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Introduction

This report has been prepared on behalf of Mentone Bayside Corporation in relation to the Mentone Hotel, located at 95-97 Beach Road, Mentone. This report forms part of request to introduce a site specific exemption to the planning scheme in the form of an Incorporated Document which will allow buildings and works above the existing height controls for the site and the use and development associated with the project as a whole.

The application seeks to preserve and restore the existing hotel building which is now on the Victorian Heritage Register, convert the interior for residential and food and drink use and develop the balance of the site for new dwellings, basement car parking and pedestrian connections. An innovative, stylish and site responsive architectural scheme has been prepared by Peddle Thorp which in our view, will bring a more sustainable level and type of activity to the site and ultimately ensure the ongoing preservation of a historic building.

The use of hotel (bar) in the middle-ring suburbs has become increasingly difficult to justify economically in recent times. There continue to be hotels in these areas, but there is now less demand than in past decades. The Mentone Hotel has served the local community in different capacities since 1888 and due to the difficulties in maintaining a business of this type and size in a suburban location in the last couple of decades, the hotel closed in November 2014 and was sold to development company Mentone Bayside Corporation.

Considering the Mentone Hotel’s longstanding use as a hotel and the local culture associated with the building, Mentone Bayside Corporation has sought to reach a development outcome that would facilitate a viable food and drink premises (café) for the benefit of local residents and workers in the area. The site is located opposite Port Phillip Bay on Beach Road within an established residential area and within close proximity of two secondary colleges. For this reason, the site is also considered suitable for residential use and development. The design for the overall development is strongly connected to the existing building and the grand foyer and staircase area which will be innovatively revived, cognisant of its history. A comprehensive architectural scheme to repurpose the heritage building and develop the balance of the site demonstrates a high level of consistency with the relevant policies of the Kingston Planning Scheme as it seeks to integrate the proposed new buildings into the setting with the existing building retaining its visual prominence. In relation to height however, it is necessary to introduce a site specific exemption as the current planning controls limit the site to 9 metre development (GRZ3) and two storey development (DDO1). The proposal involves four storey development.

This application is supported by the following documentation:

- Landscape Masterplan prepared by Aspect Studios dated 4 August, 2015;
- Town Planning Assessment prepared by Urbis Pty Ltd (this report) dated May 2016;
- Heritage Impact Statement prepared by Lovell Chen dated August 2015;
- Traffic and Transport Assessment prepared by Cardno dated 26 May 2016;
- Waste Management Plan prepared by Leigh Design dated 24 May 2016;
1  Context

1.1  THE SITE

The site comprises an irregular shaped parcel of land situated on the eastern side of Beach Road in Mentone on the corner of Mentone Parade with an area of 5,017 square metres and is comprised of 3 lots known as Lots 1 and 2 on LP055412 and Lot 2, 64632. To Beach Road, the site has a frontage of 107.3 metres and to Mentone Parade, the site has a frontage of 118.6 metres.

FIGURE 1 – AERIAL IMAGE OF THE SUBJECT SITE (95 BEACH ROAD, MENTONE)

The site is currently encumbered by two easements. These are a 1.83 metre wide drainage easement shown as E-1 adjacent to the northern boundary of the site which was created to facilitate connection of properties on Beach Road to drainage on Mentone Parade. The second easement, denoted E-2 is a water supply easement.

The site slopes upward from east to west by approximately 4 metres with the highest point being at the north-eastern end of the Beach Road frontage and the lowest point being along the Mentone Parade frontage.

The site is currently occupied by a vacant two storey hotel building sited to the southern corner of the site. This building has a ridgeline height of 12.6 metres relative to the footpath of Beach Road and 15 metres relative to the footpath on Mentone Parade. The building has a taller corner feature which is approximately a floor taller than the ridgeline of the building. A later drive-through bottle shop is attached to the north-western end of the hotel building and an asphalt car park remains at the northern end of the site. Despite the highly disturbed nature of the site, mature trees and other vegetation are present on the site.
PICTURE 1 – SUBJECT SITE FROM BEACH ROAD (SOUTH-WEST ELEVATION AT THE SOUTHERN END)

PICTURE 2 – SUBJECT SITE FROM BEACH ROAD AND INTERFACE WITH 94 BEACH ROAD (SOUTH-WESTERN ELEVATION AT THE NORTHERN END)

PICTURE 3 – SUBJECT SITE FROM MENTONE PARADE
1.2 SITE HISTORY

According to Council’s Heritage Study Stage 1 (2000), the local area was originally the land of the Bunurong tribe. European settlement occurred from the early 1850s and from 1839 to 1858, the Bunurong tribe is reported to have reduced in size from 207 to 15 due to disease and alcoholism which escalated in the 1850s with the gold rush. The area at this time was commonly used for sheep and cattle farming.

Lovell Chen advises that the Mentone Hotel was constructed in 1887-1889 during the height of Melbourne's land boom by land speculators Matthew and Joseph Davies. The building was designed by Loweish, Moorhouse and Figgis and opened in 1890. The hotel was built to provide accommodation and facilities to seaside visitors, as swimming in the bay was becoming more popular. Other seaside resort locations included St Kilda, Brighton, Hampton, Sandringham and Mordialloc. The extensions of the railway lines near the coast made seaside day trips and holidays more appealing around this time. The Oakleigh Railway Line had been extended to Mordialloc in 1881 and is credited with the development of Mentone as a suburb.

Alterations to the building occurred in 1961 and 1979. In 1961, new cool rooms and a drive through service area were added and paving to the rear yard. Some earlier alterations to the Beach Road verandah were also made and towers to the end gables were also removed. The heritage assessment prepared by Lovell Chen details the previous alterations to the building since its construction. Notably, the current paint colour is not original. Further investigation is needed to determine what the original paint colour is. However, it is believed to have been grey.

The hotel was briefly renamed to the Edgewater Hotel in the 1950s and various uses including live music and dining have occurred at the hotel up until its closure in November 2014 by the previous owner. The hotel’s closure has attracted much local interest and concern in relation to preservation of the building and continuation of the use as a public venue.

1.3 LOCAL CONTEXT

The site is located on the corner of Beach Road which is a popular north-south road and Mentone Parade which leads to Mentone activity centre and railway station. The area is residential and includes a number of schools. The speed limit on Beach Road further to the north is reduced to 40km/h during school peak times and car parking is permitted on either side.

The site’s immediate interfaces are described as follows:

North

The site abuts two sites to the north (north-west) and has no other immediate abuttals. One of these sites (94 Beach Road) is occupied by a part 2 and part 3 storey apartment building with a gun barrel driveway adjacent to the boundary with the subject site. The other neighbouring site to the north (1 Mentone Parade) is Mentone Girls Grammar School.

East

Across Mentone Parade to the east are the sporting grounds of St Bede’s College, behind a chain mesh fence. There are bus stops for the 903- Altona to Mordialloc SMARTBus located outside and opposite the site on Mentone Parade.

South and west

The site abuts Beach Road to the south and south-west.
PICTURE 4 – INTERFACE TO THE NORTH- MENTONE GIRLS GRAMMAR SCHOOL TO THE RIGHT OF IMAGE

PICTURE 5 – INTERFACE TO THE NORTH- 94 BEACH ROAD

PICTURE 6 – MENTONE PARADE

PICTURE 7 – VIEW OF DRIVEWAY OF 94 BEACH ROAD ADJACENT TO SITE BOUNDARY (RIGHT OF IMAGE)
PICTURE 8 – MENTONE GIRLS GRAMMAR SCHOOL TO THE NORTH OF THE SITE ON MENTONE PARADE

PICTURE 9 – ST BEDE’S COLLEGE TO THE EAST OF MENTONE PARADE
1.3.1 BROADER CONTEXT

The site is generally located within a residential area and is close to two secondary schools. These are Mentone Girls Grammar to the north and St Bede’s across Mentone Parade to the east. The site also enjoys close proximity to the beach, being located opposite the Port Phillip Bay foreshore across Beach Road.

The site is positioned to take advantage of the following amenities:

Shops and services

The site enjoys excellent access to a wide variety of local services and amenities as it is located approximately 710 metres south of the Mentone Major Activity Centre. Mentone Railway Station is located within this centre. The site is therefore within walking distance of a range of shops, services and fixed rail.

Mentone Major Activity Centre offers the following shops and services:

**MENTONE MAJOR ACTIVITY CENTRE - SHOPS AND SERVICES**

- Supermarkets (full-line) x 2
- Restaurants x 4
- Bakeries x 2
- Green grocers x 2
- Banks x 3
- Post office
- Newsagent
- Solicitor
- Dry cleaner
- Chemist x 2
- Orthodontist
- Optometrist
- Hairdresser x 2
- Barber
- Take away food x 7
- Cake shop
- Photo shops x 2
- Continental deli
- Accountant x 2
- Travel agencies x 3
- Juice bar
- Gym
- Service station
- Homewares
- Bottle shop
- Variety discount shops x 2
- Gift shop
- Real estate agents x 5
- Op shop
- Community information centre
Public Transport

Bus routes: The site is serviced by bus route 903 - Altona – Mordialloc (SMARTBUS Service) with a bus stop located outside the site on either side of Mentone Parade. This route connects the site to the following locations:

- Mentone Railway Station (2 minute trip)
- Mordialloc Major Activity Centre (3 mins)
- Oakleigh Major Activity Centre (20 mins)
- Chadstone Shopping Centre (26 mins)
- Holmesglen TAFE (32 mins)

Railway Station: The site is located approximately 920 metres south of Mentone Railway Station and 900 metres west of Parkdale Railway Station on the Frankston Railway Line. The train connects Mentone to the CBD within 36 minutes. Services to Flinders Street Station begin at 6.30am on a weekday and run every 10-15 minutes until 11.50pm. Services also operate on weekends. From Mentone Railway Station, the following bus routes can be accessed:

- 708 – Carrum – Hampton (via Southland)
- 811/812 – Dandenong – Brighton
- 825 – Moorabbin – Southland

Employment

The site is located 700 metres south of Mentone Activity Centre which includes a range of employment opportunities. Along Nepean Highway to the north, there are further employment opportunities. Cheltenham Activity Centre is located 2.5km north-west of the site and Southland Shopping Centre is located 3.5km north-west of the site.

Community leisure and sports and health facilities – The site has excellent access to the following facilities:

- Mentone Reserve
- Dolomore Reserve (and Mentone Tennis Club and Athletics Club)
- Parkdale Yacht Club
- Mentone, Parkdale and Mordialloc beaches
- Mentone RSL
- Como Private Hospital
FIGURE 2 – LOCAL CONTEXT AND AMENITIES
1.4 STRATEGIC CONTEXT

The site is located 21km south-east of the Melbourne CBD and is in the southern subregion of Melbourne as defined by Plan Melbourne. This subregion is expected to grow by 400,000 to 480,000 people to the year 2031. The subregion is also expected to provide between 110,000 and 150,000 additional jobs in this time. The region includes a national employment cluster at Dandenong, Moorabbin Airport and several hospitals and university campuses. Figure 4 shows the Southern Subregion of Melbourne.

The site is located on the Port Phillip Bay coastline within an established residential area. The site has good access to Principal, Major and Neighbourhood Activity Centres as defined in the Kingston Planning Scheme and is well connected to surrounding areas. The Nepean Highway and Frankston Railway Line provide the site with direct access to the Melbourne CBD and nearby activity centres, schools, universities and employment.

The draft Kingston Residential Strategy 2014 places the site within Planning Area 6 and more specifically, within an area identified for incremental change. The Kingston Residential Strategy 2000 which is a reference document in the Kingston Planning Scheme also places the site within an area identified for incremental change. There is no structure plan applicable to the site. The site is surrounded by residential and education zoned land. The nearest structure plan area is the Mentone Activity Centre to the north.
FIGURE 4 – MAP 34 - SOUTHERN SUBREGION (SOURCE - PLAN MELBOURNE, DTPLI 2014)
2 Proposal

This proposal includes the following planning scheme amendment, use and buildings and works:

2.1 PLANNING SCHEME AMENDMENT

It is proposed to introduce an Incorporated Document to the schedule to Clause 52.03 – Specific Sites and Exclusions and amend the Schedule to Clause 81.01 – Documents Incorporated in this Scheme to refer to an Incorporated Document (draft appended to this report) to enable buildings and works beyond the height controls in accordance with the proposed plans.

It is proposed that aside from enabling the heights of up to 4 storeys, that the Incorporated Document will permit the permit-required use of food and drink premises, alterations to access in a Road Zone Category 1, waiver of the loading requirements and the proposed development as shown on the plans prepared by Peddle Thorp and the restorative works designed by Lovell Chen and approved by Heritage Victoria. It is also sought that the use of hotel is allowed by the incorporated document to enable that in the event that the works approved by the incorporated document are not commenced by the commencement date, that the hotel and existing liquor licence can continue although the hotel use is to expire in November 2016 (following the closure of the hotel in November 2014).

2.2 PROPOSED USE AND DEVELOPMENT

2.2.1 USE

It is proposed to introduce a 259 square metre food and drink premises to the ground floor of the existing building with all required car parking provided within the first basement level of car parking accessed from Mentone Parade. This use requires a permit under the provisions of the General Residential Zone.

All required car parking for the food and drink premises and dwellings is to be provided at basement levels. Enough car parking is provided should the premises be changed in the future to a restaurant for 80 patrons (32 car spaces provided for the tenancy in total). No dispensation is sought for car parking in relation to the food and drink use.

