria's biodiversity.

- *The design of the development has not facilitated the retention of moderate/high retention value trees.*
- *In addition to this, the proposed removal of the majority of protected vegetation from the site and limited opportunity for compensatory replanting will not maintain or enhance the landscape character of the area or habitat for plants and animals in the area.*
- *It is noted that a more considerate design response could meet the objectives of Clause 52.17 by retaining protected vegetation and providing sufficient space for the planting of new vegetation.*

#### Clause 52.29 – Land Adjacent to a Road Zone, Category 1

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

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

In accordance with the Eastlink Project Act 2004 and the Concession Deed entered between the State of Victoria and ConnectEast, one of VicRoads' roles is to administer and manage the Concession Deed to ensure that it is performed in accordance with its terms.

The Concession Deed specifies that noise levels from Eastlink are not to exceed 63dB(A) LA10 (18 hour), outside building, 1 metre from facades, for the duration of the Concession Deed until it expires on 30 November 2043.

Accordingly, VicRoads referred this application to ConnectEast inviting their comments on the proposal in order to ascertain their level of support with the proposal and determine any mitigating works that may be required.

ConnectEast has expressed concerns in relation to the future noise levels for the proposed development. In addition to noise, ConnectEast have concerns in relation to drainage, access restriction, fencing, light spill and construction management. It is understood that ConnectEast and the applicant have been party to on-going discussions to address some of the concerns listed above.

### **13.2 203 Mountain Highway, Wantirna (cont'd)**

It is VicRoads position that the proposed development should apply the acoustic criteria as per the Concession Deed and where the criteria cannot be achieved the proposed development should provide appropriate acoustic attenuation as agreed with ConnectEast.

ConnectEast is also seeking the inclusion of its standard planning permit conditions in relation to drainage, construction management and interface requirements including fencing, light spill and access.

VicRoads supports the inclusion of planning permit conditions which ensure the safe, efficient and unimpeded operation of the EastLink Toll Road.

- *The conditions imposed by VicRoads and ConnectEast will be included in any permit to issue.*

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

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

Planning Transport Victoria does not object to the application, subject to conditions that will be included in any permit to issue.

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

##### Neighbourhood Character and Infrastructure

*Neighbourhood Character – Does not comply. An objective of this standard is to ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. The established character of the abutting properties to the south consists predominantly of single storey dwellings situated on large lots.*

*It is acknowledged that the subject site is a substantially large allotment and is a Strategic Investigation Site in which it will create its own neighbourhood character. It must therefore be determined if the proposed built form has satisfactorily responded to the features of the site and the surrounding area.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

*The design response has not satisfactorily responded to the constraints of the site. It is clear that a 'one size fits all' approach is not appropriate for a development of this size and this is evident where the dwellings fail to integrate with the street and the development provides a poor landscaping outcome.*

*Internal amenity of the development is poor, with a number of habitable windows receiving insufficient daylight, minimal ground floor activation where dwellings abut walkways, inadequate public open space provided, and poor solar access to private open space areas.*

*The dwellings along the southern boundary will have a maximum building height ranging from 7.0m-8.8m. The setback between these dwellings and the southern boundary are minimal and incapable of accommodating meaningful landscaping to transition the development to the existing development to the south.*

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

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

*Dwelling Diversity – Does not comply. Out of 294 dwellings proposed, only five (5) dwellings (or 2%) contain two bedrooms. The number of two bedroom dwellings provided is tokenistic and does not encourage a range of dwelling types.*

*Infrastructure – Can comply, refer to Section 4.5 of this report.*

*Integration with the Street – Does not comply. Most dwellings are orientated to front proposed streets however it is noted that the dwellings on Lots 01 and 24 will present poorly to Road A (due to the location of the secluded private open space areas and fencing).*

**13.2 203 Mountain Highway, Wantirna (cont'd)**Site Layout and Building Massing

Street Setback – *Does not comply. There is an established tree reserve along Mountain Highway and it is not clear from the plans whether a tree reserve is proposed along the frontage of the subject site. The plans nominate a 9m setback with a notation stating 'ownership to be confirmed'.*

*It is Council's expectation that a tree reserve is provided along the frontage of the site and to meet the established streetscape character along Mountain Highway. The front setback of the development should be taken from the future tree reserve.*

Building Height – *Does not comply. The preferred maximum discretionary building height is 10m pursuant to ResCode (due to the slope of the land). The maximum building heights range from 7m-10.2m, with dwelling Type B having an overall height of 13.4m.*

Site Coverage / Permeability – *Complies.*

Energy Efficiency – *Does not comply. Solar access to north-facing windows has not been maximised.*

