

**City of Kingston  
Ordinary Council Meeting**

**Agenda**

**24 November 2008**

**Notice** is given that an Ordinary Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Monday, 24 November 2008.

- 1. Apologies**
- 2. Confirmation of Minutes of Previous Meetings**  
Minutes of Ordinary Council Meeting 27 October 2008.  
Minutes of Special Council Meeting 31 October 2008.
- 3. Declaration by Councillors or Officers of any Interest or Conflict of Interest**
- 4. Petitions**
- 5. Presentation of Awards**  
Presentation of certificates of appreciation to:
  - Heart Foundation Government Awards – State Category Winner “Programs that Promote Healthy Weight”;
  - Debra Jordan, Bonbeach Life Saving Club; and
  - Senior Sergeant Syd Gallagher, Council’s Municipal Emergency Response Coordinator.
- 6. Reports from Village Committees**  
There were no Village Committee meetings in the November cycle.
- 7. Reports from Delegates Appointed by Council to Various Organisations**  
The Mayor, Cr Nixon, will report on the outcome of the Prime Minister’s Local Government Summit.
- 8. Environmental Sustainability Reports**

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- 9. Organisational Development and Governance Reports**

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- 10. Notices of Motion**
- 11. Question Time**
- 12. Urgent Business**
- 13. Items in Camera**

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**K 190**

**Town Planning Application Decisions – October 2008**

**Approved By:** Tony Rijs-General Manager, Environmental Sustainability

**Author:** Ian Nice – Manager, Planning

Attached for information is the report of Town Planning Decisions for the month of October 2008.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	98	82
Notice of Decision	11	9
Refusal to Grant a Permit	4	3
Other - Withdrawn (4) - Prohibited () - Permit not required (1) - Lapsed (2)	7	6
<b>Total</b>	<b>120</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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<b>Planning Decisions October 2008</b>						
<b>APPL. No.</b>	<b>PROPERTY ADDRESS</b>	<b>APPL. DATE</b>	<b>DATE DECIDED</b>	<b>PROPOSAL DESCRIPTION</b>	<b>DECISION</b>	<b>VCAT DECISION</b>
KP1007/07	370-418 OLD DANDENONG RD DINGLEY VILLAGE, VIC 3172	20-Dec-07	22-Oct-08	BUILDINGS & WORKS	Permit Issued	
KP1014/07	101-105 EDITHVALE RD EDITHVALE, VIC 3196	21-Dec-07	22-Oct-08	28 DWELLINGS	Permit Issued	
KP137/08	14 LOCHIEL AVE EDITHVALE, VIC 3196	25-Jan-08	30-Oct-08	2 DWELLINGS	Permit Issued	
KP14/08	139 COMO PDE EAST PARKDALE, VIC 3195	11-Jan-08	28-Oct-08	4 DWELLINGS	Permit Refused	
KP169/08	490 STATION STREET CARRUM, VIC 3197	7-Feb-08	23-Oct-08	4 DWELLINGS	Notice of Decision	
KP198/08	20 AVON ST MOORABBIN, VIC 3189	19-Feb-08	15-Oct-08	4 DWELLINGS	Permit Issued	
KP213/08	86 ST ANDREWS DR HEATHERTON, VIC 3202	22-Feb-08	6-Oct-08	SATELLITE DISH	Permit Issued	
KP216/08	1/12 CATHERINE AVE CHELSEA, VIC 3196	25-Feb-08	15-Oct-08	DWELLING	Notice of Decision	
KP256/08	81-83 CAVANAGH ST CHELTENHAM, VIC 3192	6-Mar-08	22-Oct-08	BUILDINGS & WORKS	Notice of Decision	
KP261/03-B	54 EIGHTH ST PARKDALE, VIC 3195	28-Aug-08	21-Oct-08	AMENDMENT	Permit Issued	
KP275/08	10 TRADEWINDS LANE PATTERSON LAKES, VIC 3197	13-Mar-08	22-Oct-08	SECTION 24A PLAN	Permit Withdrawn	
KP284/08	21 AONACH ST CLAYTON SOUTH, VIC 3169	17-Mar-08	22-Oct-08	2 DWELLINGS	Permit Withdrawn	
KP315/08	9 LAURA ST CLAYTON SOUTH, VIC 3169	28-Mar-08	7-Oct-08	2 DWELLINGS	Permit Issued	
KP318/08	38 MOUNT VIEW ST ASPENDALE, VIC 3195	31-Mar-08	8-Oct-08	2 DWELLINGS	Notice of Decision	
KP330/08	5 PHILLIP ST MENTONE, VIC 3194	2-Apr-08	8-Oct-08	16 DWELLINGS	Permit Issued	
KP362/08	361 NEPEAN HWY PARKDALE, VIC 3195	14-Apr-08	21-Oct-08	BUILDINGS & WORKS	Permit Issued	
KP364/08	10 JOHNSON AVE CARRUM, VIC 3197	14-Apr-08	20-Oct-08	4 DWELLINGS	Permit Issued	
KP369/08	8 HELENA ST CLAYTON SOUTH, VIC 3169	16-Apr-08	29-Oct-08	2 DWELLINGS	Notice of Decision	
KP378/08	15 HELENA ST CLAYTON SOUTH, VIC 3169	17-Apr-08	13-Oct-08	2 DWELLINGS	Permit Issued	
KP404/08	RYANS RD CLAYTON SOUTH, VIC 3169	24-Apr-08	28-Oct-08	BOUNDARY RE-ALIGNMENT	Permit Issued	

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KP433/08	610-638 HEATHERTON ROAD CLAYTON SOUTH, VIC 3169	7-May-08	3-Oct-08	SIGNAGE	Permit Issued	
KP437/08	21 FRIENDSHIP SQ CHELTENHAM, VIC 3192	8-May-08	24-Oct-08	2 DWELLINGS	Permit Issued	
KP441/08	534-542 BOUNDARY ROAD DINGLEY VILLAGE, VIC 3172	9-May-08	14-Oct-08	CHANGE OF USE	Permit Issued	
KP443/08	369-377 LOWER DANDENONG RD DINGLEY VILLAGE, VIC 3172	12-May-08	3-Oct-08	BUILDINGS & WORKS	Permit Issued	
KP453/07	16 MCKAY ST PARKDALE, VIC 3195	26-Jun-07	21-Oct-08	3 DWELLINGS	Permit Lapsed	
KP455/08	134 COLLINS STREET MENTONE, VIC 3194	15-May-08	7-Oct-08	3 DWELLINGS	Permit Issued	
KP460/08	3-5 ALVENA STREET MENTONE, VIC 3194	16-May-08	28-Oct-08	18 DWELLINGS	Permit Refused	
KP461/08	41 LEVANTO STREET MENTONE, VIC 3194	6-May-08	3-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP472/08	326 HIGHETT ROAD HIGHETT, VIC 3190	21-May-08	13-Oct-08	LIQUOR LICENCE	Notice of Decision	
KP477/08	135 LOWER DANDENONG ROAD MENTONE, VIC 3194	23-May-08	16-Oct-08	MIXED USE DEVELOPE NT	Permit Refused	
KP490/08	22 BURNS AVENUE CLAYTON SOUTH, VIC 3169	26-May-08	20-Oct-08	4 DWELLINGS	Permit Issued	
KP491/08	636 NEPEAN HIGHWAY CARRUM, VIC 3197	23-May-08	23-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP492/08	15 CENTRAL AVENUE MOORABBIN, VIC 3189	23-May-08	20-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP493/08	1 MAYNE STREET CHELTENHAM, VIC 3192	26-May-08	1-Oct-08	2 DWELLINGS	Permit Issued	
KP510/04-A	35-45 CANTERBURY RD BRAESIDE, VIC 3195	28-Aug-08	17-Oct-08	INDUSTRIAL DEVELOPE NT	Permit Issued	
KP519/08	10 WOODS AVENUE MORDIALLOC, VIC 3195	29-May-08	3-Oct-08	3 DWELLINGS	Permit Issued	
KP520/08	5 RENOWDEN STREET CHELTENHAM, VIC 3192	30-May-08	7-Oct-08	2 DWELLINGS	Permit Issued	
KP522/08	18-20 MAURY ROAD CHELSEA, VIC 3196	30-May-08	29-Oct-08	2 DWELLINGS	Notice of Decision	
KP548/08	4/249-253 BOUNDARY ROAD MORDIALLOC, VIC 3195	3-Jun-08	8-Oct-08	7 LOT SUBDIVISION	Permit Issued	
KP553/08	4 BRANAGAN DRIVE ASPENDALE GARDENS, VIC 3195	5-Jun-08	17-Oct-08	HOME OCCUPATION	Notice of Decision	
KP565/08	1 MONTROSE STREET OAKLEIGH SOUTH, VIC 3167	13-Jun-08	6-Oct-08	SATELLITE DISH	Permit Issued	