2.2.2 DEMOLITION AND CONSERVATION WORKS

The proposal includes the following alterations and additions to the heritage building which are subject to an application to Heritage Victoria (rather than Council):

- Demolition of non-original features of the heritage building such as:
  - Balustrades
  - Verandah flooring
  - External stairs
  - Verandah glazing
  - A boundary wall along Beach Road
  - Partition wall to verandah
  - Roofing above verandah
  - Air vents
  - Bottle shop extension
- Remove non-original opening

### Reconstruction of original features:
- Stairs off Mentone Parade and at the main corner
- Mouldings near corner entry
- Original openings off Beach Road
- Cast iron verandah and timber eaves
- Reinstate window sill of window at first floor on the west elevation
- Original towers on Mentone Parade and Beach Road
- Finials
- Cast iron balustrades
- Timber fascia

### Proposed alterations to the exterior of the heritage building that are not related to conservation are:
- New opening to the western elevation to connect through to the new apartment building at first floor level (existing ground floor door will facilitate this connection also)
- New opening to western elevation at ground floor level to connect Apartment 13 main bedroom
- New openings to western elevation at first floor to facilitate 2 new windows and a balcony for Apartment 38
- New openings to western elevation at first floor to facilitate 3 new windows for Apartment 37
- Removal of a window previously on the western side of apartment 37 and make good
- New terrace roofing
- New (more sympathetic) roofing to verandahs

### 2.2.3 BUILDINGS AND WORKS

It is proposed to construct multiple dwellings (57 within new buildings and 11 within the existing hotel building). Buildings and works associated with two or more dwellings requires planning permission under the provisions of the General Residential Zone. One of the proposed new buildings will be a four storey apartment building which is to be attached to (although visually distinguished from) the existing hotel building, comprising 45 apartments. The new apartment building will stand 11.42 metres and 12.5 metres above the footpath on Beach Road and 14.7 metres above the footpath on Mentone Parade. The apartment building has been designed and sited to ensure an appropriate visual separation from the heritage building.

A row of 12 attached townhouses is proposed for the northern interface. The townhouses are 2 and 3 storeys in height and are a maximum height of 8.6 metres viewed from Beach Road. The townhouses and associated areas of private open space will facilitate a sensitive interface with the apartment building at 94 Beach Road and the school immediately to the north-east.

The buildings and works will also require permission for a portion of the site under the provisions of the Heritage Overlay (HO77). Only part of the HO77 area will be subject to assessment under the Heritage Overlay. The remaining area affected by the Heritage Overlay is subject to Heritage Victoria Approval. Please refer to Figures 8, 9 and 10.
The proposed dwellings are listed below.

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<th>NEW APARTMENT BUILDING (NO. OF DWELLINGS)</th>
<th>TOWNHOUSES (NO. OF DWELLINGS)</th>
<th>TOTALS (NO. OF DWELLINGS)</th>
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<tbody>
<tr>
<td>1 Bedroom</td>
<td>0</td>
<td>10</td>
<td>0</td>
<td>10</td>
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<td>2 Bedrooms</td>
<td>7</td>
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<tr>
<td>3 Bedrooms</td>
<td>4</td>
<td>6</td>
<td>11</td>
<td>21</td>
</tr>
<tr>
<td>Totals</td>
<td>11</td>
<td>45</td>
<td>12</td>
<td>68</td>
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Specifically, the proposed buildings and works involve the following:

- Construction of a four storey (plus 2 basement levels) residential development in the location of the former car park comprising of 45 apartments.

- Construction of a row of attached two and three storey townhouses along the northern end of the site. 12 townhouses in total are proposed. 11 of these will have 3 bedrooms and 1 will have 2 bedrooms.

- Works to restore and make minor alterations to the exterior and interior of the existing building. This is to facilitate conversion of the building from hotel use to food and drink premises and dwellings. The hotel building will accommodate 11 dwellings. The restoration and alterations to the hotel building have been approved by Heritage Victoria.

The proposed development will result in a considerable improvement to the site’s appearance and functional integration with Beach Road and Mentone Parade. The following features will assist to this end:

- Car parking to be at basement level rather than at-grade and accessed via Mentone Parade

- Removal of vehicle crossovers from Beach Road

- Landscaping and seating along the Mentone Parade frontage

- A comprehensive landscape design to integrate the development within its context. This includes a substantially proportioned pedestrian link between Beach Road and Mentone Parade which will provide the townhouses with their own entrances and a landscaped pedestrian entrance to the apartment building.

- A landscape design which includes a range of Australian native and exotic species and plants of varying sizes and textures. A number of flowering plants have been selected.

- The apartment building and townhouse designs are of an attractive contemporary style which aims to preserve the prominence of the Mentone Hotel building in the streetscape.

- High quality materials to be used for the new apartment building and townhouses including perforated steel screens in light and dark metallic colours, light tone, mid tone and dark tone render, glazing, aluminium composite cladding in white, aluminium louvre screens.

Proposed dwellings
The proposed dwellings will be delivered across three buildings and will offer a range of configurations and sizes. The apartments to be provided within the hotel building range are to be 2 and 3 bedroom apartments. The interiors of the apartments within the hotel building have been designed to celebrate and enhance the period features of the building and combine these with fresh, contemporary styling.

The concept for the new apartment building is more contemporary, but will link well with the design for the hotel. The apartment building will present a largely glazed façade to both streets and will form an attractive although less prominent feature than the Mentone Hotel building. 45 apartments are proposed for the new apartment building and these also range from 1 to 3 bedrooms.

The proposed townhouses will be mostly 3 bedroom dwellings and 10 of the 12 townhouses with have 3 levels, with the remaining townhouses having 2 storeys.

ResCode – Minor Variations Required

Minor variations to the standards of Clause 55 and the local variations to the standards are required in relation to the following considerations:

- Street setbacks – minor variation required
- Building height- the building height of the existing heritage building already exceeds the mandatory maximum building height and the proposal transitions down from this height.
- Site coverage- 72 per cent proposed. The schedule to the zone sets a standard of a maximum 50 per cent.
- Parking location in relation to residential windows
- Private open space (one dwelling with no private open space and 0 dwellings with less than 8 square metres)
- Front fencing- to Beach Road, the front fencing (perforated screening) exceeds the 1.2 metre height specified in Schedule 3. The fencing/screening will be 1.3 metres in height.

These variations are further detailed at Appendix B.

Private Open Space

Private Open Space is proposed as follows:

*Apartments:*

All apartments except for one will have a balcony or courtyard. Private open space areas range from 8 square metres to 159 square metres.

*Townhouses:*

All townhouses will have private open space ranging from 35 to 67 square metres in area. The townhouses each have a front and rear courtyard.
2.2.4 PROPOSED CAR PARKING

The proposed development seeks to provide all of the car parking required by Clause 52.06 within its two basement levels. The statutory requirement equates to:

- 89 for dwellings
- 13 for visitors to the dwellings
- 10 for the food and drink premises (café)

= 112

The proposed total provision of 137 car spaces over two basement levels therefore meets the requirements of Clause 52.06 – Car Parking. It is envisaged that 91 car spaces will be allocated to dwellings, and the remaining spaces will be allocated for visitors and patrons of the café. Should the café become a restaurant in the future, the oversupply would therefore provide sufficient car parking for this use up to 80 patrons. The proposed provision is as follows:

- 91 car spaces for residents
- 14 car spaces for visitors to the dwellings
- 32 car spaces for the food and drink premises (additional to requirement to enable café to become restaurant for 80 seats in future if required)

= 137

2.2.5 PROPOSED LANDSCAPE MASTERPLAN

The proposed landscape plan prepared by Aspect Studios includes a number of landscape features that will improve the attractiveness, site permeability, linkages through the site and function of the site. The proposed landscape plan does not involve the removal of any street trees. Due to the plantings proposed onsite at the street interfaces, it is not considered necessary to introduce new trees to the nature strips. The two Cabbage Palms at the corner entry to the original building and one Cabbage Palm located within the Beach Road setback are proposed to be retained. The landscape design for the balance of the site has taken cues from these trees.

A locally responsive species selection for the landscape design includes natives and exotics, ground cover planting and trees of varying shapes and sizes and both flowering and non-flowering species. Of particular benefit to the presentation of the site and the streetscapes in general will be the garden beds and tree plantings along the majority of both street frontages. Two combinations of ground cover have been selected for the each of the two frontages. Trees to be planted at the street interfaces include Cabbage Palm, Dwarf Yellow Gum, Honeylocust and Mexican Orange Blossom. A variety of ground cover and tree species are proposed to be planted along the northern boundary. These are Chanticleer Pear, and Purple Leafed Gum and the Black Anther Flax Lilly, Africal Daisy and Lilly Pilly.

A special feature of the proposed development is the pedestrian link which is to extend from the northern end of the Beach Road frontage to the northern end of the Mentone Parade frontage. The link at Beach Road is at grade and this leads to two sets of stairs at the Mentone Parade end. The pedestrian link will be announced at the Beach Road end by a Dwarf Yellowgum and two Honeylocusts and at the Mentone parade end by a Honeylocust. The link will be attractively landscaped with central raised planters and low plantings along the apartment building interface. Both ground covers and Maple and Ginko trees are proposed for the pedestrian link and two Cabbage Palms are proposed for the area between the original building and the proposed new apartment building.

Planters will be provided along the edges of the balconies of Levels 1, 2 and 3. These will be planted with Fine Leaf Spiney Headed Mat Rush and Silver Falls.

Along the Mentone Parade interface, the landscape design includes a planter which doubles as a bench seat.
FIGURE 5 – LANDSCAPE MASTERPLAN PREPARED BY ASPECT STUDIOS
FIGURE 6 – PROPOSED TREE SPECIES

FIGURE 7 – INDICATIVE CROSS-SECTION FROM THE PROPOSED PEDESTRIAN LINK THROUGH THE SITE
2.3 VEGETATION REMOVAL

Due to the largely paved nature of the site and the position of trees within garden beds in the car park, the trees onsite are not believed to be naturally occurring or of significance to the character of the site. A planning application is not required for the removal of the trees onsite.

2.4 STORMWATER

The proposed development performs well in relation to reduction of stormwater run-off. The proposal achieves a 28 per cent reduction of potable water demand by capturing rainwater for toilet flushing. Additionally, the proposal achieves a 101 per cent STORM rating. Please see report prepared by SBE dated 21 July 2015.

The development includes a number of garden beds and trees including on the balconies of the apartment building. The townhouses include front and rear landscaping which contribute to a site permeability of 8.4 per cent.
3 Existing Planning Controls

3.1 EXISTING ZONING AND OVERLAYS

The site is presently zoned General Residential Zone (Schedule 3 – General Residential Areas B) and the whole of the site is affected by the Design and Development Overlay (Schedule 1 – Urban Coastal Height Control Area). The majority of the site is affected by Heritage Overlay Schedule 77.

FIGURE 9 – EXISTING ZONING – GENERAL RESIDENTIAL ZONE – SCHEDULE 3
FIGURE 11 – HERITAGE OVERLAY – HO77
3.1.1 CLAUSE 32.08 – GENERAL RESIDENTIAL ZONE (SCHEDULE 3 – GENERAL RESIDENTIAL AREAS B).

The entire site is located within the General Residential Zone (Schedule 3). The purpose of the General Residential Zone is:

- 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 zone includes the following provisions:

- The use of a dwelling is as-of-right under the provisions of the General Residential Zone.
- The use of restaurant (food and drink premises) requires a permit.
- Subdivision requires permission under the provisions of the General Residential Zone.
- A permit is required for the construction and extension of two or more dwellings on a lot.

Applications for the construction and extension of two or more dwellings on a lot must meet the requirements of Clause 55.

Schedule 3 to the Zone includes:

- Local variations for site coverage, private open space and front fence height.
- 9 metre mandatory height control.

Applications are not exempt from notice and review requirements.

3.1.2 CLAUSE 43.01 – HERITAGE OVERLAY

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required under the provisions of the Heritage Overlay to subdivide land, demolish or remove a building and to construct a building or construct or carry out works. Schedule 77 states that external paint controls apply to the site. Internal alteration controls do not apply.
A permit is not required for these activities if the place is on the Victorian Heritage Register.

3.1.3 CLAUSE 43.02 – DESIGN AND DEVELOPMENT OVERLAY

The purpose of the Design and Development Overlay 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 are affected by specific requirements relating to the design and built form of new development.

A permit is required to construct a building or construct or carry out works. A permit is also required to subdivide land.

Schedule 1 – Urban Coastal Height Control Area applies to the site and much of the surrounding area. The purpose of the schedule is:

- To protect and enhance the foreshore environment of Mentone, Parkdale, Mordialloc Aspendale and Chelsea and adjacent areas including Port Phillip Bay.
- To ensure that new buildings, works, renovations and extensions are compatible with surrounding buildings and natural features, and sympathetic to the surrounding natural landscape and environment.
- To relate building heights, building bulk and setbacks to adjoining sites so that they are compatible with and enhance the appearance and character of the immediate locality.

A permit is not required under this overlay for works which do not exceed 6 metres in height.

The schedule requires that a building must not be greater than 2 storeys in height.

Applications are not exempt from notice and review requirements.

3.1.4 VICTORIAN HERITAGE REGISTER (H2346)

The building and part of the site were introduced to the Victorian Heritage Register on 12 June 2015 (VHR Number H2346). The Mentone Hotel, which was designed by Loweish, Moorhouse and Figgis and opened in 1890 is significant for the following reasons:

The Mentone Hotel is historically significant for its association with the development of seaside accommodation in Victoria in the late 1880s. It clearly demonstrates this development and illustrates the increased wealth and leisure time of Victorians during the 1880s boom period in Melbourne, the expanding network of transport and the popularity of the seaside as a destination at this time. The Mentone Hotel is one of a small group of large hotels which retain sufficient fabric to clearly illustrate this association, and one of a few which remain in relatively close proximity to the Melbourne Central Business District. [Criterion A]

The Mentone Hotel is architecturally significant as a large hotel of unusual design built during the 1880s boom period in Victoria. It is of particular note for its highly unusual, eclectic and original design by the firm Loweish, Moorhouse and Figgis. In contrast to the classical Italianate character of the typical hotel of the period, the Mentone Hotel blends both classical and innovative elements in a striking and appropriately exuberant manner in this beachside holiday location. [Criterion D]

The following activities require permission from Heritage Victoria:

Anything which alters the place or object including:
- Building repairs, extensions, constructions, interior works, demolition or relocation of buildings and structures, changes of colour schemes and signage
- Subdivision and construction of new buildings and garden structures such as fences or decks, pathways and driveways, and changes of materials
- Works to registered trees and gardens which are not regular maintenance works
- Excavations at registered archaeological sites or damage or alteration to an archaeological artefact
- Relocation, repair and conservation treatment of objects.

FIGURE 12 – VHR AREA HATCHED OVER AERIAL PHOTOGRAPH

FIGURE 13 – VHR AREA

DIAGRAM 2346

MENTONE PARADE

BEACH ROAD

wall

wall

0 50 100

metres
FIGURE 14 – AREA SUBJECT TO COUNCIL ASSESSMENT (HO77 AREA MINUS VHR H2346 AREA)
4 Planning Policy Context

The planning policy context for assessment of the Planning Scheme Amendment is summarised below.

