

7.1.3 1799 DANDENONG ROAD, OAKLEIGH EAST CONSTRUCTION OF A THREE STOREY BUILDING CONTAINING TWELVE (12) DWELLINGS, ALTERATION AND CREATION OF ACCESS TO A ROAD IN TRANSPORT ZONE (TPA/54825)

| | |
|------------------------------|--------------------------------------------|
| Responsible Manager: | Catherine Sherwin, Manager City Planning |
| Responsible Director: | Peter Panagakos, Director City Development |

EXECUTIVE SUMMARY

The purpose of this report is to advise Council that Planning Application TPA/53913 which proposed to construct a three-storey residential apartment building at 1799 Dandenong Road Oakleigh East, was refused under delegation on 26 September 2023.

Officers have recently become aware that an error was made in determining the application under Delegation as the cost of works at \$4 million exceeded the Council delegation threshold of \$3.5 million which would have required the application to be considered at a Council meeting. The error is an administrative oversight by Officers. This issue has not occurred before and procedures have been put in place to ensure that this does not occur again.

Following the receipt of Council's refusal notice, the applicant has lodged an appeal against Council's Notice of Decision to Refuse to Grant a Planning Permit at the Victorian Civil and Administrative Tribunal (VCAT). Council and the applicant are the only parties at VCAT as when the planning application was advertised no objections were received.

A Compulsory Conference was held at VCAT on Friday 2 February 2024 where the applicant advised they were proposing to make changes to the proposed development. A further compulsory conference occurred on 14 February 2024 where the applicant circulated further without prejudice plans addressing Council's grounds of refusal. These plans are to be formally submitted and a report on the amended plans will be presented to the March Council meeting for consideration. The merits hearing is currently scheduled for 22 and 23 April 2024. There were no objections received during advertising of the application and there are no other parties involved in the hearing.

The decision as it stands is a decision of Council, and as the matter will be considered and determined by VCAT, there are no other ramifications or considerations from this oversight in regard to the decision that was made.

This report is being presented to the Council meeting for noting given the administrative error that occurred.

RECOMMENDATION

That Council:

- 1. Notes on 26 September 2023 a Notice of Decision to Refuse to Grant a Permit at 1799 Dandenong Road, Oakleigh East for the construction of a three storey apartment building was issued under delegation further noting that the report should have been presented to a Council meeting for consideration under Council's instrument of delegation.**

2. Notes the officers report, plans and notice of refusal attached to this report.

Notes that the decision as it stands is a decision of Council, and as the matter will be considered and determined by VCAT, there are no other ramifications or considerations from this oversight in regard to the decision that was made.

3. Notes the permit applicant has lodged an appeal against the notice of refusal and the matter proceeded to a Compulsory Conference at VCAT on Friday 2 February 2024, a second Compulsory Conference on 14 February 2024 and a merits hearing is scheduled for the 22 and 23 April 2024.
4. Notes that subsequent to the two Compulsory Conferences, amended plans are to be submitted by the permit applicant and a report will be presented to March Council for consideration.

COUNCIL PLAN STRATEGIC OBJECTIVES

Sustainable City

Ensure an economically, socially, and environmentally sustainable municipality.

Good Governance

Effectively communicate and engage with the community.

BACKGROUND

Council's Instrument of Delegation requires that a development of this type with a development cost which exceeds \$3.5 million must be reported to a Council meeting for consideration. In this circumstance, an administrative oversight occurred and the decision to refuse the application was made by officers. Officers have put additional procedures in place to ensure this does not happen again.

The issue was discovered as officers were preparing for the upcoming compulsory conference.

DISCUSSION

The application proposes the development of a three-storey residential apartment building for twelve (12) dwellings above a basement car park and alteration and creation of access to a road in a Transport Zone. The basement contains 21 car spaces including 2 for visitor parking.

The site is located on the northern side of the Dandenong Road service road, between Carmichael Road to the west and Macrina Street to the east, in Oakleigh East. The site is located approximately 300 metres north of Huntingdale Neighbourhood Centre and 1.6km east of Oakleigh Major Activity Centre. It is also located within the Monash National Employment and Innovation Cluster (NEIC) investigation area.

Key issues considered by Council officers included:

- The proposed building scale and bulk is considered to be excessive and does not respond to the objectives of the General Residential Zone and the Garden City Suburbs Southern Area.
- The access arrangements to the site have not adequately been resolved and results in a dual crossover.
- The proposal raises concerns with impact to adjoining properties and fails to provide adequate landscaping.
- The design of the proposal fails to achieve an acceptable urban design outcome.
- The proposal does not adequately satisfy the objectives and design standards of Clause 55.

The application was advertised, and no objections were received.

The applicant was advised that Council officers were not supportive of the proposed development and that a report was being prepared for a refusal.

During the application process the applicant has been unwilling to make any significant changes to the proposal in response to Council's concerns.

The proposal is considered inconsistent with the relevant state, regional and local provisions of the Monash Planning Scheme and is not supported by Council officers.

Attachment 3 includes a copy of Council's delegate report which details the decision further.

Following the receipt of Council's refusal notice, the applicant lodged an appeal against Council's Notice of Decision to Refuse to Grant a Planning Permit at the Victorian Civil and Administrative Tribunal (VCAT). Council and the applicant are the only parties at VCAT as when the planning application was advertised no objections were received.

As part of the VCAT process a compulsory conference was scheduled and without prejudice plans were submitted to Council prior to and on the day of the compulsory conference held on 2 February 2024. These plans address some of officer's concerns, however the key issues still remained. During the compulsory conference the applicant gave a written undertaking to make further revisions to the plans to address the fundamental areas of concerns regarding the dual crossover and driveway and excessive hard surfacing in the front setback to provide increase landscaping. Changes discussed include reducing the basement footprint to provide increased landscaping including deep root planting areas and address the non compliance with the Standards of Clause 55.

Due to this undertaking, VCAT scheduled a second Compulsory Conference which occurred on 14 February. The changes made in the without prejudice plans presented at this second compulsory conference are to be submitted as amended plans to the application and will be presented to the March Council for consideration.

A merits hearing is currently scheduled for 22 and 23 April 2024. There were no objections received during advertising of the application and there are no other parties involved in the hearing.

The decision as it stands is a decision of Council, and as the matter will be considered and determined by VCAT, there are no other ramifications or considerations from this oversight in regard to the decision that was made.

FINANCIAL IMPLICATIONS

There are no financial implications to this report.

POLICY IMPLICATIONS

There are no policy implications to this report.

CONSULTATION

Community consultation was not required.

SOCIAL IMPLICATIONS

There are no social implications to this report.

HUMAN RIGHTS CONSIDERATIONS

There are no human rights implications to this report.

GENDER IMPACT ASSESSMENT

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

CONCLUSION

The report is presented to Council so that the administrative oversight and decision made by officers that should have been presented to a Council meeting for consideration are noted.

The decision as it stands is a decision of Council, and as the matter will be considered and determined by VCAT, there are no other ramifications or considerations from this oversight in regard to the decision that was made.

Following the receipt of formally amended plans in accordance with the without prejudice plans provided at the compulsory conference, the application will be presented to the March Council for consideration.

ATTACHMENT LIST

1. Attachment 1 - Considered Development Plans [7.1.3.1 - 22 pages]
2. Attachment 2 - Notice of Decision to Refuse to Grant a Permit [7.1.3.2 - 2 pages]
3. Attachment 3 - Delegates Report [7.1.3.3 - 22 pages]

1799 DANDENONG ROAD, OAKLEIGH EAST

DRAWINGS LIST:

| Sheet Number | Sheet Name | Current Revision |
|--------------|-----------------------------|------------------|
| TP00 | COVER | G |
| TP01 | PROPOSED SITE PLAN | F |
| TP02 | APT SCHEME - BASEMENT | A |
| TP03 | APT SCHEME - GROUND FLOOR | F |
| TP04 | APT SCHEME - FIRST FLOOR | C |
| TP05 | APT SCHEME - SECOND FLOOR | C |
| TP06 | APT SCHEME - ROOF PLAN | D |
| TP07 | NORTH & SOUTH ELEVATION | B |
| TP08 | EAST & WEST ELEVATION | C |
| TP09 | SECTIONS - SHEET 1 | A |
| TP10 | SECTIONS - SHEET 2 | B |
| TP11 | SHADOW DIAGRAM 9AM 22 SEPT | B |
| TP12 | SHADOW DIAGRAM 10AM 22 SEPT | - |
| TP13 | SHADOW DIAGRAM 11AM 22 SEPT | - |
| TP14 | SHADOW DIAGRAM 12PM 22 SEPT | - |
| TP15 | SHADOW DIAGRAM 1PM 22 SEPT | - |
| TP16 | SHADOW DIAGRAM 2PM 22 SEPT | - |
| TP17 | SHADOW DIAGRAM 3PM 22 SEPT | - |
| TP18 | 3D ELEVATIONS | A |
| TP19 | GARDEN AREA CALCULATION | - |

DEVELOPMENT SUMMARY

| | |
|--------------------------------------------------------|----------------------------------------|
| TOTAL SITE AREA: 997m ² | LEVEL 1 AREA: 515m² |
| SITE COVERAGE: 540m ² / 54% | UNIT 6 - 3 BED APT |
| GARDEN AREA: 350m ² / 35% | UNIT 6: 100.6m ² |
| PERMEABILITY: 248m ² / 24.8% | UNIT 6 BALC: 11.5m ² |
| BASEMENT AREA: 569m ² (INTERNAL) | UNIT 7 - 2 BED APT |
| GROUND LEVEL AREA: 529m ² (EXTERNAL) | UNIT 7: 98.6m ² |
| LEVEL 1 AREA: 515m ² (EXTERNAL) | UNIT 7 BALC: 12.2m ² |
| LEVEL 2 AREA: 371m ² (EXTERNAL) | UNIT 8 - 3 BED APT (ACCESSIBLE) |
| UNITS | UNIT 8: 115.6m ² |
| TOTAL NO. OF UNITS: 12 | UNIT 8 BALC: 12.6m ² |
| 1 BEDROOM APT: 2 | UNIT 9 - 3 BED APT (ACCESSIBLE) |
| 2 BEDROOM APT: 4 | UNIT 9: 121.0m ² |
| 3 BEDROOM APT: 6 | UNIT 9 BALC: 12.2m ² |
| GROUND LEVEL AREA: 529m² | LEVEL 2 AREA: 371m² |
| UNIT 1 - 2 BED APT (ACCESSIBLE) | UNIT 10 - 1 BED APT |
| UNIT 1: 93.6m ² | UNIT 10: 62.1m ² |
| UNIT 1 POS: 45.3m ² | UNIT 10 BALC: 8.8m ² |
| UNIT 2 - 3 BED APT | UNIT 11 - 2 BED APT |
| UNIT 2: 99.0m ² | UNIT 11: 107.5m ² |
| UNIT 2 POS: 71.2m ² | UNIT 11 BALC: 24.9m ² |
| UNIT 3 - 2 BED APT (ACCESSIBLE) | UNIT 12 - 3 BED APT |
| UNIT 3: 95.4m ² | UNIT 12: 114.4m ² |
| UNIT 3 POS: 35.9m ² | UNIT 12 BALC: 10.8m ² |
| UNIT 4 - 1 BED APT (ACCESSIBLE) | EXTERNAL STORAGE |
| UNIT 4: 53.8m ² | 6m ³ : 6 |
| UNIT 4 POS: 18.2m ² | 7m ³ : 2 |
| UNIT 5 - 3 BED APT (ACCESSIBLE) | 10m ³ : 3 |
| UNIT 5: 104.7m ² | TOTAL: 11 |
| UNIT 5 POS: 71.9m ² | BASEMENT PARKING |
| GROUND LEVEL GROSS FLOOR AREA: 498m² | CAR PARK: 21 |
| (INTERNAL TOTAL) | BIKE PARK: 14 |
| GROUND LEVEL POS AREA: 242.1m² | GROUND FLOOR BIKE PARKING |
| | VISITOR BIKE PARK: 6 |
| | TOTAL BIKE PARK: 20 |



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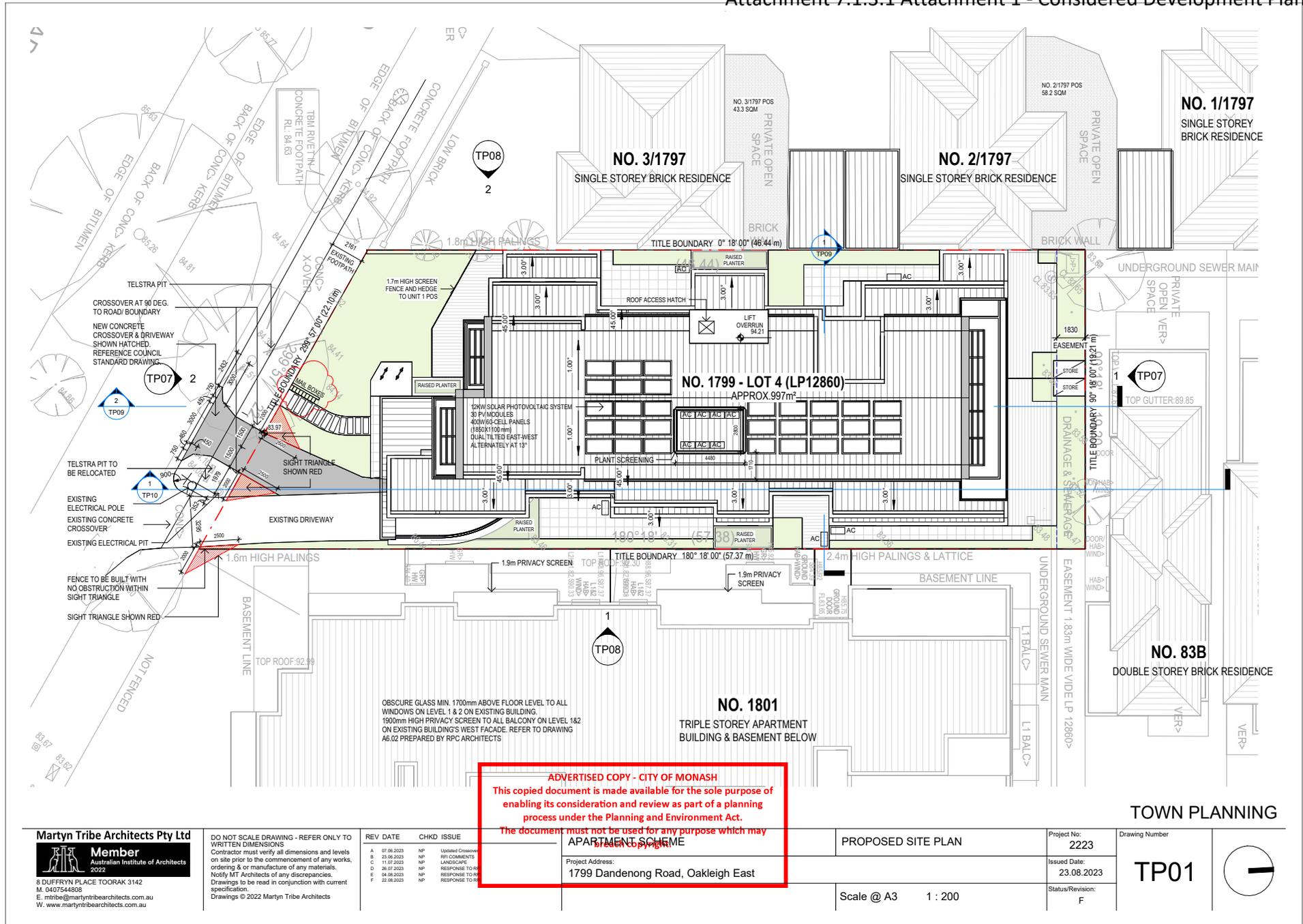
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| B | 05.07.2023 | NP | TRAFFIC COMMENTS |
| C | 03.07.2023 | NP | 3D PERSPECTIVE |
| D | 11.07.2023 | NP | LANDSCAPE |
| E | 26.07.2023 | NP | RESPONSE TO RFI |
| F | 26.08.2023 | NP | RESPONSE TO RFI |
| G | 22.08.2023 | NP | RESPONSE TO RFI |

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| APARTMENT SCHEME | COVER |
| Project Address: 1799 Dandenong Road, Oakleigh East | |
| Scale @ A3 | 1 : 100 |

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| C 11.07.2023 | NP | LANDSCAPE |
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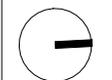
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PROPOSED SITE PLAN

Scale @ A3 1 : 200

Project No:
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Drawing Number
 TP01