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KP573/08	38-40 BOWMAN STREET ASPENDALE, VIC 3195	17-Jun-08	20-Oct-08	3 DWELLINGS	Permit Issued	
KP574/08	72 FRASER AVENUE EDITHVALE, VIC 3196	17-Jun-08	20-Oct-08	3 DWELLINGS	Notice of Decision	
KP576/08	1-5 HARTWOOD COURT CHELSEA HEIGHTS, VIC 3196	17-Jun-08	2-Oct-08	WAREHOUSE	Permit Issued	
KP583/08	5 TEMPLEMAN COURT ASPENDALE GARDENS, VIC 3195	18-Jun-08	29-Oct-08	2 DWELLINGS	Notice of Decision	
KP597/08	46-48 PATTY STREET MENTONE, VIC 3194	20-Jun-08	20-Oct-08	FRONT FENCE	Permit Issued	
KP603/08	189-199 NEPEAN HIGHWAY MENTONE, VIC 3194	23-Jun-08	31-Oct-08	BUILDINGS AND WORKS	Permit Issued	
KP618/08	536-537 NEPEAN HIGHWAY BONBEACH, VIC 3196	27-Jun-08	13-Oct-08	LIQUOR LICENCE	Permit Issued	
KP623/08	6 EDGECOMBE COURT MOORABBIN, VIC 3189	1-Jul-08	20-Oct-08	CHANGE OF USE	Permit Issued	
KP624/08	SPRINGVALE ROAD ASPENDALE GARDENS, VIC 3195	1-Jul-08	28-Oct-08	PLANT NURSERY	Permit Issued	
KP642/08	316 GOVERNOR ROAD BRAESIDE, VIC 3195	8-Jul-08	17-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP647/08	10 OWEN STREET MORDIALLOC, VIC 3195	11-Jul-08	21-Oct-08	ALTERATION AND ADDITIONS	Permit Issued	
KP648/08	2 DIXON STREET MENTONE, VIC 3194	11-Jul-08	27-Oct-08	2 DWELLINGS	Notice of Decision	
KP657/08	2/2-6 HARTWOOD COURT CHELSEA HEIGHTS, VIC 3196	15-Jul-08	13-Oct-08	CHANGE OF USE	Permit Issued	
KP658/08	40 CHELSEA ROAD CHELSEA, VIC 3196	15-Jul-08	7-Oct-08	2 DWELLINGS	Permit Issued	
KP659/08	8A IRISH COURT BONBEACH, VIC 3196	14-Jul-08	7-Oct-08	CREATION OF AN EASEMENT	Permit Issued	
KP688/07	24 PINEHURST WAY HEATHERTON, VIC 3202	31-Aug-07	27-Oct-08	ALTERATION AND ADDITIONS	Permit Withdrawn	
KP688/08	335 STATION STREET CHELSEA, VIC 3196	23-Jul-08	16-Oct-08	ADVERTISING SIGNAGE	Permit Refused	
KP698/07-A	26 & 28 MASCOT AVE., BONBEACH, VIC 3196	7-Mar-08	10-Oct-08	OPEN SPACE REDUCTION	Permit Issued	
KP703/08	3 ROPER STREET MOORABBIN, VIC 3189	28-Jul-08	17-Oct-08	VETERINARY CLINIC	Permit Issued	
KP733/08	BUS STOP ADJACENT 41 WESTALL ROAD CLAYTON SOUTH, VIC 3169	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP734/08	BUS STOP OPPOSITE 316 KINGSTON ROAD HEATHERTON, VIC 3202	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	

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KP735/08	BUS STOP ADJACENT 737 CLAYTON ROAD CLARINDA, VIC 3169	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP736/08	BUS STOP ADJACENT 1375 NEPEAN HIGHWAY, MENTONE VIC 3194	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP737/08	BUS STOP OPPOSITE 161 THAMES PROMENADE CHELSEA, HEIGHTS VIC 3196	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP739/08	BUS STOP ADJACENT TO 1 SANDLEFORD PLACE, DINGLEY VIC 3172	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP740/08	BUS STOP OPPOSITE 1 FIELDING DRIVE CHELSEA, HEIGHTS VIC 3196	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP741/08	BUS STOP OPPOSITE 27 BOURKE ROAD OAKLEIGH SOUTH, VIC 3167	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP742/08	BUST STOP (EAST OF FIELDING DRIVE) WELLS ROAD, CHELSEA HEIGHTS VIC 3196	7-Aug-08	6-Oct-08	ADVERTISIGN SIGNAGE	Permit Issued	
KP743/08	BUS STOP ADJACENT TO 8 ASHLEY PARK DRIVE, CHELSEA VIC 3196	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP744/08	BUS STOP OPPOSITE 204 CLARINDA ROAD OAKLEIGH SOUTH, VIC 3167	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP745/08	BUS STOP OPPOSITE 507 CENTRE DANDENONG ROAD, DINGLEY VIC 3172	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP746/08	BUS STOP OPPOSITE 53 ROSEBANK AVENUE, CLAYTON SOUTH VIC 3169	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP747/07	2 LILLIPUT LA EDITHVALE, VIC 3196	21-Sep-07	23-Oct-08	ALTERATION AND ADDITIONS	Permit Not Required	
KP747/08	BUS STOP OPPOSITE 1/75 OLD DANDENONG ROAD, OAKLEIGH SOUTH VIC 3167	7-Aug-08	6-Oct-08	AVDERTISING SIGNAGE	Permit Issued	
KP748/08	BUS STOP OPPOSITE 130 MCLEOD ROAD PATTERSON LAKES, VIC 3197	7-Aug-08	15-Oct-08	ADVERTISING SIGNAGE	Permit Issued	

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KP749/08	BUS STOP OPPOSITE 179 COMO PARADE EAST, PARKDALE VIC 3195	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP750/08	BUS STOP ADJACENT TO 130 MCLEOD ROAD, PATTERSON LAKES VIC 3197	7-Aug-08	6-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP753/08	3/95-97 WHITE STREET MORDIALLOC, VIC 3195	8-Aug-08	6-Oct-08	DWELLING	Permit Issued	
KP763/08	6 BINGLEBAY AVENUE WATERWAYS, VIC 3195	21-Jul-08	9-Oct-08	SATELLITE DISH	Permit Lapsed	
KP773/07	91-185 KINGSTON RD HEATHERTON, VIC 3202	1-Oct-07	21-Oct-08	CLEAN FILL	Permit Issued	
KP779/07	48-50 BOURKE STREET MENTONE, VIC 3194	3-Oct-07	23-Oct-08	8 DWELLINGS	Permit Issued	
KP780/08	3/5 ELM GROVE PARKDALE, VIC 3195	14-Aug-08	2-Oct-08	ALTERATION S AND ADDITIONS	Permit Issued	
KP781/08	5/74 KEYS ROAD CHELTENHAM, VIC 3192	18-Aug-08	2-Oct-08	CHANGE OF USE	Permit Issued	
KP786/08	31 CANBERRA STREET PATTERSON LAKES, VIC 3197	14-Aug-08	1-Oct-08	7 LOT SUBDIVISION	Permit Issued	
KP789/08	4 DIMAR COURT DINGLEY VILLAGE, VIC 3172	18-Aug-08	27-Oct-08	BUILDINGS AND WORKS	Permit Issued	
KP792/08	93 CHAPEL ROAD MOORABBIN, VIC 3189	20-Aug-08	28-Oct-08	ALTERATION S AND ADDITIONS	Permit Issued	
KP798/08	15 TENNYSON STREET HIGHETT, VIC 3190	21-Aug-08	20-Oct-08	3 LOT SUBDIVISION	Permit Issued	
KP799/08	4 LOCHIEL AVENUE EDITHVALE, VIC 3196	25-Aug-08	23-Oct-08	4 LOT SUBDIVISION	Permit Issued	
KP805/08	2/51 GOVERNOR ROAD MORDIALLOC, VIC 3195	27-Aug-08	27-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP806/08	105 WOODLANDS DRIVE BRAESIDE, VIC 3195	27-Aug-08	27-Oct-08	BUILDINGS & WORKS	Permit Issued	
KP819/08	35 WESTLEY STREET CARRUM, VIC 3197	1-Sep-08	20-Oct-08	DWELLING	Permit Issued	
KP824/08	4 SECOND STREET PARKDALE, VIC 3195	2-Sep-08	22-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP825/08	128 CHUTE STREET MORDIALLOC, VIC 3195	3-Sep-08	6-Oct-08	DWELLING	Permit Issued	
KP826/08	918-928 SPRINGVALE ROAD BRAESIDE, VIC 3195	3-Sep-08	13-Oct-08	ADVERTISING SIGNAGE	Permit Issued	

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KP828/08	1/15 CAMERON STREET CHELTENHAM, VIC 3192	2-Sep-08	13-Oct-08	FENCE	Permit Issued	
KP830/08	5 CORREA STREET EDITHVALE, VIC 3196	3-Sep-08	7-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP832/08	1 KARA GROVE ASPENDALE, VIC 3195	3-Sep-08	14-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP839/08	58 CLARINDA ROAD CLARINDA, VIC 3169	5-Sep-08	14-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP847/08	41 ELLA GROVE CHELSEA, VIC 3196	9-Sep-08	20-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP852/08	11 FOWLER STREET CHELSEA, VIC 3196	11-Sep-08	7-Oct-08	3 LOT SUBDIVISION	Permit Issued	
KP854/08	7 BEACON STREET PARKDALE, VIC 3195	16-Sep-08	7-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP857/08	24 FIFTH AVENUE CHELSEA HEIGHTS, VIC 3196	15-Sep-08	20-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP862/08	19 BARMAN PLACE WATERWAYS, VIC 3195	16-Sep-08	17-Oct-08	DWELLING	Permit Issued	
KP863/08	493C WARRIGAL ROAD MOORABBIN, VIC 3189	17-Sep-08	13-Oct-08	REMOVE EASEMENT	Permit Issued	
KP867/08	ROAD RESERVE ADJACENT TO 166 ROSEBANK AVENUE, CLAYTON SOUTH, VIC 3169	17-Sep-08	13-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP868/08	ROAD RESERVE ADJACENT TO 3 COMO PARADE WEST, MENTONE VIC 3194	17-Sep-08	13-Oct-08	ADVERTISING SIGNAGE	Permit Issued	
KP869/08	49 BONDI ROAD BONBEACH, VIC 3196	18-Sep-08	24-Oct-08	3 LOT SUBDIVISION	Permit Issued	
KP870/08	109 WHITE STREET MORDIALLOC, VIC 3195	17-Sep-08	27-Oct-08	BUILDINGS & WORKS	Permit Issued	
KP874/08	5/479 STATION STREET BONBEACH, VIC 3196	17-Sep-08	17-Oct-08	ALTERATION S & ADDITIONS	Permit Issued	
KP875/07	11 BEVAN AVE CLAYTON SOUTH, VIC 3169	2-Nov-07	27-Oct-08	2 DWELLINGS	Permit Issued	
KP876/08	5 JARDINE TERRACE WATERWAYS, VIC 3195	22-Sep-08	13-Oct-08	DWELLING	Permit Issued	
KP877/08	9 MARINIQUE DRIVE ASPENDALE GARDENS, VIC 3195	23-Sep-08	13-Oct-08	ALTERATION S & ADDITIONS	Permit Issued	
KP880/08	17 KEILLER AVENUE PARKDALE, VIC 3195	24-Sep-08	27-Oct-08	ALTERATION S & ADDITIONS	Permit Issued	



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KP889/08	7 THE OUTLOOK WATERWAYS, VIC 3195	24-Sep-08	3-Oct-08	1 DWELLING	Permit Issued	
KP904/08	89 MCLEOD ROAD CARRUM, VIC 3197	26-Sep-08	17-Oct-08	2 LOT SUBDIVISION	Permit Issued	
KP915/08	3 THE MEWS WATERWAYS, VIC 3195	2-Oct-08	22-Oct-08	1 DWELLING	Permit Issued	