Open Space – *Generally complies. The public open space located centrally within the site (called 'Central Park') is fronted by dwellings, where appropriate.*

*However, it is considered that the requirements for public open space for the entire site has not been met. Refer to response under Clause 52.01.*

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

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



**13.2 203 Mountain Highway, Wantirna (cont'd)**

*The submitted plans are deceptive when assessing landscaping opportunities throughout the site. A high proportion of the proposed street trees are shown in inappropriate locations and the minimal front setbacks provided to the dwellings (approximately 2.5m) severely inhibit the ability for landscaping throughout site. Areas that appear to be available for landscaping are shown to be fenced off for private use of dwellings. Further, limited opportunities have been provided within side and rear setbacks for the provision of meaningful landscaping, including canopy trees; to help integrate the development into the area.*

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

*In addition to this, the proposed removal of the majority of vegetation from the site and limited opportunity for compensatory replanting, will not maintain or enhance the landscape character of the area or habitat for plants and animals in the area.*

*Access – Does not comply. The crossovers exceed 40% of the street frontage and limit the ability for landscaping within the road reserves.*

*Parking Location – Complies.*

**Amenity Impacts**

*Side and rear setbacks – Does not comply. In a number of areas within the development, a variation to the Standard is required.*

*Walls on boundaries – Complies.*

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

*North-facing windows – Complies.*

*Overshadowing open space – Complies. The majority of shadow cast by the proposal will fall within the subject site.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

Overlooking – *Can comply. A number of dwellings (particularly along the southern boundary) have windows with direct views into secluded private open space areas on adjoining properties. This can be addressed via conditions on any permit to issue.*

Internal views – *Generally complies. Internal views are not expected, however it is noted that internal fencing details have not been adequately shown on the plans. This can be addressed via conditions on any permit to issue.*

Noise Impacts – *Complies. No mechanical plants and the like are proposed to be located near bedrooms of immediately adjacent existing dwellings.*

On-Site Amenity and Facilities

Accessibility – *Complies.*

Daylight to new windows – *Does not comply. A number of habitable room windows are not provided with a light court with a minimum area of 3m<sup>2</sup> and minimum dimension of 1m clear to sky. One example of this is Dwelling Type E where the habitable room windows rely on daylight from an internal courtyard/garage with a void.*

*A number of habitable room windows are provided with small windows. It appears that these rooms would suffer from low light levels and reduced internal amenity.*

*Further, a number of dwellings contain media/store rooms without windows or ventilation which do not comply with the Building Regulations.*

Private Open Space – *Does not comply. Whilst the dwellings are provided with private open space areas specified in Standard B28, not all terraces/balconies are provided with convenient access from a living room. An example of this is Dwelling Type D where the main living areas are on the ground floor level and the dwelling relies on a terrace on level 1 with access from a secondary living area. This is not considered to provide adequate private open space for the reasonable and recreation and service needs of the residents.*

Solar access – *Does not comply. The Solar access to open space objective is 'to allow solar access into the secluded private open space of new dwellings'.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

*The dwellings along the southern boundary consist of Type A and Type C dwellings (Lots 251-294). The secluded private open space areas to these dwellings are located to the south.*

*As these dwellings have an overall building height of 7m, Standard B29 requires the secluded private open space areas to have a depth of 8.3m. The depth of the secluded private open space to Type A dwelling is 4.26m and the depth of the secluded private open space to Type C dwelling is 5.1m. This is a significant shortfall.*

*The shadow diagrams demonstrate the secluded private open space areas to these dwellings will receive no sunlight at 9am and minimal sunlight at midday and 3pm.*

*Therefore, the amount of sunlight these secluded private open space areas will receive is so minor it will create an unacceptable level of usability and amenity and does not meet the objective.*

*Further, it is also noted that Type D dwellings (Lots 108-120), Type J dwellings (121-137), Type E dwellings (Lots 138-155) and Type F dwellings (Lots 156-157) rely on balconies/terraces for their secluded private open space which are orientated to the south.*

*Storage – Can comply. Not every dwelling is provided with 6m<sup>3</sup> of externally accessible storage. This can be addressed via conditions on any permit to issue.*

**Detailed Design**

*Design Detail – Complies.*

*Common Property – Not applicable, no common property proposed.*

*Site Services – Complies.*

*Front fence – Complies.*

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### **4.5 Clause 56 – Residential Subdivision**

#### Liveable and Sustainable Communities

Compact and Walkable Neighbourhoods - *Can Comply. Shared paths aid access through and around the site. However laneways should not be used for pedestrian walkways and alternate pathways should be provided. This is to be a condition on any permit to issue.*