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EXTERNAL STORAGE

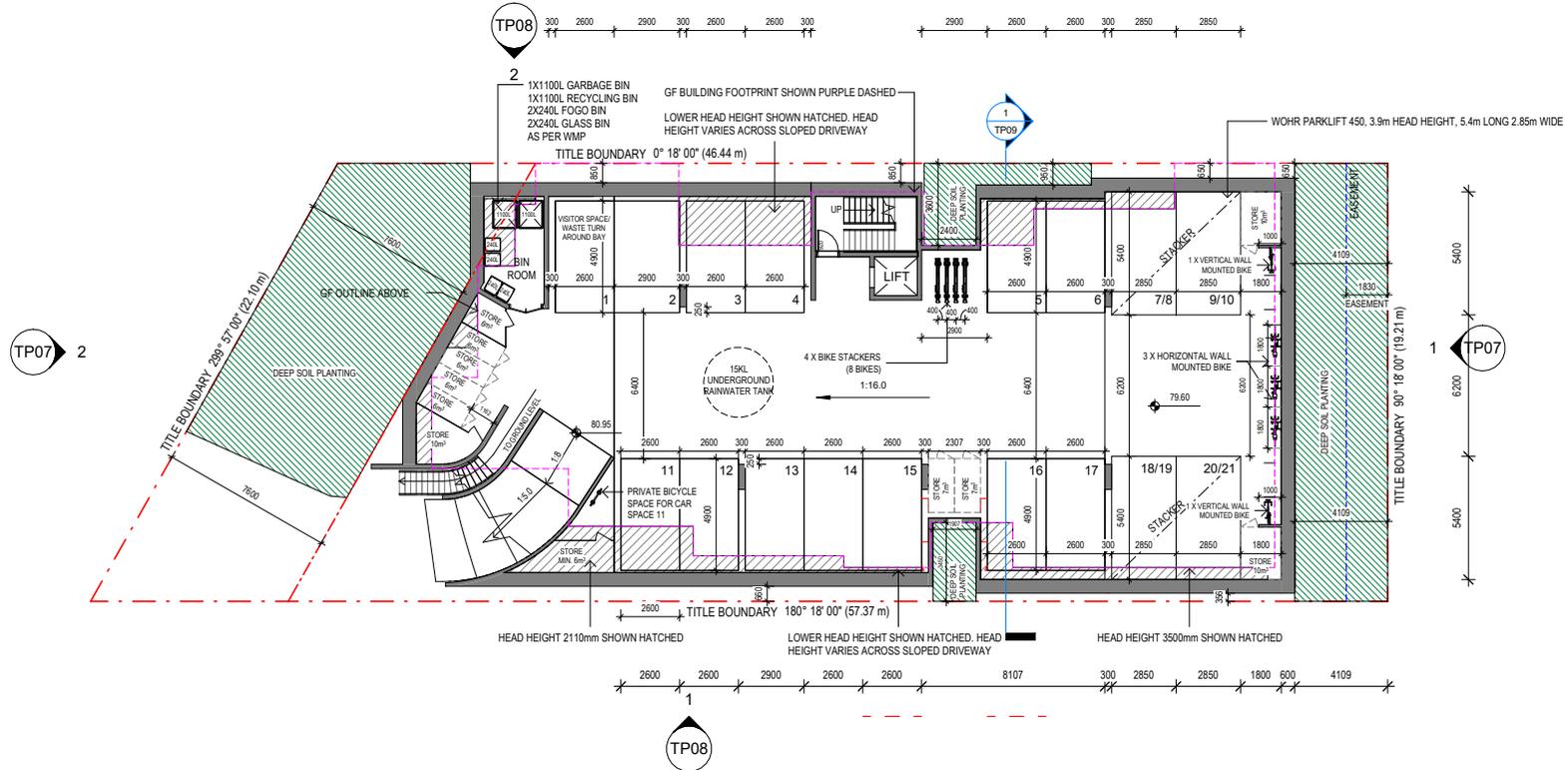
6m³: 6
7m³: 2
10m³: 3

TOTAL: 11

BASEMENT PARKING

CAR PARK: 21

BIKE PARK: 14



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APT SCHEME - BASEMENT

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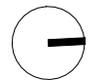
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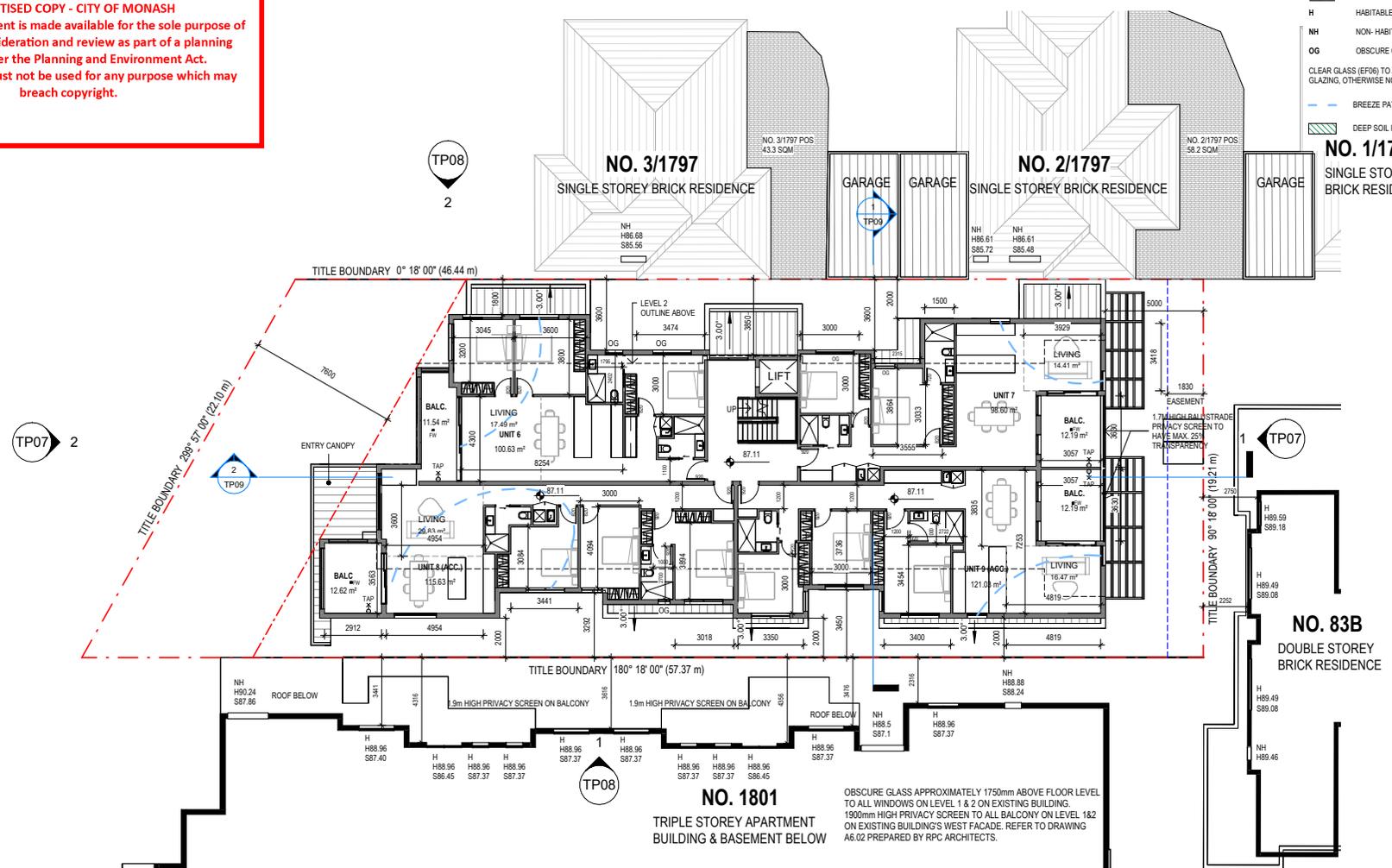
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- NOTES:**
- H HABITABLE WINDOW
 - NH NON-HABITABLE WINDOW
 - OG OBSCURE GLASS (EF07)
 - CLEAR GLASS (EF06) TO ALL WINDOW GLAZING, OTHERWISE NOTED WITH OG.
 - BREEZE PATH
 - DEEP SOIL PLANTING



OBSCURE GLASS APPROXIMATELY 1750mm ABOVE FLOOR LEVEL TO ALL WINDOWS ON LEVEL 1 & 2 ON EXISTING BUILDING.
 1900mm HIGH PRIVACY SCREEN TO ALL BALCONY ON LEVEL 1&2 ON EXISTING BUILDING'S WEST FACADE. REFER TO DRAWING A6.02 PREPARED BY RPC ARCHITECTS.

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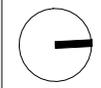
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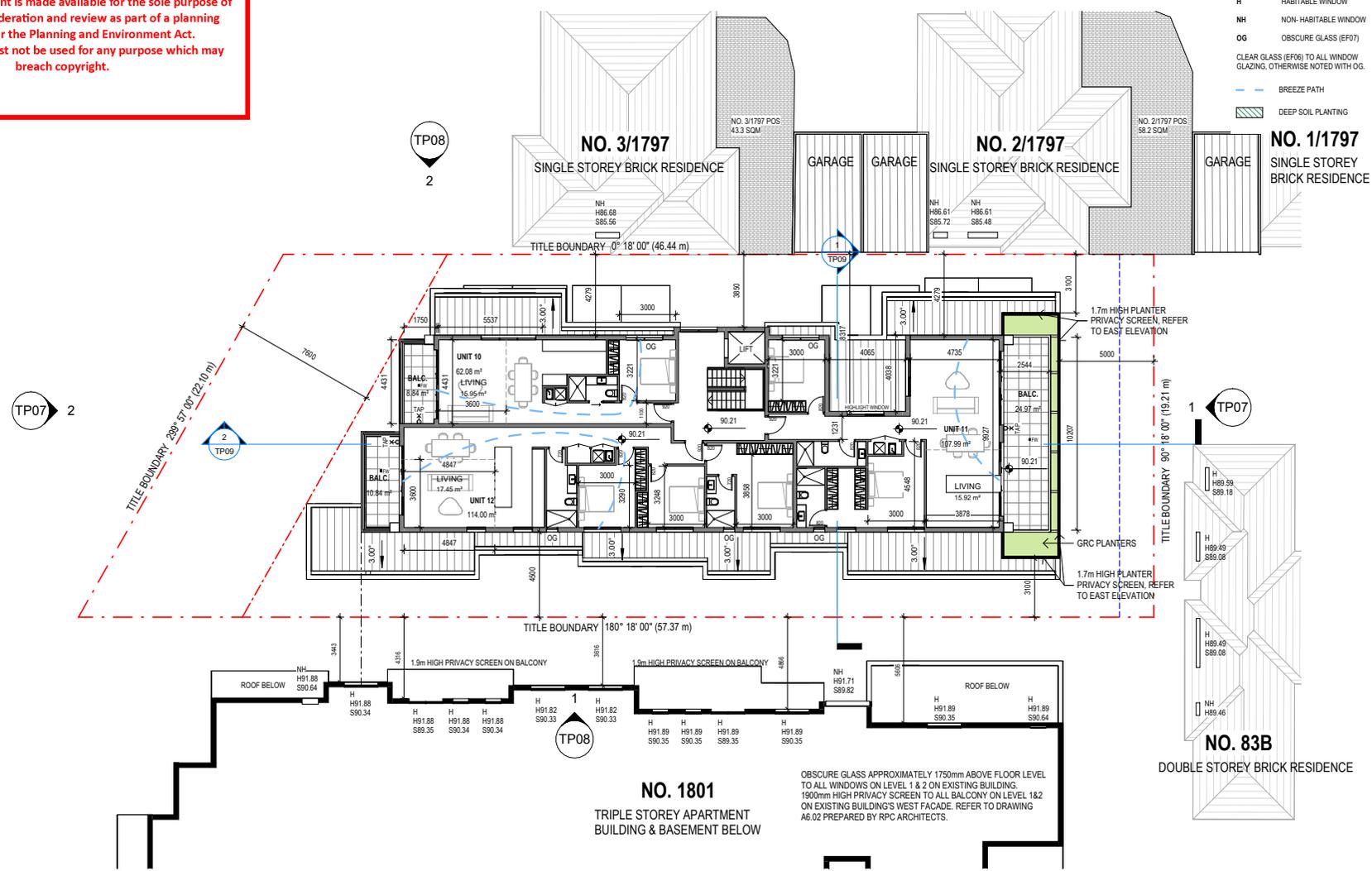
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| APARTMENT SCHEME | APT SCHEME - FIRST FLOOR |
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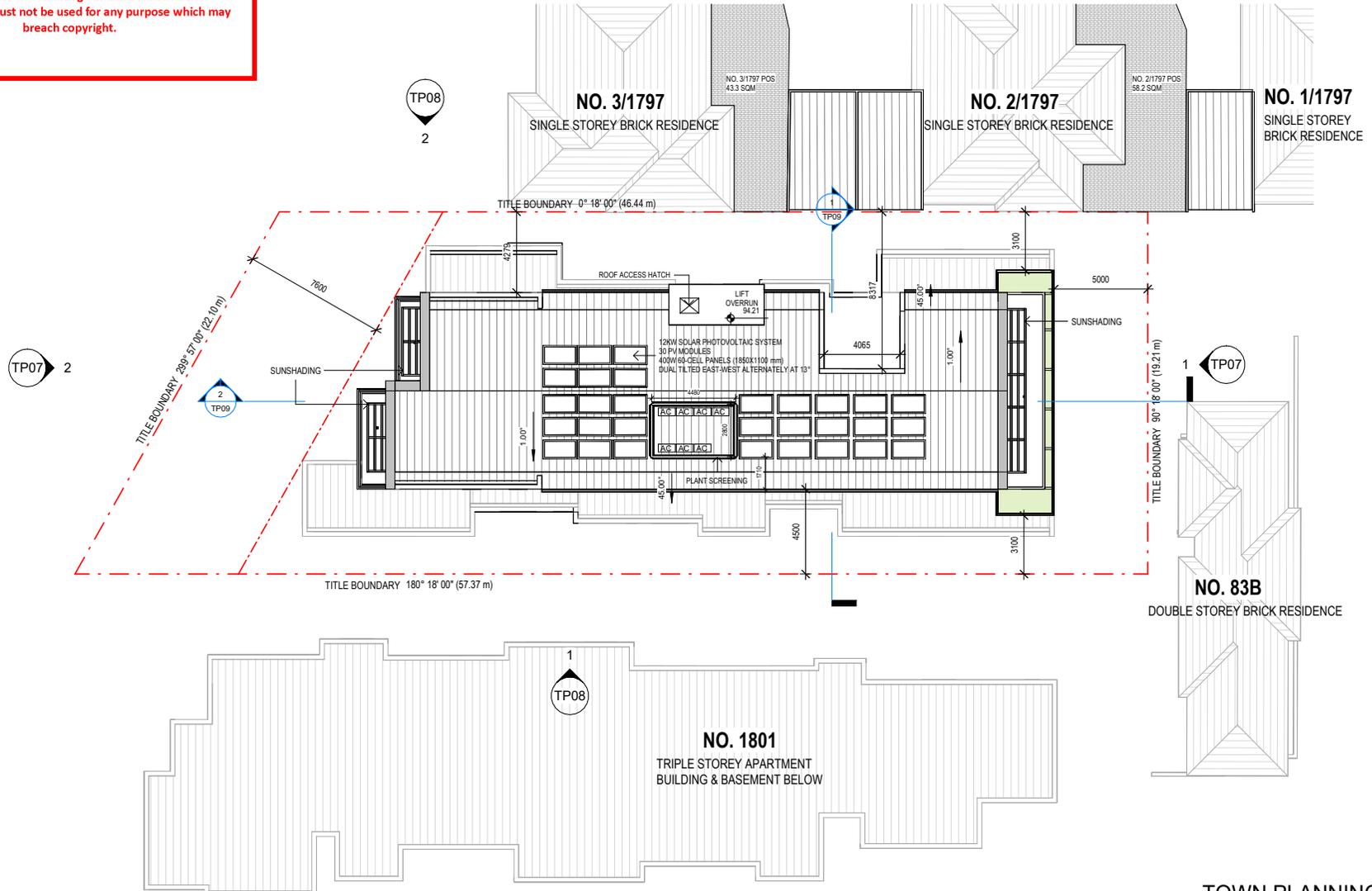
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| B 23.08.2023 | NP | RPI COMMENTS |
| C 26.07.2023 | NP | RESPONSE TO RPI |

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| Project Address: 1799 Dandenong Road, Oakleigh East | |
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TP05