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**K 191**

**Planning Application KP191/08 – 18 Maury Road,  
Chelsea**

<b>APPLICANT:</b>	Gianna Developments Pty. Ltd
<b>ADDRESS OF LAND:</b>	No. 18 (Lot 1 on PS300276K) Maury Road, Chelsea
<b>Melway Ref:</b>	97B2
<b>PROPOSAL</b>	Three (3) Dwellings
<b>CONTACT OFFICER:</b>	Girija Shrestha
<b>FILE NO:</b>	KP191/08
<b>ZONING:</b>	Residential 1
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing  <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.01: Residential 1 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Increased Housing Diversity
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 65
<b>DECISION BY:</b>	9 November 2008
<b>NETT DAYS:</b>	26 days at 6 October 2008

**Main Issues Relating to this Application**

- Solar access to proposed open space
- Parking Provisions
- Overshadowing

**Development Assessment Table**

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>	<b>Clause 22.11- Residential Policy Requirement</b>
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<b>Private Open Space</b>	<ul style="list-style-type: none"> <li>• An area of 40m<sup>2</sup>, with one part of the private</li> <li>• open space to consist of secluded private open</li> <li>• space at the side or rear of the dwelling with a minimum area of 25m<sup>2</sup>, a minimum dimension of 3 metres and convenient access from a living room, or.</li> <li>• Balcony – minimum 8 sqm, minimum width 1.6m and accessed from living room or;</li> <li>• Roof-top – minimum 10 sqm, minimum width 2m and convenient access from living room</li> </ul>	<p>Dwelling 1 – 65.10m<sup>2</sup> of which 39m<sup>2</sup> is secluded private open space</p> <p>Dwelling 2 – 65.10m<sup>2</sup> of which 39m<sup>2</sup> is secluded private open space</p> <p>Dwelling 3 – 57.40m<sup>2</sup> of which 43.4m<sup>2</sup> is secluded private open space</p>	As per ResCode
<b>Car Parking</b>	Two (2) spaces for each 3 bedroom dwelling.	<p>Dwelling 1 – Two (2) car spaces – Two (2) in Double Garage garage</p> <p>Dwelling 2 – Two (2) car spaces – Two (2) in Double Garage garage</p> <p>Dwelling 3 – Two (2) car spaces – Two (2) in Double Garage garage</p>	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	Site is technically on a corner – The abutting allotment facing to front street – 5.6 metres Dwelling 3 - 3 metres	Dwelling 1 and Dwelling 2 – 5.24 metres Dwelling 3 – 5 metres	As per ResCode
<b>Site Coverage</b>	Maximum 60%	Site coverage is 58%	As per ResCode

**EXISTING CONDITIONS:**

The subject site is located on the south side of Maury Road, Chelsea. It is rectangular in shape with a frontage width of 18 metres, a maximum depth of 30.48 metres, resulting in an overall area of 548.64m<sup>2</sup>. The site has a fall of approximately 0.21 metres towards the west. The subject site does not contain any significant vegetation. The site is currently vacant and is unused Tennis Court.

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This section of street has no definable character, consisting either detached-single/double storey, brick/weatherboard dwellings with pitched roofs or double storey contemporary style dwellings with flat roofs. Mostly front setbacks neighbouring dwellings are varied from 3.5 metres to 7.9 metres. There is no predominant fencing style in the neighbourhood.

**PROPOSAL IN DETAIL:**

It is proposed to construct three (3) double-storey dwellings with basement car parking on this site.

Key elements of the proposal are as follows:

<b>Dwellin g</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	181.03 m <sup>2</sup> (Ground Floor area – 93.40 m <sup>2</sup> and First Floor area – 87.63 m <sup>2</sup> )	65.10m <sup>2</sup> (including 32m <sup>2</sup> of secluded private open space)	3	2 Car Spaces (Double garage)
2	181.03m <sup>2</sup> (Ground Floor area – 93.40 m <sup>2</sup> and First Floor area – 87.63 m <sup>2</sup> )	65.10m <sup>2</sup> (including 32m <sup>2</sup> of secluded private open space)	3	2 Car Spaces (Double garage)
3	171.51m <sup>2</sup> (Ground Floor area - 92.76m <sup>2</sup> and First Floor area -78.75 m <sup>2</sup> )	59.70m <sup>2</sup> (including 25m <sup>2</sup> of secluded private open space)	3	2 Car Spaces (Double garage)

Building Materials and colours have been nominated as:

Roof:	Not nominated
Walls:	Mixed with light colour render sandstone, dark stonework black, dark brickwork, charcoal
Garage doors	Dark colorbond panel garage door
Windows:	Aluminium framed windows
Driveways:	Light coloured rough concrete
Front fencing:	No fence nominated
Boundary fences:	Varies – paling fence and dark render charcoal coloured fence (eastern and western side) Retain existing wall as requested by objector (southern side)

The proposal would result in a site coverage of 58%, and a site permeability of 29%.

**TITLE DETAILS**

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the title.

**AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION**

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 16<sup>th</sup> April, 2008. The amendment includes:

- Windows obscured;

- Internal rearrangement of the partition and staircase;
- 6m<sup>3</sup> storage added to each dwelling;
- Visitor's car space removed from ramp area and other minor changes were done.

Council decided to approve the amendment and proceed the application to advertising.

### **ADVERTISING**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Eight (8) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Overlooking
- Floor height
- Overdevelopment/visual bulk
- Site coverage
- Overshadowing
- Front and Side setback;
- Traffic safety; ramp gradient and accessway
- Disabled access
- Excessive hard surface

### **PRELIMINARY CONFERENCE**

A preliminary conference was held on the 12<sup>th</sup> June, 2008 where the above issues were discussed.

### **AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION**

An application pursuant to Section 57A of the Planning and Environment Act 1987 was received on 10<sup>th</sup> September, 2008. The some of the main changes to the plans include:

- The deletion of the roof top deck and the spiral staircase to the roof top deck;
- The reduction in width of crossover to Maury Road to enable the retention of one on-street car parking space;
- More obscured windows;
- The deletion of the study area in all dwellings;
- The redesign of the basement car parking area by using turntable to enable the car to exit the site in a forward direction;
- The ground floor secluded private open space area increased by 44 m<sup>2</sup>, resulting in a total secluded of private open space of 99 m<sup>2</sup>;
- The total site coverage reduced by 2%, resulting in a total site coverage of 58%.

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Notification of the amended application has been made pursuant to Section 52 of the Planning and Environment Act 1987 by:

- Sending out the notices and the amended drawings to the objectors;

Council has received one (1) objections or letter of clarification on the proposed amendments. The key issues raised in the objection are:

- Finished ground floor level and sectional details to understand the overlooking;
- Landscape plans to see the impact of the proposed planting; and
- Indicative of heating and cooling plant to comment the visual and noise impact.

It is noted that all outstanding objections to all notification processes are considered in the assessment of an application.

**PLANNING SCHEME PROVISIONS**

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.01-4 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

The land is located in an 'Increased Housing Diversity' as identified by the Residential Land Use Framework Plan that forms part of the Municipal Strategic Statement.

**REFERRAL**

The application was referred to the following internal departments within Council (where appropriate amended applications have been re-referred):

- § Development Engineer
- § Vegetation Management Officer
- § Traffic Engineer

Council's Development Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued.

Council's Vegetation Management Officer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued.

Council's Traffic Engineer who advised of no objection, subject to the inclusion of a number of conditions on any permit issued.

**Discussion**

**Kingston Planning Scheme Provisions:**

**Clause 12: Metropolitan Development**

This section of the scheme provides specific objectives and strategies for Metropolitan Melbourne, including the following:

**Clause 12.01 A more compact city seeks to:**

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

**Clause 12.05 A great place to be** – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.
- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.
- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

**Clause 12.06 A fairer city** – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

**Clause 12.07 A greener city** – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of stormwater on bays and catchments.

**Clause 12.08 Better transport links seeks to:**

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application meets these objectives.

**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

- § Respects the character of the neighbourhood.
- § Improves housing choice.
- § Makes better use of existing infrastructure.
- § Improve energy efficiency of housing.

It is considered that this application clearly meets these objectives.

**Clause 21.05 MSS - Residential Land use**

*Increased Housing Diversity*

The intention in these areas is that new medium density housing comprising a variety of housing types and layouts will be promoted responding to the established by evolving urban character. Because these are already established as residential areas, the design of new medium density housing proposal will need to display sensitivity to the existing residential context and amenity standards in these areas.

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.



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- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote increased housing diversity in residential areas that are within convenient walking distance of public transport and activity nodes (*increased housing diversity areas*). Such areas will accommodate a variety of medium density housing types and layouts at increased residential densities, responding to the established but evolving neighbourhood character.
- 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.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.

- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal creates an adequate standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

#### **Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy. It is considered that the proposal satisfactorily meets these requirements. There are however some areas of non-compliance which are as follows:

Average dwelling size within this area has been calculated to be 289.05m<sup>2</sup> and it is therefore acknowledged that this proposal would not meet this strategy as the subject site just falls short with an area of 182.88m<sup>2</sup>. However, the proposal adequately meets the requirements of the site coverage, private open space, permeability, on-site car parking, and so on. Further, the proposed built form has been well articulated with different building materials and various wall inseting in the elevations in order to avoid a 'box-like' double storey type designs, thus reducing visual bulk. The design and the layout of the proposed dwellings incorporate features which minimise overlooking of adjacent properties. The garages are located in the basement without dominating the street frontage. Therefore, it is submitted that the smaller than required average dwelling size does not have great impact on this proposal.

#### **Clause 32.01: Residential 1 Zone**

The purpose of the Residential 1 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

#### **Schedule**

The proposal meets the additional requirements listed in the Schedule to the Residential 1 zone.

#### **Clause 42.02 – Design and Development Overlay**

#### **Schedule 1 – Urban Coastal Height Control Area**

The design objectives of the *Urban Coastal Height Control Area* include:

- 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.

It is considered that the proposed development satisfies the requirements of this overlay as the development proposed is not greater than 2 storeys in height, and the basement car park has a height less than 1.2 m above natural ground level.