Built Environment - *Does not comply. Refer to Section 4.4.*

Neighbourhood Character - *Does not comply. Refer to Section 4.4.*

#### Lot Design

Lot Diversity and Distribution – *Does not comply. Refer to Section 4.4.*

Lot Area and Building Envelopes - *Can Comply. The addition of a building to each lot will ensure that the lots can comply with the objective. No building envelopes will be required should approval be granted for the dwellings.*

Solar Orientation of Lots – *Does not comply. Refer to Section 4.4.*

Street Orientation – *Does not comply. As noted throughout the report, a number of blank walls will present to streets and walkways which will not contribute to personal safety and property security.*

Common Area – *Not applicable, no common areas are proposed.*

#### Urban Landscape

Integrated Urban Landscape – *Does not comply. Refer to Section 4.4.*

Public Open Space Provision – *Does not comply. The proposal does not meet the required total area for public open space in accordance with the schedule to Clause 52.01 (refer Section 4.3). Further, the rear open space lot area is encumbered by a storm water retarding basin, and the 'core' centre open space is not considered of suitable size to be an 'Open Space Area' in terms of quality and orientation. However, the centre park does contain paths and walking trials. Corner property and 'infill' pocket parks are suitable for buffer landscaping only.*

## **13.2 203 Mountain Highway, Wantirna (cont'd)**

### Access and Mobility

Integrated Mobility – *Complies.*

Walking and Cycling Network – *Does not comply. The steep grades on the main collector road are not suitable for walking and cycling.*

Public Transport Network – *Not applicable. No public transport will be provided with the subdivision. Public transport is available along Mountain highway.*

Neighbourhood Street Network – *Does not comply. As discussed:*

*In the Robert Bird Group Typical Road Cross Sections Sheet 1 drawing (number C3-15) dated July 2016, the road pavement width is shown as 4.9m (5.5m kerb invert to kerb invert). A road pavement width of less than 6m for two-way traffic is not a good provision for public buses and garbage trucks. It gives little space for turning and other vehicles to manoeuvre around the large vehicles. Hence, an Access Street Level 2 with 7-7.5m wide carriageway must be provided to ensure the safety of traffic conditions in the future.*

*The Access Street – Level 2 should be maintained up to at least the intersection with Road 2 which extends into Ninalee Grove in the adjoining estate (this route into the adjoining estate is also likely to be used due to the signalised intersection on Petalnina Drive).*

*There are complex intersections within the site that need to be simplified to reduce possible conflict points, corner cutting and ensure adequate safe intersection sight distance. Specifically, the intersection of Ninalee Grove with Road A is designed as a pair of staggered T-intersections, which does not promote safe turning or efficient traffic movements. The road reserve at the intersection should be sufficient to implement a traffic management device (i.e. roundabout) to manage the crossroad intersection.*

*Ninalee Grove south (approximately 7.6m wide) and Thompson Drive (approximately 6.4m) are not the same widths as the proposed roads widths (5.5m) into the site. The proposed road widths need to match the existing road widths before tapering to the narrower width where appropriate (again, access roads connecting to Ninalee Grove and Thompson Drive are more likely to be use due to the signalised intersection on Petalnina Drive).*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

*The design of laneways (7m) and the roads (5.5m) means that the lanes are wider than the roads. Traffic management is required to discourage the use of the laneways (other than for access to garages and rubbish collection), keep the speed to approximately 10km/h and provide a safe shared zone for pedestrians with appropriate signage as per the Knox Planning Scheme clause 56.06-8. There is no laneway traffic-calming scheme proposed at the current plans.*

*Lot Access – Complies. Small lots have vehicle access to the rear (laneways). Traditional lots (all accesses to the front) are mostly contained to lots fronting the collector roads.*

**Integrated Water Management**

*Drinking Water Supply – Complies.*

*Reused and Recycled Water – Can comply. Proposed dwellings contain individual water tanks.*

*Waste Water Management - Does not comply. As discussed above, Council is not satisfied with the level of technical detail nor that the detailed provided is accurate in regards to the management of stormwater quantity and quality within the development. Therefore, the development has not been designed to ensure that flows downstream are restricted to predevelopment levels*

**Site Management**

*Site Management - Can Comply. An Environmental Management Plan and a Construction Management Plan requirement should be included as a condition on any permit to issue.*

**Utilities**

*Shared Trenching – Can comply, subject to the submission of engineering plans which will be a requirement of any permit to issue.*

*Electricity, Telecommunications and Gas - Can comply, Authority conditions to be included on any permit issued*