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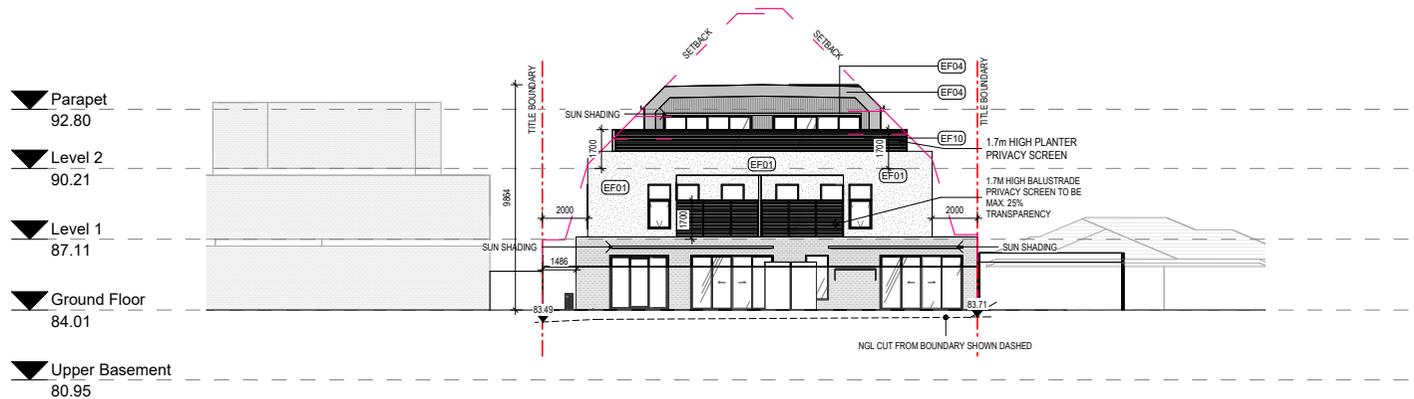
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| C 26.07.2023 | NP | RESPONSE TO RFI |
| D 04.08.2023 | NP | RESPONSE TO RFI |

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| APARTMENT SCHEME | APT SCHEME - ROOF PLAN |
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| Status/Revision: D |

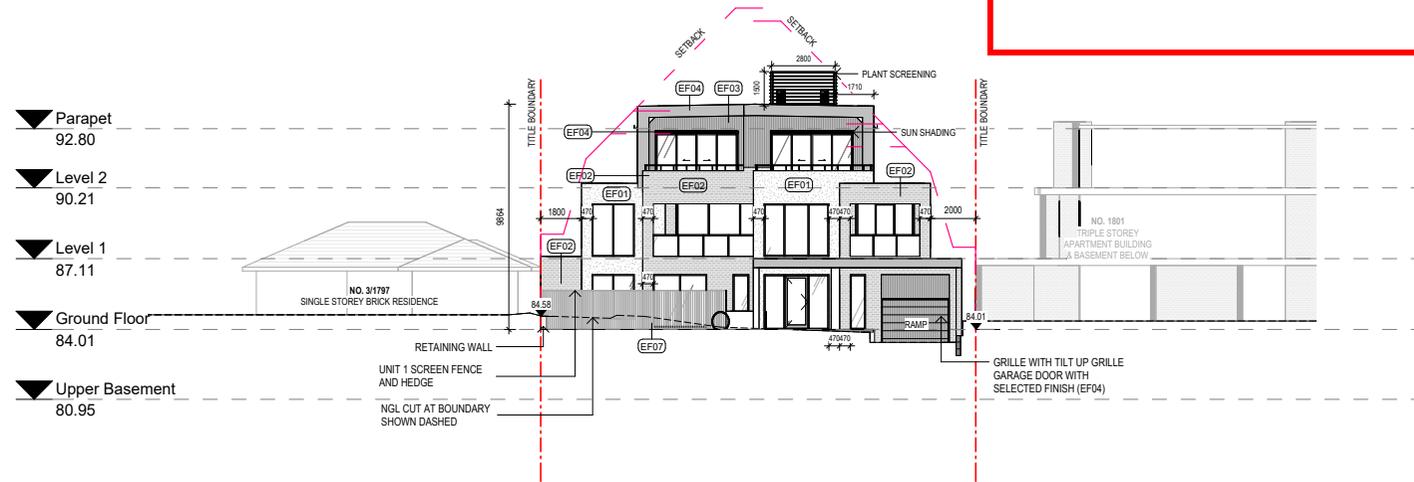
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1 NORTH ELEVATION
TP01 1:200

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2 SOUTH ELEVATION
TP01 1:200

MATERIAL LIST

- EF01 RENDER FINISH
COLOUR: LIGHT GREY
- EF02 BRICK
COLOUR: GREY
- EF03 TIMBER LOOK BATTENS CLADDING
COLOUR: BLACK/ CHARCOAL
- EF04 POWDERCOAT METAL FRAMING
COLOUR: BLACK/ CHARCOAL
- EF05 METAL ROOF SHEET
COLOUR: OFF WHITE/ LIGHT GREY
- EF06 CLEAR GLASS
- OG OBSCURED GLASS TO HAVE MAX. 25% TRANSPARENCY
- EF07 TIMBER SCREENING
COLOUR: BLACK/ CHARCOAL

NOTES:

CLEAR GLASS (EF06) TO ALL WINDOW GLAZING, OTHERWISE NOTED WITH OG.

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APARTMENT SCHEME
 Project Address:
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NORTH & SOUTH ELEVATION

Scale @ A3 As indicated

Project No:
 2223
 Issued Date:
 23.08.2023
 Status/Revision:
 B

Drawing Number

TP07



- MATERIAL LIST**
- EF01 RENDER FINISH
COLOUR: LIGHT GREY
 - EF02 BRICK
COLOUR: GREY
 - EF03 TIMBER LOOK BATTENS CLADDING
COLOUR: BLACK/ CHARCOAL
 - EF04 POWDERCOAT METAL FRAMING
COLOUR: BLACK/ CHARCOAL
 - EF05 METAL ROOF SHEET
COLOUR: OFF WHITE/ LIGHT GREY
 - EF06 CLEAR GLASS
 - OG OBTAINED GLASS TO HAVE MAX.
25% TRANSPARENCY
 - EF07 TIMBER SCREENING
COLOUR: BLACK/ CHARCOAL
- NOTES:**
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1 EAST ELEVATION
TP01 1 : 200



2 WEST ELEVATION
TP01 1 : 200

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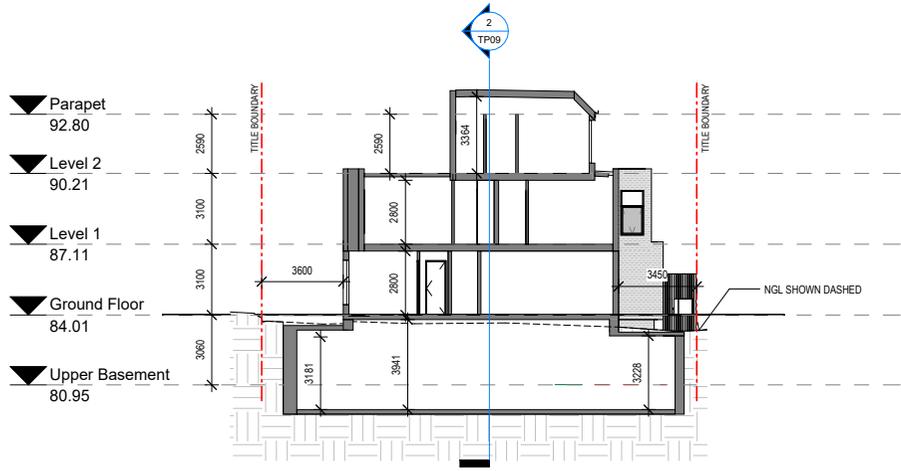
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| A 26.07.2023 | NP | RESPONSE TO RFI |
| B 04.08.2023 | NP | RESPONSE TO RFI |
| C 22.08.2023 | NP | RESPONSE TO RFI |

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|--------------------------------------------------------|----------------------------|
| APARTMENT SCHEME | EAST & WEST ELEVATION |
| Project Address: 1799 Dandenong Road, Oakleigh East | Project No: 2223 |
| Scale @ A3 As indicated | Issued Date: 23.08.2023 |
| | Status/Revision: C |

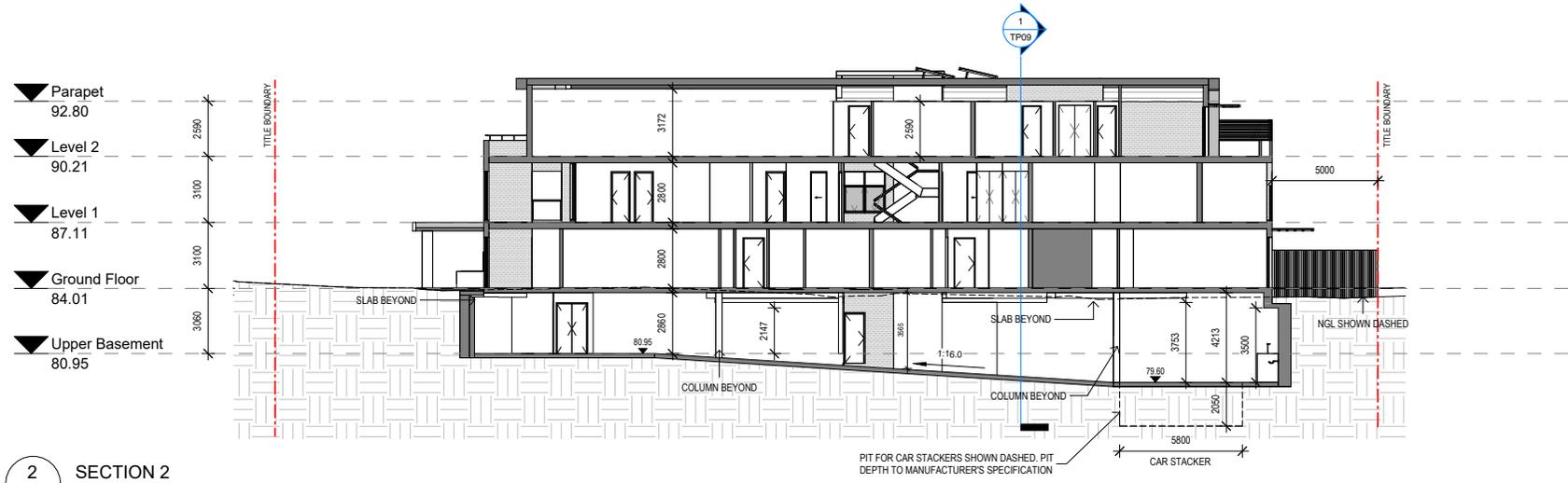
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| Drawing Number | TP08 |
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1 SECTION 1
TP01 1 : 200

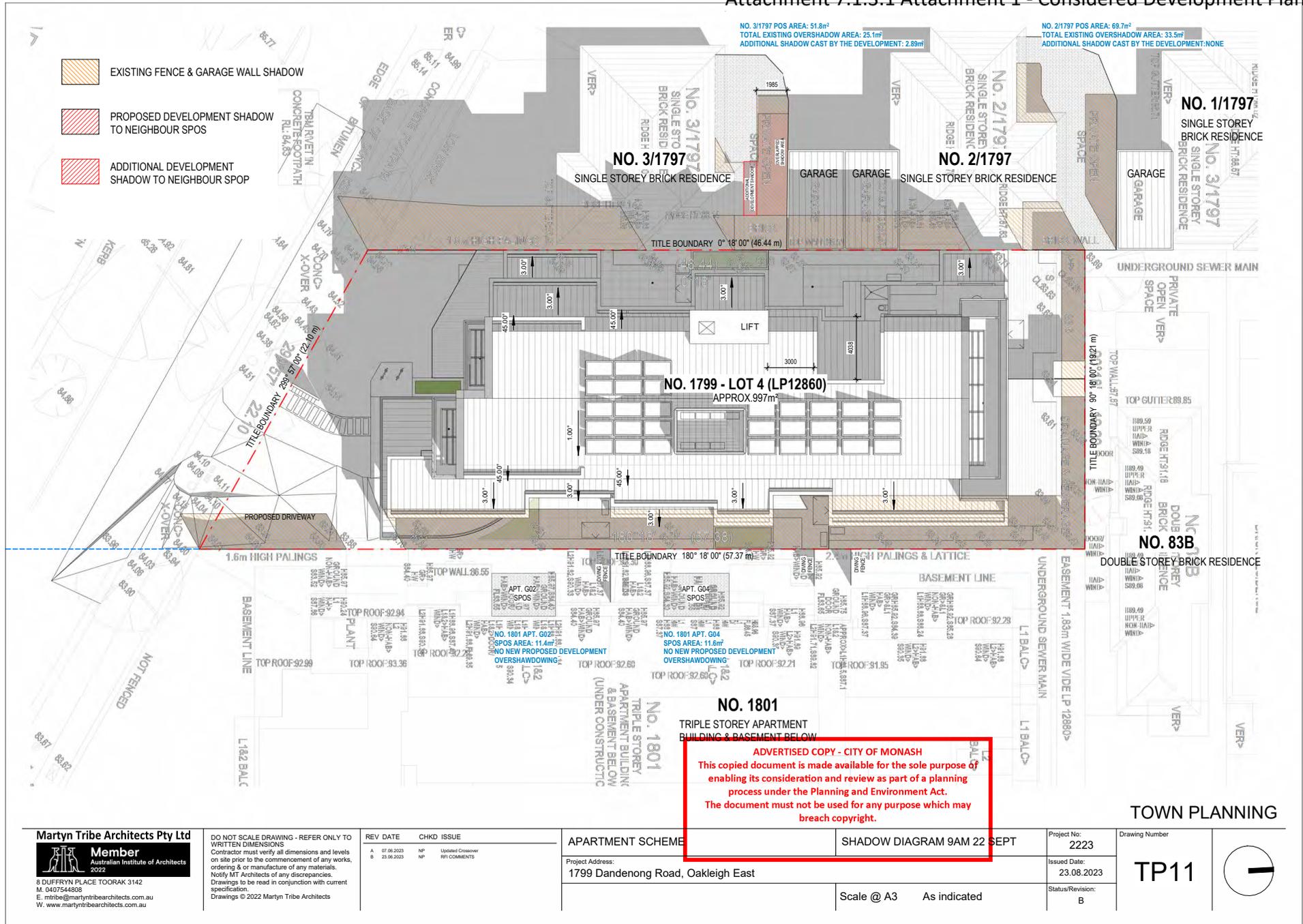


2 SECTION 2
TP01 1 : 200

TOWN PLANNING

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Attachment 7.1.3.1 Attachment 1 - Considered Development Plans



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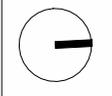
| REV DATE | CHKD | ISSUE |
|--------------|------|--------------------------------|
| A 07.08.2023 | NP | Updated Crossover RPI COMMENTS |
| B 23.08.2023 | NP | |

