



PLANNING &
PROPERTY | **PARTNERS**

DEVELOPMENT PLAN REPORT

10 Alvena Street, Oakleigh South

June 2016

Prepared for: Spire Group Pty Ltd

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Appendix A – Copy of Title

Appendix B – Planning Property Report

Appendix C – Proposed Development Plan (*Rothe Lowman*)

Appendix D – Indicative Floor Plans (*Rothe Lowman*)

Appendix E – Landscape Plan (*Tract Consultants*)

Appendix F – Traffic Engineering Assessment (*Traffix Group*)

Appendix G – Arborist Report (*Galbraith & Associates*)

Appendix H – Report on Environmental Due Diligence Review and Advice (*Golder Associates*)

Appendix I – Land Fill Gas Risk Assessment (*Golder Associates*)

1 Introduction

This report has been prepared by Planning & Property Partners Pty Ltd, on behalf of Spire Group Pty Ltd and accompanies a proposed Development Plan for the former Clayton West Primary School site located at 10 Alvena Street, Oakleigh South. This report and accompanying material are intended to support the proposed Development Plan pertaining to the future residential use and development of the subject site.

The subject site has a complex planning history with a planning permit application (TP426) lodged for a development plan on 19 January 2015. This application was subsequently refused by Council at its meeting of 29 September 2015. This application is currently under review.

In response to Council's refusal and the findings of the Victorian Civil and Administrative Tribunal (VCAT), the applicant has undertaken to prepare a revised Development Plan and this report is written in support of the new Development Plan prepared by *Rothe Lowman Pty Ltd*.

As noted, the subject site formerly accommodated the Clayton West Primary School, which has since been demolished, with the site currently vacant and characterised by scattered mature vegetation.

The site is located within the General Residential Zone – Schedule 1 (GRZ1) and is subject to the Development Plan Overlay – Schedule 5 (DPO5) in accordance with the Monash Planning Scheme ('the Planning Scheme'). The applicable zoning and overlay provisions are discussed in detail at sections 5.5 and 5.6 of this report. We note that pursuant to the Development Plan Overlay, a planning permit cannot be granted to use or develop the land until a development plan has been prepared to the satisfaction of the responsible authority.

The proposed Development Plan prepared by *Rothe Lowman Pty Ltd* contains information regarding the surrounding context, the proposed general layout of the site, indicative allotment boundaries, proposed parking and access network and landscaping treatments. A detailed discussion regarding the proposed Development Plan is provided at sections 4 and 5 of this report.

The State Planning Policy Framework (SPPF), Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) set out strategic directions relevant to the future use and development of the subject site. The relevant policy provisions of the Planning Scheme are discussed in further detail at section 5 of this report.

It is submitted that the proposed Development Plan satisfies the requirements and policy direction of the Planning Scheme, and will facilitate future residential development of the land that responds to the existing and emerging built form character of the surrounding environs.

Subject to the approval of this Development Plan it is anticipated that a subsequent planning permit application for the development of the land will be lodged with Council. This request will detail the intended use, form and development of the site in general accordance with the Development Plan sought for approval under this application.

The proposed Development Plan will facilitate the appropriate and considered urban renewal of this strategically located and underutilised land parcel, providing a positive contribution to the Oakleigh South area, while not resulting in any unreasonable impacts to existing residential amenity.

This report and the proposed Development Plan are informed by the following accompanying expert reports:

- Landscape Plan prepared by *Tract Consultants* (**Appendix E**);
- Traffic Engineering Assessment prepared by *Traffix Group* (**Appendix F**);
- Arborist Report prepared by *Galbraith & Associates* (**Appendix G**);
- Report on Environmental Due Diligence Review and Advice prepared by *Golder Associates* (**Appendix H**);
- Land Fill Gas Risk Assessment prepared by *Golder Associates* (**Appendix I**).

2 Site Description

2.1 The Subject Land

The subject land is generally referred to as the former Clayton West Primary School site located at 10 Alvina Street, Oakleigh South and contains all land within Lot 1 on Title Plan 232530M and Lot 1 on Title Plan 232531K ('the Site'). Full copies of title are provided at **Appendix A** of this report.

The subject site is located on the eastern side of Alvina Street, opposite its intersection with Sinclair Street, approximately 410 metres east of Huntingdale Road and 610 metres north of Centre Road. The site previously accommodated the Clayton West Primary School and is currently devoid of any structures.



Figure 1 - Subject Site

Source: nearmap.com

The site maintains a fall of approximately three (3) metres across the extent of the land from north-east to south-west and occupies a total area of approximately two (2) hectares. The site is abutted by residential lots to the north, east and south, with an approximately eighty (80) metre frontage to Alvina Street at the northern end of the western boundary. The balance of the western boundary is abutted by a former quarry site, which is currently vacant. A pedestrian laneway is located to the east of the site and provides direct access to Scotsburn Avenue.

The site contains a number of existing trees, primarily located around its perimeter, in particular along the northern and western boundaries. Further mature vegetation is scattered throughout the remainder of the site.

2.2 Surrounding Context

The surrounding context is generally characterised by residential land uses to the north, south and east with land to the south-west characterised by a former quarry and located within the Special Use Zone – Schedule 2 (SUZ2).

The site is located approximately 1.3 kilometres west of the Clayton Town Centre which is identified as a Major Activity Centre (MAC) in accordance with the Planning Scheme. The Clayton MAC provides a range of convenience retail, food and drink, and office land uses.

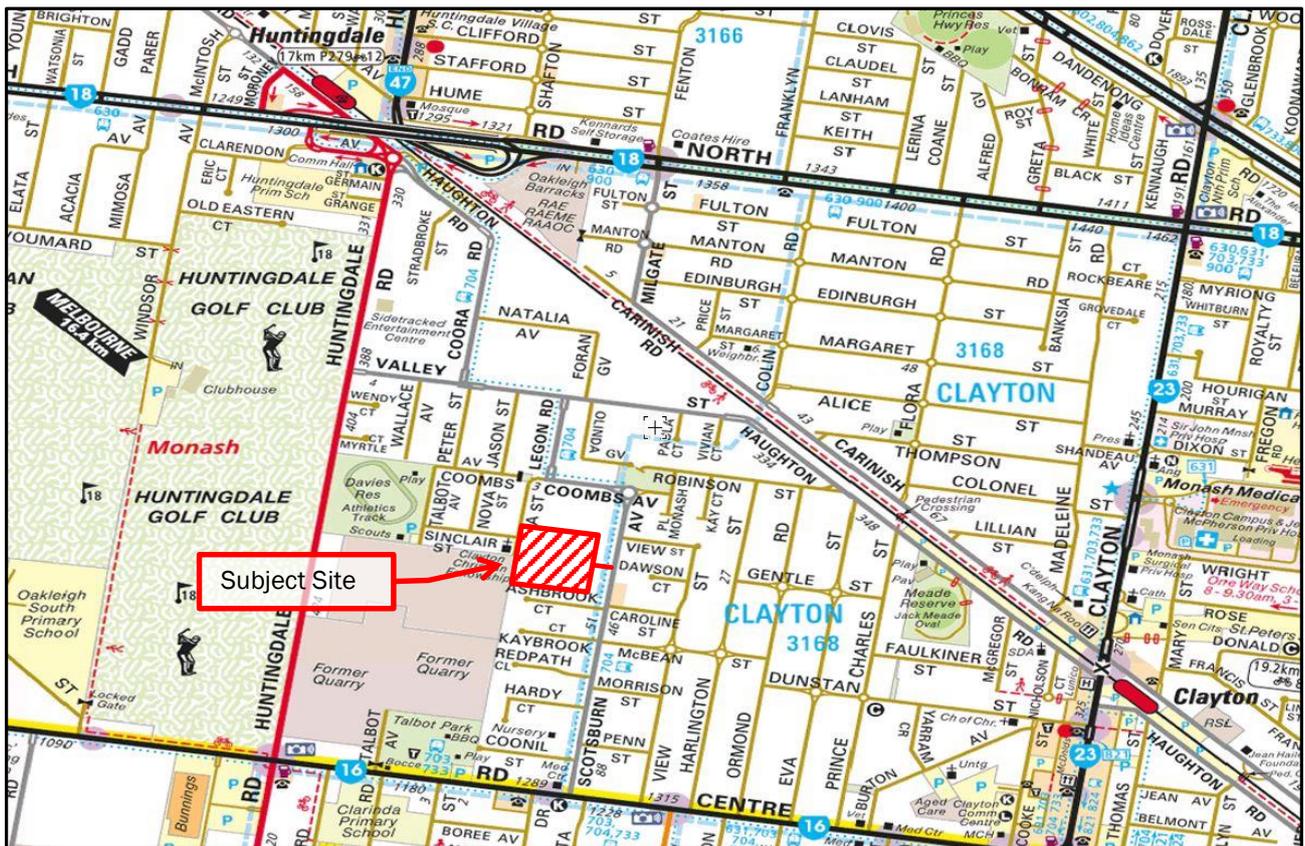


Figure 2 – Site Context

Source: www.street-directory.com.au

The site is also located within close proximity to a range of community and education facilities including Monash Medical Centre and Monash University, both of which are identified as a Specialised Activity Centres in accordance with clause 21.06 of the Planning Scheme. It is significant to note that the surrounding area is identified as part of the Monash Employment Cluster pursuant to *Plan Melbourne: Metropolitan Planning Strategy* ('Plan Melbourne') as discussed in further detail at section 5.4 of this report. The Monash Employment Cluster is recognised as Melbourne's largest established employment cluster; maintaining 58,500 jobs, with a mix of education, research and industry participants.

The area is well serviced by nearby public transport including the Clayton Railway station, which is situated approximately 1.3 kilometres walking distance from the site and operates on the Cranbourne and Pakenham lines. Bus Route 704 operates along Scotsburn Avenue to the east of the site and is directly accessed via an existing pedestrian link from the site. These services connect to the broader metropolitan network and provide regular and efficient access to the Melbourne CBD.

In our submission, the proximity of the site to the aforementioned amenities and infrastructure is considered appropriate for encouraging the future urban renewal of the land to accommodate complementary residential land use and development. This approach is entirely consistent with the existing and evolving character of the area and the overwhelming policy support for increased urban densities within established areas that are proximate to existing infrastructure.

3 Previous decision

As discussed, the subject site has a complex planning history with a planning permit application (TP426) lodged for a development plan on 19 January 2015. This application was subsequently refused by Council at its meeting of 29 September 2015.