**Schedule 7 – Urban Coastal Foreshore Setback Control Area**

The design objectives of the *Urban Coastal Foreshore Setback Control Area* include:

- To protect and enhance the visual and aesthetic appearance of the foreshore area.
- To encourage new buildings and works which are sympathetic to the surrounding foreshore environment.

It is considered that the proposed development satisfies the requirements of this overlay as the development proposed is outside than 4.5 metres of the foreshore reserve boundary.

**Clause 55: Rescode**

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal satisfactorily meets the requirements of Rescode. There are however some areas of non-compliance which are as follows:

**Standard B6 Street Setback** - requires that any new dwelling on this allotment be setback 5.6m at Maury Road and 3m at Maury Lane. The street setbacks are proposed 5.24m at Maury Road and 5m at Maury Lane. The street setback of recent approved development at the west side of this proposal is 4m and the street setback of existing dwelling at the east side is 4.2m. In this context, the layout of the proposed dwellings with 5.24m street setback and the street configuration, it is considered that the proposal in its submitted format will respect the neighbourhood character and is considered appropriate.

**Standard B14 Access** - requires all vehicles to be able to enter and exit the site in a forwards direction. In order to achieve this objective, the applicant has used the turntable so that all vehicles would be able to exit the site in forward direction. The basement size is just enough for the vehicle to turn and is not enough space for any error margins, therefore, as suggested by Council Traffic Engineer, it would be better to remove basement staircase wall, effectively creating an empty space beneath the steps. This can be achieved via a condition, if any permit would be issued.

**Standard B21 Overshadowing Open Space** - The objective under this Clause is “to ensure buildings do not significantly overshadow existing secluded private open space.” The proposed development would cast the shadow open space of western property (No. 20 Maury Road) at the morning which meets the ResCode requirement. It would also cast the shadow to the southern neighbouring property at No. 6 Maury Lane in the afternoon. However, the open space of No. 6 Maury Lane has already built semi-roofed pergola, therefore the shadow cast by this development would not be any substantial.

**Standard B29 Solar Access to Open Space -**

The proposed ground floor secluded private open spaces for dwelling 2 and dwelling 3 is located on the south west side of the proposed dwelling. Standard B29 suggests that the southern boundary of open space should be set backed from any wall on the north of the

space at least (2+0.9h), which these secluded open spaces do not meet this requirement. However, both dwellings have an additional north facing open space – i.e. balcony at the first floor, which would have adequate solar access into it.

**Clause 65: Decision Guidelines**

This clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

**Neighbourhood Character Area Guidelines (Incorporated Document):**

The subject site is located within Character Area 65. The Neighbourhood Character Profile identifies two (2) ‘major’ characteristics: walls white weatherboard or render of various colours, roves – tiles of various colour and balconies and porches.

The proposal is generally in accordance with the applicable character profile. Given that the surrounding areas have many flat roofs and neighbourhood character has been changed over time in beachside locations, Council Officer considers proposed flat roof and mixed with brick and rendered walls are appropriate to the site.

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

**Response to Grounds of Objection**

**Objection - *Overlooking neighbouring property***

**Response:** The submitted plans comply with the overlooking provisions of ResCode and indicate that any potential views from the development will be limited by appropriate screening devices, where required. The roof deck and the spiral staircase have been removed in the amended plans.

It is however considered that any permit issued should include a condition which requires the materials and finishes of construction for the proposed privacy screens proposed to be utilised to ensure that they are durable.

**Objection – *Excess floor height and building height***

**Response:** The maximum building height is 8.1m from natural ground level which comply with the ResCode requirement of building height. As discussed earlier in this report, after the preliminary conference the applicant has removed the rooftop deck.

**Objection: *Overdevelopment/visual bulk***

**Response:** The proposal displays none of the usual indicators of overdevelopment such as unreasonable overlooking, overshadowing, excessive site coverage, insufficient car parking and poor internal amenity for future occupants of the dwellings.

The proposal includes a design which is consistent with the existing neighbourhood character. Surrounding dwellings are of a two storey built form in the beach area. The applicant has used different building materials, inset first floors, which helped to reduce the visual bulk. For these reasons, Council Officer does not consider the proposal to be an overdevelopment of the site.

**Objection:** *Excess site coverage*

**Response:** The site coverage of the proposed development is 58% which meets the requirement of Clause 55.03-3 of Kingston Planning Scheme.

**Objection:** *Overshadowing neighbouring private open space*

**Response:** The submitted shadow diagrams indicate that no unreasonable shadow impact will occur in the existing secluded private open space as a result of the development. As discussed earlier in this report, mainly shadow cast by this development is in No. 6 Maury Lane, which has semi-roofed pergola in its private open space and does not overshadow substantially (excluding the shadow cast by existing boundary wall).

**Objection:** *Traffic safety; ramp gradient and accessway*

**Response:** The proposal has been amended and is used turntable to exit cars in forward direction. Similarly, the ramp gradient is also amended as suggested by Council's traffic engineers which meets the Australian Standards (As/NZS 2890.1: 2004). The accessway has been reduced with 3m width of crossover in the amended plans.

**Objection:** *Excessive hard surface*

**Response:** It is acknowledged that most of the ground floor secluded private open space has been used by timber decking, however, some areas at the front side of the development has been used for the landscaping. The permeability of the proposed development is 29% which meets the Clause 55.03-4 of Kingston Planning Scheme.

### **General Comment**

The proposed development is considered appropriate for the site as evidenced by:

- . The design and siting of the proposed development to be compatible with the surrounding area;
- . The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- . The proposal satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy, Residential 1 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

**Recommendation**

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings with basement car parking, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 22<sup>nd</sup> October, 2008 and 5<sup>th</sup> November 2008, but modified to show:
  - a. the provision of an improved landscape plan in accordance with the submitted plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and close to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees, species must comprise a minimum of 80% indigenous coastal species;
    - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. medium to large shrubs and trees to be provided in pot sizes of 200mm;
    - vii. the provision of notes regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.
  - b. the vehicle crossing width to be 3m in the front of the garage of dwelling 1 and the garage of dwelling 2;
  - c. a maximum 1.2m high fence at the corner of Maury Rd and Maury Lane nominated;
  - d. the entry/exit driveway of the basement Garages 1 and 2 (entrance off Maury Road) must incorporate an apex no less than 150mm above the existing footpath level in the front of the development, and the entry/exit driveway off Maury Lane to match the same level as the apex to the entrance of Maury Road.
  - e. the wall adjacent to the basement staircase to be removed, effectively creating an empty space beneath the steps so that car can safely turn;
  - f. the existing boundary brick wall facing to No. 6 Maury Lane to be retained as it is;
  - g. the materials and finishes of construction for the proposed privacy screens located at first floor level nominated and noted as being permanent;

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- h. the bedroom 1 windows on the ground floor of dwellings 1 and 3 nominated as being fitted with fixed obscure glazing to a height of 1.7m above the floor level, directly below;
  - i. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - j. the door of each garage nominated as a panel lift door, or similar;
  - k. provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings;
  - l. the provision of a north point, full dimensions and scale on all plans; and
  - m. all windows shown as being fitted with obscure glazing, nominated as being fitted with “fixed” obscure glazing to a height of 1.8m above the floor level, directly below.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  5. The development of the site must be provided with stormwater treatment works which must incorporate water sensitive urban design principles (including re-use) to improve discharge quality and a detention system for any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council’s Development Engineer can advise on treatment options.
  6. Before the development commences, a drainage plan showing the method of treatment and discharge to the nominated point must be prepared to the satisfaction of the Responsible Authority. The plan must be prepared by a qualified person and show all details of the proposed drainage works, including all existing and proposed features that may have impact on the drainage (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  7. Stormwater drainage of the site must be provided so as to prevent overflows onto adjacent properties.
  8. Construction on the site must be restricted to the following times:

Monday to Friday	7:00am to 7:00pm; and
Saturday	9:00am to 6:00pm.
- Or otherwise as approved by the Responsible Authority in writing.

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9. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
11. Convenient taps or fixed sprinkler system must be provided to the satisfaction of the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
12. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
13. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner.
14. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
15. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with *an all-weather coloured concrete sealcoat* to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times and maintained to the satisfaction of the Responsible Authority.
16. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
17. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
18. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.



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19. External clothes drying facilities must be provided for each dwelling.
20. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
21. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The development and use are not started before two (2) years of the date of this permit.
  - The development is not completed before two (2) years from the commencement of works.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**Note:** It is noted that the development includes a storage shed and eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a building permit.

**Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.

**Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

**Note:** Before removing/pruning any vegetation from the site, the applicant or any contractor engaged to remove vegetation, should consult Council's Vegetation Management Officer to verify if a Local Law Permit is required for the removal of such vegetation.

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**Planning Application KP414/08 – 38 Clay Street,  
Moorabbin**

<b>APPLICANT:</b>	ABP Consultants Pty. Ltd
<b>ADDRESS OF LAND:</b>	No. 38 (Lot 16 on PS27610) Clay Street, Moorabbin
<b>MELWAY REF:</b>	77G5, 77F5
<b>PROPOSAL</b>	Three (3) Dwellings
<b>CONTACT OFFICER:</b>	Girija Shrestha
<b>FILE NO:</b>	KP414/08
<b>ZONING:</b>	Residential 3
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	<u>State Planning Policy Framework</u> Clause 12: Metropolitan Development Clause 14: Settlement Clause 16.02: Housing – Medium Density Housing  <u>Local Planning Policy Framework</u> Clause 21.05 MSS – Residential Land Use Clause 22.11: Residential Development Policy Clause 32.06: Residential 3 Zone & Schedule Clause 55: Two or More Dwellings on a Lot & Residential Buildings Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Incremental Housing Change –Average Lot Size in Area 2 = 613.1m <sup>2</sup>
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 32
<b>DECISION BY:</b>	5 <sup>th</sup> November, 2008
<b>NETT DAYS:</b>	52 days @28 <sup>th</sup> October, 2008