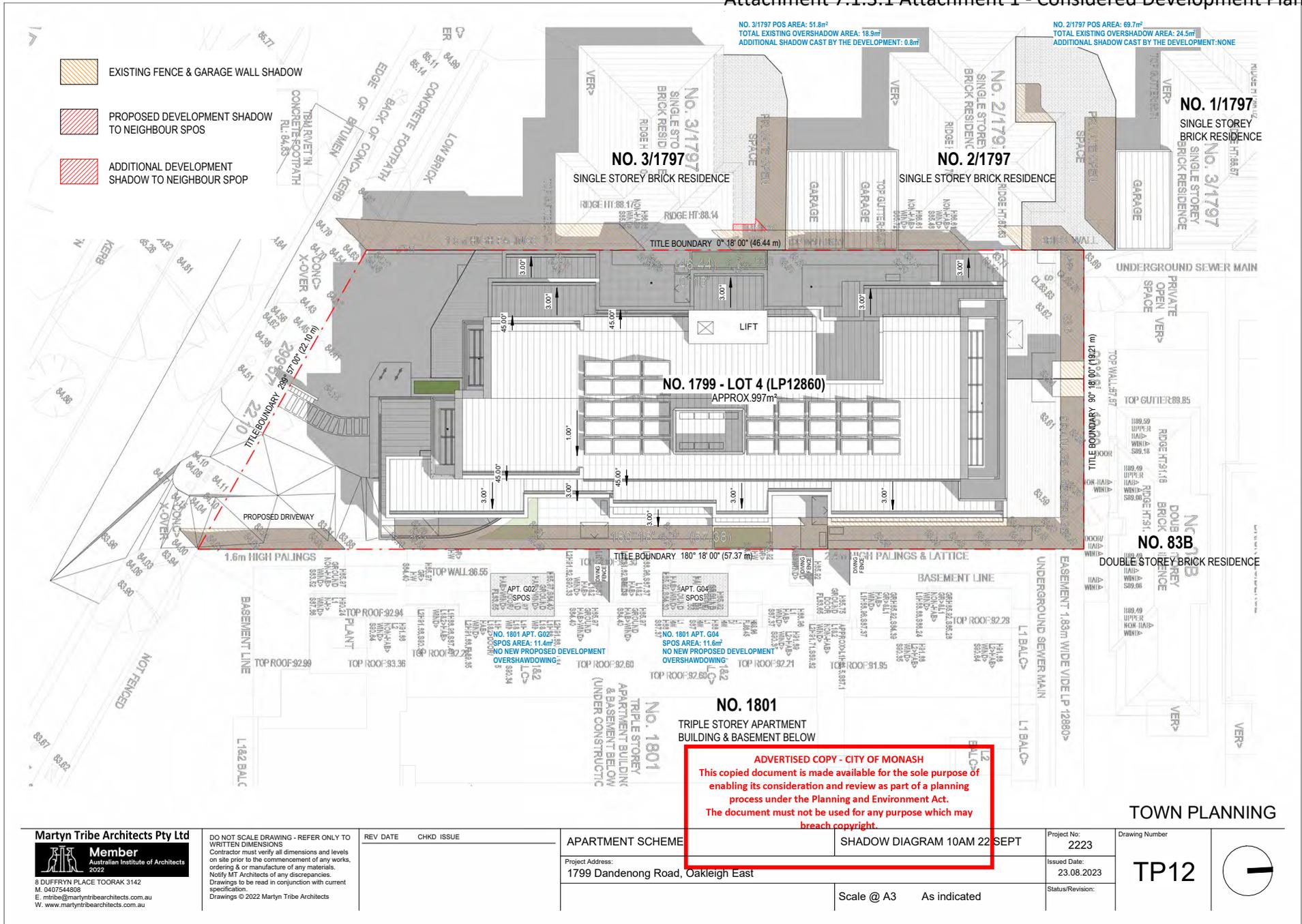
APARTMENT SCHEME
Project Address:
1799 Dandenong Road, Oakleigh East

SHADOW DIAGRAM 9AM 22 SEPT
Scale @ A3 As indicated

Project No: 2223
Issued Date: 23.08.2023
Status/Revision: B

Drawing Number
TP11





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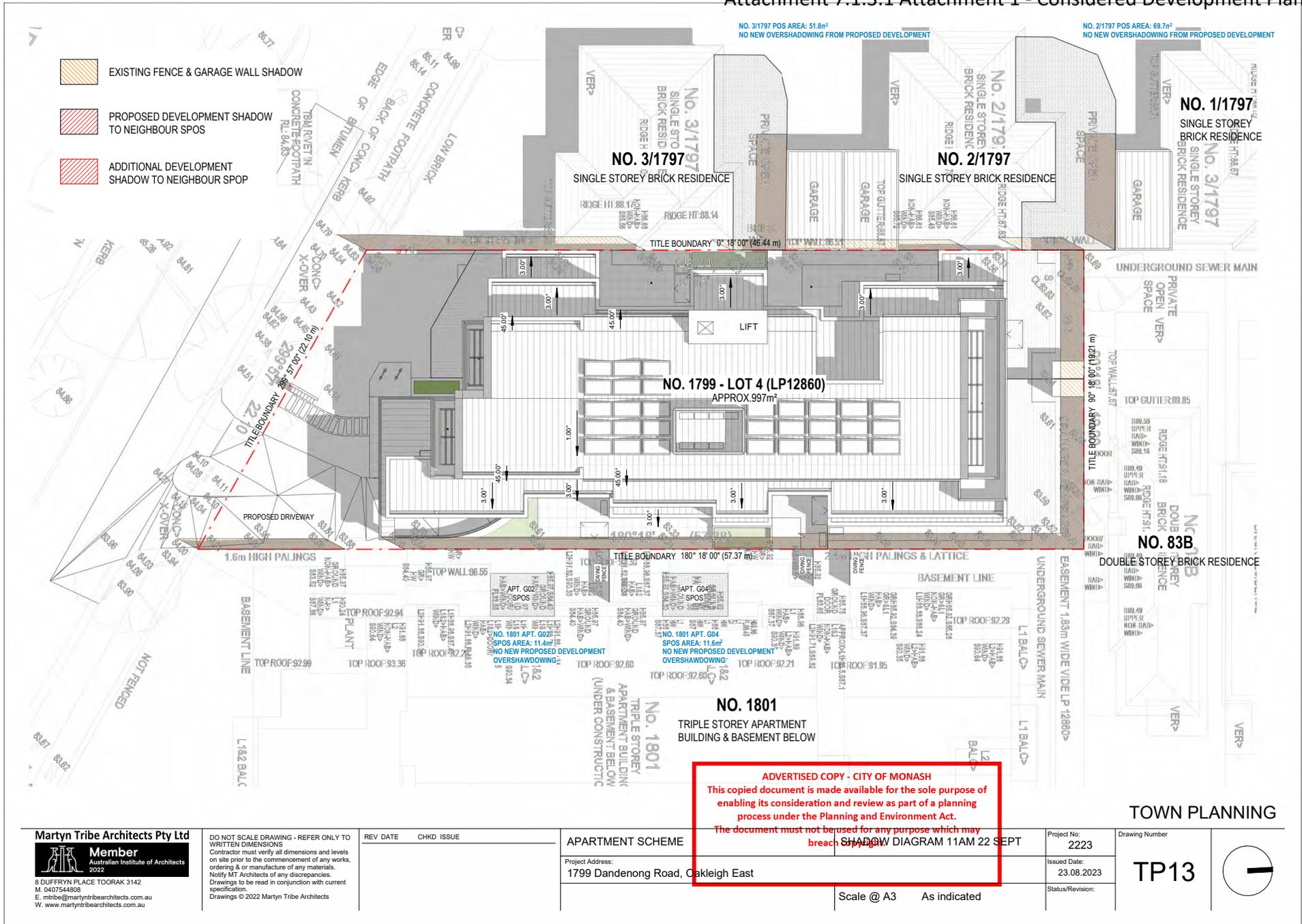
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| APARTMENT SCHEME |
| Project Address: 1799 Dandenong Road, Oakleigh East |

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| SHADOW DIAGRAM 10AM 22 SEPT |
| Scale @ A3 As indicated |

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| Project No: 2223 |
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| Status/Revision: |

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| Drawing Number TP12 |
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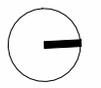
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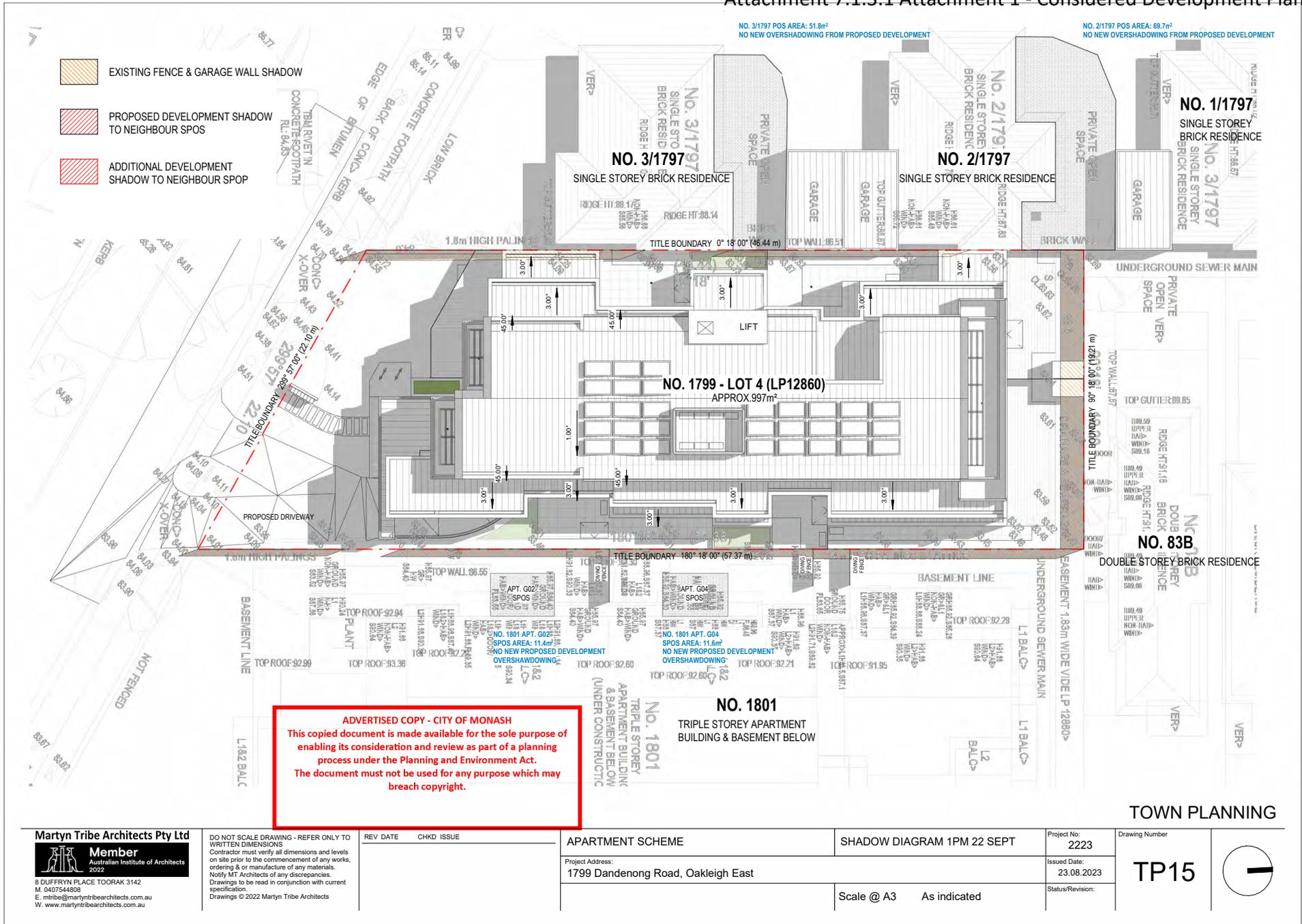
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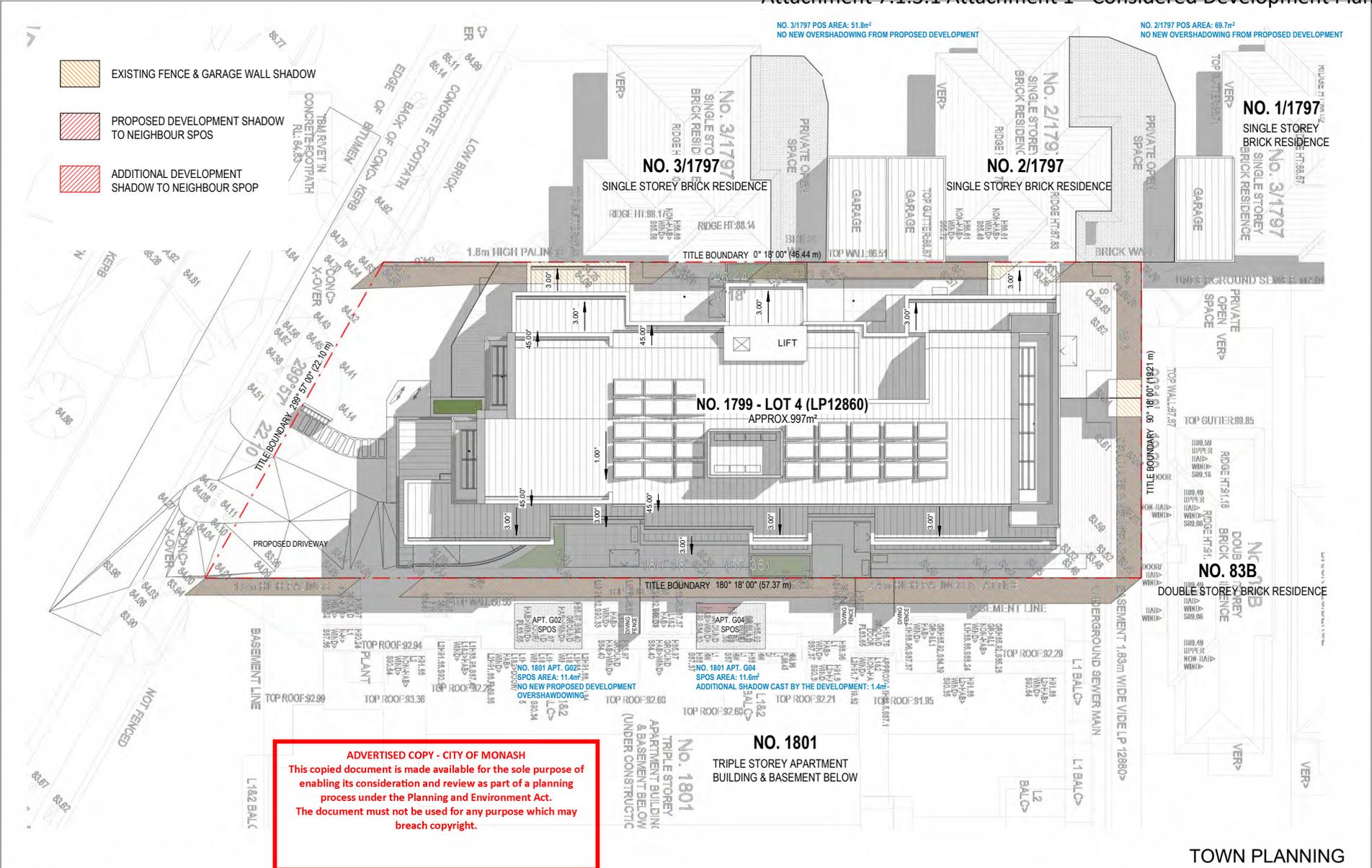
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| Project No: 2223 |
| Issued Date: 23.08.2023 |
| Status/Revision: |

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| Drawing Number TP13 |
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Attachment 7.1.3.1 Attachment 1 - Considered Development Plans

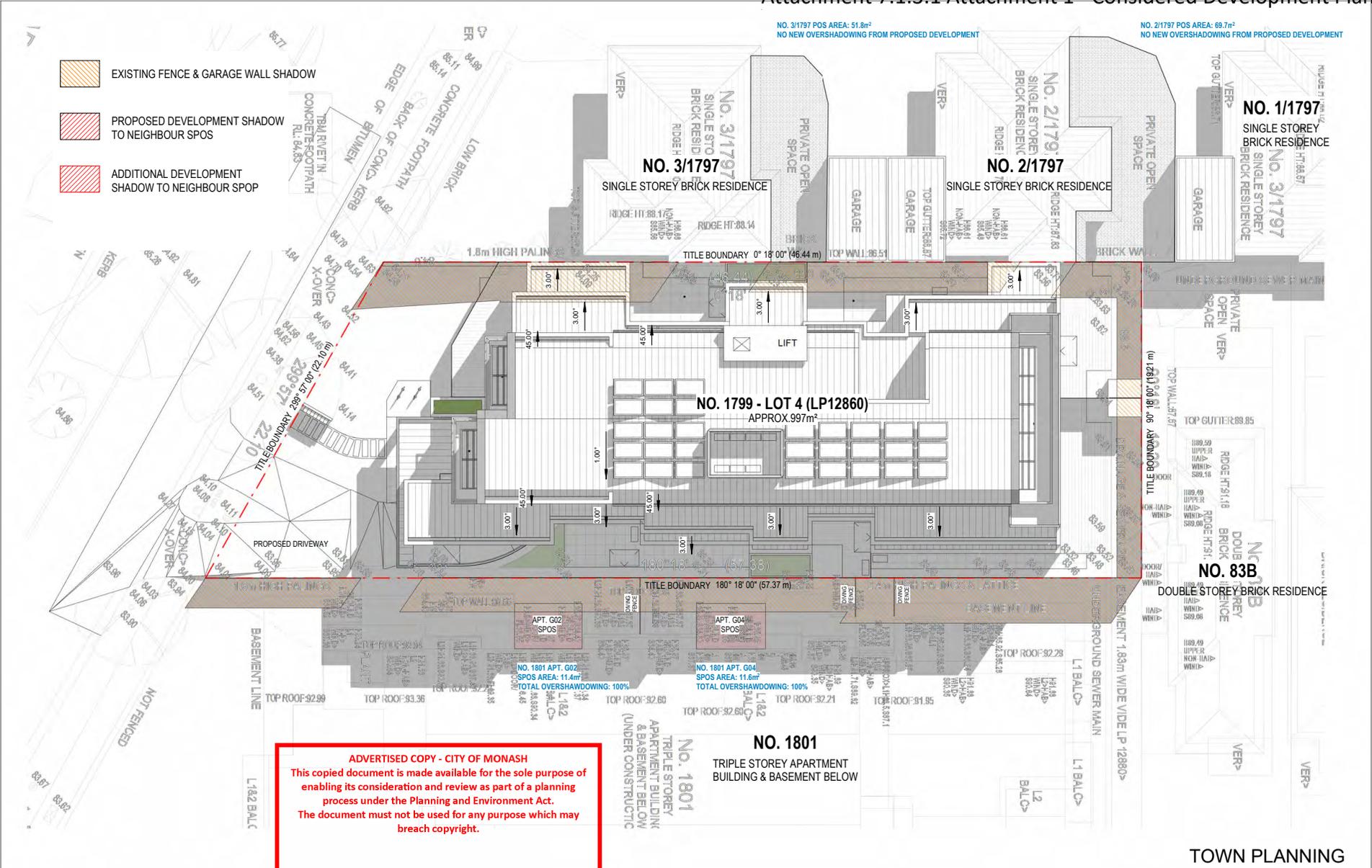


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Attachment 7.1.3.1 Attachment 1 - Considered Development Plans



