

**City of Kingston  
Planning Committee Meeting**

**Agenda**

**17 August 2011**

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**Notice** is given that a Planning Committee Meeting of Kingston City Council will be held at 7.00pm at the Cheltenham Office, 1230 Nepean Highway, Cheltenham, on Wednesday 17 August 2011.

**1. Apologies**

**2. Confirmation of Minutes of Previous Meeting**

Minutes of Planning Committee Meeting of 22 June 2011.

**3. Foreshadowed Declaration by Councillors or Officers of any Conflict of Interest**

*[Note that any Conflicts of Interest need to be formally declared at the start of the meeting and immediately prior to the item being considered – type and nature of interest is required to be disclosed – if disclosed in writing to the CEO prior to the meeting only the type of interest needs to be disclosed prior to the item being considered.]*

**4. Environmental Sustainability Reports**

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**PC 39                    Town Planning Application Decisions – June, 2011**

**Approved By:**        Rachel Hornsby -General Manager, Environmental Sustainability

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

Attached for information is the report of Town Planning Decisions for the month of July, 2011.

A summary of the decisions is as follows:

<b>Type of Decision</b>	<b>Number of Decisions Made</b>	<b>Percentage (%)</b>
Planning Permits	61	68
Notice of Decision	13	14
Refusal to Grant a Permit	1	1
Other - Withdrawn (7) - Prohibited (0) - Permit not required (3) - Lapsed (5)	15	17
<b>Total</b>	<b>90</b>	<b>100</b>

(NB: Percentage figures have been rounded)

**Recommendation**

That the report be noted.

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Planning Decisions July, 2011							
APPL. No.	PROPERTY ADDRESS	SUBURB	APPL. DATE	DATE DECIDED	PROPOSAL DESCRIPTION	DECISION	VCAT DECISION
KP-658/2010	98 Berry Avenue	EDITHVALE	20/09/2010	1/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-660/2010	1 1 Foy Lane	CHELSEA	20/09/2010	1/07/2011	THREE (3) DWELLINGS	Permit Issued	NO
KP-295/2010	17 View Street	HIGHETT	18/05/2010	4/07/2011	SIX (6) DWELLINGS	Permit Issued	YES
KP-926/2010	223 Como Parade East	PARKDALE	24/12/2010	4/07/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-290/2010	1 Foster Street	ASPENDALE	14/05/2010	4/07/2011	CONSTRUCT A DWELLING ON A LOT LESS THAN 300sqm	Permit Issued	NO
KP-350/2010	10 The Parade	CLARINDA	7/06/2010	4/07/2011	TWO (2) DWELLINGS	Permit Issued	YES
KP-647/2010	5 40 Nepean Highway	ASPENDALE	16/09/2010	4/07/2011	DWELLING EXTENSION	Permit Issued	NO
KP-959/2007	26 Elder Street	CLARINDA	3/12/2007	4/07/2011	3 DWELLINGS	Permit Issued	YES
KP-462/2010	92 Argyle Avenue	CHELSEA	12/07/2010	5/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-93/2011	338 Nepean Highway	PARKDALE	15/02/2011	5/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-203/2011	469 Main Street	MORDIALLOC	31/03/2011	5/07/2011	Buildings and Works - Change External Color of Building	Refused	NO

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KP-914/2010	4 Breeze Street	BONBEACH	21/12/2010	5/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-538/2009	202 Wickham Road	HIGHETT	14/08/2009	6/07/2011	Two (2) dwellings	Permit Issued	YES
KP-147/2011	13 James Street	MORDIALLOC	8/03/2011	6/07/2011	TWO (2) DWELLINGS & TWO (2) LOT SUBDIVISION	Withdrawn	NO
KP-158/2010	17 Governor Arthur Drive	PATTERSON LAKES	23/03/2010	6/07/2011	SATELLITE DISH	Withdrawn	NO
KP-198/2011	47 Levanto Street	MENTONE	1/04/2011	6/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-123/2011	8 Keamy Avenue	CHELTENHAM	3/03/2011	7/07/2011	THREE (3) LOT SUBDIVISION	Permit Issued	NO
KP-137/2010	238 Centre Dandenong Road	DINGLEY VILLAGE	18/03/2010	7/07/2011	CHILD CARE CENTRE & TWO (2) DWELLINGS	Permit Issued	NO
KP-190/2011	5 Manning Close	MORDIALLOC	22/03/2011	7/07/2011	VARIATION TO RESTRICTIVE COVENANT (AS AMENDED)	Permit Issued	NO
KP-92/2011	34 Plummer Road	MENTONE	15/02/2011	7/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-394/2011	63-73 Woodlands Drive	BRAESIDE	9/06/2011	7/07/2011	BUILDINGS & WORKS	Permit Not Required	NO

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KP-287/2011	8 Mallard Court	CHELSEA HEIGHTS	3/05/2011	7/07/2011	TWO (2) LOT SUBDIVISION / CREATE EASEMENT	Permit Issued	NO
KP-300/2011	52 Seventh Street	PARKDALE	10/05/2011	8/07/2011	TWO (2) LOT SUBDIVISION / CREATE EASEMENT	Permit Issued	NO
KP-811/2010	8 Mount View Avenue	PARKDALE	15/11/2010	11/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-497/2010	27 Eulinga Road	CLARINDA	26/07/2010	11/07/2011	FOUR (4) DWELLINGS	Permit Issued	NO
KP-841/2010	29 Naples Road	MENTONE	22/11/2010	11/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-837/2010	1 Clare Street	PARKDALE	22/11/2010	11/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-670/2010	69 Brownfield Street	MORDIALLOC	27/09/2010	11/07/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-858/2010	51 Rae Avenue	EDITHVALE	26/11/2010	11/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-176/2011	96 Lochiel Avenue	EDITHVALE	23/03/2011	11/07/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-627/2010	33 Autumn Terrace	CLAYTON SOUTH	10/09/2010	11/07/2011	SECTION 24A PLAN	Permit Issued	NO
KP-69/2011	640-650 Heatherton	CLAYTON SOUTH	4/02/2011	11/07/2011	Advertising Sign	Permit Issued	NO

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	Road						
KP-653/2010	12 Gwenda Avenue	MOORABBIN	17/09/2010	11/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-96/2010/A	55 Chelsea Road	CHELSEA	30/06/2011	11/07/2011	Two (2) Lot Subdivision	Permit Issued	NO
KP-435/2009/A	493C Warrigal Road	MOORABBIN	12/05/2011	11/07/2011	FACTORY / OFFICE / WAREHOUSE / TAKE AWAY IN A ROAD ZONE CATEGORY 1	Permit Issued	NO
KP-232/2011	81 McLeod Road	CARRUM	13/04/2011	11/07/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-167/2011	Factory 1 7 Levanswell Road	MOORABBIN	16/03/2011	11/07/2011	ADVERTISING SIGN	Permit Issued	NO
KP-5/2011	29 Walkers Road	CARRUM	5/01/2011	11/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-839/2010	88 White Street	MORDIALLOC	22/11/2010	11/07/2011	THIRTY-SEVEN (37) DWELLINGS, ALTER/CONSTRUCT ACCESS TO ROAD ZONE CATEGORY 1	Permit Issued	NO
KP-276/2011	8 Corr Street	MOORABBIN	4/05/2011	12/07/2011	BUILDINGS & WORKS	Lapsed	NO
KP-817/2009	14 MacGregor Street	PARKDALE	9/12/2009	13/07/2011	Two (2) Dwellings	Permit Issued	Yes

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KP-210/2011	1-19 Industrial Drive	BRAESIDE	5/04/2011	14/07/2011	INDOOR RECREATIONAL FACILITY	Lapsed	NO
KP-315/2010	49 McKay Street	MORDIALLOC	24/05/2010	14/07/2011	TWO (2) DWELLINGS	Permit Issued	YES
KP-331/2010	2 Poulson Street	CARRUM	31/05/2010	14/07/2011	TWO (2) DWELLINGS	Permit Issued	YES
KP-151/2009	76 Balcombe Road	MENTONE	16/03/2009	14/07/2011	MIXED USE DEVELOPMENT	Permit Issued	YES
KP-587/2010	Rear 1-53 Frank Avenue	CLAYTON SOUTH	26/08/2010	14/07/2011	SECTION 24A PLAN	Permit Issued	NO
KP-454/2010	3 Tular Avenue	OAKLEIGH SOUTH	13/07/2010	14/07/2011	TWO (2) DWELLINGS	Withdrawn	NO
KP-73/2006/B	27-29 Nepean Highway	MENTONE	31/05/2011	15/07/2011	RESTRICTED RETAIL PREMISES	Permit Issued	NO
KP-994/2008/B	61-111 Rosebank Avenue	CLAYTON SOUTH	14/07/2011	15/07/2011	ONE-HUNDRED & EIGHTY-FIVE (185) DWELLINGS	Permit Issued	NO
KP-816/2009	17 Bricker Street	CHELTENHAM	8/12/2009	18/07/2011	Buildings & Works	Lapsed	NO
KP-512/2010	26 Murdock Street	CLAYTON SOUTH	30/07/2010	18/07/2011	CHANGE OF USE - FOOD PRODUCTION	Lapsed	NO

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KP-674/2010	1 10 Central Avenue	MOORABBIN	29/09/2010	18/07/2011	Front Fence	Permit Not Required	NO
KP-197/2011	43 310 Warrigal Road	CHELTENHAM	18/03/2011	18/07/2011	Erection of Satellite Dish / Antena	Permit Not Required	NO
KP-10/2009	1 1225 Nepean Highway	HIGHETT	9/01/2009	18/07/2011	ADVT SIGN	Withdrawn	NO
KP-888/2010	22 Ebb Street	ASPENDALE	7/12/2010	18/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-620/2010	2 Hicks Street	PARKDALE	6/09/2010	18/07/2011	TWO (2) DWELLINGS ON LAND DESIGNATED WITHIN A SPECIAL BUILDING OVERLAY	Permit Issued	YES
KP-899/2010	82-88 Mills Road	BRAESIDE	14/12/2010	18/07/2011	FOUR (4) LOT SUBDIVISION	Permit Issued	NO
KP-801/2010	8-26 Canterbury Road	BRAESIDE	9/11/2010	18/07/2011	Use and development of the site for a brothel	Permit Issued	YES
KP-4/2011	70-120 Kingston Road	HEATHERTON	4/01/2011	18/07/2011	TEMPORARY FENCING	Notice of Decision	NO
KP-338/2011	35 Southern Road	MENTONE	24/05/2011	19/07/2011	Construct a Dwelling on Land Designated within a Special Building Overlay	Permit Issued	NO
KP-	446-450	HEATHERTON	13/05/2011	19/07/2011	BUILDINGS & WORKS	Permit	NO



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308/2011	Warrigal Road					Issued	
KP-1019/2008/B	19 John Street	MORDIALLOC	31/12/2010	19/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-347/2011	5 Bayliss Street	CHELTENHAM	25/05/2011	20/07/2011	The Subdivision of the Land into Two (2) Lots	Permit Issued	NO
KP-930/2010	4-14 Crawford Road	CLARINDA	29/12/2010	20/07/2011	To Use the Land for the Sale and Consumption of Liquor (on-premises liquor licence)	Notice of Decision	NO
KP-361/2011	Office FLOOR 1 48 Station Road	CHELTENHAM	1/06/2011	20/07/2011	Construct Business Identification Signage on this Site	Permit Issued	NO
KP-38/2011	34 Arunta Crescent	CLARINDA	21/01/2011	20/07/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-312/2011	10 Grevillea Court	PATTERSON LAKES	16/05/2011	20/07/2011	REPLACE JETTY	Permit Issued	NO
KP-328/2011	39 Snapper Point Drive	PATTERSON LAKES	20/05/2011	20/07/2011	REPLACE JETTY 10A	Permit Issued	NO
KP-708/2010	8 Wilson Street	CHELTENHAM	5/10/2010	21/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-890/2010	212 Wickham Road	HIGHETT	9/12/2010	22/07/2011	TWO DWELLINGS	Lapsed	NO

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KP-928/2010	17 Matthieson Street	HIGHETT	24/12/2010	22/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-833/2010	3 Elm Grove	PARKDALE	19/11/2010	22/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-438/2011	1 96 Voltri Street	MENTONE	29/06/2011	22/07/2011	MOTOR VEHICLE SALES	Withdrawn	NO
KP-250/2011	7 Zephyr Place	BONBEACH	13/04/2011	22/07/2011	ADVERTISING SIGN	Withdrawn	NO
KP-60/2011	2 Lorraine Street	CHELLENHAM	3/02/2011	22/07/2011	TWO (2) LOT SUBDIVISION	Permit Issued	NO
KP-389/2011	9 Clipper Island	PATTERSON LAKES	7/06/2011	25/07/2011	REPLACE JETTY 22	Permit Issued	NO
KP-473/2011	105 Palm Beach Drive	PATTERSON LAKES	7/07/2011	25/07/2011	Replace Jetty 178	Permit Issued	NO
KP-409/2011	113 Palm Beach Drive	PATTERSON LAKES	16/06/2011	25/07/2011	Replace Jetty 176	Permit Issued	NO
KP-518/2010	157 Park Road	CHELLENHAM	3/08/2010	25/07/2011	FOUR (4) STOREY MIXED USE DEVELOPMENT	Permit Issued	YES
KP-464/2010	36 Milton Avenue	CLAYTON SOUTH	12/07/2010	26/07/2011	FOUR (4) DWELLINGS	Permit Issued	YES
KP-572/2010	49 Como Parade East	PARKDALE	23/08/2010	27/07/2011	TWO (2) DWELLINGS	Permit Issued	NO
KP-606/2010	21 Dahmen Street	CARRUM	2/09/2010	27/07/2011	TWO (2) DWELLINGS	Permit Issued	NO

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KP-816/2010	2 Wright Street	CARRUM	16/11/2010	27/07/2011	TWO (2) DWELLINGS	Notice of Decision	NO
KP-509/2011	11 Palm Beach Drive	PATTERSON LAKES	19/07/2011	28/07/2011	Replace Jetty 199	Permit Issued	NO
KP-344/2010	21 Whatley Street	CARRUM	3/06/2010	28/07/2011	TWO (2) DWELLINGS	Permit Issued	YES
KP-502/2011	24 Curlew Point Drive	PATTERSON LAKES	19/07/2011	28/07/2011	Replace Jetty 120	Permit Issued	NO
KP-505/2011	36 Ocean Reef Drive	PATTERSON LAKES	20/07/2011	28/07/2011	Replace Jetty 158	Permit Issued	NO
KP-45/2011	13B Evan Street	PARKDALE	24/01/2011	29/07/2011	Proposed Skillion Verandah	Permit Issued	NO
KP-277/2010	38-44 Southern Road	MOORABBIN AIRPORT	12/05/2010	29/07/2011	FORTY (40) LOT SUBDIVISION	Withdrawn	NO
KP-824/2010	2 Mallowa Street	CLAYTON SOUTH	17/11/2010	29/07/2011	TWO (2) DWELLINGS	Permit Issued	NO

**PC 40**

**KP892/06 – 56–58 The Corso, Parkdale**

<b>APPLICANT:</b>	<i><b>Bowden Verhoeven</b></i>
<b>ADDRESS OF LAND:</b>	No.56-58 (Lot 1 on PS321130W) The Corso, Parkdale
<b>MELWAY REF:</b>	87 C10
<b>WHAT WOULD APPROVAL ALLOW?</b>	Alterations and Additions to the Existing Greek Orthodox Church (Place of Worship) with reduced car parking requirements pursuant to Clause 52.06 of the Kingston Planning Scheme.
<b>CONTACT OFFICER/S:</b>	Tanya Sokolowski
<b>FILE NO:</b>	KP892/06
<b>ZONING:</b>	Residential 1 Zone
<b>KINGSTON PLANNING SCHEME ORDINANCE CONTROLS:</b>	Clause 15: Built Environment and Heritage Clause 18: Transport Clause 19: Infrastructure Clause 21.13: Heritage Clause 22.16: Heritage Policy Clause 32.01: Residential 1 Zone Clause 43.01: Heritage Overlay 121 Clause 43.02: Design & Development Overlay – Schedule 1 Clause 52.06: Car Parking Clause 65.01: Decision Guidelines
<b>CONSIDERED PLANS:</b>	Plans Dated 15 <sup>th</sup> August, 2007, 8 <sup>th</sup> July, 2010 and 10 <sup>th</sup> December, 2010

***EXISTING CONDITIONS:***

The site is located on the south side of The Corso, Parkdale, opposite its intersection with Heslop Street. The site is irregular in shape and size, has a frontage width of approximately 37.04 metres to The Corso and an overall area of approximately 2993m<sup>2</sup>. There is a significant slope of the land in a north-south (front to rear) direction. The subject site is developed and used for the purpose of a church (place of worship).

The subject site is zoned Residential 1. A Design and Development Overlay Schedule 1 and a Heritage Overlay Schedule 121 also applies to the subject site. Surrounding land is mainly developed and used for residential purposes.

Existing buildings on site include the main church building located towards the north-west corner of the site and a storage shed located in the south-east corner of the site. Existing access to the site is via two (2) single width crossovers located along the site's The Corso property frontage, with one (1) crossover located in the north-west corner and one (1) crossover located on the north-east corner of the subject site. Ramps have been provided from each crossover to the car park located to the rear of the site. The subject site also contains a number of significant trees, which are discussed later in this report.

The existing conditions plan shows that there approximately thirty-one (31) formal car spaces located on site. There is also a gravel area which is used for car parking, however,

this car parking area has not be formalised with line marking and suitable drainage / surfacing. The existing and proposed car parking and traffic conditions are discussed later in this report.

**TITLE DETAILS:**

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

**SITE HISTORY:**

According to Council records, the following permits have been issued for the subject site:

- Building Permit 578/68 was issued by the former City of Mordialloc on 4<sup>th</sup> November, 1968, for the construction of a church on this site; and
- Building Permit 254/86 was issued by the former City of Mordialloc on 27<sup>th</sup> May, 1986, for the construction of a shed on this site.

**PROPOSAL IN DETAIL:**

It is proposed to construct alterations and additions to the existing church building,

including car parking works. Details of the proposed works are as follows;

**Lower Level**

- The lower level of the building to comprise of the following: foyer area, male and female amenities, fist aid / office area, new kitchen area, cool room and storage room, bar, control room and a large assembly hall;
- The proposed extension would include male amenities, control room, kitchen and cool room / storage room.

**Upper Level**

- The upper level of the building to comprise of the following: an expanded church area, baby room, priest office, sanctuary, control room, vestry, candle sales, entry foyer area and concourse area.
- The proposed extensions would include the baby room, a priest office, control room, a vestry, a small amenities area, extension to the concourse to the east of the building and a new church congregation area which includes the new sanctuary and alter area.

The overall building area for the existing church is approximately 255m<sup>2</sup> for the lower level and approximately 200m<sup>2</sup> for the upper level, with an additional area of approximately 48m<sup>2</sup> of concourse area also located on the upper level. The proposed alterations and additions would increase the overall building area at the lower level by approximately

70m<sup>2</sup>, to an area of approximately 325m<sup>2</sup>. The increase in the upper level would be approximately 265m<sup>2</sup>, to an area of approximately 465m<sup>2</sup> (with an additional concourse area of approximately 85m<sup>2</sup>).

Other proposed works include the construction of a new pick-up /drop-off area located to the east of the main Church entry area with the provision of two (2) disabled car parking spaces also provided in this area. These works would require the construction of a new crossover to the east of the main entry to the Church and extending the existing crossover located in the north-east corner of the subject site. Car parking works to the rear of the site are also proposed as part of this application. This will be discussed in the Traffic Section of this report.

The use of the site as a Place of Worship, including weddings, christenings, funerals and other functions and administrative purposes is not proposed to be altered in any way. No new uses are proposed as part of this application. There is no number of fixed seats proposed by the extension as the number of people attending church services vary from time to time.

#### **AMENDMENT TO THE APPLICATION BEFORE NOTIFICATION:**

Amendments to the application were made by the applicant on 15<sup>th</sup> August, 2007. The amendments were largely made in response to Council's further information letters dated 22<sup>nd</sup> December, 2006 and 10<sup>th</sup> January, 2007.

The main amendments made were in relation to the car parking area proposed. The original application sought to remove the majority of the existing vegetation located to the rear of the subject site so as to provide additional car parking for the proposed extension. After detailed discussions with Council's Planning and Vegetation Management Officers, it was agreed that the existing Morton Bay Fig (*Ficus Macrophylla*) located to the rear of the site would be retained. Subsequently, a redesign of the proposed car parking was proposed. It is noted that a number of car spaces were lost as a result of the retention of this tree.

Council decided to allow the amendments.

#### **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. Twenty-six (26) objections to the proposal were received. The valid grounds of concern may be summarised as follows

- Parking and traffic concerns;
- Visual Bulk and Mass;
- Drainage; and
- Loss of privacy.

**PRELIMINARY CONFERENCE:**

A preliminary conference was held on 16<sup>th</sup> October, 2007, where the above issues were discussed.

The above concerns were unable to be resolved at the conference, and the objections still stand.

**AMENDMENT TO THE APPLICATION AFTER NOTIFICATION:**

Prior to a decision on the application being made, the applicant requested that the application be placed on hold. The application remained on hold until an amendment to the application under Section 57A of the Planning and Environment Act 1987 was made on 8<sup>th</sup> July, 2010. Amongst other minor amendments made, the revised application reduced the floor area of the lower level of the proposed development approximately 200m<sup>2</sup>.

Subsequently, Council advised that there was a requirement to give notice under Section 57B of the Planning and Environment Act 1987 and direct that the revised proposal be advertised to adjoining and surrounding owners and occupiers as well as all previous objectors.

A total of forty-six (46) objections were received in relation to the revised proposal. Again, the main grounds of concern may be summarised as follows

- Parking and traffic concerns;
- Visual Bulk and Mass;
- Drainage; and
- Loss of privacy.

A second preliminary conference was held on 22<sup>nd</sup> September, 2010, where the where the above issues were discussed. The above concerns were also unable to be resolved at the conference, and the objections still stand. However, it should be noted that the applicant advised that they would reconsider the proposal and try to address some of the concerns of residents.

As a result, an additional application under Section 57A of the Planning and Environment Act 1987 was made to Council on 10<sup>th</sup> December, 2011, with the provision of twelve (12) additional tandem car parking spaced provided on site. Again, Council advised that there was a requirement to give notice under Section 57B of the Planning and Environment Act 1987 and direct that the revised proposal be advertised to adjoining and surrounding owners and occupiers, as well as all previous objectors.

As a result of the advertising process, an additional six (6) objections were received as part of this revised proposal.

It is noted that no objections were withdrawn as part of the advertising process and as such, all objections still stand.

**REFERRALS:**

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

- 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 Heritage advisor who advised of no objection to the proposal. Furthermore, Council's Heritage Advisor stated the following:
  - "I have examined the revised plans and revisited the site...the revised design will result in a smaller order of change than the original scheme and represents a better heritage outcome. While the building will still be substantially remodelled it will facilitate the ongoing valued use and produce little impact on the most important aspects of the design - namely its presentation to The Corso. In this light, the works raise no substantial heritage issues."
- Council's Traffic Engineers who advised of strong objection to the proposal. Council's Traffic Engineers advised that the proposal should not be supported on traffic issues and the shortage of car parking in its current format.

**RELEVANT POLICIES:**

State Planning Policy Framework

Clause 15 Built Environment and Heritage  
Clause 18 Transport  
Clause 19 Infrastructure

Local Planning Policy Framework

Clause 21.13 Heritage  
Clause 22.16 Heritage Policy

Zoning

Clause 32.01 (Residential 1 Zone)

Overlays

Clause 43.01 (Heritage Overlay)  
Clause 43.02 (Design & Development Overlay – Schedule 1)

Particular Provisions

Clause 52.06 (Car Parking)

General Provisions



Clause 65 (Decision Guidelines)

**PLANNING CONSIDERATIONS:**

The following provides an assessment of the application against the provisions of Clause 65 of the Kingston Planning Scheme.