### **13.2 203 Mountain Highway, Wantirna (cont'd)**

Fire Hydrants – *Can comply, CFA conditions to be included on any permit to issue.*

Public Lighting – *Can comply, Ausnet Services conditions to be included on any permit to issue.*

#### Clause 66.01 Telecommunications

Each lot shown on the endorsed plan shall be provided with the National Broadband Network telecommunications fibre ready facilities in accordance with the industry specifications and standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

- *Conditions to be included on any permit to issue as required by the Knox Planning Scheme.*

#### **4.6 General Decision Guidelines**

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

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

### **5. CONCLUSION**

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

- *The proposal fails to satisfy relevant State Planning Policy Framework strategies and objectives, particularly Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the Knox Planning Scheme*
- *The proposal fails to comply with the Municipal Strategic Statement, in particular Urban Design (Clause 21.04) and Housing (Clause 21.05) clauses.*
- *The proposal fails to comply with the objectives and standards of the General Residential Zone – Schedule 1, Clause 52.01, Clause 52.06, Clause 52.17, and Clause 55 and Clause 56 and represents an overdevelopment of the site.*

**13.2 203 Mountain Highway, Wantirna (cont'd)**

- *The development provides poor internal amenity for future residents.*
- *Insufficient space has been made available to provide for meaningful landscaping to integrate the development into the area and maintain the landscape character of the area.*

**6. CONFIDENTIALITY**

There are no confidentiality issues associated with this report.

**RECOMMENDATION**

**That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the construction of 294 dwellings, subdivision of land, easement relocation, alteration of access to a Road Zone Category 1 and removal of native vegetation based on the following grounds:**

- 1. The proposal fails to satisfy relevant State Planning Policy Framework strategies and objectives, particularly Clause 15 (Built Environment and Heritage) and Clause 16 (Housing) of the Knox Planning Scheme.**
- 2. The proposal fails to satisfy the Municipal Strategic Statement, in particular Urban Design (Clause 21.04) and Housing (Clause 21.05) clauses.**
- 3. The proposal does not achieve the objectives and standards of the General Residential Zone – Schedule 1 in relation to neighbourhood character and landscaping.**
- 4. The proposal fails to comply with Public Open Space (Clause 52.01) of the Knox Planning Scheme.**
- 5. The proposal fails to comply with Accessway and Car Parking Spaces Design Guidelines of Clause 52.06 (Car Parking) of the Knox Planning Scheme.**
- 6. The proposal is inconsistent with the purpose of Clause 52.17 (Native Vegetation) as the proposal will not ensure the protection and retention of the significant vegetation on the site and does not provide opportunity for ample landscaping to replace trees proposed for removal.**