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SHADOW DIAGRAM 3PM 22 SEPT
 Scale @ A3 As indicated

Project No:
 2223
 Issued Date:
 23.08.2023
 Status/Revision:

Drawing Number
TP17





SOUTH ELEVATION



NORTH ELEVATION

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WEST ELEVATION



EAST ELEVATION

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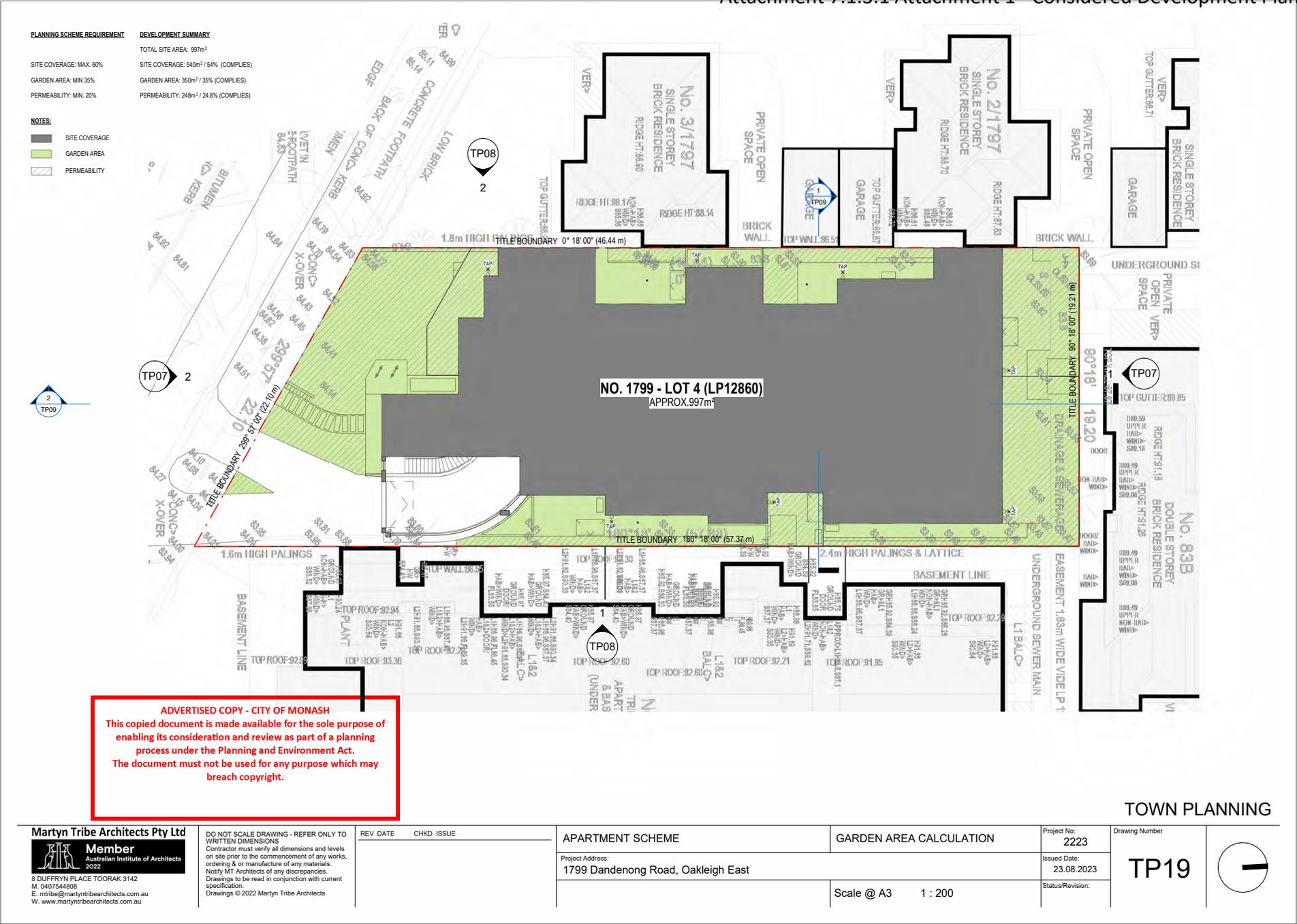
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|----------|-----------|-------------------|
| A | 0.07.2023 | NP 3D PERSPECTIVE |

| | |
|--------------------------------------------------------|----------------------------|
| APARTMENT SCHEME | 3D ELEVATIONS |
| Project Address: 1799 Dandenong Road, Oakleigh East | Project No: 2223 |
| | Issued Date: 23.08.2023 |
| | Status/Revision: A |
| | Scale @ A3 |

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| | Project No: 2223 |
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| | Status/Revision: A |

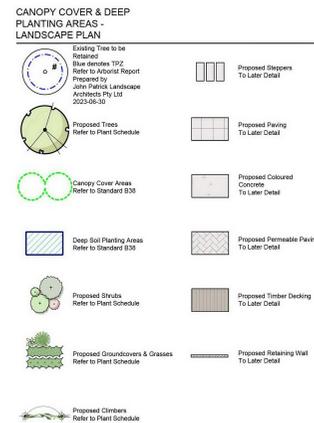
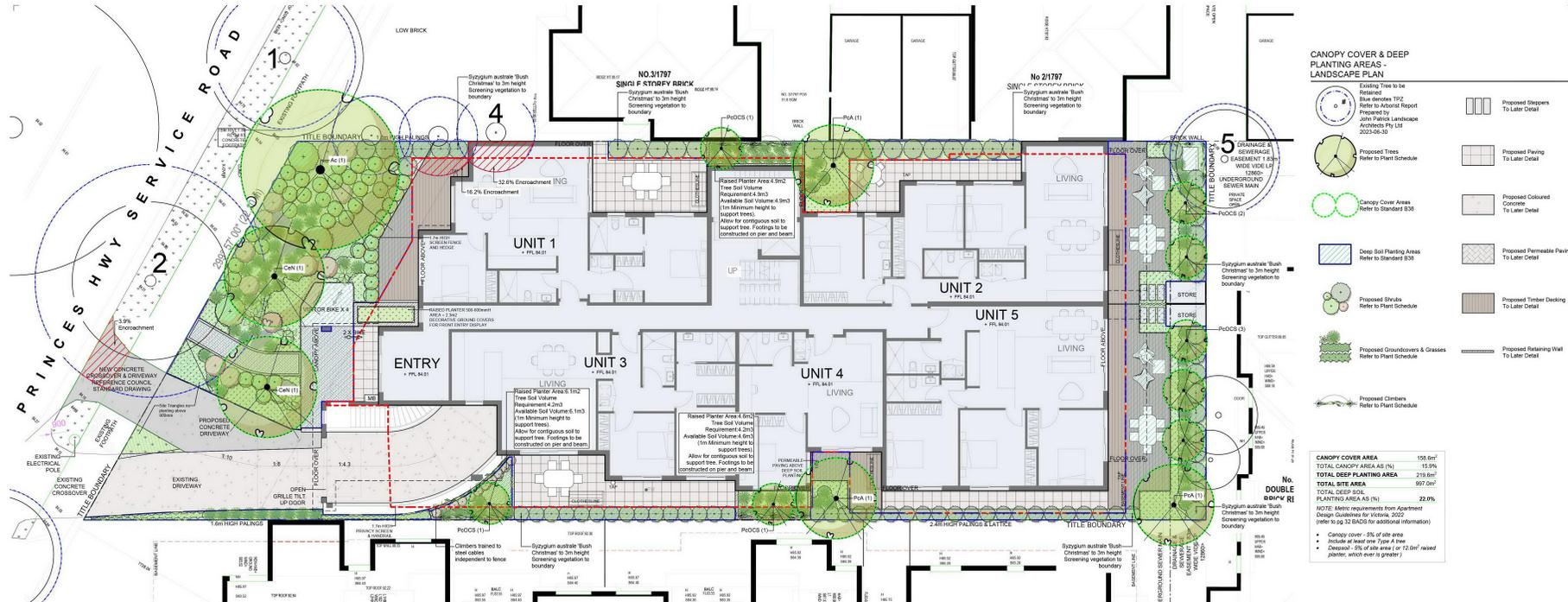
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CANOPY COVER AREA

| | |
|--------------------------------------|---------------------|
| TOTAL CANOPY COVER AREA (%) | 15.5% |
| TOTAL DEEP PLANTING AREA | 278.0m ² |
| TOTAL SITE AREA | 997.0m ² |
| TOTAL DEEP SOIL PLANTING AREA AS (%) | 22.0% |

NOTE: All areas are based on the Assumed Design Guidelines for Victoria, 2022 (refer to pg 32 BACS for additional information)

- Canopy cover: 15% of site area
- Deep Soil: 22% of site area (or 12.0m² raised planter, whichever is greater)

PLANT PALETTE



Angophora costata, Corymbia eximia 'Nana', Pyrus calleryana 'Aristocrat', Prunus cerasifera 'Oakville Crimson Spire'

PLANT SCHEDULE

| SYM | BOTANICAL NAME | COMMON NAME | DE NEW | HEIGHT & WIDTH @ MATURITY | MIN SUPPLY SIZE | QTY |
|---------------------|--------------------------------------------|-----------------------------------|--------|---------------------------|-----------------|-----|
| TREES | | | | | | |
| A-2 | Angophora costata | Smooth Bark Apple | EN | 12.0m | 50cm2 DWH | 1 |
| CAN | Corymbia eximia 'Nana' | Bloodwood | EN | 8.5m | 50cm2 DWH | 3 |
| PCA | Pyrus calleryana 'Aristocrat' | Aristocrat Callery Pear | DIE | 8.5m | 50cm2 DWH | 3 |
| PROCS | Prunus cerasifera 'Oakville Crimson Spire' | Ornamental Plum | DIE | 8.5m | 30cm1.5m | 8 |
| SHRUBS | | | | | | |
| Ca | Cornus alba | White Cornus | EN | 1.5 x 1.5m | 140mm pot | 14 |
| Cr | Cornus reiflora | Cornus Cornus | EN | 1 x 1 m | 140mm pot | 14 |
| Ng | Nerang paniculata | Orange Jasminum | EN | 2 x 1m (trapez) | 200mm pot | 14 |
| PG | Philadelphus 'Flower Girl' | Flower Girl Wax Flower | EN | 1 x 1.2m | 140mm pot | 14 |
| SeBC | Syzygium australe 'Bush Christmas' | Bush Christmas Lilly-billy | EN | 3 x 1m (copp) | 200mm pot | 14 |
| GROUNDCOVERS | | | | | | |
| ASD | Angophora 'Bush Gent' | Norfolk Pear | EN | 0.7 x 0.4m | 140mm pot | 14 |
| Da | Dianella aestivata | Black Anther Flax Lily | EN | 0.7 x 1 m | 140mm pot | 14 |
| Lg | Lilium elongatum | Lily-burr | EN | 0.6 x 0.6m | 140mm pot | 14 |
| LLT | Lonicera 'Lime Tuff' | Lime Tuff Malva | EN | 0.4 x 0.4m | 140mm pot | 14 |
| LHRP | Liriodendron 'Royal Purple' | Royal Purple Lily-burr | EN | 0.45 x 0.45m | 140mm pot | 14 |
| CLIMBERS | | | | | | |
| Hv | Hardenbergia violacea | False Sandalwood/Purple Coral Pea | EN | Clamber/Climber | 140mm pot | 14 |
| Tj | Trochostemon/pastorale | Star Jasmine | EN | Twining climber | 140mm pot | 14 |
| TOTAL | | | | | | |
| | | | | TO LAYER | RETAIN | |
| | | | | TO LAYER | RETAIN | |

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SPECIFICATION NOTES

Soil Preparation
Cracked rock, concrete spillage and any other material restrictive to plant growth (e.g. large rocks) shall be removed from the site of any planting beds and subsoil loosened. All trees to be removed shall be staked and any additional material to be removed from site. Existing top soil in planting areas to be discarded and not to be used for additional construction from the machinery and so that no rubble or building supplies are stored in these areas.

No Impacted Topsoil
No impacted topsoil is to be used within the root zones of trees to be protected. Any preparation of existing soil for planting within these areas is to be done to best (30%) where (e.g. as the result of plant removal) and uneven soil levels may be patched using topsoil as specified below.

Any Impacted Topsoil
Any impacted topsoil is to be free of weeds, rubble and other materials damaging to plant growth and is to be of a medium texture (loamy loam) with a pH of 6.0-7.5. Top soil to be laid over a prepared sub-base which has had any materials damaging to plant growth (e.g. rubble and large rocks) removed, spread to the appropriate depth and allowed to settle in the existing site with a minimum depth of 100mm.

Imported top soil
Imported top soil to be lightly and uniformly compacted in 150mm layers to a minimum depth of 100mm on lawn areas and 300mm on excavated planting beds.

Weed Removal
All weeds shall be thoroughly removed. All vegetative material, including roots and rhizomes of non-woody perennials and woody seedlings, weeds, is to be removed or appropriately controlled using chemical means. The stumps of non-woody perennials are to be buried ground. All vegetative material shall be appropriately disposed of off site in a manner which will not allow their re-establishment elsewhere. Any chemical controls are to be used in accordance with manufacturer's instructions and standard occupational health and safety procedures.

Planting
Care must be taken to ensure that all trees to be retained are not damaged during weed removal. This also includes that only herbicides used are suitable for use around the vegetation to be retained.

Cultivation
Planting shall be carried out using accepted horticultural practices with all plants conforming to the species and quantities indicated on the Landscape Plan and Plant Schedule. Plants shall be thoroughly soaked through immersion in water prior to planting and if the planting soil is very dry then the planting holes is also to be filled with water and allowed to drain completely.

All plants
All plants shall be appropriately hardened off in the nursery. Live plants with the following characteristics: Large healthy root systems with evidence of root cut or pot bound restriction or damage, vigorous, well established, free from disease and pests and of good form, consistent with the species or variety.

Planting holes for shrubs and groundcovers
Planting holes for shrubs and groundcovers are to be of minimum size 75mm larger than the planting pot in all directions. Semi-substrate free planting holes are to be the same depth as the rootball and 2-3 times its diameter, with the top of the rootball being at grade. A 75mm high berm is to be constructed at edge of hole to hold water. All plants are to be thoroughly watered after planting and slow release fertiliser added at the quantities specified by the manufacturer.

Mulch
Mulch is to be supplied to all garden beds and is to be an organic type laid to a minimum depth of 75mm, consisting of the dark coloured chipped or shredded pine bark or hardwood not more than 5% free content by volume (preferably sawdust free). The average size of the woodchips must be approximately 20mm x 5mm and the maximum length is not to exceed 30mm. Mulch shall be free of damaging matter such as soil, weeds and sticks and is to be stabilised and thoroughly watered prior to delivery. Mulch is to be kept back 100mm from the stems of all plants to prevent collar rot.

Aggregate Grave Surface
Aggregate gravel is to be installed where shown comprising of a 50mm layer of gravel (7-14mm granite aggregate) over a 100mm layer of sand (0-5mm). No fines over a base course of 75mm deep gently compacted Fine Graded Road. The subgrade is to be appropriately compacted.

Timber Edges
Provide 75 x 25mm treated pine edges to all borders between gravel mulch paths and garden beds using 75x25x100mm sanded pine stakes at 1200mm maximum centres. An additional stake is to be provided at 2m in the width.