The grounds for refusal given for this decision are listed as follows:

1. *The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 of the development plan overlay.*
2. *The development plan poorly integrates with the neighbourhood character of the surrounding area.*
3. *The scale and density of the submitted development is excessive.*
4. *The development plan does not provide for appropriate inclusion and retention of existing vegetation.*
5. *The development plan is inconsistent with Council's Residential Development and Character Policy.*
6. *No risk assessment has been provided given the proximity of the site to the former Huntingdale Quarry.*

The refusal was appealed to the Victorian Civil and Administrative Tribunal (VCAT) where a preliminary hearing was held on 15 December 2015 that found that the landscape plan submitted with the application did not comply with the requirements of clause 3.0 of schedule 5 of the Development Plan Overlay and that a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007* was not required. The applicant has appealed this decision to the Supreme Court of Victoria. This process is running separately to this application.

It is considered that the proposal satisfactorily addresses the decision guidelines set out above in terms of integration with neighbourhood character through a revised scale and density, the retention of vegetation and a consideration of environmental factors. Each ground is discussed in detail in section 7.9 of this report.

4 The Proposal

The proposed Development Plan contemplates the urban renewal of the subject land for residential purposes.

Residential development is proposed in the form of townhouse-style dwellings. The proposed Development Plan outlines sixteen (16) indicative townhouse typologies that maintain two (2) or three (3) storeys in height. It is envisaged that all dwellings will incorporate either two (2), three (3) or four (4) bedrooms. The built form scale has been conceived to respond to the requirements of the DPO5 that affects the site and the single and double-storey forms that predominate in the surrounding environs.

The proposal has retained all of the existing significant vegetation on the site. Vegetation classified as 'significant' is referred to as being of 'high' and 'moderate' value according to the '2013 Tree Logic Assessment.' The trees are incorporated into the individual lots or within a series of pocket parks throughout the development.

Dwellings will be afforded easy access to the pocket parks that will provide opportunities for passive recreation and social interaction among future residents. The layout and orientation of the dwellings has been conceived to afford a good level of solar access to habitable areas, pleasant outlooks and a high level of residential amenity for future occupants.

Vehicular access is proposed via a single access point from Alvina Street. Residents and their visitors will in-turn be afforded direct vehicular access to future dwellings via a principal 'ring road' on the site's perimeter, with a central road 'Centre Lane' providing vehicle access to the central dwellings. The internal street network is proposed to operate as a low speed 'shared zone' and will be sign posted accordingly.

Pedestrian access movement will be facilitated through the inclusion of footpath areas and crossings, with the existing eastern pedestrian accessway to Scotsburn Avenue maintained and enhanced through the provision of landscaping and surface treatments. The pedestrian link will be incorporated within the layout and design of the site and will form part of a larger pedestrian movement network through to Alvina Street.

It is envisaged that the whole of the site will remain in private ownership, with communal spaces, landscaping, roads and accessways to be managed privately by a future owner's corporation.

The proposed Development Plan envisages future urban renewal of the former Clayton West Primary School site that will respond to the existing built form character of the surrounding environs and ensure no unreasonable offsite amenity impacts will occur to nearby residential land uses as a result. Further, the proposed Development Plan will make a positive contribution to the public realm by providing a linear open space along the northern frontage of Alvina Street that will be easily accessible to the existing residents in the neighbourhood and can be enjoyed by both existing and future residents.

5 Development Plan

5.1 Development Plan Overlay

The subject land is affected by the Development Plan Overlay (DPO) in accordance with the provisions of the Planning Scheme.

The purpose of the DPO is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

Pursuant to clause 43.04-1 a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

It is the purpose of this application to seek approval of the proposed Development Plan.

5.2 Assessment of Requirements for Development Plan

The site is affected by the Development Plan Overlay - Schedule 5 (DPO5) 'Surplus Education Land'.

The DPO5 was introduced to the Planning Scheme by Planning Scheme Amendment GC05 on 18 February 2014. The purpose of the amendment was to rezone a number of surplus Department of Education and Early Childhood Development (DEECD) school sites to enable their sale and future consideration for residential use. The amendment removed the redundant Public Use Zone 2 -Education (PUZ2) and applied the General Residential Zone (GRZ) and a tailored DPO.

Clause 3.0 of the DPO5 outlines requirements that a development plan must address to the satisfaction of the responsible authority. Responses to the relevant requirements of the DPO5 are provided in the following table.

Requirements for Development Plan	Response
The development plan must be prepared for the whole site, and should:	
Where non-residential uses are proposed, details of the nature of the proposed use, including hours of operation, stall and visitor numbers, and traffic and parking management plan.	Non-residential uses are not proposed as part of the proposed Development Plan.
Incorporate sustainable design features to address water and waste management, solar access and energy saving initiatives, to deliver lower living costs for future residents.	It is considered that comprehensive environmentally sustainable design ('ESD') features will be detailed and resolved as a part of any future planning permit application for use and development of the land. Notwithstanding, the general orientation of proposed dwellings has been conceived to provide a good level of solar access to habitable areas and private open space. We note that generous landscaping and green spaces have been incorporated within the proposed Development Plan. To this end, the landscape plan prepared by <i>Tract Consultants</i> outlines ESD initiatives in the form of rain gardens and stormwater harvesting and

	<p>treatment, with the potential location of underground rainwater tanks detailed on the Landscape Plan.</p>
<p>Create a composition of varied building forms and heights across the site.</p>	<p>The proposed Development Plan provides varied building form across the site.</p> <p>Built form is provided in the form of sixteen (16) indicative townhouse typologies that maintain two (2) and three (3) storeys in height</p> <p>Further detail regarding the proposed future built form is provided throughout this report and within the proposed Development Plan package of information.</p>
<p>Provide for a high quality of internal amenity for future residents.</p>	<p>Future development approval at the site will be required to provide an appropriate level of internal amenity for future occupants to the satisfaction of the responsible authority.</p> <p>It is considered that the objectives and standards of clause 55 – ResCode will provide the applicable test for internal amenity in any future development proposal.</p> <p>Notwithstanding, the proposed Development Plan locates dwellings so as to ensure a good level of solar access is achieved by each townhouse. The layout of the townhouses has been conceived to ensure no unreasonable overshadowing will occur within the site. It is intended that each dwelling will also be afforded safe and convenient access to an independent ground floor car parking area.</p> <p>Future occupants will be afforded convenient access to a number of green spaces incorporated within the subject site for passive recreation purposes. High quality landscaping, including retention of all significant trees, has been a key consideration in the preparation of the proposed development plan and will ensure future development of the land will provide for an attractive and useable public realm.</p>
<p>Respect the amenity of adjoining interfaces for providing for a maximum of 2 storey built form adjacent to or opposite any existing single storey residential development.</p>	<p>The amenity of existing residential development surrounding the site is maintained by ensuring that a maximum two (2) storey built form is general provided adjacent to all abutting single storey dwellings.</p> <p>A three (3) storey built form scale is proposed for the less sensitive areas of the site, being the centre, the Alvina Street frontage and in selected locations adjacent to neighbouring double storey dwellings.</p> <p>It is noted, the three (3) storey built form along the Alvina Street frontage is set behind a linear park that retains three significant trees and will further be supplemented with additional landscaping.</p>

	<p>Further detail regarding the future built form contemplated by the proposed Development Plan is provided at section 4 of this report.</p>
<p>Any taller buildings across the balance of the site should be carefully graduated with reference to analysis of shadow, visual amenity impacts and the character of the area.</p>	<p>As noted, taller built form of up to three (3) storeys in height is proposed to be generally located in areas of the site that do not maintain sensitive neighbouring residential interfaces.</p> <p>The proposed Development Plan details a future built form that has been conceived to ensure no unreasonable off-site amenity impacts will occur.</p> <p>Shadow diagrams included within the proposed Development Plan demonstrate that the proposed location and form of future development will result in no unreasonable shadowing impacts to neighbouring properties.</p> <p>Visual amenity will be maintained through the considered siting of taller built form within the centre of the site and at the less sensitive interfaces.</p> <p>The character of the surrounding environs, in particular the streetscape character of Alvina Street has been considered in the proposal. To the north of Alvina Street the built form is significantly recessed through the inclusion of the park. These dwellings will be buffered by the existing trees and supplemented by new landscaping to reduce the visual amenity impacts on the streetscape. Towards the southern end of the frontage the built form provides appropriate graduation and setbacks.</p> <p>We note that this application does not propose development of the site. Accordingly, it is considered appropriate to assess the neighbourhood character response of individual dwellings as part of any future development application.</p>
<p>Apply appropriate buffer treatments at the interface with any non-residential uses on adjoining properties.</p>	<p>We note that the site's only non-residential abuttal is located on the northern boundary where there are extensive greenhouse sheds located to the rear of a residential interface. It is considered that this land use is entirely compatible with the proposed residential land use at the subject site.</p> <p>Notwithstanding, the proposed Development Plan incorporates a greenspace buffer at this interface in order to avoid the potential for any land use conflicts, while affording the retention of an existing mature tree and providing valuable open space for future residents.</p> <p>A Landscape Plan Prepared by <i>Tract Consultants</i> further details the treatment of this buffer. The landscape plan is provided as part of the proposed Development Plan and accompanies this report.</p>

<p>Create opportunities for improved local permeability through provision of new pedestrian/cycle pathways or new local street networks where appropriate.</p>	<p>The proposed Development Plan has been conceived to afford a high level of permeability for pedestrians and cyclists. This is embodied in the retention and enhancement of the existing pedestrian link from Scotsburn Avenue, which has been continued through the site to provide access to Alvina Street.</p> <p>Further detail regarding the proposed street layout and access arrangements is also provided at section 6.7 of this report and within the Traffic Engineering Assessment prepared <i>Traffix Group</i>.</p>
<p>Incorporate any significant native vegetation into the design of the development.</p>	<p>A Landscape Plan Prepared by <i>Tract Consultants</i> is provided as part of the Development Plan accompanying this report.</p> <p>All existing significant vegetation (i.e the trees identified as 'moderate' and 'high' in the <i>2013 Tree Logic Assessment</i>) is proposed to be retained and incorporated as part of the development. Significant new landscaping opportunities are also incorporated within the proposed Development Plan.</p>
<p>Components of Development Plan</p>	<p>Response</p>
<p>The development plan must include the following information:</p>	
<p>Existing conditions plan, showing surrounding land uses and development, adjoining roads and pedestrian links, public transport routes, topography, and infrastructure provision.</p>	<p>A description of the site and its surrounding context is provided at section 2 of this report.</p> <p>Further site context information is also provided within the proposed Development Plan that accompanies this report.</p>
<p>Concept plans for the site which show:</p> <ul style="list-style-type: none"> ▪ New building orientation and location, indicative uses for each building, car parking areas, public roads, vehicle access locations, pedestrian and bike paths and areas and locations of private and public open space. ▪ Three-dimensional building envelope plans including maximum building heights and setbacks. ▪ The design philosophy for the site and indicative architectural themes including car parking areas and garages so that they do not dominate the street or any public open space. 	<p>The proposed Development Plan details the indicative orientation, location and residential use of each townhouse. Indicative access arrangements have been appropriately detailed for each future dwelling.</p> <p>The proposed Development Plan provides detailed information regarding proposed vehicular access, road network and visitor parking. The proposed Development Plan clearly defines areas of public and private open space.</p> <p>Three-dimensional building envelope plans are provided within the proposed Development Plan package that accompanies this report</p> <p>The detailed Development Plan package clearly articulates the design philosophy and built form rationale for the site. The indicative location of car parking spaces for each dwelling is provided within the proposed Development Plan. It is considered appropriate to resolve</p>