**Main Issues Relating to this Application**

- Secluded private open space
- Access
- Front fence

**Development Assessment Table**

Criteria	ResCode Requirement	Proposed Development Provision	Clause 22.11- Residential Policy Requirement
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<b>Private Open Space</b>	An area of 40m <sup>2</sup> , located to the side / rear of the dwelling, achieving a minimum dimension of 5 metres for a 2 bedroom dwelling with convenient access from a living room. An additional 20m <sup>2</sup> is required for each additional bedroom, which achieves a minimum dimension of 3 metres.	Dwelling 1 – 77.5m <sup>2</sup> of which 40m <sup>2</sup> is secluded private open space  Dwelling 2 – 70.8m <sup>2</sup> of which 60m <sup>2</sup> is secluded private open space  Dwelling 3 – 64.2m <sup>2</sup> of which 64.2m <sup>2</sup> is secluded private open space	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas
<b>Car Parking</b>	Two (2) spaces for each 3 bedroom dwelling.	Dwelling 1 – Two (2) car spaces – Two (2) in double garage Dwelling 2 – Two (2) car spaces – Two (2) in double garage Dwelling 3 – Two (2) car spaces – Two (2) in double garage	Adequate car parking for future residents and visitors
<b>Dwelling Setback to Street</b>	The average distance of the setbacks of the front walls of the existing buildings on the abutting allotments facing the front street or 9 metres, whichever is the lesser.  No. 40 Clay street – 8.9m No. 36 Clay Street – 4.4m Average setback – 6.65m	Dwelling 1 – 6.47 metres	As per ResCode 0.18 not adequate
<b>Site Coverage</b>	Maximum 50%	Site coverage is 43.12%	As per the Schedule to the Residential 3 Zone for Incremental Housing Change Areas

**EXISTING CONDITIONS:**

The subject site is located on the east side of Clay street, Moorabbin. It is rectangular in shape with a frontage width of 15.24 metres, a maximum depth of 64.72 metres, resulting in an overall area of 986m<sup>2</sup>. Vehicle access to the site is via a single width crossover located on the south side of the Clay Street property frontage. The subject site does not contain any significant vegetation.

The site is currently occupied by a single storey house.

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This section of street has a definable character, consisting predominantly of detached, single storey, brick and weatherboard dwellings with pitched roofs. There is no predominant fencing style in the neighbourhood.

The site is encumbered by an easement along the site's east (rear) property boundary.

**PROPOSAL IN DETAIL:**

It is proposed to demolish existing dwelling and develop three (3) double storey, attic style dwellings on this site.

Key elements of the proposal are as follows:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms</b>	<b>Car Parking Spaces</b>
1	161.7 m <sup>2</sup> (Ground Floor area – 113.6 m <sup>2</sup> and First Floor area – 48.1 m <sup>2</sup> )	77.5 m <sup>2</sup> (including 40m <sup>2</sup> of secluded private open space)	3 bedrooms and 1 MPR	2 Car Spaces (Double carport)
2	148.7 m <sup>2</sup> (Ground Floor area – 97.9 m <sup>2</sup> and First Floor area – 50.8 m <sup>2</sup> )	70.8m <sup>2</sup> (including 60m <sup>2</sup> of secluded private open space)	3 bedrooms	2 Car Spaces (Double garage)
3	159.4 m <sup>2</sup> (Ground Floor area – 103.7 m <sup>2</sup> and First Floor area – 36.5 m <sup>2</sup> )	64.2m <sup>2</sup> secluded private open space	3 bedrooms and 1 MPR	2 Car Spaces (Double garage)

Vehicle access to the garage of Dwelling 1 will be provided via an existing crossover located on southern side of site's Clay Street frontage, whilst vehicle access to the garage of Dwelling 2 and Dwelling 3 will be provided via a new 3 meter wide crossover located on the northern side of the site's same street frontage.

A 1.8m high with 1.5mx1.5m splay picket fence is proposed along the site's Clay street frontage.

The proposal would result in the site coverage of 43.12%, and a site permeability of 35.8%.

**TITLE DETAILS**

The applicant has completed a restrictive covenant declaration form declaring that there is no restrictive covenant on the title.

**AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION**

An application pursuant to Section 50 of the Planning and Environment Act 1987 was received on 5<sup>th</sup> August 2008. The amendment includes:

- Private open space of dwelling 2 is increased to meet the ResCode requirement;
- The size of first floor of dwelling 3 reduced substantially;
- The covering letter states that front fence is reduced from 1.8m to 1.2m, however this amendment does not show in the plan; and
- The external storage of 6 cubic meters is added in all dwellings.

Council decided to approve the amendment and proceed the application to advertising.

**ADVERTISING**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Fourteen (14) objections to the proposal were received.

The grounds of concern may be summarised as follows:

- Traffic
- Neighbourhood character /Visual bulk
- Privacy/Over Looking
- Over shadowing
- Street setback
- Double crossover
- Noise

**PRELIMINARY CONFERENCE**

A preliminary conference was held on the 2<sup>nd</sup> October, 2008 and was attended by the applicant, Councillor, Council officer and objectors from five (5) properties, where the above issues were discussed. All of the issues raised by objectors were thoroughly discussed, following agreement was reached.

- Build a minimum of 2.2 metre high paling fence along the whole south, north and east side property boundary to the cost of the owner/developer;
- To provide a landscape buffer opposite of No.2/40 Clay Street property for plant screening to reduce noise impact to this property;
- The foyer window of dwelling 2 and bedroom 3 window of dwelling 3 to be obscured.

Subsequently, to the above mentioned terms, three (3) objections from adjoining properties have been withdrawn.

The other issues raised by the objectors with regard to neighbourhood character were also discussed at the meeting, with no resolution reached as the applicant explained that the attic style double storey dwelling has been designed to meet the neighbourhood character, therefore, no resulting modifications to the development design.

**AMENDMENT TO THE APPLICATION AFTER NOTIFICATION AND RE-NOTIFICATION**

No amendments made.

**PLANNING SCHEME PROVISIONS**

A planning permit is required to develop land for two dwellings, pursuant to Clause 32.06-4 of the Kingston Planning Scheme (the Scheme). In addition, according to ResCode at Clause 55 and the decision guidelines at Clause 65 of the Scheme, Council must consider the State Planning Policy Framework (Clause 16) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement of the Scheme.

**REFERRAL**

No external referrals were required in respect of this application.

<b>Internal Council Referrals</b> (where appropriate amended applications have been re-referred)	<b>Advice/Response/Conditions</b>
Development Engineer	No objection subject to the inclusion of nominated conditions on any permit issued.
Vegetation Management Officer	No objection, subject to the inclusion of suitable conditions on any permit issued.

**Discussion**

**Kingston Planning Scheme Provisions:**

**Clause 12: Metropolitan Development**

This section of the scheme provides specific objectives and strategies for Metropolitan Melbourne, including the following:

**Clause 12.01 A more compact city seeks to:**

- § Facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.
- § Locate a substantial proportion of new housing in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport.

**Clause 12.05 A great place to be** – seeks to create urban environments that are of better quality, safer and more functional, provide more open space and an easily recognisable sense of place and cultural identity, including:

- § Promotion of good urban design to make the environment more liveable and attractive.
- § Recognition and protection of cultural identity, neighbourhood character and sense of place.
- § Improvement of community safety and encouragement of neighbourhood design that makes people feel safe.
- § Protection of heritage places and values.
- § Promotion of excellent neighbourhood design to create attractive, walkable and diverse communities.
- § Improvement of the quality and distribution of open space and ensuring the long term protection of open space.
- § Improvement of the environmental health of the bays and their catchments.

**Clause 12.06 A fairer city** – seeks to increase the supply of well located and affordable housing by:

- § Encouraging a significant proportion of new development, including development activity centres and strategic redevelopment sites, to be affordable for households on low to moderate incomes.
- § Facilitate a mix of private, affordable and social housing in Transit Cities Projects.
- § Ensuring the redevelopment and renewal of public housing stock better meets community needs.

**Clause 12.07 A greener city** – seeks to minimise impacts on the environment to create a sustainable path for future growth and development by:

- § Ensuring that water resources are managed in a sustainable way.
- § Reduce the amount of waste generated and encourage increased reuse and recycling of waste materials.
- § Contribute to national and international efforts to reduce energy usage and greenhouse gas emission.
- § Reduce the impact of stormwater on bays and catchments.

**Clause 12.08 Better transport links seeks to:**

- § Manage the road system to achieve integration, choice and balance by developing an efficient and safe road network and making the most of existing infrastructure.
- § Give more priority to walking and cycling in planning urban development and in managing the road systems and neighbourhoods.

It is considered that this application meets these objectives.

**Clause 14.01: Planning for Urban Settlement**

This section of the Scheme seeks facilitate the orderly development of urban areas. It is considered that this application meets these objectives.

**Clause 14.01-2: Planning for Urban Settlement - General Implementation**

This section of the Scheme seeks to ensure that the consolidation of residential and employment activities is encouraged within existing urban areas and designated growth areas, and that development in existing residential areas should be respectful of

neighbourhood character, and that higher land use densities and mixed use developments should be encouraged near railway stations, major bus terminals, transport interchanges and tram and principal bus routes.

It is considered that this application meets these objectives.

**Clause 16.02: Housing - Medium Density Housing**

It is the objective of the State Planning Policy Framework to encourage the development of well-designed medium-density housing which:

§ Respects the character of the neighbourhood.

§ Improves housing choice.

§ Makes better use of existing infrastructure.

22. Improve energy efficiency of housing.

It is considered that this application clearly meets these objectives.

**Clause 21.05 MSS - Residential Land use**

*Incremental Housing Change Area*

The type of housing change anticipated in these areas will take the form of extensions to existing houses, new single dwellings or the equivalent of new two dwelling developments on average sized lots. The existing single dwelling character of these areas is to be retained.

The objectives of the Municipal Strategic Statement (as relevant to this application) include:

- **Objective 1:** To provide a wide range of housing types across the municipality to increase housing diversity and cater for the changing needs of current and future populations, taking account of the differential capacity of local areas in Kingston to accommodate different types and rates of housing change.
- **Objective 2:** To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality.
- **Objective 3:** To preserve and enhance well landscaped/vegetated environments and protect identified significant vegetation.
- **Objective 4:** To promote more environmentally sustainable forms of residential development.
- **Objective 5:** To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.
- **Objective 6:** To ensure residential development does not exceed known physical infrastructure capacities.

Relevant strategies to achieve these objectives (as relevant to this application) include:

- Promote lower density housing in established suburban areas that do not have direct access to activity/transport nodes and “encourage” only incremental change in housing density (*incremental housing change areas*). Such areas will retain their



predominantly single dwelling character and incremental change will occur in the form of single dwellings or the equivalent of dual occupancy developments on average sized lots.