Irrigation
An approved drip irrigation system is to be supplied to all landscape areas. It is the responsibility of the contractor to ensure that all irrigation system manufacturers' specifications. The system is to be connected to mains supply and include a rain shut off device. All pipe to be 16mm polyethylene. 50mm of topsoil over and 100mm of aggregate at regular intervals to ensure the tubing cannot be damaged.

Raised Planter Boxes
Raised planter boxes is to include, but not necessarily be limited to, the supply and installation of agriculture drains, drainage cables or base, fibre fabric, planting medium, mulch and irrigation. Planter boxes must be effectively tanked and lined with concrete to prevent leaking.

Drainage cables
Drainage cables are to be provided to the base of the planter and are to be covered with a layer of fibre fabric. A drainage outlet is to be installed at the base of the planter with the face of the planter sloped towards it. Provide a root anchor if trees are to be planted in a windy location.

Supply and spread
Supply and spread only a special lightweight planter mix. It is advised Compact event in 100mm layers. Avoid differential settlement and erosion compaction and produce a finished surface that is graded evenly, ready for planting. Allow 300mm layer of specified mulch to be of beds and a vertical level 25-30mm below the planter rim. Dry irrigation as specified is to be installed beneath the mulch layer.

Repair/Restoration of damaged Nature-strips
Nature strips are to be restored to current grades with any depressions filled with topsoil to specified levels and lightly compacted in 100mm layers. Areas that are not to be re-landscaped using an appropriate and suitable turf type and the area filled up to allow the establishment of lawn. Re-seeded areas are to be well irrigated and the area supplied with a slow release fertiliser at the quantities recommended by the manufacturer.

Any areas of lawn
Any areas of lawn which have failed to germinate (achieve an evenly green 95% covering of a consistent height) are to be re-seeded within one month of original sowing date.

Plant Establishment Period
There shall be a 13 weeks Plant Establishment Period following the approval of Practical Completion by the responsible authority. During this period the landscape contractor shall make good all defects in hedges, slopes of rocks. Maintenance and Establishment means the care and maintenance of the contract area by accepted horticultural practices, as well as rectifying any defects that become apparent in the work under normal use. This shall include, but not be limited to watering, fertilising, weeding, pruning, pest and disease control, cultivation, re-staking and replacement of any plants that fail within the same species and size.

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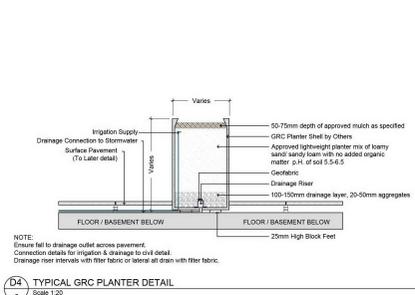
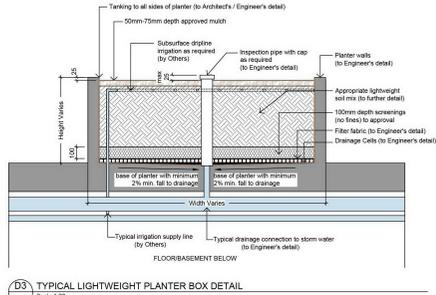
| <p>JOHN PATRICK LANDSCAPE ARCHITECTS PTY LTD 324 Victoria Street, Richmond, VIC 3121 T + 61 3 9429 4855 F + 61 3 9429 8211 admin@johnpatrick.com.au www.johnpatrick.com.au</p> | <p>REVISION</p> <table border="1"> <tr> <th>NO</th> <th>DATE</th> <th>BY</th> <th>CLIENT</th> </tr> <tr> <td>A</td> <td>To Council Request</td> <td>22.03.2023</td> <td>SA</td> </tr> <tr> <td>B</td> <td>To Council Request</td> <td>30.03.2023</td> <td>CA</td> </tr> <tr> <td>C</td> <td>To Council Request</td> <td>10.07.2023</td> <td>CA</td> </tr> </table> | NO | DATE | BY | CLIENT | A | To Council Request | 22.03.2023 | SA | B | To Council Request | 30.03.2023 | CA | C | To Council Request | 10.07.2023 | CA | <p>CLIENT</p> <p>Perfect Projects Pty Ltd</p> <p>1789 Dandenong Road, Oakleigh East</p> | <p>DRAWING</p> <p>Plan- GROUND FLOOR- for Town Planning</p> <p>SCALE</p> <p>1:100 @A1</p> <p>DATE</p> <p>16/07/2023</p> <p>DRAWN</p> <p>BS</p> <p>CHECKED</p> <p>JP</p> <p>JOB NO</p> <p>23-044-LRVC</p> <p>DWG NO</p> <p>790</p> <p>CAD FILE</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------|--------|--------|---|--------------------|------------|----|---|--------------------|------------|----|---|--------------------|------------|----|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | NO | DATE | BY | CLIENT | | | | | | | | | | | | | | | |
| | A | To Council Request | 22.03.2023 | SA | | | | | | | | | | | | | | | |
| | B | To Council Request | 30.03.2023 | CA | | | | | | | | | | | | | | | |
| C | To Council Request | 10.07.2023 | CA | | | | | | | | | | | | | | | | |



PLANT SCHEDULE

| SYM | BOTANICAL NAME | COMMON NAME | D/E N/E* | HEIGHT X WIDTH AT MATURETY | MIN SUPPLY SIZE | QTY |
|----------------------------|----------------------------------|------------------------|----------|----------------------------|-----------------|-----|
| HgM | Murraya paniculata 'Viva-a-ma' | Dwarf Orange Jessamine | EN | 1 x 1m | 140mm pot | |
| GROUNDCOVERS | | | | | | |
| Ca | Convolvulus sabadus | Moroccan Bellflower | E/Ex | 0.3 x 1.5m | 140mm pot | |
| Rsp | Platanus officinalis 'Frostkiss' | Pinkish Rosemary | E/Ex | 0.3 x 1.5m | 140mm pot | |
| Ts | Trochostema astatum | Yellow Star Jasmine | E/Ex | 0.2 x 3m Sprig | 140mm pot | |
| TOTAL | | | | | | |
| *D/E = Deciduous/Evergreen | | | | | | |
| N/E = Native/Exotic | | | | | | |

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|------------------------|------------|----|
| A To Council Request | 22.03.2023 | SA |
| B To Council Request | 30.03.2023 | CA |
| C To Architect Request | 10.07.2023 | CA |

CLIENT **Project Projects Pty Ltd**
 DRAWING **Landscape Plan- Ground FLOOR- for Town Planning**
 SCALE 1:100 @A1
 DATE 10/07/2023
 DRAWN BS
 CHECKED JP
 JOB NO 23-044-LRDC
 DWG NO 7901
 CAD FILE

**NOTICE OF DECISION
TO REFUSE TO GRANT
A PERMIT**

Application No.: **TPA/54825**
Planning Scheme: **Monash Planning Scheme**
Responsible authority: **Monash City Council**

ADDRESS OF THE LAND

1799 Dandenong Road OAKLEIGH EAST VIC 3166

WHAT HAS BEEN REFUSED?

Construction of a three storey building containing twelve (12) dwellings above a basement carpark, alteration and creation of access to a road in Transport Zone

GROUND OF REFUSAL:

1. The proposal is inconsistent with the Residential Development Policy at Clauses 21.04 and 22.01 of the Monash Planning Scheme as it fails to achieve architectural and urban design outcomes that positively contribute to the neighbourhood character having particular regard to the desired future character of the Garden City Suburbs – Southern Areas.
2. The proposal does not adequately satisfy the objectives and requirements of the General Residential Zone – Schedule 2 in the Monash Planning Scheme particularly regarding neighbourhood character.
3. The proposal does not adequately satisfy the objectives and design standards of Clause 55 of the Monash Planning Scheme, including the varied standards under Schedule 2 to the General Residential Zone, regarding neighbourhood character, integration with the street, vehicle access, site layout, building massing, landscaping, setbacks, open space provision, detailed design and apartment development.
4. The proposed alteration of access to the Transport Zone has not been satisfactorily resolved.
5. The proposed development fails to respond appropriately to the prominent main road location.
6. The proposal will result in unreasonable shadow impacts to adjoining properties.
7. The proposal will result in unreasonable overlooking of adjoining habitable room windows and secluded private open space.
8. The use of extensive window and balcony screening results in poor internal amenity for future residents.
9. The proposal represents an overdevelopment of the site.
10. The proposed development is considered to be a poor design outcome for the site.

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**Date issued:
26 September 2023**

**Signature for the
Responsible Authority:**



IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

- The responsible authority has decided to refuse to grant a permit.
Note: This is not a refusal under Division 5 of Part 4 of the **Planning and Environment Act 1987**).
- This notice sets out the grounds on which the application has been refused.
- The grounds on which the application has been refused are those of the responsible authority unless otherwise stated.

WHAT ABOUT REVIEWS?

For the applicant-

- The person who applied for the permit may apply for a review of the refusal.
- The application for review must be lodged within 60 days of the giving of this notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the Planning and Environment Act 1987 and the Victorian Civil and Administrative Tribunal Act 1998 within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

For a recommending referral authority—

- If the applicant applies for a review of this decision, the applicant must give notice to any recommending referral authority that objected to the grant of the permit after an application for review is lodged.

For an Objector -

- If the applicant applies for a review of this decision, the applicant must give notice to objectors in accordance with the requirements of the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1995**

The address of the Victorian Civil and Administrative Tribunal is 55 King Street, Melbourne 3000. The telephone number of 1300 01 8228. The web site is www.vcat.vic.gov.au

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|--------------------------------------------|
| DELEGATED PLANNING REPORT – GENERAL |
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|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLANNING APPLICATION NO: | TPA/54825 |
| PROPOSAL: | Construction of a three storey building containing twelve (12) dwellings above a basement carpark, alteration and creation of access to a road in Transport Zone |
| ADDRESS OF LAND: | 1799 Dandenong Road OAKLEIGH EAST VIC 3166 |
| APPLICANT: | Palcorp Developments Pty Ltd |
| ZONE: | General Residential Zone, Schedule 2 (GRZ2) |
| OVERLAY: | Nil |
| ADVERTISING: | Yes |
| OBJECTIONS: | Nil |
| OBJECTOR SUMMARY DATE: | N/A |
| COST OF DEVELOPMENT: | \$ 4000000 |
| STATUTORY REFERRALS: | N/A |
| CHMP REQUIRED: | No, as the land is less than 0.11 hectares. |
| RECOMMENDATION: | Refusal |

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| EXISTING CONDITIONS |
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The site is located on the northern side of the Dandenong Road service road, between Carmichael Road to the west and Macrina Street to the east, in Oakleigh East.

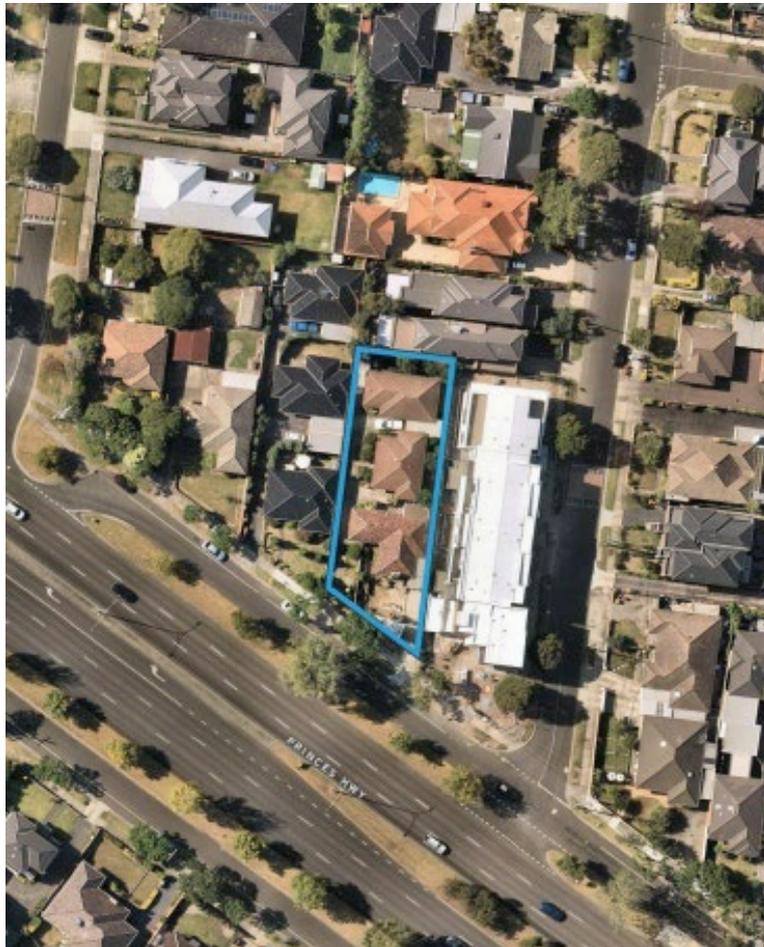
The land is irregular in shape. It has a frontage of 22.1 metres, a west side boundary of 46.44 metres, an east side boundary of 57.37 metres and a rear boundary of 19.21 metres. The overall site area is 997 square metres. The land has a fall of approximately 600 millimetres towards the rear of the site. There is a 1.83 metre wide easement that runs along the rear boundary of the site.

The site is currently occupied by three single storey cream brick units. There are two vehicle crossings – one at either end of the frontage. A high paling fence extends along the frontage of the site in front of Unit 1 with low brick letter boxes situated adjacent to the western crossing. Existing planting on the site is limited to scattered small trees and shrubs. There is one established tree located centrally within the naturestrip.

Surrounding land use is residential and is characterised by detached, single storey, 1950's/60's brick dwellings and units with pitched tiled roof lines. More recently constructed double storey dwellings and multi-unit developments, including apartment developments, are also evident in the area.

The land use adjacent to the subject site comprises:

- East: 1801 Dandenong Road - a three-storey apartment development with basement parking containing twenty (20) residential dwellings. (Planning Permit TPA/44843/A (VCAT) issued 30 September 2020)
- West: 1797 Dandenong Road – three single storey brick units.
- North: 83A and 83B Macrina Street, to the rear of the site - two (2) double-storey, four-bedroom dwellings.
(Planning Permit TPA/42979 issued 8 April 2015)
- South: Dandenong Road - arterial road with service road lanes on either side of the central thoroughfare.
Opposite the site across Dandenong Road are single and double storey dwellings.



The site is located approximately 300 metres north of Huntingdale Neighbourhood Centre and 1,600 metres east of Oakleigh Major Activity Centre. The site is also situated within the Monash National Employment and Innovation Cluster (NEIC) investigation area.

PROPOSAL

This report is based on the plans (Sheets TP00 – TP18), most recent Revision F dated 4 August 2023, prepared by Martin Tribe Pty Ltd.

The following Consultant reports / plans were also submitted:

- A landscape Plan prepared by John Patrick Landscape Architects dated 10 July 2023.
- An Arborist Report prepared by Michael Rogers, dated 30 June 2023.
- A Traffic impact Assessment prepared by Traffix Group dated July 2023.
- A Waste Management Plan prepared by Traffix Group dated July 2023.
- A Sustainable Management Plan prepared by Ark Resources, dated 20 July 2023.

It is proposed to demolish the existing units, associated structures and vegetation, and construct a three storey apartment building with 12 dwellings and basement car parking.

The key elements of the proposal are as follows:

Configuration: Three storey apartment building comprising 12 residential apartments – 2 x one bedroom, 4 x two bedroom, 6 x three bedroom

Building Setbacks: Minimum setbacks:

| Boundary | Basement | Ground Floor | First Floor | Second Floor |
|---------------|----------|--------------|-------------|--------------|
| South / front | 7.6m | 7.6m | 7.6m | 7.6m |
| East / side | 356mm | 1.486m | 2.0m | 3.1m |
| West / side | 650mm | 0m | 1.8m | 3.1m |
| North / rear | 4.109m | 5.0m | 5.0m | 5.0m |

Building Height: 9.864m (+1.5m plant)

Site coverage: 53.0%

Permeable Area: 24.7%

Garden area: 35.0%

Car parking provision: 21 spaces in basement car park (including 2 x visitor / waste turn around area and 2 x 2 stackers – 4 spaces)

Vehicle access: Split driveway at eastern end of frontage (1 x entry + 1 x exit)

Bicycle parking: 20 spaces in car park and at ground level

Storage: 11 x storage units (6.0+sq.m)

Open space provision:

| Level | Unit No. | Secluded POS |
|--------------|----------|--------------------|
| Ground | 1 | 45.3sq.m |
| | 2 | 71.2sq.m |
| | 3 | 35.9sq.m |
| | 4 | 18.2sq.m |
| | 5 | 71.9sq.m |
| First Floor | 6 | 11.5sq.m (Balcony) |
| | 7 | 12.2q.m (Balcony) |
| | 8 | 12.6q.m (Balcony) |
| | 9 | 12.2sq.m (Balcony) |
| Second Floor | 10 | 8.8sq.m (Balcony) |
| | 11 | 24.9sq.m (Balcony) |
| | 12 | 10.8sq.m (Balcony) |

Design: Contemporary design – brick, render and timber look cladding finishes with flat and pitched tiled roof forms

Front fencing: No fencing along frontage, 1.7m high screen for Unit 1 SPOS within building setback

Landscaping: Concept plan provided. Fourteen (14) trees proposed. Street tree to be retained.