<ul style="list-style-type: none"> ▪ Shadow diagrams of proposed building envelope conditions at 10.00am, 1.00pm and 3.00pm at 22 September. ▪ An indicative development schedule including the minimum number, type and density of dwellings and the floor area of any proposed non-residential uses. 	<p>individual dwelling design and architectural language as a part of any future planning permit application process.</p> <p>Shadow Diagrams are provided within the proposed Development Plan submission and demonstrate that there will be no unreasonable shadowing impacts upon neighbouring residential land uses or within the site.</p> <p>The indicative development schedule provides for a minimum of eighty-eight (88) two (2), three (3) and four (4) bedroom townhouse dwellings of two (2) or three (3) storeys across sixteen (16) dwelling typologies.</p>
<p>A traffic management report and car parking plan which includes:</p> <ul style="list-style-type: none"> ▪ Identification of roads, pedestrian, cyclist and vehicle access locations, including parking areas, both internal and external to the site. ▪ Traffic management measures, where required ▪ Location and linkages to public transport. ▪ Car parking rates for all uses, including visitor parking. ▪ Provision for bicycle facilities. 	<p>A Traffic Engineering Assessment prepared by <i>Traffix Group</i> accompanies this report and forms part of the proposed Development Plan.</p> <p>The Traffic Engineering Assessment provides a detailed assessment of vehicular, cycle and pedestrian networks within the surrounding area.</p> <p>Details of proposed traffic management measures are provided at section 6.4 of the Traffic Engineering Assessment. While it is considered that traffic management devices to control speed are not required on sections of road less than 240 metres in length, the internal access roads will function as a low speed 'shared zone' and will be signposted accordingly.</p> <p>The contextual location of the site and its linkages to public transport are outlined at section 2.4 of the Traffic Engineering Assessment. Further detail is also provided at section 2 of this report and within the proposed Development Plan package.</p> <p>The Traffic Engineering Assessment notes that each townhouse is intended to be provided with either a double garage or tandem garage configuration and future development will be able to meet the statutory resident car parking requirement. A total of fifteen (15) visitor car spaces are provided within the site, which is just short of the required seventeen (17) spaces required. The Assessment notes however, that an additional seven (7) vehicles can be accommodated on-street along the site's Alvina Street frontage which will comfortably accommodate the short fall.</p> <p>We note that there is no statutory requirement to provide bicycle parking facilities as future development will be less than four (4) storeys in height. Notwithstanding, it is considered that each townhouse will be afforded sufficient space within the independent garages or elsewhere within the properties to accommodate on-site bicycle parking.</p>

Risk Assessment	
<p>For the former Clayton West Primary School and former Oakleigh South Primary School, where a sensitive use is proposed (residential use, child care centre, pre-school centre or primary school), a risk assessment detailing the risk of landfill gas migration from nearby landfills must be undertaken. The risk assessment must be conducted by a suitably qualified professional, having regard to the EPA Publication 788.1 <i>Landfill Best Practice Environment Management Guidelines, October 2010</i>, to the satisfaction of the responsible authority.</p>	<p>A 'Landfill Gas Risk Assessment' dated 17 May 2016 has been prepared by <i>Golder Associates</i> and accompanies this report. This supplements the previous environmental reports undertaken on site.</p> <p>This assessment is discussed in detail at section 6.8 and has been conducted having regard to the EPA Publication 788.1 <i>Landfill Best Practice Environment Management Guidelines, October 2010</i> and its subsequent updates. The report concludes that the risk of landfill gas migration is low.</p>
<p>A landscaping plan which:</p> <ul style="list-style-type: none"> ▪ Shows the landscape concept for the site. ▪ Incorporates any significant vegetation including trees rated as 'moderate' or 'high' in the 2013 Tree Logic assessment. 	<p>A Landscape Plan Prepared by <i>Tract Consultants</i> is provided as part of the Development Plan accompanying this report.</p> <p>The Landscape Plan identifies significant vegetation to be retained in accordance with the accompanying Arborist Report prepared by <i>Galbraith and Associates</i>.</p> <p>We also note that all trees determined to have a 'high' and 'moderate' arboricultural rating within the 2013 <i>Tree Logic Assessment</i> correspond with those identified in the Arborist Report. These trees are proposed to be retained as a part of the proposed Development Plan.</p> <p>It is noted that the 2013 <i>Tree Logic Assessment</i> classified four (4) trees with a 'high' arboricultural rating and twenty-eight (28) trees as having a 'moderate' arboricultural rating. These trees are scattered throughout the subject site and have been retained with this revised Development Plan.</p> <p>The proposed Development Plan incorporates a highly resolved landscape concept plan which incorporates the retention of the site's most significant tree specimens and the provision of at least one new canopy tree in each rear yard and appropriate street tree planting, thereby resulting in a net benefit to the landscaping and ecological values of the subject site.</p>

6 Planning Context

6.1 State Planning Policy Framework (SPPF)

The purpose of State policy is to inform planning authorities and responsible authorities of those aspects of State level planning policy which they are to consider in planning and administering their respective areas

The general provisions of the SPPF are relevant to this proposed Development Plan. In this regard the following general clauses are identified as being applicable:

- **Clause 9 – Plan Melbourne**
- **Clause 11 – Settlement**
 - Clause 11.02 – Urban Growth
 - Clause 11.02-1 Supply of urban land
 - Clause 11.04 – Metropolitan Melbourne
 - Clause 11.04-2 – Housing choice and affordability
 - Clause 11.04-4 – Liveable communities and neighbourhoods
- **Clause 15 – Built Environment and Heritage**
 - Clause 15.01 – Urban Environment
 - Clause 15.01-1 – Urban design
 - Clause 15.01-2 – Urban design principles
 - Clause 15.01-3 – Neighbourhood and subdivision design
 - Clause 15.01-4 – Design for Safety
 - Clause 15.01-5 – Cultural Identity and Neighbourhood Character
 - Clause 15.02 – Sustainable Development
 - Clause 15.02-1 – Energy and Resource Efficiency
- **Clause 16 – Housing**
 - Clause 16.01 – Residential Development
 - Clause 16.01-1 – Integrated Housing
 - Clause 16.01-2 – Location of Residential Development
 - Clause 16.01-3 – Strategic Redevelopment Sites
 - Clause 16.01-4 – Housing Diversity
 - Clause 16.01-5 – Housing Affordability
- **Clause 18 – Transport**
 - Clause 18.01 – Integrated Transport
 - Clause 18.01-1 – Land Use and Transport Planning
 - Clause 18.02 – Movement Networks
 - Clause 18.02-1 – Sustainable Personal Transport
 - Clause 18.02-2 – Cycling
 - Clause 18.02-5 – Car Parking

▪ **Clause 19 – Infrastructure**

The above mentioned policies relate to the general State-wide provisions of the Planning Scheme and are relevant to the proposed Development Plan in a general sense. The principles of land use and development have been adhered to and the proposed Development Plan meets the strategic direction of the State Planning Policy Framework.

Of particular relevance to the proposed Development Plan, clause 16.01-1 seeks “to promote a housing market that meets community needs” and includes a strategy to “increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.”

Clause 16.01-2 relates to the Location of Residential Development and seeks “to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.” It is strategy to (inter-alia):

- *Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.*
- *Ensure an adequate supply of redevelopment opportunities within the established urban area to reduce the pressure for fringe development.*
- *Support opportunities for a wide range of income groups to choose housing in well serviced locations.*

The provision of residential dwellings of varying form and scale in this location will contribute to housing need and diversity in Oakleigh South and the surrounding area as identified in the Planning Scheme.

It is submitted that the site’s surrounding context, within close proximity of public transport infrastructure, in proximity of the Clayton MAC and within the Monash Employment Cluster, provides an appropriate opportunity to encourage complimentary residential land use on this underutilised land parcel.

6.2 Municipal Strategic Statement (MSS)

The Monash MSS includes policy direction that reflects the diverse land use and development intensity of the City. The policies are general in nature and rely on the application of the LPPF policies to achieve the broad strategic direction of the MSS.

In assessing the Monash MSS, it is considered that clause 21.03 – *A Vision for Monash*, clause 21.04 – *Residential Development*, clause 21.11 – *Physical Infrastructure* and clause 21.13 – *Sustainability and Environment* are relevant to the assessment of the Development Plan.

Clause 21.03 – *A Vision for Monash* and clause 21.04 – *Residential Development* identify the increasing demand for a variety of different housing styles to cater for changing household sizes and structures. Council's goal is for residential development in the City to be balanced in providing a variety of housing styles, while appropriately responding to existing neighbourhood character. The following objectives in relation to residential development under clause 21.04 are relevant to the assessment of the proposed Development Plan (*inter-alia*):

- *To encourage the provision of a variety of housing styles and sizes that will accommodate future housing needs and preferences of the Monash community that complement and enhance the Garden City Character of the City.*
- *To provide accommodation for a diverse population that caters for different family and lifestyle preferences and a variety of residential environments and urban experiences*
- *To encourage high standards of architectural design in buildings and landscaping associated with residential development that takes into account environmental constraints including soil erosion, urban water management and fire risk.*
- *To encourage building practices and dwelling preferences that are energy efficient and sustainable and that incorporate landscape design and use of construction materials that minimise environmental impacts.*

- *To recognise the need to conserve treed environments and revegetate other areas including new residential developments to maintain and enhance the Garden City Character of the municipality.*

Clause 21.11 – *Physical Infrastructure* is also considered relevant to the proposed Development Plan and seeks to achieve the following objectives (*inter-alia*):

- *To provide a reliable, efficient and safe range of physical infrastructure for the residents and businesses in the City including roads, drains and essential services.*
- *To ensure that new development provides appropriate infrastructure in appropriate areas, such as around nodes of existing services.*
- *To improve stormwater management so that stormwater is used effectively and efficiently to minimise its impact on the environment and reduce the use of potable water in external areas.*

Moreover, clause 21.13 – *Sustainability and Environment* is of relevance to the proposed Development Plan and outlines the following applicable objectives (*inter-alia*):

- *To increase water conservation and recycling, maximise the use of rainwater, stormwater and secondary water, and minimise the use of potable water.*
- *To reduce the environmental impact of urban development on waterway in the City and wider catchment through adoption of water sensitive design principles and practices.*

It is considered that the indicative built form and design response contained within the proposed Development Plan, including townhouse dwellings of two (2) and three (3) storeys in height and sixteen (16) indicative dwelling typologies (with two (2), three (3) and four (4) bedrooms) will provide housing choice and diversity that will positively contribute to housing availability and diversity in the municipality.