4.1 STATE PLANNING POLICY FRAMEWORK

4.1.1 CLAUSE 11.02 – URBAN GROWTH

This policy seeks to ensure that a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. Strategies for achieving this include:

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.
- Neighbourhood character and landscape considerations.
- The limits of land capability and natural hazards and environmental quality.
- Service limitations and the costs of providing infrastructure.

Monitor development trends and land supply and demand for housing and industry.

4.1.2 CLAUSE 11.04-2 – HOUSING CHOICE AND AFFORDABILITY

This policy aims to provide a diversity of housing in defined locations that cater for different households and which are close to jobs and services. The strategies for achieving this are:

- Understand and plan for expected housing needs.
- Reduce the cost of living by increasing housing supply near services and public transport.
- Facilitate the supply of social housing.
- Facilitate the supply of affordable housing.

4.1.3 CLAUSE 11.04-4 – LIVEABLE COMMUNITIES AND NEIGHBOURHOODS

Clause 11.04-4 seeks to create healthy and active neighbourhoods to maintain Melbourne’s identity as a liveable city. The concept of a 20 minute neighbourhood is supported by this policy.

4.1.4 CLAUSE 11.04-5 – ENVIRONMENT AND WATER

This policy seeks to protect natural assets and better plan our water, energy and waste management systems to create a sustainable city. Strategies to assist in achieving this are:

- Protect and restore natural habitats in urban and non-urban areas.
- Improve noise and air quality to improve human and environmental health.
- Integrate whole of water cycle management to deliver sustainable and resilient urban development.
4.1.5 CLAUSE 15 – BUILT ENVIRONMENT AND HERITAGE

Clause 15 supports development that is responsive to its landscape, built form and cultural context and that contributes to the social, cultural, economic and environmental wellbeing of communities. The quality of urban design and architecture is a priority of this policy, which states that developments should:

- Contribute positively to local urban character and sense of place.
- Reflect the particular characteristics, aspirations and cultural identity of the community.
- Enhance liveability, diversity, amenity and safety of the public realm.
- Promote attractiveness of towns and cities within broader strategic contexts.
- Minimise detrimental impact on neighbouring properties.

The policy aims to support design for safety, energy and resource efficiency and conservation of places of heritage significance and Aboriginal cultural heritage significance.

4.1.6 CLAUSE 16 – HOUSING

The housing policy contained in the SPPF has the following purpose:

- Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.
- New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space.
- Planning for housing should include providing land for affordable housing.

This policy encourages that planning ensures an appropriate amount and range of housing types to meet the needs of the community. New housing is encouraged to be located with good access to services and transport.

Clause 16.01-3 seeks to identify strategic redevelopment sites for large residential development in Metropolitan Melbourne. These may be sites that are able to provide 10 or more dwellings, in or within easy walking distance of Principal or Major Activity Centres and on public transport routes on the Principal Public Transport Network and close to employment.

4.1.7 CLAUSE 18 – PUBLIC TRANSPORT

This policy encourages that access to all possible modes of transport is considered in urban development. It is encouraged that new development takes advantage of existing available transport modes, particularly public transport and that safe convenient and direct pedestrian and cycling access is provided to activity centres, transport interchanges and other strategic redevelopment sites.

4.1.8 CLAUSE 19.03-2 – WATER SUPPLY, SEWERAGE AND DRAINAGE

This policy also encourages the use of runoff to reduce the impact of stormwater on bays and catchments and the minimisation of waste production.
4.2 LOCAL PLANNING POLICY FRAMEWORK

4.2.1 MUNICIPAL STRATEGIC STATEMENT

4.2.1.1 CLAUSE 21 – MUNICIPAL STRATEGIC STATEMENT

Clause 21.02 places the City of Kingston within Melbourne’s south eastern band of middle suburbs, 17km from the Melbourne CBD on the eastern side of Port Phillip Bay. Major land uses within Kingston with significance beyond Kingston’s boundaries include the foreshore for its ecological and environmental value, Moorabbin Airport, open space, industry and employment, Southland Principal Activity Centre and transport corridors.

At the time of writing, the MSS reported a population of 135,000 people, living in approximately 54,000 households and that the population was expected to increase to 151,000 by the year 2021. The population is aging, with 31 per cent of the population over the age of 50 which is higher than the Melbourne average.

Detached housing remains the predominant housing type in the City of Kingston at 80 per cent and there are a range of other housing choices also available. At the time of writing, the average household size was expected to decrease to 2.31 people per dwelling by the year 2021.

The MSS reported over 4000 manufacturing businesses being located within the City of Kingston which provided for 25,000 jobs and 10 per cent of Melbourne’s manufacturing jobs. Only 25 per cent of the employed population were working in managerial or professional occupations.

Clause 21.03 Land use challenges for the new millennium lists the critical land use issues challenging Kingston’s future growth as follows:

- Future housing need
- Residential amenity and neighbourhood character
- Retailing changes – activity centre sustainability
- Industrial revitalisation
- Foreshore enhancement
- Protecting and enhancing ecological value
- Sustainable management of non-urban areas
- Agriculture
- Extractive industry
- Sandbelt open space strategy
- Moorabbin Airport
- Non-urban interface
- Managing transport

In relation to future housing need, it is acknowledged that as the population ages and household sizes reduce, that there may be an imbalance between need and the availability of suitable housing stock. Providing suitable housing stock to meet demand is expected to continue to form a focus for land use planning in Kingston.
In relation to residential amenity and neighbourhood character, it is considered that management of change in relation to medium density development will require an approach that integrates urban consolidation objectives and an understanding of the specific character issues of each locality.

Council's Strategic Framework Plan is outlined at Clause 21.04-3 of the MSS. The strategic Framework Plan suggests locations for various types of development. The plan located the subject site within an area for promotion of incremental housing change.

Clause 21.05 – Residential Land Use acknowledges the changing housing needs of the Kingston population and the importance of guiding land use to address this whilst managing neighbourhood character considerations. Increased local housing density is supported by the policy in locations better suited to accommodating housing change. Strategies for managing changes to housing include:

- Promote a range of lot sizes and housing types, including medium density housing, on large residential opportunity sites, particularly where such sites have good access to public transport and other facilities.
- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes.
- Promote new residential development which is of a high standard, responds to the local context and positively contributes to the character and identity of the local neighbourhood.
- Promote new residential development which provides a high standard of amenity and quality of life for future occupants.
- Protect areas/elements in the built form and natural landscape which have an identified and valued character.
- Protect areas/buildings of recognised historical/cultural significance.
- Encourage the retention of existing buildings which can be recycled and which contribute to the character of the surrounding neighbourhood.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environment design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including:
  - The foreshore and other sensitive waterway environments
  - Braeside Park, Edithvale-Seaford Wetlands and other public parks and reserves
  - Areas of identified significant vegetation and fauna habitat.

The policy also seeks to ensure that new residential development does not exceed known physical infrastructure capacities.

Clause 21.08 – Foreshore seeks to protect the integrity of the Port Phillip coastline from tourism, recreation, residential and commercial pressures. In relation to development, the policy seeks to ensure that development along beach Road complements the character of the foreshore environment.
4.2.2 LOCAL POLICIES

Clause 22.11 – Residential Development Policy applies to a range of development application types including the construction of two or more dwellings on a lot. The policy identifies locations encouraged for increased housing diversity, incremental housing change, minimal housing change and residential renewal and provides guidance in relation to designing to respond to the objectives for these areas. The subject site is located within Character Area 19 and is within an incremental housing change area. This area is not one of the five ‘special character areas’.

The objectives of the policy are:

- To promote a managed approach to housing change, taking account of the differential capacity of local areas in Kingston to accommodate increased housing diversity, incremental housing change, residential renewal or minimal housing change, as identified within the MSS.
- To encourage new residential development to achieve architectural and urban design outcomes that positively respond to neighbourhood character having particular regard to that identified in the Kingston Neighbourhood Character Guidelines – August 2007.
- To promote on-site car parking which is adequate to meet the anticipated needs of future residents.
- To ensure that landscaping and trees remain a major element in the appearance and character of the municipality’s residential environments.
- To limit the amount and impact of increased stormwater runoff on local drainage systems.
- To ensure that the siting and design of new residential development takes account of interfaces with sensitive and strategic land uses.

In relation to incremental change areas, it is policy to:

- In suburban locations which are not within convenient walking distance of public transport and activity centres, encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized lots. These areas are identified for ‘incremental housing change’ on the Residential Framework Plan within the MSS.
- Ensure that new housing development is responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas.

In general, built form, siting and scale of development is to be approached in the following ways throughout the City of Kingston:

- Encourage the two storey component of new medium density housing to be located towards the front of a site.
- Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- Encourage well articulated and graduated elevations in order to avoid ‘box-like’ double storey designs, thus reducing visual bulk.
- Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.

- Address potential overlooking through site layout planning as well as individual dwelling planning.

Garages and car parking areas are encouraged to be located away from street frontages and new residential development is encouraged to limit the impact of increased stormwater run-off by limiting the area of impervious surfaces.

The policy encourages the preservation of identified heritage places by ensuring the design of new development is respectful of heritage places.

**Clause 22.16 – Heritage Policy** seeks:

- To encourage conservation and other works including maintenance, restoration, reconstruction, and adaptation that assist in the restoration of original features of heritage precincts and places.

- To recognise, conserve and enhance places and elements in the City identified as having scientific, aesthetic, architectural or historical interest or other special cultural values.

- To conserve heritage places by respecting the historic and architectural integrity of buildings, streetscapes and vistas.

- To ensure that all possible avenues are pursued for the conservation and continued use of heritage places and that demolition or removal is allowed only in the circumstances described in the policy.

- To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.

- To ensure that new development is undertaken in a manner that integrates positively with the surrounding buildings and area.

- To promote design excellence which clearly and positively supports the ongoing significance of heritage places.

- To ensure that non-contributory buildings in heritage precincts are developed in a manner that is sympathetic to, and does not detract from, the significance of the heritage precinct.

- To enable a consistent approach to the conservation of heritage places or precincts.

For new buildings and additions in heritage areas and places, it is policy to:

- To require the design of new development and additions that:
  - Will not be confused with the original historic fabric;
  - Will ensure that as much of the original historic fabric remains intact. Facadism is strongly discouraged;
  - Are compatible with the architectural design and aesthetic characteristics of the individual building and area, and be visually recessive to support the visual dominance of the significant elements of the heritage place;
  - Will not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages, where relevant;
  - Respects the architectural integrity of the heritage place;
Adopts a contemporary architectural character of an understated character to minimise the visual dominance over adjacent contributory buildings, the heritage place or heritage precinct in terms of size, height or bulk;

Repeats the particular rhythm, spatial characteristics and character of significant heritage places and other contributory buildings in a Heritage Overlay area;

Relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct. New materials may be introduced provided that they are complementary to the significance of the heritage place;

Avoids blank walls at ground and upper floor levels when viewed from surrounding streets.

To promote the development of sensitively designed new development that conforms to the same height as adjacent buildings within the Heritage Overlay. Proposals for new structures that exceed the height of abutting buildings may be supported if the higher new envelope is located at the rear of the site and will not visually dominate the heritage place or surrounding heritage area.

To ensure additions in the form of additional storeys are setback from the front façade to maintain the visual dominance of the significant elements of the place and/or its significant streetscape.

To encourage additions and new works to heritage places that:

Do not obscure principal viewlines to heritage buildings or their features, such as verandahs, towers and porticos;

Respect the context of adjacent contributory heritage buildings; and

Do not adversely impact on the cultural significance, character, architectural value of the building and/or precinct or its contribution to the streetscape.

To ensure that new building elements such as dormer windows, porticos and verandahs are avoided on significant and contributory heritage buildings unless part of a deliberate attempt to reinstate original early features known to have existed on the building.

To ensure that development on sites adjacent to heritage buildings and precincts is sympathetic to the heritage place in terms of bulk, setbacks, materials, colour scheme, form, and character of the place, streetscape and surrounding area.

To ensure elements such as gates and fences do not obscure views to heritage places from surrounding streets, are transparent, and consistent with the architectural period of the building and surrounding precinct.

This policy also discourages the use of car ports and garages within front setbacks.

Restoration of significant and contributory buildings is encouraged where there is sufficient evidence of the earlier state of the fabric.
4.3 ZONES

4.3.1 CLAUSE 32.08 - GENERAL RESIDENTIAL ZONE

The purpose of the General Residential Zone is:

- 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 zone includes the following provisions:

- The use of a dwelling is as-of-right under the provisions of the General Residential Zone.
- The use of restaurant requires permission under the provisions of the General Residential Zone.
- Subdivision requires permission under the provisions of the General Residential Zone.
- A permit is required for the construction and extension of two or more dwellings on a lot.

Applications for the construction and extension of two or more dwellings on a lot must meet the requirements of Clause 55. Schedule 3 to the Zone includes local variations for street setbacks, private open space and front fence height. No specific height limits are included.

Schedule 3 to the Zone includes:

- Local variations for site coverage, private open space and front fence height. No specific height limits are included.
- 9 metre mandatory height control.

Applications are not exempt from notice and review requirements.

4.3.2 ZONING PRIOR TO INTERIM RESIDENTIAL ZONING

4.3.2.1 CLAUSE 32.06 – RESIDENTIAL 3 ZONE

The purpose of the Residential 3 Zone was:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.
- To encourage residential development that respects the neighbourhood character.
- To limit the maximum height of a dwelling or residential building.
- In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.

The use of dwellings was as-of-right under the provisions of the Residential 3 Zone.
The use of restaurant required planning permission under the provisions of the Residential 3 Zone.

Construction of 2 or more dwellings required permission under the provisions of the Residential 3 Zone.

The Residential 3 Zone imposed a mandatory maximum height of 9 metres.

4.4 OVERLAYS

4.4.1 CLAUSE 43.01 – HERITAGE OVERLAY

The purpose of the Heritage Overlay is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- To conserve and enhance heritage places of natural or cultural significance.

- To conserve and enhance those elements which contribute to the significance of heritage places.

- To ensure that development does not adversely affect the significance of heritage places.