APPLICATION BACKGROUND

Further information was requested of the Permit applicant in a letter dated 2 May 2023. In this letter officers identified areas of concern relating to:

- The site is identified as an Area of Aboriginal Cultural Heritage Sensitivity.
- Failure to allow for the “buildings-in-landscape” and “garden city character” design outcomes sought by applicable policy.
- Minimal landscaping opportunities.

- The effective area provided for landscaping is further reduced by the placement of the building, decks and paving over potential deep soil planting areas within the setbacks.
- The location of the communal open space in the front setback.
- The secluded open space for ground floor dwellings does not satisfy the local variation to the Schedule 2 the General Residential Zone.
- The proposal will overshadow the SPOS of Unit 1/1797 Dandenong Road.
- The submitted Sustainable Management Plan concludes the living room windows to Apartment 6 are non complaint without further justification.
- The application has been referred to the Department of Transport and Planning and Council’s Traffic Engineers for review, but the following preliminary concerns are raised:
 - The accessway fails to satisfy the Design Standards of Clause 52.06-9 and provide a passing area at the entrance at least 6.1m wide and 7m long as required.
 - The SWEPT path diagrams in the Traffic Impact Report indicate vehicles from spaces 10/11 and 22/23 requires multiple manoeuvres to exit in a forward direction. These spaces are allocated for stacker parking and is not a practical outcome.
 - The proposed crossover is located within close proximity to an existing power pole.

Officers advised the Applicant in writing that should these concerns not be addressed, that this application was unlikely to be supported.

Further information was received on 7 August including amended plans (Revision F) which was subsequently advertised.

DETAILS OF ANY RESTRICTIVE COVENANT(S) / SECTION 173 AGREEMENT

The Title shows that the land is affected by a Restrictive Covenant as follows:

| | |
|----------------------------------------------------------------------------------------|----------------------|
| Date of Title Search | 06/02/2023 |
| Restrictive Covenant No. | 1669774 (04/01/1938) |
| Brief description of restriction: | No quarrying |
| Would the grant of the permit applied for result in a breach of a restrictive covenant | No |

The land is not affected by an Agreement under Section 173 of the Planning and Environment Act 1987.

PLANNING POLICY IMPLICATIONS

Monash Planning Scheme State Planning Policy Framework (SPPF)

The relevant sections of the SPPF are:

- Clause 11.01-1R – Settlement – Metropolitan Melbourne
- Clause 11.02-1S – Supply of Urban Land
- Clause 15.01-1S & 1R – Urban Design
- Clause 15.01-2S – Building Design
- Clause 15.01-4S & R – Healthy Neighbourhoods
- Clause 15.01-5S – Neighbourhood Character
- Clause 16.01-1S & R – Housing Supply
- Clause 16.01-1R1 – Housing Supply
- Clause 16.01-2S – Housing Affordability
- Clause 18.02-1S & R – Sustainable Personal Transport
- Clause 18.02-2R – Principal Public Transport Network
- Clause 18.02-4S – Car Parking
- Clause 19.03-3S – Integrated Water Management

Monash Planning Scheme Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework seeks to expand on the broader state objectives and in doing so, identifies the 'Garden City Character' as a core value held by the community and Council. The relevant sections of the LPPF are:

- Clause 21 - Municipal Strategic Statement
- Clause 21.04 - Residential Development
- Clause 21.08 - Transport and Traffic
- Clause 21.13 - Sustainability and Environment
- Clause 22.01 - Residential Development and Character Policy
- Clause 22.04 - Stormwater Management Policy
- Clause 22.05 - Tree Conservation Policy
- Clause 22.13 - Environmentally Sustainable Development Policy

Residential Development

In relation to Clause 21.04 of the scheme Monash City Council adopted the Monash Housing Strategy 2014 to plan pro-actively and strategically for future housing needs with regard to issues such as neighbourhood character, environmentally sustainable development, accessibility, diversity and affordability. The subject site is located in Category 8 - Garden City Suburbs and falls within the National Employment Cluster Boundary Investigation Area (MPA).

Residential Development and Character Policy

With respect to Clause 22.01 of the scheme the site is located within a residential character area described as 'Garden City Suburbs – Southern Areas'.

Elements that contribute to this neighbourhood character are:

- *Modest dwellings with simple pitched rooflines and articulated facades will continue the prevailing development themes*
- *While the housing mix within this area will continue to evolve to meet the changing needs of the community, new development will complement the scale and siting of the original housing within the area.*
- *This character area will be notable for its spacious garden settings, tall canopy trees, consistency in front setbacks and the maintenance of setbacks from at least one boundary and from the rear of the site.*
- *New dwellings will address the street and upper levels will be recessed and/or articulated to minimise the impression of building scale.*
- *Front fences will be low to enable vegetation to be visible from the street, allow clear views of buildings and give the street an open quality.*
- *Fencing will complement the architecture of the building in design, colour and materials.*
- *Existing mature trees and shrubs within properties should be retained and additional tree planting proposed to gradually create a tree canopy in the private domain, including at the rear of properties.*
- *The soft quality of the street that is derived from the wide nature strips and street tree planting will be maintained by ensuring that there is only one crossover per lot frontage.*
- *Expanses of blank, or continuous, walls will be avoided, particularly when adjacent to public parks or creating the appearance of a continuous building mass.*
- *Sympathetically designed architecture is encouraged in preference to imitations of historic styles.*

Environmentally Sustainable Development

With respect to Clause 22.13 it is policy that applications for certain types of developments be accompanied by information which demonstrates how relevant ESD policy objectives will be achieved.

Under Clause 22.12-4 the development of 10 or more dwellings requires the submission of a Sustainable Management Plan (SMP).

Cultural Heritage Sensitivity

The site is identified within an area of cultural heritage sensitivity. As the proposal is for a residential development, but the land is less than 0.11 hectares, a cultural heritage management report is not required.

Monash Boulevards Urban Design Framework 2022 (BUDF)

Monash Council adopted the Monash Boulevards Urban Design Framework (BUDF) 2022 at its meeting on 13 December 2022. The BUDF applies to residential properties fronting the municipalities' two (2) primary arterial roads — Dandenong Road and Springvale Road and provides a strong vision for these major boulevards.

The subject site is located in Precinct 4 — Dandenong Road (DR04) that extends between Huntingdale Road and Clayton Road. The preferred built form outcomes for Precinct 4, include:

- A preferred maximum building height of up to 13.2 metres or four storeys at any one point
- A 7.6 metre landscaped street setback to Dandenong Road up to 13.2 metres or four storeys
- A 4 metre rear setback for development up to 3 storeys (9.9 metres), plus 1 metre additional setback for every metre of height over 3 storeys (9.9 metres) up to five storeys (16.5 metres).
- A 1 metre side setback, plus 0.3 metres for every metre of height over 3.6 metres up to 3 storeys (9.9 metres), plus 1 metre for every metre of height over 9.9 metres, up to 16.5 metres

Guidelines for car parking and building access include:

- *Design garages and carports to be recessive elements within the streetscape, set behind the dwellings and integrated into the overall building design.*
- *Provide one vehicle crossover per site. This applies to standard single lots and consolidated lots.*
- *Locate new or widened vehicle crossovers away from existing street trees to avoid root damage and/or removal.*
- *Minimise the size of basement car park entries and on-site car parking areas to reduce impacts on street tree planting and footpaths.*
- *Maximise planting at car park entries to enhance the landscape character of the Boulevards and minimise visual impacts.*

PLANNING SCHEME CONTROLS

Zoning

The site is located within a General Residential Zone – Schedule 2 (GRZ2).

The purpose of the General Residential Zone includes:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

Pursuant to Clause 32.08-6 of the Monash Planning Scheme a planning permit is required to construct two or more dwellings on a lot. A development must meet the requirements of Clause 55 of the Scheme.

Schedule 2 to the zone includes additional requirements in relation to Clause 55, including:

| Standard | Requirement |
|----------|-------------|
|----------|-------------|

| | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B6- Minimum Street Setback | Minimum setback from the front street – 7.6 metres |
| B28 – Private Open Space | An area of 75.0 square metres, with one part of the private open space at the side or the rear of the dwelling or residential building with a minimum area of 35 square metres, a minimum dimension of 5.0 metres and convenient access from a living room. |
| B32 - Front Fence Height | 1.2 metres maximum within 3.0m of a street. |

Under Clause 32.08-4 of the scheme a minimum garden area of 35% of the site area is required as the site is over 650 square metres in area.

Under Clause 32.08-10 of the scheme a maximum building height of 11 metres or three (3) storeys applies.

Overlay

The land is not covered by an Overlay under the Monash Planning Scheme.

Particular Provisions

The application is affected by the following particular provisions:

Clause 52.06: Car Parking

Prior to a new building being occupied the car parking spaces required under Clause 52.06-5 must be provided on the land or as approved by the Responsible Authority. Car parking is required at the following rate:

| Dwelling | Requirement / Dwelling |
|--------------------------------|-------------------------------|
| One - two bedroom dwelling | 1 car space |
| Three or more bedroom dwelling | 2 car spaces |

As the site is located outside the Principal Public Transport Network, visitor parking is required at a rate of 1 car space to every five dwellings.

Clause 52.29: Land Adjacent to Principal Road Network

Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2. Whilst the road is not a declared freeway or arterial road, a Planning Permit is still required given the zoning of the road in this location. Despite a permit being required under the provisions of Clause 52.29, the Department is still a determining authority as identified within Clause 66.03.

Clause 52.34: Bicycle Parking

Clause 52.34 of the Planning Scheme specifies bicycle parking requirements for new developments. There is no requirement under Clause 52.34 to provide bicycle parking for a residential development of this scale (i.e. less than four storeys).

Clause 55: Two or more Dwellings on a lot and Residential Buildings

A development for two or more dwellings on a lot and residential buildings must meet all of the objectives of this clause and should meet all of the standards. An assessment of the proposal against Clause 55 (including variations under Schedule 2 to the zone and Clause 55.07 – Apartment Development) has been undertaken.

ADVERTISING

The proposal was first advertised on 14 February 2022 under Section 52 of the *Planning and Environment Act 1987*, by sending notices to adjacent land owners and occupiers, and by placing a sign on the site for 14 days.

In response to this process, no objections have been received by Council. The main areas of concern relate to the following issues:

EXTERNAL REFERRAL

Department of Transport and Planning (Determining Referral Authority)(Ref.PPR42990/23)

The application was referred to the Department of Transport and Planning. The department have advised that they have no objection to the granting of a Permit.

INTERNAL REFERRAL

Traffic Engineer

- All new crossings are to be no closer than 1.0 metre measured at the kerb to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.
- The existing redundant vehicle crossover is to be removed and replaced with kerb and channel. The footpath and naturestrip are to be reinstated to the satisfaction of Council.
- Provide a passing area at the entrance at least 6.1 metres wide and 7 metres long since the driveway connects to a road in a TRZ2. The sight triangle details are to be marked on the plan to meet the corner splay requirements.

Drainage Engineer

- The following specific conditions have been recommended in addition to standard drainage conditions:
 - An on-site detention system for storm events up to the 1% AEP event is to be retained on-site for the basement carpark. The detention system for the basement is to be separated from the detention system for the property, which is to be at ground level and discharged by gravity.
- The entrance driveway is to be provided with an apex into the underground garage to ensure overland flow from the road reserve during major storm events does not enter the garage, to the satisfaction.

Asset Protection

- Concerns with new crossing location due to street tree, power pole and Telstra pits. Approval required from Telstra and United Energy.
- 1.0m clearance from both Telstra pits and electricity pole required.

Horticultural Services

- The street tree is in good condition with a useful life expectancy of 15+ years.
- No excavation is to occur within 3.8metres of the tree base.

Waste Services

- The WMP requires a number of revisions including:
 - Purpose as stated in the City of Monash MUD and Commercial Developments WMP Guide for Applicants added.
 - Addition of TPA number to WMP.
 - WMP must be updated to include the following restrictions as described in City of Monash Local Law No.3 and EPA Guidelines: a). Compaction must only be carried out while on the move; b). Bottles must not be broken up at the point of collection; c). Routes that service entirely residential areas should be altered regularly to reduce early morning disturbance; and d). Noisy verbal communication between operators must be avoided where possible.
 - Details of which in-dwelling waste and recycling receptacles will be provided is required.
 - Minimum requirement is a set of principle to be applied to ensure adequate management of waste, including food waste.
 - A 5 to 7 litre food waste kitchen caddy should be provided to residents, as this is considered a critical factor in household participation in food waste recycling.
 - Scale plans need to be marked up and included in the WMP to indicate a). Amenity (screening, odour, and noise), b). Cleaning / washing c). Drainage to sewer d). Accessibility e. Bin manoeuvrability. F). All waste streams.

- WMP needs to describe the actual designed ventilation solution for this development regarding garage storage of bins.
- The option to engage private bin washing services is to support the onsite management of bins but must not be the only option so issues with bins and spills can be resolved in a timely manner and not subject to 3rd party scheduling.
- The initial occupation period will generate a surplus of waste from typical generation rates especially large packaging waste. The body corporate must organise extra collection with the private contractor for this period to prevent dumping and contamination of recycling bins with soft plastics and polystyrene.
- Best Practice waste management dictates that the provision for an e-waste recycling bin is provided to prevent accidental landfill disposal with the hard waste.
- Best Practice waste management dictates that the provision for a clothing recycling bin is required for a development of this size.
- The WMP needs to outline how the waste management system will be monitored to ensure minimal contamination and maximised recycling. The WMP must state that the Building Operator must contact Council's Waste services department via mail@monash.vic.gov.au to advise the Waste Services team of their contact details and the commencement of occupation of the building. WMP must state that the developer is responsible for providing a copy of the Endorsed Waste Management Plan to the Building WMP must state that the Building Operator is responsible for requesting a copy of the Endorsed Waste Management Plan from Council if the developer has failed to provide the WMP to the Building Operator.

ASSESSMENT

State and Local Planning Policy Framework

The proposal does not adequately meet the relevant State and Local planning policies. The development, whilst contributing to the range of housing options available and contributing to urban consolidation, fails to achieve these policies as the site is not capable of suitably accommodating the proposed development in an acceptable manner.

State Planning Policy at Clause 15 deals with the urban design and built form of developments seeking proposals which contribute to and enhance the character of areas, both within the private and public domain. In relation to housing supply, Clause 16 seeks to facilitate well-located, integrated and diverse housing that meets community needs. In relation to residential development, higher density housing developments are encouraged on sites that are well located in relation to jobs, services and public transport. Such developments should be well designed and provide a high level of internal and external amenity.

The Local Planning Policies in respect of Residential Development and Character at Clauses 21.04 and 22.01 also seek to ensure that development is responsive to the key characteristics that make up the preferred character of each precinct and achieves architectural and urban design outcomes that positively contribute to neighbourhood character. It is considered that the proposed development fails to adequately address the policies in respect of the preferred neighbourhood character (Garden City Suburbs - Southern Areas) as follows:

Neighbourhood Character

- While the housing mix within this area will continue to evolve to meet the changing needs of the community, the proposal would create an undesirable precedent for future development that cumulatively could alter the neighbourhood character contrary to the intention for this neighbourhood character.
- The extensive proposed built form fails to complement the scale and siting of the original housing in the area, and in doing so fails to enhance the generous and spacious, open landscaped character of the area.
- The proposed minimum front, rear and side setbacks with encroaching canopies, along with the extensive basement, fail to allow for a spacious garden setting by minimising landscaping opportunities through insufficient areas of deep soil planting.
- Lack of first and second floor recession, sheer walls and lack of any separation of form would result in a building scale that is considered excessive and unsympathetic in the context of both streetscapes and neighbourhood character of the area.
- There is insufficient articulation of the building length with a continuous built form, and excessive first and second floor footprints that would be highly evident on this main road location.
- The extensive paving associated with the two driveway widths, and pedestrian entry fails to allow sufficient areas for planting and landscaping to adequately soften the building mass when viewed from the street.