- 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.
- Encourage the retention of existing vegetation wherever possible.
- Improve landscape character by accommodating appropriate landscaping within new residential developments.
- Ensure that the planning, design, siting and construction of new residential development responds to best practice environmental design guidelines for energy efficiency, waste and recycling, and stormwater management.
- Promote medium density housing development in close proximity to public transport facilities, particularly train stations.
- Ensure the siting and design of new residential development sensitively responds to interfaces with environmentally sensitive areas, including the foreshore.
- Ensure that where medium and higher density residential areas are proposed adjacent to lower density residential areas, the design of such development takes proper account of its potential amenity impacts.
- Ensure that the siting and design of new residential development is consistent with Urban Stormwater Best Practice Environmental Management Guidelines and that new development contributes to the maintenance and upgrade of local drainage infrastructure as required, where such new development will impact on the capacity of such infrastructure.
- Require the provision of car parking to satisfy the anticipated demand having regard to average car ownership levels in the area, the environmental capacity of the local street network and the proximity of public transport and nearby on and off street car parking.
- Ensure that all new medium density housing provides adequate private open space that is appropriately landscaped.

It is considered that the proposed development is consistent with the relevant objectives of Council's Municipal Strategic Statement as outlined above. The proposal creates an adequate standard of amenity for the future occupants of each dwelling, as well as for occupants of existing dwellings in the immediate area. It is considered that the development will have minimal impact on the existing streetscape character, and the broader local neighbourhood character.

Average dwelling size within this area has been calculated to be 306.55m<sup>2</sup> and it is therefore considered that this proposal would meet this strategy as the subject site has an area of 328.67m<sup>2</sup>.

**Clause 22.11 - Residential Development Policy**

The proposal has been assessed against the objectives and policy of the Residential Development Policy, which can be summarised under the following headings:

- Housing change
- Neighbourhood character
- Built form, siting and scale of development
- Car parking and vehicle access
- Stormwater run-off mitigation and quality management

It is considered that the proposal satisfies the above relevant requirements.

The “*built form, siting and scale of development*” section of the Policy states the following:

- Encourage the two-storey component of new medium density housing to be located towards the front of the site.
- 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 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.

It is acknowledged that a double storey dwelling is proposed at the rear of the site; however the design of the upper floor is within the attic style roof area. It is considered that the proposed development would satisfy the above policies under Clause 22.11 of the Kingston Planning Scheme.

**Clause 32.06: Residential 3 Zone**

The purpose of the Residential 3 zone includes the provision of residential development at a range of densities with a variety of dwellings to meet the housing needs of all households. A planning permit is required for the development of 2 or more dwellings.

**Schedule**

The proposal generally meets the additional requirements listed in the Schedule to the Residential 3 zone. Some of the non-compliances to the schedule will be discussed in the Clause 55: ResCode section.

**Clause 55: Rescode**

The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme. It is considered that the proposal predominately meets the requirements of Rescode. There are however some areas of non-compliance which are as follows:

**Standard B6 Street Setback** - requires that any new dwelling on this allotment be set back 6.65m from the site's Clay Street frontage. Further, the front carport is quite open and the dwelling itself is set back from the site's 8.9m setback. Having regard though to the layout of the proposed dwellings and the street configuration, it is considered that the proposal in its submitted format (6.47m setback, which is 17cm short, according to the requirement of this Standard) will respect the neighbourhood character and is therefore, considered appropriate.

**Standard B14 Access** - requires all vehicles to be able to enter and exit the site in a forwards direction. With the current layout, the turning area for dwelling 3 does not achieve this objective. There are two options to resolve this issue – either an decrease length of garage of dwelling 2 by providing a carport of 5.5m length or further setting back the garage, towards the eastern property boundary. However, if the garage is set back further towards this boundary there will be a resultant reduction in private open space. Accordingly, it is considered that a decrease in the garage length and converting the garage into a carport will resolve this issue, and this can be achieved via a condition on any permit issued.

**Standard B28 Private Open Space** – The objective under this Clause is “*to provide adequate private open space for the reasonable recreation and service needs of residents.*”

Standard 28 (schedule to the R3Z) requires an area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 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.

Dwelling 3 has 3 bedrooms and 1 multi purpose room (M.P.R.). It is acknowledged that the size of M.P.R. has been reduced substantially, as demonstrated on the amended plans submitted. However, looking at the size of M.P.R., it is still considered possible to convert this room into a bedroom. Therefore, the size of private open space for dwelling 3 is substandard as only 64.2m<sup>2</sup> of secluded P.O.S. is proposed. This shortfall of P.O.S. can be addressed via a condition on any permit issued.

**Standard B32 Front Fences** – the Schedule to the Residential 3 Zone requires a front fence within 3 metres of a street should not exceed 1.2m. The applicant has mentioned on a covering letter that the plans have been amended to show 1.2m high front fence, however, the plans still nominate a 1.8m high timber picket fence. Council Officer considers that this can be dealt with via a permit condition on any permit issued.

**Clause 65: Decision Guidelines**

This clause of the Planning Scheme sets out other matters which must be given regard to before deciding on an application.

It is considered that the proposed development meets the requirements as set out in this Clause of the Planning Scheme.

**Neighbourhood Character Area Guidelines (Incorporated Document):**

The land is located within Area 32 of the Neighbourhood Character Guidelines. Within this Area, the following characteristics are considered to make major contributions to the neighbourhood character:

- Building placement: 1-3 metre narrower side setback, 7-10 metre front setback and 3-5 metre wider side setback; and
- Most walls – cream concrete block walls and rooves – tile, various colours
- Low front wall and landscaped front gardens.

With regard to building placement and side setbacks, the proposal is consistent with the setback of the dwellings on abutting land. The front setbacks proposed are considered to be consistent with the streetscape, and are therefore appropriate.

The development has been articulated with design features and a variety of building materials to ensure that the dwellings are visually interesting and that they should be less obtrusive in the context of surrounding development. Double storey dwellings are not the predominate form in the street, however, the proposed attic style double storey can be considered appropriate to this site. Adequate site area is available to provide landscaping to soften the appearance of the dwellings when viewed from the street and abutting properties.

As discussed earlier, the lower front wall can be conditioned if any permit would be issued.

**Designing Contextual Housing Guidelines – April 2003 (Reference Document):**

The Designing Contextual Housing Guidelines supplement the Kingston Neighbourhood Character Guidelines, Residential Development Policy and ResCode provisions and offer a range of design techniques and suggestions to assist with residential design which is responsive to local character. It is considered that the proposed development does not raise any issues of non-compliance with these guidelines.

**Response to Grounds of Objection**

**Objection:** *Overlooking to the neighbouring properties.*

**Response:** The submitted plans comply with the overlooking provisions of ResCode and indicate that any potential views from the development will be limited by appropriate screening devices, where required, (which was agreed during Preliminary Conference by applicant). It is however considered that any permit issued should include a condition which requires the materials and finishes of construction for the proposed privacy screens proposed to be nominated to ensure that they are durable.

**Objection:** *Neighbourhood character, building height and visual bulk*

**Response:** It is submitted that the proposal includes a design which is consistent with the existing neighbourhood character. It is acknowledged that proposal has double storey,

however, the attic style of design accommodates the first floor within the roof style, limiting any visual bulk. The proposal tried to provide lower plinth levels to lower the total building height, which assists in reducing visual bulk and making the dwelling more fitting with its surrounding neighbourhood character.

**Objection:** *Overshadowing to habitable windows to neighbouring property*

**Response:** To south side of the proposed development, is a driveway for No. 36 Clay Street. The submitted shadow diagrams indicate that the proposal complies with the overshadowing provisions of ResCode (Standard B21), and that no unreasonable shadow impact will occur to the existing secluded private open space as a result of the development.

Regarding solar access to existing north facing windows (Standard B20), and daylight to existing windows (Standard B19), the proposed development meets the ResCode requirement having first floor walls as attic style roofing.

**Objection:** *Less front street setback than required.*

As discussed in the Rescode (Standard 6) section of this report, the front street setback is only 17cm less than the ResCode requirement. It is therefore considered that the front setback does not have any adversely visual impact in this instance.

**Objection:** *Double Crossover and Traffic problems due to development:*

**Response:** There are no apparent traffic concerns associated with the proposal. Six (6) on-site car parking spaces have been provided for the development, which meet the ResCode (Standard B16) requirements. In addition to this, there is a space for two tandem car parking space available if future occupants feel it is necessary.

### **General Comment**

The proposed development is considered appropriate for the site as evidenced by:

- . The design and siting of the proposed development to be compatible with the surrounding area;
- . The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- . The proposal satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy, Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings and the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines.

On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

**Recommendation**

That Council resolve to issue a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings, subject following conditions:

1. Before the development starts amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 5th August, 2008, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees;
    - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of one (1) suitable medium sized (at maturity) canopy tree within the front setback of the property and one (1) small (at maturity) tree within the private open space area of each dwelling, with species chosen to be approved by the Responsible Authority;
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix. medium to large shrubs to be provided at a minimum pot size of 200mm;
    - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements;
  - b) the garage of dwelling 2 converted into a carport with a length of 5.5m and a width of 5.5m to ensure that all vehicles can exit the site in a forwards direction from the development;
  - c) the bedroom 3 window on the first floor eastern elevation of dwelling 3; the window to the of stairwell of dwelling 3 and the window of the foyer of dwelling 2 nominated as being fitted with fixed obscure glazing with no more than 25% transparency;

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- d) the provision of new minimum 2.2 metre high timber paling fences nominated along the site's north, south and east side property boundaries and constructed to the cost of the applicant/owner, with the side fences to taper down to 1m in height at 3 metres from the frontage of the site;
  - e) the front fence reduced to 1.2m high and provision of an elevation plan of the front fencing, which provides details of height, materials and colours;
  - f) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - g) the door of each garage nominated as a panel lift door, or similar;
  - h) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations of the proposed dwellings; and
  - i) the provision of the private open space of dwelling 3 increased to 80m<sup>2</sup> or the M.P.R. deleted in accordance with Clause 55.05-4 of Kingston Planning Scheme.
2. The development and/or use as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Before occupation of the dwellings hereby permitted, the landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  4. Before occupation of the dwellings hereby permitted, all buildings and works and the conditions of this permit must be complied with, unless with the further prior written consent of the Responsible Authority.
  5. The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
  6. Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  7. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  8. Construction on the site must be restricted to the following times:

Monday to Friday	7:00am to 7:00pm; and
Saturday	9:00am to 6:00pm.