**STATE PLANNING POLICY FRAMEWORK**

The application has been assessed against the State Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme. The relevant sections of the SPPF are discussed below.

**Clause 15.01-2 Urban Design Principles:** It is policy to achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties. The following design principles for non-residential development are relevant to this application:

*Context:*

- Development must take into account the natural, cultural and strategic context of its location.
- A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.

**Heritage:**

- New development should respect, but not simply copy, historic precedents and create a worthy legacy for future generations.

**Architectural quality:**

- New development should aspire to the high standards in architecture and urban design.

**Landscape Architecture:**

- Recognition should be given to the setting on which buildings are designed and the integrating role of landscape architecture.

It is considered that the proposal adequately satisfies the heritage and landscape architecture considerations of this Clause. In general, the development seeks to retain an existing heritage listed building as part of the re-development of the site which should improve the useability of the site for a place of assembly. Further, the retention of two (2) large existing trees on the subject site, as well as, the re-vegetation of the remainder of the site, is considered to achieve a high standard of landscaping.

However, given the slope of the subject site, the proposal does indeed impact on the amenity of adjoining and surrounding properties through a visual aspect. Unfortunately, the visual impact of the proposed development is a direct result of the slope of the subject site which can not be altered without causing significant impacts to adjoining and surrounding properties.

The proposal's compliance and non-compliance with these aspects of this Clause will need to be balanced in the decision making process and will be discussed in more detail below in this report.

**Clause 15.01-5 Cultural Identity and Neighbourhood Character:** The objective of this Clause is to recognise and protect cultural identity, neighbourhood character and sense of place.

It is considered that the existing church contributes to community and cultural life particularly with regards to the Greek community given site has been used as a Greek Orthodox Church since its construction in 1968. The proposal seeks to retain an existing place of worship which has been a part of the Greek community for over forty (40) years. As such, the existing place of worship is a cultural place and should be protected. Therefore, it is considered that the proposal adequately satisfies this Clause of the Kingston Planning Scheme.

**Clause 15.03-1 Heritage Conservation:** It is policy to ensure the conservation of places of heritage significance.

The subject site is covered by a Heritage Overlay. As a result, the existing building on site used for the purpose of a place of worship can not be demolished and relocated. Therefore, it is considered that through other mechanisms within the Kingston Planning Scheme, the heritage significance of the proposal has been retained.

**Clause 18 Transport:** seeks that planning should ensure an integrated and sustainable transport system that provides access to social and economic opportunities, facilitates economic prosperity, contributes to environmental sustainability, coordinates reliable movements of people and goods, and is safe.

The location of the subject site and the use of the subject site for a place of assembly within proximity to the Parkdale Activity Centre and the surrounding existing public transport is considered to be a benefit to the proposed application to extend the existing church. The Parkdale Railway Station is located approximately 220 metres from the subject site and there are numerous bus routes which service the surrounding street network. Furthermore, there is an ability to provide bicycle parking on site to encourage people to cycle to the site whenever possible. Therefore, it is considered that the proposal adequately satisfies the Transport provisions of the Kingston Planning Scheme.

**Clause 19 Infrastructure:** amongst other elements seek to develop a strong cultural environment and increase access to arts, recreation and other cultural facilities as well as to provide fairer distribution of an access to social and cultural infrastructure. Furthermore, it is policy to plan for the provision of water supply, sewerage and drainage services that

efficiently and effectively meet State and community needs and protects the environment and to reduce the impact of stormwater on bays and catchments.

The location of the existing place of assembly allows for a cultural facility to be located in close proximity to public transport and within the community it services. The proposed extension of the existing building will strengthen the cultural links the development has with the Greek community in and around Parkdale.

Furthermore, the infrastructure provisions will require an upgrading of existing drainage on the site which has been raised as a significant concern by adjoining and surrounding properties. Furthermore, Council's Development Engineers have advised of no objection to the proposal subject to the inclusion of suitable conditions on any permit it with regards to drainage of the site.

Overall, it is considered that the proposed development generally satisfies the objectives and policy directions of the State Planning Policy Framework.

#### LOCAL PLANNING POLICY FRAMEWORK

The application has been assessed against the Local Planning Policy Framework and it is considered that the proposed development is consistent with relevant policies contained within this section of the Kingston Planning Scheme.

**Clause 21.13: Heritage:** It is policy to ensure new developments and renovations do not adversely affect the significance of heritage places and areas, and contributes positively to identified heritage values. Strategies relevant to this application include;

- Encourage all new development within a Heritage Overlay to visually and harmoniously integrate with and be recessive to the original character of the streetscape or heritage place.
- Encourage all heritage places in a Heritage Overlay to be conserved, restored and renovated in a sympathetic manner that will enhance the heritage value of the place.
- Ensure that new development does not adversely affect the setting or context of the significant heritage place.
- Ensure that new buildings and works complement and are sympathetic to the heritage place in terms of views, vistas, existing vegetation, landmarks, building form, setbacks, frontage width, height, finish and fenestrations without necessarily replicating historical detailing.
- ensure new development is sympathetic and complementary with the heritage value of the place by applying the objectives and strategies of the Heritage Policy and the Heritage Victoria Guidelines to new buildings and to additions and alterations to existing buildings and works.

As noted previously, Council's Heritage Advisors have considered the proposal and advised of no objection to the proposed alterations and addition. Indeed, it was suggested that the proposal "represents a better heritage outcome" and that "while the building will still be substantially remodelled it will facilitate the ongoing valued use and produce little impact on the most important aspects of the design - namely its presentation to The

Corso.” As a result, it is considered that the proposal adequately satisfies the requirements of Clause 21.13 of the Kingston Planning Scheme.

**Clause 22.16: Heritage Policy:** As relevant to this application, it is policy to:

- To conserve heritage places by respecting the historic and architectural integrity of buildings, streetscapes and vistas.
- To encourage development to be undertaken in accordance with the accepted conservation standards of the ICOMOS Burra Charter.
- To ensure that new development is undertaken in a manner that integrates positively with the surrounding buildings and area.

It is considered that the proposed extension adequately satisfies the heritage considerations of the Kingston Planning Scheme.

## **ZONING**

**Clause 32.01: Residential 1 Zone:** The purpose of the Residential 1 zone includes allowing educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. A planning permit is required to construct a building or construct or carry out works for a section 2 use.

As previously stated in this report, Building Permit 578/68 was issued by the former City of Mordialloc on 4<sup>th</sup> November, 1968, for the construction of a church on this site.

## **OVERLAYS**

**Clause 43.01: Heritage Overlay 121:** The purpose of the Heritage Overlay provisions is to:

- conserve and enhance heritage places of natural or cultural significance;
- conserve and enhance those elements which contribute to the significance of heritage places;
- ensure that development does not adversely affect the significance of heritage places;
- conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

As discussed above, the application was referred to Council’s Heritage advisor for comment. Council’s Heritage Advisor had no objection to the proposed alterations and additions to the existing church, subject to the inclusion of suitable conditions being placed on any permit issued.

**Clause 42.02: Design & 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 generally satisfies the requirements of this overlay. The proposal retains its existing two (2) storey built form as it extends towards the rear (south) of the subject site. The proposal does not significantly alter from the existing built form when viewed from the site's The Corso property frontage. This is a result of the extension to the existing church being located towards the rear of the site.

It should also be noted that the overall height of the subject site only increases from ground level as a result of the dramatic and significant slope of the subject site. The internal floors are also to be maintained at their current finished floor levels of 14.29 AHD (lower finished floor level) and 18.13 AHD (upper finished floor level).

Furthermore, in order to reduce the impact of the proposed extension on adjoining and surrounding properties with regard to visual bulk and mass, the height of the extension would be kept to a maximum height of approximately 10.6 metres. While this is still a significant height, it is a reduction compared to that initially proposed which consisted of a maximum height of approximately 13.5 metres. Furthermore, the proposed extension is set back a minimum of 7.1 metres (and up to 10.87 metres) from the sites nearest property boundary (i.e. west (side) property boundary). Indeed, as a comparison, ResCode would require a set back of 5.69 metres for a wall height of 10.6 metres. Therefore, while not justifying the height of the proposal against ResCode, such an analysis provides a comparison for which to make an informed decision about the height and scale of the proposed extension.

### **PARTICULAR PROVISIONS**

**Clause 52.06: Car Parking:** As discussed previously in this report, the application was referred to Council's Traffic Engineers for comment. A summary of their relevant comments and concerns are detailed below.

**Existing Conditions:** Building Permit 578/68 was issued by the City of Mordialloc on 4<sup>th</sup> November, 1968, for the construction of a Church on this site. The endorsed plans show that only eighteen (18) formal car spaces were required to be provided as part of the original approval. The site currently contains thirty-one (31) formal marked car spaces. Over time, the land owners have subsequently acquired additional land from adjoining properties which now forms the subject site known as No.56-58 (Lot 1 on PS321130W) The Corso, Parkdale. This land has been used for additional informal car parking.

Consequently, the total car parking supply (based on the results of the parking surveys by GTA) is as follows:

Marked parking area:	31 spaces
<u>Informal parking area:</u>	<u>30 spaces</u>
Total:	61 spaces

Access to the car parking area is via an entry only accessway located in the north-east corner of the site and an exit only accessway is located in the north-west corner of the site.

The Corso, Heslop Street and Monaco Streets are all local streets with parallel parking on both sides. Parking on the south-western side of The Corso, between Monaco Street and Parkers Road, is designated 'No Standing Saturday and Sunday'. Otherwise parking in the vicinity is generally unrestricted although Heslop Street is designated as a one-way road in a south bound direction.

Council's Traffic Engineers have reviewed the Traffic report conducted by GTA Consultants. They have advised that it is considered that the surveys conducted within the Traffic Report submitted cannot be relied upon and are not representative of the actual traffic and car parking situation on site for the following reasons:

- they are more than 24 months old;
- there is something wrong with the inventory. The south-west side of The Corso includes 'Birdwood to Monaco' and 'Birdwood to Sophia,' but these areas overlap;
- the area surveyed extends only a comparatively short distance to the north, south, east and west of the site but a distance in excess of 600 metres walk to the west. Unless there are some draconian parking restrictions immediately beyond the survey area this is not representative of where persons attending the site would park. The surveys should cover an area of about 250 metre walk from the site with any areas unsuitable for churchgoers removed from the supply.

New surveys should be conducted if street parking is to be relied upon. It is considered that the information provided in the Traffic report can not be entirely relied upon in the overall consideration of this application.

**The Proposal:** The proposal seeks to increase the overall building floor area from approximately 455m<sup>2</sup> to approximately 790m<sup>2</sup>.

The number of on-site car spaces (including current formal and informal car spaces) would be reduced from the 61 spaces to 52 spaces which include 20 car parking spaces in tandem form. As noted above, access to the car parking area will remain via an entry only accessway located in the north-east corner of the site and an exit only accessway which is located in the north-west corner of the site.

***Planning Scheme Parking Requirements: Under the Planning Scheme, a church is classified as a 'Place of Assembly'. As discussed above, a fixed number of additional seats have not been proposed and therefore the parking requirement would be based on the additional floor area. With an increase in area of approximately 335m<sup>2</sup>, the car parking requirement would translate to 335m<sup>2</sup> x 0.3 spaces per square metre = 100 car parking spaces. However, this figure is not considered particularly meaningful because it has no particular regard to existing occupation levels for the church.***

### **Empirical Assessment of Parking Demand**



**The Hall:** While the overall lower level will increase in size, the function hall area is to remain relatively the same as the current built form. Based on information provided by the applicant with the Traffic Report, the hall appears to be able to cater for up to 200 persons at any one time. Therefore, given the size of the hall is to remain relatively the same as it is currently, it is considered that no more than 200 persons are to be accommodated within the hall at any one time. At a typical Place of Assembly rate of 0.3 spaces per person this would translate to a requirement of sixty (60) car parking spaces being provided on site.

**The Church:** The increase in space available to the congregation would increase by approximately 130m<sup>2</sup>. If the existing space of approximately 100m<sup>2</sup> can accommodate 100 persons it follows that the additional 130m<sup>2</sup> would be able to accommodate an additional 140 persons taking the total capacity to approximately 230 persons. However, this does not include standing room which is likely to take the capacity of the church beyond 230 persons.

**Concurrent Use:** It is noted that there is also the potential for the concurrent use of the hall and church in which event the demand for car parking on site and in the immediate vicinity of the site would increase.

**Adequacy of Parking Supply:** It is noted that there is already an existing permit for the building which requires the provision of eighteen (18) car spaces to be provided on site. Under the existing conditions of the site, Council cannot require the provision of additional car parking to be provided on site. However, given that the proposed extension is likely to increase the intensity of the use it is considered that adequate car parking should be provided on site for the increase in parking demand as a result of the proposed extension.

The Traffic report provided by the applicant endeavours to justify the adequacy of the proposed parking supply on the basis that the proposed rate of provision is marginally higher than that approved under the current permit. Council's Traffic Engineers considers this to be irrelevant particularly given the existing permit was issued in the 1960's.

Furthermore, it is considered that Council cannot lawfully require the Church to offset the shortfall of parking associated with the existing use of the site. The proposal seeks a reduction in the overall number of car spaces provided currently on site from 61 car parking spaces (including formal and informal car spaces) to 52 car parking spaces, a reduction in 9 car parking spaces. This reduction would mean that up to 9 vehicles would need to be accommodated on-street, in addition to the additional demand associated with the overall increase in floor area.

The applicant has submitted a Traffic and Car Parking Management Plan, prepared by GTA Consultants, to demonstrate that measures can be implemented to maximise efficiency of on-site parking. Recommendations within the Plan include:

- ***the proposal entails the provision of 24 tandem car spaces, priority allocation of these spaces are recommended to be given to staff, with the remainder to visitors;***
- a marshal should be used to direct car parking during peak periods;
- line marking and signage to delineate parking spaces and their respective allocated users;

- distribution of a parking leaflet to all visitors to the site encouraging visitors to park on-site or along non-residential areas where possible. It is recommended that the leaflet include a map of appropriate parking areas and encourage visitors to respect the surrounding residential streets by keeping noise to a minimum, not parking over driveways etc;
- one-way traffic flow on-site enforced to prevent disruptions within the car park. Installation of speed humps and traffic management devices should be considered if issues are identified; and
- on-going monitoring and review of traffic management should occur, ideally on a yearly basis.

***It is recommended that if a permit were to be issued, a condition be included to require an improved Traffic and Car Parking Management Plan, which will be endorsed and form part of the permit. This Plan must provide for an annual review process and demonstration that the above measures are being implemented, monitored and improved where necessary.***

***Conclusions: Overall, having regard to the following;***

- ***the existing Building Permit which requires the church to provide only eighteen (18) car spaces on site;***
- ***the current conditions on the site and the proposed extension of the church;***
- ***the cultural and religious significance of the site and its role in the broader community;***
- ***the reduced number of car spaces proposed to be provided on site; and***
- ***the current car parking provisions of the Kingston Planning Scheme***

It is recommended that the application is supported, whilst acknowledging that the provision of car parking on the subject site will never be able to meet the current development's requirements, or the requirements of any approved extension to the church. This recommendation is made on the basis that the continued and valued use of the site is dependent on the facilities being upgraded to meet the needs of the church and its visitors. The proposed extension will continue a condition which has been the case for a number of years in relation to car parking and traffic issues in the locality, whilst undesirable, in weighing up the overall community benefit of this proposed development it is considered that continued overflow of parking in the vicinity of the subject site at peak times is a lesser of two evils.

### **RESPONSE TO GROUNDS OF OBJECTION**

**Car Parking and Traffic Concerns:** As discussed above, it has been advised by Council's Traffic Engineers that the proposal should not be supported based on the car parking and traffic implications of the proposed development. The proposed development seeks to increase the size of the existing building while reducing the number of car parking spaces it is providing on site. Currently, particularly during major events, the off-street parking is fully utilised and the overflow occurs on-street. The proposed development will result in additional on-street parking occurring. This area is primarily residential in nature and the overflow parking occurs in front of residential properties. Therefore, Council



Officers concur with the concerns raised by residents with regard to car parking and traffic implications.

It should be noted that the car parking situation in the surrounding road networks is a significant issue regardless of the proposed Church extension. The current use of the site impacts on on-street parking and this will continue, regardless of whether the current application is approved. Whilst the outcome is not desirable, the overall merits of the proposal need to be assessed, and on this basis it is considered that the extension should be approved with permit conditions to limit off-site amenity impacts as much as is feasible. This would include an improved Traffic and Car Parking Management Plan, to be implemented and regularly monitored.

**Drainage:** As previously noted, the application was referred to Council's Development Engineers who advised of no objection to the proposal subject to the inclusion of suitable drainage conditions being placed on any permit issued. Given the significant drainage concerns raised and the potential increase in the drainage issues it is considered appropriate the suitable drainage requirements should be placed on the permit applicant should a permit issue. As a result, suitable conditions have been included in the recommendation below.

**Visual Bulk:** The proposal seeks to provide an extension to the rear of the existing church building. The slope and topography of the subject site provides an additional constraint in the proposed extension to the rear of the existing building. There is a slope of approximately five (5) metres within the site from its highest point in the north-east corner to its lowest point in the south-west corner. It is considered that the visual bulk and mass of the proposed extension is exacerbated by this dramatic fall / slope of the land.

The existing church building extends approximately 21.7 metres in a north-south direction and has a maximum height of approximately 12.5 metres to natural ground level at the front of the site and a maximum height of approximately 10.2 metres at the rear of the existing building the site. The proposed extension would add approximately 13.3 metres to the overall length of the church building giving an overall length of approximately 35 metres in a north-south direction. The proposed extension would also add approximately 400mm to the maximum height of the church building from natural ground level giving a maximum height of approximately 10.6 metres from natural ground level at the rear of the site.

When viewed on its own, the proposed extension in its current form presents and generates significant visual bulk and mass concerns, particularly when viewed from adjoining properties to west of the subject site.

However, when viewed in the context of the site, taking into consideration the slope of the subject site, the existing vegetation (that which is to be retained), the maximum height of the proposal, the adjoining and surrounding properties and the existing built form, it is considered that the visual bulk and mass implications of the proposal are significantly reduced.

It is considered that the overall length and height of the proposed extension does not present unreasonable and excessive amenity, visual bulk and mass concerns, particularly having regard to the overall context of the development, including the slope of the subject

site, the retention and planting of vegetation on the site and the setback of the proposed building from its south, east and west property boundaries.

**Vegetation:** As discussed previously, the original application was amended prior to advertising of the proposal by the redesign of the proposed car parking area to the rear of the site so as to be able to retain the existing Morton Bay Fig (*Ficus Macrophylla*) located to the rear of the site. As a result of the retention of this tree, a number of car spaces were lost and as such, there was an impact on the car parking analysis for the proposed extension.

It is considered that the retention of the existing Morton Bay Fig (*Ficus Macrophylla*) is a crucial element in the proposal as the large nature of the tree provides considerable cover to the existing and proposed church building, particularly when viewed from adjoining properties to the south and south-west of the subject site. Furthermore, a revised landscape plan and planting schedule was also provided as part of the proposed application. It is considered that the proposed landscape plan provided ideal species and planting densities to reduce some of the visual bulk and mass of the proposal as discussed above. The proposal will also retain a significant Coast Banksia (*Banksia integrifolia*).

It should also be noted that any future proposed development should also seek the retention of this tree.

**CONCLUSION:**

Whilst it is acknowledged that the proposal will continue an existing condition which impacts upon on-street car parking within the locality at times of special events, it is considered that the proposal should be weighed against the continuing viability of an important cultural and religious community asset. The use of the site for a Place of Worship was originally approved with a modest number of car spaces, with the Church use over time entailing a degree of loss of amenity to the surrounding neighbourhood and street network. Conditions are recommended to be included on any permit issued to minimise as much as feasible the impact of the continued use of the site on the locality, and this must include conditions to protect significant trees on the site, which will also aid in screening the proposed extension from abutting properties.

**RECOMMENDATION:**

- A) That Council resolve to issue a Notice of Decision to Grant a Permit to construct alterations and additions to the existing Church on this site, subject to the 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 24<sup>th</sup> November 2006 (landscape plan), 8<sup>th</sup> July, 2010 and 10<sup>th</sup> December, 2011, but modified to show:

- a) the provision of an improved landscape plan and associated planting schedule for the site, 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) the provision of five (5) suitable medium sized (at maturity) canopy trees within the front setback of the site, with species chosen to be approved by the Responsible Authority;
    - vii) suitable lawn areas and plant species taking current water restrictions into consideration;
    - viii) all trees provided at a minimum of 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 regarding site preparation, including the removal of all weeds, proposed mulch, soil types and thickness, subsoil preparation and any specific maintenance requirements; and
    - xi) the provision of a notation of the Tree Protection Details as provided in Conditions 4 - 14 of this permit.
  - b) floor plans to show the whole of site with boundary dimensions, all parking and dimensioned crossovers;
  - c) the provision of details of car parking construction along the site's south (rear) property boundary taking into consideration existing vegetation located along this boundary;
  - d) the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar; and
  - e) the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development.
2. Prior to the endorsement of plans pursuant to Condition 1 requirements, two (2) copies of an amended Traffic and Car Parking Management Plan must be submitted to the Responsible Authority for approval, to the satisfaction of the

Responsible Authority. Once approved, the Plan will be endorsed and form part of the Permit.

The plan must be in accordance with the plan submitted with the application but must include:

- a) the location of all areas on- and/or off-site to be used for staff and visitor parking;
- b) specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site;
- c) the number and location of all on- and off-site security staff (marshals);
- d) the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on and off-site;
- e) measures to discourage patron car parking off-site;
- f) measures to preclude staff parking in designated visitor parking areas;
- g) staffing and other measures to ensure the orderly departure and arrival of visitors, especially any large groups departing at the end of events;
- h) servicing of the drainage and maintenance of car parking areas; and
- i) a monitoring and review process, with reviews to occur yearly, and identify processes to implement any identified measures to improve car parking and traffic management on and off the site.

3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

4. A Tree Protection Zone (TPZ) must be installed at a distance of 11 metres from the *Banksia integrifolia* (Coast Banksia) located in the eastern side of the property, and a Tree Protection Zone (TPZ) must be installed at a distance of 9 metres from the *Ficus macrophylla* (Moreton Bay Fig) located in the western corner of the site. A qualified Arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within the TPZ of the trees:

- a) the existing soil level must not be altered either by fill excavation;
- b) the soil must not be compacted or the soil's drainage changed;
- c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
- d) no storage of equipment, machinery or material is to occur;
- e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f) tree roots must not be severed or injured; and
- g) machinery must not be used to remove any existing concrete, bricks or other materials.

without the further consent in writing of Council's Vegetation Management Officer.

5. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must

be erected 11m in a radius from the *Banksia integrifolia* (Coast Banksia) and 9m in a radius from the *Ficus macrophylla* (Moreton Bay Fig). The above requirements in condition 2 must be observed within this area.