The proposed scale, layout and orientation of dwellings, in addition to the significant landscaping opportunities incorporated with the proposed Development Plan, will afford the opportunity for future development of the land to respond to the character of existing development in the surrounding environs. It is submitted that future development in accordance with the proposed Development Plan will positively contribute to Monash’s ‘Garden City Character’ that underpins neighbourhood character provisions of the Planning Scheme.

Future development of the land will be capable of providing all necessary infrastructure. As discussed throughout this report, the proposed Development Plan details a well-conceived street network including convenient and safe pedestrian connection within and through the site.

It is the Applicant’s intention to incorporate a range of environmentally sustainable design (ESD) and water sensitive urban design (WSUD) initiatives as a part of any future development application at the site. Moreover, the proposed Development Plan information provides indicative locations for on-site water storage and dwellings have been positioned and oriented to ensure an appropriate level of solar access and cross ventilation to reduce future reliance on mechanical heating and cooling methods.

6.3 Local Policy Framework (LPPF)

In assessing the relevant provisions of the LPPF, it is recognised that *clause 22.01 – Residential Development and Character Policy*, *clause 22.04 – Stormwater Management Policy* and *clause 22.05 – Tree Conservation Policy* seek to provide a suitable policy basis for the future development of the subject land.

Clause 22.01 – Residential Development and Character Policy applies to all residential land and seeks (*inter-alia*):

- *To build upon the important contribution that landscaping makes to the Garden City Character of Monash.*
- *To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the desired future character statement for the applicable residential Character Type.*
- *To encourage the provision of a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable.*

- *To encourage building practices and housing preferences that are energy efficient and sustainable.*

It is policy:

General

- *Development complements the current character statement and contributory elements and satisfies the intent of the desired future character statement for the applicable residential Character Type identified in Clause 22.01-4.*
- *The quality and style of surrounding development be respected, including the maintenance of consistent setbacks in areas where incremental change is expected.*
- *The treed character of areas be complemented and preserved.*
- *The Garden City and streetscape character of the neighbourhood be maintained and enhanced.*
- *The impact of bulk and scale of development, be minimised, where possible.*

Building and Setbacks

- *Buildings be set back from street frontages in context with the surrounding environment and to maintain open and spacious streetscapes.*
- *Building design reflect the spacing and rhythm of existing streetscapes.*
- *Development be set back from street frontages to visually unify diverse types of buildings and to enhance the quality of residential areas.*

Townhouse typologies provided in the proposed Development Plan incorporate indicative setbacks that respect those demonstrated in the surrounding environs. In particular, we note that the northern-most dwellings on the Alvina Street frontage will respect the setbacks of the existing dwellings to the north of the site and provide an appropriate graduation towards the townhouses envisaged for the southern end of the Alvina Street frontage.

The retention of significant trees on site preserves the existing 'leafy' appearance of the site. The incorporation of these mature trees will lend continuity to the streetscape and will give the proposed development an element of maturity.

The indicative dwelling setbacks outlined on the proposed Development Plan for townhouses oriented towards the centre of the site will be appropriate to their context and will provide ample landscaping opportunities for future development.

The Garden City Character be maintained by providing front garden space in which upper canopy trees can develop.

The proposed Development Plan package provides indicative building footprints that will afford the opportunity for extensive landscaping and canopy trees within the front setbacks of future dwellings.

Moreover, the accompanying Landscape Plan prepared by *Tract Consultants* demonstrates a considered response to landscaping of the site, with numerous existing canopy trees retained and a large number of new trees proposed within the street network and communal open spaces.

Accordingly, it is considered that the proposed Development Plan will afford the opportunity for future development proposals to contribute positively to Monash's garden city character.

Vehicle crossings and location of garages, car ports and car spaces

- *The Garden City Character of residential areas be retained by discouraging car parking and accessways that have a significant impact on or cause fragmentation of the streetscape.*
- *The number of vehicle crossings be minimised to maintain existing kerb side parking and green spaces in both front setback areas and in nature strips.*
- *Hardening of the streetscape through the provision of additional crossovers is discouraged.*

- *Landscaping in the front setback areas of properties is to be maintained by minimising the number of crossovers provided on larger multi-unit sites and placing vehicle parking to the rear on sites accommodating small to medium multi developments.*
- *Garages, carports and associated visitor spaces be designed so that they do not dominate or visually disrupt the streetscape.*

As noted, the Development Plan proposes vehicular access via a principal 'ring road' on the site's perimeter and 'Centre Lane' running through the centre of the site and providing vehicle access to the central dwellings. Other dwellings will be accessed directly from the ring road, with one crossover envisaged per dwelling.

It is intended that car parking will be accommodated within independent garages and car ports, which will be set behind landscaped front setbacks of the respective dwellings.

Built form and scale of development

- *The height and scale of existing dwellings in the neighbourhood be respected.*
- *Building spacing and setbacks off side boundaries maintain the spacing and rhythm of existing dwellings to respect the built form character of the streetscape.*
- *Similar building materials to that within the surrounding neighbourhood be utilised.*
- *A high degree of articulation and detailing be exhibited.*
- *Roof heights and pitches of adjoining development be respected.*
- *Creative and quality design solutions be provided, particularly in relation to bulk of buildings having regard to boundary setbacks.*
- *The same or similar built form and style be provided in streets that display a unified or dominant architectural or built form theme.*
- *Articulated and graduated elevations avoiding "box-like" designs be provided.*
- *Higher degrees of articulation be provided where double storey development is sought in streets where the predominant built form is single storey.*
- *The scale and bulk of double storey buildings at the rear of properties, adjacent to single storey dwellings, be low key. This can be achieved by generous upper floor articulation and setbacks off site boundaries sufficient to allow new landscaping incorporating canopy trees.*
- *Adjoining public open space be respected, having regard to the visual impact, scale, bulk, mass and height of the proposed development.*
- *High rise residential development should locate within the Glen Waverley Principal or Oakleigh Major Activity Centres.*
- *Medium rise residential development should locate in the Brandon Park, Clayton and Mount Waverley Major Activity Centres*
- *Residential development outside of the Principal, Major and Neighbourhood Activity Centres will generally be low rise except where an adopted Structure Plan, or some other mechanism, has defined an appropriate height limit or where individual circumstances support an alternative height.*

The proposed Development Plan is respectful of the existing pattern of development within the neighbourhood with regard to height and scale. The proposed Development Plan proposes two (2) and three (3) storey townhouse buildings, with scale limited two (2) storeys at its interfaces with neighbouring single-storey residential dwellings.

This approach is consistent with Council's envisaged built form scale for the site, as outlined in the DPO5.

Detailed matters pertaining to building design, and articulation will be resolved as a part of any future planning permit application for development of the land.

Private Open Space

- *Open space areas be of sufficient size to enable the retention of existing significant trees and other vegetation.*
- *Open space areas be of sufficient size and distribution that they encourage the planting of new canopy trees.*
- *Useable recreational areas, including private and secluded open space areas, be provided for the needs of future residents.*
- *Local character be enhanced by designing open space areas to reflect the existing neighbourhood character.*

The proposed Development Plan envisages that each dwelling will be afforded access to independent areas of private open space. The layout of the development ensures that there is sufficient space within the site to provide for quality and meaningful open space to all dwellings, which will be suitable for the reasonable recreation and service needs of future occupants and capable of providing appropriate landscaping opportunities. Further, future residents will have opportunity to purchase lots with existing mature trees providing consumer choice.

Moreover, the proposed Development Plan actively incorporates attractive areas of communal open space for enjoyment by future residents.

Landscaping

- *The Garden City Character be enhanced by preserving existing vegetation and providing new vegetation and landscape treatments sympathetic to the existing landscape character.*
- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy. In particular, retention of trees located within front setback areas, along site boundaries and where the vegetation is visible from nearby streets and/or other public areas.*
- *Planting of semi-mature canopy trees with spreading crowns be incorporated in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*
- *Existing street trees be retained and protected.*
- *New landscaping be provided that enhances adjacent linear landscape corridors and abutting public open spaces areas.*
- *Development be adequately set back from existing and proposed trees to ensure their longevity.*
- *Minimal pavement areas be provided within the front setback area to maximise landscaping to enhance the Garden City Character of the streetscape.*
- *Landscaping be provided down both sides of driveways to reduce the visual impact of development.*

A Landscape Plan Prepared by *Tract Consultants* is provided as part of the Development Plan accompanying this report. The Landscape Plan demonstrates the retention of existing trees on site that contribute to the character of the surrounding area.

New landscaping is proposed to reinforce the Garden City Character of the municipality and provide a high level of amenity for future occupants.

Car Parking

- *Sufficient on-site car parking, in convenient locations and designed for safe and efficient vehicle movement, be provided.*
- *Development be designed to minimise parking, traffic and pedestrian impacts in adjacent residential areas.*
- *Car parking spaces designed and located to ensure that they have minimal impact on pedestrian and vehicle movements both on-site and within the public street.*

With regard to future car parking provision at the site, we refer to the Traffic Engineering Assessment prepared by *Traffix Group*, which accompanies this report and forms part of the proposed Development Plan.

The Traffic Engineering Assessment notes that each dwelling is intended to be provided with either a double garage or tandem garage configuration and future development will be able to meet the statutory resident car parking requirement. A total of fifteen (15) visitor car spaces are proposed to be incorporated within the site, which is two (2) spaces less than the statutory requirement. It is noted, that the Alvina Street frontage can accommodate seven (7) on-street spaces which the Traffic Engineering Assessment finds to be a suitable replacement without impacting the surrounding area.

The indicative car parking provision provides a sufficient level of car parking to minimise off-site impacts from the development in relation to traffic and parking within the surrounding area.

Stormwater Management

- *The environmental impact on waterways within the catchment be minimised.*
- *On-site stormwater infiltration be maximised.*
- *Hard surface areas be minimised to reduce the overland stormwater flow.*
- *The visual impact of hard surface areas be minimised.*
- *Development be designed to minimise the risk of injury to the public and damage to properties from increased stormwater flows.*

Clause 22.04 – *Stormwater Management Policy* applies to all land within the municipality and seeks:

- *To minimise the risk to personal injury and property from stormwater flows.*
- *To protect waterways, floodplains, wetlands and receiving bodies from the impacts of inappropriate development and a consequent decline in their water quality.*
- *To minimise the introduction of polluted stormwater to the drainage and waterway system.*
- *To promote and enhance the contribution the drainage system can make to environmental, social and economic benefits to the region*
- *To ensure that development of land which is the subject of any overland flow is subject to floodplain management requirements.*
- *To manage nuisance flows from urban redevelopment.*
- *To encourage the provision of on-site retention systems so that stormwater discharge is maintained at pre-development levels.*

It is not anticipated that future development in accordance with the Development Plan will have any unreasonable impact upon the future management of stormwater within the immediate or broader area.