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Or otherwise as approved by the Responsible Authority in writing.

9. Before the occupation of the dwellings hereby permitted starts, or by such later date as is approved by the Responsible Authority in writing, the nature strip, kerb and channel, vehicle crossover and footpath must be reinstated to the satisfaction of the Responsible Authority.
10. Any existing vehicular crossing not in accordance with the endorsed plan must be removed and the kerb reinstated in a manner satisfactory to the Responsible Authority and any proposed vehicular crossing must be fully constructed to the Responsible Authority's standard specification.
11. Convenient taps or fixed sprinkler system must be provided to the satisfaction the Responsible Authority capable of watering all communal and private land and landscaped areas, including turf block visitor car parking where provided.
12. A street number of 100mm minimum height and contrasting in colour to its background, must be fixed at the front boundary of the property and as near as practicable to, or on the letterboxes with such numbering to be in accordance with Council's Street Numbering Policy. Separate unit numbers of 75mm minimum height must be placed adjacent to the front entrance of each dwelling. Such numbers must be clearly legible from the access driveway.
13. Prior to the occupation of the dwellings hereby approved, all boundary fences must be repaired and/or replaced as necessary to the satisfaction of the Responsible Authority, at the cost of the applicant/owner. All fencing and boundary wall finishing as required pursuant to conditions 1d) of this permit are to be at the whole cost of the applicant/owner.
14. Exterior lights must be installed in such positions as to effectively illuminate all pathway and porch areas. Such lighting must be controlled by a time clock or sensor unit, and must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
15. Prior to the occupation of the dwellings hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
  - a. Constructed to the satisfaction of the Responsible Authority.
  - b. Properly formed to such levels that they can be used in accordance with the plans.
  - c. Surfaced with *an all-weather coloured concrete sealcoat* to the satisfaction of the Responsible Authority.
  - d. Drained and maintained to the satisfaction of the Responsible Authority.

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



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16. All works on or facing the boundaries of adjoining properties must be finished and surface cleaned to a standard that is well presented to neighbouring properties in a manner to the satisfaction of the Responsible Authority.
17. All piping and ducting above the ground floor storey of the development (other than rainwater guttering and downpipes) must be concealed to the satisfaction of the Responsible Authority.
18. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
19. External clothes drying facilities must be provided for each dwelling.
20. Before the development hereby permitted commences, the new fences required under Condition 1 d) of this permit must be erected to Council satisfaction, at the full cost of the applicant/owner of the site.
21. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
22. In accordance with section 68 of the Planning and Environment Act 1987, this permit will expire if one of the following circumstances applies:
  - The development and use are not started before two (2) years of the date of this permit.
  - The development is not completed before two (2) years from the commencement of works.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**Note:** Prior to the commencement of the development you are required to obtain the necessary Building Permit.

**Note:** The applicant/owner must provide a copy of this planning permit to any appointed Building Surveyor. It is the responsibility of the applicant/owner and Building Surveyor to ensure that all building development works approved by any building permit is consistent with the planning permit.

**Note:** It is noted the development includes eaves to be built over an easement. Separate consent from Council and the relevant service authority is required to build over the easement and will need to be obtained prior to the issue of a Building Permit.

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**Planning Application KP228/08 – 100 Beach Road and 14-18 Palermo Street Mentone (St Bede’s College)**

<b>APPLICANT:</b>	Kneeler Design Pty Ltd
<b>APPLICATION NO.</b>	KP228/08
<b>LOCATION:</b>	No.100 Beach Road & 14-18 Palermo Street Mentone
<b>MELWAYS REF:</b>	87 A8
<b>PROPOSAL:</b>	To construct buildings and works comprising a music/drama facility on No. 14-18 Palermo Street and an extension to existing gymnasium and relocation of existing tennis courts
<b>ZONING:</b>	Residential 1 Zone and Residential 3 Zone
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	Clause 16: Housing Clause 18.07: Educational Facilities Clause 19.03: Design and Built Form Clause 21.05: Residential Land Use Clause 32.01: Residential 1 Zone Clause 32.03 Residential 3 Zone Clause 52.06: Car Parking

**Main Issue**

The main issue in this application is whether the proposed development of the site will impact on the amenity of the occupiers of the surrounding and adjacent land

**Existing Conditions:**

The subject site with respect to the proposed development consists of two parcels of land. The first is known as 14-18 Palermo Street, where the three existing dwellings on the site will be demolished to make way for the proposed music/drama facility. The existing dwellings are located on three separate lots and have a total combined area of 2066 square metres.

The second parcel of land forms part of the overall school site where the proposed gymnasium upgrade will be attached to the south and eastern side of the existing gymnasium facing Naples Road.

**Proposal:**

The proposed development and use consists of a new music and drama facility and the upgrade to the existing gymnasium facility

***Music/Drama Facility***

This new facility consists of the following components

- An auditorium and stage which has a seating capacity of 400 people
- Two (2) band rooms.
- One recording area, two studios and a staff office/lounge.
- Four music classrooms.

- Twelve tutorial rooms
- Kitchen and toilet facilities and a music garden area.
- The area occupied by this facility is approximately 1900 square metres.
- The building also includes a first floor component to be used for drama. This component of the building will have a floor area of approximately 416 square metres and will be oriented towards the laneway which runs off Palermo Street.
- The proposed building will have a setback from Palermo Street varying between 3.8 m and 12.88 m. The setback of the building along the laneway will also vary between 5.1 m and 0.7 m.
- At its lowest point the building will have a height of 3.4 m and at its maximum height of the building will not exceed 8 m.
- External materials include a metal deck roof, polycarbonate cladding, rendered concrete panels with sel pattern and brickwork to match existing buildings on the site.

### ***Gymnasium upgrade***

The upgrade to the existing gymnasium consists of the following components

- A new sports hall extension which will include a new basketball court and storage areas.
- Three new storage areas associated with a gymnasium, three new storage areas associated with a new gymnasium.
- New change rooms for home and away schools.
- A new kitchen and multipurpose room that will be accessed through the main foyer. The multipurpose room will have seating for approximately 90 students.
- The new building will have a maximum height of 9.68 metres and will have the same setback as the existing gymnasium from Naples Street.
- This will result in the relocation of the existing tennis courts

### **Planning Scheme Requirements:**

Pursuant to Clause 32.01-6 of the Kingston Planning Scheme, a planning permit is required to construct or carry out works for a use in Section 2 of Clause 32.01-1 of the Scheme.

Pursuant to Clause 32.03-6 of the Kingston Planning Scheme a planning permit is required to construct or carry out works for a use in Section 2 of Clause 32.03-1 of the Scheme.

### **Advertising:**

The proposal was advertised by sending notices to adjoining and opposite property owners and occupiers and by maintaining a notice on site for fourteen (14) days. Twelve objections were received in response to the public notice. The grounds of objection are as follows:

- Noise associated with the existing gymnasium.
- Parking problems associated with the extension to the gymnasium in Naples Road.

- The existing gymnasium is an eyesore and has the appearance of a warehouse structure.
- Parking concerns associated with the new music/drama building in Palermo Street.
- Concerned from the RSL in respect to the impact of the proposed development and access to their car park area.
- An acceptable landscaping plan should be provided for the frontage treatment to the new auditorium. A footpath should be constructed from Naples Street to the school roadway to encourage pedestrian traffic along that section.
- The auditorium will create noise affecting the amenity of the surrounding residents
- The setback of the auditorium from the street is inadequate.
- Concerns about restricting the usage of these buildings to outside groups.

### **Response to Grounds of Objection**

The grounds of objection, which relate to the new music and drama facility are concerned with car parking, noise associated with the facility and an increase in functions not related to the school. The school has identified that there is currently approximately 20 functions per year that are associated with the school, and this is not likely to increase, nor is the school going to hire the building out for public use. In response to the development the school also proposes an additional 36 car spaces on the site. As has always occurred in the past, the majority of parking for these types of activities occurred on the school oval. The purpose of the building will ensure all existing functions, which occur on the site will now be concentrated in one building. This does not mean that the intensity or the number of the activities will increase. Therefore it is unlikely that the existing car parking patterns will be altered once the building is constructed if approved.

The main concern with respect to the addition to the existing gymnasium relates to its warehouse like appearance from Naples Road. The applicant has responded by providing a more appropriate external treatment to both the existing and proposed buildings, which is more in keeping with the character of the area.

### **Preliminary Conference**

A preliminary conference was conducted at the Cheltenham Office on the 7 August, 2008. The meeting was attended by the applicant, the objectors, the Councillor for the area and council officer. At the meeting discussion revolved around the issues as detailed above.

The meeting was completed having addressed some of the concerns of the residents. The applicant and representatives of the school agreed to meet again with the objectors, after they have reconsidered the design of the front façade of the gymnasium as it fronts Naples Road.

A second meeting was held on 23 September, 2008. It was attended by the objectors who were concerned with the external façade of the gymnasium as noted above. There was general agreement on the materials proposed to treat the external walls of the building. Two of the adjoining residents still had a concern about the height of the structure and the impact on views. An onsite meeting was held with the two residents closest to the site and they were still unhappy with the south-west elevation of the upgraded gymnasium building.

**Referrals:**

The application was referred to Council's Development Engineer and to Council's Vegetation Management Officer. No objection was offered to the proposed development and the requirements will be included as conditions of any permit issue.

**Planning Assessment:**

The following section will consider the application against the relevant sections of the State Planning Policy Framework, Local Planning Policy Framework (including the MSS), zoning objectives and Particular Provisions of the Kingston Planning Scheme.

**State Planning Policy Framework**

Clause 18.07 Education Facilities

In respect to this section of the SPPF, it is submitted that the proposed redevelopment of the school is consistent with policy. The proposed redevelopment will support the future demand for educational facilities within the area and will provide a facility, which will meet current expectations

Clause 19.03 Design and Built Form

One of the objectives of this clause is to achieve high-quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community. It is submitted that the applicant has gone to great lengths to ensure that the majority of residents are satisfied with the external design and built form of proposed development with respect to the impact that it will have on the local community. In particular it is noted that residents were not satisfied with the external appearance of the existing gymnasium, and there is now general agreement with the external materials that will be used to improve the appearance of both the existing and proposed alterations and additions to the gymnasium

**Local Planning Policy Framework (including the MSS)**

**Clause 21.05: Residential Land Use** The LPPF does not provide much guidance with respect to the redevelopment of educational facilities within residential areas. It does suggest that one of the key issues, is the "management of the interfaces between residential areas and other sensitive/strategic land uses." It is considered that the proposed development is respectful of, and responsive to the existing residential development, which surrounds the site.