6. All tree pruning work must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
7. All excavation for the proposed extension within a 15 meter radius of the *Banksia integrifolia* (Coast Banksia) must be dug by hand to ensure that no root disturbance occurs.
8. All concrete within a 20 meter radius of the *Banksia integrifolia* (Coast Banksia) must not be removed, altered or replaced.
9. No services, pits or drains are to be laid within 15m of the *Banksia integrifolia* (Coast Banksia) and 9m of the *Ficus macrophylla* (Moreton Bay Fig).
10. All contractors and personnel on site must be made aware of the tree protection conditions for both the *Banksia integrifolia* (Coast Banksia) and the *Ficus macrophylla* (Moreton Bay Fig).
11. The proposed carparks and the common driveway must be constructed on existing grade using open permeable pavers or similar to the satisfaction of the Responsible Authority within a radius of 11m of the *Banksia integrifolia* (Coast Banksia) and 9m of the *Ficus macrophylla* (Moreton Bay Fig).
12. Both the *Banksia integrifolia* (Coast Banksia) growing along the southern boundary must be retained and protected during any demolition and construction works. They must be protected by Tree Protection Fencing defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, erected in a radius of 3.2 metres. The requirements in condition 2 must be observed within this area.
13. The proposed car parks 1-14 along the southern boundary must be constructed on existing grade using open permeable pavers or similar to the satisfaction of the Responsible Authority to protect the two *Banksia integrifolia* (Coast Banksia) growing along the southern boundary.
14. The proposed access way between car parks 8-13 and 22-26 must be reduced to 5.2 metres in width and car parks are to be enlarged to 3 metres in width so that the garden bed along the southern boundary can be widened to 3.2 metres.
15. Before the commencement of any buildings and works on the Land, a Construction Management Plan (CMP), to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority and when approved shall thereafter be complied with. The CMP must specify and deal with the parking of vehicles during construction, delivery of materials, containment of waste on site and suppression of dust, business operations on the site during construction.

16. Before occupation of the development 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 sealcoat 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.

17. 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.
18. 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.
19. 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.
20. 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 and protected, crossings, services, fences, abutting buildings, existing boundary surface levels, etc.).
21. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site and directed to the Council's drainage located in the front.
22. The stormwater pits located in the front must be modified to Council's Standards and satisfaction.



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23. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
24. 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 the Responsible Authority's satisfaction.
25. Construction on the site must be restricted to the following times:
- Monday to Friday: 7:00am to 6:00pm;  
Saturday: 8:00am to 1:00pm; and  
Sunday and Public Holidays: No construction permitted.  
Or otherwise as approved by the Responsible Authority in writing.
26. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
27. 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 is not started within two (2) years from date of this permit.
  - The development is not completed within 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 or use you are required to obtain the necessary Building Permit.

**OR**

In the event that Council wishes to oppose the application, it can do so using the following grounds:

1. The inadequate provision of car parking fails to meet the objectives of Clause 52.06 and the objective and strategies of Clause 18.02-5 of the Kingston Planning Scheme, which will adversely affect the amenity of the locality.
2. The proposal will result in an increase in traffic which cannot be adequately accommodated within the local street network of the subject site's locality, failing to meet the objectives and strategies of Clause 18.01-1 and Clause 18.02-4 of the Kingston Planning Scheme.

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**KP50/11 – 38 Melrose Street, Parkdale**

<b>APPLICANT</b>	<b>Geoffrey Woodstock Architect</b>
<b>ADDRESS OF LAND</b>	<b>No. 38 (Lot 2 on PS 027443) Melrose Street, PARKDALE VIC 3195</b>
<b>PROPOSAL</b>	<b>CONSTRUCT THREE (3) DWELLINGS</b>
<b>PLANNING OFFICER</b>	<b>Girija Shrestha</b>
<b>REFERENCE NO.</b>	<b>KP50/2011</b>
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	<b>Clause 11 (Settlement) Clause 12: (Environmental and Landscape Values) Clause 13: (Environmental Risks) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)</b>
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	<b>Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy</b>
<b>ZONE</b>	<b>Clause 32.06: Residential 3 Zone</b>
<b>OVERLAYS</b>	
<b>PARTICULAR PROVISIONS</b>	<b>Clause 55: Two or More Dwellings on a Lot &amp; Residential Buildings</b>
<b>GENERAL PROVISIONS</b>	<b>Clause 65: Decision Guidelines</b>
<b>RESIDENTIAL POLICY AREA</b>	<b>Incremental Housing Change</b>
<b>DECISION DATE BY</b>	<b>31 May, 2011</b>
<b>STATUTORY DAYS</b>	<b>68 days at 9<sup>th</sup> June, 2011</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>29<sup>th</sup> March, 2011</b>

## 1.0 KEY ISSUES

1.1 The key planning issues arising from this proposal relate to:

- Neighbourhood character
- Residential Policy (lot size)
- Vegetation/landscaping considerations
- Accessways

## 2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct three (3) dwellings on this site.

2.2 Dwelling 1 would have kitchen, dining room, living room, laundry and bathroom at ground level and three (3) bedrooms and bathroom at first floor level. The total floor area including garage would have an area of 213m.<sup>2</sup>



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- 2.3 Dwelling 2 would have kitchen, dining room, living room, laundry and bathroom at ground level and three (3) bedrooms and bathroom at first floor level. The total floor area including garage would have an area of 190m.<sup>2</sup>
- 2.4 Dwelling 3 is a single storey dwelling and it would have kitchen, dining room, living room, laundry and bathroom and two (2) bedrooms. The total floor area including garage would have an area of 157m.<sup>2</sup>
- 2.5 Development summary:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space</b>	<b>No. of Bedrooms proposed</b>	<b>No. of Car Parking Spaces provided</b>
<b>1</b>	180m <sup>2</sup>	100m <sup>2</sup> (including 40 m <sup>2</sup> of secluded private open space)	3	2
<b>2</b>	157m <sup>2</sup>	60m <sup>2</sup> (including 60 m <sup>2</sup> of secluded private open space)	3	2
<b>3</b>	127m <sup>2</sup>	40m <sup>2</sup> (including 40 m <sup>2</sup> of secluded private open space)	2	1

- 2.6 The proposal has an overall site coverage of 40 percent and a permeability percentage of 24.

- 2.7 Development Assessment Table:

<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 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: complies Dwelling 2: complies Dwelling 3: complies
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling and two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	Dwelling 1: complies Dwelling 2: complies Dwelling 3: complies

<b>Front Setback</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.	Dwelling 1: complies (5.9m required and 6.0m proposed.) Dwelling 2: NA Dwelling 2: NA
<b>Site Coverage</b>	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 40% and therefore complies

2.8 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Colourbond klip lock roof
Walls:	Face brick and weatherboards at ground floor walls and rendered foam and FC panels at first floor
Garage doors	Panel door
Windows:	Aluminium windows
Driveways:	Stamped coloured concrete
Front fencing:	1.2m high picket 80mm slats with 20mm gaps
Boundary fences:	108m high existing paling fence

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site comprises a 898m<sup>2</sup> allotment on the east side of Melrose Street, Parkdale. It currently contains a single storey dwelling. The site does not contain any significant vegetation. The site is encumbered by an easement along its northern and eastern property boundary. There appears to be no restrictions listed on the Certificate of Title.
- 3.2 Vehicle access to the site is currently via a single width crossover located on the south side of the site's Melrose street frontage.
- 3.3 There is a *Eucalyptus camaldulensis* (River Red Gum) growing very close to the rear boundary in the adjoining (rear side) property at No 13 Mac Crescent.
- 3.4 The subject site is located at the rear of Parkdale Plaza. The west of Melrose Street is zoned as a Business 1 and Business 4 Zones. The east side of Melrose Street is used for the residential purposes. The streetscape of east and west side of Melrose Street varies. The west side of Melrose street comprises of high boundary wall of Parkdale plaza, workshop and some contemporary residential dwellings. The east side of Melrose Street typically comprises of detached, single or double storey, brick and weatherboard dwellings with pitched roofs. Dwellings are sited with generous side setbacks, creating a regular rhythm to the streetscape. There is no predominant fencing style in the neighbourhood.

**4.0 TITLE DETAILS**

- 4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

**5.0 PLANNING CONTROLS**

- 5.1 The subject site is located within a Residential 3 Zone.

**6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.06, a planning permit is required to construct two (2) or more dwellings on a lot.

**7.0 RELEVANT HISTORY**

- 7.1 Council records indicate that there is no relevant planning history relating to this site.

**8.0 ADVERTISING**

- 8.1 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. Six (6) objections with one (1) petition signed by eight (8) residents to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy/overlooking
- Overshadowing
- Parking and traffic concerns
- Drainage
- Tree removal
- Neighbourhood character

**9.0 PRELIMINARY CONFERENCE**

- 9.1 A preliminary conference was held on 24 May, 2011 with the relevant Planning Officer, two (2) Ward Councillors, the Permit Applicant and seven (7) objectors from six (6) properties in attendance. The above-mentioned issues were discussed at length.

- 9.2 Some of the above concerns were resolved at the conference, however, most of the above concerns were unable to be resolved at the preliminary conference, and the objections still stand.

**10.0 REFERRALS**

- 10.1 The following internal referral departments were notified:

- Council's Development Engineer
- Council's Vegetation Management Officer

10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

## **11.0 RELEVANT POLICIES**

### **11.1 State Planning Policy Framework (SPPF)**

Clause 11 (Settlement)  
Clause 15 (Built Environment and Heritage)  
Clause 16 (Housing)

### **11.2 Local Planning Policy Framework (LPPF)**

Clause 21.05 (Residential Land Use)  
Clause 22.11 (Residential Development Policy)

### **11.3 Particular Provisions**

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

### **11.4 General Provisions**

Clause 65 (Decision Guidelines)

### **11.5 Other**

11.6 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)

The land is located within Area 25 of the Neighbourhood Character Guidelines. Within this area, the following characteristics are considered to make "major" contributions to the streetscape:

- Other building features commonly found in this area are: windows on corners and porches.

The proposal is generally in accordance with the applicable character profile.

11.7 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)

The Design Contextual Housing Guidelines 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.

## **12.0 PLANNING CONSIDERATIONS:**

### **12.1 State Planning Policy Framework**

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an ‘as of right’ use under the zoning provisions. The development itself achieves an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

### **12.2 Local Planning Policy Framework**

The City of Kingston’s MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *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. Further discussion regarding these items will be outlined later within this report.

### 12.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- § Encourage all new residential development to respond positively and creatively to neighbourhood character. Unless a preferred character is specified, the existing character is that which is to be considered.
- § In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.
- § In areas identified for incremental housing change, ensure that new housing development is responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas.

**Built form, siting and scale of development**, it is policy, where relevant, to:

- § Encourage the two storey component of new medium density housing to be located towards the front of a site.
- § Ensure that two storey dwellings are designed to respond to the character of the local neighbourhood. Where the local neighbourhood is characterised by single storey development and this characteristic makes a major or critical contribution to neighbourhood character, new two storey development should incorporate rooms within the roof form of attic style dwellings, and should set the second storey building envelope back from the ground level envelope.
- § Ensure that any upper storey components towards the rear of sites are sensitively designed to avoid unreasonable adverse amenity impacts on neighbours.
- § Encourage well articulated and graduated elevations in order to avoid 'box-like' double storey designs, thus reducing visual bulk.



- § Ensure that the siting of new buildings respects the amenity of adjoining neighbours with regard to rear yards and garden outlooks from habitable living room windows.
- § Ensure that the design and layout of new dwellings incorporate features which minimise overlooking of adjacent properties.
- § Address potential overlooking through site layout planning as well as individual dwelling planning.

**Car parking and vehicle access**, it is policy, where relevant, to:

- § Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

*Performance measures*

- § Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- § Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- § Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- § Incorporating garages and carports within the main roof line of the dwelling.

**Stormwater run-off mitigation and quality management**, it is policy, where relevant, to:

- § Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

*Performance measures*

On-site infiltration should be maximised by:

- § Wherever possible, using unpaved landscape areas or porous paving.
- § Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- § Designing to limit the impervious area.
- § Incorporating on-site water re-cycling systems for stormwater run-off.

**Clause 22.11 – Residential Development Policy** of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on ‘average sized lots’ within areas designated for Incremental Housing Change. Council’s Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own ‘average lot size’ calculation.

The subject site is identified within Area 4 of this study. The average lot size within this area has been calculated to be 694.9m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 347.45m<sup>2</sup>. As the site has an overall site



area of 898m<sup>2</sup> the development density would be calculated at 1 dwelling per 299.3m<sup>2</sup>. Although the proposal does not meet this strategy, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone requirements.

In summary, the proposal is seen to be consistent with Council's Local Planning Policy Framework and, importantly, it delivers on some very specific objectives for the type and form of medium density development expected in areas such as this before the Council. There are however some areas, discouraged by this policy, which is as follows:

- § There is a double storey dwelling proposed towards the middle of the site. This will be discussed further later in this report.

#### 12.4 Zoning Provisions

It is considered that the proposed development satisfies the purpose of the zone.

The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

*Standard B8 – Site Coverage:* The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 40% and is consistent with the Schedule requirements.

*Standard B28 – Private Open Space:* The local variation requires an area of 40m<sup>2</sup>, 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 40m<sup>2</sup>, 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 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling.

The area and dimensions of private open space to each dwelling are in accordance with the requirements of the Schedule.

*Standard B32 – Front Fences:* The local variation requires a front fence within 3 metres of a street must not exceed 2 metres in height for streets in a Road Zone – Category 1 or 1.2 metres in height for any other street.

The proposed front fence is 1.2m high and accords with the Schedule requirements.

#### **13.0 CLAUSE 55 (RESCODE ASSESSMENT)**

- 13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and

is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

**Clause 55.02 – Neighbourhood Character & Infrastructure**

*Standard B1 – Neighbourhood Character/Visual Bulk*

Dwelling 1 would be located at the front of the site, and dwelling 2 would be located at the middle of the site, and would also be double storey. Dwelling 3 would be at the rear of the site, and would be single storey.

As mentioned earlier, the proposed development is located just rear to Parkdale Plaza. The streetscape varies between west and east side of Melrose Street. It is considered that given the length of the site and overall site area, two (2) well designed double storey dwellings and one (1) single storey dwelling can be accommodated on the land. However, in this instance, especially, Dwelling 2, which is a double storey, as Residential Development Policy states any upper storey components towards the rear of sites area sensitively designed to avoid unreasonable adverse amenity impacts on neighbours, Council Officer considers, it is not appropriately articulated, the building footprint at first floor level should be reduced to provide for articulation and visual interest and to enable the development to better fit within the local streetscape and have less detrimental visual impact on adjoining properties. Apart from this, the proposal achieves a good level of compliance with the provisions of Rescode, and therefore, a Condition of permit will require that the first floor level of Dwelling 2 be further recessed in from the ground level below, in order to reduce visual bulk.

It is considered that the new dwellings would have adequate side and rear boundary setbacks that allow for the planting of trees with spreading crowns to soften the impact of the development when viewed from the street and abutting properties. All dwellings would be provided with adequate sized areas of rear private open space with excellent northern orientation.

Overall, subject to the above outlined modifications, it is considered that the dwellings would sit appropriately within the streetscape, and would be consistent with the broader neighbourhood character.

*Standard B2 Residential Policy*

It is noted that the development proposes a double storey dwelling at the middle of the site. However, subject to the above modifications, the proposal is considered to be consistent with the streetscape and broader neighbourhood character. As such, the proposal is considered to be consistent with relevant Policy.

*Standard B13 – Landscaping*

A large *Eucalyptus Camaldulensis* (River Red Gum) tree is located at the rear property (No. 13 Mac Crescent, which is close proximity to the site's eastern (rear) property boundary. To protect this tree, as requested by Council's Vegetation

Management Officer (VMO), plans were amended by showing stumps, hand augured, carpet timber joist floor in the bedroom 1, robe and ensuite of Dwelling 3.

It is considered that there would be sufficient unsealed surface areas within the rear and front setbacks of the proposed development to provide adequate landscaping, including trees with spreading canopies. A condition should be placed on any permit issued requiring a landscape plan with an associated planting schedule, a number of tree protection conditions that addresses the requirements specified by Council's Vegetation Management Officer.

*Standard B14 – Access*

It is considered that the proposal does not provide for safe and efficient movements within the site. Specifically, the turning area for Dwelling 3 does not provide an efficient turning area for vehicular movements to and from the site and does not allow vehicles to exit the site in a forwards direction. As such, a condition should be included on any permit issued to address this matter.

#### **14.0 RESPONSE TO GROUNDS OF OBJECTIONS**

- 14.1 **Neighbourhood Character:** As outlined earlier in this report, subject to modifications to Dwelling 2 that essentially reduce the first floor area, the development is considered to be appropriate in terms of neighbourhood character, and the two (2) double storey dwellings can be accommodated on the site.
- 14.2 **Overlooking:** The new dwellings have been designed with upper level windows that are strategically placed, highlight windows to prevent any overlooking of abutting properties. Overall, it is considered that the proposal will not result in any detrimental overlooking. It is however considered that any permit issued should include a condition which requires the sill height of these windows clearly nominated as being of minimum 1.7m above the first finished floor level directly below ;
- 14.3 **Tree Removal** – A number of existing fruit trees are to be removed to accommodate the proposal and local law permits are not required to remove these trees; however the applicant has agreed to retain where possible outside the building envelope, which will be included in the permit conditions. Further, a landscape plan will be required via a Condition of any approval issued.
- 14.4 **Overshadowing** – The overshadowing concerns are raised by No. 36C Melrose Street. It is proposed to construct single storey dwelling adjacent to this dwelling and continues a driveway for proposed development. The submitted shadow diagrams indicate that there would be a minimal overshadowing occurs in addition to the existing fence shadow. 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 said that the adjacent dwelling a single storey dwelling.

- 14.5 **Traffic** - There are no apparent traffic concerns associated with the proposal. Seven (7) on-site car parking spaces have been provided for the development, which meet the ResCode (Standard B16) requirements. Further, applicant is using an existing crossover; therefore, there would not be any reduction on the existing street car parking availability.
- 14.6 **Drainage issues** – Some concerns were raised by objector from No. 40 Melrose Street about the drainage issue with this proposal. The conditions provided by Development Engineers, which are included in the permit conditions would respond to the stormwater outflow from the proposed development.

#### **15.0 CONCLUSION:**

- 15.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.
- 15.2 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 generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).
- 16.0 On balance and subject to the inclusion of suitable conditions, the proposal is considered reasonable and warrants support.

#### **17.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for three (3) dwellings be issued, 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 29<sup>th</sup> March, 2011, 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 two (2) suitable medium sized (at maturity) canopy trees 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;
  - xi. the provision of a notation of the Tree Protection Details as provided in Conditions 3 - 8 of this permit.
  - xii. All works around the existing neighbour's tree growing within 13 Mac Crescent must be in accordance with the Australian Standards AS4970 (2009) "Protection of trees on development sites" and be undertaken by a qualified and experienced Arborist.
  - xiii. All post holes within the rear yard of dwelling 3 must be hand dug.

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- b. the garage of Dwelling 3 widen to 4m width so that vehicles may exit comfortably the site in a forwards direction, with any modification made to the site layout to accommodate this requirement must not result in any loss of secluded private open space;
  - c. the provision of a minimum 2000 litre rainwater tank clearly nominated for each dwellings, with water re-use for toilet flushing;
  - d. the first floor level of Dwelling 2 reduced in size and recessed in at least 1 metre from the ground level directly below, along dwelling elevations/ sides, with the exception of the where stairs are located and shown;
  - e. the sill height of all first floor highlight windows of bedroom 2, bedroom 3 and lobby of Dwelling 1 nominated as being a minimum height of 1.7m above the first finished floor level directly below ;
  - f. the sill height of all first floor highlight windows of bedroom 1, bedroom 2, bedroom 3 and lobby of Dwelling 2 nominated as being a minimum height of 1.7m above the first finished floor level directly below ;
  - g. the provision of a notation stating “any external services not to be visible from adjoining properties;”
  - h. the provision of a notation stating “the existing fruit trees to be retained where possible outside the building envelope and incorporated in the landscape plan;”
  - i. an elevation plan of the front fencing, which provides details of its height, materials and colours;
  - j. the continuation of the 1.2m high front fence at 90 degrees to the site’s front property boundary, with a suitable gate(s) provided so as to enclose the front open space area of Dwelling 1;
  - k. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - l. the guttering pertaining to the garages / walls on boundary on the site’s south property boundary nominated as being contained wholly within the title property boundary of the subject land; and
  - m. the driveway modified to directly align with the existing vehicle crossover.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Tree Protection Zone (TPZ) must be installed within the rear yard of dwelling 3 at a distance of 5 metres from the *Eucalyptus camaldulensis* (River Red Gum) located in the neighbouring property. A qualified Arborist is to be employed to oversee any works (excavation and or construction) within this zone. The following must be observed within 5m of the tree:
    - a) the existing soil level must not be altered either by fill excavation;
    - b) the soil must not be compacted or the soil’s drainage changed;
    - c) no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;



- d) no storage of equipment, machinery or material is to occur;
- e) open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
- f) tree roots must not be severed or injured;
- g) machinery must not be used to remove any existing concrete, bricks or other materials;

without the further consent in writing of Council's Vegetation Management Officer.

4. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 1.5m in a radius from the *Eucalyptus camaldulensis* (River Red Gum). The above requirements in condition 2 must be observed within this area.  
  
The tree protection fence must be clearly signed with TREE PROTECTION FENCE – DO NOT MOVE FENCE AND NO UNAUTHORISED ENTRY ALLOWED.
5. A suspended slab or similar construction method, to the satisfaction of the Responsible Authority, must be used for the footing of the rear unit 3. This must be engineered so that the only excavation within 5 metres of the tree is for the screw pier holes. No further excavation must occur within 5 metres in a radius from the River Red Gum (*Eucalyptus camaldulensis*) notated on the plan.
6. No services must be laid within 5 metres of the River Red Gum (*Eucalyptus camaldulensis*). All underground services must be hand dug within 5 metres of the tree.
7. All excavation within 5 metres from the River Red Gum (*Eucalyptus camaldulensis*) must be overseen by a suitably qualified Arborist. Excavation for the pier holes must be hand dug and overseen by Council's Vegetation Management Officer.
8. All contractors and personnel on site must be made aware of the tree protection conditions for the River Red Gum (*Eucalyptus camaldulensis*).
9. Prior to the 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.
10. Prior to the 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.
11. 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.



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12. 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.).
13. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
14. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
15. Prior to the occupation of the dwellings hereby permitted, 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.
16. 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.
17. Prior to the occupation of the dwellings hereby permitted, 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.
18. 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 in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, 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.
19. 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.
20. 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.
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 is not started within two (2) years from the date of permit issue.
- The development is not completed within 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.

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**Note:** It is noted that the development includes storage sheds 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.

Or

**Should Council resolve not to support the application, that a Notice of Refusal to Grant a Permit be used on the following grounds:**

1. The proposal does not satisfy Clause 22.11 – Residential Development Policy of Kingston Planning Scheme.
2. The proposal constitutes an over-development of the site.
3. The proposal would have an adverse affect or the amenity of the area.
4. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character; Clause 55.02-2 Residential Policy Objectives, Clause 55.03-9 Access Objectives, Clause 55.05-4 Private Open Space Objective, Clause 55.05-5 Daylight to New Windows Objectives, and Clause 55.04-6 Overlooking Objective.