- To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

A permit is required under the provisions of the Heritage Overlay to subdivide land, demolish or remove a building and to construct a building or construct or carry out works. Schedule 77 states that external paint controls apply to the site. Internal alteration controls do not apply.

A permit is not required for these activities if the place is on the Victorian Heritage Register.

4.4.2 CLAUSE 43.02 – DESIGN AND DEVELOPMENT OVERLAY

The purpose of the Design and Development Overlay 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 are affected by specific requirements relating to the design and built form of new development.

A permit is required to construct a building or construct or carry out works. A permit is also required to subdivide land.

Schedule 1 – Urban Coastal Height Control Area applies to the site and much of the surrounding area. The purpose of the schedule is:

- To protect and enhance the foreshore environment of Mentone, Parkdale, Mordialloc Aspendale and Chelsea and adjacent areas including Port Phillip Bay.

- To ensure that new buildings, works, renovations and extensions are compatible with surrounding buildings and natural features, and sympathetic to the surrounding natural landscape and environment.

- To relate building heights, building bulk and setbacks to adjoining sites so that they are compatible with and enhance the appearance and character of the immediate locality.

A permit is not required under this overlay for works which do not exceed 6 metres in height.

The schedule requires that a building must not be greater than 2 storeys in height.

Applications are not exempt from notice and review requirements.
4.5 PARTICULAR PROVISIONS

4.5.1 CLAUSE 52.06 – CAR PARKING

The purpose of this provision is as follows:

- To ensure that car parking is provided in accordance with the State Planning Policy Framework and Local Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The car parking requirements are detailed within Table 1 at Clause 52.06-5. The table specifies that for the use of dwelling, one car space for every one or two bedroom dwelling is required and two are required for each three or more bedroom dwelling and one for every 5 dwellings for visitors.

4 spaces are required for every 100 square metres of food and drink use.

4.5.2 CLAUSE 52.07 – LOADING AND UNLOADING OF VEHICLES

This policy seeks to:

- To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety.

The policy states that no building or works may be constructed for the manufacture, servicing, storage or sale of goods or materials unless:

- Space is provided on the land for loading and unloading vehicles as specified in the table below.
- The driveway to the loading bay is at least 3.6 metres wide. If a driveway changes direction or intersects another driveway, the internal radius at the change of direction or intersection must be at least 6 metres.
- The road that provides access to the loading bay is at least 3.6 metres wide.

A permit may be granted to waive the loading requirement if sufficient loading access is provided to the satisfaction of the responsible authority.
4.5.3 CLAUSE 52.34 – BICYCLE FACILITIES

The purpose of this provision is:

- To encourage cycling as a mode of transport.
- To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

The requirements for bicycle facilities are detailed within the Table at Clause 52.34-3. One bicycle space to each five dwellings is required for residents plus one to each ten dwellings for visitors. For restaurants, 1 space to each 100 square metres for employees and 2 spaces plus one for every 200 square metres of floor area available to the public if the floor area exceeds 400 square metres.

4.5.4 CLAUSES 55 – TWO OR MORE DWELLINGS ON A LOT AND RESIDENTIAL BUILDINGS

Clauses 55 sets out clear objectives and standards for residential development of up to three storeys. An assessment of the subject applications against the requirements of Clause 55 is set out at Appendix B.

4.6 GENERAL PROVISIONS

4.6.1 CLAUSE 65

The decision guidelines of Clause 65 must be taken into account in all planning applications.

4.7 OTHER REQUIREMENTS

4.7.1 VICTORIAN HERITAGE REGISTER (H2346)

The building (not the whole site) was introduced to the Victorian Heritage Register on 12 June 2015 (VHR Number H2346). The Mentone Hotel, which was designed by Loweish, Moorhouse and Figgis and opened in 1890 is significant for the following reasons:

The Mentone Hotel is historically significant for its association with the development of seaside accommodation in Victoria in the late 1880s. It clearly demonstrates this development and illustrates the increased wealth and leisure time of Victorians during the 1880s boom period in Melbourne, the expanding network of transport and the popularity of the seaside as a destination at this time. The Mentone Hotel is one of a small group of large hotels which retain sufficient fabric to clearly illustrate this association, and one of a few which remain in relatively close proximity to the Melbourne Central Business District. [Criterion A]

The Mentone Hotel is architecturally significant as a large hotel of unusual design built during the 1880s boom period in Victoria. It is of particular note for its highly unusual, eclectic and original design by the firm Loweish, Moorhouse and Figgis. In contrast to the classical Italianate character of the typical hotel of the period, the Mentone Hotel blends both classical and innovative elements in a striking and appropriately exuberant manner in this beachside holiday location. [Criterion D]

The following activities require permission from Heritage Victoria:

- Building repairs, extensions, constructions, interior works, demolition or relocation of buildings and structures, changes of colour schemes and signage
- Subdivision and construction of new buildings and garden structures such as fences or decks, pathways and driveways, and changes of materials
• Works to registered trees and gardens which are not regular maintenance works
• Excavations at registered archaeological sites or damage or alteration to an archaeological artefact
• Relocation, repair and conservation treatment of objects.

4.8 RELEVANT STRATEGIC DOCUMENTS

4.8.1 PLAN MELBOURNE

Plan Melbourne is the metropolitan planning strategy for Melbourne. The strategy seeks to guide sustainable planning under the following themes:

• Jobs and Investment
• Housing choice and affordability
• A more connected Melbourne
• Liveable communities
• Environment and water

Under these themes, directions and initiatives are established. The plan states that the southern subregion of Melbourne, as defined by Plan Melbourne is expected to grow by 400,000 to 480,000 people to the year 2031. The subregion is also expected to provide between 110,000 and 150,000 additional jobs in this time. The region includes a national employment cluster at Dandenong and several hospitals and university campuses.

Direction 2 of the strategy specifically seeks to reduce the cost of living by increasing housing supply near services and public transport. The creation of neighbourhoods that are well serviced and easily walkable is intended to increase the liveability and health of communities. A key initiative of Plan Melbourne is the concept of the 20 minute neighbourhood, where all daily necessities are provided within a 20 minute walk, ride or public transport trip of dwellings.

Plan Melbourne calls for all Councils to establish a “pipeline of urban renewal sites”, so as to ensure there are sufficient opportunities to accommodate growth on sites that have capacity for increased development and strategic renewal.

4.8.2 KINGSTON RESIDENTIAL STRATEGY 2000 (REFERENCE DOCUMENT)

The Kingston Residential Strategy (2000) which is a reference document in the planning scheme is intended to inform Council’s role in managing the planning and regulatory aspects of residential development and provide greater certainty for the community about the preferred locations for medium density housing types. Council’s role in influencing the housing market is considered to have its limits and is considered to be more about identifying opportunities, adopting and promoting policies to support identified needs and to facilitate private sector investment in appropriate residential development. Consultation for the strategy was conducted in 1998.

The vision of the Kingston Residential Strategy is:

To promote and facilitate both an increase in dwelling numbers and increased local housing diversity to meet the changing housing needs of the community and increased liveability within an integrated planning framework.
The strategy refers to Victoria In Future (2000) in projecting a need for 7,600 new dwellings between 1996 and 2016 in order to sustain the existing population size and or 12,000 dwellings to accommodate projected population growth. The predominant housing type at the time of writing was detached housing. At the time, the majority of households had 1-2 people and 3-4 bedrooms. However, it was acknowledged that decisions regarding housing type are not necessarily made directly in relation to the number of people in a household. The strategy notes as a population and housing issue, the importance of new development having regard to neighbourhood character, heritage and environmental issues.

The subject site is located within Local Area 4 within the Residential Strategy where the number of net new dwellings required between 1996 and 2016 to support the growing population was considered to be 2,733 according to the Kingston Small Area Population Forecasts. This area was considered to have substantially lower proportions of children and household sizes were the lowest within the municipality. Consultations revealed that Mentone and Parkdale were considered by residents to be the most desirable residential locations within Kingston.

Interestingly, the area (Local Area 4) was considered to have high concentrations of medium density housing and for this reason parts of this area were considered appropriate for incremental housing change. The methodology for determining what was considered medium density housing is not provided. For incremental change areas, a density target of 1:350 square metres is suggested.

4.8.3 DRAFT KINGSTON RESIDENTIAL STRATEGY UPDATE 2014

The draft Kingston Residential Strategy Update 2014 seeks to provide an update to the 2000 residential strategy in the context of recent population and household data in preparation for the introduction of the new suite of residential zones. The wording of the overall vision from the 2000 strategy has not been altered. The detailed parts of the vision are largely the same as the 2000 strategy’s with the exception of the focus on increasing dwelling numbers and attracting the market through providing an environment conducive to increased development. This was part of the vision of the 2000 strategy but this has been removed in favour of a focus on housing diversity.

The number of additional dwellings required to meet growing demand to 2031 have been omitted from the key issues of the update. The 2000 strategy suggested that 12,000 new dwellings would be required by 2016. Also omitted is identification of any major redevelopment sites and the need to understand the capacity of local areas to accommodate increased housing density. Council’s ability to influence the housing market by encouraging private sector investment has also been removed as a key issue. The other issues from the 2000 strategy have been retained in the revision.

The update acknowledges the development outcomes that have eventuated since the release of the 2000 strategy which include greenfield developments such as the Waterways and the Heath and the redevelopment of the former Epsom Racecourse and infill development at a variety of densities across the municipality. The update considers that Kingston contains limited undeveloped residential zoned land. In comparison with the 2000 strategy, the proportion of detached dwellings is now considered to be 65 per cent (previously 80 per cent in 2000).

For Area 6 which encompasses the subject site and parts of Mentone and Parkdale, it is envisaged that 1,349 new dwellings will be required by 2031 to meet demand.

The update places the subject site still within an incremental change area but suggests the area for Neighbourhood Residential Zone with the exception of the nearby school sites which it recommends for General Residential Zoning. There are no areas to the south-west of the railway line in Mentone suggested for General Residential Zoning and increased diversity/moderate growth.
4.8.4 KINGSTON NEIGHBOURHOOD CHARACTER GUIDELINES 2007

The Neighbourhood Character Guidelines (2007) is an incorporated document within the Kingston Planning Scheme. The guidelines place the site within Character Area 19. Guidance in relation to the design of new development is not provided. The existing character of the area is considered to include:

- One narrower side setback (1-2 metres) and one wider side setback (2-3 metres)
- Front setbacks of between 7-9 metres
- Modulated building footprint
- Mostly one and two storey detached dwellings oriented towards the street
- A variety of roof types
- Brick and render construction and tiled roofs
- A range of window proportions
- Varied types of front gardens
- Dwellings generally have front porches
- Rear garden size and vegetation must be considered in terms of boundary screen planting and trees visible to the street

4.8.5 HERITAGE STUDY: STAGE ONE REPORT 2000

The heritage study was completed by Living Histories and Associates in 2000. The study provides a brief background to the local area during European Settlement and identifies and assesses all post contact places of cultural significance within the City of Kingston.

According to the study, the local area was originally the land of the Bunurong tribe. European settlement began in the early 1800s and from 1839 to 1858, the Bunurong tribe is reported to have reduced in size from 207 to 15 due to disease and alcoholism which escalated in the 1850s with the gold rush. The area at this time was commonly used for sheep and cattle farming.

The study documents the attraction of visitors to Mordialloc for fishing and hunting in the 1860s and then Mentone in the 1880s when the sea baths attracted swimmers. It is considered that Mentone began to be developed as the ‘Riviera of the south’ in the 1880s. The Mentone Investment Company built the Royal Coffee Palace and the Mentone Hotel in the late 1880s. The ornate styles of both buildings are considered to testify to the pretentious aspirations of developers for Mentone at the time.
5 Planning Considerations

The strategic assessment guidelines establish the key tests for the assessment of Planning Scheme Amendment proposals. This section examines:

- The proposed Planning Scheme amendment and planning application against the strategic assessment guidelines
- The proposed development against the relevant policies of the Kingston Planning Scheme including Clause 55 and Council’s relevant strategic documents.

The proposal is considered to respond exceptionally well to the relevant planning considerations. The proposal presents an opportunity to deliver a much needed increase in housing stock and diversification of housing types within the City of Kingston which are specific aims of the planning scheme and residential strategy. The amenity of the area will benefit considerably from the proposed development which will replace a large disused site which currently has an unattractive presentation from the north, with a site and locally responsive residential development which acknowledges the heritage value of the existing building and the residential and landscape character of the area. The proposed residential and restaurant land use mix will introduce a more sustainable and complementary type of activity to the residential and school area and the nearby schools will also benefit from the proposal through the introduction of a pick-up and drop off area along Mentone Parade with landscaping and seating at the street interface. The layout, building and landscape design produce an environmentally sustainable outcome for the site to ensure the comfortable and cost effective use of the site and broader environmental benefits.

5.1 THE PROPOSAL’S RESPONSE TO THE STRATEGIC ASSESSMENT GUIDELINES

The assessment in Section 6 below addresses the key questions that are considered to be of most relevance in the evaluation of Planning Scheme Amendments, being:

a) Why is the amendment required?
b) What is the strategic basis of the amendment?
c) Does the amendment implement the objectives of planning and any environmental social and economic effects?
d) Does the amendment address relevant bushfire risk?
e) Does the amendment comply with all the relevant Minister’s Directions?
f) Does the amendment support or implement the State Planning Policy Framework?
g) Does the amendment support or implement the Local Planning Policy Framework?
h) Does the amendment make proper use of the VPPs?
i) How does the amendment address the views of any relevant agency?
j) Does the amendment address the requirements of the Transport Integration Act 2010?
k) What impact will the new planning provisions have on the resource and administrative costs of the Responsible Authority?
5.1.1 WHY IS THE AMENDMENT REQUIRED?

The amendment is required in order to facilitate the appropriate infill development of one of the only remaining large infill sites in the City of Kingston. At present, the height controls which apply to the site prohibit the development of the vacant part of the land for three and four storey development. In this case, as the site is already developed with a prominent building which stands at between 12.7 metres to 14.9 metres to the ridgeline, a three and four storey development for the balance of the site is considered to be appropriate for the area and able to preserve the prominence of the heritage building.

Development of the site for residential use is proposed considering that the site’s former use as a hotel and public bar is no longer economically viable. This has been tested by the new owner of the site by advertising for expressions of interest from hotel operators to operate the hotel. No viable operators made contact with the owner. A number of smaller operators expressed interest in the property but none of note to operate a large hotel and a licensed venue within a residential area which requires proper management of amenity and security considerations.