Clause 22.05 – *Tree Conservation Policy* applies to all land within the municipality and seeks:

- *To maintain, enhance and extend the Garden City Character throughout Monash by ensuring that new development and redevelopment is consistent with and contributes to the Garden City Character as set out in the Municipal Strategic Statement.*
- *To promote the retention of mature trees and encourage the planting of new canopy trees with spreading crowns throughout Monash.*

It is policy that:

- *Existing semi-mature and mature canopy trees be retained wherever possible to ensure maintenance of the tree canopy.*
- *Existing street trees be retained and protected.*

- *Semi-mature canopy trees with spreading crowns be planted as part of any new development, in open space areas, along boundaries adjacent to neighbouring open space and in front setback areas to reinforce the Garden City Character of the area.*

As noted, the key distinction between the proposed Development Plan and the previously submitted Development Plan is that all trees determined to have a ‘moderate’ and ‘high’ arboricultural rating within the *2013 Tree Logic Assessment* are proposed to be retained as a part of the proposed Development Plan.

The retention of these trees has been a key determining factor informing the preparation of the proposed Development Plan, including the layout and configuration of dwellings and open space areas in order to retain a number of canopy trees and enhance the Garden City Character of the municipality.

The Landscape Plan that forms part of the proposed Development Plan package identifies significant vegetation to be retained in accordance with the Arborist Report and provides a detailed description of the proposed landscaping concept, including the provision of new canopy trees.

6.4 Plan Melbourne

Released in May 2014, *Plan Melbourne* outlines the key strategic policies with regard to the provision of housing in Melbourne’s urban areas.

The strategic directions outlined in the document are required to be considered as a part of Council’s decision-making process. Strategic directions of relevance include the following (inter-alia):

‘Locating medium-and higher-density development near services, jobs and public transport supports the objective of housing choice and affordability.’

Furthermore, Direction 1.6 of *Plan Melbourne* recognises *‘transit-oriented development as a key way to achieve employment and population growth, as well as achieve a broad range of economic, social and environmental benefits from co-locating employment, population and public transport.’* Initiative 1.6.2 seeks to *‘Identify new development and investment opportunities on the planned public transport network.’*

To this end, *Plan Melbourne* identifies potential urban renewal locations in close proximity of fixed line public transport, with the site identified at Map 11 as being located within the ‘Oakleigh to Dandenong Station Corridor’ Urban Renewal opportunity/investigation area. Accordingly, *Plan Melbourne* recognises the site as a potential urban renewal opportunity in the context of metropolitan Melbourne.

Of principle importance in relation to the site is *Direction 1.5 – Plan for Jobs closer to where people live*. Direction 1.5 states;

‘The Metropolitan Melbourne Structure Plan is designed to drive productivity and economic growth by accommodating employment and residential growth in designated locations across the city. In particular, national employment clusters, metropolitan activity centres and activity centres will ensure employment growth occurs outside of the central city. This structure will deliver a range of benefits, including reduced travel demand, productivity dividends derived from agglomeration, maximised use of existing government assets, and improved access to employment.’

Plan Melbourne identifies *Infrastructure –Led Employment Opportunities*, and identifies the site as being located within the *Monash Employment Cluster*, being Melbourne’s largest established employment cluster of 58,500 jobs with a mix of education, research and industry participants.

Initiative 1.5.1 – *Facilitate the development of National employment Clusters* focuses on *‘ensuring the development of the national employment clusters to support productivity through a new city structure.... National employment clusters have the potential to broaden their range of uses by virtue of being attractive locations for a range of businesses including office, retail services, entertainment and residential.’*

It is submitted that the proposed Development Plan responds to the State Government’s aspirations for the site, having been identified for its ability to contribute to accommodating Melbourne’s increasing housing demand within an appropriate urban renewal location and in proximity of existing public transport infrastructure and significant employment and educational opportunities.

6.5 Zoning

The subject site is located within the General Residential Zone – Schedule 1 (GRZ1) pursuant to Clause 32.01 of the Planning Scheme. The purpose of the GRZ is as follows:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The use of the land for the purposes of ‘dwellings’ is a section 1 ‘Permit not required’ use under the GRZ. A planning permit is required to construct two or more dwellings on a lot pursuant to Clause 32.08-4 of the Planning Scheme.

The proposed residential urban renewal of the land at 10 Alvina Street, Oakleigh South, is consistent with the purpose of the zone on the basis that the application seeks approval of a Development Plan that will facilitate the future development of the land in a manner that is respectful of the existing neighbourhood character.

It is submitted that the site’s locational attributes provide for a strategic redevelopment opportunity within close proximity of existing infrastructure and services; consistent with the overwhelming policy support at State and local level.

6.6 Overlays

Development Plan Overlay – Schedule 5 (DP05)

The subject land is affected by the DP05 in accordance with the provisions of the Planning Scheme.

Schedule 5 of the Development Plan Overlay has been addressed in detail at section 4 of this report. It is considered that the Development Plan proposed is in accordance with the requirements of the DP05.

6.7 Clause 65

Clause 65 sets out Decision Guidelines and Clause 65.01 sets out issues that the Responsible Authority must consider when considering the approval of an application or plan. Those relevant to this application include:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*

- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

The requirements of Clause 65 have been covered throughout this report and further analysis of key considerations is detailed in the following sections.

7. Site Assessment

7.1 Land Use

It is well established that the land at 10 Alvina Street, Oakleigh South is an appropriate location for residential land use.

The inclusion of the site within the Department of Education and Early Childhood Development's (DEECD) surplus land rezoning project, subsequent rezoning to GRZ1 and adoption of the DPO5, demonstrate the State's vision for the site and suitability for residential development.

The site's inclusion within the GRZ1 clearly embodies the suitability of the land to be used for residential purposes, while the provisions of the DPO5 provide guidance as to a form and scale of development that can be accommodated while not resulting in any unreasonable off-site amenity impacts. It is noted that services to the area can be easily augmented to cover the site.

The increase in land available for general residential uses as contemplated by the proposed Development Plan will provide the opportunity for future residential development proposals to make a positive contribution to the availability, diversity and affordability of housing in the Oakleigh South area.

As noted throughout this report, the Development Plan envisages future development of the land for townhouse-style dwellings of various sizes and configurations that will appeal to the broader market, including affording the elderly members of the community increased opportunities to downsize and 'age in place' as well as attracting new families through larger family homes.

7.2 Neighbourhood Character & Built Form

As outlined in preceding sections of this report, the site has been identified as a strategic location for residential development within the City of Monash. For this reason, when addressing the desired built form outcome for the site, consideration must be given to the intended development potential for the site, in concert with neighbourhood character and amenity considerations.

It is considered that the requirements of the DPO5, as discussed in detail at section 4 of this report, provide substantial guidance as to the preferred built form outcome for the site. It is submitted that the proposed Development Plan has been prepared to appropriately respond to the DPO5, while ensuring that future development of the site will provide a positive contribution to the existing character of the surrounding environs.

The scale of existing residential development surrounding the site will be respected by ensuring that a maximum two (2) storey built form is provided adjacent to all abutting single storey dwellings. A three (3) storey built form scale is only proposed for the centre of the site, along the Alvina Street frontage and in selected locations adjacent to neighbouring double-storey dwellings.

We note that future development at the site will maintain minimal visibility from the public realm, with the only street interface existing on the western boundary at Alvina Street. Notwithstanding, it is submitted that the character of the surrounding environs, in particular the streetscape character of Alvina Street has been considered in the development of the proposal. This will be achieved through the provision of an appropriate built-form graduation from the northern abutting single-storey dwellings to the three storey forms envisaged along the southern end of the Alvina Street frontage. Further detail regarding the appearance of the development in the surrounding context can be found on the 3D massing diagrams that form part of the proposed Development Plan package.

Accordingly, it is submitted that the proposed Development Plan will facilitate future development of the land that respects the scale and form of surrounding development and provides a positive contribution to the Alvina Street streetscape.

7.3 Managing Interfaces and Amenity

The proposed Development Plan seeks to manage its sensitive residential interfaces by respecting existing neighbourhood character and ensuring that the three (3) storey elements of any future development are generally removed from these interfaces or have appropriate setbacks.

As the site is generally surrounded by single-storey residential properties the proposed Development Plan seeks to respect the existing scale of these dwellings by generally incorporating a two (2) storey scale around the perimeter of the site. Whilst the Alvina Street frontages have included three (3) storey development these are set behind the new park towards that is north of the frontage and have graduated setbacks to the south so as to reduce visual bulk impacts. This approach will afford a transition between the generally single-storey scale of surrounding built-form and the proposed three-storey scale towards the centre of the site and along the Alvina Street frontage.

As demonstrated by the accompanying material included within the proposed Development Plan package, future development of the site in accordance with the proposed Development Plan will not result in any unreasonable overshadowing of neighbouring residential properties.

It is further considered that any future planning permit application for development of the site will be capable of complying with the requirements of Standard B21 of ResCode and will not result in any unreasonable overlooking of neighbouring areas of private open space or habitable room windows.

7.4 Landscaping and Vegetation

The provision of significant landscaping, including the retention of existing vegetation in order to enhance the Garden City Character of Monash, has been a key consideration in the preparation of the proposed Development Plan.

As noted, a detailed Landscape Plan Prepared by *Tract Consultants* is provided as part of the Development Plan accompanying this report. The Landscape Plan demonstrates a considered response to the provision of landscaping at the site and provides the following statement of design intent:

'The landscape design responds to the urban design and built form, through careful siting of a series of pocket parks associated with existing tree retaining strategy. Careful consideration has been given to the Alvina Street interface, with the retention of existing trees and the establishment of a generous landscape verge at the entry to the development. Existing trees have been retained within pocket parks within the streetscape, as well as in backyards. These form "bookends" to the redevelopment. The surrounds of the retained trees will be landscaped to form active open space or passive seating areas for residents.

The streets will feature small to medium sized street trees and ultimately form a shaded canopy to the streetscapes. These will be further complemented by tree planting within the front residential gardens where the housing type provided adequate space.

The streets, laneways and pathways will be treated with an integrated and high quality pavement treatment. The existing walkway connection from the site to Scotsburn Avenue will be upgraded with additional landscaping and low-level lighting to provide a safe pedestrian connection for local residents through to Alvina Street.