**13.2 203 Mountain Highway, Wantirna (cont'd)****Recommendation (cont'd)**

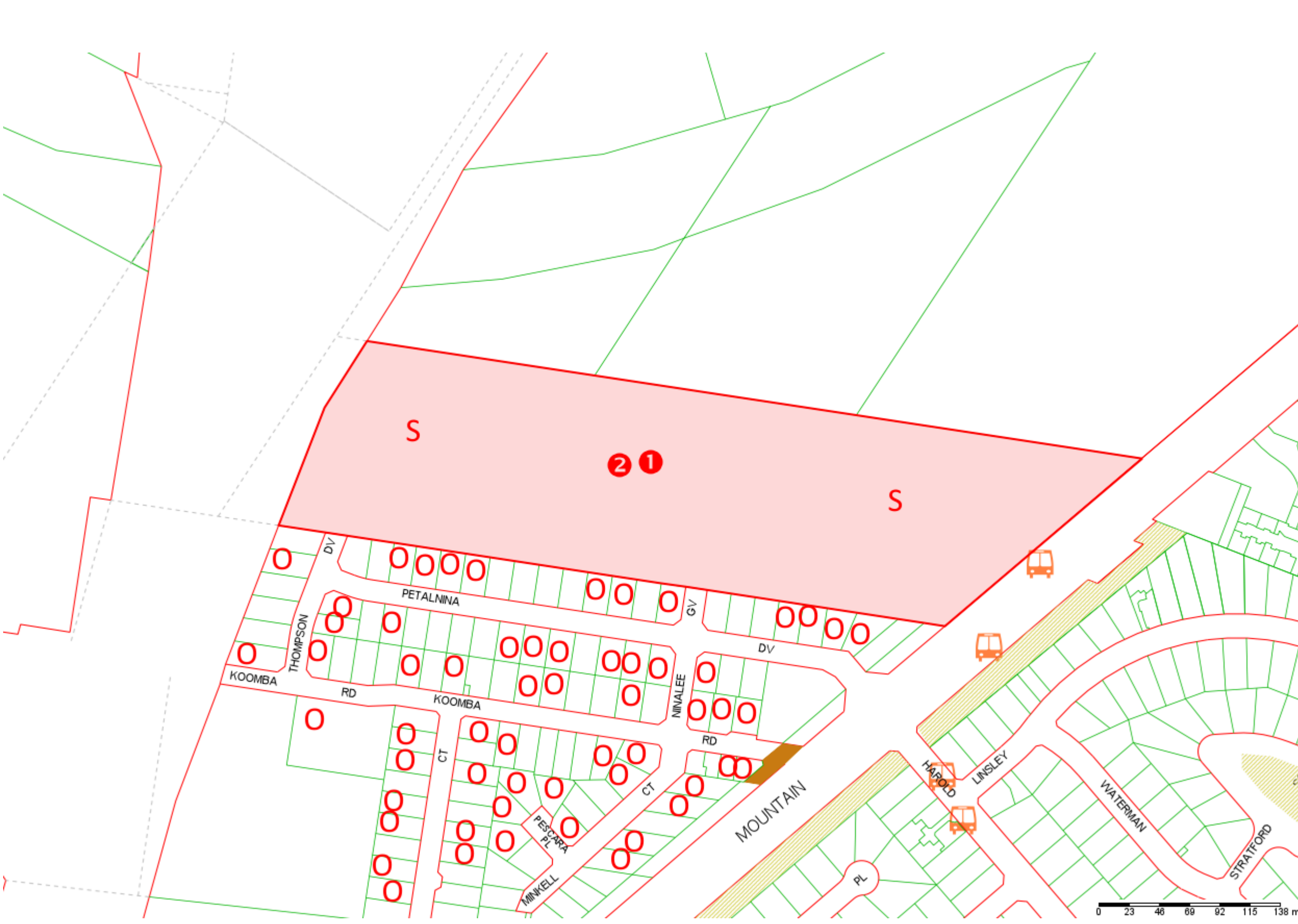
7. The proposal does not satisfy the objectives of Clause 55 of the Knox Planning Scheme, in particular:
  - a) Clause 55.02-1 - Neighbourhood Character
  - b) Clause 55.02-2 – Residential Policy
  - c) Clause 55.02-3 - Dwelling Diversity
  - d) Clause 55.02-4 - Integration with the Street
  - e) Clause 55.03-1 - Street Setback
  - f) Clause 55.03-2 - Building Height
  - g) Clause 55.03-5 – Energy Efficiency
  - h) Clause 55.03-7 - Safety
  - i) Clause 55.03-8 - Landscaping
  - j) Clause 55.03-9 - Access
  - k) Clause 55.04-1 - Side and Rear Setbacks
  - l) Clause 55.05-3 – Daylight to New Windows
  - m) Clause 55.05-4 - Private Open Space
  - n) Clause 55.05-5 – Solar Access
  
8. The proposal does not satisfy the objectives of Clause 56 of the Knox Planning Scheme, in particular:
  - a) Clause 56.03-4 - Built Environment
  - b) Clause 56.03-5 - Neighbourhood Character
  - c) Clause 56.04-1 - Lot Diversity and Distribution
  - d) Clause 56.04-3 - Solar Orientation of Lots
  - e) Clause 56.04-4 - Street Orientation
  - f) Clause 56.05-1 - Integrated Urban Landscape
  - g) Clause 56.05-2 - Public Open Space Provision
  - h) Clause 56.06-2 - Walking and Cycling Network
  - i) Cause 56.06-7 - Neighbourhood Street Network
  - j) Clause 56.07-3 - Waste Water Management
  
9. The proposal represents an overdevelopment of the site. The design fails to respond appropriately to its opportunities and constraints resulting in an unreasonable impact on the character of the area and will result in poor internal amenity for future residents.
  
10. Insufficient space has been made available to provide for meaningful landscaping to integrate the development into the area and maintain the landscape character of the area.

**Report Prepared By:** Senior Planner (Nancy Neil)

**Report Authorised By:** Director – City Development  
(Angelo Kourambas)



<b>Property - Address</b>	203 Mountain Highway, WANTIRNA
<b>Application Number</b>	P/2016/6930
<b>Description</b>	Construction of 294 dwellings, subdivision of land, easement relocation, alteration of access to a Road Zone Category 1 and removal of native vegetation
<b>Wardname</b>	Collier



**LEGEND:**

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

Scale: **1:3000**

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

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**13.2 203 Mountain Highway, Wantirna**

Appendix B – Architectural Town Planning Submission is circulated under separate cover.