The proposal to introduce a site specific exemption to enable the proposed height of the development is directly compatible with the surrounding area which comprises 2 and 3 storey development.

5.1.2 WHAT IS THE STRATEGIC BASIS OF THE AMENDMENT?

The strategic basis of the amendment is that the site is located within an established residential area and there is a limited supply of developable land left in the City of Kingston, particularly in the more desirable parts of the municipality. The draft Kingston Residential Strategy 2014 acknowledges the limited supply of developable land and the need to meet the housing needs of an aging population and reduced household sizes. Both the Kingston Residential Strategy 2000 (reference document) and the draft Kingston Residential Strategy (2014) place the site within an area suitable for incremental change. It is considered that a site with an area of 5,017 square metres that is currently only partially developed is suitable for more than incremental change without leading to a significant change to the overall density or appearance of the area.

An exemption from the height controls is also considered appropriate in the context of the existing building at the site which has a roof ridgeline of 12.5 - 14.9 metres (viewed from Beach Road and Mentone Parade respectively) and an additional corner tower element which reaches higher than the roof by approximately 1.5 storeys. Therefore, the existing building at the site exceeds the height controls of two storeys and 9 metres. Within this context, the site is considered strategically appropriate for built form up to four storeys for the purpose of providing additional housing and housing diversity. The two Heritage Impact Statements prepared by Lovell Chen (for Council and for Heritage Victoria) support the proposed development in the context of the relevant policies.

Plan Melbourne provides strategic support for the amendment through Direction 2 which seeks to reduce the cost of living by increasing housing supply near services and public transport. The creation of neighbourhoods that are well serviced and easily walkable is intended to increase the liveability and health of communities. A key initiative of Plan Melbourne is the concept of the 20 minute neighbourhood, where all daily necessities are provided within a 20 minute walk, ride or public transport trip of dwellings. The subject site is located at a 14 minute walk from a Major Activity Centre and Railway Station which will ensure residents excellent access to shops and services.

Importantly, Plan Melbourne calls for all Councils to establish a “pipeline of urban renewal sites”, so as to ensure there are sufficient opportunities to accommodate growth on sites that have capacity for increased development and strategic renewal.

The amendment is supported by a robust strategic framework comprising:

- Plan Melbourne
- State Planning Policy Framework
- Kingston Municipal Strategic Statement
- Local Policies
- Heritage Overlay
5.1.3 HOW DOES IT ADDRESS ENVIRONMENTAL EFFECTS AND SOCIAL AND ECONOMIC EFFECTS?

**Environmental Effects**

At present, the site does not have any particular environmental issues and the proposed development will not alter this. The landscaping proposed for the site will improve the appearance of the site and the existing asphalt car park will be removed.

**Social and Economic Effects**

The amendment addresses social and economic effects by facilitating a use and development that is compatible with the surrounding residential area and will include a café for the benefit of the community. The use of hotel has been found to be unsuccessful in this location in recent years and to be somewhat at odds with the surrounding residential use. It is therefore considered that the proposed land use mix of food and drink premises and dwellings will introduce a more sustainable and socially beneficial type of activity to the site.

There will be an increase in municipal rates collected by Council as a result of the increase in local population.

5.1.4 DOES THE AMENDMENT COMPLY WITH THE REQUIREMENTS OF ANY MINISTER’S DIRECTION APPLICABLE TO THE AMENDMENT?

The proposed amendment complies with the requirements of the following Ministerial Directions:

**Ministerial Direction 9: Metropolitan Planning Strategy**

The proposed amendment is consistent with Ministerial Direction 9: Metropolitan Strategy including the following directions provided by Plan Melbourne:

- Direction 2.1: Understand and plan for expected housing needs
- Direction 2.2: Reduce the cost of living by increasing housing supply near services and public transport
- Direction 4.1: Create a city of 20-minute neighbourhoods
- Direction 4.7: Respect our heritage as we build for the future
- Direction 4.8: Achieve and promote design excellence
- Direction 5.1: Use the city structure to drive sustainable outcomes in managing growth
- Direction 5.5: Integrate a whole of water cycle management to deliver sustainable and resilient urban development
- Direction 5.6: Protect our significant water and sewerage assets

The proposed planning scheme amendment which will facilitate the development of 68 new dwellings and a cafe is consistent with the above directions for the following reasons:

- The site is currently underutilised land within an established residential area offering excellent local amenity. The site is located approximately 710 metres south of the Mentone Major Activity Centre which also includes Mentone Railway Station on the Frankston Railway Line.
- The amendment will facilitate a development which includes the preservation and restoration of a recognised heritage building.
- The design of the proposed new buildings is of a high standard and will utilise appropriate and quality materials.
The new dwellings will offer a high standard of internal amenity and will not have an unreasonable impact on the amenity of the surrounding area.

An appropriate water and drainage solution has been incorporated into the design.

5.1.5 HOW DOES THE AMENDMENT SUPPORT OR IMPLEMENT THE STATE AND LOCAL PLANNING POLICY FRAMEWORKS?

The proposed amendment responds to the key ambitions of the State and Local Planning Policy Frameworks in the following ways:

- The proposal responds to Clause 11.02 as it realises an opportunity for consolidation, redevelopment and intensification of existing urban areas and addresses neighbourhood character and landscape considerations.
- The proposal will deliver housing diversity in the form of 1, 2 and 3 bedroom dwellings which is consistent with the aim of Clause 11.04 and Clause 16 in relation to housing choice. Additionally, the proposal will result in increasing housing supply in an area with good access to services and public transport which will contribute to the achievement of the 20-minute neighbourhood.
- The proposal responds to Clause 15 as it aims to support design which reflects and is responsive to local character, conserves a place of heritage significance, minimises detrimental impacts on neighbouring properties and supports design for safety and energy and resource efficiency.

5.1.6 DOES THE AMENDMENT MAKE PROPER USE OF THE VPPS?

An incorporated document is considered to be the proper mechanism to allow a site specific exemption for prohibited development. Additionally, the development proposal is required in this instance as the matter is somewhat extraordinary, in that the existing building at the site exceeds the mandatory height control and the large and partly vacant site presents an excellent opportunity for infill development to contribute towards meeting housing needs. Clause 52.03 – Specific Sites and Exclusions has the purpose of:

- To recognise specific controls designed to achieve a particular land use and development outcome existing on the approval date.
- To provide in extraordinary circumstances specific controls designed to achieve a particular land use and development outcome.

An incorporated document will facilitate an appropriate development of the site.

5.2 APPROPRIATENESS OF THE PROPOSED USE AND DEVELOPMENT

The merits of the proposal are assessed in this section, responding to the following:

a) Is the proposed development consistent with the objectives and standards of ResCode?

b) Does the proposed development offer an appropriate response to its physical and strategic context?

5.2.1 USE PROPOSAL

The proposed use of food and drink which includes 259 square metres of floor area is considered appropriate in the context of the General Residential zoning for the site. The proposed land use considers the purpose of the zone and responds positively to the decision guidelines for non-residential use. The other use to be introduced to the site, dwelling, is as-of-right under the provisions of the zone.

One of the purposes of the General Residential Zone is:
To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

The proposed food and drink premises is to be located in place of a former hotel and will have a considerably reduced floor area than the hotel, of 259 square metres. The new use and reduced size of the premises will result in a less intense use which will be more appropriate within the residential location than the former large hotel but will enable the site to continue to provide the local area with a meeting place which serves meals and beverages. Being located on an arterial road, the restaurant will be appropriately visible in order to attract business. For these reasons, the proposed restaurant use is considered to respond positively to the purpose of the zone.

The decision guidelines for non-residential use are:

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

The proposed residential use is considered to respond exceptionally well to the decision guidelines relating to non-residential use. The proposed use will have a smaller floor area and will be of a less intense use than the previous hotel use which required considerable security and specialised management procedures in order to manage patrons within the residential area. The proposed food and drink premises which will operate as a café will have a food focus and will not attract the volumes of patrons that previously attended the hotel. Food and drink use is considered to be a more complementary land use for the residential area.

The land use will serve local community needs by enabling the site to continue to provide a meeting place with food and beverage service.

All car parking required by Clause 52.06 – Car Parking for a cafe of 259 square metres (10 car spaces) will be provided within the first basement level of car parking. An additional 36 spaces can be shared between residential visitors and the café. No bicycle parks are required for the café. However, an oversupply of 29 bicycle parking spaces is to be provided for the residential component which can be used by visitors and café patrons. The accessways provided to and within the basement meet the necessary requirements. Please refer to the Traffic and Transport Assessment prepared by Cardno for further details.

The development is to be provided with appropriate loading and refuse collection facilities. The food and drink premises (café) will utilise a bin storage room dedicated to the premises within the first basement level. This bin room can be accessed via a loading bay and a private waste collection service will remove waste. Staff will transport general waste and recyclable waste including glass to the cafe bin room within the basement at the conclusion of every evening. Please refer to the waste management plan prepared by Leigh Design for further details. The restaurant will also have the benefit of the existing basement storage space under the hotel building when required.
The Traffic and Transport assessment prepared by Cardno concludes that:

“Traffic generated by the café is not anticipated to directly correlate to those generated by the residential development or the road network (8:00am-9:00am and 3.30pm-4.30pm). As such the café is for intents and purposes not considered to generate traffic in the AM or PM peak hours. Furthermore, it is anticipated that a substantial amount of café patrons will be residents of the proposal or drawn from the surrounding area resulting in a reduced traffic generation” (p. 12).

and;

“A review of the SIDRA analysis identifies that the generated vehicle movements at the intersection of Beach Road and Mentone Parade will pose minimal impact upon the operations of the subject intersection or the wider road network” (p. 18).

It is therefore considered that the proposed land use which involves a food and drink premises (café) of 259 square metres will not result in negative impacts on the safety and efficiency of traffic and that the proposed land use is appropriate overall in the context of the land use decision guidelines of the General Residential Zone.

5.2.2 BUILDINGS AND WORKS PROPOSAL

The proposed buildings and works have been comprehensively assessed against the relevant policies of the Kingston Planning Scheme including the objectives and standards of Clause 55 of the Kingston Planning Scheme (refer to Appendix B for the assessment).

Key conclusions arising from this assessment are summarised below:

- The proposed development addresses the State Planning Policy Framework in the following ways:
  - The proposal will contribute to meeting local housing needs, provide for the consolidation, redevelopment and intensification of existing urban areas and contribute to supply of housing near services and public transport (Clause 11.02 and 11.04)
  - The proposed development has been designed to respond positively to the existing neighbourhood character and landscape context (Clause 11.02 and Clause 15)
  - The proposal is an opportunity to contribute to development to meet housing needs within an area where there is limited land available for development (Clause 11.02)
  - The proposal supports the concept of a 20 minute neighbourhood (Clause 11.04-4)
  - The proposed development responds to Clause 11.04-5 Environment and Water and Clause 19.03-2 – Water Supply and Drainage as it includes rainwater reuse using a 20,000L rainwater tank which will be used to provide water to toilets and includes landscaping to provide site permeability (Clause 11.04-5).
  - The proposed development responds to various objectives of Clause 15 - Built Environment and Heritage as it responds to the site’s built form, landscape and cultural contexts through its design which respects the heritage building through its siting, height and style, will build on the existing landscape setting and provides an appropriate height transition from the adjacent buildings to the new apartment building. The proposal has been designed to a high standard and will be constructed from a range of quality materials. Additionally, the development will contribute considerably to the streetscapes along Beach Road and Mentone Parade through the landscaped setting of the development which includes a pedestrian link. The development will also increase passive surveillance of the street from the proposed apartments.
  - The proposal will assist in meeting the housing needs of the community and is therefore supportive of the aims of Clause 16 – Housing.
The proposed development addresses the Kingston Municipal Strategic Statement in the following ways:

- The proposed development responds to the statement within the MSS that detached housing remains the predominant housing type in the City of Kingston at 80 per cent. This is considered to be an issue as the population ages and household sizes decrease.

- The proposed development will contribute to meeting housing needs and balances this with the consideration of neighbourhood character as mentioned at Clause 21.05 – Residential Land Use. The proposed land use mix, built form and landscape setting have been influenced strongly by the site context which includes predominantly double storey development along Beach Road and single and double storey built form along Mentone Parade and a combination of residential and school uses.

- Clause 21.05 – Residential Land Use seeks to promote a range of lot sizes and housing types including medium density housing on large residential opportunity sites, particularly where sites are well connected to public transport and other facilities. The proposed development responds directly to this policy.

- Clause 21.05 also seeks to retain existing buildings which contribute to the character of the surrounding neighbourhood. The Mentone Hotel building is proposed to be externally restored and the interior sensitively upgraded.

- Clause 21.05 and 21.08 encourage new development to respond sensitively to interfaces with the foreshore. The form and style of the proposed buildings which includes an appropriate transition provided by positioning the townhouse development and its areas of private open space towards the northern interfaces. This will ensure the sensitive interfaces are appropriately addressed.

The proposed development addresses the Local Planning Policy Framework in the following ways:

- Clause 22.11 – Residential Development Policy seeks to pursue incremental housing change for this area and to encourage architectural and design outcomes that positively respond to neighbourhood character. The proposed development involves a maximum of four storey built form on a large redevelopment site which is within a residential area but surrounded on all sides by schools and a 2-3 storey apartment building. Within this context, the proposed apartment building with an appropriate height transition down towards the apartment building is considered to represent incremental change and an appropriate response to neighbourhood character. The proposal is appropriately massed in relation to the surrounding buildings and will be attractively landscaped to further integrate the development into its setting. Within the development, trees will remain a major element in the appearance and character of the municipality’s residential environment. This is sought by the policy.

- Clause 22.11 also seeks to protect amenity by promoting adequate on-site car parking and appropriately sited and designed development at interfaces with sensitive and strategic land uses. The proposal includes all car parking required by Clause 52.06 – Car Parking which will be concealed at basement levels and accessed via one crossover, and the development has been designed to protect the visual amenity of existing dwellings through side setbacks, graduated built form and attractive landscaping.