The pocket parks will comprise a BBQ and seating area for communal gatherings; a small playground and passive seating area.

The streetscapes and open space provide opportunity for integrate water management, stormwater detention, treatment and reuse and this will be investigated further in detail design. Permeable paving will be considered where appropriate.'

Accordingly, it is submitted that appropriate consideration has been given to the provision of landscaping within the proposed Development Plan and any future development of the land in accordance with the Development Plan will provide a positive contribution to the landscape character of the surrounding area and the Garden City Character of the wider municipality.

7.5 Environmental Performance

As outlined at section 4 of this report, it is considered that comprehensive environmentally sustainable design ('ESD') features will be detailed and resolved as a part of any future planning permit application for use and development of the land.

It is considered that the general layout of proposed dwellings will provide a good level of solar access to habitable areas and private open space.

Generous landscaping and communal open spaces have been incorporated within the proposed Development Plan, incorporating ESD initiatives in the form of rain gardens and stormwater harvesting and treatment, with the potential location of underground rainwater tanks detailed on the accompanying Landscape Plan prepared by *Tract Consultants*.

7.6 Liveability

As outlined above, the site has been identified as one capable of accommodating medium-density residential development to meet the future housing needs for the municipality and metropolitan Melbourne.

The DPO5 seeks to ensure that variety of housing types are provided across the site. The proposed Development Plan reflects this with a mix of townhouse dwellings of two (2) to three (3) storeys in height and sixteen (16) indicative dwelling typologies that will provide for high quality and liveable dwelling options for future occupants.

Buildings are proposed to be orientated within the site to maximise the availability to natural light to dwellings. All dwellings will be provided with an area of private open space in the form of a private garden, courtyard or balcony space depending on the ultimate configuration.

The design response to the site ensures that the communal aspects of the development, including access roads and communal areas of open space are attractive, accommodating and offer passive surveillance opportunities. The proposed redevelopment of the site will provide a safe and welcoming environment for future residents of the development.

7.7 Traffic and Parking

The Development Plan proposes vehicle access via a single access point from Alvina Street. Residents and their visitors will be afforded vehicular access to future dwellings via a principal 'ring road' on the site's perimeter, with 'Centre Lane' running through the centre of the site and providing access to the rear of the centrally located dwellings. The internal street network is proposed to operate as a low speed 'shared zone' and will be signposted accordingly. It is proposed that on-street visitor car parking will be provided throughout the street network.

The Development Plan envisages that car parking for the proposed number of residential dwellings will be consistent with the car parking requirements contained within Clause 52.06 of the Planning Scheme. Whilst the proposed rate of visitor car parking is two (2) spaces less than the statutory requirement, these spaces can be accommodated on the Alvina Street frontage where there is parking for seven (7) on-street spaces. It is anticipated that visitors to the Alvina Street dwellings will make use of this frontage.

The proposed access and car parking arrangements contained within the Development Plan will allow efficient and safe access onto and throughout the site for residents and visitors.

Further detail regarding traffic and car parking matters can be found in the Traffic Engineering Assessment prepared by *Traffix Group*, which forms part of the proposed Development Plan.

7.8 Risk Assessment

There have been several risk assessments of the site undertaken at various intervals including:

- A 'Report on Environmental Due Diligence Review and Advice' dated 6 April 2009 prepared by *Golder Associates* for the site requested by VicUrban.

- A 'Landfill Gas Assessment, 10 Alvina Street Oakleigh South, Victoria' undertaken for the Department of Treasury and Finance dated March 2014.
- A 'Landfill Gas Risk Assessment' dated 17 May 2016 prepared by Golder Associates in preparation for the current application.

The 2009 assessment concluded that the site presents a low contamination risk to human health and environment for medium-density residential use and that *'the Talbot Avenue quarry site was found to be unlikely to present an unacceptable contamination risk to the site in the foreseeable future'*. With regards to implications for the use and development of the site for residential purposes, the assessment notes that *'[a]t this stage we understand that the site is unlikely to require an Environmental Audit to be redeveloped for residential use as it was used as a sensitive land use in the past (primary school) and will remain a sensitive land use.'* Further, the report concluded that *'the site is unlikely to present a significant contamination liability to VicUrban for the proposed residential use, due to the overall low risk and nature of the soil condition.'*

The 2014 'Landfill Gas Risk Assessment' prepared by Prensa was completed for the Department of Treasury and Finance to support the sale of the site. This is discussed in conjunction with the 2016 report below.

The applicant commissioned Golder Associates to review the 2014 assessment report by Prensa as well as providing a comprehensive 'Landfill Gas Risk Assessment' to accompany this application. We note, that under 'Development plan components' in DPO5 and specifically required for the Clayton West Primary School Site, it states a *'risk assessment detailing the risk of landfill gas migration from nearby landfills must be undertaken'* and that the risk assessment must be conducted by a 'suitably qualified professional', having regard to the EPA Publication 788.1 Landfill Best Practice Environmental Management Guidelines (BPEM).

Golder Associates' note at section 5 that Prensa is a member of the Australian Contaminated Land Consultants Association (ACLCA) and in their opinion comprises a 'suitably qualified professional' as required by the DPO5 for assessing contaminated land issues such as landfill gas. Prensa undertook landfill gas monitoring in January 2014 and on the basis of this concluded that *"...based on the results of the LFG sampling, it is considered that the potential for LFG to be present at the site which would post a potential risk to future low density residential users of the site is low.'*

The 2016 Assessment based its findings on the report by Prensa and conducted its own assessment. We note, that Golder Associates is also a member of the ACLCA and would constitute a 'suitably qualified professional.' This report summarises that,

"We consider that the risk of landfill gas migration occurring and causing an unacceptable human health or environmental impact on the proposed residential development at 10 Alvina Street is low and that no further landfill gas investigation or assessment is warranted. This conclusion is supported by the significant age of the place waste (around 40 years). The distance to the receptor and the current proposal to Council regarding development of 1221-1249 Centre Road and the direct monitoring at the site providing no evidence of landfill gas migration to the site.

When considered in the context of the significant number of existing residential properties that are much closer to the two identified landfill site that the proposed development site, the relative landfill gas migration risk is very low." (emphasis added)

Accordingly, it is submitted that on the basis of the previous assessments undertaken at the site, the site is appropriate for a sensitive residential use.

7.9 Previous refusal grounds

The proposed Development Plan has been revised to substantially address Council's concerns with the original application. The following is a response to Council's reasons for refusal.

1. The submitted development plan does not satisfy the requirements and decision guidelines of schedule 5 of the development plan overlay.

A comprehensive response to DPO5 is given in section 4.2 of this report, it is considered that the proposed Development Plan provides the opportunity for high quality medium density residential development with contemporary architecture and integrated landscaping and open space throughout the site. It is therefore submitted that the requirements of DPO5 are satisfied.

The following is a response to the design guidelines in Part 5.0 of the DPO5:

- *The provisions of this planning scheme including relevant local policies and the objectives set out in Clauses 54 and 55 of the scheme.*

It is considered that a detailed assessment under Clause 54 / Clause 55 of the scheme will be undertaken when a future planning permit application for subdivision is submitted. A comprehensive assessment against the local planning policies is included in section 5 of this report. It is submitted that the proposal responds favourably to Clause 22.01 – *Residential Development and Character Policy* and Clause 22.05 - *Tree Conservation Policy*.

- *The orderly development of land including management of traffic, car parking, the provision of pedestrian ways and open space.*

The proposal has considered the management of traffic and car parking and it is noted that this has been assessed by Traffix Group which finds the proposal acceptable in the Traffic Engineering Assessment. The pedestrian way from Scotsburn Avenue has been continued throughout the site and a network of open space in the form of pocket parks are integrated through the proposed Development Plan.

- *The overall objective for the land to achieve an integrated medium density residential development offering a choice and diversity of housing opportunities and types, appropriate to its setting and achieving a high quality of amenity and urban design.*

The proposed Development Plan demonstrates a well thought-out integrated medium density residential development. It is noted that this decision guideline specifically refers to the site being suitable for medium density and that whilst the surrounding neighbourhood character may be of a low scale characterised by single and double storey detached dwellings, there is recognised opportunity for this site to create a new character with an increased density.

The proposal offers a choice and diversity of housing opportunities through sixteen (16) dwelling typologies offering two (2), three (3) and four (4) bedroom dwellings over two (2) and three (3) storeys. Dwellings will have a range of private open space ranging from 39 square metres to 232 square metres.

2. *The development plan poorly integrates with the neighbourhood character of the surrounding area.*

It is submitted that the proposed Development Plan integrates appropriately with the surrounding area, with the design of the site respecting the low-rise surrounding environs through dwellings with generous open space provision. Notwithstanding, it is further submitted that the site is large enough to create a new residential character in an established area. The 'treed character' of the area will be complemented and preserved through the retention of established mature vegetation. The impact and bulk of development, particularly the three (3) storey dwellings will be minimised through setbacks from street frontages, articulation and building materials.

3. *The scale and density of the submitted development is excessive.*

The revised Development Plan has been significantly reduced in scale with a reduction of twenty (20) dwellings from one-hundred and eight (108) dwellings indicated on the original Development Plan to eighty-eight (88) dwellings shown on the proposed Development plan. The reduced yield coupled with the increased variety of dwelling typologies has resulted in a substantially altered build form and scale which is appropriate for a redevelopment site of this size.

4. *The development plan does not provide for appropriate inclusion and retention of existing vegetation.*

The Development Plan includes the retention of all trees determined to be of 'moderate' and 'high' value. The retention of the trees has necessitated a redesign of the layout of the proposal and has resulted in revised lot types that have been designed to include and retain all mature vegetation on site. Further, the submitted

Landscape Plan supplements the existing vegetation with new planting of canopy trees within backyards and frontages as appropriate as well as street tree planting.

5. *The development plan is inconsistent with Council's Residential Development and Character Policy.*

A comprehensive assessment against Clause 22.01 – *Residential Development and Character Policy* is included in section 5 of this report. The relevant key objectives to the proposal are listed in Clause 22.01-2 as follows (inter-alia):

- *To build upon the important contribution that landscaping makes to the Garden City Character of Monash.*
- *To encourage new development to achieve architectural and urban design outcomes that positively contribute to neighbourhood character having particular regard to the desired future character statement for the applicable residential Character Type.*
- *To encourage the provision of a variety of housing types to accommodate future housing needs and preferences that are energy efficient and sustainable.*
- *To encourage building practices and housing preferences that are energy efficient and sustainable.*
- *In other areas new residential development will generally be low rise. The exceptions will be where there is an approved Structure Plan or other planning mechanism in place or where individual circumstances support an alternate height.*

As discussed throughout this report, the proposed Development Plan adopts a highly integrated landscape design with the retention of existing trees and incorporation of new landscaping throughout the site. The proposed dwellings will offer a high level of architectural detail, this is intended to be resolved through subsequent planning permit application processes. Further, it is anticipated that sustainable building practises will be incorporated at planning permit and building permit stages. There will be a variety of housing typologies that will offer choice and will be capable of meeting the housing needs of an aging community whilst also catering to families. It is submitted that the site is of a size that will create a new medium density development as envisaged by DPO5, whilst also respecting the surrounding traditional residential hinterland.