## APPENDIX A – RESCODE ASSESSMENT

### Standard of the Kingston Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes (Partially)	See report.
<p><b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	See report.
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	Yes	
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	Yes	
<p><b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	Yes	<p><b>Required:</b> 5.9 metres <b>Proposed:</b> 6.0 metres</p>
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 9 metres <b>Proposed:</b> 7.3 metres</p>
<p><b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	Yes	<p><b>Maximum:</b> 50% <b>Proposed:</b> 40%</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.</p>	Yes	<p><b>At least: 20%</b> <b>Proposed: 24%</b></p>
<p><b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.</p>	Yes	
<p><b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	NA	
<p><b>B12 Safety</b> Layout to provide safety and security for residents and property.</p>	Yes	
<p><b>B13 Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	Yes	Require a landscape plan as condition of permit
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	Partially Yes	See Report
<p><b>B15 Parking Location</b> Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise</p>	Yes	

Title and Objective	Complies with Standard?	Requirement and Proposed	
within developments.			
<b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.	Yes	<b>Required:</b> DW1 - 2, DW2 – 2 and DW3 - 1 <b>Proposed:</b> DW1 - 2, DW2 – 2 and DW3 - 1	
<b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	<u><b>Dwelling 1</b></u> <b>Required:</b>  <i>First Floor</i> <b>West:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 1.84m <b>North:</b> 1.78m  <u><b>Dwelling 2</b></u> <b>Required:</b>  <i>First Floor</i> <b>West:</b> N/A <b>East:</b> N/A <b>South:</b> 1.84m <b>North:</b> 1.78m  <u><b>Dwelling 3</b></u> <b>required</b> <b>East:</b> 1.3m <b>South:</b> 0.0m <b>West:</b> NA <b>North:</b> 1.0m	<u><b>Dwelling 1</b></u> <b>Proposed:</b>  <i>First Floor</i> <b>West:</b> N/A (frontage) <b>East:</b> N/A <b>South:</b> 3.6m <b>North:</b> 1.8m & 4.0m  <u><b>Dwelling 2</b></u> <b>Proposed:</b>  <i>First Floor</i> <b>West:</b> N/A <b>East:</b> N/A <b>South:</b> 3.6m <b>North:</b> 1.8m & 4.0m  <u><b>Dwelling 3</b></u> <b>Proposed:</b> <b>West:</b> N/A <b>East:</b> N/A <b>South:</b> 3.6m <b>North:</b> 1.8m
<b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	<b>Maximum:</b> 22.74m on west boundary (length) <b>Proposed:</b> 8.1m on west boundaries (length)	
<b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.	Yes		
<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.	Yes		

Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	Yes	
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Yes	
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	<b>Required:</b> 60 m2 for dwelling 1, 60 m2 for dwelling 2 and 40m2 for dwelling 3. <b>Proposed:</b> 100 m2 for dwelling 1, 60 m2 for dwelling 2 and 40 m2 for dwelling 3.
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Yes	6m3 for each dwelling
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Partially Yes	See report.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	Yes	<p><b>Maximum:</b> 1.2m <b>Proposed:</b> 1.2m</p>
<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	Yes	
<p><b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	Yes	



**PC 42**

**KP68/11– 49 Golden Avenue, Chelsea**

<b>APPLICANT:</b>	Derek Farrington Architect
<b>ADDRESS OF LAND:</b>	No. 49 (Lot 85 on PS 005789) Golden Avenue, Chelsea
<b>Melway Ref:</b>	97D2
<b>PROPOSAL</b>	Five dwellings
<b>CONTACT OFFICER:</b>	Helen Walker
<b>FILE NO:</b>	KP68/11
<b>ZONING:</b>	Clause 32.06 – Residential 3 Zone
<b>OVERLAY(S):</b>	None
<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  <u>Particular Provisions</u> Clause 55: Two or More Dwellings on a Lot & Residential Buildings  <u>General Provisions</u> Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA:</b>	Increased Housing Diversity
<b>NEIGHBOURHOOD CHARACTER AREA:</b>	Area 74
<b>DECISION BY:</b>	17 <sup>th</sup> June 2011
<b>STATUTORY DAYS:</b>	91 days at 18 <sup>th</sup> July 2011

**1.0 KEY ISSUES RELATING TO THIS APPLICATION**

- Neighbourhood character
- Street setback

**2.0 PROPOSAL**

2.1 It is proposed to demolish the existing dwelling and outbuildings on the land and construct five dwellings (four double storey and one single storey) on this site.

2.2 Development summary:

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Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	135.6m <sup>2</sup>	91.37m <sup>2</sup> (including 40.27m <sup>2</sup> of secluded private open space)	2 plus study	Single garage & tandem space
2	116.8m <sup>2</sup>	40.37m <sup>2</sup> of secluded private open space	2	Single garage
3	133m <sup>2</sup>	58.1m <sup>2</sup> of secluded private open space	2	Single garage
4	132.4m <sup>2</sup>	48.6m <sup>2</sup> of secluded private open space	2	Single garage
5	85m <sup>2</sup>	64.2m <sup>2</sup> of secluded private open space	3	Single garage & tandem space

2.3 The proposal has an overall site coverage of 41.2 percent and a permeability percentage of 30.6.

2.4 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 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.	All dwellings comply.
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling and Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply.
<b>Front Setback</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.	Dwelling 1: 7.5metre setback proposed does not meet standard (refer to the ResCode discussion section within this report)
<b>Site Coverage</b>	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 41.2% and therefore complies

- 2.5 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Concrete tiles ("charcoal")
Walls:	Ground level – Brick ("charcoal") First level – Polystyrene panels (rendered "womjbeyan") & Matrix panels ("lillium two")
Garage doors	Panel lift ("lillium two")
Windows:	colour "woodland grey"
Driveways:	Concrete ("charcoal")
Front fencing:	1.2m brick with infills
Boundary fences:	SW: 1.65m paling, NW: 1.85m paling, NE: 1.85m paling

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site comprises a 1340.5m<sup>2</sup> allotment on the north-western side of Golden Avenue in Chelsea. It currently contains a single storey weatherboard dwelling setback 10.7m from the front boundary and associated shed and outhouse. The site is essentially flat. The site contains scattered vegetation, none of which is considered to be significant. There appear to be no restrictions listed on the Certificate of Title.
- 3.2 Vehicle access to the site is currently via a crossover located on the south-western side of the site's Golden Avenue frontage.
- 3.3 There is a small tree within the Golden Avenue nature strip.
- 3.4 The site is located within an established residential area. Land abutting to the north-east is currently vacant, and land to the south-west is occupied by a four (4) dwelling development. Land to the rear (north-west) contains single storey dwellings both brick and weatherboard. Land on the opposite (south-eastern) side of Golden Avenue includes double storey brick and weatherboard dwellings and a single storey brick dwelling.

### **4.0 TITLE DETAILS**

- 4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

### **5.0 PLANNING CONTROLS**

- 5.1 The subject site is located within a Residential 3 Zone. There are no Overlays.

### **6.0 PLANNING PERMIT REQUIREMENTS**

- 6.1 Pursuant to Clause 32.06, a planning permit is required to construct two (2) or more dwellings on a lot.

**7.0 RELEVANT HISTORY**

7.1 There is no relevant planning history relating to this site.

**8.0 ADVERTISING**

8.1 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. Four (4) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Rear fence
- Overlooking
- Boundary construction, fence repair
- Visual bulk, mass
- Noise
- Traffic
- Infrastructure, services
- Inconsistency with incremental change areas

**9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on 22<sup>nd</sup> June 2011 with the relevant Planning Officer, Ward Councillor(s), the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.

9.2 It was determined at the meeting that a new 1.8 metre high timber paling fence with 800mm boxed trellis would be erected along the length of the rear (north-western) property boundary, abutting No.54 and 54A Glenola Road. The fence is to match the existing fence at the rear of No.54 Glenola Road.

9.3 It is noted that all objections still stand.

**10.0 REFERRALS**

10.1 The following internal and/or external referral departments were notified:

- Council's Development Engineer
- Council's Vegetation Management Officer

10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued.

**11.0 RELEVANT POLICIES**

11.1 State Planning Policy Framework (SPPF)

Clause 12 (Metropolitan Development)

Clause 14 (Settlement)  
Clause 16 (Housing)  
Clause 19 (Particular Uses and Development)

11.2 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use)  
Clause 22.11 (Residential Development Policy)

11.3 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

11.6 Neighbourhood Character Area Guidelines (Incorporated Document)

11.7 The land is located within Area 54 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. Any areas of non-compliance are discussed in the following sections of this report.

**12.0 PLANNING CONSIDERATIONS:**

12.1 It is considered that the proposed development generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

Clause 22.11 of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. Council's Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own 'average lot size' calculation.

The subject site is identified within Area 6 of this study. The average lot size within this area has been calculated to be 590.6m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 295.3m<sup>2</sup>. As the site has an overall site area of 1340.5m<sup>2</sup> the development density would be calculated at 1 dwelling per 268.1m<sup>2</sup>. Although the proposal does not meet this strategy, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone requirements. Furthermore the density of development along Golden Avenue is consistent with that proposed in this application, for example No. 56 Golden Avenue has 5 dwellings; No. 60 had 4 dwellings; No. 62 has 6 dwellings;

No. 47 has 4 dwellings and no. 53 has 5 dwellings. This matter will be further discussed at a later section within this report.

## 12.2 Local Planning Policy Framework

### 12.2.1 Clause 21.05 - 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.

#### 12.2.2 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.

12.3 It is considered that the proposed development satisfies the purpose of the zone.

### **13.0 RESCODE ASSESSMENT**

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:



**Clause 55.02 - Neighbourhood Character & Infrastructure**

**Standard B1 Neighbourhood Character** - The objective of this Clause 55.02-1 is 'to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area'. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site.

It is proposed to demolish the existing single storey dwelling on the land and construct five (5) new dwellings on this site, four (4) of which would be double storey, with a single storey dwelling at the very rear of the land.

Overall, it is considered that the dwelling design adequately responds to the character of the broader neighbourhood which includes some double storey dwellings and multi-dwelling development. It is also noted that the first floor level of all four double storey dwellings have been designed to avoid adverse amenity impacts on abutting properties such as overlooking and overshadowing.

The upper level component of each dwelling would be adequately set in from the ground level below, and all dwellings maintain adequate side, front and rear boundary setbacks. There is space provided within all boundary setbacks to allow for the planting of trees with spreading crowns to soften the appearance of the development and the dwellings are adequately articulated and will not be bulky when viewed from the street or abutting properties.

Given the above, it is considered that the four (4) double storey and one (1) single storey dwelling can be accommodated on the site.

**Standard B2 Residential Policy** – it is noted that Council's Residential Development Policy generally discourages double storey dwellings towards the rear of sites, as they can result in a decreased level of amenity for abutting properties, and a more bulky development when viewed from the streetscape. The development proposes a single storey dwelling at the very rear of the site, however all other dwellings that extend down the site would be double storey.

As outlined above, in this instance the dwellings would be consistent with the streetscape and broader neighbourhood character. Furthermore, the development achieves a high level of compliance with the provisions of ResCode, and can be accommodated on the site without adverse impacts to abutting dwellings.

**Clause 55.03 - Site Layout and Building Massing**

**Standard B6 Street Setback** - requires that any new dwelling on this allotment be setback 9m. Having regard though to the layout of the proposed dwellings and the street configuration, it is considered that the proposal in its submitted format will respect the neighbourhood character and is considered appropriate.

**Clause 55.04 – On Site Amenity and Facilities**

Standard B28 – Private Open Space Objective – the Schedule to the residential 3 Zone requires 40m<sup>2</sup> of secluded private open space for a dwelling with 2 bedrooms. 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.

Dwelling 5 proposes 3 bedrooms and has provided 50.1m<sup>2</sup> of secluded private open space. Given that this dwelling is a single storey dwelling, and there are site constraints with providing the 60m<sup>2</sup> required, it is considered that the area of 50.1m<sup>2</sup> is acceptable in this instance. If an additional 9.9m<sup>2</sup> was to be required, then the design of dwelling 5 would need to be altered to propose a double storey dwelling. The provision of a single storey dwelling at the rear of the site is therefore an acceptable design response.

Dwelling 1 has provided the minimum area of 40m<sup>2</sup> at the rear/side of the dwelling, with an additional 51.1m<sup>2</sup> of open space enclosed within the front setback. This open space directly accesses the living room off a wide hallway. After taking into consideration the decision guidelines it is considered that the amount of private open space is acceptable.

**14.0 RESPONSE AGAINST GROUNDS OF OBJECTIONS**

- 14.1 Rear fence – as outlined previously in this report, a condition of any approval issued will require the erection of a new 1.8m high timber paling fence with 800mm boxed trellis extension along the length of the rear boundary. This fence provision was determined with the objector at the preliminary conference and will appease their concerns regarding the rear fence.
- 14.2 Overlooking - the new dwellings have been designed with upper level windows that are strategically placed, highlight or obscure glazed to prevent any overlooking of abutting properties. Overall, it is considered that the proposal will not result in any detrimental overlooking.
- 14.3 Boundary construction, fence repair – the boundary construction that is proposed is consistent with the ResCode requirements for height and boundary length. However, the north-western wall of the garage associated with dwelling 5 can be relocated 150mm from the rear (north-western) boundary to help appease the objectors concerns. This can be required via a permit condition. The boundary fence repair should no longer be an issue, given that a Condition of permit will require that a new fence be erected along the entire length of the rear boundary.
- 14.4 Visual bulk, mass – as previously outlined in this report, it is considered that the dwellings are adequately articulated and detailed, and designed so that they do not exhibit visual bulk and mass.

- 14.5 Noise – there is no evidence to suggest that the development would result in a level of unreasonable noise that would impact on the amenity of surrounding properties.
- 14.6 Traffic - it is considered that the proposal adequately accommodates on-site parking. Furthermore, it is considered that the surrounding road network would be able to accommodate any additional vehicle movements that are generated by the new dwellings. The proposal does not raise any traffic concerns.
- 14.7 Infrastructure, services – the site is connected to all relevant infrastructure and services. The standard conditions required by Council's Development Approvals Engineer will be placed on any approval issued.
- 14.8 Inconsistency with incremental change areas – As outlined above, the proposal achieves a high level of compliance with the provisions of the Kingston Planning Scheme, including relevant local residential policy, municipal strategic statement and Clause 55. It is considered that the proposal represents an appropriate design solution for the site, and can be accommodated on the land, without adverse impact to abutting properties or the surrounding area. As such, it is considered that the development is appropriate to the Incremental change areas.

#### **15.0 CONCLUSION:**

- 15.1 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 generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

#### **17.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for five (5) dwellings be issued, 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 1<sup>st</sup> April 2011, 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 two (2) suitable medium sized (at maturity) spreading canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space of each dwelling with all 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 high at time of planting;
  - ix) medium to large shrubs and trees provided in pot sizes of 200mm; and
  - x) the provision of a 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;
- a. the provision of a new 1.8 metre high timber paling fence along the site's north-western (rear) property boundary (abutting No.54 & 54A Glenola Road) with a 800mm high boxed lattice fence extension attached securely to the top of this fence. This fence must be consistent with the existing fence along No.54 Glenola Road to the satisfaction of the Responsible Authority;
- b. the north-western wall for garage 5 relocated to be 150mm off the rear (north-western) common boundary;
- c. all garages provided with a fully workable reversing area so that all vehicles may exit the site in a forwards direction, with any modification made to the site layout

- to accommodate this requirement must not result in any loss of secluded private open space;
- d. the provision of a full colour, finishes and building materials schedule (including samples) for all external elevations and driveways of the development;
  - e. the provision of a new 1.2m high painted timber picket fence, with a gate(s), surrounding the front open space of Dwelling 1, with suitable screen planting provided behind this fence to afford this area some privacy, with an associated elevation plan of the front fencing, which provides details of its height, materials and colours;
  - f. the provision of a water tank clearly nominated for each dwelling, with the area of the water tank to not be included in the calculation of the existing secluded private open space provision;
  - g. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown; and
  - h. the guttering pertaining to the garages and walls on boundary on the site's north property boundary nominated as being contained wholly within the title property boundary of the subject land.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Prior to the occupation of the dwellings hereby permitted, the new fence/s required under Condition 1b) of this permit must be erected to Council's satisfaction, at the full cost of the applicant/owner(s).
  4. Prior to the 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.
  5. Prior to the 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.
  6. 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 bio retention system, rainwater tanks connected for reuse and a detention system.
  7. 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.).

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8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
10. Prior to the occupation of the dwellings hereby permitted, 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.
11. 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.
12. Prior to the occupation of the dwellings hereby permitted, 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.
13. 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 in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, 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.
14. 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.
15. 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.
16. Finished Floor Levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
17. External clothes drying facilities must be provided for each dwelling.
18. Construction on the site must be restricted to the following times:
  - a. Monday to Friday 7:00am to 7:00pm;
  - b. Saturday 9:00am to 6:00pm; and
  - c. Sunday and Public Holidays No construction permitted.



19. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
20. 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 is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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.

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**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 any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

**Note:** Council's Rates Department is responsible for determining and assigning property address details which include unit and street numbers, and street names. The onus is on the Permit Applicant/Land Owner to contact Council's rates Department to determine unit and street numbers, and street name details for the approved development. Any reference to Dwelling numbers on endorsed plans is indicative and should not be relied upon for unit and street numbers, and street name purposes.

In the event the Council wish to oppose the application, it can do so on the following grounds:

1. The proposal would have an adverse affect on the amenity of an established residential neighbourhood.
2. The proposal constitutes an over-development of the site.
3. The proposal exhibits excessive visual bulk and mass.
4. The proposal fails to satisfy all the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 Neighbourhood Character Objective, Clause 55.02-2 Residential Policy Objective, Clause 55.05-4 Private Open Space Objective, and Clause 55.06-1 Design Details Objective.
5. The proposal does not fully satisfy the requirements of Clause 22.11 – Residential Development Policy, of the Kingston Planning Scheme.



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6. The proposal fails to meet the objectives and strategic directions of the Municipal Strategic Statement – Residential Land Use contained at Clause 21.05 of the Kingston Planning Scheme.

**APPENDIX A – RESCODE ASSESSMENT**

**Standard of the Kingston Planning Scheme**  
Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	Yes	It is considered that the proposal respects the character of the neighbourhood. The upper level has been well designed with adequate set in from the lower level. Single storey is proposed at the very rear of the site.
<p><b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	Yes	Refer to assessment in report.
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.</p>	N/A	
<p><b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.</p>	Yes	Can be addressed through a permit condition.
<p><b>B5 Integration with the Street</b> Integrate the layout of development with the street</p>	Yes	The dwellings would be adequately articulated, and would integrate well with the streetscape.
<p><b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	No	<b>Required:</b> 9 metres <b>Proposed:</b> 7.59 metres
<p><b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.</p>	Yes	<b>Maximum:</b> 9 metres <b>Proposed:</b> 6.97 metres
<p><b>B8 Site Coverage</b> Site coverage should respect the existing</p>	Yes	<b>Maximum:</b> 50% <b>Proposed:</b> 41.2%

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
or preferred neighbourhood character and respond to the features of the site.		
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>At least:</b> 20% <b>Proposed:</b> 30.6%
<b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	Yes	Achieves good northern sunlight access to POS and HRW.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	No abutting POS.
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	Dwellings entries easily identifiable from the street/ main driveway.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	Yes	Require a landscape plan as condition of permit (as per VMO condition).
<b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	Vehicle access via the existing crossover along the south-western site boundary.
<b>B15 Parking Location</b> Provide resident and visitor vehicles with convenient parking.	Yes	Car parking facilities are reasonably close to dwellings.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.		
<b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.	Yes	<b>Required:</b> 1 for dwellings 1-4, 2 for dwelling 5 <b>Proposed:</b> 2 for dwellings 1 and 5, 1 for dwellings 2-4
<b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	The proposal complies with the setback requirements.
<b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.	Yes	Boundary development complies.
<b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.	Yes	The proposed development would not impact on any existing windows.
<b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.	Yes	There are no north facing windows that will be impacted.
<b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.	Yes	Any overshadowing created by the new dwelling is within that allowed by ResCode and should not cause any detriment to any of the abutting properties.
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	Yes	There should be no detrimental overlooking towards abutting properties – highlight and obscure glazed windows proposed.
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	Yes	No real opportunity for overlooking.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	Yes	There are no sources of noise that future residents need to be protected from.
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	Noted that 4 dwellings are double storey, however ground level of all dwellings is accessible.
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	Yes	Each dwelling is visible from the street/ internal driveway with its own identity.
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	All habitable room windows comply with this provision.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	Yes	<b>Required:</b> 40m <sup>2</sup> for each dwelling <b>Proposed:</b> as outlined in the report – adequate POS for each dwelling.
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	Yes	Good solar access to rear areas of private open space
<b>B30 Storage</b> Provide adequate storage facilities for each dwelling.	Yes	6m <sup>3</sup> storage area is provided for each dwelling.
<b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.	Yes	As outlined previously, the design detail of the proposed dwelling respects the streetscape and broader neighbourhood character.
<b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.	Yes	<b>Maximum:</b> 1.2m <b>Proposed:</b> 1.2m Consistent
<b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.	Yes	There is no common property.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	Complies.

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**KP-37/11 – 122 Centre Dandenong Road, Cheltenham**

<b>APPLICANT</b>	<b>Peter Wright &amp; Associates Pty Ltd</b>
<b>ADDRESS OF LAND</b>	<b>No.122 (Lot 1 on TP332617R) Centre Dandenong Road, Cheltenham</b>
<b>PROPOSAL</b>	<b>Three (3) Dwellings</b>
<b>PLANNING OFFICER</b>	<b>Emma Hilderink</b>
<b>REFERENCE NO.</b>	<b>KP-37/2011</b>
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	<b>Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)</b>
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	<b>Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy</b>
<b>ZONE</b>	<b>Clause 32.06 – Residential 3 Zone</b>
<b>OVERLAYS</b>	<b>None</b>
<b>PARTICULAR PROVISIONS</b>	<b>Clause 52.29 – Land Adjacent to a Road Zone Clause 55: Two or More Dwellings on a Lot &amp; Residential Buildings</b>
<b>GENERAL PROVISIONS</b>	<b>Clause 65: Decision Guidelines</b>
<b>RESIDENTIAL POLICY AREA</b>	<b>Incremental Housing Change</b>
<b>DECISION DATE BY</b>	<b>23/08/2011</b>
<b>STATUTORY DAYS</b>	<b>40 days at 20/07/2011</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>10<sup>th</sup> June 2011 &amp; 7<sup>th</sup> July 2011 (TPO4)</b>

## 1.0 KEY ISSUES

1.1 The key planning issues arising from this proposal relate to:

- Neighbourhood character
- Amenity impact (internal and external)
- Energy efficiency

## 2.0 PROPOSAL

2.1 It is proposed to demolish the existing single storey dwelling and outbuildings on the land and construct three (3) double storey dwellings.

2.2 The existing vehicle crossover will continue to provide access at the north east corner of the site. No new vehicle crossover is proposed.

2.3 Development summary:



**City of Kingston  
Planning Committee Meeting**

Agenda

17 August 2011

Dwelling	Floor Area (excluding garage / verandah)	Private Open Space	No. of Bedrooms proposed	No. of Car Parking Spaces provided
1	231.36m <sup>2</sup>	154.55m <sup>2</sup> (including 40.7m <sup>2</sup> of secluded private open space)	3	2 (double garage)
2	223.51m <sup>2</sup>	40m <sup>2</sup> of secluded private open space	2	2 (double garage)
3	217.14m <sup>2</sup>	53m <sup>2</sup> (including 48.6m <sup>2</sup> of secluded private open space)	3	2 (double garage)

2.4 The proposal has an overall site coverage of 47.15 percent and a permeability percentage of 33.96.

2.5 Development Assessment Table:

Criteria	ResCode Requirement	Proposed Development Provision
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 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: complies Dwelling 2: complies Dwelling 3: does not meet standard (refer to the ResCode discussion section within this report)
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling OR Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	Dwelling 1: complies Dwelling 2: complies Dwelling 3: complies
<b>Front Setback</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.	Dwelling 1: complies
<b>Site Coverage</b>	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 47.15% and therefore complies

2.6 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Pitched tiled "Charcoal"
Walls:	Ground: face brick "Sandstone" First: Rendered sheet cladding "Jodphurs"
Garage doors	Panel lift "Primrose"
Windows:	Aluminium framed "White"
Driveways:	Concrete "Charcoal"
Front fencing:	1.8m high timber fence

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site comprises a 909.29m<sup>2</sup> allotment on the southern side of Centre Dandenong Road in Cheltenham. It currently contains a single storey cement sheet dwelling. The site contains some scattered vegetation including mature trees, none of which are considered to be significant. There appears to be a restriction listed on the Certificate of Title. The proposed development is not considered to result in any breach of restriction.
- 3.2 Vehicle access to the site is currently via a single width crossover located on the eastern side of the site's Centre Dandenong Road frontage.
- 3.3 It is noted that there is a bus stop at the western end and a tree midway along the Centre Dandenong Road nature strip. There is a large *Agonis flexuosa* (Willow Myrtle) tree located on the abutting property to the south (3 Shelford Court).
- 3.4 The surrounding area typically comprises of single storey brick and weatherboard dwellings with pitched roofs. There are also a number of multi-dwelling development present, including a four dwelling development on land directly abutting to the west. Land abutting the subject site to the south, east and north contain single-storey detached dwellings. There is no predominant fencing style in the neighbourhood.