- Clause 22.16 – Heritage Policy seeks to conserve and enhance places of aesthetic, architectural or historical significance. Specifically, for new buildings, the policy encourages new development that:
  - Will not be confused with the original historic fabric;
  - Will ensure that as much of the original historic fabric remains intact. Facadism is strongly discouraged;
  - Are compatible with the architectural design and aesthetic characteristics of the individual building and area, and be visually recessive to support the visual dominance of the significant elements of the heritage place;
- Will not visually dominate an existing heritage place or street in terms of size, height and bulk when viewed from the street frontage or frontages, where relevant;

- Respects the architectural integrity of the heritage place;

- Adopts a contemporary architectural character of an understated character to minimise the visual dominance over adjacent contributory buildings, the heritage place or heritage precinct in terms of size, height or bulk;

- Repeats the particular rhythm, spatial characteristics and character of significant heritage places and other contributory buildings in a Heritage Overlay area;

- Relates to and uses as reference points the materials, front and side setbacks, roof form, colours and details of adjacent buildings and the surrounding precinct. New materials may be introduced provided that they are complementary to the significance of the heritage place;

- Avoids blank walls at ground and upper floor levels when viewed from surrounding streets.

- The proposed townhouses and apartment building are considered to achieve the above guidelines for new development in relation to heritage places as the proposed buildings include the following elements:
  - A contemporary design which will be easily distinguished from but compatible with the heritage building and uses reference points from the heritage building’s materials and style to inform its design
  - A visual separation between the old and new will be achieved using a setback
  - The proposed height and façade detailing is intended to ensure that the heritage building retains its visual prominence
  - No blank walls are proposed.
  - The proposed new buildings will not obstruct principal viewlines to heritage buildings and does not include visible car ports or garages.
  - The proposed restoration of the heritage building, which is subject to an application to Heritage Victoria is also consistent with this policy which supports restoration where there is sufficient evidence of the earlier state of the fabric.

- The Heritage Impact Statement prepared by Lovell Chen in relation to the part of the site affected by the Heritage Overlay but not the VHR considers that the proposed development appropriately responds to the above policy. The HIS states:

  “The proposed development is consistent with these policies on new development. The contemporary design is sympathetic to the Mentone Hotel in form, scale and materials, and will not be confused with original fabric. Furthermore, the visual dominance of and principal viewlines to the heritage building will be retained through the lower height of the new buildings. Clause 22.16-4 also states that it is policy for the responsible authority to consider as appropriate the views of Heritage Victoria. Heritage Victoria will assess the permit application for the works to the VHR registered hotel building” (p. 12).

The HIS concludes that:

  “The proposed redevelopment on the car park to the rear of the Mentone Hotel, comprising the construction of a four-storey apartment building and townhouse row, is acceptable in heritage terms” (p. 12).

For the above reasons, the proposed development also responds to the decision guidelines of Clause 43.01 - Heritage Overlay.
The proposed development performs well in the context of the standards of Clause 55 of the Planning Scheme. Following is a summary of the proposal’s required variations to the Clause 55 standards:

Summary of variations required to Rescode assessment

The proposal performs well against the standards of Clause 55 and will therefore provide for an excellent level of internal amenity and will preserve the existing residential amenity of the area. The site is currently affected by Schedule 3 to the General Residential Zone which contains a number of local variations to the Clause 55 standards. The incorporated document includes a site specific variation to facilitate the proposed height on the site and apartment development.

Following is a summary of the areas in which a variation is required to the Clause 55 Standards:

Site Coverage

Schedule 3 to the General Residential Zone includes a variation to the standard, requiring no more than 50 per cent site coverage. The proposed development has a site coverage of 72 per cent which exceeds the maximum. The objective for site coverage is:

To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.

The proposed development meets the objective for site coverage by incorporating a landscape plan and areas of private open space at ground level which will complement the area and the site.

Street Setbacks

The proposed development achieves the objective of Clause 55.03-1 which is:

To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.

The site is on a corner. However, as the existing building on the corner of the site is to be retained, it was considered more appropriate to assess the proposal as if it were not on a corner.

The proposed street setbacks will provide for an appropriate transition between the existing hotel building at the corner and the existing buildings to the north when viewed from both streets. The setbacks to Beach Road comply with the standard. However, a minor variation to the standard in relation to the setbacks from Mentone Parade is required. The average setback between the existing buildings on Mentone Parade is 4.76 metres and the proposed setbacks for the proposed development are between 4 and 6 metres for the townhouses and 3.2 metres for the apartment building (or 2.18 metres to the edge of the ground floor balcony. The levels above ground are recessed. The overall presentation to both streets is a development that provides a transition between the existing buildings at each end.

Building Height

Schedule 3 to the General Residential Zone includes a mandatory maximum height of 9 metres which is increased to 10 metres if any part of the site has a slope of 2.5 degrees or more across a length of 8 metres.

Both the existing building and the proposed apartment building and the townhouses exceed the 9 metre height control. It is proposed via a planning scheme amendment to exempt this development from the mandatory height control.

Viewed from Beach Road:

The existing hotel building height is between 12.6 metres and 13.2 metres viewed from Beach Road. The tower at the corner currently stands at 19.7 metres viewed from Beach Road.
The proposed apartment building viewed from Beach Road is between 11.42 metres and 12.5 metres in height (+ 1 metre for plant and lift over run). The apartment building will provide a graduation down towards the townhouses to the north which have a maximum height of 9.2 metres.

Viewed from Mentone Parade:

The existing hotel building height is 15.08 metres tall viewed from Mentone Parade. The tower at the corner stands at 21.2 metres viewed from Mentone Parade.

The proposed apartment building viewed from Mentone Parade is between 14.6 metres and 14.7 metres in height (+ 1 metre for plant and lift over run). The apartment building will provide a graduation down towards the townhouses to the north.

When considered in context, the height variation will not have a detrimental impact on the appearance of the site, as the existing height of the prominent heritage building already exceeds the mandatory height control.

Parking Location:

The proposed parking location meets the standard. However, there are two apartments which are proposed to be located directly above the vehicle crossover to the car park. As there is not proposed to be a security gate at the entry to the car park, this is not considered inappropriate in the context of the proposed development and is not expected to create unreasonable noise impacts for residents. The security gate will be provided further into the car park to separate the restaurant from the staff parking. Any concern regarding noise can be addressed using thick glazing as recommended by an acoustic consultant.

The proposal is considered to meet the objectives of Clause 55.03-10 which are:

- To provide convenient parking for resident and visitor vehicles.
- To protect residents from vehicular noise within developments.

Private Open Space:

Schedule 3 to the General Residential Zone includes the following variation to Standard B28 which relates to private open space:

40 square metres, a minimum dimension of 5 metres and convenient access from a living room. If a dwelling has more than 2 bedrooms an additional ground level private open space area of 20 square metres with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80 square metres of private open space required for the dwelling.

There is no guidance provided on apartments or balconies.

The proposed development cannot meet the standard but meets the objective of Clause 55.05-4 which is:

To provide adequate private open space for the reasonable recreation and service needs of residents.

For the proposed development, 1 dwelling out of 68 (Apartment 37) will have no private open space due to its position on the corner of the heritage building. The remaining apartments will have between 8 square metres and 159 square metres of private open space. 67 apartments will have private open space of 8 square metres or more and 13 will have more than 40 square metres of private open space. Private open space is to be provided with access from a living area.

The proposal addresses the objectives of Schedule 3 in the following ways:

- The minimum dimensions ensure that the areas of open space are useable
- The open space areas are accessed directly from a living room
- Areas of private open space are oriented to receive as much sunlight access as possible
- The development will provide a landscaped pedestrian link
- The site is well connected to public open space including the beach and local reserves including the RSL across Mentone Parade and Mentone Reserve.

Weather protection of mailboxes:

The bin storage area will be located at basement level. However, the mailboxes which are proposed to be provided in two groups will be located in the lobby of the heritage building and at the entry to the new apartment building from the new pedestrian link. The mailboxes at the entry to the new apartment building have been relocated to have weather protection.

- The development is a well-considered response to the local context which includes two schools, an apartment building, the broader residential area, the coastal location and the general landscape character. Specifically, the proposal responds to this context in the following ways:
  - A residential development with a restaurant on a large partially vacant site within an established residential area is considered to be highly responsive to the land use mix of the area.
  - The building heights of the proposed new buildings will form a transition between the prominent heritage building and the 2-3 storey apartment building to the north and the school buildings.
  - Generous setbacks are proposed to separate the proposed townhouses from the adjacent school and apartment development’s driveway.
  - Landscaping will play a strong role in integrating the development within its residential setting. A landscape plan has been prepared by Aspect Studios which has taken the existing species present at the site into account and the character of the local area in selecting appropriate species for planting in and around the site.
  - A pedestrian link between two streets will integrate the site functionally within the area, provide further landscaping opportunities and a social environment for the new residential development.
  - The reduction in the number of vehicle crossovers from 4 to 1 will improve safety at the site’s street interfaces and respond to the residential nature of the area.
  - The proposal will fund the necessary restoration of the heritage building
  - All necessary car parking will be provided with an additional 25 spaces to be provided. Additionally, bicycle parking exceeding the requirement by 29 spaces will ensure that the development does not lead to unreasonable pressure being placed on the surrounding area in relation to on-street parking.
6 Conclusion

The site specific exemption and use and buildings and works proposal offer a positive response to Council’s objectives in relation to housing, urban design, heritage, and sustainability. The proposed development is a thoroughly considered response to its various contexts including its residential location and heritage significance and the planning scheme amendment is supported by robust strategic foundations.

This development will transform an underperforming hotel and vacant car park site to a vibrant, attractive and inviting residential site with an on-site café to serve local residents, school staff, parents and visitors to the area. The improvement to the amenity at and around the site will be noticeable. Additionally, the project will fund the restoration of the exterior of the heritage building will help to preserve a local icon into the future.

For the reasons set out in this report, we recommend that Council support this rare opportunity to celebrate a heritage building and support local amenity and housing diversity.
Disclaimer

This report is dated April 2015 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd’s (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Mentone Bayside Corporation (Instructing Party) for the purpose of town planning application (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.
Appendix A  Certificates of Title
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08351 FOLIO 756

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 055412.

PARENT TITLE Volume 07015 Folio 966
Created by instrument B332095 01/06/1962

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

LEAWARRA FALLS PTY LTD of 63-69 PIPE ROAD LAVERTON NORTH 3026
T060028X 02/05/1994

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE T060030U 02/05/1994
NATIONAL AUSTRALIA BANK LTD

CAVEAT AL599599T 06/01/2015
Caveator
SEXTON PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
29/12/2014
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
HDME LAWYERS
Notices to
HDME LAWYERS of LEVEL 1 600 ST KILDA ROAD MELBOURNE VIC 3004

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP055412 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: 95-97 BEACH ROAD MENTONE VIC 3194

Delivered from the Landata® System by SAI Global Property Division Pty Ltd
Delivered at 18/06/2015, for Order Number 29569379. Your reference: MA9255.
OF PART OF CROWN ALLOTMENT E AND F PORTION 50

PARISH OF MOORABBIN

COUNTY OF BOURKE

C/T V.T015 F.966

Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

APPROPRIATIONS
THE LAND COLOURED BLUE
IS APPROPRIATED OR SET APART FOR
WATER SUPPLY PURPOSES

ENCUMBRANCES
AS TO THE LAND MARKED E-2:
THE DRAINAGE EASEMENT APPROPRIATED
OR SET APART IN LP 64632

<table>
<thead>
<tr>
<th>LAND</th>
<th>I.D.</th>
<th>MODIFICATION</th>
<th>DEALING NUMBER</th>
<th>EDITION</th>
<th>ASSISTANT REGISTRAR OF TITLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT 1</td>
<td>E-2</td>
<td>CREATION OF EASEMENT</td>
<td>LP 64632</td>
<td>2</td>
<td>A.D.</td>
</tr>
</tbody>
</table>

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.
REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08351 FOLIO 757  Security no : 124055684982Y
Produced 18/06/2015 09:36 am

LAND DESCRIPTION
----------------
Lot 2 on Plan of Subdivision 055412.
PARENT TITLE Volume 07015 Folio 966
Created by instrument B332095 01/06/1962

REGISTERED PROPRIETOR
---------------------
Estate Fee Simple
SOLE PROPRIETOR
LEAWARRA FALLS PTY LTD of 63-69 PIPE RD LAVERTON NORTH 3026
T060029U 02/05/1994

ENCUMBRANCES, CAVEATS AND NOTICES
---------------------------------
MORTGAGE T060030U 02/05/1994
NATIONAL AUSTRALIA BANK LTD

CAVEAT AL599599T 06/01/2015
Caveator
SEXTON PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

<table>
<thead>
<tr>
<th>Parties</th>
<th>Date</th>
<th>Estate or Interest</th>
<th>Prohibition</th>
<th>Lodged by</th>
<th>Notices to</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE REGISTERED PROPRIETOR(S)</td>
<td>29/12/2014</td>
<td>FREEHOLD ESTATE</td>
<td>ABSOLUTELY</td>
<td>HDME LAWYERS</td>
<td>HDME LAWYERS of LEVEL 1 600 ST KILDA ROAD MELBOURNE VIC 3004</td>
</tr>
</tbody>
</table>

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION
----------------
SEE LP055412 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS
-------------------------------
NIL

--------------------------END OF REGISTER SEARCH STATEMENT--------------------------
**Parish of Moorabbin**

**County of Bourke**

C/T: V. 7015 F. 966

**Measurements are in Feet & Inches**

Conversion Factor

FEET X 0.3048 = METRES

---

**Appropriations**

The land coloured blue is appropriated or set apart for water supply purposes.

**Encumbrances**

As to the land marked E-2:

- The drainage easement appropriated or set apart in LP 64632

---

<table>
<thead>
<tr>
<th>LAND</th>
<th>I.D.</th>
<th>Modification</th>
<th>Dealing Number</th>
<th>Edition</th>
<th>Assistant Registrar of Titles</th>
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</thead>
<tbody>
<tr>
<td>LOT 1</td>
<td>E-2</td>
<td>Creation of Easement</td>
<td>LP 64632</td>
<td>2</td>
<td>A.D.</td>
</tr>
</tbody>
</table>

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**Warning:** The image of this document of the register has been digitally amended. No further amendments are to be made to the original document of the register.
LAND DESCRIPTION
-------------------
Lot 2 on Plan of Subdivision 064632.