**Zoning Provisions**

**Clause 32.01: Residential 1 Zone and Clause 32.06: Residential 3 Zone**

It is noted that the new drama/music building is located within the Residential 3 Zone and that the alterations and additions to the existing gymnasium are located within a Residential 1 Zone. One of the purposes common to both of these zones is

*"In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-related uses to serve local community needs."*

It is submitted that proposed facilities are appropriate for this existing educational facility and it will assist the school to be more able to meet the needs of the school community at a standard which is expected of today's requirements. It is therefore considered to be consistent with the purpose of the zone.

**Particular Provisions**

**Clause 52.06 – Car Parking:** One of the purposes of this clause is to ensure the provision of an appropriate number of car spaces having regard to the activities on the land and the nature of the locality. As noted in the response to the objectors concerns, it is not intended to increase the level of activity at the school with regards to the uses associated with the proposed buildings. In this instance the intent is to provide better facilities and consolidate activities in buildings which are purpose-built. In addition to this, the school has provided an additional 36 formal car spaces on the site.

**Clause 65.01 – Decision Guidelines:** In considering the proposal, Council officers have had regard to the key decision guidelines under this Clause particularly in relation to the effect on the amenity of the area and the relevant provisions of the Kingston Planning Scheme.

**General Comment:**

It is the view of Council officers that the proposal represents an appropriate land use and development opportunity for this site, given the current zoning of the subject site. The relevant policies under the State and Local Planning Policy Frameworks encourage the development and use of this educational facility as it attempts to address the needs of the local community.

In summary, the main attributes of the proposed development are summarised as follows:

- § The proposal represents a significant opportunity to utilise land that is highly accessible to the local community.
- § The overall design and built form of the proposed facility would be sympathetic to the surrounding land uses and the visual impact of the development would be minimised with appropriate landscaping treatment

It is considered that the objector's concerns have been addressed, and that subject to the inclusion of suitable permit conditions, the proposal is considered reasonable for the site and warrants Council support.

**Recommendation:**

That Council resolve to issue a Notice of Decision to Grant a Permit to construct a music/drama facility at No. 14-18 Palermo Street, Mentone, an extension to the existing gymnasium facility and the relocation of the existing tennis courts subject to the following conditions:

- 1 Before the development and/or use starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be substantially in accordance with the plans submitted to Council on 15 April, 2008, but modified to show:
  - a) the provision of a landscape plan in accordance with the submitted development plan and the City of Kingston Landscape Plan Checklist, with such plans to be prepared by a suitably qualified landscape professional and incorporating:
    - i. an associated planting schedule showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site. The schedule must be shown on the plan;
    - ii. the delineation of all garden beds, paving, grassed areas, retaining walls, fences and other landscape works including areas of cut and fill throughout the development;
    - iii. all existing trees on the site and within three (3) metres to the boundary of the site on adjoining properties, accurately illustrated to represent actual canopy width and labelled with botanical name, height and whether the tree is proposed to be retained or removed;
    - iv. a range of plant types from ground covers to large shrubs and trees;
    - v. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vi. the provision of a minimum of seven (7) medium to large trees between the Palermo Street frontage and the Auditorium and a minimum of 10 other suitable canopy trees throughout the site. Species chosen must be approved by the Responsible Authority.
    - vii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - viii. all trees provided at a minimum of two (2) metres in height at time of planting;
    - ix. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - x. the provision of notes on the landscape plan regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements.

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- b) the provision of additional pavement where required;
  - c) full details of all external building materials and colours for the proposed buildings; and
  - d) how the tennis courts will be relocated.
- 2 The development and/or use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  - 3 The development of the site must be provided with stormwater works which incorporates the use of water sensitive urban design principles to improve stormwater runoff quality and which also retains on site any increase in runoff as a result of the approved development. The system must be maintained to the satisfaction of the Responsible Authority. Council's Development Engineer can advise on satisfactory options to achieve these desired outcomes which may include the use of an infiltration or bioretention system, rainwater tanks connected for reuse and a detention system.
  - 4 Before the development commences, a Stormwater Management Plan showing the stormwater works to the nominated point of discharge must be prepared to the satisfaction of the Responsible Authority. The Stormwater Management Plan must be prepared by a qualified person and show all details of the proposed stormwater works including all existing and proposed features that may have impact (e.g. trees to be retained, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
  - 5 Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  - 6 The development must not be occupied and the permitted use/s must not commence until all buildings and works and the conditions of this permit have been complied with, unless with the further consent of the Responsible Authority.
  - 7 Before the use allowed by this permit commences, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must then be maintained to the satisfaction of the Responsible Authority.
  - 8 All existing vegetation shown on the endorsed plans for retention must be suitably marked and adequately protected before any development starts on the site and that vegetation must not be removed, destroyed or lopped without the prior written consent of the Responsible Authority.
  - 9 Before commencement of the use/s hereby permitted, areas set aside for parking vehicles, access lanes and paths as shown on the endorsed plans must be:
    - a) Constructed to the satisfaction of the Responsible Authority.
    - b) Properly formed to such levels that they can be used in accordance with the plans.



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- c) Surfaced in a manner to the satisfaction of the Responsible Authority.
- d) Drained to the satisfaction of the Responsible Authority.
- e) Line-marked to indicate each car space, all access lanes and, if necessary, the direction in which vehicles are to travel to the satisfaction of the Responsible Authority.
- f) In accordance with any Council adopted guidelines for the construction of car parks.

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

- 10 In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
- 11 The car parking provided on the land must always be made available for the use by persons employed or residing on the subject land to the satisfaction of the Responsible Authority and no measure restricting access by such persons to the car park may be taken without the prior written consent of the Responsible Authority.
- 12 The overflow car parking areas shown on the endorsed plans must be graded, compacted, drained and planted with hard-wearing grasses and maintained to a standard acceptable to the Responsible Authority. Clear directions for the use of the overflow parking areas must be provided to the satisfaction of the Responsible Authority.
- 13 Access to the site must be constructed in accordance with the requirements of Vic Roads and the Responsible Authority.
- 14 The surface of the car parking area must be treated to the satisfaction of the Responsible Authority to prevent dust resulting in loss of amenity to adjoining and nearby properties.
- 15 The amenity of the area must not be detrimentally affected by the development and/or use, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin; and
  - e) In any other way.
- 16 Outdoor lighting must be provided, designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on neighbouring land.
- 17 Exterior lights must be installed in such positions to effectively light all pathways, car parks and other public areas to the satisfaction of the Responsible Authority.
- 18 All external surfaces of the building elevations must be finished in accordance with the schedule on the endorsed plans and maintained in good condition to Council satisfaction.

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- 19 The location of external fans, air-conditioning apparatus and the like must be to Council approval and installed to prevent loss of amenity to the area by its appearance, noise, emission or otherwise.
- 20 Any plant and/or equipment proposed on the roof of the building must be screened in a manner to complement the appearance of the building to the satisfaction of the Responsible Authority.
- 21 Construction on the site shall be restricted to the following times:
- |                   |                  |
|-------------------|------------------|
| Monday to Friday: | 7:00am to 7:00pm |
| Saturday:         | 9:00am to 6:00pm |

Or otherwise as approved by the Responsible Authority in writing.

- 22 Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 23 In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
- The development and use are not started before two (2) years from the date of this permit
  - The development is not completed before one (1) year from the commencement of works

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

**Note (1):** Prior to the commencement of the development or use you are required to obtain the necessary building permit.

**Note (2):** Before removing/pruning any vegetation from the site, the applicant or any contractor engaged to remove vegetation should consult Council's Vegetation Management Officer to verify if a Local Law permit is required for the removal of such vegetation.

**K 194**

**Remembrance Garden**

**Approved by:** Elaine Sowerby, General Manager  
Organisational Development & Governance

**Author:** Trish Smyth, Manager Libraries & Education

**1. Purpose**

This report provides an update on the Remembrance Garden.

**2. Background**

Earlier reports have developed the concept of an open space area to be designated as a Remembrance Garden to provide quiet reflective spaces to remember loved ones. As previously advised a potentially suitable site has been identified at Edithvale Common and discussions have recently been held with the Friends of the Edithvale Wetlands.

At the Ordinary Council Meeting of 27<sup>th</sup> October 2008, the following motion was carried:  
“That Council support the concept of a Remembrance Garden at Edithvale Common and that Council looks forward to consulting on the concept plan with the community”

**3. Issues**

The concept of a Remembrance Garden at the Edithvale common area has been favourably received by the Friends Group. The potential inclusion of a water feature has been particularly mentioned by the group. Plantings will be of plants indigenous to the area. Recognition Plaques included will be discreet and in keeping with the nature of the Remembrance Garden. A concept plan is currently being drawn up.

Following the preparation of this plan, other work will be required including:

- Detailed costing of the concept plan. An initial project costing of \$15,000 - \$25,000 has been indicated
- Liaison with Melbourne Water
- Other relevant parties eg. Edithvale Rovers Junior Football Club will be informed as appropriate.
- An examination of associated storm-water issues which were noted by Friends of the Edithvale Wetlands

These issues require further work which will be brought to the next Council.

**4. Triple Bottom Line Checklist**

Environmental – A Remembrance Garden of indigenous plantings would bring environmental benefit to Edithvale Common. Examination of stormwater issues could also bring further environmental benefit.

Social - A Remembrance Garden would have a positive social impact on the community. Community Planting Days will add to the community building benefits of this proposal.

Financial - There will be a budget impact for this proposal when detailed costings have been developed.

**5. Summary and Conclusion**

The planting of a Remembrance Garden would have merit in terms of environmental and social benefits to the community.

A detailed costed concept will be provided to the incoming Council for decision.

**6. Recommendation**

That Council:

1. endorse the continuation of work to develop the concept of a Remembrance Garden including detailed costing for the garden to be located at Edithvale Common; and
2. note that the detailed development and costing work will be brought forward to the new Council for decision.