### **4.0 TITLE DETAILS**

4.1 The Permit Applicant has completed the planning application form declaring that there is a restrictive covenant on the title, however they are of the opinion that the application proposed does not breach this covenant. Council Planning Officer has reviewed the Covenant and considers that the covenant would not be breached for the following reasons:

§ The covenant refers to the carrying out of any noxious trade or business on the land, and the excavation/ quarrying of sand and stone on the land.

### **5.0 PLANNING CONTROLS**

5.1 The subject site is located within a Residential 3 Zone. There are no Overlays.

5.2 Centre Dandenong Road is identified as a Road Zone Category 1.

## **6.0 PLANNING PERMIT REQUIREMENTS**

6.1 Pursuant to Clause 32.06 a planning permit is required to construct two (2) or more dwellings on a lot.

## **7.0 RELEVANT HISTORY**

7.1 Council records indicate that there is no relevant planning history relating to this site.

## **8.0 ADVERTISING**

8.1 Prior to advertising, the Permit Applicant submitted revised plans, pursuant to Section 50 of the Planning and Environment Act 1987 [the Act], on 23<sup>rd</sup> March, 2011 that essentially addressed the initial concerns outlined within the Planning Officer's further information letter. It is these revised plans that formed part of the advertising documentation.

8.2 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. Three (3) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Increase in traffic
- Construction at side boundary
- Privacy/ overlooking
- Street setback

## **9.0 PRELIMINARY CONFERENCE**

9.1 A preliminary conference was held on 7<sup>th</sup> June, 2011, with the relevant Planning Officer, the Permit Applicant and two (2) objectors in attendance. The above-mentioned issues were discussed at length.

9.2 Following the meeting, the applicant submitted amended plans, pursuant to Section 57A of the Act, on 10<sup>th</sup> June 2011. The amended plans showed the following:

- All windows on the first floor to have obscure glazing up to 1700mm in height.
- South facing windows on first floor of Dwelling 3 have been removed.
- Dwelling 3 plan amended in general to accommodate the mature tree on adjacent site (3 Shelford Court)

9.3 As a result of these amendments all three (3) objections have been withdrawn.

9.4 The amendments to the plans were considered to only affect the objectors and no other parties. Therefore, pursuant to Section 57B of the Act, the plans were not required to be re-advertised.

## **10.0 REFERRALS**

10.1 The following internal referral departments were notified:

- Council's Development Engineer
- Council's Vegetation Management Officer
- Council's Roads and Drains

10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued relating primarily to stormwater management, landscaping and tree protection.

## **11.0 RELEVANT POLICIES**

### 11.1 State Planning Policy Framework (SPPF)

Clause 11 (Settlement)

Clause 12 (Environmental and Landscape Values)

Clause 15 (Built Environment and Heritage)

Clause 16 (Housing)

### 11.2 Local Planning Policy Framework (LPPF)

Clause 21.05 (Residential Land Use)

Clause 22.11 (Residential Development Policy)

### 11.3 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

### 11.4 General Provisions

Clause 65 (Decision Guidelines)

### 11.5 Other

*Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)*

The land is located within Area 12 of the Neighbourhood Character Guidelines. There are no characteristics that make a major or critical contribution to the profile area. The proposal is generally in accordance with the applicable character profile, in particular building placement, building footprint, porch building feature and roof shape characteristics. Any areas of non-compliance are discussed in the following sections of this report.

*Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)*

The Design Contextual Housing Guidelines offer a range of design techniques and suggestions to assist with residential design, which is responsive to local character. The subject site is located in an area designated for Incremental Housing Change, where it is policy to encourage lower density housing forms with a predominance of single dwelling and the equivalent of dual occupancy developments on average sized allotments. Notwithstanding the policy direction, the predominant built form in the immediate area comprises detached, single-storey, single dwellings and some multi-unit developments.

The proposal has been assessed against the objectives and policy of the Residential Development Policy. Areas of non-compliance are discussed below:

Site Landscaping

- Encourage the retention of existing semi-mature and mature canopy trees wherever possible.

The development has been designed to minimise the impact on a large *Agonis flexuosa* (Willow Myrtle) tree located on an adjoining property to the south of the subject site. Conditions should be included on any permit issued for the site to ensure the protection of the tree during the construction phase of the development.

Built form, siting and scale of development

- 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.

The development incorporates a range of building materials in an attempt to reduce the 'box-like' design of the double storey dwellings when viewed from the east and the west. The attached form at the ground level through the length of the site is relatively bulky however this will be largely screened from adjoining properties by a 1.8 metre high fence. The first floor level is considered to be reasonably articulated and attached and is significantly smaller in size than the ground floor below thereby reducing visual bulk. The front façade of Dwelling 1 has high sheer walls at the ground and first floor. It is recommended that further articulation of the first floor be undertaken to soften the frontage to this dwelling. This should be included as a condition of permit, should one be issued.

**12.0 PLANNING CONSIDERATIONS:**

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan

Strategy – ‘Melbourne 2030’ and its recent update ‘Melbourne @ 5 Million’, which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

The settlement policies at **Clause 11** seek to ensure a sufficient supply of land is available for all forms of land use in Victoria. Of particular relevance to housing, **Clause 11** promotes housing diversity and urban consolidation objectives in the established urban realm. **Clause 11.02-1** states that Planning Authorities should plan to accommodate projected population growth over at least a 15 year period, taking account of opportunities for redevelopment and intensification of existing urban areas as well consideration being had for environmental aspects, sustainable development and the costs associated with providing infrastructure. This clause states:

§ *Planning for urban growth, should consider:*

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

**Clause 11.01-2** places particular emphasis on providing increased densities of housing in and around activity centres or sites that have good access to a range of services, facilities and transport options.

**Clause 15** (Built Environment and Heritage) aims to ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Housing objectives are further advanced at **Clause 16**. This Clause aims to encourage increased diversity in housing to meet the needs of the community through different life stages and respond to market demand for housing. In much the same vein as **Clause 11**, this Clause advances notions of consolidation of existing urban areas, particularly in and around activity centres and employment corridors that are well served by all infrastructure and services.

The policies contained within **Clause 16.01-4** encourage the provision of range of housing types to meet the increasingly diverse needs of the community. Emphasis is placed on development of well-designed medium density housing with respect to neighbourhood character. Further, this Clause aims to make better use of the existing infrastructure and provide more energy efficient housing.

Policies pertaining to urban design, built form and heritage outcomes are found at **Clause 15** of the State Planning Policy Framework. Of particular significance, **Clause 15.01** encourages development to achieve high quality architectural and urban design outcomes that contribute positively to neighbourhood character, minimises detrimental amenity impacts and achieves safety for future residents, and the community, through good design. The provisions of **Clause 15.02** promote energy and resource efficiency through improved building design, urban consolidation and promotion of sustainable transport.



It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. With modifications, the development itself can achieve an acceptable design outcome for the site and its immediate abutments, whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

#### 12.2 Local Planning Policy Framework

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

Relevant objectives and strategies in **Clause 21.05-3: Residential Land Use** include:

- § *To provide a range of housing types across the municipality to increase housing diversity and cater for the changing housing needs of current and future populations, taking account of the capacity of local areas in Kingston to accommodate different types and rates of housing change. This is to be achieved through encouraging residential development within activity centres via mixed-use development, and on transitional sites at the periphery of activity centres.*
- *To ensure new residential development respects neighbourhood character and is site responsive, and that medium density dwellings are of the highest design quality. This is to be achieved through promoting 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.*
  - *To promote more environmentally sustainable forms of residential development. To be achieved through promoting medium density housing development in close proximity to public transport facilities, particularly train stations.*
  - *To manage the interface between residential development and adjoining or nearby sensitive/strategic land uses.*
  - *To ensure residential development does not exceed known physical infrastructure capacities.*
  - *To recognise and respond to special housing needs within the community.*

Council's Local Planning Policy at **Clause 21.05** essentially reinforces State Planning Policy relevant to housing, stressing the need to encourage urban consolidation in appropriate locations and to accommodate projected population increases.

**Clause 22.11 – Residential Development Policy** of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on 'average sized lots' within areas designated for Incremental Housing Change. Council's Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own 'average lot size' calculation.



The subject site is identified within Area 4 of this study. The average lot size within this area has been calculated to be 694.9m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 347.45m<sup>2</sup>. As the site has an overall site area of 909.29m<sup>2</sup> the development density would be calculated at 1 dwelling per 303.09m<sup>2</sup>. Although the proposal does not meet this strategy, it is considered that the development proposes an appropriate number of dwellings on this site as demonstrated by its overall compliance with ResCode and the Schedule to the Residential 3 Zone requirements, subject to recommended permit conditions. This matter will be further discussed at later sections within this report.

It is considered that the proposed development, subject to recommended permit conditions, generally complies and satisfies the State and Local Planning Policy Framework guidelines which aim to encourage well-designed medium density housing in appropriate locations.

### 12.3 Zoning Provisions

It is considered that the proposed development satisfies the purpose of the zone.

The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

*Standard B8 – Site Coverage:* The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 47% and is consistent with the Schedule requirements.

*Standard B28 – Private Open Space:* The local variation requires an area of 40m<sup>2</sup>, 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 40m<sup>2</sup>, 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 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling.

Dwellings 1 and 2 meet the minimum area and dimension requirements of Standard B28. Dwelling 3 would have 48.6m<sup>2</sup> of private open space with a minimum dimension of 5 metres. An additional combined area of 10.8m<sup>2</sup> of private open space is provided in two separate locations to the south and west of the dwelling. These additional areas do not meet the minimum dimension requirements and vary between only 1.0 and 2.0 metres wide. It is recommended that the laundry room be reduced in size to provide additional private open space. Therefore it is recommended that a condition be included on the permit to increase the width of the additional private open space areas to a minimum of 3.0 metres. The proposal will then comply with this Standard.

*Standard B32 – Front Fences:* The local variation requires a front fence within 3 metres of a street must not exceed 2 metres in height for streets in a Road Zone – Category 1 or 1.2 metres in height for any other street. The proposed front fence is 1.8m high and accords with the Schedule requirements.

### **13.0 CLAUSE 55 (RESCODE ASSESSMENT)**

13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:

**Standard B1 Neighbourhood Character** - The development proposes three (3) double storey dwellings on the site. Single storey development has not been identified as a major or critical contribution to neighbourhood character in the Neighbourhood Character Guidelines, however it is noted that single storey development is typical of the immediately adjoining dwellings. Given the existing character of the locality, it is considered that any double storey elements should be sensitively designed with the second storey set back from its ground floor footprint, in order to reduce visual bulk. It is considered that the design of the proposed first floor levels achieves this. Furthermore, it is considered that the upper storey components, including those located towards the rear of the site, are sensitively designed to avoid unreasonable adverse amenity impacts on the adjoining properties. It is also noted that there is adequate space on the site for the planting of canopy trees to soften the appearance of the development when viewed from the streets and abutting properties.

**Standard B2 Residential Policy** – Council’s Residential Policy encourages the two storey component of new medium density housing to be located towards the front of a site. In this instance, double storey development is proposed at the front and rear of the site. In this instance it is considered that the dwellings, subject to conditions, are designed to respond to the character of the local neighbourhood, and overall, the proposal achieves a good level of compliance with Rescode and the other relevant objectives and requirements of Council’s Residential Development Policy.

**Standard B10 Energy Efficiency & Standard B29 Solar Access to Open Space** - The site is located on the southern side of Centre Dandenong Road, and this orientation does present some challenges with regard to northern sunlight access to private open space. Any space provided directly to the rear of the dwellings, will be to the south of the building and therefore unable to achieve optimum access to northern sunlight.

Dwelling 1 has poor northern sunlight access to the 40.7m<sup>2</sup> rear area of secluded private open space, however it has additional secluded private open space within the front setback area that achieves excellent northern sunlight access. This dwelling also has main living room windows that are able to obtain good northern sunlight.

The private open space areas for Dwellings 2 and 3 would both have poor access to northern sunlight. In particular Dwelling 3 does not comply with Standard B29 as part of it will be overshadowed by its first floor. The main habitable room windows would also face towards the south. Therefore it is recommended that, as a condition on any permit issued for the site, the southern wall of the first floor of Dwelling 3 be setback at least 2.0 metres from the corresponding ground floor wall below to allow additional sunlight into the

secluded private open space area. The 2.0 metre additional setback will ensure that Dwelling 3 will comply with the requirements of Standard B29.

**Standard B13 Landscaping** - Landscape plans were referred to Council's Vegetation Management Officer who recommended that amended plans be requested via Condition 1 of any approval. A large *Agonis flexuosa* (Willow Myrtle) tree is located on the abutting property to the south (3 Shelford Court). A condition should be placed on any permit issued requiring a landscape plan with an associated planting schedule that addresses the requirements specified by Council's Vegetation Management Officer, including the use of permeable surfacing within the private open space areas of Dwelling 3 to protect the TPZ of the Willow Myrtle.

**Standard B18 Walls on Boundaries** – The length of boundary wall along the western common boundary should be no more than 18.93 metres in length (total), however 20.61 metres of boundary development is proposed comprising four separate boundary walls. As each wall abuts a different dwelling, there is little or no cumulative impact of the walls on the amenity of adjoining dwellings. While the proposal does not meet the Standard it is considered to meet the objective of the Clause which is to limit the impact of boundary walls on the amenity of existing dwellings.

**Standard B21 Overshadowing Open Space** - Council considers that the extent of shadow cast onto the four adjoining properties to the west, at No. 120 Centre Dandenong Road will not significantly further reduce the amount of sunlight already received at these properties principle secluded private open space areas.

The existing boundary fence already casts shadows over almost the entire private open space areas of these dwellings between the hours of 9am and 11am. The proposed new dwellings will cast some additional shadow between the hours of 9am and 12pm in this location. It is considered however that the amenity of these areas will not be significantly reduced as a result of a relatively small additional loss of sunlight to their principle open space areas and habitable rooms, and therefore the development meets the objective of this clause.

**Standard B22 Overlooking** - It is noted that the first floor windows of the east and west elevations are to have obscure glazing up to a height of 1.7 metres above the first floor finished level. The habitable room windows will also need to be permanently fixed to protect the privacy of the private open space areas of abutting properties. Accordingly, to ensure that no unreasonable overlooking is to occur from the subject development, a condition should be placed on any permit issued in-line with the above.

**Standard B23 Internal Views** - Similarly to the above the parent's room first floor window of the south elevation of Dwelling 2 should also have fixed obscure glazing up to a height of 1.7 metres above the first floor finished level to protect the internal privacy within the development. Accordingly, to ensure that no unreasonable overlooking is to occur within the development, a condition should be placed on any permit issued in-line with the above.

**Standard B24 Noise Impacts** – Centre Dandenong Road is within a Road Zone Category 1, and carries a high volume of traffic. As such, it is considered reasonable that the first

floor bedroom 2 windows of Dwelling 1 be provided with noise attenuated glazing to reduce any traffic noise heard from within the bedroom.

**B26 Dwelling Entry** - A sense of identity should be provided to each dwelling. Dwelling 1 and 3 have porch entrances which present to the street and driveway. The porch entrance to Dwelling 2 is obscured by a wall that extends out from bedroom 1 and is also setback behind the dwelling. A condition on any permit issued should require the removal of the protruding wall and the re-design of the porch so that it is not obscured by the dwelling.

**Standard B28 Private Open Space – SEE SECTION 12.3**

**Standard B30 Storage** – A condition of any approval issued will require a 6m<sup>3</sup> externally accessible storage facility to be provided for each dwelling, that does not interfere with the overall amount of private open space for each dwelling.

**Standard B31 Detailed Design** - To encourage design detail that respects the existing or preferred neighbourhood character. The sheer walls of Dwelling 1 presenting to the street is considered to be a poor design response and is not considered to be visually compatible with single storey dwellings fronting Centre Dandenong Road. Articulation of this façade by setting back the first floor wall by at least 1.0 metre below the ground floor walls, and the use of varied colours and materials is suggested to improve the appearance of the sheer wall and should be included as conditions on any permit issued.

**14.0 CONCLUSION:**

14.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.

14.2 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 generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 Zoning and the Schedule to the Zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

**15.0 RECOMMENDATION:**

That a Planning Permit to develop the land for the construction of three (3) dwellings be issued, 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 10<sup>th</sup> June 2011 and 7<sup>th</sup> July 2011 (TPO4), 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. all existing vegetation within the front setback is to be removed;
    - v. a range of plant types from ground covers to large shrubs and trees;
    - vi. adequate planting densities (e.g.: plants with a mature width of 1 metre, planted at 1 metre intervals);
    - vii. the provision of two (2) suitable medium sized (at maturity) canopy trees within the front setback of the property and one (1) small (at maturity) tree within the private open space area of Dwellings 1 and 2, with species chosen to be approved by the Responsible Authority;
    - viii. sustainable lawn areas and plant species taking current water restrictions into consideration;
    - ix. all trees provided at a minimum of two (2) metres in height at time of planting;
    - x. medium to large shrubs to be provided at a minimum pot size of 200mm; and
    - xi. 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.
    - xii. all surfaces within the rear private open space of Dwelling 3 must remain permeable, and have no paving.
  - b. The Tree Protection Zone (TPZ) shown on the ground floor plan;



- c. the location of all externally-located heating and cooling units, exhaust fans and the like, clearly shown;
- d. the driveway modified to directly align with the existing vehicle crossover;
- e. either a reduction in the height of the front fence to 1.2 metres, or provision of a 1.5 metre by 1.5 metre splay, adjacent to the sides of the vehicle access;
- f. a notation on the plans stating that the existing property boundary and footpath offset will be maintained;
- g. a notation on the plans stating that the existing property boundary and footpath levels will not be altered;
- h. the northern wall of the first floor elevation of Dwelling 1 be set back at least 1.0 metre from the ground floor wall below;
- i. the porch entrance to Dwelling 2 made visible from Centre Dandenong Road by removing the protruding wall and relocating the porch forward of the dwelling, without affecting the turning area for Dwelling 2;
- j. the bedroom 2 window on the first floor northern elevation of Dwelling 1 nominated as having noise attenuation measures (double glazing);
- k. the southern wall of the first floor elevation of Dwelling 3 be setback at least 2.0 metres from the ground floor wall directly below;
- l. northern and southern elevations of all dwellings;
- m. the lounge room windows on the southern elevation of Dwellings 2 and 3 nominated as being sliding doors to directly access the private open space;
- n. a minimum of 60m<sup>2</sup> of private open space for Dwelling 3, in accordance with Clause 55.05-4 (Standard B28) of the Kingston Planning Scheme;
- o. each dwelling provided with a 6m<sup>3</sup> external accessible storage facility that is located so that it does not reduce the overall area of secluded private open space provided for each dwelling;
- p. the provision of a water tank clearly nominated for each dwelling and connected for toilet flushing;
- q. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
- r. the door of each garage nominated as a panel lift door, or similar;
- s. the guttering pertaining to the walls on the site's south, east and west property boundaries nominated as being contained wholly within the title property boundaries of the subject land;
- t. a reduction in driveway width to 2.6 metres where possible with the additional area created to be used for landscaping along the (west and east) sides of the driveway;
- u. all first floor habitable room windows of the eastern and western elevations of the dwellings fitted with fixed (unopenable) obscure glazing to a minimum height of 1.7m above the first floor finished floor level;

- v. the eastern window on the first floor southern elevation of the parents' retreat of Dwelling 2 fitted with fixed (unopenable) obscure glazing to a minimum height of 1.7m above the first floor finished floor level;  
  
or  
  
fitted with a highlight window with a minimum sill height of 1.7m above the first floor finished floor level directly below; and
  - w. the provision of a full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development;
  - x. the provision of varying materials, textures, colours and finishes to the ground and first floors of the east and west facing building facades, to enhance the appearance of the design with the inclusion of modest tones that respond with the character of the area and to reduce visual bulk and mass;
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. A Tree Protection Zone (TPZ) must be installed at a distance of 3 metres from the *Agonis flexuosa* (Willow Leaf Myrtle) located in the rear neighbouring property. A qualified arborist is to be employed to oversee any works (excavation and or construction) outside of this zone. The following must be observed within 3m of the tree:
- a. the existing soil level must not be altered either by fill excavation;
  - b. the soil must not be compacted or the soil's drainage changed;
  - c. no fuels, oils, chemicals, poisons, rubbish and other materials harmful to trees are to be stored or dispersed;
  - d. no storage of equipment, machinery or material is to occur;
  - e. open trenching to lay underground services e.g.: drainage, water, gas, etc. must not be used;
  - f. tree roots must not be severed or injured; and
  - g. machinery must not be used to remove any existing concrete, bricks or other materials.
- without the further consent in writing of Council's Vegetation Management Officer.
4. Prior to the commencement of the development hereby permitted a Tree Protection Fence defined by a 1.2 metre high temporary fence constructed using steel or timber posts fixed in the ground or to a concrete pad, with the fence's side panels to be constructed of cyclone mesh wire or similar strong metal mesh or netting, must be erected 3 metres in a radius from the boundary around the *Agonis flexuosa* (Willow Leaf Myrtle). The above requirements in condition 3 must be observed within this area.
5. All tree pruning work on the neighbours *Agonis flexuosa* (Willow Leaf Myrtle) must be in accordance with the Australian Standards AS4373 (2007) "Pruning of Amenity Trees" and be undertaken by a qualified and experienced Arborist.
6. Prior to the 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.
7. Prior to the occupation of 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.
  8. 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 bio retention system, rainwater tanks connected for reuse and a detention system.
  9. 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.).
  10. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
  11. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow of the site.
  12. Prior to the occupation of the dwellings hereby permitted, 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 reinstated to the satisfaction of the Responsible Authority.
  13. Prior to the occupation of the dwellings hereby permitted, 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. 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:
    - e) Constructed to the satisfaction of the Responsible Authority.
    - f) Properly formed to such levels that they can be used in accordance with the plans.
    - g) Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
    - h) 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.

15. 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.
16. 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.
17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
18. 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 is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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.

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**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 any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

OR

In the event that Council wishes to oppose the application, it can do so on the following grounds:

1. The proposal fails to satisfy all of the requirements of Clause 55 of the Kingston Planning Scheme (ResCode), in particular Clause 55.02-1 - Neighborhood Character Objectives, Clause 55.02-2 - Residential Policy Objectives, Clause 55.03-5 - Energy Efficiency Objectives, Clause 55.03-8 - Landscaping Objectives, Clause 55.04.2 – Walls on Boundaries Objectives, Clause 55.04-5 - Overshadowing Open Space Objective, Clause 55.04-6 - Overlooking Objective, Clause 55.04-7 - Internal Views Objective, Clause 55.04-8 - Noise Impacts Objectives, Clause 55.05-2 - Dwelling Entry Objective, Clause 55.05-4 - Private Open Space Objective, Clause 55.05-6 - Storage Objective, and Clause 55.06-1 - Design Detail Objective.

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- 2.The proposal constitutes an over-development of the site.
- 3.The proposal exhibits excessive bulk and mass.
- 4.The proposal would have an adverse affect on the amenity of an established residential neighbourhood.