PARENT TITLE Volume 08351 Folio 758
Created by instrument C232340 03/06/1965

REGISTERED PROPRIETOR
-----------------------
Estate Fee Simple
Sole Proprietor

LEAWARRA FALLS PTY LTD of 63-69 PIPE RD LAVERTON NORTH 3026
T060027B 02/05/1994

ENCUMBRANCES, CAVEATS AND NOTICES
------------------------------------
MORTGAGE T060030U 02/05/1994
NATIONAL AUSTRALIA BANK LTD

CAVEAT as to part R103651M 22/11/1990
Caveator
STATE ELECTRICITY COMMISSION OF VICTORIA
Capacity SEE CAVEAT
Lodged by
STATE ELECTRICITY COMMISSION OF VICTORIA
Notices to
ALINTA LTD of 422 WARRIGAL ROAD MOORABBIN VIC 3189
AMENDMENT OF ADDRESS ON CAVEAT AC996466D 21/07/2004

CAVEAT AL599599T 06/01/2015
Caveator
SEXTON PTY LTD
Grounds of Claim
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
29/12/2014
Estate or Interest
FREEHOLD ESTATE
Prohibition
ABSOLUTELY
Lodged by
HDME LAWYERS
Notices to
HDME LAWYERS of LEVEL 1 600 ST KILDA ROAD MELBOURNE VIC 3004

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 or imaged folio set out under DIAGRAM LOCATION below.
DIAGRAM LOCATION
-------------
SEE LP064632 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: 95-97 BEACH ROAD MENTONE VIC 3194

DOCUMENT END

Delivered from the Landata® System by SAI Global Property Division Pty Ltd
Delivered at 18/06/2015, for Order Number 29569517. Your reference: MA9255.
PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENTS E & F PORTION 50
PARISH OF MOORABBIN

SCALE OF FEET
0  50  100  150

CHART No. 139

COLOUR CONVERSION
E = 1 = BLUE
B = 2 = GREEN
A = 1 = YELLOW
A = 2 = PURPLE

The land colored blue is set apart for drainage & sewerage purposes.
The land colored green is set apart for water supply purposes.
The land colored yellow is an appurtenant drainage & sewerage easement (see LP 684830).
The land colored purple is an appurtenant drainage easement.

FOR APPROPRIATIONS, ETC.
SEE BACK HEREOF
CERTIFICATE OF TITLE  V. 8164  F. 799

LODGED BY F. H. COX AND SON

DATE 22.5.64

DECLARED BY J. W. M. O'KUE 4.12.63

CONSENT OF COUNCIL CITY OF MOROIALLO

28.3.64

PLAN APPROVED DATE 18.3.66 TIME 2.45

THE LAND COLOURED BLUE
IS APPROPRIATED
OR SET APART FOR
EASEMENTS OF DRAINAGE AND SEWERAGE.

THE LAND COLOURED GREEN
IS APPROPRIATED
OR SET APART FOR
EASEMENTS OF WATER SUPPLY PURPOSES.

THE LAND COLOURED PURPLE
IS APPROPRIATED
OR SET APART FOR
EASEMENTS OF DRAINAGE.

THE LAND COLOURED YELLOW.
IS AN IMPLIED
EASEMENT.
VIDE SEC 98 T.L.A.
Appendix B  ResCode Assessment
Assessment Table 2 - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

Refer to Clause 55 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B1 Neighbourhood Character</strong></td>
<td>Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</td>
<td></td>
</tr>
<tr>
<td>1. Appropriate design response to the neighbourhood and site.</td>
<td>✓ Complies The proposed townhouses at 2 and 3 storeys, provide an appropriate transition between the adjacent buildings (2 and 3 storeys) and the 4 storey apartment building. The style and siting of the proposed new buildings will help to preserve the visual prominence of the heritage building. Please refer to section 2.2.3 and 5.2.2 of this report for additional detail.</td>
<td></td>
</tr>
<tr>
<td>2. Design respects the existing or preferred neighbourhood character &amp; responds to site features.</td>
<td>✓ Complies The area is identified in the planning scheme for ‘incremental change’ where built form is predominantly low-rise and lower density in nature. The actual physical context of the area however, comprises a clear pattern of double storey dwellings along Beach Road, a 2 and 3 storey apartment building, school buildings and grounds and a range of lot sizes including single dwellings and units. The proposed development acknowledges the built form and landscape context of the area through its height, siting and landscape design. Please refer to sections 2.2.3 and 5.2.2 of this report for additional detail.</td>
<td></td>
</tr>
<tr>
<td><strong>B2 Residential Policy</strong></td>
<td>Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</td>
<td></td>
</tr>
<tr>
<td>1. Application to be accompanied by written statement that explains consistency with relevant housing policy in SPPF, LPPF, MSS and local planning policies.</td>
<td>✓ Complies Please refer to section 5.2.2 of this report for additional detail.</td>
<td></td>
</tr>
<tr>
<td>Title &amp; Objective</td>
<td>Standard</td>
<td>Complies / Does Not Comply / Variation Required</td>
</tr>
<tr>
<td>------------------</td>
<td>----------</td>
<td>-------------------------------------------------</td>
</tr>
</tbody>
</table>
| **B3** Dwelling Diversity | Developments of ten or more dwellings to provide for:  
- Dwellings with a different number of bedrooms.  
- At least one dwelling containing a kitchen, bath or shower, and a toilet and wash basin at ground floor level. | ✓ Complies  
A range of dwelling sizes are proposed including 10 x 1 bedroom dwellings, 37 x 2 bedroom dwellings and 21 x 3 bedroom dwellings. |
<p>| <strong>B4</strong> Infrastructure | Connection to reticulated sewerage, electricity, gas and drainage services. | ✓ Complies |</p>
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B5</strong> Integration with the Street</td>
<td>Integrate the layout of development with the street.</td>
<td></td>
</tr>
<tr>
<td>1. Development orientated to front existing and proposed streets.</td>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>2. Vehicle and pedestrian links that maintain and enhance local accessibility.</td>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>3. High fences in front of dwellings should be avoided if practicable.</td>
<td>✓ Complies</td>
<td></td>
</tr>
<tr>
<td>4. Development next to public open space should be laid out to complement the open space.</td>
<td>- N/A</td>
<td></td>
</tr>
</tbody>
</table>
### Title & Objective

<table>
<thead>
<tr>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>B6</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Street Setback</strong></td>
<td>The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</td>
</tr>
</tbody>
</table>

1. Walls of buildings should be set back from streets:
   - at least the distance specified in the schedule to the zone, or
   - If no distance is specified in the schedule to the zone setbacks should be as set out below.

   *Porches, pergolas and verandahs less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.*

   No setback specified in the Zone. See below.
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Existing building on both the abutting allotments facing the same street &amp; site is not on a corner. Min front Setback = average setback of existing buildings on abutting allotments facing the front street or 9m, whichever is the lesser.</td>
<td>✗ Does not comply Minor variation required. The proposal is consistent with the objective. The site is a corner site. However, the existing building at the corner is to be retained. Therefore, it is appropriate to assess the proposal against Standard 2.</td>
<td></td>
</tr>
</tbody>
</table>

**Townhouses:**

*Setbacks from Beach Road:*
The existing building on the site at the corner is setback by a minimum of 2.54 metres from Beach Road and the existing apartment building at 94 Beach Road is setback by 6.79 metres. The average setback would be 4.66 metres and the proposed townhouses are to be setback by between 5 metres. This complies with the standard.

*Setbacks from Mentone Parade:*
The existing building at the corner of the site is setback by 2.1 metres from Mentone Parade. The school building to the north of the site addressing Mentone Parade has an angled setback from the street. Closest to the subject site, the setback is approximately 7.42 metres. The average setback would be 4.76 metres and the proposed townhouses are setback from Mentone Parade by between 4 and 6 metres. This is considered to be consistent with the standard but requires a slight variation.

**New apartment building:**

*Setbacks from Beach Road:*
The proposed setback for the new apartment building is 2.61 metres to the edge of the ground floor balcony and 5 metres to the proposed wall of the building. As the average setback between the two existing buildings is 4.66 metres, the proposed apartment buildings with a setback of 5 metres complies with the standard.
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>This will give the new building a more recessive appearance than the existing building and provides a transition in setbacks from the corner of the site to the townhouses.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Setbacks from Mentone Parade: The proposed setback for the new apartment building to the edge of the balcony at ground floor level is 2.18 metres and 3.2 metres to the proposed wall of the building. This will give the new building a more recessive appearance than the existing building and provides a transition in setbacks from the corner of the site to the townhouses. A slight variation is required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Existing building + vacant site either side of the subject site facing the same street &amp; site is not on a corner Min front Setback = same setback of front wall of existing building or 9m, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. The site is on a corner Min side setback for front walls = Same setback of existing building or 9m, whichever is the lesser. If no building 6m for streets in a RDZ1 and 4m for other. Min side setback for side walls = same setback of existing building or 3m, whichever is the lesser.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The site is on a corner. However, as the existing building at the corner is to remain, this standard has been assessed above.</td>
</tr>
<tr>
<td>Title &amp; Objective</td>
<td>Standard</td>
<td>Complies / Does Not Comply / Variation Required</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>5.</td>
<td>There is no existing building on either of the abutting allotments facing the same street &amp; site is not on a corner. Min front setback = 6m in RDZ1 &amp; 4m for other streets.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Title & Objective**

**B7 Building Height**
Building height should respect the existing or preferred neighbourhood character.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
</table>
| 1. The maximum building height should not exceed that specified in the zone, schedule to the zone or any overlay that applies to the land. | ✗ Does not comply  
Variation required.  
The proposed apartment building does not exceed the height of the existing hotel building but does exceed the height controls of the zone and DDO.  
The proposed townhouses at 8.6 metres comply with the height 9 metre mandatory control specified in Schedule 3 to the GRZ.  
The variations required for the apartment building are:  
Heights viewed from Beach Road:  
Existing hotel building height is between 12.6 metres and 13.2 metres viewed from Beach Road. The tower at the corner stands at 19.7 metres viewed from Beach Road.  
The proposed apartment building viewed from Beach Road is between 11.42 metres and 12.5 metres in height. The apartment building will provide a graduation down towards the townhouses to the north.  
Although the proposed height is less than the existing building, it exceeds the 9 metre mandatory height control imposed by Schedule 3 to the General Residential Zone and the mandatory 2 storey height control imposed by Schedule 1 to the Design and Development Overlay. This proposal therefore seeks to include an incorporated document in the Planning Scheme which would exempt the development from these controls.  
Heights viewed from Mentone Parade:  
Existing hotel building height is 15 metres tall viewed from Mentone Parade. The tower at the corner stands at 21.2 metres viewed from Mentone Parade.  
The proposed apartment building viewed from Mentone Parade is 14.7 metres in height. The apartment building will provide a graduation down towards the townhouses to the north.  
See over page. |
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Although the proposed height is less than the existing building, it exceeds the 9 metre mandatory height control imposed by Schedule 3 to the General Residential Zone and the mandatory 2 storey height control imposed by Schedule 1 to the Design and Development Overlay. This proposal therefore seeks to include an incorporated document in the Planning Scheme which would exempt the development from these controls.</td>
</tr>
<tr>
<td>2. Where no maximum height is specified, the max height should not exceed 9m, unless the slope of the natural ground level at any cross section wider than 8m of the site is 2.5 degrees or more, in which case the max height should not exceed 10m.</td>
<td>- N/A</td>
<td></td>
</tr>
<tr>
<td>3. Changes of building height between new and existing should be graduated.</td>
<td>✓ Complies</td>
<td>The 4 storey height of the proposed apartment building is graduated down towards the adjacent buildings using the townhouses and their areas of private open space. The townhouses are proposed to be 2 and 3 storeys in height. This will provide an appropriate variation towards the 2 storey school building and the part 2 and 3 storey apartment building at 94 Beach Road.</td>
</tr>
<tr>
<td>B8 Site Coverage</td>
<td>✓ Does not comply</td>
<td>Variation required. Schedule 3 to the General Residential Zone includes a variation to the standard, requiring no more than 50 per cent site coverage. The proposed development has a site coverage of 72 per cent. Given that the site is being considered for a height variation for multi-dwelling development by changing the schedule to the zone, this percentage could also be considered to be removed or changed.</td>
</tr>
</tbody>
</table>

**Site Coverage**

Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.