6. *No risk assessment has been provided given the proximity of the site to the former Huntingdale Quarry.*

A 'Landfill Gas Risk Assessment' prepared by Golder Associates dated 17 May 2016 is submitted with this application. We refer you to section 6.8 of this report for a detailed explanation and note that the relative landfill gas migration risk is very low.

8 Conclusion

This report accompanies an application to approve the proposed Development Plan for the land at 10 Alvina Street, Oakleigh South.

This report has identified the issues relevant to considering and approving the proposed Development Plan and has logically addressed the requirements of the Monash Planning Scheme. It has also raised the key issues that will affect future development of the land and has demonstrated the positive contribution that future development in accordance with the proposed Development Plan will have on the surrounding area.

It is noted, that the proposed Development Plan addresses Council's concerns with the previous Development Plan and addressed Council's refusal grounds from the previous application. The retention of all mature vegetation on site has allowed for a revised development scheme that truly provides a diversity of dwelling typologies that will appeal to a wide-ranging market that ultimately, over time, will create a diverse community.

It is considered that there will be no adverse impacts resulting from the proposed Development Plan. Rather, the approval of the Development Plan will facilitate the timely and efficient urban renewal of the subject land, in-turn providing a benefit to the community and the character of the surrounding environs.

The Applicant is committed to the delivery of this project in accordance with the proposed Development Plan and supporting assessments. The comprehensive form of this application reflects the considered approach to urban renewal of the land and has responded to all applicable aspects of the Planning Scheme and other relevant legislation.

We trust that the information provided is appropriate for Council to consider the Development Plan favourably and respectfully request that Council approve the Development Plan as proposed.

Appendix A
Copy of Title

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08271 FOLIO 519

Security no : 124053660986U

Produced 13/01/2015 03:51 pm

LAND DESCRIPTION

Lot 1 on Title Plan 232530M (formerly known as part of Crown Allotment 7
Section 2 Parish of Mordialloc).
PARENT TITLE Volume 04483 Folio 461
Created by instrument [A798759](#) 17/08/1959

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

THE MINISTER OF THE CROWN ADMINISTERING THE EDUCATION ACTS
[A798759](#) 17/08/1959

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT [1003639](#)

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [TP232530M](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 10 ALVINA STREET OAKLEIGH SOUTH VIC 3167

DOCUMENT END

Delivered from the LANDATA® System by GLOBALX INFORMATION PTY LTD

TITLE PLAN	EDITION 1	TP 232530M
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Location of Land Parish: MORDIALLOC Township: Section: 2 Crown Allotment: 7 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 8271 FOL 519 Depth Limitation: NIL	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

Description of Land / Easement Information

ALL THAT piece of land delineated and coloured red -- and blue on the map in the margin containing two acres two roods and three perches or thereabouts being part of Crown Allotment 7 Section 2 Parish of Mordialloc - Together with a right of carriage way over the roads coloured brown on Plan of Subdivision No.6365 and over Legon Road coloured brown on Plan of Subdivision No.10438 - - - - -

ENCUMBRANCES REFERRED TO

As to the land coloured blue ---

THE DRAINAGE EASEMENT reserved by Instrument of Transfer No.A.798759 in the Register Book - - - - -

E-1 = EASEMENT CREATED BY C/E D233490

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 30/11/1999
 VERIFIED: CL

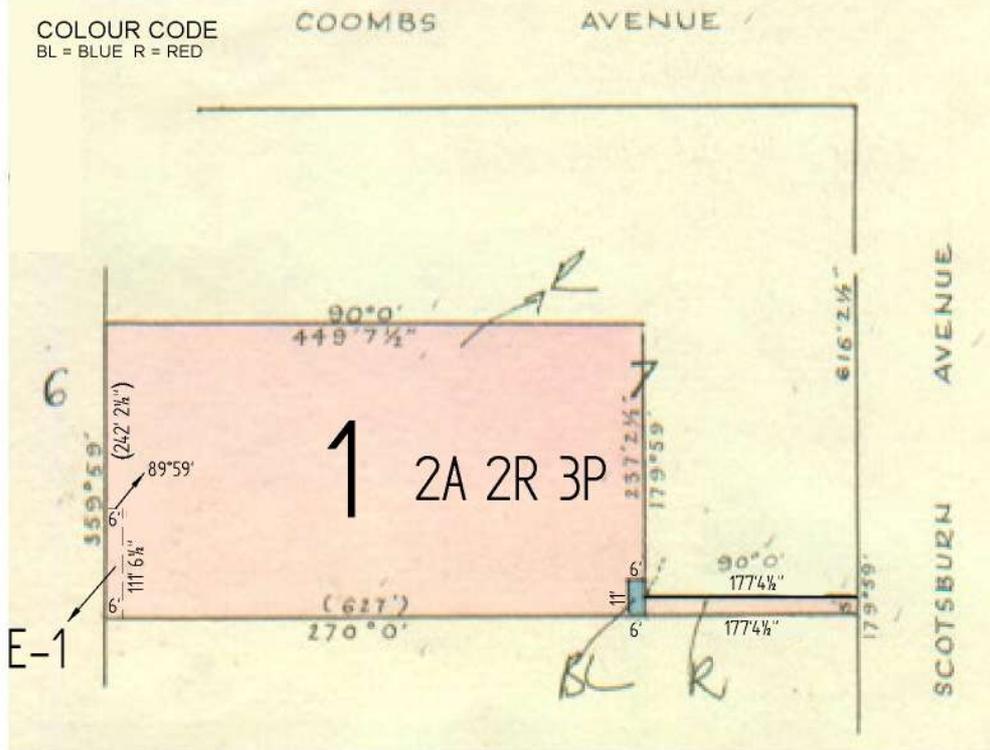


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 7 (PT)

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of the information.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08271 FOLIO 535

Security no : 124053660987T

Produced 13/01/2015 03:51 pm

LAND DESCRIPTION

Lot 1 on Title Plan 232531K (formerly known as part of Crown Allotment 7
Section 2 Parish of Mordialloc).
PARENT TITLE Volume 04447 Folio 226
Created by instrument [B021681](#) 26/07/1960

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

THE MINISTER OF THE CROWN ADMINISTERING THE EDUCATION ACTS
[B021681](#) 26/07/1960

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT [0980547](#)

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE [TP232531K](#) FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 10 ALVINA STREET OAKLEIGH SOUTH VIC 3167

DOCUMENT END

Delivered from the LANDATA® System by GLOBALX INFORMATION PTY LTD

TITLE PLAN	EDITION 1	TP 232531K
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Location of Land Parish: MORDIALLOC Township: Section: 2 Crown Allotment: 7 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 8271 FOL 535 Depth Limitation: NIL	Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

Description of Land / Easement Information

ALL THAT piece of Land delineated and coloured red and blue on the map in the margin containing Two acres Two rods and Three perches or -- thereabouts being part of Crown Allotment 7 Section 2 Parish of Mordialloc Together with a right of carriage way over the roads coloured brown on --- Certificate of Title Vol.4447 Fol.226 -----

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT
 COMPILED: 30/11/1999
 VERIFIED: CL

ENCUMBRANCES REFERRED TO

As to the land coloured blue --
THE DRAINAGE AND SEWERAGE EASEMENT reserved by Instrument of Transfer No.B.21681 in the --- Register Book -----

E-1 = EASEMENT TO MMBW CREATED BY C/E D233490

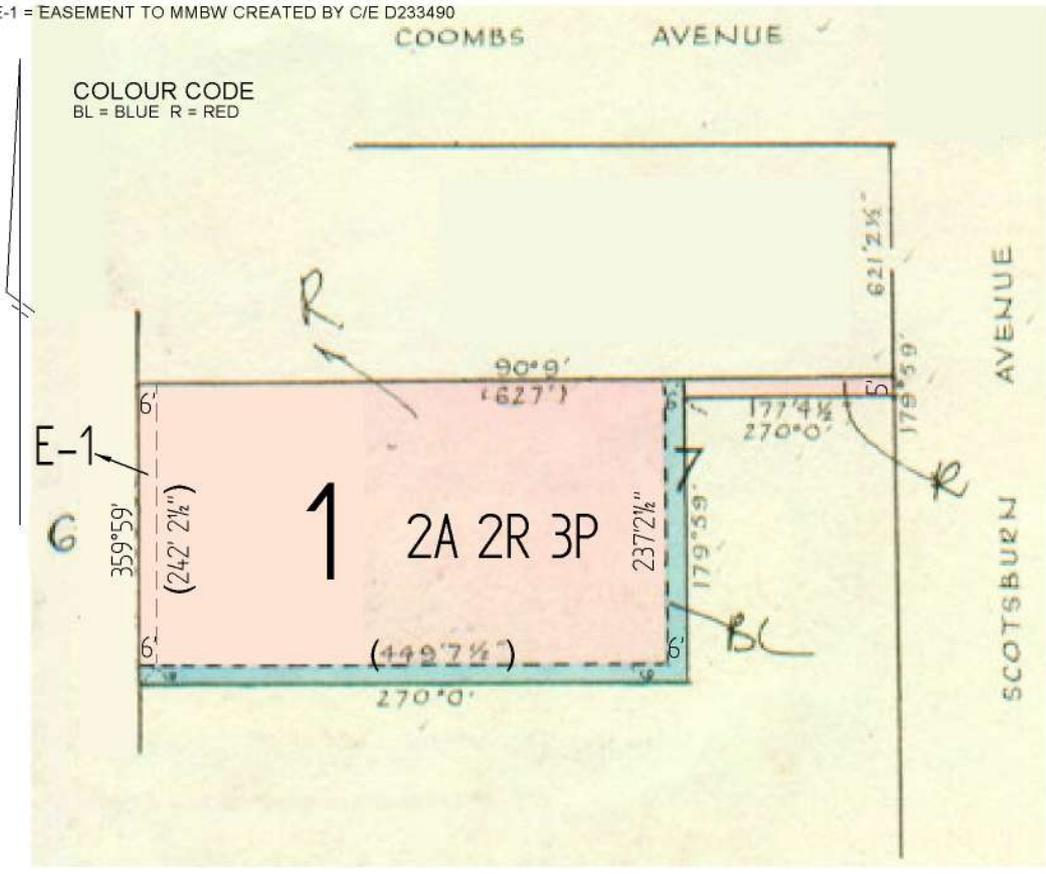


TABLE OF PARCEL IDENTIFIERS	
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	
PARCEL 1 = CA 7 (PT)	