## APPENDIX A – RESCODE ASSESSMENT

### Standard of the Kingston Planning Scheme

Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.	Yes	The proposed development is generally consistent with the existing and emerging neighbourhood character. See report.
<b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.	Yes	The application proposes three new dwellings in an area designated for incremental change and is well serviced by community infrastructure and facilities. See report.
<b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments of ten or more dwellings.	N/A	
<b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Yes	Dwelling 1 is orientated to front Centre Dandenong Road.
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Yes	<b>Required:</b> 7.61 metres <b>Proposed:</b> 7.68 metres
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Yes	<b>Maximum:</b> 9 metres <b>Proposed:</b> 7.4 metres
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood	Yes	<b>Maximum:</b> 50% <b>Proposed:</b> 47%

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
character and respond to the features of the site.		
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>At least:</b> 20% <b>Proposed:</b> 33.96%
<b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.	No	Due to the southern orientation Dwellings 2 and 3 contain living spaces which have south-facing windows. See report.
<b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.	N/A	
<b>B12 Safety</b> Layout to provide safety and security for residents and property.	Yes	Each dwelling has a clearly defined entry; no unsafe areas are created as a result of the proposal.
<b>B13 Landscaping</b> To provide appropriate landscaping. To encourage: <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>	Yes	Dwelling 3 has been designed to protect a large Agonis tree on the adjoining property.  There are reasonable areas set aside for landscaping within the front setback and secluded open space areas of each dwelling.  Require a landscape plan as condition of permit.
<b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.	Yes	Dwellings are to be accessed from the existing vehicle crossover on Centre Dandenong Road.
<b>B15 Parking Location</b> Provide resident and visitor vehicles	Yes	Each dwelling is provided with a lock-up double garage with direct

Title and Objective	Complies with Standard?	Requirement and Proposed	
<p>with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>		<p>access to the dwelling.</p>	
<p><b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.</p>	<p>Yes</p>	<p><b>Required:</b> Five (5) - Two (2) for Dwelling 1 and Dwelling 3, and One (1) for Dwelling 2 <b>Proposed:</b> Six (6) - Two (2) per Dwelling</p>	
<p><b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Yes</p>	<p><b>Dwelling 1</b> <b>Required:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A (frontage) <b>East:</b> 1m <b>South:</b> N/A <b>West:</b> 1m <u><b>First Floor</b></u> <b>North:</b> N/A (frontage) <b>East:</b> 2.5m <b>South:</b> N/A <b>West:</b> 2.5m</p> <p><b>Dwelling 2</b> <b>Required:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A <b>East:</b> 1m <b>South:</b> N/A <b>West:</b> 1m <u><b>First Floor</b></u> <b>North:</b> N/A <b>East:</b> 2.5m <b>South:</b> N/A <b>West:</b> 2.5m</p> <p><b>Dwelling 3</b> <b>Required:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A</p>	<p><b>Dwelling 1</b> <b>Proposed:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A (frontage) <b>East:</b> 4.2m <b>South:</b> N/A <b>West:</b> N/A (see Standard B18) <u><b>First Floor</b></u> <b>North:</b> N/A (frontage) <b>East:</b> 5.61m <b>South:</b> N/A <b>West:</b> 4.05m</p> <p><b>Dwelling 2</b> <b>Proposed:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A <b>East:</b> 3.6m <b>South:</b> N/A <b>West:</b> N/A (see Standard B18) <u><b>First Floor</b></u> <b>North:</b> N/A <b>East:</b> 5.26m <b>South:</b> N/A <b>West:</b> 6.45m</p> <p><b>Dwelling 3</b> <b>Proposed:</b> <u><b>Ground Floor</b></u> <b>North:</b> N/A</p>

Title and Objective	Complies with Standard?	Requirement and Proposed	
		<p><b>East:</b> 1m <b>South:</b> 1m <b>West:</b> 1m</p> <p><b><u>First Floor</u></b> <b>North:</b> N/A <b>East:</b> 2.5m <b>South:</b> 2.5m <b>West:</b> 2.5m</p>	<p><b>East:</b> 5.0m and on boundary (see Standard B18) <b>South:</b> 2.0m and on boundary (see Standard B18) <b>West:</b> 1.0m and on boundary (see Standard B18)</p> <p><b><u>First Floor</u></b> <b>North:</b> N/A <b>East:</b> 6.55m <b>South:</b> 5.15m <b>West:</b> 7.05m</p>
<p><b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	No	<p><b>Length</b> <b>Maximum:</b> 18.93m on west boundary <b>Proposed:</b> 21.61m on west boundary - does not comply See report.</p> <p><b>Height</b> <b>Maximum:</b> 3.6m; and <b>Maximum Average:</b> 3.0m <b>Proposed:</b> 3.0m - complies</p>	
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	All existing windows on adjoining properties will receive adequate daylight.	
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	There are no north facing windows adjoining the site.	
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	No	Shadow diagrams submitted with the application demonstrate that there will be no additional significant overshadowing of adjoining secluded private open space. See report.	



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Title and Objective	Complies with Standard?	Requirement and Proposed
<b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.	No – requires conditions	Fixed obscure glazing to a minimum height of 1.7 metres above the first floor level should be provided to the habitable first floor windows of all dwellings along their east and west elevations. (Applicant agreed to at the request of objectors)
<b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.	No – requires conditions	Fixed obscure glazing, or highlight window to a minimum height of 1.7 metres provided to the parent's retreat first floor window of Dwelling 2 along its south elevation.
<b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.	No – requires conditions	See report.
<b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.	Yes	Each dwelling can be easily accessed or modified as required for people with limited mobility.
<b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.	No – requires conditions	Porch entry to Dwelling 2 is obscured from the street and driveway. See report.
<b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.	Yes	New windows have access to adequate daylight.
<b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.	No – requires conditions	<b>Required:</b> Dwelling 1 – 60m <sup>2</sup> , Dwelling 2 – 40m <sup>2</sup> , and Dwelling 3 – 60m <sup>2</sup> <b>Proposed:</b> Dwelling 1 – 40.7m <sup>2</sup> (rear) + 113.85 (front) complies. Dwelling 2 – 40m <sup>2</sup> (rear) complies; and Dwelling 3 – 48.6m <sup>2</sup> (rear) + 10.8m <sup>2</sup> (rear), does not comply. See report.
<b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.	No	Due to the southern orientation Dwellings 2 and 3 fail to achieve good solar access into the secluded private open space areas which are located to the south. See report.

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>No – requires conditions</p>	<p>A condition of any approval issued will require a 6m<sup>3</sup> external storage facility to be provided to each dwelling, that does not reduce the overall amount of secluded private open space for each dwelling.</p>
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>No – requires conditions</p>	<p>See report.</p>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p><b>Maximum:</b> 2.0m <b>Proposed:</b> 1.8m high timber fence</p>
<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	
<p><b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>Site services and facilities can be installed and easily maintained.</p>

**PC 44                      KP165/11 – 162-176 Kingston Road, 178 Kingston Road and  
53 Pine Lane, Heatherton**

<b>APPLICANT:</b>	<b>Aloha Pty Ltd</b>
<b>ADDRESS OF LAND:</b>	<b>No. 162-176 Kingston Road, No. 178 Kingston Road &amp; 53 Pine Lane (Lot 1 on TP 89516A) Heatherton</b>
<b>MELWAY REF:</b>	<b>78H11, 78G11</b>
<b>PROPOSAL</b>	<b>Animal Keeping on land within a Green Wedge Zone</b>
<b>CONTACT OFFICER:</b>	<b>Helen Walker</b>
<b>FILE NO:</b>	<b>KP-165/2011</b>
<b>ZONING:</b>	<b>GWZ2</b>
<b>OVERLAY(S):</b>	<b>DDO5</b>
<b>KINGSTON PLANNING SCHEME CONTROLS:</b>	<p><b><u>State Planning Policy Framework</u></b>  <b>Clause 14: Natural Resource Management</b>  <b>Clause 14.01 Agriculture</b>  <b>Clause 14.01-1 Protection of Agricultural Land</b>  <b>Clause 14.01-2 Sustainable Agricultural Land Use</b></p> <p><b><u>Local Planning Policy Framework</u></b>  <b>Clause 21.10 (Non Urban Areas)</b>  <b>Clause 22.04 South East Non-Urban Area Policy</b></p> <p><b><u>Particular Provisions</u></b>  <b>Clause 57: Metropolitan Green Wedge Land</b></p>
<b>ABORIGINAL CULTURAL HERITAGE SENSITIVITY</b>	<b>No</b>
<b>DECISION BY:</b>	<b>29 July 2011</b>
<b>NET DAYS:</b>	<b>51 days @ 20 July 2011</b>
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	<b>27 May 2011</b>

**1. KEY ISSUES**

- 1.1. The key planning issue arising from this proposal relates to:
- Sustainable land management (farming)

**2. PROPOSAL**

- 2.1. The application is for agistment facilities for up to 20 horses on the property on the existing 10 paddocks, as well as a feed storage shed which is to be created by fitting out and separating a portion of the existing hobby shed facing 53 Pine Lane. This requires internal improvements only.

The operation will be managed by the family, namely the applicant and her son, with additional family members to work if required. Only contract labour will be hired

for routine maintenance as required. Each horse owner is to attend to their own horses for feeding and clearing manure, with the applicant undertaking those duties as required.

The horse wastage will be collected on a daily basis by the owners of the horses and/or the applicant, and any residual waste will be collected and processed in a permanent compost system. There will be nine (9) compost systems located on the property operation rotationally which allows for horse waste to be processed over a 60 day period. The waste is enclosed in the compost system to minimise odours and insects. The compost is then used to fertilise existing garden beds and excess will be removed from the property.

No fertilisers or weed killers are used on the property for the safety of the horses.

The property is divided into 10 paddocks with each paddock having one quarter sectioned off at any one time. The paddocks range in area from 2345m<sup>2</sup> to 4130m<sup>2</sup>. After a 4 week period, that quarter will be made available and another quarter will be sectioned off. Pasture harrowing will also be conducted on a regular basis as well as levelling off any disturbed soil.

Horses will be rotated within the paddocks and portions of the paddocks rested. Grazing will not be the sole source of food with grain and hay fed to the horses on a daily basis. Each paddock has a shelter (suitable for 2 horses), separate gates and internal post and wire fences.

There are no proposed changes to the existing accessway and access to the site will be provided by two existing southern unconstructed crossovers on Pine Lane. The application does not propose to create or alter any access to a Road Zone Category and a trigger under Clause 59.20 Land Adjacent to a Road Zone is not relevant.

Pest and disease management and mechanisms are to be located in the existing sheds. They will be inspected on a monthly basis. Contingency measures are available for any illness via a nominated vet.

All grain feed is to be kept in the feed shed in 240lt bins, with associated horse equipment similarly kept in this shed. All hay is kept on elevated benches. All cleaning agents will be biodegradable.

All horse boarding will be by appointment only, with delivery and pick up between 6am and 8pm daily, seven days a week. There will be no more than two vehicles being loaded/unloaded at any one time.

There are 9 visitor spaces on the property, with the applicants expecting a maximum of 20 visits per day. A traffic management plan has been prepared to support the application. All entry and exit points are off Pine Lane.

No signage is proposed other than that within Council regulations.

There will be no stud services offered on the property, with only geldings, fillies and mares agisted on the property. Similarly there will be no training, selling or commercial riding of the horses, with agistment being the only use on the land.

No new building or construction greater than 25m in height is proposed and therefore the trigger under Clause 43.02 Design and Development overlay, Schedule 5 Aviation Obstacle Height Referral is not relevant.

### **3. SITE & SURROUNDS**

- 3.1. The subject site comprises a 34608m<sup>2</sup> corner allotment on the south side of Kingston Road, Heatherton, and the east side of Pine Lane. It currently contains an existing dwelling, numerous sheds, feed stock and loading area and an existing concrete slab with compost bins. The site does not contain any significant vegetation. There appears to be no restrictions listed on the Certificate of Title. .
- 3.2. Vehicle access to the site is currently via a double width crossover with a sliding gate located on the east side of the site's Pine Lane street frontage (used by the existing dwelling and horses).
- 3.3. The site is on the south west corner of Kingston Road and Pine Lane, and is part of a larger lot subdivision, surrounded by rural farming allotments. The site is basically rectangular in shape and has frontages of 129m along Kingston Road and 206m along Pine Lane.
- 3.4. The surrounding area typically comprises of nurseries, landfill, recycling and waste disposal, market gardens, golf courses with some residential dwellings in the area being ancillary to the dominant use.

### **4. TITLE DETAILS**

- 4.1. The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

### **5. PLANNING CONTROLS**

- 5.1. The subject site is located within a Green Wedge Zone 2 and is subject to the Design and Development Overlay Schedule 5.

### **6. PLANNING PERMIT REQUIREMENTS**

- 6.1. Pursuant to Clause 57.01-1, the use "Agriculture" requires a planning permit application. The use 'Animal husbandry' is a sub-set of Agriculture.
- 6.2. Pursuant to Clause 74 animal husbandry is defined as "Land used to keep, breed, board, or train animals, including birds."

### **7. RELEVANT HISTORY**

7.1. Council's records indicate that there is no relevant planning history relating to this site.

## **8. REFERRALS**

The application was referred to the following internal departments within Council:

Council's Waste Management Officer – who advised of no objection, and no conditions required on any permit issued. It was noted that the Department advised that it was the operator's responsible to provide appropriate waste collection facilities.

Council's Assets Engineer – who advised of no objection, and no conditions required on any permit issued.

Council's Environmental Health Officer – who advised no objection to the proposal subject to the operators take all necessary steps to ensure the horses will not pose an odour nuisance to any residential properties close by in the area. The Department also confirmed that the operators be made aware of the rules and regulations required for horse management as per Department of Primary Industry Codes of practices: AG0005 Code of Practice for the Welfare of Horses 2006 and AG1054 Grazing Management for Horses 2006.

The application was referred to the following external departments:

Department of Primary Industry - who did not comment on the application.

Council has reviewed the regulations for agistment. It appears that the general rule for the ratio of horses to pasture is 1 per 3000-4000m<sup>2</sup>, however the size of the lot depends on the size/breed of the horse and grass; and other factors. Horses may be agisted on a lot of less where there are facilities where owners can exercise and feed their horse. Individual paddock sizes of 1000m<sup>2</sup> can be accommodated if the horses are fed extra feed and hay each day as well as exercised in a separate yard. These issues would be a matter for the Department of Primary Industry to determine on any agistment operation.

## **9. ADVERTISING**

The proposal was advertised and Council received one objection.

The objection raised the following concerns:

- The area is able to sustain 20 horses but they may be hard to feed at times (e.g. lack of pasture in summer months)
- Problems with insects and objector's children's health
- Only 1 horse per acre of land should be allowed with rotation.

In response to the objector's concerns, Council advised the objector that the regulations as specified by the Department of Primary Industry would be considered in assessing the application. This specifically related to rotation of pasture and environmental issues. The objector was also advised that the applicant would be using

grain feed and hay as well as pasture. The compost enclosures and daily maintenance of waste should provide relief from insects.

The Department of Primary Industries website specifies rules and regulations relating to agistment. A condition on any permit issued could reflect a requirement that the applicant be subject to the controls of the Department of Primary Industries and adhere to the number of horses approved by the Department.

Any permit issued by Council can approve the use of the land for agistment, however the specific rules and regulations for agistment must be adhered by the owner under the controlling body of the Department of Primary Industry.

## **10 PRELIMINARY CONFERENCE**

A preliminary conference was offered to the objector, who declined. Additional information was sent to the objector to address his concerns. A response has been received from the applicants stating that all horses will be hand fed daily as well as being fed from pasture; slow regeneration of grass has been attributed to drought rather than agistment to in the past and with recent rainfall paddocks are thriving; and health issues are not associated with agistment as all water will be replaced on a daily basis.

## **11. RELEVANT POLICIES**

### a. State Planning Policy Framework (SPPF)

Clause 14: Natural Resource Management  
Clause 14.01 Agriculture  
Clause 14.01 -1 Protection of Agricultural Land  
Clause 14.01 -2 Sustainable Agricultural Land use

### b. Local Planning Policy Framework (LPPF)

Clause 21.10 (Non Urban Areas)  
Clause 22.04 (South East Non Urban Area Policy)

### c. Particular Provisions

Clause 57 Metropolitan Green Wedge

### d. General Provisions

Clause 65 (Decision Guidelines)

## **12. PLANNING CONSIDERATIONS**

### State and Local Planning Policy Framework

*State Planning Policy Framework (SPPF)*



The proposal is considered to be consistent with the relevant provision of the SPPF, and supports the relevant strategies with regard to non-urban areas, as it is a good example for identifying agricultural land that can be protected from conflicting uses. The application for animal husbandry is not inconsistent with the objective pursuant to Clause 14.01-1 Protection of Agricultural Land which is to “*Encourage sustainable agricultural and associated rural land uses and support and assist the development of innovated approaches to sustainable practices*”.

*Local Planning Policy Framework (LPPF)*

Clause 21.10 Non Urban Areas seeks to manage non-urban areas in a sustainable manner, and to protect such areas from encroaching residential development.

The proposal is considered to support the relevant strategies to Clause 21.10 by:

- Maintaining the environmental, scenic and landscape values of the area;
- Protect the use of high quality agriculture land for agricultural purposes; and
- Not encouraging any further subdivision on the land.

The use and development of this land for animal husbandry is not inconsistent with the objectives of Clause 21.10.

Clause 22.04 South East Non Urban Area Policy provides for a wide range of rural, environmental and urban related uses, and effects arrears in the City of Kingston, Casey, Frankston and Greater Dandenong. These areas are under pressure for more intensive urban development. The Policy provides a regional approach to the future management of non urban land to allow sustainable land use outcomes to be achieved.

The Proposal is considered to support the relevant strategies at Clause 22.04 by:

- Encouraging sustainable land use practice;
- Not compromising metropolitan urban growth strategies; and
- Protecting and developing the scenic and landscape values of the area.

Clause 22.04-3 suggests that the policy for this Area protects a high quality rural landscape, by which the following uses are supported within the non urban area: “Agriculture, horticulture, extractive industries, land fill operations.” The application supports this policy.

Zoning Provisions

It is considered that the proposed development satisfies the purpose of the zone, which is

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.*
- *To encourage use and development that is consistent with sustainable land management practices.*

- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses.*
- *To protect, conserve and enhance the cultural heritage significance and the character of open rural and scenic non-urban landscapes.*
- *To protect and enhance the biodiversity of the area.*

There are no inconsistencies with the zoning provisions and the application proposed.

#### Overlay Provisions

It is considered that the proposed development is not subject to the overlay requirements of the Design and Development Overlay Schedule 5 found at Clause 43.02, as there is no development proposed which is greater than 25m in height (AHD).

#### Particular Provisions

Pursuant to Clause 57.01-1 (metropolitan Green Wedge Land), Agriculture requires a planning permit application. The application is considered to meet the objectives of this zone (as relevant to this application):-

- Ø To protect metropolitan green wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape natural resource or recreation values.
- Ø To protect productive agricultural land from incompatible uses and development.

Agistment for six (6) horses already exists on an appointment basis on the site and, as such, this use has already become part of the landscape on site. There is no foreseen detriment to the continued or future use of agricultural land provided the applicants follow the Codes of Practice as specified by the Department of Primary Industry.

#### Other

Aboriginal Cultural Heritage – In considering this application, Council has considered relevant, the State Planning Policy Framework. It is considered that the application is consistent with all objectives and strategies of the SPPF.

In particular reference to Clause 15.03-2 Aboriginal Cultural Heritage, Council did not require the applicant to show whether a Cultural Heritage management Plan was required as it is important to note that the subject land is not identified in area of Aboriginal Cultural Heritage Sensitive.

### **13 CONCLUSION**

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

- The use is compatible with the existing activity on site and surrounding area;
- The proposal should not have a detrimental impact on surround properties (subject to appropriate conditions); and

- The proposal generally satisfies the requirements of the Kingston Planning Scheme, including the MSS, Local Planning Policy, Green Wedge Zone Schedule 2, and Clause 65 – Decision Guidelines (subject to appropriate conditions).

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

## **14 RECOMMENDATION**

That:

- A) Council resolve to issue a Planning Permit for Animal Keeping on land within a Green Wedge Zone, subject to the 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 17 March 2011 and 27 May 2011, but modified to show:
    - a) The paddock layout showing the exercise area and nominated fallow/ agistment area for each paddock;
    - b) The provision of the visitor's car parking space layout and loading and unloading areas fully dimensions; and
    - c) A notation on the plans stating: "The owner is to comply with the Department of Primary Industry's Codes of Practice, and any other relevant legislation or regulations, pertaining to agistment, welfare and grazing of horses, including the number of horses to be agisted."
  2. The use shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. A separate paddock dedicated for exercise is be provided separate from agistment paddocks.
  4. Once the use has started it must be continued and completed to the satisfaction of the Responsible Authority.
  5. The permitted use must not commence until pasture in the relevant paddocks has been established to the satisfaction of the Department of Primary Industry. Having commence, the permitted use of a paddock must cease if pasture deteriorates to a level considered unacceptable by the Department of Primary Industry and may recommence only with the consent of the Department of Primary Industry after it has satisfied itself that the pasture has been restored to an appropriate level.

6. Any external cladding and trim of the existing sheds must be of a non-reflective nature, Cladding materials and perimeter and internal paddocks fence materials must be coloured or painted in muted shades of green or brown and all external treatment of buildings and treatment of fences must be maintained to the satisfaction of the Responsible Authority.
7. No goods or materials associated with the use may be stored or left exposed outside buildings as to be visible from any road.
8. Parking areas and access lanes must be kept available for delivery and pick of horses purposes at all times.
9. The car parking provided on the land must always be made available for use by persons employed on or visiting the subject premises to the satisfaction of the Responsible Authority.
10. The amenity of the area must not be detrimentally affected by the use, through the:
  - Appearance of any buildings, works or materials;
  - Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
  - Presence of vermin.
11. Bins or other receptacles for any form of rubbish or refuse must not be placed or allowed to remain the view of the public, and smell must not be emitted from any such receptacle.
12. The site shall be kept in a neat and tidy condition at all times, all to the satisfaction of the Responsible Authority.
13. All wastes must be disposed of to the satisfaction of the Responsible Authority and no liquid waste or polluted waters shall be discharged into a sewer or stormwater drainage system.
14. Loading and unloading of horses shall occur between the hours of 6am – 8am unless consented to in writing by the Responsible authority.
15. All horse droppings shall be removed from the horse yards on a daily basis and be contained within an appropriate sealed storage bin, to the satisfaction of the Department of Primary Industry.
16. In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if one of the following circumstances applies:
  - The use is not started within two (2) years from the date of this permit.

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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.

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**NOTE:** Prior to the commencement of the development or use you are required to obtain the necessary building permit/approvals, if applicable.

**NOTE:** The applicant is advised to strictly adhere to the Department of Primary Industry's Codes of Practice, and any other relevant legislation or regulations, pertaining to agistment, welfare and grazing of horses, including, but not limited to, AG0005 Code of Practice for the Welfare of Horses 2006 and AG1054 Grazing Management for Horses 2006.