1. The site area covered by buildings should not exceed:
   - The max site coverage specified in the schedule to the zone, or
   - If no max site coverage is specified 60%
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
<th>Complies / Does Not Comply / Variation Required</th>
</tr>
</thead>
</table>
| **B9** Permeability | 1. At least 20% of the site should not be covered by impervious surfaces | ✗ Does not comply  
Variation required.  
The site will have a total permeability of approximately 8.4 per cent.  
The existing site permeability is low, as the car park area is almost completely paved. |
| **B10** Energy Efficiency | 1. Orientation of buildings should make appropriate use of solar energy. | ✓ Complies  
The proposed development comprises apartments with a range of configurations and seeks to maximise access to northern sunlight and natural light in general. |
|                   | 2. Siting and design of buildings should not reduce the energy efficiency of buildings on adjoining lots. | ✓ Complies  
The subject site is positioned to the south of adjoining lots and therefore cannot obstruct access to sunlight. |
|                   | 3. If practicable the living areas and private open space are to be located on the north side. | ✓ Complies  
Where practicable, living areas and private open space is located to the north of dwellings. All areas of private open space and living areas of the townhouses are located on the northern side. |
|                   | 4. Solar access for north-facing windows should be maximised. | ✓ Complies  
The shape of the site benefits from having its wide side to the north, which has enabled the wider side of the apartment building (and more apartments) to have a northern aspect. |
| **B11** Open Space | 1. Public open spaces should:  
- Be substantially fronted by dwellings.  
- Provide outlook for dwellings.  
- Be designed to protect natural features.  
- Be accessible and usable. | ✓ Complies  
The proposed development includes a landscaped pedestrian link through the site. This is fronted by dwellings on both sides. The link will be accessible by the public. |
| **B12** Safety | 1. Entrances to dwellings and residential buildings should not be isolated or obscured from the street and internal accessways. | ✓ Complies  
Entrances to buildings are either visible to the street or to internal accessways. |
|                   | 2. Planting should not create unsafe spaces along streets and accessways | ✓ Complies  
The proposed landscaping includes a range of plants which will contribute to an attractive setting for the development without obstructing views of the site’s interfaces. |
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
<th>Standard</th>
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</tr>
</thead>
</table>
| **B13** Landscaping | To provide appropriate landscaping To encourage:  
- Development that respects the landscape character of the neighbourhood.  
- Development that maintains and enhances habitat for plants and animals in locations of habitat importance.  
- The retention of mature vegetation on the site. | ✔ Complies  
The proposed landscaping has been influenced by the existing plantings at the site and the surrounding area, for example, the Cabbage Palms which stand at the corner entry and on Beach Road.  
The landscape design will provide for a safe, attractive and functional environment. |
| 1. Landscape layout and design should:  
- Protect predominant landscape features of the neighbourhood  
- Take into account the soil type and drainage patterns of the site  
- Allow for intended veg. growth and structural protection of buildings  
- In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.  
- Provide a safe, attractive and functional environment for residents | ✔ Complies |
| 2. Development should:  
- Provide for the retention or planting of trees, where these are part of the character of neighbourhood.  
- Provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made. | ✔ Complies  
6 existing trees are to be retained onsite. No trees have been removed in the last 12 months.  
New trees are to be planted and a range of shrubs and other ground covers. |
| 3. Landscape design should specify landscape themes, vegetation location & species, paving & lighting. | ✔ Complies  
Lighting is to be selected and located at a later stage. |
| **B14** Access | Ensure the safe, manageable and convenient vehicle access to and from the development.  
Ensure the number and design of vehicle crossovers respects neighbourhood character. | ✔ Complies |
| 4. The width of the accessways or car spaces should not exceed:  
- 33% of the street frontage; or  
- 40% if the width of the street frontage is less than 20m. | ✔ Complies |
<p>| 5. For each dwelling fronting a street, only one single width crossover should be provided. | - N/A |</p>
<table>
<thead>
<tr>
<th>Title &amp; Objective</th>
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<tbody>
<tr>
<td>6.</td>
<td>The location of crossovers will maximise the retention of on-street car parking spaces.</td>
<td>✅ Complies</td>
</tr>
<tr>
<td>Title &amp; Objective</td>
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<tr>
<td><strong>7.</strong> Access points to a road in Road Zones to be minimised.</td>
<td>✓ Complies No access points to a Road Zone road will be provided.</td>
<td></td>
</tr>
<tr>
<td><strong>8.</strong> Access for service, emergency and delivery vehicles must be provided.</td>
<td>✓ Complies These vehicles will be able to park outside the site on either Beach Road or Mentone Parade and there is a loading bay provided within the basement car park.</td>
<td></td>
</tr>
</tbody>
</table>
| **B15 Parking Location**  
Provide resident and visitor vehicles with convenient parking.  
Avoid parking and traffic difficulties in the development and the neighbourhood.  
Protect residents from vehicular noise within developments. |  
**1.** Car parking facilities should be:  
- Close and convenient to dwellings.  
- Secure.  
- Well ventilated if enclosed.  | ✓ Complies All required car parking will be provided within the basement levels. The resident parking will be secure. Appropriate ventilation will be provided. |
<p>| <strong>2.</strong> Shared accessways, car parks of other dwellings/ residential buildings should be at least 1.5m from the windows of habitable rooms. This setback may be reduced to 1m, where there is a fence at least 1.5m high or window sills are at least 1.4m above the accessway. | ✗ Does not comply Variation required. 2 apartments are located directly above the vehicle accessway to the basement. 2 windows are located above the accessway. This is not considered inappropriate in the context of the overall development. |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Amenity Impacts</strong></td>
<td>Clause 55.04</td>
<td></td>
</tr>
<tr>
<td><strong>Title &amp; Objective</strong></td>
<td><strong>Standard</strong></td>
<td><strong>Complies / Does Not Comply / Variation Required</strong></td>
</tr>
<tr>
<td><strong>B17 Side and Rear Setbacks</strong></td>
<td>Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
<td></td>
</tr>
<tr>
<td>1. A new building not on or within 200mm of a boundary should be setback from side or rear boundaries:</td>
<td></td>
<td>☑ Complies</td>
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<tr>
<td></td>
<td>- At least the distance specified in the schedule to the zone, or</td>
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<td></td>
<td>- 1m + 0.3m for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</td>
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<td>(refer Diagram B1 for more detail and information about minor encroachments).</td>
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<tr>
<td><strong>B18</strong>&lt;br&gt;Walls on Boundaries&lt;br&gt;Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</td>
<td>1. A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1m of a side or rear boundary of a lot should not abut the boundary for a length of more than:&lt;br&gt; 10m plus 25% of the remaining length of the boundary of an adjoining lot.&lt;br&gt;or&lt;br&gt; Where there are existing or simultaneously constructed walls or carports abutting the boundary of an abutting lot, the length of the existing or simultaneously constructed walls or carports - whichever is the greater.&lt;br&gt; A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in effective height of the wall or carport being less than 2m on the abutting property boundary.&lt;br&gt; A height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1m of a side or rear boundary should not exceed an average of 3.2m with no part higher than 3.6m unless abutting a higher existing or simultaneously constructed wall.</td>
<td>- N/A</td>
</tr>
<tr>
<td><strong>B19</strong>&lt;br&gt;Daylight to Existing Windows&lt;br&gt;Allow adequate daylight into existing habitable room windows.</td>
<td>1. Buildings opposite an existing habitable room window should provide a light court of at least 3sqm and a minimum dimension of 1m clear to the sky (this can include land on the adjoining lot).</td>
<td>✓ Complies</td>
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<td>2. Walls or carports more than 3m in height opposite should be setback from the window at least 50% of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</td>
<td>- N/A</td>
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<tr>
<td></td>
<td><strong>B20</strong></td>
<td><strong>North Facing Windows</strong></td>
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<tr>
<td></td>
<td><strong>B21</strong></td>
<td><strong>Overshadowing Open Space</strong></td>
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### Title & Objective

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<tr>
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<tbody>
<tr>
<td><strong>B22</strong></td>
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<tr>
<td><strong>Overlooking</strong> Limit views into existing secluded private open space and habitable room windows.</td>
<td>Complies The townhouses will not overlook the neighbouring properties, as screens are to be provided to 1.7 metres in height at first floor level and the windows at second floor level are highlight windows. The proposed apartments are of a height and location that will not facilitate overlooking into the adjacent properties.</td>
</tr>
</tbody>
</table>

1. A habitable room window, balcony, terrace, deck or patio should be designed to avoid direct views into the secluded private open space of an existing dwelling within 9m (see clause for details) should have either:
   - A minimum offset of 1.5m from the edge of one window to the other.
   - Sill heights of at least 1.7m above floor level.
   - Fixed obscure glazing in any part of the window below 1.7m above floor level.
   - Permanently fixed external screens to at least 1.7m above floor level and be no more than 25 % transparent.

- N/A

2. Obscure glazing below 1.7m above floor level may be openable if there are no direct views as specified in this standard.

3. Screens to obscure view should be:
   - Perforated panels or trellis with solid translucent panels or a maximum 25% openings.
   - Permanent, fixed and durable.
   - Blended into the development.
   - See Clause 55.04-6 for instances where this standard does not apply.

### B23 Internal Views

Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.

1. Windows and balconies should be designed to prevent overlooking of more than 50% of the secluded private open space of a lower level dwelling or residential building within the same development.

- Complies The windows of the proposed apartments are all outward facing, and do not overlook other apartments. Privacy screening will be provided between balconies.

### B24 Noise Impacts

Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.

1. Noise sources should not be located near bedrooms of immediately adjacent existing dwellings.

- Complies Apartment 14 will be located adjacent to the proposed restaurant. A new wall will be constructed to separate the two spaces. The bedrooms of the apartment will not be adjacent to the restaurant.
### Title & Objective | Standard | Complies / Does Not Comply / Variation Required
--- | --- | ---
2. Noise sensitive rooms and private open space should consider noise sources on immediately adjacent properties. | - N/A |
3. Noise levels should be limited in habitable rooms in dwellings and residential buildings. Dwellings and residential buildings should be designed to limit noise levels in habitable rooms close to busy roads, railway lines or industry. | ✓ Complies  
The building materials will ensure that noise from Beach Road will not affect internal amenity. |

### On-Site Amenity and Facilities Clause 55.05

| Title & Objective | Standard | Complies / Does Not Comply / Variation Required
--- | --- | ---
**B25 Accessibility**  
Consider people with limited mobility in the design of developments. | 1. Dwelling entries of the ground floor of buildings should be accessible or able to be easily made accessible to people with limited mobility. | ✓ Complies  
The existing hotel building will continue to facilitate easy access for people with limited mobility. The new apartment building will be accessible from within the existing building and from an entry to the atrium from the pedestrian link which will be ramped from the footpath on Beach Road. |
**B26 Dwelling Entry**  
Provide a sense of identity to each dwelling/residential building. | 1. Entries are to be visible and easily identifiable from streets and other public areas. | ✓ Complies |
2. The entries should provide shelter, a sense of personal address and a transitional space. | ✓ Complies  
The existing building will continue to include a verandah to Beach Road over the main entry. |
**B27 Daylight to New Windows**  
Allow adequate daylight into new habitable room windows. | 1. Habitable room windows to face:  
- Outdoor space open to the sky or light court with minimum area of 3sqm and a min. dimension of 1m clear to the sky or;  
- Verandah, provided it is open for at least one third of its perimeter or;  
- A carport provided it has two or more open sides and is open for at least one third of its perimeter. | ✓ Complies  
All new dwellings will have outlooks to the sky or areas with more than a minimum dimension of 3 square metres and 1 metre clear to the sky. |
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<tr>
<td><strong>B28</strong> &lt;br&gt;Private Open Space</td>
<td>Provide reasonable recreation and service needs of residents by adequate private open space</td>
<td>1. Unless specified in the schedule to the zone, a dwelling should have private open space consisting of: 40sqm with one part at the side or rear of the dwelling/residential building with a minimum dimension of 3m, a minimum area of 25sqm and convenient access from a living room or; Balcony - minimum 8sqm, minimum width 1.6m and accessed from living room or; Roof-top – minimum 10sqm, minimum width 2m and convenient access from living room.</td>
</tr>
<tr>
<td><strong>B29</strong> &lt;br&gt;Solar Access to Open Space</td>
<td>Allow solar access into the secluded private open space of new dwellings/buildings.</td>
<td>1. The private open space should be located on the north side of the dwelling if appropriate.</td>
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<td>2. Southern boundary of open space should be setback from any wall on the north of the space at least (2+0.9h) h= height of wall.</td>
</tr>
<tr>
<td><strong>B30</strong> &lt;br&gt;Storage</td>
<td>Provide adequate storage facilities for each dwelling.</td>
<td>1. Each dwelling should have access to a minimum 6m² of externally accessible, secure storage space.</td>
</tr>
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### Detailed Design

#### Clause 55.06

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</table>
| **B31** Design Detail | 1. Design of buildings should respect the existing or preferred neighbourhood character and address:  
- Façade articulation & detailing.  
- Window and door proportions.  
- Roof form.  
- Verandahs, eaves and parapets. | ✓ Complies |
| | ✓ A preferred neighbourhood character type is not suggested by the Neighbourhood Character Guidelines 2007 or the local policies. In relation to the design of buildings, the existing character is considered to consist of:  
- Mostly one and two storey detached dwellings oriented towards the street  
- A variety of roof types  
- Brick and render construction and tiled roofs  
- A range of window proportions  
- Dwellings generally have front porches  
- Rear garden size and vegetation must be considered in terms of boundary screen planting and trees visible to the street | |
<p>| | The proposed development which involves considerable articulation and façade detailing, 2 different roof forms, a range of building materials including render and steel and aluminium screening is considered to integrate well within this setting. The buildings also integrate in terms of height. | |
| | 2. Garages and carports should be visually compatible with the development and neighbourhood character. | - N/A |
| <strong>B32</strong> Front Fences | 1. The front fence should complement the design of the dwelling or any front fences on adjoining properties. | ✓ Complies |
| | ✓ Perforated steel screens in a light metallic finish will be used for the front fencing. These will be no more than 1.7 metres in height. The nearby fencing consists of high solid walls or steel transparent fencing. | |</p>
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<tr>
<td><strong>B33</strong>&lt;br&gt;<strong>Common Property</strong>&lt;br&gt;Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained.&lt;br&gt;Avoid future management difficulties in common ownership areas.</td>
<td>1. Should be functional and capable of efficient management.</td>
</tr>
<tr>
<td>2. Public, communal and private areas should be clearly delineated.&lt;br&gt;Common property should be functional and capable of efficient management.</td>
<td>✓ Complies&lt;br&gt;Private areas will be delineated by fencing/screening. The pedestrian link will be open and for public use.</td>
</tr>
<tr>
<td><strong>B34</strong>&lt;br&gt;<strong>Site Services</strong>&lt;br&gt;Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive.</td>
<td>1. Dwelling layout and design should provide for sufficient space and facilities for services to be installed and maintained.</td>
</tr>
<tr>
<td>2. Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with the development.</td>
<td>✗ Does not comply&lt;br&gt;Variation required&lt;br&gt;The bin and recycling room will be provided at basement level. The appropriate size of the room has been confirmed by Leigh Design. Mailboxes will be provided in two groups. One group of mailboxes will be provided within the entry lobby of the heritage building. The second group of mailboxes will be located off the pedestrian link and will not have weather protection. The third group of mailboxes will be outside the townhouses on Beach Road. Due to the lack of weather protection of two groups of mailboxes, variation to the standard is required. This is considered to be a minor variation as many mailboxes do not require weather protection and commonly do not have any. The mail boxes will blend in with the development.</td>
</tr>
</tbody>
</table>

Schedule 3 states that for fencing adjacent to a Road Zone Category road, front fencing should not exceed 2 metres in height. For other roads, fencing should not exceed 1.2 metres. The fencing adjacent to Beach Road complies with the standard but the fencing adjacent to Mentone Parade requires a minor variation.
<table>
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<tbody>
<tr>
<td>3.</td>
<td>The site facilities including mailboxes should be located for convenient access. Bin and recycling enclosures located for convenient access. Mailboxes provided and located for convenient access as required by Aust. Post.</td>
</tr>
</tbody>
</table>