Zoning

As described above the proposed development fails to make a positive contribution to the neighbourhood character and accordingly fails to meet the purpose of the zone to respect the neighbourhood character of the area as described in detail above. In particular:

- Landscaping within the building setbacks is limited by the extensive basement that does not provide adequate room for deep soil planting and there is a 1.83m wide easement along the rear boundary.
- Planting along the frontage of the building is further reduced by the excessive hard surfacing accommodating driveways, a large deck associated with Unit 1, pathway, bicycle parking and a large paved entrance area to the building.
- A lack of built form articulation and extensive encroaching architectural features within setbacks contribute to an unacceptable building bulk and mass on a highly

visible main road site, and to a vision of “buildings-in-landscape” and “garden city character” design outcomes sought by applicable policy.

Clause 32.08-4 – Garden Area

A garden area of 35% has been provided in accordance with Clause 32.08-4 of the Scheme.

Clause 32.08-10 – Building Height

The maximum building height of 9.864 metres meets the maximum height requirements at Clause 32.08-10 of the scheme, although the 1.5m plant area extends above the maximum allowable 11.0 metres. Moreover, the mass of the three-storey built form with inadequate setbacks, minimal articulation and lack of landscaping opportunities would result in an unacceptable built form outcome.

Clause 55 - ResCode

An assessment against the provisions of Clause 55 (varied under Schedule 2 to the Zone) of the Monash Planning Scheme has been undertaken. It is considered that the proposal fails to satisfactorily meet the objective and standards of Clause 55. The following areas warrant discussion.

Clause 55.02 – Neighbourhood Character and Infrastructure

- The proposal fails to meet the objectives of Council’s Neighbourhood Character Policy (Clause 22.01) as discussed in detail above. It is considered that the proposed double storey development is poorly conceived having regard to the prominent main road ‘boulevard’ location of the site and therefore fails to respect the Neighbourhood Character as previously discussed. Accordingly Standard B1 is not satisfactorily met.
- The excessive bulk and scale with extensive basement, inadequate setbacks, minimal recession of first and second floors, lack of articulation and inadequate landscaping opportunities fails to respect neighbourhood character.
- Dwelling diversity is provided in the form of one, two and three bedroom units in response to Standard B3.
- All required services are available to the site in accordance with Standard B4.
- A Sustainable Management Plan has been provided that shows a STORM rating of 106%.
- Six of the twelve units and the main entry are orientated towards a street. However, high (1.7m) front fencing located within the front building setback for Unit 1 fails to integrate with the street contrary to Standard B5.
- The location of the two vehicle crossings at the eastern end of frontage with a split driveway is not consistent with the pattern in the street, and potentially adversely affects both an existing power pole and the street tree.

Clause 55.03 – Site Layout and Building Massing

- Whilst a front setback of 7.6 metres is provided, there is no effective recession of the first and second floors and the entry canopy extends into the front setback. Therefore, Standard B6 is not satisfactorily met.
- Whilst the maximum building height at 9.864 metres meets Standard B7, the 1.5 metres high plant above roof height and the lack of first and second floor recession provided would contribute to building bulk and mass in the streetscape, thereby failing to respect the neighbourhood character.
- Site coverage of 53% meets varied Standard B8.
- Permeability of 24.7% meets Standard B9 but the extensive basement area reduces the effectiveness.
- A WSUD Report has been provided that shows a STORM rating of 106%.
- Units 2, 5, 7, 9 and 11 have been well orientated to the north consistent with Standard B10. However, Units 1, 3, 6, 8, 10 and 12 are poorly orientated to the south and Unit 4 faces east.
- The main entry is identifiable from the street in accordance with Standard B12.
- Canopy trees cannot be spread throughout the site due to lack of deep soil planting opportunities resulting from the extensive basement, location of paving and fencing within the front setback, the easement within the rear boundary setback and minimal side boundary setbacks contrary to Standard B13.
- The two vehicle crossings are poorly conceived having regard to Standard B14, resulting in a split driveway, insufficient passing area and potential adverse impact on the street tree and power pole. One crossing and driveway would be more preferable for the apartment development, with the power pole relocated.
- Parking location is convenient to the dwellings within the basement in accordance with Standard B15.

Clause 55.04 – Amenity Impacts

- Whilst a 5.0 metre rear boundary setback complies with Standard B17 there is a minor encroachment of the roof element facing Dandenong Road on the eastern interface.
- The proposed siting of the development results in a 'boxy' built form concentrated centrally on the site with minimal side boundary setbacks that fail to respect the neighbourhood character and the impact on the amenity of existing dwellings.
- Units 1 and 2 living room walls on the west side boundary have an average height of 3.2 metres, meeting Standard B18.
- Light courts comply with Standard B19.
- Overshadowing to No.1797 Dandenong Rd does not comply with Standard B21. No. 1797 Dandenong Road will receive sunlight across 75% of each SPOS area for a period of four (4) hours between 11am and 3pm on September 22, with one (1)

additional hour between 10am and 11am where approximately 51.8% of the SPOS to No. 3/1797 receives sunlight access.

- Additional shadowing will occur to the SPOS of Apartment G04 of 1801 Dandenong Road at 2pm, and will be completely shadowed at 3pm at the equinox. Plans have not clearly represented existing shadows occurring to this space, but given the height of the existing apartment building it is likely that this space will be shadowed from 9am-11am. It is therefore considered that the proposal will have an unreasonable impact on shadow to this area of secluded private open space.
- Issues of overlooking have been addressed by the extensive use of obscure glazing along the eastern and western elevations and screens to balconies at first and second floors to meet Standard B22 which is suggestive of an unresponsive design. It appears that unreasonable overlooking will occur from the first floor, north facing living room windows (Apartments 7 and 9) which have not been screened.
- Fencing provides privacy at ground floor level.
- Noise reduction measures are not required under Standard B24.

Clause 55.05 – On-Site Amenity and Facilities

- An easily identifiable and accessible ground floor main entry is provided having regard to Standards B25 and B26.
- Daylight to new windows is acceptable under Standard B27 having regard to orientation of the site.
- None of the ground floor units are provided with 75sq.m of secluded private open space in accordance with Standard B28 – varied under the General Residential Zone 2 (Refer Standard B43 under Clause 55.07).
- Balconies are acceptable on first and second floors.
- The SPOS is well orientated to north for Units 2, 5, 7, 9 and 11, but poorly oriented to the south for Units 1, 3,6, 8, 10 and 12, and the east for Unit 4, having regard to Standard B29.
- The 5.0m setback from the southern boundary is acceptable for the SPOS of Units 2 and 5.
- Storage areas have been satisfactorily provided in the basement in response to Standard B30.

Clause 55.06 – Detailed Design (Standards B31 – B34)

- The 'boxy' built form with minimal setbacks, lack of first and second floor recession and lack of articulation does not satisfactorily meet Standard B31 having regard to the preferred neighbourhood character.
- The extent of the basement, minimal building setbacks and paving restricts landscaping / planting opportunities
- The basement garage entry is acceptable but the split driveway access is a poor design solution

- There is no fencing along the frontage in response to Standard B32 but the 1.7m high fence for the Unit 1 SPOS within the front building setback fails to respect the neighbourhood character.
- There is no effective communal private open space provided - otherwise common property could be effectively managed in relation to Standard B33.
- Site services could be suitably provided in accordance with Standard B34 but are unclear.
- A Waste Management Plan has been provided, however requires some modification as per the recommendations of Council's waste management team.

Clause 55.07 – Apartment Developments (Standards B35 - B53)

- The building is well orientated to the north for Units 2, 5, 7, 9 and 11, but poorly oriented to the south for Units 1, 3, 6, 8, 10 and 12, and east for Unit 4, having regard to Standard B35.
- Average NatHERS Energy rating 6.5 star and cooling load <20.7MJ/sq.m meet the standard.
- There is no usable communal open space of 30sq.m provided as required for a development of 10 or more dwellings under Standard B36.
- The landscaped front setback is not suitable for communal use as there is insufficient privacy, lack of connectivity to most units and it is located on the south side of the building contrary to Standard B37.
- The location of open space to the front of Unit 1 with a 1.7m high fence is a poor outcome as will limit passive surveillance along the frontage of the site.
- Canopy tree cover can be 15.9% of site area and deep soil planting can be 22.0% of site area in response to Standard B38 but landscaping is concentrated in the northern and southern building setbacks with minimal opportunities along the side boundaries.
- There are five Type A trees (min. 4.0m height) and one Type B tree (min. 8.0m height).
- A rainwater tank(s) proposed and MW STORM rating of 106% is provided having regard to Standard B39.
- Council Traffic Engineers have concerns about the access – passing area of 6.1m not provided to a Road Zone, impact on street tree and power pole resulting in response to Standard B40.
- The Department of Transport requirements are discussed below.
- The proposed residential setting and proposed buildings materials will contain noise sources in the development and protect neighbours under Standard B41.
- Accessibility within 50% of the dwellings could be achieved. Further details are required to show compliance with Standard B42.

- Private open space in excess of 25sq.m has been suitably provided for four of the five ground floor units meeting Standard B43 - Table 10. Unit 4 with only 18.24sq.m fails to comply.
- Balcony sizes for other units comply with Table B10 of Standard B43.
- Each dwelling is provided with acceptable storage in the basement to comply with Standard B44.
- A Waste Management Plan has been provided in response to Standard B45, with bins in basement and private rubbish collection proposed – approval required.
- Bedroom and living room dimensions meet Standard B46 – Tables B12 and B13.
- Room depth and ceiling height meet Standard B47.
- Habitable room windows are in external walls except Unit 7 where secondary light is acceptable under Standard B48.
- The arrangement of apartments allows for acceptable cross-ventilation in response to Standard B49.
- The building entry is identifiable and daylight is provided through glass doors into lobby area, while the lift and stairs are centrally located, having regard to Standard B50.
- The building is orientated towards the street in accordance with Standard B51 but is impacted by the driveways, an encroaching entry canopy and the high fencing for the Unit 1 SPOS.
- Further details are required for site services on relation to Standard B52.
- The mixture of brickwork and rendered cladding provides durable exterior and is consistent with the evolving urban context, meeting Standard B53.

Clause 52.06 – Car Parking

The following table sets out the number of car parking spaces required by Clause 52.06-5 and the proposed car parking.

| Clause 52.06-5 rate for dwelling | Proposed No. Dwellings | Car spaces required by Clause 52.06-5 | Proposed Car Parking |
|---------------------------------------------------------|-------------------------------|----------------------------------------------|-----------------------------|
| 1 car parking spaces to each 1 or 2 bedroom dwelling | 6 | 6 | 6 |
| 2 car parking spaces to each 3 or more bedroom dwelling | 6 | 12 | 12 |
| Surplus resident space | | | 1 |
| 1 visitor parking space to every 5 dwellings in a | 12 | 2 | 2 |

| | | | |
|------------------------------------|----|----|----|
| development of 5 or more dwellings | | | |
| Total | 12 | 20 | 21 |

The proposal meets the requirements of Clause 52.06-5 in relation to the number of car parking spaces provided for the number of bedrooms specified on the plans, with one extra resident space provided.

The car parking layout is considered to be generally satisfactory. However, Council traffic engineers have some concerns about the stacker system proposed with a 6.2 metres wide aisle width not provided.

In terms of access the proposal provides for two adjacent crossings, separated by an existing power pole. It is not considered to be an acceptable design response for the following main reasons:

- The crossings would not be sufficiently distant from the power pole having regard to safety issues.
- The proposed crossing falls within the TPZ of the existing healthy street tree.
- The 6.1m wide, 7.0m long passing area required to the Transport Zone access is not provided.
- The split driveway reduces landscaping opportunities in the front setback and maybe a traffic safety issue.
- One single driveway is a preferable design solution for an apartment building.

In terms of traffic impact, The Traffic Engineering Assessment prepared by Traffix Group concludes that the proposal would not produce traffic volumes that would exceed the capacity of local streets.

Clause 52.34 - Bicycle parking

Bicycle parking is not required to be provided under Clause 52.34 as the building is less than 4 storeys, however, the proposal provides twenty (20) spaces within the basement and at ground level.

Vegetation and Landscaping

Clause 22.05 Tree Conservation Policy seeks to promote the retention of mature trees and encourage the planting of new canopy trees to maintain and enhance the garden city character. Clause 22.01 Residential Development and Character Policy seeks to build upon the important contribution that landscaping makes to the garden city character.

A landscape plan prepared by John Patrick Landscape Architects Pty Ltd has been submitted showing six (6) proposed canopy trees, eight (8) small trees along with shrubs and ground covers. Due to the extent of built form, the minimal side boundary setbacks, the 1.83 metre wide rear easement and the minimal areas for deep soil planting due to the basement

coverage, it is considered that the proposed landscaping does not satisfactorily soften the appearance of the building in the streetscape or make a positive contribution to the garden city character of the area and the Dandenong Road 'boulevard'.

Whilst there are no trees on the site of sufficient size to warrant assessment, the Arborist report prepared by Michael Rogers identifies the impact of the proposal on surrounding trees. The street tree (Tree 2) is located with 3.0 metres of the proposed crossing and has its TPZ encroached by 3.9%. This requires significant protection measures and is not supported by Council's Arborist who recommends a 3.8 metres setback.

The proposal also impacts trees adjacent to the western boundary of the site at 3/1797 Dandenong Road with an encroachment of more than 10%.

Environmentally Sustainable Development Policy

The Sustainability Management Plan prepared by Ark Resources demonstrates that the proposed development achieves 'best practice' in accordance with environmental design standards. The development will incorporate the following key sustainable design initiatives:

- BESS score of 63%, including Stormwater (100%), IEQ (72%), Energy (60%) and Water (57%).
- A STORM rating of 106%, involving an underground rainwater tank of 15,000L.
- A 12-kW solar photovoltaic (PV) renewable energy system with a minimum of thirty (30) panels located on the rooftop.

Closed Landfill Buffer

The site is not within the identified buffer of a post closure landfill.

CONCLUSION

Overall, it is considered the proposal fails to adequately satisfy the requirements of:

- The objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987;
- The requirements of Section 60(5) of the Planning and Environment Act 1987;
- The State and Local Planning Policy Framework (including the Municipal Strategic Statement);
- The Zoning controls (including ResCode and varied standards under the schedule to the zone);
- The Particular Provisions relating to the development of more than two dwellings on a lot and car parking;
- The decision guidelines of Clause 65.

On balance, the proposal is considered inappropriate for the site and should be refused for the following main reasons:

- The proposal fails to respect the existing and preferred neighbourhood character of the area having regard to building form and layout in the residential character area Garden City Suburbs – Southern Areas.
- The proposal does not adequately satisfy the objectives and standards of Clause 55 of the Monash Planning Scheme, particularly with respect to neighbourhood character, street setbacks, vehicle access, site layout and building massing, landscaping, private open space provision and design details.
- The proposal fails to provide acceptable landscaping opportunities.
- The proposed dual driveway and proximity to the power pole is an unacceptable access solution.
- The proposal represents an unresponsive design outcome for an apartment development.

RECOMMENDATION

I, as the Planning Officer responsible for the consideration of this application, declare that the above report is based on a comprehensive assessment of the proposal against the relevant provisions of the Monash Planning Scheme and issues raised.

And based on this assessment recommend:

That Council having complied with Section 52, 55, 58, 60, 61 and 62 of the Planning and Environment Act 1987, issue a Notice of Refusal to Grant a Planning Permit for Construction of a three storey building containing twelve (12) dwellings above a basement carpark, alteration and creation of access to a road in Transport Zone at 1799 Dandenong Road OAKLEIGH EAST VIC 3166 subject to conditions as discussed and justified above.

PREPARED BY: Fiona McFee,
Planning Consultant

PLANNING OFFICER:
OFFICER NAME:


Alexandra Wade

As a Council Delegate, I have reviewed/considered the above officer's report and I agree with the recommendation made.

DELEGATE SIGNATURE:

DELEGATE NAME:

DATE:


James Heitmann
25/9/23

DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

DELEGATE REPORT – SUMMARY OF INFORMATION

| | | | |
|---------------------------------------------------------------------|----------------------------------------------------------------------|------------------------|----------|
| Statutory Day | Under, Day 60 is 29 October 2023 | | |
| For three dwellings or more, has the ESD commitment been met | Yes | | |
| Stamp and Send out Endorsed Plans | No | | |
| Decision Type | Refusal | | |
| Objectors | No | No of objectors | 0 |
| Referral | Yes – Department of Planning and Transport (REF: PPR42990/23) | | |
| Landfill Buffer Conditions Imposed? | NO | | |