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**KP770/10 – 15 & 17 Inverness Street, Clarinda**

<b>APPLICANT</b>	Planning Vision
<b>ADDRESS OF LAND</b>	No. 15 Inverness Street, Clarinda (Lot 14 on PS 001121) & No. 17 Inverness Street, Clarinda (Lot 1 on TP 860429V)
<b>PROPOSAL</b>	<b>NINE (9) DWELLINGS</b>
<b>PLANNING OFFICER</b>	Tanya Sokolowski
<b>REFERENCE NO.</b>	KP-770/2010
<b>RELEVANT STATE PLANNING POLICY FRAMEWORK</b>	Clause 11 (Settlement) Clause 15: (Built Environment and Heritage) Clause 16: (Housing)
<b>RELEVANT LOCAL PLANNING POLICY FRAMEWORK</b>	Clause 21.05: MSS – Residential Land Use Clause 22.11: Residential Development Policy
<b>ZONE</b>	Residential 3
<b>OVERLAYS</b>	Not applicable
<b>PARTICULAR PROVISIONS</b>	Clause 55: Two or More Dwellings on a Lot & Residential Buildings
<b>GENERAL PROVISIONS</b>	Clause 65: Decision Guidelines
<b>RESIDENTIAL POLICY AREA</b>	Incremental Housing Change
<b>DECISION DATE BY</b>	10 January 2011
<b>STATUTORY DAYS</b>	246 days at 29 June 2011
<b>CONSIDERED PLAN REFERENCES/DATE RECEIVED</b>	11 April 2011

## 1.0 KEY ISSUES

1.1 The key planning issues arising from this proposal relate to:

- Car parking
- Neighbourhood character and visual bulk
- Provision of private open space

## 2.0 PROPOSAL

2.1 It is proposed to demolish the existing dwellings and outbuildings on the land at No's 15 and 17 Inverness Street and construct nine (9) double storey dwellings on the site.

2.2 Four (4) dwellings would be located towards the front of the two (2) sites side by side, with two (2) of these dwellings each provided with a single crossover, accessing a single garage and tandem car space. The other two (2) dwellings would have a single garage and tandem car space located to their rear and accessed from a centralised crossover.

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- 2.3 Five (5) dwellings would be located towards the rear of the site, extending along the rear boundary. These dwellings would be accessed via a centralised crossover, and each provided with a single garage.
- 2.4 Tandem car parking spaces to the front of garages to Dwelling's 5, 6, 7, 8 and 9 are designated on plans as visitor parking.
- 2.5 Development summary:

<b>Dwelling</b>	<b>Floor Area (excluding garage / verandah)</b>	<b>Private Open Space (including m<sup>2</sup> of secluded private open space)</b>	<b>No. of Bedrooms proposed</b>	<b>No. of Car Parking Spaces provided</b>
<b>1</b>	160.4m <sup>2</sup>	137.4m <sup>2</sup>	4	2
<b>2</b>	139.7m <sup>2</sup>	60.7m <sup>2</sup>	3	2
<b>3</b>	139.7m <sup>2</sup>	61m <sup>2</sup>	3	2
<b>4</b>	160.4 m <sup>2</sup>	102 m <sup>2</sup>	4	2
<b>5</b>	156.7 m <sup>2</sup>	52.4 m <sup>2</sup>	2	1
<b>6</b>	158.7 m <sup>2</sup>	47.4 m <sup>2</sup>	2	1
<b>7</b>	158.7 m <sup>2</sup>	45.9 m <sup>2</sup>	2	1
<b>8</b>	158.7 m <sup>2</sup>	45.9 m <sup>2</sup>	2	1
<b>9</b>	145.2 m <sup>2</sup>	40 m <sup>2</sup>	2	1

- 2.6 The proposal has an overall site coverage of 41.9 percent and a permeability percentage of 36.2.
- 2.7 Development Assessment Table:



<b>Criteria</b>	<b>ResCode Requirement</b>	<b>Proposed Development Provision</b>
<b>Private Open Space</b>	Incremental Housing Change requirements – Schedule to the Residential 3 Zone: 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's 1 – 4 do not meet the provision of private open space. Each of these dwellings would have 60 square metres of POS or more (with dwelling's 1 and 4 over 80 square metres), however would not meet the minimum required secluded private open space, with each provided with less than 40 square metres. Dwelling's 5-9 comply with the required amount of private open space. Each dwelling is comprised of 2 bedrooms and provided with a minimum of 40 square metres of secluded private open space, however services such as clotheslines and storage sheds located within those areas impact on the useability of secluded open spaces. All secluded open areas have a minimum dimension of 5 metres, accessed from a living/family room.
<b>Car Parking</b>	One (1) car parking space for one (1) or two (2) bedroom dwelling OR Two (2) car parking spaces for each three (3) or more bedroom dwelling, with one (1) space under cover	All dwellings comply  One (1) visitor parking space is required. Plans indicate 5 tandem visitor parking spaces to the front of dwelling garages. Whilst visitor spaces exceed the requirements of Clause 55, these spaces impact upon the ability for vehicles to safely manoeuvre in and out of the site and visitor spaces are not independently located of dwellings.
<b>Front Setback</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.	Average of adjoining street setbacks is 7.59 metres, with dwellings meeting the requirement with a proposed street setback of 7.6 metres.
<b>Site Coverage</b>	Maximum 50% - as per Schedule to the Residential 3 Zone	Site coverage is 41.9% and therefore complies.

- 2.8 The proposed building materials, colours and finishes are summarised in the table below:

Roof:	Charcoal coloured concrete tiles, with a 22.5 degree pitch
Walls:	Brown brick to the ground floor and selected render finishes to the first floor, 'nutmeg' and 'light rice' colours selected
Garage doors	Roller garage doors – material not specified
Windows:	Aluminium window frames
Driveways:	Concrete driveway – colour not specified
Front fencing:	No front fencing nominated
Boundary fences:	Existing paling fences to be retained

### **3.0 SITE & SURROUNDS**

- 3.1 The subject site is located on the north side of Inverness Street and is comprised of two (2) allotments with an overall frontage width of 21.12 metres, eastern side boundary of 50.14 metres, western side boundary of 41.76 metres and overall site area of 1925 square metres. The overall site area has a fall from the north-west corner to the south-east corner of approximately 3 metres. No easements encumber the two (2) allotments and no restrictions are listed on either of the lot's Certificate of Title.
- 3.2 Currently on the site at No. 15 Inverness Street is a single storey brick dwelling with a single pitch roof, with outbuildings. At No. 17 Inverness Street is a double storey brick and weatherboard dwelling with a concrete tiled hipped roof and outbuildings. Each site contains mature vegetation, primarily located to the rear of the dwellings. No. 15 Inverness Street has two (2) crossovers, located towards each (east and west) side property boundary. No. 17 is currently accessed from a crossover located to its eastern side property boundary. A street tree is sited to the front of each dwelling.
- 3.3 Opposite the site on the south side of Inverness Street is Bald Hill Park, a Council owned park with an area of approximately 136, 395 square metres (13.639 ha). Namatjira Park, also a Council owned park, is located approximately 234 metres east of the subject site.
- 3.4 The surrounding area is typically comprised of detached, single storey, predominantly brick dwellings with pitched/flat roofs, however within proximity of the site there are examples of infill development in the form of dual occupancies and multi-dwelling development. Double storey forms are scattered throughout the locality. Where single detached dwellings on lots do exist, dwellings are generally sited square to the street and setback from at least one side boundary, with car parking to the side or rear of the dwelling. Front fencing is varied within the streetscape, with some properties provided with timber or brick fencing varied in height, and some properties without front fencing. Street setbacks (within Inverness Street) appear to range between 5.5 metres and 7.5 metres.

3.5 At No. 9-11 Inverness Street a nine (9) dwelling development can be found, comprised of double storey forms throughout, similar in layout to the current proposal. At No. 21-29 Inverness Street is an aged care facility. Another aged care facility is located to the rear of the subject site at No. 2-6 Melaleuca Drive. Within the broader locality is Clarinda Primary School, approximately 325 metres north-west of the subject site, Clarinda Secondary College 992 metres south and Clarinda Shopping Centre 1000 metres south of the site. Clayton Railway Station is approximately 1400 metres north-east of the subject site. A number of bus routes operate along Centre Road, Spring Road and Clarinda Road within proximity of the site.

#### **4.0 TITLE DETAILS**

4.1 The Permit Applicant has completed the planning application form declaring that there is no restrictive covenant on the title.

#### **5.0 PLANNING CONTROLS**

5.1 The subject site is located within a Residential 3 Zone and is not subject to any overlays.

#### **6.0 PLANNING PERMIT REQUIREMENTS**

6.1 Pursuant to Clause 32.06, a planning permit is required to construct two (2) or more dwellings on a lot.

#### **7.0 RELEVANT HISTORY**

7.1 Council records indicate that there is no relevant planning history relating to this site.

#### **8.0 ADVERTISING**

8.1 Prior to advertising, the Permit Applicant submitted revised plans on 11 April 2011, providing requested information required to further assess the application. Whilst some amendments were made to the proposal, they generally entailed the provision of dimensions and information not depicted on the original submitted plans - the amendments did not address substantive concerns raised regarding the provision of private open space, visitor car parking, locations of crossovers limiting on-street parking, extent of boundary to boundary built form and presentation of visual bulk. It is these revised plans that formed part of the advertising documentation and are now those that are under consideration by Council.

8.2 As discussed, 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. Two (2) objections to the proposal were received. The valid grounds of objection raised are summarised as follows:

- Loss of privacy/overlooking

- Overshadowing
- Parking and traffic concerns

## **9.0 PRELIMINARY CONFERENCE**

- 9.1 A preliminary conference was held on 16 June 2011 with the relevant Planning Officer, the Permit Applicant and one (1) objector in attendance. The above-mentioned issues were discussed at length.
- 9.2 The above concerns were unable to be resolved at the preliminary conference, and the objections still stand.

## **10.0 REFERRALS**

- 10.1 The following internal and/or external referral departments were notified:
- Council's Development Engineer
  - Council's Vegetation Management Officer
  - Council's Traffic Engineer
  - Council's Roads and Drains Department
  - Council's Parks Department – Street Trees
- 10.2 The above-mentioned referral authorities had no objection to the proposal, subject to conditions being included on any permit issued. It is noted that Council's Traffic Engineer required the removal of tandem visitor spaces from plans, the provision of one (1) visitor space that enabled visitor parking independent of other vehicle movements, as well as investigation to re-locate crossovers to ensure that a minimum of 5.4 metres is provided between crossovers to allow 4 on-street parking spaces to the front of the site.
- 10.3 Council's Parks Department noted that the plans had not indicated the location of two (2) street trees to the front of the site, which would be impacted upon by the proposed location of 2 single crossovers. If the proposal were to be issued a permit, the owner/developer would be required to pay the cost of removing and replacing both trees.

## **11.0 RELEVANT POLICIES**

### **11.1 State Planning Policy Framework (SPPF)**

Clause 11 (Settlement)  
Clause 15 (Built Environment and Heritage)  
Clause 16 (Housing)

### **11.2 Local Planning Policy Framework (LPPF)**

Clause 21.05 (Residential Land Use)  
Clause 22.11 (Residential Development Policy)

11.3 Particular Provisions

Clause 55 (Two or More Dwellings on a Lot & Residential Buildings) – Refer to Appendix A for the Planning Officer's full assessment against this Clause.

11.4 General Provisions

Clause 65 (Decision Guidelines)

11.5 Other

11.6 Neighbourhood Character Area Guidelines (Incorporated Document under Clause 21.05 – Residential Land Use of the LPPF)

The land is located within Area 40 of the Neighbourhood Character Guidelines. The proposal is generally in accordance with the applicable character profile. The proposed two (2) storey height of all dwellings and attached form of the proposal is a departure from the identified predominant height and detached built form noted within the Guidelines for Area 40, however existing within the streetscape are double storey dwellings and

11.7 Design Contextual Housing Guidelines (April 2003 – reference document within Clause 22.11 – Residential Development Policy)

The Design Contextual Housing Guidelines 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 significant issues of non-compliance with these guidelines, however it is noted that the Guidelines, consistent with Clause 55 of the Kingston Planning Scheme, seek to provide an appropriate degree of design detail so as to reduce the visual dominance of garages. The proposed roller shutter doors for dwelling's 2 and 3, which would be visible from Inverness Street, do not provide an adequate degree of design detail. This could be rectified by a condition on any permit issued requiring panel lift doors with window details.

**12.0 PLANNING CONSIDERATIONS:**

12.1 State Planning Policy Framework

The State Planning Policy Framework sets out the relevant state-wide policies for residential development at **Clause 11** (Settlement), **Clause 15** (Built Environment and Heritage) and **Clause 16** (Housing). Essentially, the provisions within these clauses seek to achieve the fundamental objectives and policy outcomes sought by the Metropolitan Strategy – 'Melbourne 2030' and its recent update 'Melbourne @ 5 Million', which have been removed from an individual clause and integrated throughout the State Planning Policy Framework.

It is submitted that the proposed development satisfies the aforementioned State strategies and policy direction. Specifically, the subject site is located on land earmarked for residential purposes, whereby residential development is an 'as of right' use under the zoning provisions. The development itself can achieve an acceptable design outcome for the site and its immediate abutments (subject to conditions), whilst enjoying convenient and direct access to community facilities and the like, including public transport nodes.

## 12.2 Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) contains Council's strategic direction, the Municipal Strategic Statement (MSS), which is an extension of the direction established by the SPPF, and the local policies that implement the LPPF.

Key elements of the LPPF clauses relevant to the proposed development are summarised as follows:

**Clause 21.03** identifies the need for the Municipality to provide suitable housing stock that meets future housing demands and to sustain an appropriate mix of supporting urban infrastructure. It is further stated that recent pressures for new development, consolidation and medium density housing has resulted in change to the amenity and character of local areas. It is acknowledged that careful management will be required in order to integrate urban consolidation objectives with an understanding of specific character issues applicable to certain neighbourhoods.

**Clause 21.04** contains the **Strategic Framework Plan** which provides for the strategic direction for future land use planning and development within the municipality. This policy includes a Strategic Land Use Framework Plan, which identifies where specific land use outcomes are anticipated, supported and promoted. A major strategic direction of the Framework Plan is for the promotion of medium to higher density housing opportunities within activity centres.

The City of Kingston's MSS at **Clause 21.05** (Residential Land Use) of the Kingston Planning Scheme, seeks to provide guidance to development in residential zoned land, mixed use zoned lands and land within activity centres. The Residential Land Use Framework Plan illustrates the range of housing outcomes sought across the City of Kingston.

The subject land is identified within an *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, subject to conditions. Recommended conditions would seek to ensure that the double storey built form appropriately responds to the site's context, limiting off-site amenity impacts whilst also ensuring that an appropriate degree of on-site amenity is achieved. Recommended conditions would require the deletion of a dwelling, provision of on-site visitor parking and require dwellings to provide private open space in accordance with Clause 55, as amended by the Schedule to the Residential 3 Zone. Amendments would also be required to the internal layout of dwellings to minimise future opportunities to provide for additional bedrooms to the current proposed 2 bedroom dwellings.

Further discussion regarding these items will be outlined later within this report.

### 12.3 Clause 22.11 – Residential Development Policy

As outlined previously, the proposal is considered to generally comply and satisfy the applicable Local Planning Policy Framework, which essentially aim to encourage well-designed medium density housing in appropriate locations.

Where a planning permit is required for residential development, where relevant, it is policy under Clause 22.11 to:

- § Encourage all new residential development to **respond positively and creatively to neighbourhood character**. Unless a preferred character is specified, the existing character is that which is to be considered.
- § In areas where building placement makes a major contribution to neighbourhood character, design new development to reinforce the established rhythm of buildings in the street and retain the existing single dwelling character of the streetscape.
- § Design duplex and side-by-side development to have a visual interconnection with the street rather than presenting merely as garages and front doors only.

Staggered front building lines and variation in designs and materials should be used to avoid poor urban design impacts upon streetscapes.

***Incremental Housing Change Areas***

- § In areas identified for incremental housing change, ensure that new housing development is responsive to maintaining the existing and preferred single dwelling/lower density nature of these areas.

**Built form, siting and scale of development**, it is policy, where relevant, to:

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

**Car parking and vehicle access**, it is policy, where relevant, to:

- § Ensure that adequate on-site car parking is provided to meet the needs of future residents and visitors and sited to reduce its impact on the streetscape.

*Performance measures*

- § Locating garages or carports at the rear of dwellings fronting a street wherever possible.
- § Ensuring that where garages are located in the street elevation, they are set back a greater distance than the front wall of the building.
- § Ensuring that garages and carports are sited so that a tandem car parking space can be provided in front of the garage or carport.
- § Incorporating garages and carports within the main roof line of the dwelling.

**Stormwater run-off mitigation and quality management**, it is policy, where relevant, to:

- § Ensure that new residential development limits the impact of increased stormwater run-off on drainage systems.

*Performance measures*

On-site infiltration should be maximised by:

- § Wherever possible, using unpaved landscape areas or porous paving.
- § Where appropriate, constructing on-site stormwater detention with delayed release into the stormwater drainage system.
- § Designing to limit the impervious area.
- § Incorporating on-site water re-cycling systems for stormwater run-off.

**Clause 22.11 – Residential Development Policy** of the Kingston Planning Scheme encourages single dwellings or dual occupancy style developments on ‘average sized lots’ within areas designated for Incremental Housing Change. Council’s Strategic Planning Department undertook a study across the municipality in 2003 to identify any emerging patterns with regard to average lot sizes. As such, six (6) areas were identified within the municipality, each having their own ‘average lot size’ calculation.

The subject site is identified within Area 1 of this study. The average lot size within this area has been calculated to be 608.5m<sup>2</sup>, which results in a suggested development density of 1 dwelling per 304.25m<sup>2</sup>. It is therefore considered that this proposal would not meet this strategy as the subject site has an area of 1925m<sup>2</sup> and would result in average lots sizes of 213 m<sup>2</sup>. It is recommended that conditions be included on any permit issued to reduce the number of proposed dwellings from nine (9) to eight (8), to increase the average lot size and allow for the provision of adequate private open space, visitor parking and decrease the extent of visual bulk, which currently extends from the east side boundary to the west side boundary towards the rear of the site.

It is acknowledged that within proximity of the site at No. 9-11 Inverness Street is a nine (9) dwelling development. That development was approved prior to the gazettal of Planning Scheme Amendment C54 on the 2 November 2006, which rezoned the land from Residential 1 to Residential 3. Whilst the development at that site poses a precedent within the streetscape, the change in zoning also reflects the lower scale character of the broader locality, and the lack of proximity to community infrastructure which does not lend itself to more intense forms of development such as that proposed. A reduction in dwellings is therefore considered appropriate in this context, with Clause 22.11 essentially extending upon the provision contained at Clause 21.05 (Residential Land Use) along with the State Planning Policy Framework provisions found at Clause 14.02-2 – Settlement and Clause 16.02 – Medium Density Housing, whereby higher density development is promoted around activity centres and locations close to public transport.

12.4 Zoning Provisions

It is considered that the proposed development satisfies the purpose of the zone.

The Schedule to the Residential 3 Zone specifies variations to three standards of Clause 55 (ResCode), namely:

*Standard B8 – Site Coverage:* The local variation is nominated as a maximum of 50%. The proposed site coverage for the development is 41.9% and is consistent with the Schedule requirements.

*Standard B28 – Private Open Space:* The local variation requires an area of 40m<sup>2</sup>, 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 40m<sup>2</sup>, 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 20m<sup>2</sup> with a minimum width of 3 metres is required to be provided for each additional bedroom, with a maximum of 80m<sup>2</sup> of private open space required for the dwelling.

The area and dimensions of private open spaces to Dwelling's 1 – 4 are not in accordance with the requirements of the Schedule, as 40 square metres of secluded private open space has not been provided for these 3 bedroom dwellings. It is considered that this requirement can be met, but would require internal layout changes to dwellings and reductions in the floor area of some dwellings. This could be required by an appropriate condition on any permit issued.

*Standard B32 – Front Fences:* The local variation requires a front fence within 3 metres of a street must not exceed 2 metres in height for streets in a Road Zone – Category 1 or 1.2 metres in height for any other street.

It is not proposed to provide any front fencing, which is considered acceptable.

12.5 Overlay Provisions

No overlays affect the subject site.

**13.0 CLAUSE 55 (RESCODE ASSESSMENT)**

**13.1 The proposal has been assessed against the objectives and standards of Clause 55 (ResCode) of the Kingston Planning Scheme (refer to attachment A). It is considered that the development largely satisfies the requirements of ResCode and is a well-designed development. There appear to be the following areas of minor non-compliance, which are discussed below:**

**Clause 55.02 – Neighbourhood Character & Infrastructure**

*Standard B1 – Neighbourhood Character*

The objective of this Clause 55.02-1 is 'to ensure that the design respects the existing neighbourhood character and responds to the features of the site and surrounding area'. Standard B1 of ResCode suggests that the proposed design should respect the existing or preferred neighbourhood character and respond to the features of the site. It is acknowledged that a similar development to that proposed exists within Inverness Street, however that development was approved prior to the area being rezoned to a Residential 3 Zone. Clause 22.11 – Residential Development Policy gives expression to the preferred density to be encouraged in this locality, which is one (1) dwelling per 304.25 square metres. The proposal substantially exceeds this preferred density, and whilst a medium density development should be encouraged on a consolidated lot, the development should also have regard the predominantly lower density of the neighbourhood. It is recommended that the development is reduced by one (1) dwelling to increase average lot sizes and allow for the provision of a visitor parking space and adequate private open space.

*Standard B2 – Residential Policy*

As discussed above, local policy seeks to encourage in this locality a lower density of residential development, which is responsive to abutting properties which are generally single storey with generous rear yards.

**Clause 55.03 - Site Layout and Building Massing**

*Standard B14 – Access*

The proposal exceeds the permitted width of accessways, with the proposed three (3) crossovers constituting 57% of the site's frontage. The combined two (2) lots of the subject site forms a relatively generous frontage width which is considered could support three crossovers, however the proposal has not had regard to the reduction of on-street parking due to the proposed location of crossovers to dwelling's 1 and 4. This however, could be rectified by a condition on any permit issued to provide single width crossovers towards the east and west side property boundaries, allowing the retention of 4 on-street parking spaces to the front of the site.

*Standard B16 – Parking Provision*

The development is provided with adequate parking for residents, which meets the requirements of this Standard, however the development requires the provision of one (1) visitor space which is not able to be accommodated within the current layout. Whilst visitor tandem car spaces are shown on plans, these spaces are not independent of individual dwellings, and the locations of some of these spaces would impinge upon turning areas for other vehicles. As discussed above, it is recommended that the development is reduced by one (1) dwelling and a visitor parking space is provided to meet the requirements of this Standard. In addition, the

Standard requires in developments of 5 or more dwellings that bicycle parking spaces are to be provided, however bicycle parking has not been proposed.

Accordingly, conditions should be included on any permit issued to address these matters.

### **Clause 55.05 – On-site Amenity & Facilities**

#### *Standard B26 – Dwelling Entry*

The current layout of the development does not allow adequate dwelling identification for Dwelling's 5 and 9. These dwellings are pushed to the extremities of the site, tucked into corners, with garages forward of the one habitable room window on the front façade of each dwelling. It is considered that this arrangement would be markedly improved if one (1) dwelling was deleted to allow adequate areas for each dwelling to its frontage, rather than the current design which is deemed to be an overdevelopment.

#### *Standard B28 – Private Open Space*

See discussion under Section 12.4. It is recommended that a condition be included on any permit issued requiring that dwelling's 1-4 are provided with 40 square metres of secluded private open space to meet the minimum requirements of this Standard, as amended by the Schedule to the Residential 3 Zone.

### **Clause 55.06 – Detailed Design**

#### *Standard B31 – Design Detail*

The proposal entails two (2) garages oriented and visible to Inverness Street. These garages are shown with roller shutter doors. The garages are appropriately setback from the building line of each dwelling but are considered to be provided with insufficient detail to make them visually compatible with the remainder of the development, as presented to the streetscape. It is recommended that a condition be included on any permit issued, requiring that they be provided with panel lift doors. In addition, it is also recommended that an amended finishes schedule be provided to show a greater variation between dwellings to first floor selected renders. The current schedule of colours and finishes does not allow for an adequate degree of detail and variation between dwellings. A condition could be included on any permit issued to provide for an improvement to this design detail.