2171146
 JUL 1921
 TRANSFER OF LAND

T. Backhouse, 339 Collins Street,
 VICTORIA,
 TRANSFER OF LAND.

OFFICE 1003639
 JUL 5-1921
 2-5-2

COLOUR CODE

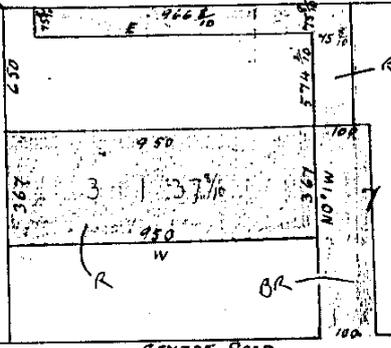
- Y = Yellow G = Green O = Orange
- BL = Blue BR = Brown CH = Cross Hatched
- R = Red P = Purple PK = Pink H = Hatched



N.W. Corner and more particularly described in Certificate of Title Volume 4447 Folio 889228

STAMP DUTY JUL 1921 VICTORIA

WE, ROBERT McOUTCHEON EDGAR of 10 High Street Kew Gentleman and PERCY THOMSON of 423 Little Collins Street Melbourne Valuer being registered as the proprietors as tenants-in-common in equal shares of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of ONE HUNDRED AND SEVENTY-FIVE POUNDS paid to us by ELLEN LOUISA HEYLBUT of 146 Bank Street South Melbourne Married Woman and in consideration of the sum of THREE HUNDRED POUNDS paid to the said Ellen Louisa Heylbut by SAMUEL CHARLES COOMBS of Edzell Cottage Orrong Road Toorak Gardener DO HEREBY TRANSFER to the said Samuel Charles Coombs at the request and by the direction of the said Ellen Louisa Heylbut as witnessed by her execution hereof ALL our estate and interest in ALL THAT piece of



land delineated and colored red on the map in the margin hereof being part of Crown Allotment Seven Section Two -- Parish of Mordialloc County of Bourke and being part of the land more particularly described in Certificate of Title Volume 4447 Folio 889228 Together with all registered and reserved easements appurtenant thereto.

The Measurements are in links.

4447 Part of 225
 1/37%
 11/18/21
 238/21

AND I the said Samuel Charles Coombs for myself my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the said land hereby transferred HEREBY COVENANT with the said Robert McOutcheon Edgar and Percy Thomson their heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land comprised in said Certificate of Title Volume 4447 Folio 889228 that I the said Samuel Charles Coombs and my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred will not at any time quarry for sand or carry on any noxious trade upon the said land hereby transferred or allow any sand to be excavated therefrom below a depth of two feet from the surface thereof or allow any noxious trade to be carried on upon the said land hereby transferred or any part thereof or in any building erected thereon; AND the said Samuel Charles Coombs hereby consents to the foregoing covenant appearing as an encumbrance on the Certificate of Title to issue for the said Lot hereby transferred pursuant to this transfer and to run with such land;

DATED the 30th day of June 1921.

SIGNED in Victoria by the said ROBERT McOUTCHEON EDGAR and PERCY THOMSON in the presence of

T. Backhouse
Percy Thomson

SIGNED in Victoria by the said ELLEN LOUISA HEYLBUT in the presence of

Ellen Louisa Heylbut
Samuel Coombs

SIGNED SEALED AND DELIVERED in Victoria by the said SAMUEL CHARLES COOMBS in the presence of

Samuel Coombs
 423 Little Collins St
 Melbourne Vic.

R. M. Edgar
Percy Thomson
Ellen Louisa Heylbut
S. C. Coombs

ENCUMBRANCES REFERRED TO

to be colored blue
to be colored red

J. Back 980547 9805
 FITZGERALD & FITZGERALD
 VICTORIA 980547
 TRANSFER OF LAND ACT

OFFICE OF TITLE
 3-4
 11/2/21

WE, ROBERT McCUTCHON EDGAR, of 217 High Street, Melbourne, and PERCY THOMSON of 432 Little Collins Street, Melbourne, Law being registered as the proprietors of an estate in fee-simp. the land hereinafter described, subject to the encumbrances hereunder; in consideration of the sum of ONE HUNDRED AND THIRTY NINE POUNDS TEN SHILLINGS paid to us by CLARENCE JOHN LOWEN of Oakleigh Park, Estate Laborer, and of the sum of ONE HUNDRED AND SEVENTY FIVE POUNDS paid to the said CLARENCE JOHN LOWEN by FANNY HEYLBUT of Koore Park Estate, Oakleigh, Married Woman DO HEREBY TRANSFER to the said FANNY HEYLBUT ALL our estate and interest in

Measurements in links

ALL THAT piece of land delineated and colored red on the Plan hereon being part of Crown Allotment Seven Section two Parish of Mordialloc, County of Bourke, being part of the land more particularly described in Certificate of Title entered in the Register Book Volume 3981 Folio 796129 Together with a right of carriage way over the roads colored brown on the Map on said Certificate of Title and over the land colored blue on the said Map

And I the said FANNY HEYLBUT for my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred

HEREBY COVENANT with the said ROBERT McCUTCHON EDGAR and the said PERCY THOMSON their respective heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land comprised in Certificate of Title Volume 3981 Folio 796129 that I the said FANNY HEYLBUT my heirs executors administrators and transferees registered proprietor or proprietors for the time being of the land hereby transferred will not at any time excavate for sand upon the land or any part thereof nor carry on any noxious trade upon the said land hereby transferred or any part thereof nor allow any sand to be excavated therefrom below a depth of two feet from the surface thereof nor allow any noxious trade to be carried on upon the said land hereby transferred or any part thereof or in any building erected thereon

AND I the said FANNY HEYLBUT HEREBY CONSENT to the foregoing Covenant appearing as an encumbrance on the Certificate of Title to issue for the land hereby

Stamp: 11/2/21
 Stamp: 3981 Part 1/8
 area 5: 1.38
 Fry's etc. rd. known
 Encl. the Cert. 980547
 10/3/21
 11/2/21

980547

transferred pursuant to this Transfer and to run with such land.

DATED the *twenty third* day of *December* One thousand *nine hundred and twenty*.

SIGNED by the said ROBERT McCUTCHEON

at Victoria, in the presence of:-

J. Backhouse
Be. & Co
Melbourne

M. Edgar

SIGNED by the said PERCY THOMSON in)

Victoria, in the presence of:-

J. Backhouse

Percy Thomson

SIGNED SEALED and DELIVERED by the)

said FANNY HEYBOUT in Victoria in the

presence of

L. Heybout
Melbourne

Larry Heybout

ENCUMBRANCES REFERRED TO:

The conditions reservations and exceptions (if any) contained in the Crown Grant relating to the said land including the Special Railway Conditions contained in the said Crown Grant.

INDEXED
1920

R. H. EDGAR ESQRE - a n d -

PERCY THOMSON ESQRE.

to -

MRS. FANNY HEYBUT.

T R A N S F E R

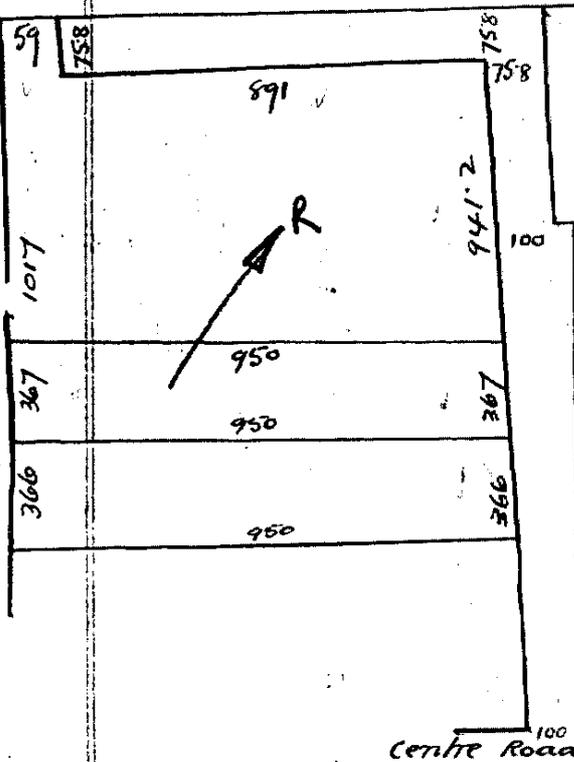
FITZGERALD & FITZGERALD,
Conveyancer House,
Market Street,
Melbourne.

MEMORIAL OF INSTRUMENT.

NATURE OF INSTRUMENT	TIME OF ITS PRODUCTION FOR REGISTRATION	TO WHOM GIVEN	NUMBER OR BY WHOM REGISTERED
Transfer as to part and creation of easement	412 January 1921	1/26 Fanny Heybutt	980847
		<i>C. W. Comport</i>	
I Certify THAT A MEMORIAL OF THE ABOVE INSTRUMENT WAS ENTERED IN THE LAST ABOVE MENTIONED IN THE REGISTERED BOOK VOL. 3981 FOR 796129			
		<i>C. W. Comport</i>	
ASSISTANT REGISTRAR OF LANDS			



NINE POUNDS TEN SHILLINGS paid to us by CLARENCE
 Oakleigh Park, Estate Laborer, and of the sum of ON
SEVENTY FIVE POUNDS paid to the said CLARENCE JOHN
HEYLBUT of ^{Moore Road} Moore Park Estate, Oakleigh, Married Woman
TRANSFER to the said FANNY HEYLBUT ALL our estate



Measurements in
links

ALL THAT piece of land de
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 Book Volume 3981 Folio 796
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heirs executors administrators and transferees regi
 or proprietors for the time being of the land hereb

HEREBY COVENANT

SUTCHERON

PERCY THOMSON thei
 transferees registe
 of the land compr
 796129 that I the
 ors and transferee

COLOUR CODE
 Y=Yellow G=Green O=Orange
 BL=Blue BR=Brown CH=Cross Hatched
 R=Red P=Purple PK=Pink H=Hatched

ators adm
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 irs execu
 or propri

being of the land hereby transferred will not at an
 for sand upon the ^{said} land ~~(said)~~ or any part thereof nor
 noxious trade upon the ^{said} land hereby transferred
 thereof nor allow any sand to be excavated therefro
 of two feet from the surface thereof nor allow any
 be carried on upon the said land hereby transferred
 thereof or in any building erected thereon AND I



11/2/21
 3981 Part 4/5
 129 P.P.
 area 3: 1.38
 For reference known
 see the contract 980547
 7023

Enlarged Reproduction
 of Instrument No: 980547