## **14.0 RESPONSE TO GROUNDS OF OBJECTIONS**

### **14.1 Overlooking**

The proposal is able to meet the requirements of Standard B22, with the first floor north facing habitable room windows of dwellings 5-9 located in excess of 9 metres from any adjoining habitable room windows. It is also noted that along the shared boundary with an aged care facility and a dwelling, a number of established trees would also limit views from first floor windows. Windows which are located on the east side of the development adjoining the objector's property are proposed to be provided with obscured glazing to prevent unreasonable overlooking.



14.2 Overshadowing

The overshadowing occurring to the objector's property will occur in the afternoon, with the development not exceeding the requirements of Standard B21, the objectors private open space will receive at least 5 hours of sunlight to 75% of its area.

14.3 Traffic and car parking

The proposal is provided with sufficient car parking for residents to meet the requirements of Standard B16, however as noted throughout this report, the proposal does not provide visitor car parking. It is recommended that one (1) visitor car space is provided, located so that it is independent of any dwellings within the development. It is also recommended that the 2 single crossovers proposed, are relocated so as to retain 4 on-street parking spaces.

**15.0 CONCLUSION:**

15.1 For reasons discussed within this report, it is submitted that the proposal be supported subject to the adoption of the recommended permit conditions to ensure that the proposed development achieves a high quality design, achieves good internal amenity as well as responding appropriately to the site and its immediate interfaces.

15.2 The proposed development is considered appropriate for the site, subject to conditions, as evidenced by:

- The design and siting of the proposed development has limited its off-site amenity impacts in relation to overshadowing and overlooking;
- The proposal should not have a detrimental impact on surrounding properties (subject to appropriate conditions); and,
- Subject to conditions the proposal is able to satisfy the requirements of the Kingston Planning Scheme, including the MSS, Residential Development Policy (inclusive of the Neighbourhood Character Area Guidelines and the Designing Contextual Housing Guidelines), Residential 3 zoning and the Schedule to the zone, Clause 55 – Two or more dwellings on a lot and Residential Buildings, and Clause 65 – Decision Guidelines.

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

**17.0 RECOMMENDATION:**

That a Notice of Decision to Grant a Permit for the development of this site for eight (8) dwellings be issued, 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 11 April 2011, but modified to show:

- a. the provision of an improved landscape plan and associated planting schedule for the site showing the proposed location, species type, mature height and width, pot sizes and number of species to be planted on the site, 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 four (4) suitable medium sized spreading canopy trees within the front setback of the site and one (1) small (at maturity) tree within the rear/side secluded private open space of each dwelling with all 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 high at time of planting;
  - ix. medium to large shrubs and trees provided in pot sizes of 200mm or greater;
  - x. the provision of a notation 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 deletion of Dwelling 5, resulting in:
  - i. Dwelling's 6-9 renumbered;
  - ii. Dwelling's 6-9 repositioned so as to be evenly spaced, with Dwelling 9 (now Dwelling 8) provided with an increased front façade width oriented to the street; and
  - iii. The provision of one (1) visitor car space in the location currently shown as the garage of Dwelling 5, with the space setback 1.2 metres from the east boundary, with landscaping between that space and the fence and

- the car space provided with a hard wearing permeable surface material (eg. compacted lilydale toppings);
- c. the deletion of tandem visitor car spaces;
  - d. the crossovers to Dwelling's 2 and 3 deleted, and single width crossovers provided to Dwelling's 4 and 5, located so as to maximise the retention of four (4) on-street car parking spaces to the front of the site;
  - e. the provision of a notation on plans abutting the proposed vehicle crossings, stating "Vehicle crossings must be constructed as per Council standards and specifications and to the satisfaction of the Council".
  - f. the deletion of windows and pedestrian doors to garages 1 and 4, with these renumbered to be allocated to Dwelling's 2 and 3;
  - g. the provision of gates to the rear fencing of the secluded private open spaces of Dwelling's 2 and 3;
  - h. the location of the two (2) existing street trees indicated on plans, with the setback of crossovers from the street trees, with these to be a minimum of 3 metres;
  - i. a minimum of forty (40) square metres of secluded private open space to Dwelling's 1-4, which may result in the reduction of floor areas to these dwellings at ground level, but retaining at least 5 metre minimum dimensions to all secluded private open space areas;
  - j. a reduction in the first floor areas of Dwelling's 5-8 with particular regard to the areas noted as 'MPR', providing an increase in separation between dwellings at the first floor;
  - k. the surface material of all driveways / accessways and car parking spaces nominated in all-weather coloured concrete sealcoat, or similar;
  - l. the door of each garage to Dwelling's 1 and 4 nominated as a panel lift door, or similar;
  - m. the provision of an amended full colour, finishes and building materials schedule, including samples (illustrated on an A4 or A3 sheet), for all external elevations and driveways of the development, with the first floor colour renders of an adequate contrast and to be provided as alternating between dwellings;
  - n. the dimensions of balconies;
  - o. the provision of six (6) communal bicycle parking spaces; and,
  - p. the guttering pertaining to the garages / walls on boundary on the site's east and west property boundary nominated as being contained wholly within the title property boundaries of the subject land.
2. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
  3. Prior to the 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.

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4. Prior to the 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. Prior to the commencement of the development hereby approved, a Traffic Management Plan (TMP) must be submitted to, and approved by the Responsible Authority, with the TMP to be prepared by a suitably qualified traffic consultant/engineer, with all costs, including the construction of any works, to be wholly borne by the owner/developer.
6. 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 bio retention system, rainwater tanks connected for reuse and a detention system.
7. 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.).
8. Stormwater works must be provided on the site so as to prevent overflows onto adjacent properties.
9. Stormwater outflow from the development to the Council drainage system should not exceed the predevelopment outflow from the site.
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. Prior to the occupation of the dwellings hereby permitted, 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.
12. Construction on the site must be restricted to the following times:
  - a. Monday to Friday 7:00am to 7:00pm; and
  - b. Saturday 9:00am to 6:00pm.Or otherwise as approved by the Responsible Authority in writing.
13. 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:
  - i) Constructed to the satisfaction of the Responsible Authority.
  - j) Properly formed to such levels that they can be used in accordance with the plans.

- k) Surfaced in accordance with the endorsed plans under this permit or in an all weather coloured concrete seal-coat, to the satisfaction of the Responsible Authority.
- l) 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.

- 14. 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.
- 15. The obscure glazing to the windows shown on the endorsed plans must be through frosted glass or similarly treated glass, and thereafter maintained to the satisfaction of the Responsible Authority. Adhesive film or the like that can be removed must not be used.
- 16. 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.
- 17. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- 18. 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 is not started within two (2) years from the date of permit issue.
  - The development is not completed within four (4) years from the date of permit issue.

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.

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**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 any vegetation, should consult Council's Vegetation Management Officer to verify if a Local Laws Permits is required for the removal of such vegetation.

Or

In the event that Council wishes to oppose the application, it can do so on the following grounds:

1. The proposal does not satisfy the objectives of Clause 55.02-1 – Neighbourhood Character and Clause 22.11 – Residential Development Policy, by proposing lot sizes that are inconsistent with the preferred neighbourhood character and the lower density development envisaged by the site's zoning.
2. The proposed width of accessways fails to satisfy the standard and objectives of Clause 55.03-9 – Access, with the location of accessways also limiting the retention of on-street car parking.
3. The objectives of Clause 55.03-11 – Parking Provision are not met, with the proposal failing to provide visitor car parking.
4. Dwelling's 1 – 4 would not be provided with the required minimum secluded open space areas, not satisfying the objectives and standard of Clause 55.05-4 – Private Open Space.

**APPENDIX A – RESCODE ASSESSMENT**

**Standard of the Kingston Planning Scheme:** Two or more dwellings on a lot and residential buildings (Clause 55 and Schedule to the Residential 3 Zone)

<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B1 Neighbourhood Character</b> Design respects existing neighbourhood character or contributes to a preferred neighbourhood character. Development responds to features of the site and surrounding area.</p>	No	<p>The Residential 3 Zoning of the site envisages a less intense form of development than that which is proposed. This is expressed in local policy at Clause 22.11 which specifies preferred average lot sizes being greater than what the proposal will provide for. Whilst the consolidation of two sites provides an opportunity to contemplate a low to medium density development, the nine (9) dwellings proposed will constitute an overdevelopment. It is acknowledged that within Inverness Street is an existing 9 dwelling development constructed on a consolidated lot sited in a similar arrangement to that which is proposed. That development occurred prior to Inverness Street being rezoned by Planning Scheme Amendment C54 from a Residential 1 Zone to a Residential 3 Zone on 2 November 2006.</p>
<p><b>B2 Residential Policy</b> Residential development is consistent with housing policies in the SPPF, LPPF including the MSS and local planning policies. Support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	No	<p>The applicant has provided relevant documentation detailing the relationship of the proposal with various policies contained within the Kingston Planning Scheme.</p> <p>The proposal is located within an area that is recognised as suitable for a medium density development, however as discussed under B1, the density of the proposal is not supported by local policy and the site's location within a Residential 3 Zone.</p>
<p><b>B3 Dwelling Diversity</b> Encourages a range of dwelling sizes and types in developments</p>	N/A	Only 9 dwellings proposed.

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
of ten or more dwellings.		
<b>B4 Infrastructure</b> Provides appropriate utility services and infrastructure without overloading the capacity.	Yes	The site has access to adequate road and drainage infrastructure. The development will need to make application to the appropriate suppliers for water, sewerage, electricity, gas and phone services.
<b>B5 Integration with the Street</b> Integrate the layout of development with the street	Yes	The proposal provides clearly visible and accessible vehicle and pedestrian links which are easily accessed from the street.
<b>B6 Street Setback</b> The setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Yes	<b>Required:</b> 7.59 metres <b>Proposed:</b> 7.6 metres The street setback of front walls meets the requirements of this Standard. It is noted that the porch and first floor balconies would encroach within the setback, however this is considered acceptable, with balconies maximising important views to the public open space opposite the subject site.
<b>B7 Building Height</b> Building height should respect the existing or preferred neighbourhood character.	Yes	<b>Maximum:</b> 9 metres <b>Proposed:</b> 7.16 metres The total proposed building height will not exceed 7.16 metres which applies to dwelling's 2 and 4. Remaining building heights vary between 6.6 metres up to 7 metres.
<b>B8 Site Coverage</b> Site coverage should respect the existing or preferred neighbourhood character and respond to the features of the site.	Yes	<b>Maximum:</b> 50% <b>Proposed:</b> 41.9%
<b>B9 Permeability</b> Reduce the impact of stormwater run-off on the drainage system and facilitate on-site stormwater infiltration.	Yes	<b>At least:</b> 20% <b>Proposed:</b> 36.2%
<b>B10 Energy Efficiency</b> Achieve and protect energy efficient dwellings and residential buildings. Ensure orientation and layout	Yes	North facing private open spaces and habitable room windows are provided for each dwelling. Eaves have been provided to dwellings wherever feasible to allow for passive shading



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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
reduces fossil fuel energy use and makes appropriate use of daylight and solar energy.		<p>of windows. Water tank locations have been nominated for each dwelling.</p> <p>All buildings will be required to comply with the 5 Star Energy Rating requirements at the building stage if a planning permit were to be issued.</p>
<p><b>B11 Open Space</b> Integrate layout of development with any public and communal open space provided in or adjacent to the development.</p>	Yes	No communal open space would be provided within the development; however the proposal appropriately allows important views south of the site to the Bald Hill public park opposite the site, from habitable room windows of dwelling's 1-4 and balconies oriented to the street of dwelling's 1 and 3.
<p><b>B12 Safety</b> Layout to provide safety and security for residents and property.</p>	Yes	<p>The design of dwellings will allow passive surveillance to the street and within the development from ground and first floor habitable room windows.</p> <p>The secluded private open spaces of each dwelling are secured and enclosed by 1.8 metre high internal fencing and external boundary fencing which varies in height from 1.65 metres to 2.1 metres.</p> <p>1.2 metre high fencing to the side of the shared central accessway (enclosing front private open spaces of dwelling's 2 and 3) enables sightlines from cars exiting the site, ensuring that views of pedestrians and vehicle traffic are maintained.</p>
<p><b>B13 Landscaping</b> To provide appropriate landscaping. To encourage:</p> <ul style="list-style-type: none"> <li>• Development that respects the landscape character of the neighbourhood.</li> </ul>	Yes	<p>A number of large established trees are located on No's 15 and 17 Inverness Street. Council's vegetation management officer did not object to their removal.</p> <p>The proposed development provides adequate opportunities for landscaping throughout the site. A</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<ul style="list-style-type: none"> <li>• Development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• The retention of mature vegetation on the site.</li> </ul>		<p>concept landscape plan was submitted with the application, conditions will be included on any permit issued requiring plantings in accordance with the conditions specified by Council's Vegetation Management Officer.</p> <p>It is noted that the proposed crossovers to dwelling's 2 and 3 will not allow the retention of street trees that are located to the front of the subject site. If the trees are unable to be retained they must be removed at the cost of the owner/developer, however their possible retention will be discussed further under Standard B14.</p>
<p><b>B14 Access</b> Ensure the safe, manageable and convenient vehicle access to and from the development. Ensure the number and design of vehicle crossovers respects neighbourhood character.</p>	No	<p>Standard B14 specifies that accessways should not exceed 33% of the street frontage if the frontage width is greater than 20 metres. The proposal will entail 3 crossovers to a frontage width of 20.12 metres. The 3 crossovers would total 11.5 metres, equating to 57% of the frontage, exceeding the requirements of the Standard.</p> <p>In addition to the above, the location of crossovers in proximity to one another limits the retention of on-street parking to 2 spaces. Whilst a variation of the Standard could be considered in relation to the overall width of accessways proposed, the loss of on-street parking is considered unacceptable. It is considered that the siting of crossovers for 2 of the 4 dwellings at the front of the site should be to the east and west side boundaries, allowing for the retention of a minimum of 4 on-street parking spaces to the front of the site. A condition could be included on any permit issued to modify the proposal to provide crossovers to dwelling's 1</p>

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		<p>and 4, with resultant changes to the access arrangement from rear garages for dwelling's 2 and 3. As noted in the discussion under Standard B13 the current location of crossovers would not allow the retention of street trees. The recommendation outlined above would most likely not require their removal if a setback of 3 metres between crossovers and trees can be provided.</p>
<p><b>B15 Parking Location</b> Provide resident and visitor vehicles with convenient parking. Avoid parking and traffic difficulties in the development and the neighbourhood. Protect residents from vehicular noise within developments.</p>	<p>Yes</p>	<p>Garages are located with convenient access to dwellings and are considered appropriate. As discussed in part under B14, a condition is recommended to be included on any permit issued requiring modifications for parking and access provision to dwelling's 1-4. This would require that garages 1 and 4 are reallocated for the dwelling's 2 and 3 respectively, which would require gates to be provided to the fencing enclosing each secluded private open space. It is considered that this would retain relatively convenient access to dwellings. Dwelling's 1 and 4 would each have garages to their side, accessed from Inverness Street. Plans which show tandem visitor parking spaces are considered unacceptable and would not allow for vehicles to manoeuvre safely and efficiently. Visitor parking provision will be discussed further under B16.</p>
<p><b>B16 Parking Provision</b> Ensure car and bicycle parking meets the needs of residents and visitors. Accessways should be practical, attractive and easily maintainable.</p>	<p>No</p>	<p><b>Required:</b> 13 resident spaces and 1 visitor space <b>Proposed:</b> 13 resident spaces, no independent visitor parking The plans show tandem visitor car parking spaces to the front of garages to dwelling's 5-9. The tandem nature of visitor parking is not supported as they are dependent on the movement of other vehicles within the development. The location of some of</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
		<p>the tandem spaces also impact upon turning circles for other vehicles within the development (visitor space no's 2 and 4).</p> <p>Concern is raised regarding the proposed internal layouts of dwelling's 5-9, in particular the ground floor living areas of dwelling's 5 and 9, and the first floor galleries/multi-purpose rooms of dwelling's 5-9. These rooms could in the future be converted to a third bedroom, posing a deficit of car parking (and private open space – see B28). This concern was raised with the applicant in the initial stages of the application, but has not been addressed by amendments to plans. For this reason and with regard to consideration of the objectives under B1, B28, B31 and local policy contained in Clause 22.11 it is recommended that conditions be included on any permit issued to modify floor plan layouts to allay Council concerns regarding possible conversion to bedrooms in the future.</p> <p>No bicycle parking is provided within the development, this could be rectified by a condition on any permit issued.</p>
<p><b>B17 Side and Rear Setbacks</b> Ensure the height and setback respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	<p>Yes</p>	<p>Ground floor components of all dwellings adjacent to side and rear boundaries are setback a minimum of 1.2 metres, meeting the requirements of the Standard.</p> <p>First floor components of dwellings adjacent to side and rear boundaries are setback a minimum of 1.84 metres. First floor wall heights do not exceed 5.9 metres, requiring a setback of 1.69 metres. The Standard is therefore met.</p>

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Title and Objective	Complies with Standard?	Requirement and Proposed
<p><b>B18 Walls on Boundaries</b> Ensure the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the amenity impacts on existing dwellings.</p>	Yes	<p><b>Maximum:</b> 20m on east boundary (length) and 17.94 metres on the west boundary <b>Proposed:</b> 14.06m on east and west boundaries (length)</p> <p>Average proposed wall heights do not exceed 3 metres.</p>
<p><b>B19 Daylight to Existing Windows</b> Allow adequate daylight into existing habitable room windows.</p>	Yes	All existing windows will be provided with appropriate light courts meeting the Standard.
<p><b>B20 North Facing Windows</b> Allow adequate solar access to existing north-facing habitable room windows.</p>	Yes	No existing north facing windows will be impacted by the proposal.
<p><b>B21 Overshadowing Open Space</b> Ensure buildings do not significantly overshadow existing secluded private open space.</p>	Yes	<p>Overshadowing will occur in the morning to the abutting properties at No's 13 and 13A Inverness Street. That overshadowing will reduce throughout the morning and will allow for the private open spaces of the two abutting dwellings to receive a minimum of 5 hours of sunlight to at least 75% of their respective private open spaces.</p> <p>Similarly, overshadowing will occur in the afternoon to the abutting east property at No. 19 Inverness Street, and the private open space of that dwelling will receive the required minimum of 5 hours of sunlight to at least 75% of private open space.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B22 Overlooking</b> Limit views into existing secluded private open space and habitable room windows.</p>	<p>Yes</p>	<p>First floor north facing bedroom windows of dwelling's 5-9 are all shown on plans as being unscreened. These windows are located in excess of 10 metres from windows located to the north of the site as part of an aged care facility. Consideration of the setback of windows significantly exceeding the 9 metres contemplated by the Standard, along with established trees located on the abutting north property near the shared boundary, it is deemed acceptable that the bedroom windows remain unscreened/unobscured. East facing first floor windows to dwelling's 4 and 5 are shown as obscured and mirrored on the west elevation of first floor windows to dwelling's 1 and 9 are obscured windows. This treatment will prevent unreasonable overlooking to abutting private open spaces and habitable room windows. Overlooking from ground floor habitable room windows of dwelling's 5-9 is prevented by north boundary fencing which is between 1.8 metres and 2.1 metres in height, along with relatively low finished floor levels.</p>
<p><b>B23 Internal Views</b> Limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within the same development.</p>	<p>Yes</p>	<p>Oblique views from first floor bedrooms would be possible, however when measured at a 45 degree angle, these views would not exceed more than 50% of the private open space of adjoining dwellings, meeting the Standard.</p>
<p><b>B24 Noise Impacts</b> Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Yes</p>	<p>Any noise created as a result of this proposal can be directly attributed to typical residential noises associated with typical residential land use. It is not anticipated that the proposal will result in increased noise levels internally or externally.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B25 Accessibility</b> Consider people with limited mobility in the design of developments.</p>	<p>Yes</p>	<p>The dwelling entries are located at the ground level, as are main living areas, allowing access for people with limited mobility. If required, the ground floor of the dwellings could be converted for use of people with disabilities.</p>
<p><b>B26 Dwelling Entry</b> Provide a sense of identity to each dwelling/residential building.</p>	<p>No</p>	<p>Each dwelling is provided with an entry that is oriented to the street, and visible from the street or from the shared accessway/common areas. The majority of dwellings are appropriately identified and have a sense of personal address, with the exception of dwelling's 5 and 9. Each of these dwelling's have a garage which is located forward of the one habitable room window located to the front façade. These dwelling's, tucked into the very corners of the development, with narrow facades are considered to be poorly defined.</p>
<p><b>B27 Daylight to New Windows</b> Allow adequate daylight into new habitable room windows.</p>	<p>Yes</p>	<p>All proposed windows are either oriented clear to the sky or are provided with appropriate light courts.</p>



Title and Objective	Complies with Standard?	Requirement and Proposed
<p><b>B28 Private Open Space</b> Provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>No</p>	<p><b>Required:</b> 80m<sup>2</sup> for dwelling's 1 and 4, 60m<sup>2</sup> for dwelling's 2 and 3, and 40m<sup>2</sup> for dwelling's 5-9. <b>Proposed:</b> Dwelling's 1-4 will each be provided with 60 square metres of private open space or more, however the required minimum area of 40 square metres of secluded private open space is not met. It is considered that this could be achieved, and should be required by a condition on any permit issued. It is acknowledged that the site is able to take advantage of the public open space to the south of the site, however consideration of the Residential 3 Zoning schedule along with local policy which seeks to limit the degree density of development such as is proposed, justify a condition to require that the private open space provision is met.</p> <p>Dwelling's 5-9 are each provided with at least 40 square metres of private open space as required, meeting the requirements of the Standard. It is noted that services such as external storage and clotheslines located within the secluded private open spaces impact upon the amenity of those areas.</p>
<p><b>B29 Solar Access to Open Space</b> Allow solar access into the secluded private open space of new dwellings/buildings.</p>	<p>Yes</p>	<p>Minimum dimensions of 5 metres to secluded private open space ensure that adequate solar access is provided to dwelling's 1 and 2 where garage walls are located to the north.</p>
<p><b>B30 Storage</b> Provide adequate storage facilities for each dwelling.</p>	<p>Yes</p>	<p>External storage sheds are nominated for each dwelling with dimensions which amount to 6m<sup>3</sup>.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<p><b>B31 Design Detail</b> Encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>No</p>	<p>The proposal will entail hipped roof forms and building materials which are commonly found in the locality. Porch elements, eaves and window and door proportions will also be sympathetic to the existing neighbourhood character.</p> <p>Dwelling's 2 and 3 will each have garages oriented and visible from the street and are provided with roller shutter doors. It is recommended that a condition should be included on any permit issued to require that they are provide with panel lift doors with inset windows or similar to provide detail which is visually compatible with the remainder of the development.</p> <p>It is also recommended that an amended finishes schedule be required by a permit condition to provide for greater variation in the render colour to first floors. The current render finishes are similar and do not allow for an appropriate degree of visual distinction between dwellings.</p>
<p><b>B32 Front Fences</b> Encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Yes</p>	<p><b>Maximum:</b> 1.2m <b>Proposed:</b> No front fence is proposed.</p>
<p><b>B33 Common Property</b> Ensure car parking, access areas and other communal open space is practical, attractive and easily maintained. Avoid future management difficulties in common ownership areas.</p>	<p>Yes</p>	<p>The proposal will entail the shared accessway and areas to the side of the accessway where shared meters and mailboxes are located, forming common property. This area is clearly defined and capable of efficient management.</p>

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<b>Title and Objective</b>	<b>Complies with Standard?</b>	<b>Requirement and Proposed</b>
<b>B34 Site Services</b> Ensure site services and facilities can be installed and easily maintained and are accessible, adequate and attractive. Avoid future management difficulties in common ownership areas.	Yes	Mailboxes, clotheslines, external hot water and airconditioning units, rubbish bins and shared meters are shown on plans.